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Legal Certainty of the Electronically Integrated Business Licensing System: A Comparative Regulatory Analysis between Indonesia and Malaysia

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ABSTRACT

The electronic licensing transformation through the OSS system in Indonesia faces administrative dysfunction caused by the collision of institutional sectoralism and regional autonomy. This contradicts the governance efficiency of the MalaysiaBiz ecosystem in Malaysia, which operates more adaptively. This research aims to compare the electronic licensing regulatory framework in both countries and formulate a digital administrative governance reconstruction strategy in Indonesia. Employing a normative legal method with statute, comparative, historical, and conceptual approaches, this study examines primary legal materials comprising Law Number 6 of 2023 and the Companies Commission of Malaysia Act 2001. The research results indicate that Indonesia's licensing architecture rests upon a rigid rule-based approach with ex-ante supervision. Conversely, Malaysia's efficiency is based on a precise separation between centralized entity registration and local licensing authorities, supported by a strict ex-post compliance audit system. Addressing this gap, this research recommends the implementation of a hybrid regulatory approach for Indonesia's licensing governance. In the upstream phase, reduce authority fragmentation and regional autonomy impediments by applying the deemed approval instrument. In the downstream phase, this policy must be counterbalanced by the establishment of a cross-authority sanction ecosystem between the OSS management and the Ministry of Law to execute the striking off the register sanction for spatial planning violating corporations. This hybrid approach, contingent on equalizing digital infrastructure, is expected to uphold the supremacy of the legal certainty principle while enhancing Indonesia's investment competitiveness in the ASEAN economic integration era.

Keywords: Business Licensing; Deemed Approval; Legal Certainty; Online Single Submission; Striking Off.

INTRODUCTION

Modern democratic states position administrative law as a vital instrument to ensure regulatory order between the government and society, particularly within the economic sector. In legal philosophy discourse, [Radbruch \(1950\)](#) formulated that the positive legal order is supported by three fundamental elements: justice, utility, and legal certainty. Legal certainty constitutes an absolute prerequisite ensuring written norms are consistently enforced by state authorities without generating procedural ambiguities. Relevant to this doctrine, [Julyano and Sulistyawan \(2019\)](#) constructed that legal positivism reasoning necessitates precisely formulated regulations to prevent multi-interpretation in public policy execution. This concept serves as the primary foundation for measuring the extent to which a state provides legal guarantees for citizens and foreign business entities investing within its domestic jurisdiction.

These legal guarantees correlate directly with the attractiveness of a state's investment climate amidst global economic competition ([Yenny & Simbolon, 2024](#)). Indonesia is currently experiencing a significant acceleration in investment growth as a result of economic and bureaucratic reform. Based on official investment authority data, national investment realization throughout 2024 reached IDR 1,714.2 trillion. This figure absolutely exceeds the government's strategic target of IDR 1,239.3 trillion ([BKPM, 2025](#); [Rachman, 2025](#)). This quantitative achievement is dominated by Foreign Direct Investment (FDI) at IDR 900.2 trillion and Domestic Direct Investment

(DDI) expansion at IDR 814 trillion. This expansion targets the manufacturing, transportation, and telecommunications sectors, generating a positive impact by absorbing 2,456,130 skilled workers. This investment acceleration demands robust administrative infrastructure readiness to ensure business enthusiasm does not encounter bureaucratic impediments at the technical operational level.

Although macroeconomic indicators present a positive trend, practical reality demonstrates a discrepancy between legal ideals and operational facts in licensing governance. The transformation of public services towards digitalization inherently aims to reduce conventional bureaucratic flows to provide rights protection for investors (Sembiring, 2020). Nevertheless, technology adoption in Indonesia continues to generate complex legal dynamics. Inter-agency data asynchrony, regional spatial planning jurisdictional disputes, and the vulnerability of self-declaration facility abuse by low-risk business actors constitute unresolved secondary implications (Wulandari et al., 2023). This immature integration and minimal digital literacy render the electronic licensing process incapable of fully actualizing the principle of legal certainty.

The dynamics of state administration digitalization are not exclusively experienced by Indonesia, but also constitute a transformation focus in various other developing countries within the Southeast Asian region. Malaysia represents a jurisdiction that progressively reformed its licensing ecosystem to become more centralized, simplified, and fully digitally integrated. Throughout 2024, Malaysia recorded large-scale investment approvals valued at RM 378.5 billion, equivalent to USD 85.8 billion. This value represents a 14.9% increase compared to the previous year (Deo, 2024; Azhar, 2025). The successful penetration of foreign capital in the country is dominated by the entry of global technology companies in the commercial services sector, accounting for 66.8%. This achievement is supported by the operationalization of the MalaysiaBiz system, a national e-government portal instrument managed by the Malaysian Administrative Modernization and Management Planning Unit (MAMPU), which consolidates various bureaucratic stages. Within the state architectural framework, this ecosystem's efficiency is supported by the capability to strictly separate the corporate entity registration authority under the Companies Commission of Malaysia (CCM) from the operational licensing authority of the Local Authority. The data interoperability between authorities facilitated by this digital portal proves effective in eliminating administrative redundancies while providing license completion time predictability for investors.

