

SINKRONISASI HUKUM PENGATURAN TANGGUNG JAWAB SOSIAL DAN LINGKUNGAN (TJSL) DALAM SISTEM PERIZINAN BERUSAHA BERBASIS RISIKO DI SEKTOR PARIWISATA PROVINSI BALI

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ABSTRAK

Sentralisasi rezim perizinan berusaha di Indonesia ditegaskan melalui implementasi OSS-RBA sebagaimana diatur dalam PP Nomor 5 Tahun 2021. Namun, regulasi tersebut berhadapan dengan Perda Provinsi Bali Nomor 8 Tahun 2023 mengenai TJSL yang memperluas jangkauan kewajiban perusahaan berbasis kearifan lokal Tri Hita Karana dan Sad Kerthi melebihi parameter yang ditetapkan pusat. Guna menelaah antinomi hukum tersebut, penelitian yuridis normatif ini memanfaatkan pendekatan perundang-undangan, konseptual, dan sinkronisasi hukum. Penelitian ini berfokus membedah inkonsistensi normatif antara rezim OSS-RBA dengan regulasi TJSL Provinsi Bali, serta merancang formulasi sinkronisasi hukum yang aplikatif dan preskriptif. Hasil penelitian menunjukkan bahwa ketidaksinkronan termanifestasi sebagai *regulatory inconsistency* pada empat aspek utama: kategorisasi subjek hukum yang dibebani kewajiban TJSL, kedudukan fungsional TJSL dalam mekanisme perizinan berusaha, rezim penegakan sanksi administratif, dan konstruksi konseptual parameter penilaian risiko usaha. Model sinkronisasi preskriptif yang dirumuskan dibangun melalui empat aspek utama, yaitu: integrasi TJSL sebagai kewajiban pasca-perizinan (*post-compliance monitoring*), integrasi sistem pengawasan melalui keterhubungan Portal-TJSL dengan Subsistem Pengawasan OSS-RBA, sinkronisasi mekanisme penegakan sanksi administratif secara berjenjang, dan pembentukan instrumen regulasi teknis pendukung, tanpa mengubah struktur kewenangan perizinan nasional. Model ini memosisikan kewajiban TJSL daerah sebagai lapisan kepatuhan administratif tambahan (*additional administrative compliance layer*) yang memberikan kebaruan dalam sinkronisasi regulasi vertikal antara hukum perizinan nasional dan tata kelola lingkungan daerah.

Kata Kunci: Perizinan Berusaha Berbasis Risiko (OSS-RBA), Tanggung Jawab Sosial dan Lingkungan (TJSL), Ketidaksinkronan Normatif, Sinkronisasi Hukum, Bali.

LEGAL SYNCHRONIZATION OF CORPORATE SOCIAL AND ENVIRONMENTAL RESPONSIBILITY (CSR) REGULATIONS WITHIN THE RISK-BASED BUSINESS LICENSING SYSTEM IN THE TOURISM SECTOR OF BALI PROVINCE

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ABSTRACT

The enactment of Government Regulation Number 5 of 2021 on the Risk-Based Online Single Submission (OSS-RBA) system has established a centralized framework for business licensing across Indonesia. Conversely, Bali Provincial Regulation Number 8 of 2023 on Corporate Social and Environmental Responsibility (TJSL) broadens corporate obligations beyond central standards, anchoring its provisions in the local philosophical values of Tri Hita Karana and Sad Kerthi. Addressing this regulatory tension, this normative legal study applies statutory, conceptual, and legal synchronization approaches to examine the normative disharmony between the national OSS-RBA regime and Bali's TJSL provisions, subsequently proposing a prescriptive legal harmonization model. The findings reveal that this normative friction arises across four critical dimensions: the criteria for identifying legal subjects subject to TJSL mandates, the procedural role of TJSL within business licensing workflows, the mechanism for imposing administrative sanctions, and the theoretical parameters used to evaluate business risk. The formulated prescriptive synchronization model is built upon four main aspects: the integration of CSR as a post-licensing obligation (post-compliance monitoring), the integration of the monitoring system through the interconnection of the CSR Portal and the OSS-RBA Monitoring Subsystem, the synchronization of graduated administrative sanction mechanisms, and the establishment of supporting technical regulatory instruments, without altering the structure of national licensing authority. This model positions the regional CSR obligation as an additional administrative compliance layer, representing a research novelty in vertical regulatory synchronization between national licensing law and regional environmental governance.

Keywords: *Risk-Based Approach Online Single Submission (OSS-RBA), Corporate Social and Environmental Responsibility (CSR), Normative Unsynchronized, Legal Synchronization, Bali.*