

# Issuance Of Business License (NIB) For Halal Certification Legal Review Of The Implementation Of OSS (Online Single Submission)

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**Abstract**— With the issuance of PP No. 24/2018, all laws and regulations that are hierarchically lower than the Government Regulation, With the issuance of PP No. 24/2018, all laws and regulations that are hierarchically lower than Government Regulations, Presidential Regulations, Ministerial Regulations, Agency Regulations, Regional Regulations, Regional Head Regulations must follow and make adjustments to the OSS system, where Online single submission is one application that provides access to be able to register NIB, one of which is NIB registration as a requirement for registration of Halal certification What is the concentration of discussion in this paper is how the issuance of NIB and its relation to halal certification in the legal perspective, This research is normative legal research where normative legal research takes data with a statutory approach. normative legal research or study is basically: "to explain the law or look for meaning and sources of value for the law, only legal concepts are used and the steps taken are normative steps". The statute approach in legal research is used to observe the results of human behavior, issuance of business licenses and issuance of Commercial and/or Operational Licenses in an integrated manner through OSS for both businesses in the form of business entities and individuals, whether micro, small, medium or large businesses; individual/business entity businesses both new and established prior to the operationalization of OSS; as well as businesses with capital that is entirely domestic, or there is a composition of foreign capital, The issuance of business licenses in the halal certification process must comply with the principles of compliance with halal standards, transparency, consumer protection, and sanctions and law enforcement against violations. This aims to ensure product halalness and consumer confidence in halal products consumed.

**Keywords**— business license, halal certification, online single submission

## I. INTRODUCTION

The times require us to keep up with technology as well, various applications were launched by the government to encourage ease of doing transactions - electronic-based transactions and data matching, through the Online single submission application the government provides access to be able to register NIB through the online single submission application. hereinafter referred to as OSS, business actors can register for business. where one of them is NIB registration which in turn also becomes a requirements for registration of Halal certification. With the issuance of PP

No. 24/2018, all laws and regulations that are hierarchically lower than Government Regulations such as: Presidential Regulations, Ministerial Regulations, Agency Regulations, Regional Regulations, Regional Head Regulations must follow and make adjustments to the OSS system. The OSS system is intended to accelerate and increase investment and business as well as facilitate business actors, both individuals and non-individuals. To facilitate the registration/management of business activity licenses such as Environmental Permits, Building Permits, and so on. Online Single Submission (OSS), is a business license management system that when a business actor wants to create a new business or already has a business. to find out more details will be discussed through the systematics below.

## II. DISCUSSION

### A. Issuance of Business License OSS (Online Single Submission) legal review

The Electronic Integrated Business Licensing Service System (OSS) allows business actors to register and manage the issuance of business licenses and the issuance of commercial and/or operational licenses in an integrated manner. Through OSS, the Central Government and Regional Governments also issue business licenses submitted by business actors<sup>1</sup>. Based on these considerations, the government feels the need to stipulate a Government Regulation on Electronically Integrated Business Licensing Services. Based on this desire, Government Regulation Number 24 of 2018 concerning Electronically Integrated Business Licensing Services was issued which regulates the provisions regarding:

- a. Type, Applicant, and Issuer of Business Licenses;
- b. Implementation of Business Licensing;
- c. Business Licensing Reform Sector;
- d. OSS System;
- e. OSS Institution;
- f. OSS funding;
- g. Incentives or Disincentives for the implementation of Business Licensing through OSS;
- h. Settlement of problems and obstacles to Business Licensing through OSS; and
- i. Sanctions.

<sup>1</sup> Fitri Rafianti, penggunaan aplikasi *online single submission* (oss) dalam penerbitan izin usaha (NIB) dan sertifikasi halal (dalam telaah hukum) PT.Nusa Skill Profesi : Medan, 2024



### *a. Implementation of OSS in Indonesia*

All business actors can use the OSS. Both businesses in the form of business entities and individuals, be it micro, small, medium or large businesses; individual/business entity businesses both new and established before the operationalization of the OSS; also businesses with capital that is entirely domestic, or there is a composition of foreign capital. Steps that must be taken using the OSS include:<sup>2</sup>

- 1) Create a user-ID;
- 2) Log-in to the OSS system using the user-ID;
- 3) Fill in data to obtain a Business Identification Number (NIB);
- 4) For new businesses: carry out the process to obtain a basic license, business license and/or commercial or operational license, along with commitments. As for businesses that have been established, they must continue the process of obtaining new business licenses (business and / or commercial licenses) that are not yet owned, extending existing business licenses, developing businesses, changing and / updating company data. The prerequisites that need to be fulfilled before accessing OSS are as follows.
  - 1) Have an NIK and input it in the user-ID creation process. Especially for business actors in the form of business entities, the required Population Identification Number (NIK) is the NIK of the Person in Charge of the Business Entity;
  - 2) Business actors in the form of PT, business entities established by foundations, cooperatives, CVs, firms, and civil partnerships complete the process of legalizing business entities at the Ministry of Law and Human Rights through AHU Online, before accessing OSS;
  - 3) Business actors in the form of Perum, Perumda, other legal entities owned by the state, public service agencies or broadcasting institutions prepare the legal basis for the establishment of business entities.<sup>3</sup> OSS is very beneficial for business actors. The benefits of OSS received by business actors include the following:
    - a. Facilitate the processing of various business licenses, both prerequisites for doing business (permits related to location, environment, and building), business licenses, and operational licenses for business operations at the central or regional levels with a mechanism for fulfilling permit requirement commitments;
    - b. Facilitate business actors to connect with all stakeholders and obtain permits safely, quickly and in real time;
    - c. Facilitate business actors in reporting and solving licensing problems in one place;
    - d. Facilitate business actors to store licensing data in one place business identity (NIB).

