

**OPTIMIZING LICENSING SUPERVISION THROUGH ONLINE SINGLE
SUBMISSION TO SUPPORT SALTED FISH TRADING MSMEs****Rohmatun Uyun**Program Studi Ilmu Hukum, Fakultas Hukum, Universitas Muhammadiyah Surakarta
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Alamat e-mail nn123@ums.ac.id**ABSTRACT**

This study aims to explain the challenges in risk-based business licensing supervision for micro, small, and medium enterprises (MSMEs/UMKM) engaged in salted fish trading, as well as strategies to optimize such supervision. Employing a normative approach, the research analyzes relevant laws and regulations governing risk-based licensing for MSMEs. The findings indicate that the supervision of risk-based licensing for salted fish trader MSMEs is governed by Law No. 6 of 2023 and Government Regulation No. 5 of 2021, which streamline licensing through the Business Identification Number (NIB) via the Online Single Submission (OSS) system. However, several challenges persist, including limited understanding among business actors, insufficient human resources and technology (Articles 230 & 310 of PP No. 5/2021), and weak inter-stakeholder coordination (Articles 15 & 231 of PP No. 5/2021). Although local governments are mandated to provide assistance (Article 227 of PP No. 5/2021), the lack of outreach efforts hampers MSME compliance. Optimization strategies should involve cross-sectoral synergy, the utilization of technology, and enhanced education for business actors to ensure regulatory compliance, improve competitiveness, and foster sustainable business development.

Keywords: Online Single Submission, Salted Fish Traders, Licensing Supervision, MSMEs

INTRODUCTION

Micro, Small, and Medium Enterprises (MSMEs) are individually owned business entities that produce various products such as food, processed vegetables, and handicrafts. Each product has market value and is protected under the law. MSMEs make a significant contribution to both national and regional economies by creating employment opportunities and increasing community income. (1) An additional metric to assess the economic contribution of MSMEs in Indonesia is the Gross Domestic Product (GDP). (2)

In the digital era, online procedures are more accessible than in-person processes. However, challenges persist in licensing procedures for MSMEs through the Online Single Submission (OSS) system. These include difficulties in navigating procedural hurdles, lax enforcement of business licensing regulations for MSMEs, and a general lack of understanding regarding the legal framework of industries in Indonesia. (3) Establishing MSMEs enables communities to participate in development and economic progress. MSMEs play a crucial role across various sectors by generating employment and contributing to GDP. (4). They are vital to Indonesian society, meeting consumer needs, preserving traditional practices, and creating job opportunities (5).

MSMEs have the potential to reduce unemployment due to their labor-intensive nature and use of basic, easily understood technologies. In Indonesia, approximately 64,194,057 MSMEs—or 99.99% of all business entities—fall into this category. MSMEs contributed 65% to the national GDP, amounting to IDR 2,394.5 trillion in 2019. These statistics indicate that MSMEs represent a highly promising sector and serve as a cornerstone of Indonesia's economic growth. As a developing country, Indonesia leverages MSMEs for economic development through new regulations and policy frameworks. MSMEs are essential for driving economic activity in less developed nations and were key to shielding Indonesian entrepreneurs from the 1997–1998 economic crisis. (6)

Indonesia is one of the world's leading producers of marine-caught fish, ranking second after China, contributing 25% to global demand in the fisheries sector. This industry serves not only as a source of international food supply but also as a critical provider of nutrition and livelihoods for the Indonesian population. In 2022, the national fishery export value reached USD 6.24 billion, with key commodities including shrimp, crab, squid-octopus-cuttlefish, and tuna-skipjack-mackerel (7).

Domestic fish consumption has steadily increased in line with population growth, with fish accounting for 50% of the population's total animal protein intake. However, the sustainability of the industry faces major challenges due to overexploitation in 75% of Fisheries Management Areas (WPP), as reported by the Ministry of Marine Affairs and

Fisheries in 2017. Since 2017, marine capture growth has declined, no longer exceeding 6%, which affects food security and the welfare of predominantly small-scale fishers.

As a mitigation strategy, the government introduced the Measured Fishing Policy (Penangkapan Ikan Terukur, PIT) under Government Regulation No. 11/2023 to maintain fish populations and marine ecosystems, while also expanding Marine Protected Areas (KKP) to 28.9 million hectares by 2022, targeting 30% national water conservation by 2045. Additionally, the aquaculture sector has become a national development priority, as stated in the National Medium-Term Development Plan (RPJMN) 2020–2024, with total production reaching 16.87 million tons in 2022, most of which was seaweed (9.3 million tons). However, aquaculture productivity in Indonesia remains relatively low compared to other countries, necessitating further investment and strategic policies to enhance the global competitiveness of the national fishery sector (7).

