

Social Inequality and Access to Business Legal Protection for MSMEs

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ABSTRACT

Social inequality can shape the ability of micro, small, and medium enterprises to use business law even when formal legal protection is equally available. This article examines how socioeconomic structure affects MSMEs' access to contractual protection and business licensing. An integrative literature review is employed, combining socio-legal scholarship, MSME studies, and Indonesian regulations. The findings indicate that income, education, legal literacy, digital skills, geographical location, social networks, and bargaining power influence whether MSMEs can understand contracts, negotiate terms, document transactions, resolve disputes, and obtain business legality. Contractual inequality is particularly visible when small firms depend on larger business partners that control standardized terms. Risk-based licensing through the Online Single Submission system can reduce bureaucratic barriers, yet digital inequality and limited access to assistance may reproduce exclusion. More equitable protection requires accessible legal assistance, practical contract education, low-cost dispute resolution, digital support, local facilitation, and multiple service channels. Legal equality becomes meaningful when MSMEs with different social resources have realistic opportunities to understand and exercise their business rights.

INTRODUCTION

Micro, Small, and Medium Enterprises (MSMEs) play a vital role in the economic structure because they provide business opportunities for diverse segments of society with varying levels of capital, labor, education, and business networks. This diversity means that MSMEs' ability to navigate business law is also uneven. While formal legal protection is available to all business operators, their ability to access it is influenced by the resources they possess. Galanter (1974) demonstrates that parties possessing resources, experience, knowledge, and the ability to repeatedly navigate the legal system tend to gain structural advantages over those who only occasionally interact with legal institutions. This concept is relevant to MSMEs because many small business owners operate with limited resources for legal consultation, contractual knowledge, access to information, and the ability to deal with larger business entities. Ultimately, equality in legal norms does not always result in equality in the ability to utilize legal protections.

Social structure influences access to the legal

system through differences in education, income, location, social networks, digital literacy, and experience interacting with institutions. Structural position shapes individual preferences, while access and available resources also reflect differences in social position (Sinambela & Halizah, 2023). Business owners with higher levels of education may find it easier to understand licensing requirements or assess contractual risks, whereas those with limited education may rely on informal information from family, friends, or their community. Education also shapes how prepared entrepreneurs are to deal with formal rules and market demands (Zahid et al., 2023). Local values and habits can also influence whether entrepreneurs choose formal legal channels or settle matters informally (Mardikaningsih et al., 2021). Economic capital determines one's ability to utilize the services of notaries, attorneys, consultants, or other professionals. Financial literacy also affects how entrepreneurs weigh risks and decide whether legal services are worth paying for (Mardikaningsih & Darmawan, 2023). The location of a business also determines its proximity to legal and administrative

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service facilities. Entrepreneurs located in urban centers tend to have a wider range of institutions and support networks to choose from than those in areas with limited infrastructure. These differences indicate that access to business law cannot be adequately assessed solely through the existence of regulations. Access must be evaluated based on the actual ability of MSME entrepreneurs to understand, exercise, and protect their rights while conducting business activities.

Indonesian MSMEs themselves are highly diverse in nature, ranging from subsistence businesses to small companies that have adopted technology and access to broad market networks. Tambunan (2019) shows that MSMEs play a major role in employment opportunities and economic activity, but their development continues to face various obstacles such as capital, technology, skills, marketing, and institutional factors. Institutional barriers are linked to legal protection, as business formalities, contract documentation, and interactions with the government require specific administrative capabilities. The use of technology in business activities is an ongoing process that demands adaptability and continuous learning (Arifin et al., 2021). Changing business conditions also require owners to adjust quickly, including in how they handle legal matters (Darmawan, 2021). Businesses that already have dedicated staff find it easier to separate the functions of production, marketing, finance, and compliance. Staff who can analyze information well also help a business make sound decisions on legal risks (Khairi & Darmawan, 2022). Microenterprises are often run directly by the owner, so all of these functions rest with a single person. The time spent understanding legal requirements must compete with the need to generate daily income, serve customers, and manage operations. When organizational capacity is limited, legal compliance is difficult to carry out effectively (Darmawan, 2024). The business structure ultimately affects the ability to use the law as a means of protection.

