VALIDITY OF BUSINESS LICENSE PROCESSING THROUGH ONLINE SINGLE SUBMISSION CONDUCTED BY NOTARIES

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ABSTRACT
The economic slowdown after the COVID-19 pandemic has had a major impact on Indonesia, economic recovery is carried out through OSS, which in practice many business actors ask to be taken care of through Notary. This article aims to analyze the authority of a Notary in managing a Business License in OSS. This article uses a normative juridical method that focuses on the study of existing rules or norms in positive law. Based on UUJN and PP on Business Licensing, there is no authority of the Notary in managing licensing. The basis of the Notary is only a power of attorney from the entrepreneur, where this power of attorney based on Article 1320 of the Civil Code is null and void because it violates the existing rules. There are no sanctions for notaries, but entrepreneurs can be subject to administrative sanctions if they do not fulfill their commitments. Notaries should not accept licensing requests and focus on education.

INTRODUCTION
The Corona Virus Disease (COVID-19) pandemic was designated as PHEIC on January 30, 2020, by WHO as an extraordinary event that endangers public health (Pandoman, 2020). The COVID-19 pandemic is a phenomenon that occurs in an instant so many countries in the world are late in anticipating the arrival of this pandemic so many countries have suffered huge losses both in terms of loss of life due to this pandemic attack and the occurrence of an economic slowdown due to the many community activities that have stopped.

The economic slowdown after the COVID-19 pandemic is something that has happened to many countries in the world, this applies to both developed and developing countries, Indonesia itself is one example of a country that has been directly affected by the effects of the economic slowdown that has occurred throughout the world. The Indonesian government itself continues to make various kinds of breakthroughs for economic recovery, one of which is in the business and investment sectors, where these two sectors have a major impact on efforts to restore the national economy, of course, to nourish the national economy is not an easy thing because this is certainly done by all countries in the world simultaneously, so the government is trying to re-grow the trend of investment, both domestic investment and foreign investment. The main way carried out by the government to re-energize the trend of capital investment is to summarize licensing so that both investments originating from within the country and investments originating from abroad are again interested in opening a business in Indonesia. However, this is not without obstacles and obstacles because based on a report from the Ease...
of Doing Business (Eodb) Media released in 2019, it states that Indonesia itself is still ranked 73 in terms of ease of doing business, which is certainly still very far behind when compared to other Southeast Asian countries such as Singapore, Malaysia, and Vietnam which are ranked in the top 40 (forty) in the world (Asmara et al., 2019).

Eodb has a measure in terms of determining the ranking index which consists of several factors including starting a business, making arrangements related to construction permits, electricity installations, property registration, obtaining loans or credits, protecting minority investors, trading across borders, paying taxes, enforcing contracts, resolving insolvency and the last is related to employment. Of the ten indices above, one of the indices that are directly related to Notaries in practice is related to the starting business index, which is closely related to the establishment of business entities along with the operational licenses needed by the business field being run.

About the ease of licensing, notaries themselves continue to be encouraged to be able to increase their capabilities following the development of the digital disruption era, as the message of the President of the Republic of Indonesia Mr. Joko Widodo at the 29th Congress of the Indonesian Notary Association (INI) in Jakarta, where the President advised notaries to adjust to the era of digital progress (Putra & Imanuel, 2019).

One of the implementations of licensing ease and licensing digitalization carried out by the Government is the use of Online Single Submission (OSS) in licensing management in Indonesia. In its application, the OSS system is a one-stop licensing portal where business actors or entrepreneurs can access and manage all types of licenses by the business fields being run. OSS itself brings an automatic breakthrough that answers the need for ease of doing business by uniforming all licenses and no longer requires the need for physical document verification. A significant difference when looking at OSS-based licensing with conventional licensing is that through OSS the applicant can obtain a permit first and then fulfill the existing requirements, while in the conventional licensing system the applicant must fulfill all existing requirements first so that the permit is issued, this is what makes OSS a breakthrough in the ease of doing business that the government hopes can improve the business climate and investment in Indonesia (Munalar et al., 2020).

Before the birth of the OSS system in Indonesia, several factors became obstacles or obstacles to the implementation of ease of doing business in Indonesia, some of these reasons made business actors prefer to run their businesses without taking care of business licenses, one of which was the problem of bureaucratic complexity, before the OSS system there were many licenses that had to be taken care of by various agencies and not done at one time so that business actors felt that a lot of time and energy was needed to process business licenses. The next factor is related to the regulation that the implementation of licensing does not run uniformly between districts and cities so business actors find it difficult to adjust different regulations and requirements. Then business actors also feel afraid of the obligation to pay taxes, this occurs due to a lack of knowledge about taxation and about business licenses that must be owned by the business sector run by business actors (Tarina, 2020).