Globalization presents challenges for MSMEs; however, through improved quality, innovation, and product standards, MSMEs can remain resilient. The government supports these efforts through simplified licensing processes and legal protection. Weak oversight of licensing for salted fish vendors stems from lax regulations, limited monitoring, and insufficient resources, which allows for the circulation of hazardous products such as chemically treated salted fish. For example, in Pasar Legi Solo, approximately 100 vendors had yet to obtain usage rights certificates (SHP) for their stalls and kiosks—a crucial requirement to ensure regulatory compliance and orderly market management (8). Issuing business licenses is a critical step in developing the MSME sector, providing essential benefits to entrepreneurs. In facing global market challenges, MSMEs require legal protections and licensing ease that facilitate access to financing, training, promotion, human resource development, and a conducive business environment. Licensing can be interpreted as the legal act that permits previously restricted activities, in accordance with administrative court rulings (9).

Furthermore, the discovery of formalin-treated salted fish in Pasar Legi, Solo, highlights weaknesses in the food safety monitoring system. Laboratory tests showed hazardous levels of formalin in salted fish samples. Although the government plans to

impose administrative sanctions and enhance surveillance, this case exposes the shortcomings in business licensing enforcement, particularly in ensuring food safety standards. The lack of stringent regulation and limited field inspections allow unsafe products to enter the market. To prevent similar incidents, stricter licensing protocols, improved monitoring, and trader education on the dangers of chemical use in food products are essential (10).

Based on the above phenomena, this study aims to explain: (1) the challenges in implementing risk-based licensing supervision for salted fish vendor MSMEs; and (2) strategies for optimizing business licensing supervision for salted fish vendor MSMEs.

METHODS/IDEAS

This study employs a normative legal research methodology. Law No. 6 of 2023 on Job Creation, Law No. 20 of 2008 on Micro, Small, and Medium Enterprises (MSMEs), and Government Regulation No. 5 of 2021 on Risk-Based Business Licensing are among the legal instruments analyzed using a Statutory Approach to examine the framework governing online-based (Online Single Submission/OSS) and risk-based licensing systems.

Additionally, a Conceptual Approach is utilized to explore the theoretical foundations of risk-based supervision and its implications for the sustainability of MSMEs. To further understand the practical implementation of OSS in licensing for MSMEs in Indonesia and the associated challenges, this study also adopts a Case Approach.

The data sources include primary legal materials, such as applicable laws and regulations; secondary legal materials, such as legal literature on OSS and licensing supervision; and tertiary legal materials, such as legal dictionaries and other supporting documents. To provide a comprehensive analysis of how effectively licensing supervision through OSS supports the growth of MSMEs—particularly salted fish vendors—the collected data is examined using descriptive and qualitative analysis techniques.

RESULTS AND DISCUSSION

1. Challenges in Risk-Based Licensing Supervision for Salted Fish Vendor MSMEs

One of the key policies in business licensing for Micro, Small, and Medium Enterprises (MSMEs) is the implementation of the Business Identification Number (Nomor Induk Berusaha/NIB) as a single license for low-risk businesses (11). This is stipulated in Article 12(1) of Government Regulation (GR) No. 5 of 2021 on the Implementation of Risk-Based Business Licensing, which states that MSMEs categorized as low risk only require an NIB as both business identity and legal authorization to operate. This provision is reinforced by Article 6 of Law No. 6 of 2023 on Job Creation, which emphasizes that the application of risk-based business licensing, simplification of basic requirements, and streamlining of sectoral licensing are part of efforts to enhance the investment ecosystem and business operation environment. Salted fish vendors, as low-risk MSMEs, only need to obtain their NIB through the Online Single Submission (OSS) system without undergoing lengthy bureaucratic procedures (12).

According to Article 1 point 21 of GR No. 5 of 2021, OSS allows business actors to apply for and obtain their NIB online without needing to visit government offices in person. Furthermore, under Article 12(2), the NIB may also serve as a declaration of compliance with Indonesian National Standards (SNI) and halal certification, further simplifying compliance procedures for small-scale businesses (12).

