

Startup Legality Settings in the Law of Indonesia to Realize Legal Certification in Investing

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Abstract:- This research is part of library legal research, namely by "researching library materials" or what is called juridical-normative legal research. Countries Indonesia is the country a sovereign politically as well as countries that are developing. In connection with the development of law and economics of course have a pattern and character pitch itself in terms of determining the concept of law in the activities of the economy. The distinctive feature of regulating Indonesia's economic legal concepts includes fair and prosperous achievement targets for the people based on Pancasila, which gave birth to Pancasila economic principles that are family-friendly and populist economic thinking oriented interests for goodness society.

Keywords:- *Juridical-Normative, the Development of Law and Economics.*

I. INTRODUCTION

In the rapid development of the world economy, the flow of globalization and free trade and advances in technology, telecommunications and information have expanded the transaction space for goods and services offered to be more varied, both goods and services produced domestically and abroad. These advances have presented many telecommunications facilities and sophisticated information technology products that are able to integrate all information media to facilitate all daily human activities. In the midst of the globalization of communication increasingly integrated (global communications network), the Internet became popular and made the world smaller and smaller (shrinking the world) as well as diminish the sovereignty and state borders following the order of society (Arsyad Sanusi).

As has been understood together, today is the age of globalization which in the context of the activities of trade economic relations is characterized by the existence of a very competitive competition (megacompetition).

Pioneer companies (Startup Business) are increasing in Indonesia. However, it is very unfortunate when the startup business is run in the absence of legal certainty, starting from its business model, target market, even its product ideas. Many people just join in building a startup business without understanding the basics of what to do. Startup companies that innovate using digital technology have used internet media as a promotional strategy to market their products. By utilizing the latest information technology through computers and smartphones, these

startups can provide information about the products they offer to buyers through social media without a huge cost (Diah Ayu Candraningrum).

The certainty of legal guarantees is a condition for presenting a healthy investment climate. So of course the government must meet these requirements, so that business growth can run as expected.

To see the importance of the role of law in a startup can be seen when the founder (Founder) of the startup did not pay attention to the legal aspects of running the startup, then what will happen is the emergence of legal problems. As a result, a founder must suffer losses due to having to pay very high legal fees. But on the contrary a founder will achieve extraordinary success if he is running his startup always always paying attention to the legal aspects that apply. If he gains, then the benefits are guaranteed by law, and it is believed that it will not be problematic in terms of law.

In running a startup it is not possible for a founder to be free from the law because the law plays an important role in regulating business activities so that the startup can run smoothly, in an orderly manner, so that no parties are harmed due to the business activities.

To support the development of startup then a spec regulation or law in the development of startup must be considered because there should be a series of regulatory instrument which warrant their legal certainty (legal certainty) relating to the legal protection of the founders and investors, because with so businesses can be run safely for an extended period a long time (Erman Radjagukguk).

The legal aspect of startup is concerning regulations or rules that govern the course of e-business so that it complies with the laws and regulations that apply to a country. In the operational business, startup companies need legality to support their existence and guarantee a juridical position as a legal subject protected by law (Doni Wijayanto).

The legality process will be the entrance for business people to develop their startup business. In this case, the angle of legality must touch the whole of the startup business process both aspects of communication resources and the information technology infrastructure used and aspects of the trading system, so that there are no inter-departmental overlapping rules. Legal arrangements in startup should be aligned with the arrangements regarding Intellectual Property Patents and Trademarks because

everyone has the ability to access and use the internet for their needs. In startup there is a great chance of violations or irregularities in Copyright, Trademarks and Patents.

The government aims to create 1000 technopreneurs with e-commerce values reaching USD 130M by 2020, while the very high number of startup failures in Indonesia with a variety of causes and obstacles will be a big challenge for the government. The regulations / provisions related to electronic-based businesses that exist today are not sufficiently able to overcome these problems, even though these problems can become obstacles to the growth of the digital economy in Indonesia. The government should create a pro-business regulations that increasingly many *startups* to develop so that in turn can increase economic growth and distribution.

