



# Law No. 11 of 2020 Concerning Job Creations for the Tourism Sector Industry Regarding Tourism Licensing Services through OSS (Online Single Submission) at the Department of Capital Investment and One-Door Integrated Services in Denpasar City

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**Abstract.** The island of Bali is famous because it has thousands of artistic and cultural values with different local customs and beliefs, and of course has religious characteristics (Hinduism) as uniqueness and a form of creativity both in form and belief system. This can attract both domestic and foreign tourists to visit Bali, so that Bali becomes a mainstay tourist attraction and attraction. To support the achievement of tourism development targets, business actors who will carry out business activities in the tourism sector must first register a permit called a Tourism Business Registration Certificate (TDUP). Tourism Business Registration is a step-by-step process carried out by every Agency or Individual carrying out a Tourism Business to obtain a Tourism Business Registration Certificate. According to Article 4 of the Bali Governor's Regulation Number 28 of 2020 concerning Bali Tourism Governance and Article 1 Number 7 of Law No. 10 of 2009 concerning Tourism, which regulates the definition, a tourism business is defined as a business that provides goods and/or services to meet the needs of tourists and organize tourism. This permits services through the use of OSS (Online Single Submission).

**Keywords:** OSS (Online Single Submission), Tourist, Licensing.

## 1 Introduction

### 1.1 Background of the Study

The island of Bali is famous for having thousands of artistic and cultural values with different local customs and beliefs, and of course has religious characteristics (Hinduism) as uniqueness and a form of creativity both in form and belief system. This can attract both domestic and foreign tourists to visit Bali, so that Bali becomes a mainstay tourist attraction and attraction.

Tourism is one of the potential sectors in the development and development process of a region. Tourism has an important aspect of national development, because it can contribute to a region's income. Apart from that, the tourism sector also

plays a role in opening up employment opportunities. Business actors are needed to manage tourism businesses in an area. Therefore, tourism development cannot be carried out by one party alone, but requires collaboration between the government and local communities [12].

To support the achievement of tourism development targets, business actors who will carry out business activities in the tourism sector must first register a permit called a Tourism Business Registration Certificate (TDUP). Tourism Business Registration is a step-by-step process carried out by every Agency or Individual carrying out a Tourism Business to obtain a Tourism Business Registration Certificate [10].

Service refers to a set of actions that involve direct engagement between individuals or between individuals and physical machines, with the aim of delivering customer pleasure. Meanwhile, in the Big Indonesian Dictionary, service is described as the thing, method or result of serving work. Providing Tourism Business Registration Certificate (TDUP) services is one of the duties and functions of the Denpasar City Investment and One-Stop Integrated Services Service. It is hoped that the Denpasar City Tourism business permit can increase per capita income. However, the phenomenon that occurs in the field is that there are still many tourism businesses or activities that do not yet have a Tourism Business Registration Certificate (TDUP). This is because licensing services in the tourism sector are still characterized by service problems that are difficult to access for all levels of society [4].

Starting from lengthy licensing procedures that take a long time, uneven service, uncertain costs, and illegal levies that occur in the field. Several other problems that business actors frequently complain about are related to public services provided by the government, including services that are still not synchronized between the central and regional governments, which still makes it difficult for business actors to process permits. When the central One Stop Integrated Service has provided optimal service, in fact business actors still have to come to the regions to ask for permission which is the authority of the region and not all regions have the quality of One Stop Integrated Services [2].

According to Article 4 of Bali Governor Regulation Number 28 of 2020 concerning the Governance of Bali Tourism and Article 1 number 7 of Law No. 10 of 2009 concerning Tourism, which regulates the definition, a tourism business is defined as a business that provides goods and/or services to meet the needs of tourists and organize tourism. Tourism businesses are permitted to use OSS (Online Single Submission). Tourism businesses according to Article 14 paragraph 1 include:

1. tourism destination;
2. tourism area;
3. transportation services for tourists;
4. travel services for tourists;
5. food and beverage services;
6. lodging;
7. planning events and leisure pursuits;
8. planning conferences, exhibitions, incentive travel, and meetings;
9. services related to tourism information;
10. consulting services related to tourism;

11. tour guide services;
12. travel via water; and

Act Create Work also arranges licensing efforts according to low, medium, and high risks. To give business actors ease, speed, certainty, and transparency, licensing activities will be electronically centralized through Online Single Submission (OSS). Article 7–12 Law Number 11 of 2020 concerning Job Creation ("Job Creation Law") regulates risk-based company licensing. Further detailed regulations are provided in Government Regulation Number 5 of 2021 concerning Implementation of Risk-Based company Licensing ("PP 5/2021").