To be able to use OSS, Business Entities first take care of the ratification of the deed of establishment or amendment of the deed through AHU online. Especially for public companies, regional public companies, other legal entities owned by the state, public broadcasting institutions, or public service agencies using the legal basis for formation, government regulations or regional regulations. The Business Entity then registers in the OSS system by entering the Population Identification Number (NIK) of the Person in Charge of the Business Entity or the President Director and some other information on the available Registration Form. In the event that the licensing process is carried out by other parties such as Legal Consultants and Notaries, the data entered into the registration form is the data of the Person in Charge of the Business Entity/Company.

Especially for Business Entities/Companies, it is recommended to use the company email for account activation. The OSS system will send 2 (two) emails to the Business Entity for OSS account registration and verification. The verification email contains a temporary user-ID and password that can be used to log-in to the OSS system. The Business Identification Number (NIB) serves as the identity of the Business Actor issued by the OSS Institution after the Business Actor has registered. NIB also applies as:

- a. Company Registration Certificate (TDP)
  - b. Import Identification Number (API), if the business actor will carry out import activities
- Customs Access, if the business actor will carry out export and/or import activities. NIB must be owned by business actors who wish to apply for business licensing through OSS, both new businesses and businesses that have been established before the operationalization of OSS. Business actors can obtain Other Registration documents during NIB registration, namely:<sup>4</sup>
- 1) NPWP Agency or Individual, if the business actor does not have;
  - 2) Letter of Ratification of the Plan for the Use of Foreign Workers (RPTKA);
  - 3) Proof of BPJS Employment and BPJS Health Membership Registration;
  - 4) Notification of eligibility to obtain fiscal facilities and/or
  - 5) Business License, for example for a Business License in the Trade sector (Surat Izin Usaha Perdagangan (SIUP))

### *b. The Role of Online Single Submission in Business License Issuance*

Online Single Submission (OSS) has an important role in the issuance of business licenses in Indonesia. OSS is a digital platform that allows business actors to apply for various licenses and permits online, including business licenses. With OSS, the process of issuing business licenses becomes more efficient and transparent. Businesses can apply for their business license online without the need for time-consuming and labor-intensive physical documents. They can also monitor the license application process in real-time through

<sup>2</sup> Pedoman Perizinan Berusaha Melalui Sistem OSS Untuk Pelaku Usaha. 2018. Kementerian Koordinator Bidang Perekonomian Republik Indonesia. Jakarta

<sup>3</sup> Ibid

<sup>4</sup> Ibid hal 4

the OSS platform. In addition, OSS also enables businesses to obtain clear and complete information on the requirements and procedures for issuing business licenses. This helps business actors to better prepare the necessary documents so that the process of applying for a business license can run smoothly. Thus, the role of OSS in issuing business licenses is very important in supporting the ease of doing business in Indonesia. It is hoped that with this digital platform, the process of issuing business licenses can become faster, more efficient and transparent, so as to encourage economic growth and investment in the country.

## 2. Legal analysis of NIB issuance for Halal certification

The issuance of business licenses in the halal certification process is part of the process of regulation and supervision of halal products. Laws related to the issuance of business licenses in the halal certification process may vary depending on the applicable regulations. However, generally the laws related to the issuance of business licenses in the halal certification process refer to the following principles:

1) Compliance with Halal Standards: The issuance of a business license in the halal certification process must ensure that the company or producer has met the halal standards set by the competent authority. This includes the production process, raw materials, processing, and distribution of products that must comply with halal principles.

2) Transparency and Accountability: The issuance of a business license must also involve a transparent and accountable process, where parties applying for halal certification must be able to provide clear evidence related to their compliance with halal standards. The authority issuing the business license must conduct regular verifications and audits to ensure compliance with halal standards.

3) Consumer Protection: Laws related to the issuance of business licenses in the halal certification process also aim to protect Muslim consumers from products that do not comply with halal principles. With a business license issued, consumers can trust that the product has gone through the appropriate halal certification process.

4) Sanctions and Law Enforcement: The law must also establish sanctions and enforcement against violations of the halal certification process. If a company or manufacturer is found to violate halal standards, their business license can be revoked and they can be sanctioned in accordance with applicable laws.

Thus, the issuance of business licenses in the halal certification process must comply with the principles of compliance with halal standards, transparency, consumer protection, and sanctions and law enforcement against violations. This aims to ensure product halalness and consumer confidence in the halal products consume.

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