The Urgency of Personal Data Protection for UMKM Actors as Users of OSS-RBA

**ABSTRACT** : *Technology development in the financial world is rapidly advancing into the era of hybrid work. Most economic activities rely on technology to solve their problems. One concrete example is the OSS-RBA program for UMKM actors. OSS-RBA (Online Single Submission Risk Based Approach) is a form of technological advancement in risk-based business licensing supervision, differentiated by the scale of business activities. One of the functions of OSS-RBA is to store personal data with the expectation of keeping user data confidential and secure. The users of OSS-RBA are UMKM actors who engage in productive economic activities that meet the Micro, Small, and Medium Enterprises criteria. The existence of UMKM cannot be eliminated or avoided from society because it provides benefits such as absorbing a large-scale workforce, which can reduce unemployment rates and create production creativity, thereby increasing people's purchasing power. Therefore, the development of UMKM is very strategic in driving the national economy. In connection with this, protecting personal data becomes an essential aspect of being implemented in society, especially for UMKM actors as users of OSS-RBA. Personal data protection for OSS-RBA users, namely UMKM actors, becomes urgent to be applied. The trust of UMKM actors in the OSS-RBA program will be relatively high if their data protection is guaranteed. Thus, by standardizing the protection of personal data related to the use of OSS-RBA for UMKM actors, the success of their business will have a broad impact on the Indonesian economy.*

**KEYWORDS**: UMKM, OSS-RBA, Personal Data Protection

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**I. INTRODUCTION**

The economic development of a country cannot be separated from the role of capital investment in its growth and economic recovery. Investment is placing funds in one or more types of assets for a certain period to obtain income and/or investment value in the future. Investment or capital investment has a positive influence on the production capacity of a business, which is related to the implementation of potential business activities in the development of the country's economy.[[1]](#footnote-1)

As part of efforts to advance the country's economy, the Government, through Government Regulation Number 5 of 2021 on Risk-Based Business Licensing (in the future referred to as PP PPUBR), aims to achieve effectiveness and efficiency in accelerating business activities so that with the existence of these regulations, it is expected that the community, namely business actors, can receive services quickly and efficiently. As Article 4 of PP PPUBR stipulated, a business actor must fulfill the basic requirements of business licensing and/or Risk-Based Business Licensing to start a business activity. Based on this regulation, the center integrates all business licensing services through a licensing system called the Online Single Submission Risk Based Approach (OSS-RBA).

OSS-RBA is an electronic integrated business licensing system managed and organized by the Online Single Submission Agency for risk-based business licensing.[[2]](#footnote-2) One form of business activity that utilizes the OSS-RBA system and is popular among the Indonesian community is Micro, Small, and Medium Enterprises (MSMEs), which is one implementation of the country's investment or capital investment for economic growth in Indonesia.

Referring to Law No. 20 of 2008 on Micro, Small, and Medium Enterprises (MSMEs), MSMEs can be defined as productive economic activities carried out by individuals or business entities that meet the criteria for micro, small, and medium enterprises. The existence of MSMEs cannot be eliminated or avoided from society. MSMEs benefit the community's economic system, where a positive impact can be felt in employment. The absorption of a large workforce in MSMEs can reduce the unemployment rate and create production creativity, thereby increasing people's purchasing power. The high number of MSME business actors becomes a potential and strategic activity to drive the national economy. Concerning this matter, implementing the OSS-RBA system becomes a breakthrough to simplify the licensing process for MSME business actors in obtaining legal recognition for their businesses and helping the government collect licensing data for business actors that are unified in the system.

Indeed, implementing OSS-RBA as a licensing system for UMKM has raised concerns regarding the safety and confidentiality of personal data. With the increasing prevalence of cybercrime, ensuring that the system provides high protection for user data is essential. The UU Perlindungan Data Pribadi sets out the legal framework for data protection in Indonesia, providing guidelines for collecting, storing, and processing personal data. The government and the Online Single Submission agency are responsible for OSS-RBA. They must comply with these regulations to prevent potential privacy breaches and safeguard UMKM entrepreneurs' rights. This includes establishing robust security measures, such as encryption, authentication, and access controls, to ensure data confidentiality, integrity, and availability. Additionally, regular audits and assessments should be conducted to identify and address any vulnerabilities or risks to the system.

