



## Implementation of limited liability company business license registration through online single submission risk-based approach by a notary

Imam Al Qisthallani<sup>1</sup>, Sri Walny Rahayu<sup>2</sup>, Ria Fitri<sup>2</sup>

<sup>1</sup> Faculty of Law, University Syiah Kuala, Banda Aceh, Indonesia

<sup>2</sup> Lecturers, Faculty of Law, University Syiah Kuala, Banda Aceh, Indonesia

### Abstract

Article 2 Letter C of Government Regulation Number 5 of 2021 concerning the Implementation of Risk-Based Business Licensing states that business actors carry out risk-based business licensing independently. However, in practice, the person appearing often gives power of attorney to the Notary to carry out OSS registration. This can cause uncertainty regarding legal responsibility, considering that the Notary has no legal obligation to take care of the business license registration.

The purpose of this study is to analyze the implementation of the registration of a Limited Liability Company business license through the Online Single Submission Risk Based Approach (OSS RBA), which involves the role of a notary based on a power of attorney agreement, and to analyze the obstacles in the implementation of the registration of a limited liability company business license through the Online Single Submission Risk Based Approach (OSS RBA) by a notary based on a power of attorney agreement.

The method used in this study is the empirical legal method. The author used primary data in interviews with notaries in Banda Aceh City, the Capital Investment and One-Stop Integrated Service Office (DPMPTSP) of Banda Aceh City, and related parties. At the same time, Secondary data was obtained from primary legal materials by examining theories, concepts, legal principles, and laws and regulations related to this study.

The research results show that the business licensing process can now be done online through the Online Single Submission (OSS) system, integrated with the One-Stop Integrated Service (PTSP). Business actors apply for a permit through OSS, and the data will be stored in a centralized system. However, OSS still needs to overcome various technical obstacles, especially for notaries who often experience errors when inputting data. Generic error notifications make it difficult to identify problems, forcing users to repeat the process from the beginning. Slow data synchronization between OSS and other agency systems, such as AHU and taxation, complicates the licensing process.

It is recommended that notaries cooperate with several related institutions and organizations to increase the effectiveness of socialization related to Online Single Submission (OSS). The government must improve technological infrastructure, including system stability and data management capacity, to reduce errors and accelerate synchronization between agencies.

**Keywords:** Notary, online single submission, business license registration

### Introduction

Article 1 of Law No. 40 of 2007 concerning Limited Liability Companies states that "A limited liability company is a legal entity that constitutes a partnership of capital, established based on an agreement, conducts business activities with a capital that is entirely divided into shares, and meets the requirements set forth in the law." One of the requirements for an authentic deed in the business sector is the deed of establishment of a Limited Liability Company (PT). There are several forms of business sectors in Indonesia today, with legal entities such as Limited Liability Companies (PT) regulated under Law No. 40 of 2007 concerning Limited Liability Companies, Foundations regulated under Law No. 16 of 2001 concerning Foundations as amended by Law No. 28 of 2004 concerning Amendments to Law No. 16 of 2001 concerning Foundations, and Cooperatives regulated under Law No. 17 of 2012. However, Limited Liability Companies have recently become the most favored form of business. (Utama, 2024)<sup>[27]</sup>

To establish a company, business actors must first make a deed of establishment to a notary. Notaries, as public officials who carry out their profession in providing legal services to the community, need protection and guarantees to achieve legal certainty. Guarantees of protection and

guarantees of achieving legal certainty for the implementation of notary duties have been regulated in Law Number 2 of 2014 Amendment to Law Number 30 of 2004 concerning the Position of Notary (UUJN). (Permatasari, 2017)<sup>[20]</sup>

The rapid development of the digitalization era in the fields of technology, information, and communication has also impacted the implementation of internet-based government or electronic government at both the central and regional levels, thus creating ease in providing services to the community. Nowadays, the need for authentic deeds as proof is increasing along with the increasing business relations in various business fields, both local and international scale. Notaries are also required to be able to use the concept of cyber Notary in order to create a fast, precise, and efficient service so as to accelerate the rate of economic growth. (Yudani, 2022)<sup>[30]</sup> (Adjie, 2011)<sup>[3]</sup>

