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Legal Certainty and Business Resilience in Indonesia's Risk Based Licensing System

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Abstract

The transformation of the Risk-Based Business Licensing system (*Perizinan Berusaha Berbasis Risiko* or PBBR) through Government Regulation Number 28 of 2025 and Regulation of the Minister of Investment and Downstream Industry/Head of the Investment Coordinating Board Number 5 of 2025 reflects the government's effort to strengthen legal certainty in the governance of business licensing in Indonesia. However, the high number of micro and small enterprises registered in the Online Single Submission Risk-Based Approach (OSS-RBA) system, the persistence of substantial business constraints, and the continuing prevalence of economic informality indicate that business legalization does not necessarily translate into business resilience. This study aims to analyze how legal certainty is constructed within the PBBR system and the extent to which such construction supports business resilience. This research employs a normative legal method, using statutory and conceptual approaches. The findings show that legal certainty in PBBR is shaped through the strengthening of norms, procedures, institutional authority, and the integration of OSS-RBA services. Nevertheless, its contribution to business resilience remains conditional, as it depends on data synchronization, consistency of implementation, and institutional capacity.

Keywords: Legal Certainty; Risk-Based Business Licensing; Online Single Submission; Business Resilience.

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1. Introduction

The transformation of Indonesia's Risk-Based Business Licensing system (Perizinan Berusaha Berbasis Risiko or PBBR) reflects a shift in administrative-law governance, moving from a uniform licensing model toward a regulatory model based on the level of business risk. This transformation has obtained a new normative basis through Government Regulation Number 28 of 2025 on the Implementation of PBBR, which replaces the previous regulation. The regulation broadens the scope of PBBR governance, covering basic requirements, Online Single Submission Risk-Based Approach (OSS-RBA) services, supervision, policy evaluation, the resolution of obstacles, and sanctions.[1]

At the operational level, this reform is further reinforced by Regulation of the Minister of Investment and Downstream Industry/Head of the Investment Coordinating Board (BKPM) Number 5 of 2025, which serves as a guideline for the implementation of PBBR and investment facilities through OSS-RBA.[2] This regulatory change indicates that business licensing is no longer positioned merely as an instrument of administrative control, but also as a mechanism for strengthening legal certainty, procedural certainty, and ease of doing business for business actors.

The urgency of this issue is reflected in OSS-RBA system data, which, as of 25 February 2026, recorded approximately 15.4 million Business Identification Numbers (*Nomor Induk Berusaha* or NIB), of which 14.9 million, or 96.9%, were issued to micro and small enterprises. These figures show that the effectiveness and legal certainty of the OSS-RBA system, in practice, primarily affect business actors that are most vulnerable to administrative obstacles and regulatory changes.[3] At the same time, data from Statistics Indonesia (*Badan Pusat Statistik* or BPS) show that approximately 78% of micro and small enterprises in Indonesia still face business constraints,

[1] "Peraturan Pemerintah Nomor 28 Tahun 2025 tentang Penyelenggaraan Perizinan Berusaha Berbasis Risiko," t.t., https://peraturan.bpk.go.id/Details/319773/pp-no-28-tahun-2025.
[2] "Peraturan Menteri Investasi dan Hilirisasi/Kepala Badan Koordinasi Penanaman Modal Nomor 5 Tahun 2025 tentang Pedoman dan Tata Cara Penyelenggaraan Perizinan Berusaha Berbasis Risiko dan Fasilitas Penanaman Modal Melalui Sistem Perizinan Berusaha Terintegrasi Secara Elektronik (Online Single Submission).," t.t., https://peraturan.bpk.go.id/Details/332573/permeninvesbkpm-no-5-tahun-2025.
[3] *Kementerian Investasi dan Hilirisasi/BKPM, "Pemerintah Sesuaikan Sistem OSS-RBA dengan PP 28 Tahun 2025, Perkuat Kepastian dan Kemudahan Berusaha," siaran pers, 26 Februari 2026.*, t.t., https://www.bkpm.go.id/id/info/siaran-pers/pemerintah-sesuaikan-sistem-OSS-RBA-dengan-pp-28-tahun-2025-perkuat-kepastian-dan-kemudahan-berusaha.

particularly competition and capital/liquidity problems, which affect around 60% of micro and small business actors.[4]

This concern is further reinforced by the World Bank's finding that informal employment in Indonesia in 2023 remained at 81.2% based on the International Labour Organization (ILO) definition. The World Bank also shows that, in 2023, only 6.3% of micro enterprises were reported to have obtained a Business Identification Number (NIB), while an additional 0.5% still relied on older forms of registration, such as a Firm, *Commanditaire Vennootschap* (CV), or Limited Liability Company (*Perseroan Terbatas* or PT).[5] These data indicate that business legalization through OSS-RBA does not automatically translate into robust business formalization. Accordingly, the issue of legal certainty in licensing cannot be understood merely as a matter of administrative procedure, but is directly connected to business continuity and resilience.