Law is an important foundation for the company because it is directly related to all the business processes that it undergoes. Therefore between the company and the law must go hand in hand. No exception for startups, even though it was only established, the company must keep abiding by the applicable law. These traits need to be disciplined early, so that when the business is enlarged it is not trapped when facing legal disputes.

➤ *Research Purposes*

The research objectives include: To find and analyze the mechanism of Startup legality regulation in Indonesian law? To find and analyze the concept of startup legality in realizing legal certainty in investing in Indonesia? Practically, this research is expected to be able to provide input to authorized institutions or agencies in implementing Startup legality arrangements in Indonesian law. For researchers, this research is expected to be able to add insight into the startup legality arrangements and it is hoped that the presence of startups will have a positive impact on the growth of Indonesia's economic development.

II. RESEARCH METHODS

This research is part of library legal research, namely by "researching library materials" or what is called juridical-normative legal research (Soerjono Soekanto dan Sri Mamudji). Normative juridical research consists of:

- research on legal principles;
- research on legal systematics;
- research on the level of legal synchronization;
- legal history research; and
- legal comparative research (Zainudin Ali).

III. RESULT AND DISCUSSION

The mindset referred to in this research paper are theories that are used as research analysis tools. In this frame of mind the researcher will try to explain the main problem of the research. The explanation compiled will combine theory with the problems raised in this study. In this study, researchers using Welfare State Theory as a grand theory, is a theory that is in line with the basis of the State of Indonesia and confirms that the State whose

government guarantees the implementation of people's welfare. And to realize the people's welfare should be based on the five pillars of the state, namely: Democracy, Law Enforcement, the Protection of Human Rights (The Human Right Protection), Social Justice and the Anti-Discrimination. The founder of the theory of Welfare State, Mr. R. Kranenburg, revealed.

"That the State must actively strive for prosperity, act fairly, which can be felt by the whole community equally and balanced, not the welfare of certain groups but all the people."

According to Jimly Asshiddiqie The idea of a welfare state was an influence of socialist ideology which developed in the 19th century, which was popular at that time as a symbol of resistance to the colonialists who were capitalist liberals. In a legal perspective, Wilhelm Lunstedt was quoted from Soemardi as saying (Soemardi).

" Law is nothing but organized life in organized groups and the conditions that make possible peaceful co-existence of the masses of individuals and social groups and corporations for ends than more existence and propagation ".

In this understanding, Wilhelm Lunstedt seems to illustrate that to achieve Social Welfare, the first thing to know is what drives people who live in a certain level of civilization to achieve their goals. Lunstedt's opinion regarding social welfare is almost the same as the opinion of Roscou Pound, but he wants to emphasize that in fact the desires of most people are to want to live and develop it properly.

IV. CONCLUSION

The theory of legal certainty as Middle Range Theory, we can see legal certainty from two angles, namely certainty in the law itself and certainty due to law. Certainty in law means that every legal norm must be formulated with the sentences in it not containing different interpretations. The result will be obedient or obedient to the law. In practice many legal events arise, where when faced with the substance of legal norms that regulate it, sometimes it is unclear or imperfect so that different interpretations arise which will result in legal uncertainty. Legal certainty is: "Certainty in the form of articles in the law but also in its application. The law that successfully guarantees a lot of legal certainty in the community is a useful law. Legal certainty because of the law, provides two other legal duties, namely ensuring legal and legal justice must remain useful. Whereas legal certainty in the law is achieved if the law is as much as possible. And finally the Legal Entity theory as Applied Theory. According to E. Trecht, a legal entity that is a band that, according to the law, has the authority (authority) to become a rights supporter, who is soulless, or more precisely a non-human.

The theory of legal entities at the outset was created by the founders of the basic theory of legal entities only to answer the challenges of how legal entities can act in the traffic of economic law. The theory of the legal entity is on its way still needs to be refined, as it turns out there is a relationship and legal actions of the parties who are the persons who are behind the legal entity that has not been touched by the law, particularly on the actions - actions of private individuals such in company law, especially to account for the actions involved in the shareholders and stakeholders, if the person violates the sense of justice of the community.

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