

Tinjauan ketentuan Perizinan Usaha Berbasis Risiko Terhadap UMKM Berbentuk Perseroan Perorangan = Regulatory Review of Risk Based Terms to Micro, Small, Medium Enterprises in the form of Indonesian Single Member Limited Liability Company

Attania Tuzzari, author

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Abstrak

Undang-Undang Cipta Kerja (UU CK) merupakan bentuk upaya Indonesia dalam melakukan reformasi struktural dan mempercepat transformasi ekonomi. Perseroan Perorangan merupakan produk yang dibuat oleh diterbitkannya UU CK dan merupakan bentuk realisasi dari kluster Persyaratan Investasi, Kemudahan Berusaha, dan Pemberdayaan dan Perlindungan UMKM. Perseroan Perorangan merupakan bentuk Perseroan yang memenuhi kriteria untuk usaha mikro dan kecil yang didirikan oleh satu orang. UU CK mengubah tata cara Sistem Perizinan Berusaha dari Perizinan Berusaha Berbasis Perizinan menjadi Sistem Perizinan Berusaha Berbasis Risiko/Risk Based. Sistem Perizinan Berusaha Berbasis Risiko/Risk Based diberlakukan bagi seluruh Pelaku Usaha termasuk UMKM berbentuk Perseroan Perorangan. Skripsi berisikan penelitian atas pelaksanaan Perizinan Berusaha Risk Based terhadap Pelaku UMKM yang berbentuk Perseroan Perorangan dengan sampel penerapan Peraturan Sektor Kementerian Pekerjaan Umum dan Perumahan, Kesehatan, Lingkungan Hidup dan Kehutanan, dan Perhubungan terhadap Perseroan Perorangan. Pengaturan terkait Tingkatan Risiko pada Kegiatan Usaha Risk Based tidak memberikan akibat bagi Perseroan Perorangan dikarenakan klasifikasi yang harus dipenuhi Perseroan Perorangan untuk melakukan kegiatan usaha didasari oleh Skala Usaha Mikro dan Kecil bukan Tingkatan Risiko sehingga merujuk pada peraturan sektoral masing-masing kementerian terdapat jenis perizinan yang berbeda-beda sehingga tidak ditemukan kaitan antara tingkatan risiko dengan jenis perizinan.

..... Omnibus Law on Job Creation is a form of Indonesia's efforts to carry out structural reforms and accelerate economic transformation. Single Member Limited Liability Company is a product created by the issuance of the Omnibus Law and is a form of realization of the Investment Requirements, Ease of Doing Business, and Micro Single Medium Enterprises (MSME) Empowerment and Protection clusters. Single Member Limited Liability Company (SMLLC) is a form of company that meets the criteria for micro and small businesses founded by one person. The Omnibus Law changes the procedures for the Business Licensing System from a Permit-Based Business Licensing to a Risk-Based Business Licensing System. The Risk-Based Business Licensing System is applied to all Businesses, including MSMEs in the form of SMLLC. This thesis contains research on the implementation of Risk-Based Business Licensing against SMLCC with a sample of the application of the Sectoral Regulations of the Ministry of Public Works and Housing, Ministry of Health, Ministry of Environment and Forestry, and Ministry of Transportation to SMLLC. Regulations related to Risk Levels in Risk Based Business Activities do not have any consequences for SMLLC because the classification that must be fulfilled SMLLC to carry out business activities is based on Business Scale and not Risk Levels so that referring to the sectoral regulations of each ministry there are different types of permits so that there is no correlation between the level of risk and the type of permit.