From the perspective of administrative law and business law, this condition raises an important legal issue. Legal certainty in business licensing should not be understood simply as the digitalization or simplification of services. Rather, it must ensure clarity of norms, consistency of procedures, predictability of administrative decisions, and rationality for business actors.[6,7] Given the dominance of micro and small enterprises within OSS-RBA and the high level of business informality, the legal question is not merely whether OSS-RBA simplifies licensing, but whether its construction of legal certainty is genuinely capable of supporting business resilience.

A number of previous studies have examined OSS-RBA and PBBR, yet their focus remains limited. Marbun positions OSS-RBA as a means of realizing legal certainty and legal protection for investment in Indonesia.[8] Sari and Rahayu show that risk-based OSS-RBA has the potential to enhance transparency, efficiency, and legal certainty, although its implementation still faces problems of data misalignment, institutional resistance, conflicts of authority, and unequal regional

[4] *Badan Pusat Statistik, Usaha Mikro Kecil: Potensi UMK (SE2016-Lanjutan)*. (t.t.), https://se2016.bps.go.id/umkumb/files/umkumb/00_Pusat/00_booklet_SE2016Lanjutan_01_Potensi_UMK.pdf.
[5] *World Bank, Reforms for a Formal and Prosperous Indonesia, 2026.*, t.t., https://openknowledge.worldbank.org/entities/publication/8845544e-67cb-498c-ac7a-b99b1b8ca9a3.
[6] "Peraturan Pemerintah Nomor 28 Tahun 2025 tentang Penyelenggaraan Perizinan Berusaha Berbasis Risiko."
[7] "Peraturan Menteri Investasi dan Hilirisasi/Kepala Badan Koordinasi Penanaman Modal Nomor 5 Tahun 2025 tentang Pedoman dan Tata Cara Penyelenggaraan Perizinan Berusaha Berbasis Risiko dan Fasilitas Penanaman Modal Melalui Sistem Perizinan Berusaha Terintegrasi Secara Elektronik (Online Single Submission)."
[8] Eldbert Christanto Anaya Marbun, "Mengkaji Kepastian Hukum Dan Perlindungan Hukum Terhadap Investasi Di Indonesia Melalui Lembaga Perizinan Online Single Submission (OSS-RBA)," *" Dharmasisya" Jurnal Program Magister Hukum FHUI* 2, no. 3 (2022): 16.

capacity.[9] Mirozul, Wati, and Meliala examine PBBR primarily from the perspective of investment certainty and identify continuing problems in the exercise of authority, the issuance of basic requirements, business licensing, supporting business permits, and sectoral risk classification.[10]

Meanwhile, Wijaya, Wijaya, and Maharani emphasize that discussions of business resilience in emerging markets still rarely place legal certainty as a core analytical variable.[11] Thus, the literature on OSS-RBA and legal certainty continues to develop separately from the literature on business resilience, leaving a conceptual gap between the two. To clarify the position of this study within the existing literature, the following section maps previous studies, their limitations, and the research gap addressed in this article.

Tabel 1. Previous Research Mapping and Research Gap

NO.	FOCUS	PREVIOUS RESEARCH	LIMITATION	RESEARCH GAP
1	Legal certainty in OSS-RBA	Marbun positions OSS-RBA as an instrument of legal certainty and legal protection for investment and business activities.[12]	The focus remains on investment protection and ease of licensing, rather than business resilience.	There has been no study that places legal certainty in OSS-RBA as a factor influencing business resilience.
2	Implementation of risk-based OSS-RBA	Sari and Rahayu argue that risk-based OSS-RBA enhances transparency, efficiency, and legal certainty, although it continues to face challenges related to data synchronization, institutional resistance, conflicts of authority, and regional capacity.[13]	The focus remains on administrative obstacles and legal certainty for investors.	There is still limited analysis linking the implementation of OSS-RBA to business resilience, particularly for micro and small enterprises.