The OSS system itself is implemented in Indonesia under the legal umbrella of Government Regulation Number 24 of 2018 concerning Electronically Integrated Business Services (PP No. 24 of 2018) which has been amended through Government Regulation
Number 5 of 2021 concerning Risk-Based Business Licensing (PP No.5 of 2021), the OSS system is a development of the One Stop Integrated Service (PTSP) system which previously spearheaded the ease of doing business in Indonesia where this system digitizes the existing PTSP system (Wiradarma & Westra, 2020).

In principle, the processing of OSS licenses can be carried out independently by business actors, in the case of licensing by legal entities, management through the OSS system can be carried out by the Board of Directors. Seeing from the practice that is still often done, namely the management of all licenses related to OSS is fully submitted to the Notary, if you look at the provisions of the UUJN this is not regulated at all.

The government gives great hope to the Notary profession as the spearhead of the realization of the ease of doing business in Indonesia because the Notary itself is the main gateway in terms of business implementation marked by the making of a deed of establishment of a business entity, of course, matters in the form of business licensing through the OSS system by Notary need to be based on the authority possessed by Notary so that there is no overlapping of authority from the Notary profession. This also needs to pay attention to the main purpose of the presence of the OSS system in Indonesia itself which has the aim of making it easier for business actors to manage their business licenses requested by the business fields run by these businesses actors so that it is necessary to know the extent of the authority of the Notary in managing licensing through the OSS system.

Several theories will be used to examine the problems that exist in writing this research, including:

**Theory of Authority**

According to the opinion of Soerjono Soekamto who explains that there is a difference between authority and power, it is explained that every ability to be able to exert an influence on others is referred to as power, while the explanation of authority is the power contained or possessed by someone where this power has the support or approval of the community (Soekanto, 1989).

In terms of the authority possessed by the government is obtained based on the principle of the rule of law owned by Indonesia through the principle of legality, because of this, the authority possessed by the government is the authority that comes from the laws and regulations in force in Indonesia.

According to the opinion of Willwem Konjibelt, it explains the three ways of authority obtained by the government, namely as follows: (Doly, 2016)

1. By way of attribution where authority is granted based on legislation.
2. By way of delegation which is through the delegation of authority from one government organ to another.
3. By way of mandate which is by way of approval of the granting of authority from one organ to be carried out to another organ.

**Legal Certainty Theory**

The meaning of certainty itself is something that cannot or is difficult to separate between its relation to the law, where the law without certainty then the law will lose its meaning as a whole because the law can no longer be a guide in behavior. Based on the theory of legal certainty and the value to be achieved, namely the value of justice and happiness (Ali, 2002).
There are 4 (four) basic things related to the meaning of legal certainty, according to Gustav Radbruch, namely:

a. Law is positive, which means that positive law is legislation.

b. Law is based on facts, which means that the law is based on an existing reality.

c. The law must be formulated in a clear way so as to avoid confusion in interpretation, and also the law must be easy to carry out or implement.

d. Positive law should not be easily changed.

Gustav Radbruch's opinion is based on his view that legal certainty is certainty about the law itself. Legal certainty is a product of law or more specifically of legislation. Based on his opinion, then according to Gustav Radbruch, positive law that regulates human interests in society must always be obeyed even though the positive law is unfair (Rato, 2010).

According to Lon Fuller, there is a need for certainty between rules and their implementation. Eight principles influence how positive law is implemented, namely:

a. A system of law consisting of rules that are not based on momentary decisions on specific matters.

b. Rules are widely publicized.

c. Laws are not allowed to apply retroactively.

d. Made with considerations that are understood by the community.

e. Not conflicting or contradictory with other laws and regulations.

f. It should not demand more action than can be taken.

g. Should not be easily replaced

h. There is congruence between the setting and its implementation in daily life.

The opinion of Lon Fuller above outlines that there must be certainty between the regulations that have been made and their implementation or implementation. Because of this, behavior, actions and factors that can influence and shape how a positive law can be applied have entered its form. Based on the description above regarding legal certainty, legal certainty can actually have several meanings, namely clarity, the law that applies in society must be firm and contain openness so that anyone can understand the meaning of a legal provision. The law should not be multi-interpreted or can be interpreted differently, so that the law does not become a source of doubt, does not cause confusion in society and can be implemented, so that it can provide and guarantee rights and obligations for every citizen in accordance with the existing culture of society.

