

Problems by Notaries Regarding The Deed of Establishment of a Limited Liability Legal Entity Related to The Online Single Submission (OSS) System Licensing in Semarang City

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Abstract. Commercial or operational business permits are issued by the OSS Institution for and on behalf of the Minister, Head of Institution, Governor, or Regent and Mayor after the business actor obtains a business permit and to carry out commercial or operational activities by fulfilling the requirements or commitments. The OSS Institution is responsible for issuing Business Identification Numbers (NIB), location permits, and business permits. Basically, this regulation aims to cut down the complicated process of issuing business permits. The purpose of this study is to find out, analyze / analyze: 1) How to make a limited liability company deed 2) the effectiveness of business permit registration through the Online Single Submission (OSS) system for registration of Limited Liability Company Legal Entities (PT) by a Notary as a means of One-Stop Integrated Licensing Services (PPTSP) in the Semarang City area. 3) obstacles and solutions faced in using the Online Single Submission (OSS) system for registration of Limited Liability Company Legal Entities (PT) in the Semarang City area. The approach method used in this research is sociological juridical, namely legal research conducted on the real conditions of society or the community environment with the aim and objective of finding facts (fact-finding) and then identifying them (problem-identification) and ultimately leading to problem solving (problem-solution). The results of the study are: 1) How to make a limited liability company deed. 2) The effectiveness of registering a business permit through the Online Single Submission (OSS) system for the registration of a Limited Liability Company (PT) Legal Entity by a Notary as a means of the One-Stop Integrated Licensing Service (PPTSP) in the Semarang City area is still ineffective because the implementation of OSS in Semarang City from the beginning of the issuance of Government Regulation No. 24 of 2018 concerning Electronically Integrated Business Licensing Services in the first year for the administration of legal entities still causes problems. 3) The obstacles faced include the system still tends to be weak. The OSS system does not carry out the licensing process as a

whole. Many business actors establishing a limited liability company (PT) still need the help of consultants to fill out the forms in the OSS system.

Keywords: Legal Entity; Limited Liability Company; OSS.

1. Introduction

The registration process for a Limited Liability Company was initially manual according to the Provisions of the Decree of the Minister of Justice and Human Rights M-04 HT.01.01 of 2001. Along with the development of the times that require a short time in processing an administration and along with current technological developments, the manual method is considered to be inefficient and ineffective because the process takes months in processing the Deed of Establishment, Articles of Association, and permits for a Limited Liability Company. The issuance of Presidential Regulation of the Republic of Indonesia Number 91 of 2017 concerning the Acceleration of Business Implementation following PP Number 24 of 2018 concerning Electronically Integrated Business Services means "the implementation of the authority to issue business permits as referred to, including the issuance of other documents related to Mandatory Business Permits must be carried out through OSS (Online Single Submission)" reads Article 19 of Government Regulation (PP) Number 24 of 2018 concerning Electronically Integrated Business Licensing Services. The OSS Institution for and on behalf of the Minister, Head of Institution, Governor, or Regent/Mayor issues Business Permits as referred to, in the form of electronic documents in accordance with the provisions of the Laws and Regulations in the field of Information and Electronic Transactions.

Electronic Documents are any Electronic Information created, forwarded, sent, received, or stored in analog, digital, electromagnetic, optical, or similar forms, which can be seen, displayed, and/or heard through a Computer or Electronic System, including but not limited to writing, sound, images, maps, designs, photographs or the like, letters, signs, numbers, Access Codes, symbols or perforations that have meaning or significance or can be understood by people who are able to understand them. So that Local, National, and International business trips take place quickly and easily in administration. However, the role of Notaries in understanding OSS procedures is very important in assisting community activities, especially the registration of Limited Liability Company Deeds. The OSS Institution is an institution that organizes government affairs in the field of Investment Coordination.

In the general provisions of Government Regulation Number 24 of 2018 concerning Electronically Integrated Business Licensing Services in Article 1 paragraph (12). The OSS (Owner-Owned Business Registration) agency is

responsible for issuing Business Identification Numbers (NIB), location permits, and business licenses. Essentially, this regulation aims to streamline the cumbersome business permit issuance process. All permits throughout Indonesia, at both the central and regional levels, will be processed through a single portal: the OSS.

Based on the explanation above, the author concludes that the Government's policy of implementing the OSS is a breakthrough that has a positive impact on society, especially business actors in developing their businesses in Indonesia. However, the author found facts in the field that many Notaries still do not master or understand the implementation of OSS. Based on the background above, the author is interested in raising the research title "Notary Problems Regarding the Deed of Establishment of Limited Liability Companies (PT) Related to the Online Single Submission (OSS) System Licensing in the City of Semarang."