The structural divergence in digital licensing architecture between Indonesia and Malaysia generates a conspicuous administrative performance disparity within the international community. In the regional competition landscape, regulatory efficiency and procedural ease frequently serve as determining variables for

transnational business entities prior to resource allocation (Putri et al., 2018; Lie, 2022). This disparity is concretely reflected in the global ease of doing business index, where the efficiency level of Malaysia's bureaucratic system successfully secured the 12th rank. Conversely, Indonesia's position is ranked 73rd (World Bank Group, 2020). This condition provides an academic indication that the interoperable administrative governance model and legal compliance mechanisms implemented by the licensing system in Malaysia possess operational superiority. This foreign jurisdiction's governance model merits examination as a comparative instrument to resolve structural weaknesses within Indonesia's domestic administrative system.

Efforts to respond to this administrative efficiency disparity have actually been initiated by the Indonesian government through the initial implementation of the Online Single Submission (OSS) system. This policy is based on Government Regulation Number 24 of 2018. During the initial implementation phase of this Regulation, the centralization of administrative authority resulted in various overlapping regulations. This initial regulatory disharmony triggered confusion among regional apparatuses as system executors (Arrum, 2019; Jaweng et al., 2019). To eliminate this governance dysfunction, the government subsequently executed a massive legislative overhaul. This overhaul was primarily executed through Law Number 11 of 2020, as repealed by Law Number 6 of 2023 on Enactment of Government Regulation in Lieu of Law Number 2 of 2022 on Job Creation into Law. Various sectoral regulatory instruments were consolidated through the omnibus law method to shift the licensing paradigm towards a Risk-Based Approach scheme (Junaedi et al., 2025). Helmi (2021) underlined that this licensing law overhaul fundamentally altered the authority distribution between the central and regional governments, which was previously decentralized. Nevertheless, the transition in authority hierarchy continues to create structural disharmony constraints. This administrative constraint subsequently causes digital legal instruments in Indonesia to frequently experience dysfunction when confronted with sectoral regulations and regional autonomy authorities.

Studies regarding the legal reform of electronic licensing governance have been extensively conducted by previous researchers. However, the majority of studies remain focused on partial technical implementation reviews within a single administrative region. Syarif (2020) highlighted the independence constraints of regional OSS users. These findings are linearly supported by Walangitan et al. (2022) regarding public service infrastructure weaknesses, and the evaluative study by Huzni and Susanto (2021) concerning investment licensing procedural barriers. Furthermore, a separate study by Putri (2021) focused on the urgency of local licensing agency transparency. Meanwhile, Siska et al. (2024) examined the economic scale enhancement through management literacy without holistically correlating it with the centralized licensing regulatory architecture. Distinct from previous research, this study offers academic

novelty that transcends descriptive comparative review boundaries. This novelty is manifested through the conceptual proposition of a hybrid regulatory approach, synergizing upstream approval automation instruments with the strictness of cross-authority entity dissolution sanctions at the downstream phase. This research symmetrically positions the comparison between the OSS system in Indonesia and the MalaysiaBiz ecosystem to analyze the formal legal certainty structure, projected as a strategic foundation to stimulate investment competitiveness in the ASEAN economic integration era.

Based on the gap analysis and problem urgency elaborated above, this research possesses two interconnected primary achievement directions. The first achievement focuses on critically comparing the regulatory frameworks and normative foundations for implementing the electronically integrated business licensing system in Indonesia and Malaysia to realize the principle of legal certainty. Through this comparative examination, the second achievement aims to develop a legal reconstruction strategy for digital licensing governance in Indonesia by drawing on normative lessons from the Malaysian legal system to ensure optimal institutional harmonization and regulatory efficiency. The research is expected to provide strategic recommendations for legislators to resolve jurisdictional disputes between central and regional authorities, and to enrich state administrative law doctrine theoretically in the digital government governance transformation era.

METHOD

This research employs a normative legal research method (Disemadi, 2022). The assessment focus is directed towards tracing the synchronization of statutory regulations, the application of the legal certainty principle, and the evaluation of the regulatory framework regarding the implementation of business licensing in Indonesia and Malaysia. The selection of the normative legal method is based on the ontological necessity to answer the research objectives' formulation precisely. This analysis strictly excludes sociological data testing variables or direct field measurements of public policy implementation effectiveness. The scope of analysis is limited to examining authoritative documents to identify the discrepancy between written norm formulations and the administrative law construction applicable in both jurisdictions.