The article written by this author can be accounted for its authenticity, therefore, to be able to prove it, the author will make comparisons with other authors who have almost similar themes but have different research focuses. The first is research from Diana Haiti, Nurunissa, and Sri Aulia Ulfah in 2023 with the title: "Establishment of Limited Liability Companies Related to Risk-Based Business Licensing by Notaries". This research discusses the precautionary principle of Notary in relation to the licensing process through risk-based OSS. The result of this research is that the Notary needs to input the Indonesian Standard Business Field Classification (KBLI) code using the precautionary principle so that there are no problems in terms of licensing through the OSS RBA system, which in the system is based on the KBLI code contained in the deed of
establishment of the business entity. Notaries only get the authority by attribution in making the deed of establishment of a business entity, while in managing the system through OSS it can be done by everyone who has access to the OSS account (Haiti et al., 2023). The second research is research from I Gusti Ngurah Wira Prabawa and Dewa Gde Rudy in 2020 with the title: "The Role of Notaries in the Establishment of Cooperatives After the Enactment of Online Single Submission". This research discusses the authority and role of Notary in the Establishment of Cooperatives along with the management of all licenses after the enactment of the Online Single Submission system. The result of the research is that after the deed of establishment of a cooperative is made by a Notary, within 60 days the Notary is required to submit an endorsement through the AHU Online system without this process, the licensing process through the OSS system cannot be carried out (Prabawa & Rudy, 2020). The third research is research from Muhammad Akbar and Fadhil Yazid in 2021 from Dharmawangsa University with the research title: "Legal Certainty in the Ease of Doing Business in the Era of the Industrial Revolution 4.0 Related to the Notary Profession". The research focuses on the influence of technological advances on the function of Notaries in carrying out their profession. The result of the study is the application of the concept of ease of doing business needs to be realized in Indonesia to increase revenue in the investment sector, notaries are also required to carry out the concept of cyber notary as stipulated in the Explanation of Article 15 paragraph (3) of the Notary Public Office Law (Akbar & Yazid, 2021).

Based on the description that has been conveyed above, the author formulates the problem in writing this journal, namely the first, "does a notary have a role in managing OSS licenses?" and second, "how is the validity of the OSS Business License management carried out by a notary?" and third, "are there sanctions against OSS licensing management carried out by notaries?". The research conducted by this author is different from the previous research because this research focuses on the validity of the Notary's actions in managing licenses through the OSS system and on the sanctions obtained in the management of OSS licenses carried out by Notaries. The purpose of this research is to find out whether licensing through the OSS system is included in the authority of the Notary based on the applicable laws and regulations.

METHOD RESEARCH

The research uses a legal research method using a normative juridical approach which focuses on studies of the rules or norms that exist in positive law. In this concept has the view that law is identical to written norms made and promulgated by authorized institutions or officials. This concept has the view that law is a normative system that is independent, closed and detached from real community life. This research will be a study that will look at legal principles, applicable laws and regulations, and other materials that can be used, this research will examine the rules and / or rules of law in a legal event where later the legal event will be determined whether the legal event is right or wrong according to the applicable law (Mukti Fajar & Achmad, 2010). This method conducts a study of written law with various aspects both through theoretical aspects, historical aspects, philosophical aspects, comparison, structure and
composition, scope and material, consistency, general explanations and explanations of an article, formality and binding force of a piece of legislation (Soekanto, 1986).

This researcher uses descriptive analytical research specifications, namely in this research the analysis does not go beyond the scope of variables, is deductive, based on general theories or concepts applied to explain a set of data with another set of data (Soemanto, 2009). In connection with the sources and types of data used in writing this journal, primary legal sources are used in the form of laws and regulations related to the discussions and problems in this journal, then the use of secondary legal sources which can be in the form of research results related to the writing of this journal, and also use tertiary legal sources such as the use of legal language dictionaries, electronic magazines, or the use of sources originating from the internet.

The data collection technique used by the author in this research is to use a document study which is one method in the use of data collection techniques by searching for data in documents. This data is secondary data because it has been written in books or other sources or processed by others.

In processing and analyzing the authors in writing this journal use a qualitative data analysis method which processes and analyzes the data that has been collected and then the authors process it into data that is systematic, organized, and structured then the results of the data analysis carried out can be drawn conclusions using inductive reasoning which is a thought process in the form of drawing general conclusions based on knowledge of specific things (Suteki, 2020).