[9] Chika Fatika Sari dan Sang Ayu Putu Rahayu, "Analisis Penerapan OSS-RBA Berbasis Risiko dalam Mewujudkan Kepastian Hukum bagi Investor di Indonesia," *Jurnal Ilmiah Nusantara* 2, no. 3 (2025): 577–91.
[10] Aldy Mirozul, Diani Sadia Wati, dan Aurora Jelinia Meliala, "Risk-Based Business Licensing According Perspective of Investment Certainty in Indonesia," *Journal of Progressive Law and Legal Studies* 3, no. 02 (2025): 254–68.
[11] Ony Thoyib Hadi Wijaya, Kirana Salsabilla Citra Wijaya, dan Lely Maharani, "Business Resilience amid Global Crises: Between Adaptation, Innovation, and Legal Certainty," *MUARA EKONOMI: Jurnal Ilmiah Ilmu Ekonomi, Manajemen & Bisnis* 2, no. 1 (2026): 12–27.
[12] Marbun, "Mengkaji Kepastian Hukum Dan Perlindungan Hukum Terhadap Investasi Di Indonesia Melalui Lembaga Perizinan Online Single Submission (OSS-RBA)."
[13] Sari dan Rahayu, "Analisis Penerapan OSS-RBA Berbasis Risiko dalam Mewujudkan Kepastian Hukum bagi Investor di Indonesia."

NO.	FOCUS	PREVIOUS RESEARCH	LIMITATION	RESEARCH GAP
3	Investment certainty in risk-based licensing	Mirozul, Wati, and Meliala discuss PBBR from the perspective of investment certainty.[14]	PBBR is positioned as an investment instrument, rather than as a legal framework for business resilience.	There has been no analytical shift from investment certainty to business resilience.
4	Business resilience dan legal certainty	Wijaya, Wijaya, and Maharani emphasize that discussions of business resilience in emerging markets still rarely place legal certainty as a core variable.[15]	The study has not connected legal certainty with Indonesia's PBBR or OSS-RBA regime.	There remains no conceptual bridge between the literature on business resilience and the literature on OSS-RBA/risk-based licensing.
5	Recent regulatory developments	OSS-RBA has changed following the enactment of Government Regulation Number 28 of 2025 and Regulation of the Minister of Investment/BKPM Number 5 of 2025.[16,17]	Most previous studies still rely on the regulatory framework in place before 2025.	A temporal-regulatory gap remains in understanding the relationship between legal certainty and business resilience under the most recent regulatory framework.

Table 1 shows that previous studies on OSS-RBA and PBBR in Indonesia have generally focused on investment certainty, legal protection, and administrative implementation challenges. Meanwhile, the literature on business resilience has begun to emphasize the importance of legal certainty, but has not specifically connected it with Indonesia's PBBR framework. Most prior studies also remain grounded in the regulatory configuration that existed before the enactment of Government Regulation Number 28 of 2025 and the 2025 operational regulation. Accordingly, the

[14] Mirozul, Wati, dan Meliala, "Risk-Based Business Licensing According Perspective of Investment Certainty in Indonesia."
[15] Wijaya, Wijaya, dan Maharani, "Business Resilience amid Global Crises: Between Adaptation, Innovation, and Legal Certainty."
[16] "Peraturan Pemerintah Nomor 28 Tahun 2025 tentang Penyelenggaraan Perizinan Berusaha Berbasis Risiko."
[17] "Peraturan Menteri Investasi dan Hilirisasi/Kepala Badan Koordinasi Penanaman Modal Nomor 5 Tahun 2025 tentang Pedoman dan Tata Cara Penyelenggaraan Perizinan Berusaha Berbasis Risiko dan Fasilitas Penanaman Modal Melalui Sistem Perizinan Berusaha Terintegrasi Secara Elektronik (Online Single Submission)."

research gap addressed in this study lies in the absence of a specific analysis that positions legal certainty in the PBBR system as an administrative-law framework with implications for business resilience under the latest regulatory regime.