Contracts are one area where social inequality can translate into legal inequality. The relationships between MSMEs and suppliers, business space owners, distributors, digital platforms, financing institutions, large corporations, or trading partners give rise to various agreements. Contracts and business practices reflect the relationships between companies and various stakeholders (Da Silva & Darmawan, 2022). Formally, the parties may be considered free to determine the content of the contract, but their bargaining power is not always balanced. Business actors bear legal responsibility for

the agreements they make, yet this burden weighs more heavily on the party with weaker bargaining power (Baktiasih & Mardikaningsih, 2024). Smaller players may accept terms dictated by the dominant party because they need market access or supplies that are difficult to replace. Such imbalance can lead to unfair treatment of the weaker party (Bashori et al., 2024). An inability to understand clauses regarding payment, termination of cooperation, penalties, dispute resolution, and risk allocation can place MSMEs in a vulnerable position when conflicts arise. Legal protection in contracts is therefore linked to the ability to obtain information prior to agreement, the opportunity to negotiate, the availability of legal assistance, and access to dispute resolution mechanisms when one party fails to fulfill its obligations. Fair legal protection requires a balance of rights and obligations between the parties (Wibowo et al., 2024).

Business licensing is the second area that illustrates the relationship between law and social structure. The digitization of the licensing system is intended to reduce in-person procedures and streamline administrative processes. One-stop integrated services represent a government effort to improve the quality of public services, particularly in licensing services (Sudja'i et al., 2023). Digital licensing also requires entrepreneurs to submit personal data, so they need to understand how their rights over that data are protected (Issalillah & Hardyansah, 2024). However, these benefits are not equally enjoyed when digital capabilities, internet access, devices, and understanding of business classifications vary. Burhanuddin et al. (2024) show that education on business legality can improve the understanding of MSME actors, while low digital literacy and perceptions of the complexity of the licensing process remain barriers. These findings suggest that simplification at the system level does not automatically eliminate barriers at the user level. Entrepreneurs who have smartphones, stable internet access, the ability to read instructions, and a support network can utilize the system more quickly. Other groups may still rely on external assistance even though procedures have been simplified in theory.

Gaps in access to the legal system can also keep business activities in the informal sector. Inequalities in access to resources and opportunities can create unequal conditions for entrepreneurs in developing their economic activities (Sinambela et al., 2022). Businesses that lack legal status face limitations when seeking to participate in government procurement, obtain formal financing, form partnerships with large companies, or expand their

operations through channels that require legal identification. Access to regulated formal financing also depends on the legal status of the business (Yuristiawan et al., 2024). At the same time, the absence of written contracts can make business relationships dependent on personal trust. Trust serves an important economic function, but protection becomes weak when there is a change in parties, price fluctuations, payment delays, or conflicts regarding obligations. Actors with strong social networks may be able to resolve issues informally, while those with limited networks may lose access to remedies. Social structures ultimately determine the form of protection available: some rely on formal instruments, some depend on social relationships, and some fall somewhere in between.

Academic issues arise because policies to protect MSMEs often focus on providing formal legal frameworks, while disparities in capacity among social groups to utilize these frameworks remain neglected. Differences in knowledge levels, bargaining power, digital literacy, geographic location, and economic capital result in uniform policies having varying impacts. Differences in educational capacity can be one of the factors that distinguish entrepreneurs' abilities to develop their economic activities (Sinambela et al., 2021). This knowledge gap is evident in two aspects crucial to business sustainability: contract drafting and permit processing. Business actors with limited understanding of contracts risk assuming unfair obligations, while those hindered in accessing the licensing system are vulnerable to being trapped in the informal sector. Therefore, scientific research is needed to explain the mechanisms by which social structures trigger inequalities in access to the law, while also formulating inclusive protection measures through mentoring, procedural simplification, and the strengthening of legal capacity.

This paper aims to analyze the influence of social structure on the ability of MSMEs to obtain legal protection for their businesses, as well as to examine the manifestations of these disparities in the areas of contracts and licensing. Theoretically, this study links the concept of access to the law with the social position of business actors. Practically, the discussion focuses on the development of legal and administrative services that are adaptable to the diverse capacities of the community. The main focus of this research includes an analysis of the influence of social structure on MSMEs' access to legal protection, particularly in contractual relationships, as well as the impact of social disparities on the attainment of business legality, accompanied by

efforts to formulate a more inclusive and accessible legal protection framework.

RESEARCH METHOD

This study employs an integrative literature review with a normative analysis of laws and regulations related to MSMEs, contracts, legal aid for businesses, and business licensing. An integrative approach was chosen because the issues discussed intersect legal literature with research on social structure, literacy, bargaining power, technology, and administrative access. Whittemore and Knafl (2005) explain that an integrative review allows for the combination of sources with different approaches to form a broader understanding of an issue. Snyder (2019) positions the literature review as a methodology that can be used to organize knowledge and establish conceptual relationships among scattered literature. The search used the terms MSME legal protection, access to law, business contracts, bargaining power, business licensing, OSS, legal literacy, dan digital divide.