RESULTS AND DISCUSSION

Role and Authority of Notary in OSS Permit Processing

Referring to the provisions of Article 1 number 1 of the UUJN which this article was born as an implementation of the Civil Code Article 1868 which as a public official the notary performs public duties, namely providing services to the public in terms of civil law whose position is equal to state officials. After being appointed to his position by the Minister, the Notary can carry out his duties and obligations freely without any influence from the executive body or other bodies so that the notary can carry out his duties fairly and neutrally without any partiality to anyone (Nurmayanti, 2017). Notaries in terms of acting as public officials have two main functions, namely the first is as an official who carries out state duties in the private sector and the second function is the function to provide services for the general public who want to make authentic deeds (Alwajdi, 2021).

With the starting business indicator in the Eodb assessment index, of course, notaries are continuously encouraged by the government to be able to provide innovations and breakthroughs, which in this case can be associated with the concept of cyber notary, which is basically regulated in the Explanation of Article 15 paragraph (3) of the Notary Position Law, but as a state of law, of course, notaries in acting must be adjusted to the authority given by the law. Notaries are mandated by law to be able to express all the will expressed by the parties who come before the notary to pour into a notarial deed which is expected to be poured out by the will of the parties facing the entire will that has been recorded will have perfect evidentiary power. In terms of the basis for Notary to be able to manage Business License through the OSS system, among others, is the mandate of the UUJN where in the regulation of Article 15 of the
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UUJN which carries out the authority of the Notary profession, one of which is to conduct legal counseling related to deeds. However, of course, if it is further examined using the theory of legal certainty, it does not necessarily become the basis for Notary to be able to carry out the authority of licensing management because conducting counseling and licensing management are two different activities, namely when conducting counseling, the output of the counseling is that the recipient of the counseling will get more information than before the counseling, then in the case of licensing management, of course, the output obtained is a license, therefore the author feels that the authority of Notary to conduct legal counseling in connection with the making of deeds cannot be used as a basis. Furthermore, the authority of the Notary as described in Article 15 of the UUJN is as follows:

Notaries are authorized to make authentic deeds concerning all deeds, agreements, and stipulations required by laws and regulations and/or desired by those concerned to be stated in an authentic deed, guarantee the certainty of the date of the deed maker, keep the deed, provide a grosse, copy and quotation, all insofar as the making of the deed is not also assigned or excluded to other officials or other persons stipulated by law.

1) In addition to the authority as referred to in paragraph (1), notaries are also authorized:

   a) To certify the signature and confirm the date of the underhand letter by registering it in a special book;
   b) Record the letter under the hand by registering in a special book;
   c) Making a copy of the original letter under the hand in the form of a copy containing the description of what is written and described in the relevant letter;
   d) Attesting the suitability of the photocopy with the original letter;
   e) Providing legal counseling in connection with the making of deeds;
   f) To make deeds relating to land; or
   g) Making a deed of minutes of auction.

In addition to the authorities in paragraph (1) and paragraph (2), Notary has other authorities regulated in laws and regulations.

Broadly speaking, in the Notary Position Law and associated with the theory of legal certainty, the Notary Position Law does not authorize Notaries to provide management services for all types of documents such as OSS documents which consist of Nomor Induk Berusaha (NIB), Sertifikat Standar (SS), Location Permit, Persetujuan Kesesuaian Kegiatan Pemanfaatan Ruang (PKKPR), or other permits such as Persetujuan Bangunan Gedung (PBG), Informasi Tata Ruang (ITR), Sertifikat Laik Fungsi (SLF) or other permits applicable in Indonesia even to tax matters such as the management of Nomor Pokok Wajib Pajak (NPWP). As for the practice, all of this is based on the trust that the confronter has in the Notary and also the goodwill of the business actor to take care of licensing in order to fulfill the function of legal certainty in the business field run by the business actor, so the confronter hereby authorizes the Notary to assist in the management of all operational licenses for a business entity whose deed of establishment of the business entity itself is made by a Notary. The author feels that one of the main reasons is also that the confronters do not have comprehensive knowledge of licensing management in the OSS system, especially those related to registration.
The authority of the Notary position in the form of attributive authority is the making of the Deed of Establishment of a business entity which has been completed and registered with AHU Online and if desired by the confronter, in this case also as a business actor, to arrange operational licensing through the OSS system, the relationship is based on a power of attorney given by the business actor where the legal relationship is the legal relationship of employer and employee. With the relationship based on the power of attorney, there is a legal relationship between the Notary and the business actor, but in this case the Notary has automatically relinquished his position as a Notary and acts as a power of attorney for the purposes of managing the Business License through the OSS system.