Based on PP No. 5 of 2021 concerning Risk-Based Business Licensing. There has been a revolution in business licensing services. Electronically Integrated Business Licensing or Online Single Submission (OSS) is a Business Licensing issued by the OSS Institution for and on behalf of ministers, heads of institutions, governors, or mayors/regents to Business Actors through an integrated electronic system. (Al-Huzni, 2021)<sup>[4]</sup>

In the current era of globalization, licensing management utilizes the development of technology and information, which cannot be avoided by anyone who has had a very big impact on various fields of human life. The real impact of the development of technology and information can not only be seen in the socio-cultural and economic fields but also in the field of notarial law, namely marked by the existence of provisions that explicitly state that a Notary has authority in the field of Cyber Notary and business license registration through Online Single Submission. (Widya, 2017) <sup>[28]</sup>

Notaries are also required to be able to use the Cyber Notary concept to create a fast, precise, and efficient service so as to accelerate the rate of economic growth.<sup>13</sup> One form of service provided by the person appearing as a form of trust in the Notary is the granting of power to manage Company permits through Electronically Integrated Business Licensing or Online Single Submission (OSS). (Nurita, 2012) <sup>[18]</sup>

The implementation of regulations regarding the implementation of Electronically Integrated Business Licensing (Online Single Submission) is emphasized in the provisions of Article 4 of Government Regulation Number 5 of 2021, which regulates:

- a. Basic requirements for Business Licensing and/or
- b. Risk-Based Business Licensing

The Notary's relationship with the Risk-Based OSS system is when a business actor establishes a business and takes care of its permits. For licensing issues involving a notary, what is needed is a deed of establishment made by a notary and proof of a Decree (SK) from the Ministry of Law and Human Rights as a sign that a Limited Liability Company Legal Entity has been born and is valid, where the Notary is the attorney of the business actor. The existence of a deed of establishment aims to create a business that has legality in the eyes of the law regarding business ownership. This is inseparable from the user's belief in the legal expertise of a notary to help them manage the Company's business permits whose deeds are made by the Notary himself. Moreover, if the work carried out by the Notary goes well, it can place high trust in a notary to continue to establish good cooperative relationships. (Sudjarot, 2021) <sup>[24]</sup>

In practice, there are still notary service users who ask for help managing the legality and business permits needed to support the business being run, even though the Notary is not obligated to register a business permit. This is the case with one of the business actors on behalf of PT. SENTRAL AGRO LESTARI uses notary services to register a business permit through the OSS RBA system; in this case, the Notary takes care of the business permit until the Company can be run.

In the OSS registration carried out by a notary at a client's request, there is uncertainty regarding legal responsibility. Based on Law Number 30 of 2004 concerning the Position of Notary in conjunction with Law Number 2 of 2014, the authority of a notary is limited to making authentic deeds, while OSS registration, according to Government Regulation Number 5 of 2021, is the responsibility of business actors. This ambiguity can potentially trigger legal disputes, so regulations that emphasize the limitations of the Notary's role in OSS registration are needed. Based on the background stated above, it is important to research it in the form of a thesis titled: "Implementation of Limited Liability Company Business License Registration Through the

Online Single Submission Risk-Based Approach by Notaries."

### Materials and Methods

Based on this research, the empirical legal research method is legal research in the field or in practice. The object of study is sociological juridical. Legal research that examines community behavior. The behavior of the community studied is behavior that arises as a result of interacting with the existing norm system. The interaction appears as a form of community reaction to implementing a positive legal provision. It can also be seen from community behavior as a form of action influencing the formation of a positive legal provision. This study examines primary and secondary data to obtain more complete materials to achieve optimal results. Secondary data will be analyzed and systematically described regarding legal regulations and factors, such as implementing laws and regulations as government policies in the field. The approach method used in this study is a qualitative approach method, which is a method of analyzing research results that produce descriptive analysis data, namely data stated by respondents in writing or verbally, as well as real behavior, which is studied and studied as something whole. (Achmad, 2015) <sup>[2]</sup>

### Results and Discussion

The authority of a notary in Article 15, paragraphs (1)-(3) is divided into the general authority of a notary, the special authority of a notary, and the authority of a notary, which will be determined later. Article 15, paragraph (1) of the UUN confirms that the authority of a notary is to make deeds in general. This is referred to as the general authority of a notary with limitations as long as:

1. No exceptions to other officials determined by law.
2. Concerning deeds that must be made or authorized to make authentic deeds regarding all acts, agreements, and provisions required by legal rules or desired by the person concerned.
3. Concerning the legal subject (person or legal entity) for whose benefit the deed is made or desired by the interested party.