Based on the research gap identified above, the novelty of this study lies in its effort to reposition legal certainty in the PBBR system not merely as a matter of investment facilitation and procedural certainty, but as a normative condition that affects business resilience. This study does not only examine whether OSS-RBA provides legal certainty, but also assesses the extent to which the construction of such legal certainty is capable of supporting business actors in obtaining legality, planning business activities, managing risks, and maintaining business continuity.

The contribution of this study is threefold. First, it expands the administrative-law reading of business licensing from a mere issue of procedural compliance to an issue of business resilience. Second, it bridges the literature on OSS-RBA/risk-based licensing and the literature on business resilience, which have so far developed separately. Third, it offers a more up-to-date analysis because it is situated within the regulatory changes following the enactment of Government Regulation Number 28 of 2025 and Regulation of the Minister of Investment/BKPM Number 5 of 2025.

Based on the discussion above, this study formulates two main research questions: how is legal certainty constructed within Indonesia's PBBR system after the enactment of Government Regulation Number 28 of 2025 and Regulation of the Minister of Investment and Downstream Industry/Head of BKPM Number 5 of 2025; and to what extent can this construction support business resilience, rather than merely functioning as an instrument of administrative simplification and investment facilitation.

2. Problem Formulation & Research Method

Based on the research questions, this study examines two main issues: the construction of legal certainty within the PBBR system and its implications for business resilience. This study is a normative legal research, namely research that places law as a set of norms, principles, and rules operating within the positive legal system.[18] In normative legal research, the analysis focuses on legal materials, including statutory regulations and legal doctrines, in order to develop legal

[18] Peter Mahmud Marzuki, "Penelitian Hukum Normatif," *Jakarta: Kencana Prenada Media Group*, 2010.

arguments relevant to the issue under examination.[19,20] Accordingly, this study does not rely on field data collection, but on the systematic identification and analysis of legal materials.

The approaches used in this study are the statute approach and the conceptual approach.[21] The statute approach is employed to examine the normative structure of PBBR implementation as regulated under Government Regulation Number 28 of 2025 and Regulation of the Minister of Investment and Downstream Industry/Head of BKPM Number 5 of 2025.[22,23] Meanwhile, the conceptual approach is used to analyze the concepts of legal certainty, PBBR, and business resilience as an analytical framework for understanding the relationship between business legality and the continuity of business activities.[24, 25]

The legal materials used in this study consist of primary, secondary, and tertiary legal materials.[26] The primary legal materials include the statutory regulations that constitute the object of analysis, particularly Government Regulation Number 28 of 2025 and Regulation of the Minister of Investment and Downstream Industry/Head of BKPM Number 5 of 2025. The secondary legal materials include books on legal research methodology, journal articles, and other scholarly works discussing legal certainty, OSS-RBA, PBBR, and business resilience.[27, 28] The tertiary legal materials include legal dictionaries, encyclopedias, and other supporting sources that help clarify the terms and conceptual constructions used in this study.[29]

The legal materials were collected through library research by tracing regulatory documents, books, journal articles, and other scholarly sources relevant to the research issue. The collected legal materials were then analyzed qualitatively and prescriptively by inventorying, classifying, interpreting, and connecting them in order to construct an argument on how legal certainty is formed within the PBBR regime and how this construction has implications for business

[19] Marzuki.
[20] Soerjono Soekanto, *Soerjono Soekanto dan Sri Mamudji, Penelitian Hukum Normatif Suatu Tinjauan Singkat*, 1985.
[21] Marzuki, "Penelitian Hukum Normatif."
[22] "Peraturan Pemerintah Nomor 28 Tahun 2025 tentang Penyelenggaraan Perizinan Berusaha Berbasis Risiko."
[23] "Peraturan Menteri Investasi dan Hilirisasi/Kepala Badan Koordinasi Penanaman Modal Nomor 5 Tahun 2025 tentang Pedoman dan Tata Cara Penyelenggaraan Perizinan Berusaha Berbasis Risiko dan Fasilitas Penanaman Modal Melalui Sistem Perizinan Berusaha Terintegrasi Secara Elektronik (Online Single Submission)."
[24] Marzuki, "Penelitian Hukum Normatif."
[25] Soekanto, *Soerjono Soekanto dan Sri Mamudji, Penelitian Hukum Normatif Suatu Tinjauan Singkat*.
[26] Soekanto.
[27] Marzuki, "Penelitian Hukum Normatif."
[28] Soekanto, *Soerjono Soekanto dan Sri Mamudji, Penelitian Hukum Normatif Suatu Tinjauan Singkat*.
[29] Soekanto.