The processing of Business Licenses through the OSS system itself is actually the responsibility of the business actors themselves and is not something that can be signed to a Notary, this can be seen in the provisions of Article 6 of PP. No. 5 of 2021 which explains that business actors who wish to run or carry out their business activities are required to have risk-based business licensing. The benefits obtained for business actors who arrange business licenses and have valid business licenses are as follows (Tarina, 2020)

a) A Business Permit is a legality which is recognition from the authorized party and the Business Permit can be legally accounted for and indicates that the business actor is carrying out legal compliance in accordance with applicable laws and regulations.

b) Signaling clarity and legal certainty related to the location of the business carried out by the business actor, this shows that the business actor has carried out business activities in accordance with the location of its designation, this is regulated for spatial conformity that has been determined by the government.

c) Obtaining legal certainty so that business actors can easily expand their business or expand their business, make new investments, and obtain credit where a Business License is one of the main requirements in the need to apply for business capital through both bank and non-bank institutions.

d) Receive counseling, direction and guidance from the government, local government and/or other institutions related to business management, capital, business development, business marketing, export and import of business products owned by business actors.

**Notary validity in managing business licenses through OSS**

In relation to the practice of managing OSS Business Licenses carried out by Notaries to obtain operational licenses for business entities whose deeds of establishment were made by Notaries, this practice shows that there are actions outside the authority of Notaries granted under the UUJN. Broadly speaking, the authority of a Notary according to the UUJN is related to civil activities and is not envisioned for a Notary to enter the realm of Public law.

As we need to know that the management of OSS Permits is a rule of state administrative law whose authority is carried out by the Central Government and Regional Governments depending on the licensing authority itself, therefore in the case of managing OSS Business Permits carried out by Notaries, which after looking at the provisions of the UUJN does not have special authority in the business license licensing section.

In relation to the granting of power of attorney, it will be based only on the provisions of Article 1320 of the Civil Code because neither in the JN Law nor in the regulations related to
the implementation of the OSS system mention the authority of Notary, if you see that the granting of power of attorney with a cause that is contrary to other laws and regulations results in the power of attorney becoming null and void and it is considered that the legal relationship between Notary and business actors has never occurred. The author considers that the power of attorney made has violated one of the objective requirements of the agreement, namely a lawful cause. According to Article 1335 jo Article 1337 of the Civil Code which states that a cause is declared prohibited if it is contrary to law, decency, and public order. A causa can be categorized as contrary or contrary to the law if the content of the causa is contrary to the applicable law. If it is related to the authority of the Notary in the Notary Position Law, the case of making a power of attorney by a business actor to a Notary can be said to be contrary to the provisions of the Notary Position Law because of this, the power of attorney does not meet the requirements of a lawful cause.

The Business License through the OSS system which is managed by a Notary is still valid if it has been issued through the OSS system, but the author feels that it will be a problem in the future if the Business License requires the fulfillment of commitments, the business license will still be issued but if the business actor does not fulfill the commitment requirements set by the OSS system, of course, when the deadline for fulfilling the commitment has passed, the OSS system can automatically withdraw the issued license as explained in Article 14 paragraph (7) of PP No. 5 of 2021 that in the event that the business actor does not verify the Standard Certificate within 1 (one) year from the issuance of the license, the OSS Institution cancels the issued Standard Certificate. 5 of 2021 that in the event that the business actor does not verify the Standard Certificate within a period of 1 (one) year from the issuance of the license, the OSS Institution cancels the issued Standard Certificate. To be able to verify and / or fulfill commitments, of course, there are various kinds of technical documents that must be fulfilled by business actors, which of course this is not owned by a Notary, so the author feels that if this is missed or ignored, it will become a problem in the future when the time for fulfilling commitments has reached the deadline, the issued permit will automatically be withdrawn by the OSS system.