Limited Liability Company (PT) is a choice of business entity form that is widely favored by the public today, especially since many Commanditaire Vennootschap (CV) have changed into Limited Liability Company (CV). So, there is a lot of demand for creating a business entity as a limited liability company. <sup>78</sup> The role of a Notary in the establishment of a PT is very much needed in this modern era, especially in South Solok Regency, so a Notary must master the procedures for establishing a PT, from making a Deed of Establishment to managing the Decree of the Ministry of Law and Human Rights and other administrative matters, so that the PT in question can operate with the right legality.

The online permit application process is done by accessing the OSS website at <https://www.oss.go.id/>. In this process, the Company's directors or commissioners can apply for the required company establishment permit by registering on the OSS Institution website. The steps include filling in information such as name, Population Identification Number, KTP, place and date of birth, country of origin, type of business actor established, company email name, and telephone number. After the data has been filled in

correctly, the system will send the username and password via the company email that was verified at the time of initial registration. Then, after that, the directors will have an account and the right to access the OSS system and can access the Business Identification Number (NIB), which will later be needed for basic permits for the Company.

The business licensing mechanism through Online Single Submission (OSS) in Indonesia begins with online registration, where business actors register themselves and enter their identity and company details through the OSS platform. After registration, business actors will be given a Business Identification Number (NIB) as a unique identification for their business. OSS applies a risk-based approach (RBA) to determine the type of permit required based on the business's risk classification. These risk categories include Low Risk (RR), which only requires an NIB, and High Risk (RT), which requires an NIB and verification permit. The authorized ministry, agency, or region carries out the verification process, which also carries out validation to ensure that business actors meet the requirements and standards set. Once the verification and validation process is complete, the permit is issued and can be accessed through the OSS platform. In addition, business actors are required to report their operational activities periodically, while the government carries out supervision to ensure compliance with regulations. There is a time limit for business actors to start business activities after the NIB is issued; if they do not meet the requirements, the unverified Standard Certificate can be canceled. This mechanism aims to increase efficiency and transparency in Indonesia's business licensing process.

This mechanism aims to provide convenience, speed, and transparency in the business licensing process, as well as to increase investment and spur economic growth. The OSS system is expected to provide legal certainty and support business actors in starting and running their business activities in Indonesia.

Risk-based business licensing mainly aims to improve the investment ecosystem and business activities. This approach is expected to accelerate and simplify issuing business licenses. In addition, risk-based business licensing also aims to supervise business activities in a more transparent, structured, and accountable manner by applicable legal provisions. PP No. 5 of 2021 revokes the previous regulation concerning Electronically Integrated Business Licensing Services, namely PP 24 of 2018. A significant change in this PP is that business licensing is now risk-based. In order to start and run a business, business actors are required to meet the basic requirements for business licensing or risk-based business licensing.

A Notary certainly upholds what is mandated in the UUJN, where the authority of a Notary has been regulated in such a way in one UUJN and another as regulated in Article 15 of the UUJN. One of the authorities of a Notary is to provide legal counseling in connection with the making of a Deed when the parties are faced with a notary; of course, as a notary who wants to make and express all the wishes of the parties in a deed, he is obliged to convey all legal arguments.

Notaries not only play a role in making the deed of establishment but also become companions in the permit registration process, especially in ensuring that all required documents are complete and in accordance with applicable provisions. Notaries guide clients in preparing documents

and explaining the registration procedures at OSS RBA. This is very important considering the complexity associated with filling in data in a digital system.

When a notary takes care of business permits and OSS, it is based on the authority that has been regulated in the UUJN. Although the UUJN does not directly mention the authority of a notary in providing document management services, including business permits, the trust of the parties who come to the Notary as a legal expert makes them give the notary power of attorney to carry out these tasks. As part of their authority, notaries are also expected to provide legal counseling related to the making of deeds so that the parties can understand the legal arguments underlying the actions they take.