resilience.[30] Through this method, the study not only describes the applicable legal norms, but also evaluates the adequacy of the legal design in supporting business actors' ability to obtain legality, plan business activities, manage risks, and maintain business continuity.[31, 32]

3. Analysis and Discussion

3.1. The Construction of Legal Certainty in the PBBR System

Legal certainty in the PBBR system following the enactment of Government Regulation Number 28 of 2025 is first constructed through the affirmation of a far more comprehensive regulatory scope. Government Regulation Number 28 of 2025 formally covers basic requirements, business licensing, business licensing to support business activities, norms, standards, procedures, and criteria, OSS-RBA system services, supervision, policy evaluation and reform, the resolution of problems and obstacles, and sanctions.[33]

At the operational level, this construction is strengthened by Regulation of the Minister of Investment and Downstream Industry/Head of BKPM Number 5 of 2025, which serves as a guideline for the implementation of risk-based OSS-RBA and, at the same time, revokes three BKPM regulations issued in 2021 that previously governed similar matters.[34] From a normative perspective, the combination of these two regulations shows that legal certainty is no longer understood merely as the existence of a formal legal basis, but also as certainty of regulatory scope, procedural certainty, and institutional certainty in the administration of business licensing.

This legal construction is consistent with the study by Praise, Rompis, and Nurzaman, which explains that risk-based licensing constitutes a form of licensing reform in Indonesia that shifts the orientation of licensing from a permit-based model to a risk-based model. However, the study also emphasizes that the success of licensing reform is not determined solely by changes in normative concepts, but also by the readiness of the Online Single Submission Risk-Based Approach system (OSS-RBA), the preparedness of human resources, and the quality of public services.[35]

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[30] Marzuki, "Penelitian Hukum Normatif."
[31] Marzuki.
[32] Soekanto, *Soerjono Soekanto dan Sri Mamudji, Penelitian Hukum Normatif Suatu Tinjauan Singkat*.
[33] "Peraturan Pemerintah Nomor 28 Tahun 2025 tentang Penyelenggaraan Perizinan Berusaha Berbasis Risiko."
[34] "Peraturan Menteri Investasi dan Hilirisasi/Kepala Badan Koordinasi Penanaman Modal Nomor 5 Tahun 2025 tentang Pedoman dan Tata Cara Penyelenggaraan Perizinan Berusaha Berbasis Risiko dan Fasilitas Penanaman Modal Melalui Sistem Perizinan Berusaha Terintegrasi Secara Elektronik (Online Single Submission)."
[35] Hillary Abigail Praise, Adrian E. Rompis, dan R. Adi Nurzaman, "Risk-based licensing as licensing reform in indonesia based on government regulation number 5 the year 2021," *Jurnal Poros Hukum Padjadjaran* 3, no. 2 (2022): 209–27.

Accordingly, legal certainty in PBBR must be understood as the result of the relationship between legal norms, digital systems, and implementation capacity.

This is also in line with earlier literature on OSS-RBA. Christiawan emphasizes that the main obstacle to ease of doing business in Indonesia lies in licensing, and that OSS-RBA can genuinely promote ease of doing business only if it is able to integrate licensing administration and perform inter-agency data-sharing functions so that the process becomes simple, accessible, and fast.[36] Pujiono, Sulistianingsih, and Sugiarto explicitly place OSS-RBA within the framework of bureaucratic reform in business licensing, showing that OSS-RBA has from the outset been understood not merely as a service application, but as an instrument for improving administrative governance in licensing.[37] Wiranti further argues that the OSS-RBA system in risk-based licensing plays a role in simplifying procedures, reducing administrative burdens, and strengthening transparency, accountability, fairness, and legal certainty in the administration of licensing.[38]

With regard to the latest regulatory framework, Yuliana argues that Government Regulation Number 28 of 2025 introduces important reforms to the OSS-RBA and PBBR system, particularly in strengthening normative consistency, simplifying processes, and enhancing investment attractiveness.[39] Leonardi and Tundjung also show that OSS-RBA can strengthen efficiency and legal certainty in the governance of business licensing, although its implementation continues to face challenges related to digital infrastructure, regulatory synchronization, institutional preparedness, and the absence of a robust internal dispute-resolution mechanism.[40] Therefore, legal certainty in PBBR should be assessed not only in terms of regulatory completeness, but also in terms of the system's capacity to provide services that are stable, accessible, and predictable for business actors.