Through OSS, we can provide fast service at low cost for business permit applications in the tourism sector through the OSS system which is a solution to the problems that have been explained, such as making business permits easier and reducing the process of issuing business permits in the tourism sector which has been complicated. Every tourism business permit throughout Indonesia, especially Denpasar City, both at the central and regional levels, only goes through one door, namely through OSS (Online Single Submission). This system promises simple licensing processing, in just 30 minutes to one hour.

Through the OSS (Online Single Submission) institution, business actors in the tourism sector can apply for business licenses on behalf of ministers, heads of institutions, governors, or regents/mayors. This integrated computerized system makes this service possible. It is believed that the Online Single Submission (OSS) system's installation will improve Denpasar City's tourism company licensing services' efficiency. Facilitating the registration process for tourist industry stakeholders to establish their enterprises within the domain of tourist.

## 1.2 Problem Formulation

The problem formulation in this research is: How is the Online Single Submission (OSS) System implemented in processing tourism permits at the One Stop Investment and Integrated Services Service in Denpasar City? It is based on the backdrop of the problem that has been presented?

## 2 Results and Discussion

### 2.1 Overview of Licensing and Tourism

#### Licensing

Licensing refers to a legally sanctioned agreement and authorization that allows for deviations from established laws or government regulations under specific situations. Licensing refers to the granting of authorization by a governing body in accordance with legal statutes, enabling individuals or entities to engage in specific activities or behaviors that are often forbidden. Based on the definition presented by the experts' opinions, it can be stated that a permit is a square one government action based on statutory regulations to be determined on concrete events according to certain procedures and requirements [1].

There are several elements in licensing, as follows [3]:

a. Juridical instruments

The responsibility of governmental authority extends beyond the preservation of order and security, encompassing the pursuit of the overall well-being of society. The government's responsibility and jurisdiction to uphold order and security is a longstanding obligation that continues to be upheld in contemporary times. The government is granted authority in the realm of regulation to execute this role, resulting in the emergence of various legal instruments to address events.

b. One of the principles of a rule of law is that the government is based on statutory regulations

Put simply, all governmental actions, whether they involve regulatory functions or service functions, must be grounded in the authority conferred by the relevant laws and regulations. The act and issue of the permit decree is a legal activity undertaken by the government. In order for a legal action to be valid, it is imperative that the authority to carry out such action is conferred by statutory regulations, which are inherently founded upon the idea of legality.

c. Government organs

Government organs are administrative bodies responsible for conducting governmental activities at both the national and local levels. Based on the analysis conducted by Sjahran Uang, it is evident that different levels of government administration, ranging from the highest level (president) to the lowest level (lurah), possess the power to issue permits. Consequently, multiple state administrations, including various agencies, are authorized to grant permits based on their respective positions. At both the central and regional levels.

d. Procedure requirements

Typically, the process of obtaining a permission necessitates adherence to specific rules mandated by the governing authority responsible for granting the permit. In addition to the need to adhere to specific criteria established unilaterally by the government. The individual or entity responsible for granting the permit, the intended purpose of the permit, and the governmental or organizational body authorizing the permit. The stipulations mentioned in the permission are both constitutive and conditional in nature. Constitutive refers to its role in determining a specific act or behavior that is subsequently fulfilled. This implies that the authorization process is contingent upon a specific grant, and failure to comply may result in the imposition of penalties. The conditionality of the evaluation arises from its existence and evaluability being contingent upon the occurrence of the requisite activity or behavior.

e. Function and purpose of licensing

Permits are a juridical instrument used by the government to influence citizens to follow recommended methods to achieve a concrete goal. As a permit instrument functions as the spearhead of legal instruments as a director, engineer and designer of a just and prosperous society. This means that through permits we can know how the image of a just and prosperous society will be realized. This means that the requirements contained in the permit are controlling the functioning of the permit itself [9].

If one posits that the permit can serve as a mechanism for both control and the attainment of justice and prosperity, as stipulated in the fourth paragraph of the Pre-

amble to the 1945 Constitution, it is imperative that the organization and regulation of said permission be executed with utmost efficiency. Form and content of the permit. In accordance with its nature, it is always made in written form [6].

The goal of licensing varies depending on the specific circumstances encountered. However, it can be generally stated as follows:

- a. The urge to lead (manage) specific actions;
- b. Avoid damaging the environment;
- c. The wish to keep some things safe;
- d. Wish to discuss a few points;
- e. Guidance through the selection of individuals and tasks where management must adhere to specific standards [2].