The implementation of business licensing through the OSS Risk Based Approach Version faces challenges, such as difficulties or confusion for business actors. If there is confusion, they can ask the Public Service Mall, which is integrated with DPMPTSP, but many business actors choose not to continue the process or submit it to a notary. Some feel that the OSS RBA Version is more complicated because it requires filling in more detailed data, although the aim is for licensing to be carried out through one door online.

Based on the results of the interview with M. Furqan, S.H., M.Kn., Notary/PPAT, the Notary as a representative of business actors in the process of establishing a limited liability company (PT) assessed that the implementation of the Online Single Submission (OSS) still has many problems. In its implementation, what happened in Banda Aceh City was that the system still tended to be weak. There were times when the OSS system page could not be accessed, could not enter the Log-In page, and a system error occurred during the process of issuing the Business Identification Number (NIB) so that it would return to the initial page, which made the KBLI points that had been listed in the OSS system disappear. However, this can be overcome by business actor representatives by moving data from the previous browser to another browser. This means the system in OSS is not yet fully running. The system has not even been able to reach remote areas with weak internet networks or areas that have not yet entered the internet network.

An example that occurs in the field is when creating a PT account on the OSS page; business actors are required to register the relevant PT's email along with the Population Identification Number (NIK) of the PT's main director. In its implementation, the business actor's representative incorrectly included data, which should not have been individual but became individual, which made the business actor's representative unable to carry out the business process. Meanwhile, if you want to repeat the registration, it is no longer possible. Because the Population Identification Number (NIK) of the PT's main director can only be used 1 (one) time and cannot be used twice. So, the business actor's representative made a report to the central OSS regarding the incorrect inclusion.

Limited Liability Companies (PT) can only register until they get a Business Identification Number (NIB); after that, there are still many permits from related ministries that have not been integrated. One of them is the lack of integration of the OSS system with taxes. For business actors domiciled in the regions, it tends to be worse because many have not used the OSS system due to the internet network not being entered. The most common technical obstacle faced by

notaries when using the Online Single Submission Risk Based Approach (OSS RBA) system is the appearance of errors when inputting data. These technical errors occur in various forms, such as failing to save data, forms that cannot be continued, or the appearance of unclear error messages. These error messages are often just generic codes or notifications that do not provide a specific explanation of the location or type of error, making it difficult for notaries to identify and fix them.

This problem is further complicated by the slow data synchronization between OSS RBA and other systems, such as the Directorate General of General Legal Administration (AHU), the tax system, and the population system. Ideally, data entered by the Notary in the OSS RBA system will be automatically connected and validated with the relevant agency's database. However, in practice, this synchronization is often delayed. For example, the deed of establishment data recorded in the AHU is not directly integrated with the OSS RBA, resulting in a notification that the data is not yet available.

As a result, notaries must wait for synchronization to complete or try to perform manual steps to update the data. This process takes additional time and increases the administrative burden. The failure to automatically display data also often requires re-verification, which can involve additional communication with related agencies. For notaries, this situation adds layers of bureaucracy that could have been avoided with a more responsive and integrated system. One of the root causes of the problem is the system infrastructure that is not yet fully optimized, especially in managing large and complex data volumes. In addition, the lack of technical coordination between agencies worsens the situation. Each agency has its own operational system, and incompatibility in data transfer formats or procedures between agencies is often a major source of synchronization disruptions.

Another shortcoming that occurs in the management of business permits through OSS is that many business actors establishing limited liability companies (PT) still need the help of consultants to fill out the forms in the OSS system. Therefore, the help desk at the DPMPTSP in Banda Aceh City is very necessary because many users of the OSS system still do not understand the business guidelines or mechanisms of the OSS system. In its implementation, business actors, especially those establishing PT, have indeed applied for permits through business, but many entrepreneurs still cannot fill out the form on the OSS system page.

Technically, many business actors and notaries experience difficulties in the registration process and data entry through the OSS system. One of the main problems that is often found is errors or system disruptions when inputting data, such as difficulty in saving data or forms that cannot be continued. The emergence of non-specific error messages often causes the process to have to be repeated from the beginning, wasting time and increasing the risk of further errors. In addition, the slow synchronization of data between OSS and related agency systems, such as the Directorate General of General Legal Administration (AHU) and the Directorate General of Taxes, worsens the situation. Data that should be automatically connected is often not immediately synchronized, requiring manual verification or updates that take longer.