Regarding this matter, the personal data of UMKM business actors that already exist in the OSS-RBA system become urgent to obtain protection for users, business actors, and the community to safely carry out business licensing registration without violating their rights. The trust of UMKM business actors in the OSS-RBA program will be relatively high if their data protection is guaranteed. Therefore, protecting personal data can influence the success of UMKM business actors in OSS-RBA and the level of investment development.

Investment development is also an aspect that is still related to the economic element in the OSS-based UMKM program. If the protection of personal data threatens economic development, then investment development will certainly also be hampered. Protecting personal data is urgent and must be resolved immediately because it concerns various national interests. Of course, this protection can facilitate transnational trade, industry, and investment. However, one of the most inhibiting problems related to investment conditions in Indonesia is the uncertainty of investment laws in Indonesia. [[3]](#footnote-3) Poor legal certainty makes the investment climate in Indonesia not conducive. Foreign investment will be challenging to enter Indonesia without clear regulations, for example, licensing between the center and the regions with a complicated and unpredictable bureaucratic system for investors.[[4]](#footnote-4)

The unfavorable investment climate significantly impacts investor interest, especially foreign investors, to make Indonesia a suitable place to invest. This is closely related to the business activities of UMKM players and the protection of personal data on OSS-RBA, where UMKM players are still hesitant to register themselves because there is no guarantee of legal certainty regarding their data. The right of business actors to obtain the protection of personal data is the foundation of all economic and investment movements in Indonesia, so this issue must be addressed immediately so that digital economic development and investment can be maximized and Indonesia can compete with other countries with advanced economies. Therefore, protecting personal data is urgent for UMKM business actors as OSS RBA users, which can affect the success of UMKM business actors in OSS-RBA and the level of investment development in Indonesia.

Based on the background, the article title would be "The Urgency of Protecting the Personal Data of UMKM Entrepreneurs as Users of OSS-RBA towards Investment Development in Indonesia." The research questions formulated are: 1) How is the protection of personal data of UMKM entrepreneurs? 2) Does using OSS protect the personal data of UMKM entrepreneurs?

**II. METODE**

In the research on "The Urgency of Protecting Personal Data of UMKM Actors as Users of OSS-RBA towards Investment Development in Indonesia," the author uses a normative juridical research method that includes primary, secondary, and non-legal materials.

**III. THE PROTECTION OF PERSONAL DATA OF UMKM ENTREPRENEURS**

Protecting personal data is one of the human rights norms regulated in Article 28G of the 1945 Constitution of the Republic of Indonesia. Personal data protection is a form of protection for an individual's privacy, which is universal and recognized by various countries.

People certainly have the right to obtain personal data protection and privacy, including UMKM business actors. The personal data of UMKM business actors have a great potential to be misused due to system leaks or insufficient security of the system used to apply for business permits in the OSS-RBA system. In addition, the personal data of UMKM business actors becomes essential to be protected because it is related to the country's economy and workforce, significantly influencing the benchmark of a country's development.

1. ***Legal protection for UMKM players***

In general, micro, small, and medium enterprises (MSMEs) produce goods and services using primary raw materials based on utilizing natural resources, talent, and traditional artistic works from the local area. The characteristics of MSMEs are that the raw materials are easily obtainable, they use simple technology that can easily be transferred, the basic skills are generally inherited and passed down, they are labor-intensive or absorb a significant amount of labor, there is a broad market opportunity, most of their products are interested in the local or domestic market, and some have the potential to be exported, certain commodities have characteristics related to the artistic and cultural works of the local area, and beneficially involve economically disadvantaged local communities.[[5]](#footnote-5)

Micro, Small, and Medium Enterprises (MSMEs) are productive business units that operate independently, carried out by individuals or business entities in all economic sectors. In principle, the distinction between Micro Enterprises (MEs), Small Enterprises (SEs), and Medium Enterprises (MEs) is generally based on the initial asset value (excluding land and buildings), average annual revenue, or the number of permanent employees. In Indonesia, the definition of MSMEs is regulated based on Law Number 20 of 2008 concerning Micro, Small, and Medium Enterprises. The description, according to Law No. 20 of 2008, is as follows: [[6]](#footnote-6)

1. Micro Enterprises

Micro Enterprises are productive businesses owned by individuals and/or individual business entities that meet the criteria of Micro Enterprises as regulated in this Law. Micro Enterprises are business units with assets of up to Rp 50,000,000, excluding land and building assets used for business purposes, with an annual sales revenue of up to Rp 300,000,000.