The limitation of the notary's authority in managing OSS is very clear when there is no explanation of the authority to manage licenses in both the UUIN and the PP on the Implementation of the OSS system. Because of this, the author feels that the Notary should refuse requests for licensing through the OSS system even though there is an honorarium for these services and the Notary should only educate business actors regarding the management of Business Licenses through the OSS system because the spirit of the OSS system in Indonesia is that business actors can be facilitated by an online-based licensing system that is practical but still provides legal certainty for business actors. This is also to avoid claims from business actors to Notaries if in the future business actors feel disadvantaged because the business license of the business actor, for example, is withdrawn by the OSS system because they do not verify and / or fulfill the required commitments which of course are the obligations of business actors and cannot be charged to Notaries because all types of verification and / or fulfillment of commitments require documents, data, and other supporting files that are technical in nature tailored to the business field and the proposed license which of course only business actors can provide.
Sanctions Against OSS Licensing by Notary

In terms of sanctions against Notaries who manage OSS Permits, basically sanctions if there is a violation of the implementation of business licenses through the OSS online system are administrative sanctions which are only aimed at business actors as applicants for these licenses, as for sanctions that can be received by business actors in the event of a violation of licensing through the OSS system in accordance with the provisions in Article 81 paragraph (3) of Government Regulation No. 24 of 2018 as well as in the provisions of Articles 315 to 557 of Government Regulation No. 5 of 2021, among others:

a) Warning;
b) Temporary suspension of business activities;
c) Imposition of administrative fines; and/or
d) Revocation of Business License, in accordance with the applicable laws and regulations.

The OSS Institution has the authority to temporarily suspend or even revoke business licenses, in line with what has been discussed previously related to the inability of business actors to fulfill commitments from licenses that have been previously issued through the OSS system, as for sanctions for business actors who do not fulfill their commitments are regulated in Article 40 of PP No. 28/2018 which explains that the OSS Institution can cancel business licenses that have previously been issued if business actors do not complete the fulfillment of commitments as referred to in Article 32 and Article 39 (Yulianita, 2019).

Fulfillment of commitments is a tool to regulate so that there is a balance between providing ease of doing business for business actors while also providing legal certainty in granting licenses to business actors because of this, the spirit of the OSS system is to provide convenience at the beginning so that business licenses can be issued in a short time, but it needs to be underlined that this does not become the basis for business actors not to fulfill the commitments that must be fulfilled from the business license, this is solely for the sake of creating legal certainty for the products issued by the OSS system (Sanjoyo et al., 2020).

Judging from the description related to the sanctions given based on the applicable laws and regulations, there are no sanctions given to the Notary at all, but all sanctions are given to business actors as applicants for business licenses based on the system if in its application there is a violation in the form of negligence in fulfilling the commitments of the issued business license, this can occur if the Notary who manages the business license through the OSS system does not provide information related to the fulfillment of commitments so that in the end the business actor will lose money by revoking the business license that was previously issued due to failure to fulfill commitments.

If business actors feel aggrieved by the Notary related to the implementation of the OSS Business License management, they can file a civil lawsuit, This is because the management of the OSS Business License is not the authority of the Notary as stipulated in Article 15 of the UUJN, so all matters arising between the Notary and the Notary as a business actor are civil relations based on the power of attorney given by the business actor. Because of this, the only sanction that can be given to the Notary in terms of managing the OSS Business License is a civil lawsuit from the business actor and even then it can only be done if the business actor feels disadvantaged from the notary's actions which cause the
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Business License of the business actor to be problematic in the future because there are several things that are not in accordance with the applicable licensing provisions.

CONCLUSION

From the results of the research conducted by the author, the author can conclude that related to the authority of Notary in managing Business License through the OSS system, there are no regulations that explain the authority of notaries related to licensing both regulated in the Notary Position Law and regulated in PP No.5 of 2021. The authority of a notary to provide legal counseling in connection with a deed cannot be used as an excuse for a Notary to be able to perform the function of managing OSS permits, as for the basis used by a Notary to carry out the management of a Business License through the OSS system is only in the form of a power of attorney from a business actor to a Notary. Regarding the validity of the Business License that is processed by the Notary, the Notary's action has exceeded the authority of the Notary where the realm of licensing management is the realm of state administrative law or public law, related to the power of attorney given from business actors to Notaries if it is related to Article 1320 Kuh Perdata, it can be categorized as a violation, namely contrary to existing laws and regulations, therefore the power of attorney can be declared null and void. Notaries should refuse requests for processing Business Licenses through the OSS system and focus more on education and counseling functions so that business actors can feel the ease of managing business licenses through the OSS system. Based on the laws and regulations in the Notary Position Law, there are no sanctions against Notaries in terms of licensing arrangements, but business actors can receive sanctions ranging from administrative sanctions to sanctions for revocation of previously issued business licenses if business actors fail to verify and / or fulfill commitments for Business Licenses that have been issued.

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