The legal analysis in this research is constructed through four interconnected primary approaches (Qamar & Rezah, 2020). The first approach is the statute approach, utilized to examine the hierarchy and coherence of positive legal instruments governing investment administration. This approach is operationalized to dogmatize the electronic system's position to trigger the deemed approval instrument through the principle of *lex superior derogat legi inferiori* against regional autonomy instruments. Furthermore, this approach is utilized to resolve sectoral licensing norm collisions

through the principle of *lex specialis derogat legi generali* to examine cross-authority administrative sanction competences. The second approach is the comparative approach, which serves as the primary instrument to compare the regulatory framework and institutional hierarchy between the OSS system in Indonesia and the MalaysiaBiz governance ecosystem in Malaysia. The third approach is the historical approach, functioning to trace the fundamental source of regulatory inflation. This tracing is manifested through the application of a chronological approach (*tempus*) in critiquing the legal framework transition from Government Regulation Number 24 of 2018 to the issuance of Government Regulation Number 28 of 2025. The fourth approach is the conceptual approach, applied to operationalize the basic theories of state administrative law, specifically regarding the legal certainty doctrine and digital governance justice, as the testing standard against the examined legal norms.

Legal argumentation testing in this research relies on data source stratification resting upon primary legal materials as the highest authoritative reference. For the Indonesian jurisdiction, the assessment is based on the 1945 Constitution, Law Number 6 of 2023, and Government Regulation Number 28 of 2025. As an equally positioned comparative object, the primary instrument of the Malaysian Federation's legal system is the Companies Commission of Malaysia Act 2001, which serves as the institutional foundation for entity registration and is a fundamental prerequisite for the operation of a nationwide compliance-based licensing system.

To strengthen the argumentation from primary legal materials, this research explores strictly curated secondary legal materials to provide theoretical explanations for existing norms. These secondary legal materials consist of authoritative textbooks, highly reputable journal articles, and recent academic publications. This literature directly relates to issues in electronic licensing, corporate law, and public administration. Furthermore, tertiary legal materials in the form of legal dictionaries, encyclopedias, and constitutional law glossaries are also presented to provide definitive explanations for technical juridical terms encountered during the statutory examination process.

The entirety of these legal materials is collected through literature research techniques by inventorying official state gazette documents and tracing literature through digital academic journal databases. All collected data is subsequently processed utilizing descriptive qualitative analysis techniques (Tan, 2021). Through this method, the series of legal materials is reduced, systematized, and comparatively mapped to construct a structured prescriptive argumentation formulation. This method construction and systematic stages will subsequently be utilized as the absolute analytical foundation in unraveling the regulatory comparison of both countries and formulating legal governance strategies in the results and discussion phase.

RESULTS AND DISCUSSION

A. Comparison of the Regulatory Framework and Legal Certainty Principle of the Electronically Integrated Business Licensing System: Indonesia and Malaysia

Business licensing regulation in Indonesia is fundamentally based on the constitutional mandate of Article 33 of the 1945 Constitution. This provision positions the state as the primary controller in regulating economic governance for the people's prosperity, which practically demands bureaucratic procedural certainty. Radbruch (1950) asserted that legal certainty constitutes an absolute element ensuring written positive law can be consistently enforced by state authorities, regardless of the dynamics of justice or utility principle debates in individual cases. Correspondingly, Julyano and Sulistyawan (2019) constructed that legal positivism reasoning necessitates precise regulatory instruments to prevent multi-interpretation in administrative execution. This theoretical understanding is juridically manifested through Article 1 point 1 of Law Number 6 of 2023, which mandates the government's obligation to provide ease, certainty, and legal protection for business actors.

The transformation of Indonesia's licensing architecture is marked by a fundamental overhaul from a conventional sectoral approach towards a risk-based licensing concept. This advanced licensing legal concept is rigidly codified through Articles 7 to 12 of Law Number 6 of 2023. These articles classify the scale of business activities based on low, medium, and high-risk level weightings. Lie (2022) critically elaborated that the risk-based regulatory model functions to rationalize bureaucratic intervention. This construction is established so that state institutions can focus supervision on industrial sectors possessing significant hazard probabilities to the environment and the public. This procedural classification arrangement aims to restore the previously overlapping investment ecosystem and to limit the excessive asset ownership rights of foreign nationals within the domestic jurisdiction (Alwan & Ratna, 2025).

