

Integrated E-Supply Chain Management Systems Services as a form of Acceleration of Development in Indonesia

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Abstract— This article examines the effect of E-Supply Chain Management Systems in the Indonesia electronics services industry. It aims to review the ease of business licensing policy through the online system in the environmental field as a follow-up to the Online Single Submission Service policy which is intended to facilitate for entrepreneurs to obtain the legality of their business activities. Licensing in the environmental field aims to prevent environmental pollution and fulfill people's rights to obtain a good and healthy environment so that the existence of environmental licensing to achieve one of the Sustainable Development Goals (SDGs) targets, which is to reduce poverty and ensure equity development and environmental sustainability, especially the targets to minimize the danger of climate change caused by humans. Licensing service through OSS application is a policy that accelerates licensing services that have been considered long and expensive, but in the implementation of licensing services on line still raises legal problems, namely not fulfilling the principle of legal certainty, the principle of accuracy and the principle of transparency, so that the potential for business activities which has a license does not guarantee the creation of a good and healthy environment and achieving sustainable development. Discussion of this article through a conceptual analysis of licensing services and instruments for preventing pollution of the environment and analysis of laws and regulations in the field of environmental service sector licensing.

Keywords— Sustainable development, Licensing Legal Certainty; Service Supply Chain Management; Legitimate Expectation, and State Administration decisions.

1. Introduction

The Electronic Manufacturing Services (EMS) suppliers are used by many companies as a strategic way to reduce time to market, decrease costs, improve quality, and improve overall customer satisfaction. One of the efforts to achieve Health for all the world's people is done by providing health care facilities that must pay

attention to environmental factors. In the 2005-2025 RPJP it has been determined that the direction, stages and priorities of the long-term development of 2005-2025 in the field of natural resources and the environment are the realization of a beautiful and sustainable Indonesia, this is to achieve the fulfillment of the right of every person to live in a prosperous and spiritual life. , a place to live, and get a good and healthy environment as stipulated in Article 28 H of the 1945 Constitution. This objective is also stated in the 2030 Sustainable Development Goals (SDGs), which is to reduce poverty and ensure equitable development and environmental sustainability, especially the target to minimize the danger of climate change caused by humans [1].

Various administrative legal facilities are available for the government to achieve the goals of environmental management that are realized in “*feitelijke handelingen*”, “*rechtshadelingen*” dan “*indirecte beïnvloeding*”. Permission is an instrument commonly used in the field of Administrative Law, which is intended to influence its citizens to follow the ways recommended by the government to achieve concrete goals. According to Ten Berge, one of the motives for using permits is to prevent danger to the environment [2].

In fact, the establishment of business activity or have constraints in preolehan permission, with some reason, that:

1. The big difference between the obligations of permit ownership of activities organized by the government, the local government with the activities organized by private or public;
2. Difficulty meeting the requirements of environmental documents which led to difficulties in getting Operating License;
3. The number of non-legal factors.

In general, licensing is an example of government control through administrative regulations, which is contrary to regulations by the judicial, legislative, or executive branches of government [3]. In

licensing services, licensing officials require a long time, because to realize the principle of accuracy the licensor must obtain recommendations from other agencies or ask for approval from the surrounding community. This condition causes the licensing process to take a long time and quite a lot of cost. The existence of the general license took effect on society and can be categorized into two, namely the effect of price and quality effects [4]. Under these conditions the permit applicant often performs various actions to accelerate or pass the required permit. Various actions undertaken to speed up the permit applicant can often lead to abuses, among others: abuse of authority or violations committed by the publisher permission,

such as graft, bribery, or corruption in the process of issuing the licenses.

The ways or various actions that encourage the issuance of permits without conforming to the requirements and procedures will result in the objective of the permit not being achieved or causing problems in the community and can reduce the public's credibility and trust in government institutions. In accordance with the facts, licensing is still a soft "land" for corruption or illegal levies in the area, so that many regional heads were arrested by the Corruption Eradication Commission (KPK). The following Corruption data by type of case.