1. Small Enterprises

A small Business is a productive economic business that stands alone, conducted by individuals or business entities that are not subsidiaries or branches of medium or large enterprises that meet the criteria of Small Business as referred to in the Law. Small businesses have assets with a value of more than Rp. 50,000,000 up to a maximum of Rp. 500,000,000, not including land and buildings for business premises, and have annual sales of between Rp. 300,000,000 to a maximum of Rp. 2,500,000,000.

1. Medium-sized enterprises

Medium-sized enterprises (SMEs) are productive economic businesses that stand alone, carried out by individuals or business entities that are not subsidiaries or branches owned, controlled, or become a part, both directly and indirectly, of medium or large-sized enterprises that meet the criteria for Medium-sized Enterprises as referred to in the Law. Medium-sized enterprises with asset values ​​of more than Rp. 500,000,000 up to a maximum of Rp. 10,000,000,000, not including land and building assets, have annual sales revenues ranging from Rp. 2,500,000,000 to a maximum of Rp. 50,000,000,000.

1. Micro, Small And Medium Enterprises" or "MSMEs".

The definition of small businesses in Indonesia varies widely. According to the Department of Industry and Bank Indonesia (1990), small businesses are defined based on their asset value, a business with assets (excluding land and buildings) worth less than IDR 600,000,000. Meanwhile, the Department of Trade defines small businesses as those with working capital of less than IDR 25,000,000. According to the Central Statistics Agency (BPS), small industries are industrial businesses that employ between 5 and 19 people, while household industries are industrial businesses that use less than five people.

The law protects UMKM actors in carrying out their activities, including the legal protection of personal data. The protection of personal data is still related to the concept of privacy. The concept of privacy itself is an idea to maintain the integrity and dignity of an individual.[[7]](#footnote-7) The law protects the SME actors in their activities, including legal protection regarding personal data. The protection of personal data is still related to the concept of privacy. The concept of privacy itself is an idea to maintain the integrity and dignity of an individual. The right to privacy is also information about individuals to determine who can hold vital information about them and how such information is appropriately used. Referring to the definitions of personal data protection and the right to privacy above, protecting personal data becomes a critical matter to be realized.

Indonesia has regulated personal data protection as stipulated in the Personal Data Protection Law. However, there are still many data breaches, even those originating from government institutions, such as the leak of BPJS data. This is contrary to Article 58, paragraph (1) of the Personal Data Protection Law, which regulates the role of the Government in realizing the implementation of Personal Data Protection. Legal provisions related to personal data protection are still partial and sectoral, which is considered to provide still not maximum and adequate protection of personal data, which is part of privacy, as evidenced by the existence of laws containing personal data, such as Law Number 36 of 2009 concerning health which regulates the individual condition of patients and Law Number 10 of 1998 concerning Banking which governs personal data regarding deposit and savings issues.

Regulations regarding personal data protection, which are currently crucial to be enforced, signify the need to protect individual rights within society. This is due to the activities of both state institutions and organizations, which mostly rely on technology. Sufficient personal data protection can build trust in the community, leading them to willingly provide their data for various essential purposes without any misuse or violation of their private data rights. For instance, UMKM business actors in OSS-RBA must register their data online before commencing business.

The regulation on personal data protection aims, among other things, to protect and guarantee the fundamental rights of citizens related to the security of their identity, ensure that the public can receive services from corporations, public bodies, international organizations, and the government, encourage digital economic growth and the information and communication technology industry, and support the improvement of domestic industry competitiveness.