The operationalization of this risk-based licensing is bound through a technical legal framework, namely Government Regulation Number 28 of 2025. Article 4 section (5) *juncto* Article 188 section (4) mandates the integration obligation of service systems that must connect with all state ministries and agencies. This authority centralization is further reaffirmed in Article 1 point 21 and point 22 *juncto* Article 138 section (1), which confers absolute responsibility upon the central government for the OSS system implementation. Within its bureaucratic design, the OSS bears a dual burden by consolidating business entity registration and operational license issuance into a single chain of command. To

eliminate administrative document redundancy, Article 206 *juncto* Article 207 obligates the utilization of centralized single data, while Article 137 stipulates the principle of licensing procedure uniformity through Norms, Standards, Procedures, and Criteria hierarchically at the national level. Although this legal architectural design aims to reduce bureaucratic procedures, the existence of Article 549 concerning technical approval transition provisions for past licenses frequently triggers potential governance uncertainty for relevant regional agencies.

As a comparative entity within the Southeast Asian economic constellation, the Federation of Malaysia possesses licensing legal governance characteristics initially built upon the Common Law tradition. This commonwealth legal tradition historically emphasizes adherence to court jurisprudence and self-reporting mechanisms by business actors (Aronson, 2019). Nevertheless, in responding to the complexities of modern corporate law, the Malaysian government mitigates this macro legal system dichotomy by enacting highly rigid written statutory codifications. This prescriptive instrument is tangibly evident in the franchise business registration and licensing contract regime, where San and Peng (2016) and Wong (2021) discovered objective facts that business actors are bound by highly strict administrative statutory compliance clauses. The fundamental divergence between Malaysia and Indonesia actually no longer lies in the macro legal system tradition dichotomy, but rather in its administrative law enforcement philosophy: Indonesia heavily emphasizes preliminary requirement supervision (*ex-ante* verification), whereas Malaysia implements a legal compliance regime accompanied by the consequence of absolute civil rights revocation at the end (*ex-post* audit sanction).

Architecturally, licensing efficiency in Malaysia is achieved by strictly separating the corporate entity registration authority and commercial operational license issuance. Corporate establishment registration is absolutely centralized at the CCM, established as a body corporate with perpetual succession pursuant to Section 3 of the Companies Commission of Malaysia Act 2001. The CCM's operational framework is mandated through Section 17, detailing corporate administrative efficiency regulatory delegation. Meanwhile, business operational license issuance is not executed by the CCM, but decentralized to the Local Authority. Despite the separated authorities, material law enforcement and proactive audit supervision by the CCM institutional ecosystem successfully create a highly stable corporate regulatory compliance level (Hassan et al., 2010). Although the executive apparatus workload at this central recording agency continues to increase, an efficient hierarchical governance structure maintains measurable public service responsiveness (Abdullah et al., 2024).

To resolve the authority separation between the CCM (central) and the Local Authority (state-level local), digital-based licensing implementation in Malaysia is unified through the MalaysiaBiz single portal interface integration. This portal is not a specific product owned by the CCM, but a national e-government instrument under MAMPU's management. The CCM's involvement within this portal is justified through the complementary power attribution in Section 18(2)(g) of the Companies Commission of Malaysia Act 2001, enabling the Commission to share its corporate database for integration with the cross-ministerial portal. This macro electronic infrastructure is supported by institutional collaboration with the Malaysia Digital Economy Corporation, an accompanying agency mandated with jurisdiction to accelerate the national technology investment blueprint. This technical framework's success is validated by Lee (2023), confirming that Malaysia's digital economy transformation successfully expanded rapidly due to strategic policy instrument alignment. This policy formally validates the algorithm-based automated verification function, where data from the CCM is precisely transmitted to regional authorities without altering the existing autonomous legal hierarchy.

The legal framework position in both countries correlates with objective data findings on the realization posture of foreign and domestic investment inflows. In the final quarter of 2024, Indonesia successfully recorded capital realization of IDR 1,714.2 trillion, directly contributing to employment access creation for over two million workers (BKPM, 2025; Rachman, 2025). In another territorial region, the Malaysian government also recorded an exponential increase in investment approvals valued at RM 378.5 billion, dominated by multinational company registrations in the commercial technology service sector (Deo, 2024; Azhar, 2025). Although the aggregate nominal investment value in the Indonesian territory appears more massive due to territorial size and demographic population factors, the efficiency level and operational speed of its bureaucratic services are not necessarily directly proportional to this aggregate investment figure. In the current ASEAN economic integration era, investment enhancement competition is no longer merely a bilateral rivalry between nations, but a strategic competition to dominate supply chain centrality within the ASEAN Economic Community.