Table I. The following Corruption data by type of case

Perkara	2004	2005	2006	2007	2008	2009	2010	2011	2012	2013	2014	2015	2016	2107	Jumlah
Pengadaan Barang/Jasa	2	12	8	14	18	16	16	10	8	9	15	14	14	15	171
Periinan	0	0	5	1	3	1	0	0	0	3	5	1	1	2	22
Penyuapan	0	7	2	4	13	12	19	25	34	50	20	38	79	93	396
Pungutan	0	0	7	2	3	0	0	0	0	1	6	1	1	0	21
Penyalahgunaan Anggaran	0	0	5	3	10	8	5	4	3	0	4	2	1	1	46
TPPU	0	0	0	0	0	0	0	0	2	7	5	1	3	8	25
Merintang Proses KPK	0	0	0	0	0	0	0	0	2	0	3	0	0	2	7
Jumlah	2	19	27	24	47	37	40	39	48	70	58	57	99	121	688

Source: Website KPK

According to the data above, licensing can lead to corruption cases in Indonesia. This has led to public confidence in the government and regional government and the importance of the existence of permits as an effort to balance the rights of the people and preventive protection instruments for the public are not trusted, even in the view of the community and employers, permits are an instrument of making money for officials and government.

Under these conditions, the government and regional governments made improvements in licensing services. Some policies to change licensing services are carried out with a One-Stop Integrated Service (PTSP), the cancellation of local regulations that hamper investment, namely in 2016 the Ministry of Home Affairs canceled 3,143 bylaws.

The impact of several licensing service policies and the revocation of several local regulations has changed Indonesia's ranking in the World Bank Report on Ease of Doing Business (EODB) or ease of doing business in Indonesia, namely 2017 to be 91 and 2018 to be 72 from 190 countries surveyed [4].

In 2018 there was a development of licensing service policy, namely the existence of electronically penetrated licensing services stipulated in Government Regulation Number 24 of 2018 concerning Electronic Integrated Licensing Services or called OSS (Online Single Submission), specifically for the environment sector, followed up with Regulation of the Minister of Environment and Forestry Number P.22/MENLHK/SETJEN/KUM.1 /7/2018 concerning Norms, Standards, Procedures and Criteria of Electronic Integrated Licensing Services

Scope of the Ministry of Environment and Forestry which is hereinafter called Permen LHK 22/2018 and Regulation of the Minister of Environment and Forestry Number P.26/MENLHK/SETJEN/KUM.1/7/2018 concerning Preparation and Evaluation and Inspection of Environmental Documents in the Implementation of Electronic Integrated Business Permit Licensing Services which is hereinafter called Permen LHK 26/2018. The existence of this regulation is expected to facilitate the provision of environmental and forestry sector licensing services as a condition for the issuance of Operational Permits by avoiding levies.

In the implementation of the licensing service system using OSS has not gone well, this is because there are changes in the authority and mechanism of licensing and the number of environmental sector licensing, so that many interpretations and the removal of regional authority and concerns about environmental damage due to the issuance of permits through OSS institutions.

Based on the description of the background can be drawn legal issues, namely:

1. The validity of environmental permits issued through OSS.
2. Differences in environmental licensing issued through OSS and Non OSS.

2. Literature Review

The changing environment of the business market, with its focus on costs, quality, flexibility and technology to meet the competitive challenges is causing major changes in inter-organizational business relationships and many manufacturers are developing closer relationships with their suppliers the application of E-Supply Chain Management Systems (e-SCM). Permit is the decision of an authorized government official as an expression of approval at the request of community members in accordance with statutory provisions. Permits are issued before activities are carried out, thus the purpose of licensing in the environmental field is licenses granted prior to business activities to control activities and prevent pollution and / or environmental damage due to these activities.

With the purpose as an instrument to prevent environmental pollution and meet the public's right to obtain a good environment and healthy, then the existence of environmental licensing can be used as an instrument for achieving one of the targets of

Interest Sustainable Development (SDGs), in particular for the preservation of the environment, especially the target to minimize the dangers of climate change caused by humans.

Government Regulation Number 24 Year 2018 regarding Electronically Integrated Licensing Services provides a regulation that a Business Permit can be issued in advance with the provisions required to fulfill commitments, where one of the commitments is an Environmental Permit used as an effort to prevent the environment. Based on these provisions, the entrepreneur electronically has a Business License before having an Environmental Permit. This is in contrast to the prior issuance of Government Regulation about OSS, which the business license may be issued after businesses have Environmental Permit as a prerequisite of placement

In accordance with the objectives of environmental licensing to control business activities and prevent pollution, the Government's policy directives in implementing electronically integrated licensing services are aimed at making it easy for businesses to have a business license, but to achieve the objectives of the permit, the government and regional governments have duties and responsibilities to conduct optimal oversight of the obligations of business actors to fulfill commitments and conduct business activities in accordance with the commitments that have been issued.