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[36] Rio Christiawan, "Perizinan berbasis online single submission untuk mewujudkan kemudahan berusaha," *Masalah-Masalah Hukum* 50, no. 1 (2021): 60–69.
[37] Pujiono Pujiono, Dewi Sulistianingsih, dan Laga Sugiarto, "Reformasi Birokrasi Perizinan Berusaha Melalui Online Single Submission (OSS-RBA)," *Arena Hukum* 15, no. 3 (2022): 652–74.
[38] Wiranti Wiranti, "Juridical Analysis: Online Single Submission (OSS-RBA) System for Dynamic Risk-Based Business Licensing," *Jurisprudentie: Jurusan Ilmu Hukum Fakultas Syariah dan Hukum* 10, no. 1 (2023): 12–17.
[39] Y. Yuliana, "Reformasi Sistem OSS-RBA dan Perizinan Berusaha Peraturan Pemerintah (PP) Nomor 28 Tahun 2025 tentang Penyelenggaraan Perizinan Berusaha Berbasis Risiko untuk Meningkatkan Invetasi Asing di Indonesia," *Media Hukum Indonesia (MHI)* 3, no. 4 (2025).
[40] Leonardi Leonardi dan Tundjung Tundjung, "Reconstruction of Business Licensing Governance Through Online Single Submission (OSS-RBA) from the Perspective of Efficiency and Legal Certainty: Rekonstruksi Tata Kelola Perizinan Usaha Melalui Online Single Submission (OSS-RBA) Menurut Perspektif Efisiensi dan Kepastian Hukum," *Indonesian Journal of Law and Economics Review* 20, no. 4 (2025): 10–21070.

In relation to legal certainty, Marbun states that through OSS-RBA, legal certainty for investment and business activities is pursued through certainty of requirements, certainty of timeframes, certainty of costs, and certainty of licensing procedures.[41] Doctrinally, this means that the construction of legal certainty in OSS-RBA has from the beginning rested on four core elements: clarity of requirements, clarity of timeframes, clarity of costs, and clarity of procedures. Mayasari also confirms that OSS-RBA provides easier access and greater efficiency for business actors in obtaining business licenses, although legal certainty may still be disrupted by data inconsistencies among institutions, rapid regulatory changes, and business actors' limited understanding of the OSS-RBA system.[42]

However, this normative construction is not identical to the realization of substantive legal certainty in practice. Sari and Rahayu demonstrate that risk-based OSS-RBA does have the potential to improve transparency, efficiency, and legal certainty, but its implementation still faces data misalignment, institutional resistance, conflicts of authority, and disparities in regional capacity.[43] Similarly, Mirozul, Wati, and Meliala locate the problem of investment certainty in PBBR in the implementation of authority, basic requirements, business licensing, supporting business permits, and sectoral risk classification.[44]

Thus, legal certainty in the 2025 PBBR framework has been normatively strengthened through the expansion of regulatory scope, the affirmation of operational guidelines, and the integration of licensing services through OSS-RBA. Nevertheless, the effectiveness of such legal certainty still depends on consistency of implementation, data integration, regulatory stability, business actors' understanding, digital infrastructure readiness, and institutional capacity. Accordingly, legal certainty in the PBBR system cannot be measured merely by the existence of regulations and an electronic system, but also by the system's ability to provide procedures that are clear, comprehensible, consistent, and genuinely accessible to business actors.

3.2. Implications of the Construction of Legal Certainty for Business Resilience

[41] Marbun, "Mengkaji Kepastian Hukum Dan Perlindungan Hukum Terhadap Investasi Di Indonesia Melalui Lembaga Perizinan Online Single Submission (OSS-RBA)."
[42] Dita Nur Mayasari, "Kepastian Hukum Bagi Pelaku Bisnis Dalam Memperoleh Izin Berusaha Melalui Lembaga Perizinan Online Single Submission (OSS-RBA)," *Media Hukum Indonesia (MHI)* 3, no. 3 (2025).
[43] Sari dan Rahayu, "Analisis Penerapan OSS-RBA Berbasis Risiko dalam Mewujudkan Kepastian Hukum bagi Investor di Indonesia."
[44] Mirozul, Wati, dan Meliala, "Risk-Based Business Licensing According Perspective of Investment Certainty in Indonesia."