1. ***Legal Basis of Personal Data Protection for UMKM Actors in Indonesia***

From a philosophical perspective, the protection of personal data is a manifestation of the recognition and protection of fundamental human rights that align with the values of Pancasila. From a sociological perspective, the Law Number 27 of 2022 on Personal Data Protection was drafted to respond to the need to protect personal data rights, particularly in the digital era. Furthermore, from a legal perspective, the protection of personal data is one of the human rights that is part of the protection of personal identity, as stated in Article 28G (1) of the 1945 Constitution, which reads, "Everyone has the right to protection of their self, family, honor, dignity, and property under their control, and has the right to feel safe and protected from the threat of fear to do or not do something, which is a basic human right".[[8]](#footnote-8)

 The three aspects regarding the perspective on personal data protection signify that personal data protection is a crucial matter to be upheld. In this current era of the digital economy, there is a confrontation with violations of personal data protection

 Konstitusi sebagai sumber hukum tertinggi dari segala peraturan perundang – undangan telah mewakili untuk memberikan dasar mengenai perlindungan data pribadi yang disebutkan pada pasal 28, 28A sampai pasal 28J. Selanjutnya mengenai perlindungan hak – hak pribadi warga negara diatur pada Pasal 28G ayat 1 seperti yang telah disebutkan di atas. The Constitution, as the highest source of law for all regulations, has provided the foundation for personal data protection mentioned in Article 28, 28A through Article 28J. Furthermore, the protection of citizens' personal rights is regulated in Article 28G paragraph 1 as mentioned earlier.[[9]](#footnote-9)

The description of several personal data protections that have been regulated in various laws and regulations are as follows:[[10]](#footnote-10)

1. Protection of citizens' rights in Law No. 39 of 1999 concerning Human Rights. Such as in Article 14, paragraph (2) states, "The right to self-development for citizens is the right to seek, obtain, store, process, and convey information using all available means". And Article 29, paragraph (2) further elaborates on the right to personal data protection: "The state acknowledges the right of every person to the protection of their personal self, family, honor, dignity, and property rights".
2. Protection of personal data in the digital era, which is accommodated in the Minister of Communication and Information Regulation No. 20 of 2016 on Personal Data Protection, contains three categories of electronic systems regulated by the government, following Article 4 of the Minister of Communication and Information Regulation No. 4 of 2016 on Information Security Management System.
3. Protection of data and information collected by public bodies is regulated in Article 6 paragraph (3) letter (c) of Law Number 14 of 2008 concerning Public Information Disclosure, which asserts not to provide public information related to someone's rights.

In addition, there are several laws and regulations on personal data protection that are focused on their respective fields, such as:

1. Law Number 7 of 1991 concerning Basic Archival Provisions
2. Law Number 8 of 1997 concerning Company Documents
3. Law Number 10 of 1998 concerning Banking
4. Law Number 2 of 1998 concerning Health
5. Law Number 36 of 1998 concerning Telecommunications

The government has enacted Law Number 27 of 2022 on Personal Data Protection. This law regulates General Provisions, Types of Personal Data, Processing of Personal Data, Obligations of Personal Data Controllers, and Personal Data Processors. As with implementing personal data protection laws in several other countries, applying the PDP Law in Indonesia follows the principle of extra-territorial jurisdiction, which applies to every individual, public institution, and organization carrying out legal actions within and outside the country. However, the PDP Law is still weak because it has not yet regulated the mechanisms or limitations of exceptions to data protection. In addition, the PDP Law has not yet included establishing an independent regulatory body or commission for personal data protection oversight, regulation, and control.[[11]](#footnote-11) The need for rules on personal data protection is not yet balanced with public awareness of protecting their data. The public is considered to not fully understand privacy policies and terms of service in filling out personal data on internet applications. Therefore, the Personal Data Protection Law is expected to guarantee citizens' rights to personal protection, raise public awareness, and ensure recognition and respect for the importance of personal data protection.

**IV. USING OSS PROTECT THE PERSONAL DATA OF UMKM ENTREPRENEURS**

***A. Use of OSS-RBA System***

The development of the globalization era is highly dependent on the economic sector as a measure of success carried out by the government. Technological development can be a way out of the hindered financial world, which can be said to have not been able to develop rapidly. The government has an economic development program, namely Micro, Small, and Medium Enterprises (MSMEs). The existence of MSMEs cannot be eliminated or avoided from the lives of the community. Because of the presence of MSMEs, the community can obtain many benefits for advancing their economic sector.