2. Research Methods

The approach method used in this research is sociological juridical, namely legal research conducted on the real conditions of society or the community environment with the aim and purpose of finding facts (fact-finding) and then identifying them (problem-identification) and ultimately leading to problem-solving (problem-solution). This type of research is a type of field research, the sociological juridical approach method was chosen because it is suitable for the research objective, namely to examine the effectiveness of the implementation of Online Single Submission (OSS) for registration of Legal Entities by Notaries in the Semarang City Area.

3. Results and Discussion

3.1. What is the procedure for registering a business permit through the Online Single Submission (OSS) system for the registration of a Limited Liability Company (PT) by a Notary as a witness for the One-Stop Integrated Licensing Service (PPTSP) in the Semarang City area?

- a. Business License Registration Procedure Notaries have an important role in the electronic registration of legal entities through the OSS RBA (Risk Based Approach) system. The notary's duties include establishing a legal entity, applying for basic permits, and updating company data, determining the appropriate KBLI Code to determine the level of business risk and required permits, uploading the deed of establishment and filling in company data in the OSS system, which after verification will issue a Decree of Legal Entity Approval and NIB electronically, for medium and high risk businesses, the notary or company must apply for an operational permit to the relevant agency.

- b. The effectiveness of business licensing through OSS is still not effective, with much confusion in the implementation of PP No. 24 of 2018. Notaries do not have full authority in OSS, so direct registration by a notary is considered more profitable.
- c. Obstacles and Solutions in Using OSS faced in the use of OSS include Weak System meaning Unstable access and errors when issuing NIB. Solution: Moving data to another browser. Poor Integration meaning Permits from related ministries and institutions have not been integrated. Solution: The government needs to improve the OSS system. Incomplete Licensing Process meaning Data errors hamper the time of issuing NIB. Solution: Providing a more efficient system, Limited Understanding meaning many business actors need consultant assistance. Solution: Improving help desk services at DPMPTSP.
- d. Establishing a Limited Liability Company Deed Based on Law Number 40 of 2007, the establishment of a PT must be carried out by at least two people with a notarial deed. The notary is responsible for drafting the deed and its approval by the Ministry of Law and Human Rights.
- e. The process of establishing a Limited Liability Company begins with a name application, notarial deed preparation, payment, and completion of a form on the SABH website. If the data is correct, an Electronic Statement Letter and a Decree confirming the legal entity will be issued by the Minister.

3.2. How effective is the business permit registration procedure through the Online Single Submission (OSS) system for the registration of limited liability companies by notaries as a means of one-stop integrated licensing services in the Semarang City area?

A state based on the rule of law is a state founded on the law and guaranteeing justice for its citizens. This concept has been discussed by scholars such as Plato and Aristotle, who emphasized the importance of law and justice in governance. In the context of liberalism, the state must refrain from interfering in the affairs of the people, guarantee legal equality, and act according to the law.

Although the OSS aims to simplify registration, obstacles such as technical errors and confusion remain. Notaries report frequent errors when entering data into the OSS system, which hinders the registration process.

A legal entity is an entity with rights and obligations separate from individuals. Legal entities can be divided into public and private legal entities. The process of establishing a legal entity involves a notarial deed, court registration, and approval by the Ministry of Law and Human Rights.

Every business actor is required to register their business entity through the OSS (Online Business Registration System) and obtain a Business Identification Number

(NIB). Violations of registration requirements may result in administrative sanctions, including written warnings and further sanctions for failure to comply.

The OSS registration system in Indonesia is still under development and requires further outreach to increase public and business understanding. The role of notaries is crucial in this process, and INI is committed to supporting notaries in carrying out their duties effectively.

3.3. What are the obstacles and solutions faced in using the Online Single Submission (OSS) system for registering a Limited Liability Company (PT) in the Semarang City area?

Currently, the One Stop Service system has been refined into an Online Single Submission system, which is an application used for all registration processes and business licensing applications as well as other licensing applications included in business licensing services according to Government Regulation Number 24 of 2018. The Central Government establishes policies for implementing the authority to grant Business Licensing as regulated in this Government Regulation and other related laws and regulations.

The OSS (Online Business Access) allows businesses to immediately begin production while simultaneously completing other necessary documents, such as location permits, building permits, environmental permits, and other mandatory requirements such as the Indonesian National Standard (SNI). The OSS is designed to integrate with the Directorate General of General Legal Administration of the Ministry of Law and Human Rights and the Directorate General of Taxes of the Ministry of Finance. Furthermore, the OSS is designed not only to serve as an information resource but also as a platform for complaints and grievances.

Currently, improvements to the OSS service are underway, facilitating large projects investing in regions that require advisory services between ministries and agencies. The OSS is intended to serve as an online coordination platform for agencies and ministries to address investment challenges, while we also improve and streamline licensing issues.¹

Based on the results of interviews with employees of the Central Java Province Investment and One-Stop Integrated Services Office, problems and obstacles when processing permits at the One-Stop Integrated Services (PTSP) in Semarang City can now be resolved more easily by business actors and employees/Notary Staff in Semarang, directly visiting the Semarang City Investment and One-Stop Integrated Services Office. The assistance provided by the Semarang City Investment and One-Stop Integrated Services Office is through service facilities in

¹Astuti, LT (2019, May 3). Interview with Notary/PPAT Resource Person. (EW Kusumaningrum, Interviewer)

the form of resolution and supervision of business cases in the fields of Land, Environment, Traffic of Goods, Immigration, and Employment.