3. Research Materials

It can be said that quality design and management issues such as Supply Chain Management in the service sector is becoming increasingly important and this importance will continue to grow over this century. Service Supply Chain Management is an analogous systems approach that is especially suitable for delivering mobile services. This writing uses legal research methods and is supported by other research. Legal research can be done through normative juridical methods and empirical juridical methods. The normative juridical method is carried out through a literature study that examines the legal material in the form of laws and regulations and regional legal products in the field of licensing which are also supplemented by interviews and discussions.

The empirical juridical method is a study that begins with a review of laws and regulations and regional legal products in the environmental field,

followed by in-depth field research, namely by conducting research on licensing issues.

4. Result and Discussion

4.1 The Validity of Environmental e-SCM

According to [5], e-SCM puts emphasis on the sharing resources and integration of information systems between the participating entities in the supply chain supply chain. Hua and Cong also mentioned that with the use of the information technology, it is possible to collect and analyse various information in the supply chain and with this the business can manage full range of information on the purchase of raw materials, production, distribution, marketing, customer relationship and react fast to business changes in demand and trends. In [6] conducted a study that revealed that the improvement in supply chain capabilities through Information Technology (IT) allows the firm to learn and respond to market changes better and quicker than competitors. That environmental management is a link (Regulatory chain) which cover: legislation, regulation, issuing permit, implementation, and enforcement which is depicted in the scheme below :

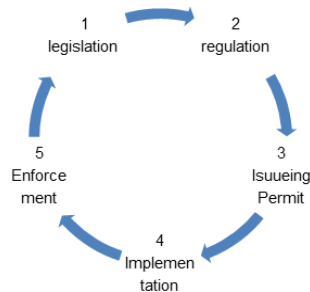


Figure 1: ESCMS scheme

Based on the above scheme, licensing is an important factor in the issuance of business licenses and / or activities to prevent pollution and / or environmental damage. This has the consequence of agencies that issue environmental permits carrying out careful and careful checks so that the licenses issued will have an impact on society and the environment. This principle of prudence in its implementation is said to hamper investment, so it needs legal reform in the environmental licensing sector.

Based on Government Regulation No. 27 of 2012 concerning Environmental Permits, it is stated that environmental permits consist of Environmental Permits and Environmental Protection and Management Permits (PPLH Permits). An Environmental Permit is a permit at the planning stage, while a PPLH permit consists of various permits in the field of environmental protection and management at the implementation stage. Pursuant to Article 4 paragraph (1) of the OSS LHK Ministerial Regulation, it is stated that business licenses are electronically integrated consisting of business licenses and commercial or operational licenses. With so many PPLH permits, the types of environmental permits that are grouped into business licenses and commercial or operational licenses are only limited to the environmental sector and B3 waste management as described in table 2.

Table 2 ESCMS in business

Sector	Business License	Commercial or Operational License
Living environment	1. Environmental Permit; 2. SPPL	
B3 Waste Management	Permit Management of Hazardous and Toxic Waste (B3 Waste) for Service Business	1. B3 Waste Management Operational Permit for Producers; 2. Recommendations for B3 Waste Management Transportation of B3 waste; 3. Approval of the Implementation of Trial Use of B3 Waste; 4. Approval of B3 Waste Treatment Trial Implementation; 5. Recommendations for the import of Non-B3 waste;
Wastewater disposal		Waste Water Disposal Permit
Emission		Emission Permit

Based on the two ministerial regulations, licensing services in the environmental sector can be described as follows :

1. Screening, which is the process for sorting out businesses and / or activities required for AMDAL, UKL-UPL, or SPPL, because this relates to environmental obligations that are mandatory for Environmental Permits (AMDAL & UKL-UPL), while SPPL are not required to have an environmental permit;
2. Issuance of environmental permits with commitments, namely the issuance of business licenses (environmental permits) accompanied by conditions for fulfilling commitments by business actors, for example the eligibility of AMDAL or UKL-UPL. If the business actor has not fulfilled the commitment, then the business permit has not been effective and if the business actor does not meet or deviate then administrative sanctions can be up to the revocation of the business license;
3. Compilation of UKL-UPL or AMDAL. Commitment to environmental permit is the preparation of UKL-UPL or AMDAL which has received a feasibility recommendation from the Minister, Governor or Regent / Mayor in accordance with their authority. In PP OSS, a minimum time period for business actors to set filing for UKL UPL documents is set, which is 10 days after the issuance of a business permit (environmental permit). If the business actor fails to fulfill the commitment to have an AMDAL or UKL-UPL, then the environmental agency will provide notification of the failure to fulfill the commitment to the OSS Institution.