## Conclusion

Government Regulation Number 5 of 2021 regulates business permits through the Online Single Submission (OSS), where all permits must be done electronically through the OSS in the name of the minister or regional official. Although BKPM remains authorized in the One-Stop Integrated Service (PTSP), OSS allows business actors to take care of all permits from one platform, reducing the need for re-registration. Notaries do not have direct authority in the OSS but can assist in preparing documents and filling in business permit data if authorized by the business actor. This increases efficiency and legal compliance in the licensing process.

The Online Single Submission (OSS) system faces various technical obstacles, especially for notaries who often experience errors when inputting data. Unclear notification messages make it difficult to identify problems, forcing users to repeat the process and increasing the risk of errors. In addition, slow data synchronization between OSS and related agency systems such as AHU and taxation hampers the process because data that should be automatic is often not available and requires manual steps. This problem is exacerbated by suboptimal infrastructure, a lack of coordination between agencies, and the difficulty of business actors in filling out OSS forms. Support such as a help desk is urgently needed, especially in areas such as Banda Aceh, to help users understand and use the system more effectively. Although OSS aims to simplify licensing, there is still a need for improvements and increased technical support.

## Suggestion

Lawmakers are advised to give authority to notaries and collaborate with several related institutions and organizations, such as the Indonesian Notary Association (INI), to increase the effectiveness of socialization related to the use of Online Single Submission (OSS). Notary profession holders are also expected to carry out their duties in accordance with applicable legal and moral norms, not exceed the limits of their authority, and always be careful in carrying out their responsibilities, including the limits of notary liability. Coordination between agencies, such as AHU, taxation, and population, must also be strengthened with a more efficient data integration system. The provision of comprehensive training and guidance, including interactive tutorials and webinars, can help users understand the OSS RBA mechanism. The help desk function at DPMPTSP needs to be strengthened with special staff to handle technical problems, especially in areas with limited access to technology.

## Referens

1. AR P. *Perlindungan Hukum Terhadap Notaris Indikator Tugas-Tugas Jabatan Notaris Yang Berimplikasi Perbuatan Pidana*. Jakarta: Sofmedia, 2011.
2. Achmad MF. *Dualisme Penelitian Hukum Normatif dan Empiris*. Yogyakarta: Pustaka Pelajar, 2015.
3. Adjie S. *Aspek Pertanggungjawaban Notaris dalam Pembuatan Akta*. Bandung: Mandar Maju, 2011.
4. Al-Huzni S. *Pelaksanaan Izin Usaha Secara Elektronik Sebagai Upaya Peningkatan Investasi Di Indonesia*. *Jurnal Hukum dan Kemanusiaan*, 2021.
5. Avivah LN. *Pentingnya Pendaftaran Tanah Untuk Pertama Kali Dalam Rangka Perlindungan Hukum*