The source processing stage includes searching, checking for relevance, evaluating quality, grouping by theme, comparing arguments, and synthesizing. Grant and Booth (2009) explain that the review process can be understood through the activities of searching, assessing, synthesizing, and formulating analytical results. The first group consists of literature on social structures, the bargaining power of MSMEs, contracts, partnerships, assistance, and legal support. The second group consists of regulations and research on business legality, risk-based OSS, digital literacy, and administrative barriers. The sources were then compared to determine how economic, educational, locational, networking, and technological constraints affect actors' ability to access protection. This study did not collect primary data and is not claimed to be a systematic review or meta-analysis.

RESULT AND DISCUSSION

Social Structure and MSMEs' Access to Contractual Protection

Legal protection for MSMEs is normatively grounded in Law No. 20 of 2008 on Micro, Small, and Medium Enterprises, as amended through the Cipta Kerja system, which refers to Law No. 6 of 2023. The MSME Law was enacted to provide business opportunities, support, protection, and development for MSMEs so that they may achieve business certainty and fairness. The Cipta Kerja system opens up more inclusive legal access for MSME operators, provides formal mechanisms for establishing sole proprietorships, and significantly streamlines

administrative procedures (Sujito et al., 2023). The existence of these regulations reflects the recognition that MSMEs require treatment that accounts for differences in business scale. Formal protections still face implementation challenges when business owners have varying levels of social and economic capacity. Meaningful access requires the ability to know the rules, understand one's rights, prepare documents, and obtain assistance in the event of a dispute. Business owners who lack this capacity may have rights in theory but struggle to exercise them in business transactions.

Economic disparities are particularly evident when MSMEs enter into partnerships with larger companies. Tanjung (2022) explains that such partnerships can reveal asymmetries in scale and bargaining power, allowing large businesses to dictate terms that prioritize their own interests. Bargaining power stems from many sources, including the amount of capital, access to alternative suppliers or buyers, control over information, the ability to withstand transaction delays, and support from professional advisors. Control over data and information also gives larger companies an edge when setting the terms (Ali & Darmawan, 2023). MSMEs that depend on a single large buyer have less room for negotiation because rejecting a contract could mean losing the market. Small businesses with limited competence are also less able to bargain and to survive when a partnership ends (Mardikaningsih et al., 2022). Socioeconomic disparities thus translate into contractual disparities. While formal freedom of contract remains intact, the real choices of smaller businesses are constrained by economic dependence. Legal protections for MSMEs are necessary to create fairer competitive conditions and prevent businesses with greater power from exploiting their position to the detriment of smaller businesses (Indarto et al., 2023). Larger firms can also use pricing tools that smaller partners cannot match, which makes competition rules important (Azizah et al., 2024). Such protections must take this power dynamic into account so that agreements are not treated as if they always stem from a position of equality.

The legal structure of a contract provides a foundation through the principles of consent, legal capacity, a specific subject matter, a lawful cause, and the binding force of the agreement. MSME operators remain subject to the general rules governing contracts in the Civil Code. The main issue is not the absence of rules, but rather the capacity to understand the consequences of the agreed-upon clauses. Arbani (2022) argues that MSME activities give rise to various business legal issues and that an

understanding of the fundamentals of contracts is crucial for the protection of business operators. SMEs that conduct transactions through simple documents or informal communication may fail to clearly specify payment schedules, price adjustment mechanisms, product quality, limits of liability, or dispute resolution procedures. Deals made only through informal online messages are also open to fraud, which is hard to resolve without clear written terms (Ali et al., 2024). Written terms also help owners keep clear rights over what they create (Mardikaningsih & Darmawan, 2023). When the relationship is going well, these shortcomings may go unnoticed. When conflicts arise, however, this lack of clarity becomes a source of greater costs and uncertainty for the party with limited resources.

Educational disparities are linked to how contracts are read and understood. Parties with higher levels of formal education tend to be more accustomed to processing lengthy documents, abstract terms, and administrative language. Other parties may choose to sign a contract based on trust in their partner without reviewing all the clauses. Users of digital agreements, for example, often sign without knowing how their data will be used (Aziz et al., 2023). This does not mean that these parties are less rational. The time required to read the contract, the cost of seeking advice, the pressure to secure an order immediately, and prior experience all shape the available options. Inclusive contractual protections must address the language of the document, its readability, access to consultation, and the opportunity to request clarification before signing. A contract that is formally valid can still result in an unequal relationship if the dominant party controls the design of the document and the other party has no real opportunity to understand or negotiate its obligations. Weak enforcement also leaves the smaller party exposed when the dominant party ignores the agreed terms (Hardyansah et al., 2023). The principle of good faith is important in maintaining the balance of rights and obligations between contracting parties (Irfansyah et al., 2024).