Based on the description above, the authority of the Minister, Governor and Regent / Mayor to assess the feasibility of an activity or business plan still exists, only the procedure for issuing an environmental permit that is stated as a business permit is issued in advance with a commitment or obligation. Thus based on Article 8 paragraph (1) of Law Number 30 of 2014 concerning Government Administration, that Every Decree and / or Action must be determined and / or carried out by an authorized Government Agency and / or Officer, so that the OSS Institution issues a Business License and Commercial or operational licenses have the legality of authority based on PP Number 26 of 2018, LHK Ministerial Regulation Number 22 Year 2018 with mandatory sources of authority.

4.2 Differences in Environmental Licensing SCM Services through OSS and Non OSS

With the enactment of regulation 26/2018, Ministry of Environment and Forestry Regulation 22/2018 and Ministry of Environment and Forestry Regulation 26/2018, the procedure for environmental permit services and PPLH permits through OSS experiences a difference with Non OSS licensing services [7]. The difference is related to the period of permit completion, AMDAL procedures, and formal aspects of the permit. The details of these differences are outlined in table 3 below.

Table 3. Differences in Environmental Licensing Through OSS and Non OSS

Topic	OSS	NON OSS
Environmental Permit (IL)	IL cannot be given before a business actor has obtained a UKL-UPL recommendation or an AMDAL has been declared environmentally feasible.	IL can be given before businesses and / or activities have UKL-UPL or AMDAL and SKKLH.
Andal & RKL-RPL	<ul style="list-style-type: none"> • ANDAL and RKL-RPL are prepared based on KA-ANDAL which has been approved by the AMDAL Appraisal Commission ("KPA") • KA-ANDAL must be described in narrative form which contains: introduction, scoping, study methods, bibliography, and attachment • KA-ANDAL must explain the environmental setting; 	<ul style="list-style-type: none"> • ANDAL and RKL-RPL are prepared based on the KA-ANDAL form which has been approved by the technical team; • KA-ANDAL is described in tabular form which contains: introduction, scoping and study method; • KA-ANDAL does not explain environmental baseline, where environmental baseline is explained

	<ul style="list-style-type: none"> KA-ANDAL must contain spatial suitability in the form of overlapping maps between the project site boundary map and business plan and / or activities with the RTRW map 	<p>in the ANDAL document.</p> <ul style="list-style-type: none"> KA-ANDAL does not contain substance related to the suitability of business plans and / or activities with spatial plans.
public participation	<ul style="list-style-type: none"> affected people; environmentalists; and / or people who are affected by all forms of decisions in the AMDAL process 	<ul style="list-style-type: none"> vulnerable groups (vulnerable groups); indigenous people, and male and female groups with gender equality.
Public information	<ul style="list-style-type: none"> announcement of business plans and/or activities, announcement of environmental permit applications, and announcement of the issuance of environmental permits 	<ul style="list-style-type: none"> announcement of the business plan and / or activity as well as the announcement of IL issuance delivered through the OSS website, mass media, and business location.
period of time	<ul style="list-style-type: none"> KA-ANDAL assessment a maximum of 30 working days from the complete KA document; ANDAL & RKL-RPL Assessment - Submission of recommendations is made no later than 75 working days from the complete document. SKKLH no later than 10 working days from the receipt of a recommendation from KPA. total 115 days. 	<ul style="list-style-type: none"> Inspection & approval of the KA-ANDAL Form is done no later than 10 working days; ANDAL & RKL-RPL assessment no later than 50 working days including repairs and final assessment. SKKLH no later than 5 working days from the receipt of a recommendation from KPA. Total 65 days.
Format	using the letterhead of the Ministry of Environment and Forestry, Provincial Government, Regency/City Government in accordance with their authority.	using Garuda's letterhead and the sentence 'The Government of the Republic of Indonesia.
Number letter	there is a letter number	no letter number
signature	signature of the permit issuer/ party receiving the mandate from the permit issuer on behalf of the permit issuer.	<i>barcode</i> but there is a barcode and an electronic signature from the Minister, Governor, Regent authorized.
Substance	IL contains all material including: considerations, company name, business location, obligations, and conditions that must be done, the date the permit was issued & the publisher's signature.	IL does not contain all the material, because it has been transferred to SKKLH, then IL contains the name of the company, the parent business number (NIB), the location of the business and / or activity, the date the permit was issued, and the barcode.