The government has launched an Online Single Submission Risk Based Approach (OSS-RBA) program as an economic development initiative aimed at helping UMKM players achieve their goals. The Online Single Submission Risk Based Approach (OSS-RBA) is an electronically integrated business licensing system managed and organized by the OSS agency (Ministry of Investment/BKPM). Implementing the OSS-RBA system is essential in simplifying the licensing application process for UMKM players. This permit is necessary for business players to obtain legal recognition. OSS-RBA is a manifestation of technological progress. As a system, one of its functions is to store the personal data of its users.

As stated in Article 1 Numbers 1 and 2 of the Minister of Communication and Information Technology Regulation Number 20 of 2016 concerning Personal Data Protection in Electronic Systems (from now on referred to as the PDPSE Regulation), personal data refers to a person's clear and identifiable identity which serves as proof of identity, as well as the collection, acquisition, and storage of such data, which constitutes the protection of personal data in electronic systems that respects personal data as privacy. Based on this definition, personal data may include identification cards such as the National Identity Card (KTP), Family Card (KK), and other private identity or proof of identity which must be kept confidential.

The digital revolution has given birth to innovation in the capacity to acquire, store, manipulate, and transmit large, real-time, and complex data volumes. This development has encouraged the collecting various types of data, no longer based on considerations of what data may be helpful in the future. However, the government and private sectors compete to expand data storage capacity without deleting data on almost all collected data. This has led to the discovery of new values in data, making data as valuable as tangible assets. This is what is known as Big Data.[[12]](#footnote-12)

Implementing the Big Data system in Indonesia, one of the systems used in the OSS-RBA system is a brilliant idea for collecting data on business licenses for MSMEs. This unified system makes it efficient and effective to facilitate MSMEs in registering various business permits across multiple government agencies. As regulated in Article 6, paragraph (2) of the PP PUBR, which governs the criteria for the types of MSMEs that can conduct business licenses, such as agriculture, industry, trade, environment, forestry, and other classes that have been regulated in that article. The one-stop-shop aimed at the formation of the OSS-RBA system facilitates MSMEs in managing various business licenses that are integrated with the Ministry of Home Affairs (Dukcapil), Ministry of Finance (Tax Service Office), Ministry of Law and Human Rights (company information), and Ministry of Agrarian and Spatial Planning (detailed spatial planning) for the establishment of business activities. OSS is also integrated with the Integrated One-Stop Service (PTSP) of Technical Ministries and Regional Institutions for business, location, and environmental permits. In contrast, the registration process in OSS and business development is managed by the Investment Coordinating Board (BKPM).[[13]](#footnote-13)

 The collection of one-stop business licensing data in the OSS-RBA system can backfire for UMKM business actors and the government. This is because business licensing data included in the Big Data system of OSS-RBA collects the personal data of all its users, which inevitably opens the possibility of data leaks that could result in the personal data of UMKM business actors being misused by irresponsible parties, causing losses to the business actors in the future.

1. ***Regulation on Personal Data Protection for UMKM Business Owners Using OSS-RBA in Indonesia***

The law on personal data protection has developed in parallel with technology, especially information and communication technology. In relation to this matter, based on the fact that this licensing form is electronically found, it is necessary to pay attention to Law Number 27 of 2022 concerning Personal Data Protection which provides legal certainty for electronic-based community activities. If it is related to the discussion regarding OSS and personal data protection, the principles that fulfill these issues are the Principle of Legal Certainty and the Principle of Prudence.[[14]](#footnote-14)

 However, it is unfortunate to see that the provisions in PP PPBBR do not provide legal certainty guarantees for OSS-RBA users who have provided their personal data, such as Identity Card (KTP) and Family Card (KK), for the purpose of obtaining business licenses that are integrated into the OSS-RBA system.[[15]](#footnote-15) This raises concerns for UMKM business actors regarding the risks and personal rights involved, as they can freely conduct their business activities, which, if further analyzed, can impact the country's economy.

The Government Regulation Number 5 of 2021 concerning Integrated Electronic Business Licensing Services does not explain and regulate the protection of personal data of UMKM actors in the OSS-RBA. Therefore, the protection of personal data of UMKM business actors related to personal data in OSS-RBA becomes urgent to be immediately explicitly regulated in legislation. This is because business actors have individual rights that are included in human rights, which are protected internationally through Article 12 of the Universal Declaration of Human Rights (UDHR) and Article 17 paragraph (1) of the International Covenant on Civil and Political Rights (ICCPR).