Information asymmetry is particularly pronounced in standard contracts and partnerships. Sudjana (2022) demonstrates that MSME actors in agency and distribution arrangements may have weak bargaining power because contract clauses are determined by the principal. Such relationships show that protection cannot be limited to the mere principle that the parties have expressed their consent. It is necessary to examine whether the terms offered shift risk excessively, grant the right to unilateral termination, or create obligations that are

difficult for small businesses to fulfill. Good faith in carrying out a contract also matters, because terms that shift most of the risk to one side weaken fairness (Irfansyah et al., 2024). MSMEs may accept such clauses because the benefits of entering a distribution network are considered greater than the as-yet-unseen risks. Joining a distribution network is often seen as a way to gain a competitive advantage, which makes such terms easy to accept (Darmawan & Grenier, 2021). A dominant party in a distribution network can also limit fair competition, so oversight of business competition remains important (Wibowo et al., 2023). When disputes arise, the ability to sue is also influenced by costs, the location of the forum, and the need to maintain commercial relationships. Social and economic status continues to influence the exercise of rights after a contract is formed.

Government Regulation No. 7 of 2021 provides a more direct framework for protection, as it regulates the facilitation, protection, and empowerment of MSMEs and requires the central and local governments to provide facilities to small businesses. This regulation remains one of the primary foundations for the protection of MSMEs. A regulation gives real protection only when it is enforced consistently and seen as worth following (Purwanto et al., 2024). The value of this regulation lies in the recognition that government support must address barriers that individual business owners cannot overcome on their own. Legal assistance is essential because business conflicts can arise in areas such as contracts, credit, accounts receivable and payable, intellectual property rights, labor, and taxation. Small businesses that borrow from financial institutions also need clear legal protection as customers (Sulistiono et al., 2024). The availability of such services can level the playing field against larger entities that can routinely engage professional advisors. Larger entities can also be held accountable, for example through the liability of their management when they fail to pay their debts (Saputra et al., 2024). The challenge lies in ensuring that business owners are aware of these services, are able to meet the eligibility requirements, and have both geographic and administrative access to utilize them.

Regulation of the Minister of Cooperatives and SMEs No. 2 of 2022 provides more operational guidance through legal assistance and counseling services as part of the capacity-building program for micro and small businesses. Article 26 directs local governments to identify legal issues, disseminate information on how to access services, improve legal literacy, allocate budgets, and collaborate with universities and professional organizations. Article

27 includes contract breaches, accounts receivable and payable, credit, intellectual property, labor, taxation, and document preparation as service areas. Creditors also need legal protection when a debtor is unable to pay (Priyanto et al., 2023). Borrowers who use online loans also need protection because they are often the weaker party (Faridi et al., 2023). This framework demonstrates that the state recognizes legal barriers as part of the challenges in business development. Social disparities can be reduced if services are provided before disputes arise through legal counseling and document preparation, rather than only after conflicts have already occurred. Consistent law enforcement also helps prevent abuse of power in business relationships (Saputra et al., 2021). Thus, the government must continue to strengthen regulations that support MSMEs and ensure equitable distribution of assistance to MSME operators (Hardyansah & Putra, 2023).

Legal literacy serves as a mechanism that links rules to the ability to act. Parties who understand the function of contracts can use these documents to record rights, obligations, risks, and remedies. Legal literacy also helps distinguish relationships that need to be set forth in writing from simple transactions that can be conducted in a more concise form. Low legal awareness can lead parties to accept the terms of an agreement without understanding the provisions governing their rights and obligations, thereby creating vulnerability even when formal legal protections are in place (Hardyansah et al., 2022). Users of digital financial services, for example, often agree to terms without understanding their rights, including over their personal data (Halizah & Mardikaningsih, 2024). Mentoring programs should not encourage MSMEs to produce complex documents unnecessarily, but rather build their capacity to identify risks. Long-term supply contracts, platform partnerships, brand licensing, or exclusive distribution carry different risks than simple cash sales. In financing arrangements, legal terms also decide who bears the loss when a risk materializes (Sahid et al., 2023). The ability to identify these differences transforms the law into a business management tool rather than an administrative burden. Entrepreneurs who have access to this knowledge gain a stronger position when negotiating with partners.