Based on the description above, the issuance of environmental permits through OSS requires shorter time and shorter procedures than non-OSS services. However, licensing services through OSS have several disadvantages, namely:

1. A business license granted with a commitment cannot be effective if the commitment has not been fulfilled, so this violates the principle of legal certainty, the final element of the decision and provides the principle of giving legitimate expectation expectations;

2. The environmental permit does not contain substance related to the suitability of the business plan and/or activity with the spatial plan, so that if there is a discrepancy in the spatial AMDAL it is not processed and the environmental permit is returned. This violates the principle of legal certainty
3. The involvement of environmentalists in the AMDAL process is optional, so that it can be misused;
4. Announcement of the environmental permit application has been removed, thereby eliminating community participation in the process of issuing an environmental permit,
5. Business actors often commit violations by conducting business activities, while commitments have not been fulfilled. This requires effective supervision.

Online-based licensing systems or OSS have a good purpose to facilitate the permit issuance process, but with the ease of issuance of licenses it can cause disruption to the environment or harm others. For losses suffered, a person can submit legal protection efforts to hold the licensor responsible.

Based on Article 19 paragraph (2) PP No. 24 of 2018 and LHK Ministerial Regulation 22/2018, the delegation of authority to issue licenses to OSS Institutions is delegated by mandate, whereby the OSS Institution issues business licenses for and on behalf of Ministers, Institutional Leaders, Governors and Regents / Mayors to the OSS Institute. This shows that each licensing agency still has authority, but the issuance of licenses is delegated to the OSS Institution, while the authority to supervise and apply sanctions still rests with each agency, except for the revocation of the Permit must be carried out by the OSS Institution in accordance with the principle of *contrarius actus*. In the study of administrative law, it is stated that each authority has responsibilities, this refers to the principle of "*geen bevoegdheid zonder verantwoordelijkheid*" [8]. By moving to this principle, government officials in taking actions based on their authority can be held accountable. This is the realization of legal protection for the people for government actions.

The responsibility of the government in carrying out the issuance of permits can be done in a criminal, civil and administrative manner. As in Russia, the provisions of the Code there are separate chapter 30, which is dedicated to crimes

against the government authorities, the interests of public service and the service in the local government bodies, the rules that specifically provide criminal liability against officials [9].

The government's action in carrying out public services at the request of the community in obtaining permits is a legal action. If in granting permits, the OSS Institution causes harm to the community, the community can submit legal protection in the form of objections, appeals or lawsuits to the Administrative court.

Accountability for government actions that harm the community mentioned above can be divided into 2, namely office responsibilities or personal responsibilities [10]. The focus of position responsibilities lies in the legality of actions, while the focus of personal responsibility is on the Maladministration.

The responsibilities of the licensing office are responsibilities relating to the legality of actions in issuing permits, namely on the element of permit validity which includes the authority, substance and procedures for issuing permits. Legal safeguards for office responsibilities are carried out through administrative justice or appeals because administrative accountability is basically office accountability [10].

The personal responsibility of the licensor is the responsibility relating to the maladministration of licensing. That is the behavior of the licensor. Maladministration is an act of an apparatus that deviates or ignores the norms of good behavior [11]. Legal protection for personal liability is carried out through public justice related to corruption or compensation claims as a realization of unlawful acts by the government or known as *onrechtmatige overheidsdaad* (OOD).