Based on the results of an interview with Irvan Septiadiatma, SH, M.Kn., Notary/PPAT, as a representative of business actors in the process of establishing a limited liability company (PT), he assessed that the implementation of the Online Single Submission (OSS) still has many problems. In its implementation, what occurred in Semarang City was that the system still tends to be weak. There are certain times when the OSS system page cannot be accessed, cannot enter the Log-In page, and a system error occurs during the process of issuing the Business Identification Number (NIB) so that it will return to the initial page and cause the loss of KBLI points that have been listed in the OSS system. However, this can be overcome by business actors' representatives by moving data from the previous browser to another browser. This is what makes the existing system in the OSS not yet fully operational. The system is not even able to reach remote areas with weak internet networks or areas that have not yet been connected to the internet.

For some business owners or business representatives, the implementation of the OSS system is considered quite good because it can now be done online. However, after completing the licensing process, business owners or business representatives still need to process other permits, such as permits held by relevant ministries and institutions, which are not yet well integrated, thus creating obstacles. The OSS system does not carry out the entire licensing process. The OSS system only provides a Business Identification Number (NIB) for all licensing applications entered into the system. In practice, if there is an error in entering data in the OSS system, business representatives or business owners establishing PTs must still submit a report to the central OSS, which is quite time-consuming, because it is not yet available online. This makes the process of issuing NIBs for business owners establishing PTs, which should take approximately

2 hours, it was delayed for several days, due to waiting for a response to the report of an error in filling in the data from the center.

Another shortcoming in obtaining business permits through the OSS is that many business owners seeking to establish a limited liability company (PT) still require the assistance of consultants to complete the forms. Therefore, the help desk at the DPMPSTP in Semarang City is crucial, as many OSS users still lack a clear understanding of the business guidelines and the system's mechanisms. In practice, some business owners, particularly those seeking to establish a PT, have applied for permits through the system, but many remain unable to complete the forms on the OSS system page.

According to the author, the latest development is the enactment of Government Regulation Number 24 of 2018 concerning Electronically Integrated Business

Licensing Services, which came into effect on June 21, 2018. The purpose of issuing this regulation is to accelerate and improve the ease of doing business, business licensing. PTSP services in the central government and regional governments are being improved to be more efficient, serving and modern by providing an Electronically Integrated Business Service system (Online Single Submission - OSS). The Government's step is a breakthrough, however, in its implementation, various problems are still encountered both from the regulatory and non-regulatory side, because even though the government has made many improvements related to the simplification of rules and procedures, there are still problems in its implementation, especially in the regions.

4. Conclusion

The effectiveness of business permit registration through the Online Single Submission (OSS) system for the registration of Limited Liability Company (PT) Legal Entities by Notaries as a means of One-Stop Integrated Licensing Services (PPTSP) in the Semarang City area is still ineffective because the implementation of OSS in Semarang from the beginning of the issuance of Government Regulation No. 24 of 2018 concerning Electronically Integrated Business Licensing Services in the first year for the administration of legal entities still causes problems, the problem that occurs here is that there is still confusion in implementing or running PP No. 24 of 2018. In addition, Notaries do not have full authority in running OSS, this is because the OSS system can be run by anyone who wants to register a business entity. However, Notaries as officials who make deeds of establishment of legal entities will be more effective if they directly register the legal entity into the OSS system, this will of course benefit the community, because it is directly handled by officials who understand the system. Although Notaries do not have full authority in running OSS, Notaries have full authority in making a deed of legal entity. Obstacles and solutions encountered in using the Online Single Submission (OSS) system for registering Limited Liability Companies (PT) in Semarang City include the system's weakness. At certain times, the OSS system page cannot be accessed, the Log-In page cannot be accessed, and a system error occurs during the Business Identification Number (NIB) issuance process, causing the user to return to the initial page, which results in the loss of KBLI points that have been listed in the OSS system. However, business representatives can overcome this by transferring data from the previous browser to another browser. This prevents the OSS system from being fully operational. The system is not even able to reach remote areas in Semarang City with weak internet connections or areas that have not yet been connected to the internet. The OSS system does not perform the entire licensing process. It only provides a Business Identification Number (NIB) for all licensing applications submitted to the system. In practice, if there is an error in entering data into the OSS system, business representatives or PT establishments must still submit a report to the central OSS, which is quite time-consuming because it is not yet available online. This causes the NIB issuance

process for PT establishments, which should take approximately two hours, to be delayed for several days, due to waiting for a response to the report of data entry errors from the central office.

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