If a violation results in data breaches or even losses for the users, the government has measures to address it.[[16]](#footnote-16) One of the efforts that can be taken is an administrative settlement. This effort is carried out by prosecuting violations according to the applicable law, which can be based on the Personal Data Protection Law. If this effort is not enough, then every owner of personal data and electronic system provider can file a civil lawsuit in the form of compensation. Therefore, in line with the second solution, which is civil dispute settlement.

Dengan itu, tingkat keamanan mengenai data pribadi harus lebih diperhatikan, mengingat ruang internet yang memiliki celah kejahatan lebih luas dibanding dengan kehidupan nyata. Dampak yang ditimbulkan akibat kurangnya perlindungan hak keperdataan data pribadi pengguna OSS sektor UMKM adalah Indonesia tidak dapat menduduki posisi yang sejajar dengan negara – negara dengan tingkat perekonomian yang maju, yang telah menerapkan hukum mengenai perlindungan data pribadi. Perlindungan data pribadi dimaksudkan untuk melindungi kepentingan masyarakat tentunya dalam era globalisasi ini. Oleh karena itu, sangat diperlukan pengaturan perlindungan data pribadi yang kuat, demi memperkokoh posisi Indonesia sebagai pusat bisnis dan investasi terpercaya, yang merupakan suatu strategi kunci dalam perkembangan ekonomi Indonesia. Indeed, the level of security regarding personal data must be given more attention, considering the wider vulnerability to cybercrime in the online space compared to the physical world. The impact of insufficient protection of personal data rights for OSS users in the MSME sector is that Indonesia cannot occupy a position on par with countries with advanced economies that have implemented laws on personal data protection. Personal data protection is intended to protect the interests of society, particularly in this era of globalization. Therefore, it is crucial to have strong regulations on personal data protection to strengthen Indonesia's position as a reliable business and investment center, which is a key strategy for Indonesia's economic development.[[17]](#footnote-17)

In addition, in today's digital era, Indonesia is not ready to compete in the world of Industry 4.0 with other countries due to the lack of specific regulations governing personal data protection. The main goal of protecting personal data is to protect the interests of consumers and provide economic benefits for Indonesia, which can be realized through UMKM programs in OSS-RBA.[[18]](#footnote-18)

The digital economy era has entirely entrusted technology for all activities. One of them is implementing the OSS-RBA program for UMKM players to facilitate online registration. On the other hand, using the internet allows criminals to steal personal data uploaded on the OSS-RBA registration page or other online pages. From all these things, regulations focused on personal data protection rights are needed to ensure economic and investment development in Indonesia. Personal data protection should be able to keep up with technological advancements so that economic growth, especially in the UMKM sector through the OSS-RBA, can play an important role and be competitive internationally.

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**V. CONCLUSION**

Protecting personal data is one of the human rights norms regulated in Article 28G of the 1945 Constitution of the Republic of Indonesia. UMKM business actors have the right to obtain the protection of personal data related to business licensing submissions through the OSS-RBA system, which requires filling out the Identity Card (KTP) and Family Card (KK). The collection of one-stop business licensing data in the OSS-RBA system can be a double-edged sword not only for UMKM business actors but also for the government. This is because the business licensing data collected in the Big Data system of OSS-RBA gathers the personal data of all its users, which certainly raises the possibility of data leaks that may cause the personal data of UMKM business actors to be misused by irresponsible parties and potentially cause losses to the business actors in the future. Therefore, regulations explicitly governing personal data protection for UMKM business actors regarding the OSS-RBA system is an urgency that impacts the country's economy.

Using the OSS-RBA system is considered to have provided data protection guarantees for UMKM business actors who apply for licensing. This is because a security pattern uses verification for users who will enter the system. In addition, the Big Data system used by OSS-RBA makes all business licensing from several integrated agencies a one-stop service, making it easy to access and track user activity history. Thus, when there is suspicious activity related to data leaks, the government can immediately anticipate it by contacting the user account or temporarily deactivating it to prevent any personal data leaks that could cause losses.

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