This governance performance disparity can be concretely measured through the global bureaucratic efficiency calculation index. Malaysia is positioned at the 12th global rank in the Ease of Doing Business index, convincingly surpassing Indonesia's governance position at the 73rd rank (World Bank Group, 2020). Utilizing the 2020 edition ranking reference remains highly relevant as the most valid historical comparative representation in testing bureaucratic efficiency. This data serves as a measurement parameter of circumstances precisely prior to the enactment of sequential licensing reforms through the omnibus law method in

Indonesia. This warrants affirmation as an academic disclaimer, considering the index issuing authority is currently transitioning methodologically towards the global Business Ready metric, rendering the 2020 data a fundamental benchmark for evaluating the electronic licensing reform foundation.

This investment ease ranking gap originates from the high complexity of foreign corporate jurisdiction recognition and the burden of legalizing business traffic within the state's territorial domain. [Sachs \(2023\)](#) postulated that the state's absolute power over determining business entity jurisdiction demands rational bureaucratic limitations, ensuring government intervention does not degrade transnational corporate civil rights freedoms. In this context, Indonesia has actually attempted to adopt licensing ease through the self-declaration system inherent in the OSS-RBA regime. However, corporate legal status validation and operational licenses within the Indonesian bureaucratic system frequently experience systemic dysfunction due to the failure of post-declaration supervisory integration among sectoral agencies. A contrasting approach is observable in the Malaysian ecosystem, which successfully balances automated approval compliance-based licensing with the application of administrative sanctions acting as an *ultimum remedium*. The system's success in Malaysia is profoundly influenced by the absolute threat of corporate legal status revocation should the entity subsequently be proven to manipulate its compliance declaration.

The success of the absolute compliance-based approach in Malaysia is heavily determined by the governance internalization capability and discipline of respective business entities. The tightening of corporate ownership structures, the mandatory professionalism of company secretary positions, and the board of directors' effectiveness parameters serve as preventive protection instruments in detecting and preventing legal maladministration prior to the state authority imposing penalties ([Umrani & Johl, 2016](#); [Halim et al., 2023](#); [Khalidi et al., 2025](#)). The absence of rigorously mandated corporate internal control structures for small and medium enterprises in Indonesia compels the government to maintain multi-layered preventive control mechanisms (*ex-ante*) at the initial phase. This enforcement of prerequisite controls at the preliminary stage subsequently prolongs the duration of operational approval issuance for business actors.

To present a comprehensive analytical visualization regarding the legal construction differences between the OSS system and the MalaysiaBiz platform, a comparative matrix is provided in Table 1 below.

Table 1. Regulatory Comparison of the Licensing Systems in Indonesia and Malaysia

Comparison Aspect	Indonesia (OSS-RBA System)	Malaysia (MalaysiaBiz Ecosystem)
Related Legal Basis	Law Number 6 of 2023 and Government Regulation Number 28 of 2025.	Companies Commission of Malaysia Act 2001 and Local Government Act 1976 of Malaysia.
Implementing Agency	Ministry of Investment (Consolidating registration and licensing).	Separated: CCM (Entity Registration) and Local Authority (Operational License).
Administrative Character	Prescriptive Regulation (<i>Ex-ante Verification</i>).	Compliance-Based Regulation (<i>Ex-post Audit Sanction</i>).
Licensing Mechanism	Risk-based licensing (Licensing is classified based on hazard level).	Compliance-based licensing (Automated approval based on corporate compliance).
Integration Scheme	Forcibly linking regional-owned subsystems into a vertical central single portal.	National server system interoperability with local autonomous jurisdictions without reducing regional authority.
State Priority	Prioritizing formal legal certainty and strict spatial planning control at the initial phase.	Prioritizing service speed efficiency by placing the accountability burden on business entities.
Operational Impediments	Technical ministry approval fragmentation, overlapping transitional regulations, and regional autonomy jurisdiction disharmony.	Local halal licensing specific integration deficit and micro-business actor digital literacy disparity.

Source: Processed from Primary Legal Materials, 2026.

The analytical interpretation of Table 1 reaffirms an extreme dichotomy in the administrative architecture of both nations. Indonesia tends to position the OSS as a rule-based control tool assimilating all approvals into a centralized system to minimize the maneuverability of apparatus manipulation in the field. Conversely, government administration in Malaysia prioritizes a framework-based model, in which the CCM's independence in managing corporate data is a primary foundation that does not derogate the Local Authority's spatial planning competence at the state level. Public service value creation through e-government adoption absolutely necessitates a precise equilibrium between institutional discretionary authority and computerized infrastructure resilience, ensuring the digital process does not merely duplicate conventional regulatory complexities into virtual documents (Husin et al., 2024; Othman & Hussin, 2024).