The implications of this construction of legal certainty for business resilience become particularly important when viewed in light of the structure of business actors served by OSS-RBA. As of 25 February 2026, the government stated that the OSS-RBA system had issued approximately 15.4 million Business Identification Numbers (*Nomor Induk Berusaha* or NIB), of which around 14.9 million were issued to micro and small enterprises, representing approximately 96.9% of the total NIB.[45] These figures show that the quality of legal certainty within PBBR, in practice, primarily affects the group of businesses most vulnerable to administrative barriers and regulatory uncertainty.

By design, OSS-RBA is intended to reduce barriers to business legalization. The World Bank notes that Indonesia's OSS-RBA has consolidated more than 70 types of licenses and registrations into a single risk-based digital platform and enables the registration process for low-risk MSMEs to be completed within a relatively short time and at no cost.[46] This finding suggests that OSS-RBA has the potential to reduce procedural uncertainty and the initial costs of business legalization. In this regard, legal certainty is not only concerned with the existence of a license, but also with the ability of business actors to understand, access, and complete licensing procedures with greater predictability.

Nevertheless, the factual condition of the business sector shows that legality is not a stand-alone issue. Statistics Indonesia (*Badan Pusat Statistik* or BPS) shows that approximately 78% of micro and small enterprises in Indonesia still face obstacles in running their businesses. BPS also records that competition and capital/liquidity problems are the main constraints, each experienced by around 60% of micro and small business actors.[47]

At the same time, the World Bank reports that Indonesia's informal employment rate in 2023 reached 81.2% based on the ILO definition. The same World Bank report also shows that, in 2023, only 6.3% of micro enterprises had obtained a Business Identification Number (NIB), while an additional 0.5% still relied on older forms of registration, such as a Firm, *Commanditaire Vennootschap* (CV), or Limited Liability Company (*Perseroan Terbatas* or PT).[48] This indicates

[45] *Kementerian Investasi dan Hilirisasi/BKPM, "Pemerintah Sesuaikan Sistem OSS-RBA dengan PP 28 Tahun 2025, Perkuat Kepastian dan Kemudahan Berusaha," siaran pers, 26 Februari 2026.*
[46] *World Bank, Reforms for a Formal and Prosperous Indonesia, 2026.*
[47] *Badan Pusat Statistik, Usaha Mikro Kecil: Potensi UMK (SE2016-Lanjutan).*
[48] *World Bank, Reforms for a Formal and Prosperous Indonesia, 2026.*

that, although the OSS-RBA architecture has been designed to simplify business legalization, the level of economic formalization in practice remains far from optimal.

With regard to micro and small enterprises, Duri, Hidayat, and Sinaga show that OSS-RBA assists business actors in applying for licenses, particularly low-risk micro and small enterprises, since licenses can be issued automatically through a self-declaration mechanism. However, their study also finds that non-micro and small enterprises, as well as business actors operating at medium or high risk levels, may still experience delays in the processing of standard certificates and licenses, due both to business actors' limited understanding and to verification processes conducted by the relevant institutions.[49] This finding confirms that the benefits of OSS-RBA for business resilience are not evenly distributed, but are influenced by risk category, the capacity of business actors, and the readiness of verifying institutions.

This point is reinforced by El Fajri and Woro Astuti, who argue that OSS-RBA is able to support the development of micro, small, and medium enterprises (MSMEs) because it facilitates the processing of business licenses, reduces licensing costs, and promotes services that are more transparent, accountable, and sustainable. However, they also identify obstacles such as unstable internet networks and limited human resources in OSS-RBA complaint services.[50] This means that the effectiveness of OSS-RBA in supporting business resilience is determined not only by regulatory design, but also by the readiness of digital infrastructure, assistance mechanisms, and institutional capacity.