Despite the mechanisms established to facilitate micro and small entrepreneurs, the primary challenge lies in the low awareness and understanding among MSME actors of the importance of legal business status. As a result, many MSMEs still operate without an NIB, losing access to potential benefits such as bank credit and legal protection (13). In accordance with Article 7 of GR No. 5 of 2021, risk-based licensing is determined by assessing potential hazards and their impact on health, safety, the environment, and resource utilization. Low-risk businesses are subject only to administrative supervision, whereas medium- and high-risk businesses require on-site inspections (14).

As stipulated in Article 213 of GR No. 5 of 2021, the Central Government, Regional Governments, Special Economic Zone Administrators, and/or Free Trade Zone Authorities are responsible for supervising risk-based licensing within their jurisdictions. Although the OSS system and licensing policies are formulated by the central government through the Investment Coordinating Board (BKPM), regional governments are responsible for assisting small business actors in fulfilling their responsibilities under the risk-based system (15). Direct field supervision is delegated to regional authorities, particularly the Investment and One-Stop Integrated Services Offices (DPMPTSP) at the district or municipal level (16).

While the risk-based supervision system aims to improve the efficiency and effectiveness of business oversight, several critical challenges remain in its implementation, particularly for MSMEs such as salted fish vendors.

a. Limited Human Resources and Technology for Supervision

Although this system is designed to improve oversight efficiency, it continues to face serious challenges due to limited human resources and technological capacity. Article 230 of GR No. 5 of 2021 states that supervisory personnel must be competent in business operation standards. However, in many regions, qualified inspectors remain scarce. Article 310 of the same regulation highlights that reform in risk-based licensing must be continuous, transparent, and accountable. Yet, limitations in technology and human capital often hinder effective implementation. The principle of prudence, although mandated by the regulation, is not always effectively applied due to technical constraints in the OSS system—particularly in remote areas where technological infrastructure is inadequate. This situation underscores how a lack of understanding among MSME actors about the OSS system has prevented many from fully benefiting from simplified risk-based licensing procedures. (17).

b. Low Legal and Administrative Literacy Among MSMEs

Article 3 of Law No. 6 of 2023 asserts that every citizen should have the right to fair employment and treatment. However, the lack of legal awareness among MSMEs remains a major obstacle. Many business actors, such as salted fish vendors, perceive licensing procedures as complex and costly, when in fact the NIB offers significant benefits such as financial access and legal protection. Article 227 of GR No. 5 of 2021 emphasizes the role

of local governments in facilitating supervision through business guidance and outreach. Unfortunately, inadequate dissemination of information has led to a widespread lack of awareness about the advantages of business legalization among MSMEs (18).

c. **Lack of Synergy Between Central and Regional Governments and the Private Sector in Supervision**

Coordination between the central government, local authorities, and the private sector in risk-based supervision remains inconsistent. Article 15 of GR No. 5 of 2021 mandates regular evaluation of risk-based licensing to improve supervisory effectiveness and efficiency. However, in practice, inter-agency coordination is often suboptimal, resulting in policy inconsistencies. Article 231 of the same regulation provides for public and business actors to participate in monitoring and reporting violations. Nevertheless, ineffective reporting mechanisms and minimal private sector involvement in encouraging compliance continue to hinder the implementation of risk-based supervision. (19).

2. Strategies to Optimize Business Licensing Supervision for Salted Fish Vendor MSMEs

In an effort to enhance the effectiveness of business licensing supervision for MSMEs, particularly salted fish vendors, the implementation of digital technology through the Online Single Submission (OSS) system represents a strategic step, as regulated by Government Regulation (GR) No. 5 of 2021 on the Implementation of Risk-Based Business Licensing (20). This system allows business actors not only to register their business licenses but also enables the government to conduct real-time monitoring. The integration of digital monitoring tools within OSS can generate automated reports regarding business activities and regulatory compliance. Leveraging big data technology enables faster detection of violations or potential risks, thereby making supervision more efficient. In addition, the availability of electronic reporting features reduces the need for face-to-face interactions, minimizing opportunities for corruption or illegal levies. For salted fish vendors, this technology also supports transparency in the licensing process and facilitates access to updated information on regulatory changes.

Effective supervision requires cross-sectoral collaboration, involving not only central and regional governments but also MSME associations, the public, and independent institutions. The involvement of MSME associations helps bridge communication between the government and business actors. These associations play a crucial role in educating their members on the importance of business legality and regulatory compliance. The public, as both consumers and direct observers of commercial activities, can serve as strategic partners in reporting unlicensed or non-compliant businesses. Independent institutions with expertise in business audits may also be involved to provide objective evaluations of MSMEs' compliance with applicable standards, including those of salted fish vendors (21).