### **Tourist**

As per the definition provided in Chapter 1 Article 1 of Law Number 10 of 2009 concerning Tourism, tourism is: "Travel activities carried out by a person or group of people by visiting certain places for the purpose of recreation, personal development, or studying the uniqueness of the tourist attractions visited within a period of time." Therefore, there are four components that make up the definition of tourism: travel activities; voluntary; brief; and the trip's primary or secondary goal of taking in tourist places and objects. Based on its various forms, tourism falls into two categories [12]:

- a. Nature tourism, which consist of:
  1. Beach tourism, also known as marine tourism, is a type of travel that is made possible by infrastructure and amenities for water sports like diving, fishing, and swimming, as well as lodging, food, and drink facilities, and other amenities.
  2. Traveling to witness a community's interesting cultural manifestations and way of life is known as ethnic tourism.
  3. Ecotourism, also known as nature reserve tourism, is travel that is frequently motivated by a love of the outdoors, the purity of the mountain air, the wonders of uncommon creatures, and plants that are rarely found elsewhere.
  4. Traveling to nations with government-approved hunting regions or woods and promoted by travel agencies or agents is known as hunting tourism.
  5. Agrotourism is a kind of travel that arranges visits to farms, plantations, and agricultural initiatives.
- b. Socio-cultural tourism, which consist of:
  1. Archaeological historical remains and monuments
  2. Museums and other cultural establishments cater to tourists interested in the natural and cultural features of a specific area.

When someone temporarily moves away from their place of residence for a purpose other than engaging in wage-generating activities, it's referred to as tourism. Therefore, it may be claimed that one or more people go on a journey in order to, among other things, amuse themselves and satiate their curiosity [7].

To support the needs of travelers, every operating tourism business needs a variety of acceptable facilities, one of which is lodging. Because the tourism industry

cannot function effectively without sufficient lodging options, and the accommodation industry cannot function ideally without tourism activities. The most significant and all-encompassing type of tourism services is what is commonly referred to as a hotel.

## **2.2 Implementation of Online Single Submission (OSS) in Obtaining Tourism Investment Permits through One Door**

Law (UU) No. 11 of 2020 on the Creation of Jobs in the Tourism Sector. In an online debate titled "Tourism Industry Outlook in the Job Creation Law," he made this point. The simplicity with which business actors in the tourism sector can obtain licenses using digital and online platforms is one of the benefits. Following the passage of the Job Creation Law, investors in the tourism industry are undoubtedly prepared to make capital investments in Indonesia due to this convenience, according to Jayadi.

Since the enactment of Law Create Work, business actors can now conveniently, quickly, confidently, and transparently submit work related to electronics through Online Single Submission (OSS) in compliance with Articles 7–12. Risk-based business licensing to accelerate the implementation of business in Indonesia, the government on September 26 2017 issued Presidential Decree Number 91 of 2017 concerning the acceleration of Business Implementation through the instrument of establishing task forces in the Ministries/Institutions, Provincial Regional Governments, and Regency/City Regional Governments in charge. Overseeing the implementation of investment/business and assisting in completing the necessary permits, allowing investors/business actors who will carry out activities in special economic zones, industrial areas, strategic areas for National Tourism and free trade and free ports to postpone certain permits, simplifying regulations and easing the business licensing bureaucracy, using shared data/documents in business licensing and unifying the application, process and issuance of business permits through an integrated electronic licensing management system (Online Single Submission) [11].

To streamline corporate operations in the nation, the Online Single Submission (OSS) system, which is based on information technology, combines central and regional licenses. Additionally, Presidential Decree Number 91 of 2017 about the Acceleration of Business Implementation mandates this OSS. The single submission policy is the implementation of the second stage of Presidential Regulation (Perpres) no. 91/2017 concerning Acceleration of Business Implementation. The Coordinating Ministry for the Economy claims that the one single submission (OSS) concept that the government is currently working on is superior to China's [5].

The criteria or measures for measuring program effectiveness use program effectiveness measures consisting of [8]:

- a. Understanding the Program. In this research, researchers want to know to what extent employees and business actors can understand the Online Single Submission (OSS) program. Through the program, all forms of plans will be more organized and easier to implement.

- b. Right on target, namely how suitable the Online Single Submission (OSS) programs designed by officials or managers are to the target group. In this indicator, researchers try to measure the extent to which an institution has succeeded in realizing the targets to be achieved.
- c. Timely: In this research, the researcher wants to know the use of time in implementing the Online Single Submission (OSS) program, whether it is in accordance with the schedule that has been designed or not. With the right timing, the program will be more effective.
- d. Achievement of Goal, in this case the researcher wants to know whether the goal of establishing the Online Single Submission (OSS) program has been achieved or not considering the Online Single Submission (OSS) program at the Department of Investment and Integrated Services
- e. Real Changes In this research, the researcher wants to know what and what the real changes were before and after the Online Single Submission (OSS) program.