Although the central integration design through MalaysiaBiz appears highly concise, the specific legal application process in several essential sectors at the Malaysian regional level continues to face persistent administrative disputes. Disharmony challenges occur in the small-scale food manufacturing cluster confronting the demand to secure multi-tiered halal feasibility certification from local health agencies and religious authorities (Siaw & Rani, 2012). This

objective condition confirms the normative argumentation that the efficiency of a centralized electronic system does not automatically nullify the business actors' procedural obligations in fulfilling material requirements issued by other cross-sectoral technical authorities.

The complexity of this cross-territorial licensing jurisdiction increasingly discovers its urgency when confronted with the escalation of electronic platform trade volumes in border regions and federalism authority jurisdictional disputes. Within Malaysian territory, although the national portal endeavors to conduct standardization, the authority to determine business location points and operational hours resides purely within the scope of provisions in the Local Government Act 1976 of Malaysia, which grants full prerogative rights to the local municipal council. As an implication, commercial standardization facilitated by MalaysiaBiz must frequently adapt specifically to the applicability of zoning regulations and regulations in each state (Ramli, 2017). On the other hand, the regulatory vacuum regarding the supervision of cross-border courier service providers frequently necessitates the presence of bilateral legal diplomacy intervention to guarantee the export-import certainty stability of regional entrepreneurs (Silparensi & Salam, 2023; Yuza et al., 2024; Andriani et al., 2025). This empirical fact explicitly proves that regardless of how well an integrated licensing system is constructed, its execution will inevitably intersect with the administrative autonomy dynamics of regional agencies.

Beyond the collision of regional authority jurisdictions, crucial constraints in the absorption of digital licensing systems (both OSS and MalaysiaBiz) originate from software operational literacy deficits and internet infrastructure coverage equalization stagnation (Putri et al., 2018; Shuib et al., 2019; Mohamad et al., 2022; Alias et al., 2023). Strengthening electronic legal literacy at the entrepreneurial level can only be realized through sustainable technical assistance and financial education programs, not merely by enforcing virtual interface adoption (Senik et al., 2022; Siska et al., 2024). This fact formulates a logical connection that the instrument in Indonesia harbors absolute superiority in the national statutory codification hierarchy (Supriadi et al., 2025), whereas Malaysia exhibits the dominance of e-government architecture interoperability flexibility and corporate dissolution sanction strictness. To neutralize supervisory failures and resolve conflicting regional regulation conflicts, the electronic licensing architecture in Indonesia absolutely requires a new legal reconstruction design framework. This new design must absorb the philosophy of post-license sanction strictness and data interoperability akin to the legal system ecosystem in Malaysia, which will be prescriptively formulated in the subsequent sub-chapter.

B. Legal Reconstruction Strategy of Digital Licensing Governance in Indonesia Based on Normative Lessons from the Malaysian Legal System

Referring to the previous comparative findings, the superiority of the OSS architecture in Indonesia, resting upon a strict regulatory hierarchy, is actually inversely proportional to the public service effectiveness reality at the regional level (Nurfauziah et al., 2025). This operational failure was inherently projected through a fundamental study by the autonomy monitoring committee, noting that the absence of governance standards constituted a crucial point causing licensing anomalies during the initial digital implementation phase (Jaweng et al., 2019). This generated an administrative anomaly where digitalization, initially aimed at eliminating bureaucratic procedures, conversely prolonged license completion waiting periods due to the unpreparedness of local legal superstructures in interpreting central norms. The significant disparity between the legal ideals in national regulations and the objective implementation findings experienced by business actors proves that single technology adoption will not generate legal certainty without being accompanied by a total bureaucratic management overhaul (Arrum, 2019).

The fundamental factor causing digital implementation instability in Indonesia originates from the regulatory inflation phenomenon, triggering overly rapid statutory instrument replacements. Within a relatively brief period, the electronic licensing legal framework in Indonesia experienced three extreme transition phases, commencing from Government Regulation Number 24 of 2018, conceptually amended through Government Regulation Number 5 of 2021, up to the latest through Government Regulation Number 28 of 2025. Yuliana (2025) analyzed that these sequential regulatory overhauls are indeed intended to accommodate the risk-based model. Nevertheless, these overhauls simultaneously degrade the legal understanding stability among implementing apparatuses. The excessively dynamic dynamics of article amendments create procedural confusion, thereby subsequently decreasing the trust level of foreign investors who heavily rely on long-term regulatory instrument predictability (Rizki, 2025). This series of historical reviews validates the formulation that derivative regulation simplification is an absolute prerequisite that the government must prioritize to restore bureaucratic governance certainty.