The granting of an Environmental Permit by OSS comes from the mandate authority, so that. in accordance with the concept of mandate in Article 1 number 24 of Law Number 30 of 2014 concerning Government Administration that the mandate is the delegation of authority from a higher Government Agency and / or Officer to a lower Government Agency and / or Officer with lower responsibilities and responsibilities remains with the creditor. Therefore, those responsible for the legality of licenses issued by the OSS Institution are the Minister, the head of the institution, the Governor, and the Regent / Mayor who has the authority in attribution as stipulated in the legislation.

With the enactment of Law Number 30 Year 2014 concerning Government Administration there is an expansion of state administrative decisions, particularly in Article 78 which states that state administrative decisions must be interpreted as:

1. written stipulations which also include factual actions;
2. Decisions of State Administration Agencies and / or Officers in the executive, legislative, judicial, and other state administration circles;
3. based on statutory provisions and AUPB;
4. final in the broader sense;
5. Decisions that have the potential to cause legal consequences; and / or
6. Decisions that apply to Citizens

Thus the licensing service actions undertaken by the government that cause losses for handling complaints are concrete actions that can be categorized as decisions, so that if there is an unlawful act by the licensor it will become the competence of the Administrative Court. This was also confirmed in the Supreme Court Circular Letter Number 4 of 2014 concerning the Enforcement of the Results of the 2016 Supreme Court Chamber Plenary Meeting as a Guideline for the Implementation of Duties for the Court.

This Supreme Court Circular is a follow-up to the change in the paradigm of proceedings in the State Administrative Court after the enactment of Law Number 30 of 2014 concerning Government Administration, so that the Competency of the State Administrative Court

1. Authorities adjudicate cases in the form of lawsuits and requests;
2. Authorities adjudicate acts that violate the law by the government, namely acts that break the law carried out by the holders of government authority (Agency and / or Government Official) commonly referred to as *onrechtmatige overheidsdaad* (OOD).
3. State administrative decisions that have been examined and decided through administrative appeals are under the authority of the State Administrative Court.

In the case of a claim for loss for the act of licensing if it is categorized as an administrative court competency, the claim submitted is only the cancellation of the decision accompanied by compensation and rehabilitation, this is regulated in Government Regulation No. 43 of 1991 concerning

Compensation and its Procedure. Article 3 This Government Regulation regulates the amount of compensation that can be obtained by the plaintiff at least Rp. 250,000, - (two hundred fifty thousand rupiah), and a maximum of Rp. 5,000,000 (five million rupiah), taking into account the real situation.

With the limitations of this claim for compensation, it provides limits and losses for the people who have suffered losses. The consequence of the limitation of compensation claim means that the efforts to protect the law for the community are not in accordance with the aims and objectives of legal protection in the rule of law.

5. Conclusion

Embracing the internet and connecting suppliers and the supply chain has the potential to make huge gains in efficiency. Seamless connectivity to the entire supply chain via the web includes real time connectivity, comprehensive people management, products and processes. Manufacturing strategies and aims have evolved in the last century, in scale and resource against cost and quality, through to the production of large quantities in the 1990's. The granting of a business license, which is an environmental permit or SPPLH, by the OSS Institution is recognized as valid with a source of authority in the form of a mandate or on behalf of the Minister, Governor or Regent/Mayor.

SCM Services Environmental permits as business licenses through OSS provide ease of procedure, time and cost. However, environmental licensing services through OSS still have weaknesses, namely reduced community involvement in licensing procedures, lack of legal certainty regarding environmental permits and opportunities for violations by business actors.

6. Suggestions

In guaranteeing the legality of the implementation of electronically integrated environmental licensing services, it is necessary to synchronize and harmonize the laws and regulations related to the authority of the regional government, the environment, licensing and investment which are carried out through legal reform in an omnibus law, namely making a law only to amend several Laws at the same time that are umbrella provision in the field of licensing.

The research also revealed that e-SCM have many technical issues such as automated processing and

transmission of supply chain data, e-procurement effectiveness, integration with existing systems and monitoring of inventory systems and purchasing process. These technical challenges are related to the complexity of integrating e-SCM with existing Enterprise Resource Planning systems that might be from different vendors or follow different standards. E-SCMs are normally used to integrate business functions and business processes within and across companies, into a cohesive and high-performing business model. Existing Enterprise Resource Planning systems might need to be re-engineered to better support modern e-SCMs.

It is necessary to mark the issuance of business licenses that have been issued but not yet effective, this will make it easier to provide guidance and supervision by local governments for the implementation of activities by health service facilities.

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