At this point, the relationship between legal certainty and business resilience becomes relevant. As Wijaya, Wijaya, and Maharani argue, in emerging markets, discussions of business resilience still rarely place legal certainty as a core analytical variable. Law should not be understood merely as an instrument of control, but also as an instrument of certainty, justice, and social utility that supports the sustainability of economic activity.[51] On this basis, legal certainty in PBBR may be understood as a factor that supports business resilience in at least three ways: by

[49] R. Duri, BA Hidayat, dan RD Sinaga, "Effectiveness of the Online Single Submission Risk-Based Approach (OSS-RBA-RBA): Innovation in licensing for micro and small businesses in urban areas," *Jurnal Manajemen Pemerintahan* 6, no. 2 (2024): 145–60.
[50] Muhammad Reza El Fajri dan Sri Juni Woro Astuti, "Efektivitas Sistem Perizinan Online OSS-RBA Rba (Online Single Submission Risk Based Approach) Terhadap Pengembangan Umkm Di Kabupaten Gresik," *JISP (Jurnal Inovasi Sektor Publik)* 4, no. 1 (2024): 60–71.
[51] Wijaya, Wijaya, dan Maharani, "Business Resilience amid Global Crises: Between Adaptation, Innovation, and Legal Certainty."

reducing procedural uncertainty, strengthening the stability of business expectations, and providing a legal basis for business actors to plan economic action more rationally.

However, its support for business resilience remains conditional. When implementation barriers such as data synchronization problems, conflicts of authority, and disparities in regional capacity remain dominant, the legal certainty promised by legal norms does not necessarily become legal certainty that is actually experienced by business actors.[52, 53] In such circumstances, the PBBR system risks remaining merely an instrument of administrative simplification and investment facilitation, without fully developing into a legal framework that supports business resilience.

The analysis in this study shows that legal certainty within the PBBR system can, in principle, support business resilience, but only when clarity of norms is followed by procedural consistency, data integration, certainty of authority, readiness of digital infrastructure, business actors' understanding, and adequate implementation capacity. Therefore, the relationship between legal certainty and business resilience in PBBR cannot be understood as automatic. Rather, it must be assessed by examining the extent to which the OSS-RBA system is able to provide business legality that is accessible, predictable, and genuinely helpful for business actors in enduring conditions of uncertainty.

4. Conclusion

First, legal certainty in Indonesia's PBBR system following the enactment of Government Regulation Number 28 of 2025 and Regulation of the Minister of Investment and Downstream Industry/Head of BKPM Number 5 of 2025 is constructed through the strengthening of regulatory scope, the affirmation of procedures, and the integration of licensing services through the OSS-RBA system. This construction shows that legal certainty is built not only through the existence of a formal legal basis, but also through certainty of requirements, certainty of procedures, certainty of authority, and certainty of administrative services. Nevertheless, such legal certainty cannot yet be understood as fully settled, as its effectiveness remains highly dependent on

[52] Sari dan Rahayu, "Analisis Penerapan OSS-RBA Berbasis Risiko dalam Mewujudkan Kepastian Hukum bagi Investor di Indonesia."
[53] Mirozul, Wati, dan Meliala, "Risk-Based Business Licensing According Perspective of Investment Certainty in Indonesia."

consistency of implementation, data synchronization, institutional coordination, and the capacity of administrative officials at the implementation level.

Second, the construction of legal certainty within the PBBR system can, in principle, support business resilience. Clearer business legality, more integrated procedures, and simpler OSS-RBA services can help business actors plan economic activities, reduce administrative uncertainty, and strengthen the stability of business expectations. However, this support remains conditional. If implementation barriers such as data misalignment, conflicts of authority, and disparities in regional capacity persist, the PBBR system risks functioning merely as an instrument of administrative simplification and investment facilitation, without fully becoming an administrative-law framework that supports business resilience in a sustainable manner.

5. Recommendations

The government needs to ensure that PBBR does not stop at the refinement of legal norms and the digitalization of services, but is followed by stronger implementation at the institutional level. Inter-agency data synchronization, a clear division of authority between central and regional governments, and the strengthening of administrative capacity should become priorities so that the legal certainty established under Government Regulation Number 28 of 2025 and Regulation of the Minister of Investment and Downstream Industry/Head of BKPM Number 5 of 2025 can be meaningfully experienced by business actors.

The OSS-RBA system should be developed not only as a mechanism for issuing business legality, but also as an instrument for supporting business resilience. The government needs to strengthen assistance functions, regulatory information services, and mechanisms for resolving obstacles faced by business actors, particularly micro and small enterprises. In this sense, PBBR should not function merely as an instrument of administrative simplification and investment facilitation, but also as an administrative-law framework that helps business actors obtain certainty, manage risks, and maintain the continuity of their businesses.

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