The direct impact of this regulatory inflation implies functional dysfunction in the data synchronization mechanism (interoperability) between central technical ministry servers and the digital infrastructure owned by regional autonomous agencies (Tania et al., 2021; Walangitan et al., 2022; Suyani & Laelatullaena, 2024). This technical integration failure is sociologically exacerbated by local apparatus

literacy unpreparedness and fundamental public incomprehension regarding virtual interface procedures, which subsequently triggers total licensing service stagnation at the local level (Syarif, 2020; Akni et al., 2022; Lestari et al., 2024; Rokhman et al., 2024). The accumulation of this technological infrastructure deficit and legal literacy deficit ultimately degrades the principle of equality before the law, as it creates extremely sharp license completion speed discrimination between business actors in urban areas and developing regional jurisdictions (Kansil et al., 2024; Nur et al., 2024; Wardani et al., 2024). This series of empirical track records solidifies the postulate that a licensing architecture purely relying on a rule-based approach will experience systemic failure if unsupported by digital infrastructure equality.

Beyond infrastructure issues, electronic licensing in Indonesia is impeded by inter-agency authority fragmentation problems in issuing supplementary technical approvals. Although the Business Identification Number can be issued concisely, this legality cannot be utilized for commercial operations before business actors obtain advanced licenses regarding environmental management or spatial planning certification from relevant agencies. This authority disintegration creates dual licensing procedures concealed behind formally efficient-appearing digital portal interfaces (Huzni & Susanto, 2021). The absence of document suspension reason transparency on the system screen further reinforces indications that this process is procedural digitalization merely altering the medium without touching the actual substance of bureaucratic transparency (Putri, 2021).

To resolve this sectoral hierarchy disharmony and reduce bureaucratic stages without derogating the constitutional rights of regional autonomy, this research formulates the innovation of applying the deemed approval instrument. Regardless of the regional autonomous authority regarding spatial planning, the presence of Law Number 6 of 2023 acts as a new legal regime specifically subjugating regional instruments through the principle of *lex superior derogat legi inferiori*, while concurrently resolving inter-ministerial conflicts through the principle of *lex specialis derogat legi generali*. Helmi (2021) postulated that cross-agency coordination efficiency can only be achieved if the center absolutely stipulates the Norms, Standards, Procedures, and Criteria. Through this doctrine, the OSS system mandates the Service Level Agreement. Should sectoral or regional agencies fail to verify operational license documents in accordance with the stipulated deadline, the OSS algorithm will issue the licensing legality automatically (deemed approval) based on positive legal fiction. The application of this deemed approval will legitimately eliminate license delays without generating autonomy jurisdiction deprivation disputes (Jumadil et al., 2023; Antary & Wardani, 2025; Faustina & Rusli, 2025).

Furthermore, licensing governance reconstruction must seal the potential legal uncertainty left by the leniency of the Law Number 6 of 2023 regime, primarily regarding the legality of validation instruments for workers from outside the customs area. Hanifah (2021) warned that the ease of business license issuance for multinational corporations through electronic channels must not be utilized as a legal smuggling mechanism to relax the administrative filter for foreign workers in Indonesia. This rectification demands that the digital portal be designed and integrated with the immigration database to prevent the abuse of low-risk business licenses as instruments for the illegal mastery of regional strategic assets, such as forestry areas and peatland management by foreign consortia (Dharmajaya et al., 2023; Nuriyatman et al., 2025).

From the administrative justice architectural innovation perspective, strengthening post-license supervision (*ex-post* audit) cannot be separated from system automation adoption. In this regard, the utilization of machine learning technology acting as a decision support system is required. This algorithm is not intended to impose sanctions independently, but is tasked with autonomously cross-selecting the corporate compliance track record in detecting environmental declaration anomalies. From a legal dogmatic perspective, the implementation of this artificial intelligence algorithm obtains absolute validity through the Law on Electronic Information and Transactions, conferring legitimacy upon virtual track records as the basis for administrative sanction stipulation by authorized officials (Agung, 2021). Nevertheless, the government is required to implement precautionary parameters, because without capable privacy data security, database interconnection risks opening intrusion loopholes for server hacking (Prasetyo et al., 2022; Nurhayati et al., 2025). The protection of the validity of entrepreneurs' electronic documents must be positioned parallel to the ease of doing business objective (Nadiya & Putri, 2025).

Based on these formulations, the primary strategic recommendation offered in this research reconstruction is the implementation of a hybrid regulatory approach. Through this approach, electronic licensing in Indonesia will retain the rule-based model for medium and high industries with mandatory pre-license physical verification (*ex-ante*) to ensure public safety. Conversely, for micro and small business sectors with low-risk levels, Indonesia continues to maximize the trust-based verification model where the Business Identification Number is issued simultaneously through self-declaration (Sembiring, 2020). However, acknowledging the public's legal sociology of compliance which remains low (Wulandari et al., 2023), the weakness of this automated approval regime must absolutely be accompanied by definitive post-license audit sanction enforcement (*ex-post* audit sanction) instruments downstream, akin to the strictness of the legal ecosystem in Malaysia.