Many salted fish vendors still lack an understanding of the importance of business legality and the benefits of holding an official business license. Therefore, training and mentoring are crucial steps to improve the capacity of MSMEs. Training programs focused on the use of OSS technology, business management, and regulatory compliance can help MSME actors run their operations more professionally. These efforts align with the provisions of Law No. 6 of 2023 on Job Creation, particularly Articles 100(1)(2) and 101(1)(2), which emphasize the importance of coaching, mentoring, and ease of access to licensing for MSME actors. Ongoing support under these legal provisions allows salted fish vendors to improve product quality, expand market reach, and ensure long-term business sustainability.

Existing regulations must be continuously updated to keep pace with business dynamics and technological developments. Regulatory revisions that clarify mechanisms for risk-based supervision will provide a stronger legal foundation for the government to carry out more effective oversight. For example, Article 8 of GR No. 5 of 2021 states that supervision should be tailored to the level of risk and scale of the business. With clear regulations, the government can focus more on supervising high-risk businesses without overburdening low-risk MSMEs such as salted fish vendors. Supportive regulations should also include incentives for compliant businesses as well as firm sanctions for violators. (22).

There are significant implications for the sustainability of MSMEs. One such implication is that licensing supervision can be optimized when the products offered by salted fish vendors are guaranteed in terms of quality and safety. Consumer trust in local products increases when those products meet standards set by the government. This trust is essential for maintaining customer loyalty and expanding market share.

Furthermore, effective supervision encourages product innovation, as business actors are motivated to continually improve their production processes to meet applicable standards. This contributes to the competitiveness of local salted fish products against similar products from other regions or even imports (2).

Optimal licensing supervision also ensures that salted fish vendors comply with food safety and environmental standards. This compliance is not only important for consumer protection but also for safeguarding the environment in which these businesses operate. For instance, waste from salted fish processing must be managed in accordance with regulations to avoid polluting surrounding areas. Article 9 of GR No. 5 of 2021 emphasizes the importance of assessing health, safety, and environmental aspects in risk-based licensing supervision. In the long term, compliance with such regulations helps MSMEs build more sustainable businesses that are not solely profit-driven. This sustainability is vital to ensure business continuity amid constantly changing market conditions (22).

Optimizing licensing supervision also provides strategic benefits in enhancing the competitiveness of MSMEs, including salted fish vendors. In this era of disruption—marked by rapid changes in technology and consumer preferences—business actors with clear legal status and operations that comply with established standards enjoy a greater competitive advantage. With proper legal documentation, MSMEs can more easily establish partnerships with business partners, including distributors and e-commerce platforms. This opens new opportunities for market expansion and increased revenue. In an increasingly competitive market, this competitiveness becomes a key factor for business survival and growth (23).

CONCLUSION

The regulations governing risk-based licensing supervision for MSMEs engaged in salted fish trading are based on Law No. 6 of 2023 concerning Job Creation and Government Regulation (GR) No. 5 of 2021 on the Implementation of Risk-Based Business Licensing. The Job Creation Law aims to simplify business licensing to enhance efficiency, while GR No. 5 of 2021 stipulates that MSMEs with low risk only need to obtain a Business Identification Number (NIB) as a single license, which can be obtained through the Online Single Submission (OSS) system. However, in practice, various challenges arise, such as limited understanding among business actors about legal compliance, constraints in human resources and technology for supervision (Articles 230 and 310 of GR No. 5/2021), and a lack of synergy between central government, local governments, and the private sector (Articles 15 and 231 of GR No. 5/2021). Local governments bear the responsibility for mentoring and counseling business actors (Article 227 of GR No. 5/2021), but insufficient socialization remains a major obstacle in improving MSME compliance with risk-based licensing.

Optimizing risk-based licensing supervision for MSMEs, especially salted fish vendors, can improve efficiency and transparency in the licensing process, as well as ensure compliance with applicable regulations. The utilization of technology through the OSS system, multi-stakeholder collaboration, and education for business actors are strategic steps toward achieving effective supervision. Clear regulations, such as those stipulated in GR No. 5 of 2021 and Law No. 6 of 2023, must continue to be updated in line with business and technological developments. With optimal supervision supported by synergistic collaboration among central government, local governments, and the private sector, MSMEs can not only operate according to standards but also enhance competitiveness, expand markets, and create more sustainable and innovative enterprises.

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