- Kepemilikan Sertifikat Tanah. *Jurnal Tunas Agraria*, 2022.
6. Arsyah EA, HN. Jawab Notaris Terhadap Akta Yang Cacat Hukum Dan Tidak Sesuai Dengan Ketentuan Pembuatan Akta Dalam Undang-Undang Jabatan Notaris. *Jurnal Bina Mulia Hukum*, 2021, 5.
  7. Fuady M. *Sosiologi Hukum Kontemporer: Interaksi Hukum, Kekuasaan, dan Masyarakat*. Jakarta: Kencana, 2011.
  8. Imran HA. Penelitian Komunikasi Pendekatan Kualitatif Berbasis Teks. *Jurnal Studi Komunikasi dan Media*, 2015.
  9. Iskandar G. Kekuatan Pembuktian Akta Di bawah Tangan yang Disahkan dan Dibukukan Oleh Notaris. *Jurnal Yustisia Universitas Andalas*, 2013.
  10. Kartikosari H. Pembatasan Jumlah Pembuatan Akta Notaris Oleh Dewan Kehormatan Pusat Ikatan Notaris Indonesia. *Jurnal Panorama Hukum*, 2017, 180.
  11. Kie TT. *Studi Notariat dan Serba-Serbi Praktek Notaris*. Jakarta: PT. Ichtisar Baru Van Hoeve, 2011.
  12. Lestari A. Kekuatan Alat Bukti Otentik Yang Dibuat Oleh Notaris Dalam Pembuktian Perkara Perkara Di Pengadilan Negeri Sleman. *Jurnal Ilmu Hukum*, 2014.
  13. Lorenza BN. Peran dan Tanggung Jawab Notaris dalam Memberikan Penyuluhan Hukum kepada Calon Klien Terkait Pembuatan Akta. *Era Hukum*, 2018.
  14. Lumban TG. *Peraturan Jabatan Notaris*. Jakarta: Erlangga, 1999.
  15. Mardiyah SI. Sanksi Hukum Terhadap Notaris Yang Melanggar Kewajiban Dan Larangan Undang-Undang Jabatan Notaris. *Acta Comitatus*, 2017.
  16. Muhammad A. *Hukum dan Penelitian Hukum*. Bandung: Citra Aditya Bakti, 2004.
  17. Notodisoejo S. *Hukum Notariat di Indonesia*. Jakarta: Rajawali, 1982.
  18. Nurita RE. *Cyber Notary, Pemahaman Awal dalam Konsep Pemikiran*. Bandung: Refika Aditama, 2012.
  19. Nurjannah MF. *Introducer Witness On Notary's Deed Establishment: Forgotten Role in Indonesia Notarial Law*. *Jurnal Rechtsidee*, 2018.
  20. Permatasari E. Peran dan Tanggung Jawab Notaris Terhadap Pelaksanaan Pendaftaran Badan Hukum Perseroan Terbatas Melalui Sistem Online. *Jurnal Akta*, 2017.
  21. Romadhoni AA. *Peranan Saksi Instrumenter Dan Akibat Hukumnya Terhadap Kerahasiaan Dalam Pembuatan Akta Notariil*. Yogyakarta: Magister Kenotariatan Universitas Islam Indonesia, 2018.
  22. Sasauw C. Tinjauan Yuridis Tentang Kekuatan Mengikat Suatu Akta Notaris. *Jurnal Lex Privatum*, 2015, 100.
  23. Sudjarot A. Peran dan Kewenangan Notaris Terhadap Pendaftaran Izin Usaha Melalui Sistem Online Singel Submission. *Fiat Iustitia: Jurnal Hukum*, 2021.
  24. Syamsir. Prospek Cyber Notaris sebagai Media Penyimpanan Pendukung menuju Profesionalisme Notaris. *Jurnal Recital Review*, 2019.
  25. Tista A. Perkembangan Sistem Lelang di Indonesia. *Jurnal Al'Adl*, 2013.
  26. Utama MY. Peran Notaris Dalam Pelaksanaan Sistem Online Single Submission Terhadap Investasi Dengan Konsep Ease of Doing Business. *Jurnal Acta Comitatus*, 2024.
  27. Widya SD. Kewenangan Notaris Di Bidang Cyber Notary Berdasarkan Pasal 15 Ayat (3) Undang-Undang Nomor 2 Tahun 2014 Tentang Perubahan Atas Undang-Undang Nomor 30 Tahun 2004 Tentang Jabatan Notaris. Bali: *Jurnal Hukum Universitas Udayana*, 2017.
  28. Wuwungan GT. Faktor-Faktor yang Mempengaruhi Proses Penyelesaian Piutang Negara Oleh PUN di KPKNL Manado. *Jurnal Ipteks Akuntansi Bagi Masyarakat*, 2018.
  29. Yudani WS. Pelaksanaan Perizinan Berusaha Melalui Online Single Submission (OSS) Oleh Dinas Penanaman Modal dan Pelayanan Terpadu Satu Pintu (DPMPTSP) Kabupaten Sukoharjo. *Jurnal Bagian Hukum Administrasi Negara*, 2022.
  30. Yudhiharso W. Pengaruh Kualitas Layanan Serta Nilai Yang Dirasakan Terhadap Kepuasan Pengguna Jasa Dengan Citra Penjualan Lelang Di Kantor Pelayanan Kekayaan Negara dan Lelang Jember. *Jurnal Bisnis dan Manajemen*, 2015.