Absorbing normative lessons from the CCM's strictness yet adapted to Indonesia's constitutional architecture, this research proposes the application of a Cross-Authority Sanction Ecosystem. If the system algorithm and regional verifiers discover facts that a corporation manipulates its self-declaration (e.g., violating operational spatial planning), the sanction must not stop at the location license revocation. The Application Programming Interface (API) integration between the Ministry of Investment's OSS portal and the Ministry of Law's General Legal Administration system must be automated. The business license revocation in the OSS due to statement submission falsification must immediately trigger the freezing and fundamental dissolution of the corporate legal entity status (striking off the register) at the Ministry of Law. The integration of this administrative license revocation sanction with the dissolution of the limited liability company's civil status will create a deterrent effect serving as an *ultimum remedium*, while simultaneously restoring national investment space integrity from the threat of shell company proliferation. Through this hybrid regulatory approach combining the deemed approval instrument upstream and the strictness of striking off sanctions downstream, Indonesia's electronic licensing architecture will achieve a complete, adaptive, and resilient level of legal certainty in the global economic competition era.

CONCLUSIONS AND SUGGESTIONS

Based on the comparison of electronically integrated business licensing governance, the legal instruments in Indonesia and Malaysia exhibit an administrative approach dichotomy culminating in distinct levels of legal certainty. The OSS architecture in Indonesia is inherently designed with the superiority of a robust national regulatory hierarchy. Nevertheless, the rigid nature of the rule-based approach emphasizing *ex-ante* verification triggers dysfunction when confronted with institutional sectoralism and regional autonomy realities. Conversely, the efficiency achieved by the Malaysian ecosystem is based on a compliance-based approach supported by precise authority separation. Malaysia successfully distributes legal entity registration centrally to the CCM and operational licensing to the Local Authority, which are subsequently unified interoperably through the MalaysiaBiz portal under MAMPU's management. Procedural flexibility in Malaysia prioritizing self-declaration of compliance proves capable of eliminating cross-sectoral bureaucratic procedures because it is accompanied by an *ex-post* audit sanction enforcement instrument acting as an *ultimum remedium* for violating business entities.

The synthesis of these gaps concludes that the Government of Indonesia must absolutely execute a comprehensive legal reconstruction strategy through the implementation of a hybrid regulatory approach. Institutionally, the upstream

overhaul requires the enactment of the deemed approval instrument through the OSS system. This policy is justified by the application of the *lex superior derogat legi inferiori* principle, binding regional authorities to a strict Service Level Agreement to sever the spatial planning verification delay cycle, and is supported by the *lex specialis derogat legi generali* principle to absolutely resolve cross-ministerial institutional ego collisions. From a legislative perspective, this upstream automation must be accompanied by systemic derivative regulation simplification to restore legal instrument predictability, ensuring administrative norms from the central government no longer experience interpretation distortion by implementing apparatuses in the regions.

Furthermore, the shift towards trust-based automation in the upstream phase will be meaningless without being counterbalanced by supervisory strictness in the downstream phase. Therefore, this research concludes the urgency of establishing a Cross-Authority Sanction Ecosystem as an *ex-post* audit mechanism adopting the strictness of Malaysia's corporate governance law enforcement. The OSS system must be designed to possess real-time database interoperability with the General Legal Administration system of the Ministry of Law. Data manipulation and spatial planning violations within the digital licensing system must not merely result in location license revocation, but must trigger fundamental sanctions in the form of dissolution and striking off the register of the corporate legal entity's civil status. The combination of deemed approval and the threat of striking off will transform state administrative law into a social engineering instrument that automatically guarantees the sterility of the investment climate from the threat of shell companies.

As a policy implication and follow-up recommendation, the refinement of this regulatory framework absolutely necessitates technical carrying capacity equality. The stipulation of digital infrastructure strengthening, the expansion of regional server coverage, and the equalization of electronic legal literacy for micro-business actors must be positioned as the state's highest budgetary priority. Any licensing ecosystem, regardless of its sophistication, can become discriminatory if it is forced to operate in jurisdictions with limited technological infrastructure. The fulfillment of basic facilities and cross-ministerial system integration constitutes a mandatory foundation prior to the government adopting artificial intelligence technology as a decision support system in post-license audits. Through this bureaucratic governance overhaul, infrastructure rationalization, and administrative sanction paradigm reform, Indonesia's licensing architecture is believed to be capable of restoring the supremacy of the legal certainty principle, while simultaneously enhancing investment competitiveness aggressively in the ASEAN economic integration era.

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