Via an integrated electronic system, the OSS Institution issues business licenses to business actors on behalf of ministers, heads of institutions, governors, regents, and mayors. The Electronic Tourism Licensing Service, often known as Online Single Submission (OSS), is the name of this procedure. Fundamentals of OSS Implementation:

- 1. Standardized
  - 2. Integrated
  - 3. Supervision by certified professionals
  - 4. Fulfillment of K3L aspects
  - 5. Trust in business actors to meet standards
- OSS refers to the Principles of PP Number 24 of 2018
- 1. Permit type, permit applicant, and permit issuer
  - 2. Reorganizing K/L/P functions as the licensing implementation mechanism
  - 3. Reforming licensing
  - 4. OSS: Organizations, Finance, and Systems
  - 5. Reward or penalty for using OSS to implement licensing
  - 6. Using OSS to overcome challenges and issues with licensing
  - 7. Applying penalties

Grouping of types of business permits:

- 1. Business License
  - 2. Commercial or Operational License
- All business permits regulated in sector laws and regulations are grouped as business permits or commercial or operational permits. OSS Registration Flow:
- 1. Registration is done by accessing the OSS page and doing so
  - 2. fill in the required data
  - 3. The Institution of OSS raises Business Actors use a Business Identification Number (NIB) as their business identification in order to apply for and get business permits as well as commercial or operational permits, as well as to satisfy the requirements associated with these permits
  - 5. NIB also applies to TDP, API, and customs access matters.

6. Business actors who have obtained an NIB are at the same time registered as participants in social health security and employment social security and receive RPTKA approval in the event that the business actor will employ foreign workers and receive information regarding the fiscal facilities that will be obtained.

One Stop Integrated Service, often known by its acronym, PTSP, is a court service product that is provided through a single door and offers integrated services in a single, unified procedure from the beginning to the end.

One Stop Integrated Services aims as follows:

1. Realizing a service process that is fast, easy, transparent, measurable in accordance with established standards
2. Providing excellent, accountable service, anti-corruption, collusion and nepotism

A system consists of several interconnected parts that work together to accomplish a common objective. Where the system's primary goals, integration, reciprocal interactions, and organization are required. Consequently, it can be said that a system is made up of a number of interconnected components that work together to accomplish a particular objective in a systematic manner, support a larger system, and depend on one another to do so.

According to Government Regulation No. 10 of 2018, on behalf of ministers, heads of institutions, governors, regents, or mayors, the OSS Institution grants business licenses to business actors using an integrated electronic system. In the tourism industry, this procedure is referred to as electronically integrated business licensing, or online single submission, or OSS.

The tourism business actors who are required to use Online Single Submission are:

1. Either personally or as a business entity;
2. Small, medium, and big enterprises;
3. Individual companies or companies, both recently founded and long-standing, prior to the OSS (online Single Submission) system going live;
4. Companies with all of their capital coming from within the nation, or with a portion coming from outside;

The following are the steps involved in using Online Single Submission (OSS): (1) establishing a user ID; (2) utilizing the user ID to log in to the OSS system; (3) Complete the form to receive an NBI (Business Identification Number); (4) Complete the application process for basic, business, and/or commercial or operational permits, as well as the necessary obligations, for new firms; (5) For already-established enterprises, carry out the application process for fresh business permissions (commercial and/or business permits) that are not yet owned, renew current permits, expand operations, and update/modify corporate information. The technical instructions for filling out OSS account registration are as follows:

a. Registration

In the right corner of the OSS web page (url: <http://oss.go.id>), click then click so that the application will display a registration form. Users are expected to actually fill in the registration fields in the columns provided. After completing all the existing



columns, check the box in front of the sentence "I understand and accept the Terms and Conditions for using the OSS system" then click

b. Validation via Email

An activation request will be sent to the registered email following completion of this registration process. Activate by following the email's instructions, and the OSS system will give you an email with your username and password.

c. Log in

In the right corner of the OSS web page (<http://oss.go.id>), click so the application will display a login form. Users are expected to enter (input) username and password according to their respective access rights in the columns provided and enter the Captcha as shown on the login form.

### 3 Conclusion

Based on the results of the discussion above, it can be concluded that with the issuance of the Job Creation Law, applying for a Tourism Permit is very easy, just electronically. OSS or integrated online licensing is a website-based licensing service program aimed at assisting complaints and permits which are then carried out by the government. Through the OSS system, valid data is integrated into other government agency systems. The electronic integrated business permits issued by the OSS institution to business actors have also been clearly regulated in Government Regulation Number 24 of 2018 concerning Electronic Integrated Business Licensing Services. The existence of the Job Creation law in tourism permit applications is very effective because it has the right target, namely how suitable the Online Single Submission (OSS) programs designed by officials or managers are to the target group.

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