Social capital serves a dual function in contractual protection. Business community networks can provide information about trustworthy partners, payment practices, supplier quality, or legal service providers. Working together and building shared understanding also strengthen trust

among parties (Fared & Darmawan, 2021). Social relationships also provide a low-cost, informal mediation mechanism. This strength is particularly helpful for MSMEs when formal costs are too high. Risks arise when reliance on networks leads actors to avoid documentation for fear of being perceived as distrusting their partners. When conflicts arise within these relationships, social norms can make it difficult for the weaker party to file a claim. Effective protection does not need to replace social trust with full formalities. Legal documents can be used to clarify expectations and protect relationships from misunderstandings, while community mediation continues to serve as an easier resolution pathway.

Access to dispute resolution also determines the value of a contract. Written rights have limited value when the cost of enforcing them exceeds the value of the transaction. MSMEs often face disputes involving amounts that are relatively small for large companies but are very significant for the cash flow of microenterprises. The costs of attorneys, transportation, court time, and lost business opportunities can make litigation uneconomical. Various obstacles often discourage parties from filing civil lawsuits (Hardyansah et al., 2021). Government-funded or facilitated consultation and mediation services can reduce these barriers. Clear mechanisms for recovering rights are also needed so that remedies do not remain only on paper (Mujisulistyo et al., 2024). Protective measures should allow for simple and swift resolutions to business disputes involving limited amounts. When access to remedies is too costly, the dominant party may gain an advantage by knowing that smaller partners find it difficult to enforce their rights. Competition law aims to limit such advantage, but its effect depends on how well it is enforced (Zulkarnain et al., 2024). Social disparities then affect the practical enforceability of contracts.

The circumstances of women entrepreneurs, entrepreneurs in remote areas, family-run businesses, and groups with low levels of education can present multiple overlapping barriers. Time constraints due to household responsibilities, access to transportation, ownership of digital devices, or professional networks can affect their ability to seek assistance. Policies that only provide services during office hours and at specific locations may be more accessible to groups that have greater flexibility in their schedules and mobility. Support provided through communities, mobile services, universities, professional organizations, and digital channels can expand reach. Service models need to maintain in-person options so that digitization does not create new barriers for entrepreneurs who are less accustomed to using

technology. Equal access requires multiple service channels tailored to users' capabilities.

Social structure influences contractual protection through differences in economic status, education, legal literacy, social networks, geographic location, timing, and the ability to access professional services. These disparities determine who is able to understand contracts, negotiate clauses, document transactions, and enforce rights in the event of a dispute. The MSME Law framework, Government Regulation No. 7 of 2021, as well as legal aid and assistance programs have provided tools to reduce these gaps, but their benefits depend on the accessibility of services. More equitable protection requires practical contract education, simple documents, access to pre-transaction consultations, low-cost mediation, and support that reaches groups with limited capacity. The law becomes more effective for MSMEs when it can be utilized from the very beginning of a business relationship, rather than only after a loss has occurred.

Social Inequality in MSMEs' Access to Business Licenses

The primary framework for risk-based business licensing still relies on Government Regulation No. 5 of 2021. This regulation governs licensing based on risk levels and designates the Online Single Submission (OSS) System as the integrated electronic platform for service delivery and oversight. Article 167 stipulates that risk-based licensing is conducted electronically through the OSS System. For MSMEs, this system has the potential to reduce the need to visit multiple agencies and simplify the process of obtaining legal authorization. Ease at the design level does not always translate to equal access at the user level. Business operators need devices, an internet connection, information regarding the Indonesian Standard Industrial Classification (KBLI), an understanding of risk levels, and the ability to follow digital instructions. When these resources are not evenly distributed, the digitization of licensing can reduce one type of barrier while simultaneously creating a new form of inequality.

BKPM Regulation No. 4 of 2021 provides guidelines on risk-based business licensing procedures and serves as one of the technical regulations in effect during the review period. This regulation took effect on June 2, 2021, and governs service procedures within the system established following licensing reforms. Business operators who can understand the classifications and required data can benefit from the integrated process. Rules that differ by business sector, such as those for app-based

transport, show how requirements can vary widely between types of business (Priambodo et al., 2023). Difficulties arise when information about requirements is presented in technical terms that are far removed from everyday business language. Small shop owners, home-based producers, or small service businesses often identify their activities by the products they sell, rather than by business classification codes. Home-based food producers, for example, must also follow labeling standards that many of them are unfamiliar with (Nugraha et al., 2024). This administrative language gap requires translation support in the form of simple guides and assistance, so that the simplification of the system truly results in a simplified user experience.

Pramesty (2024) shows that the digital divide poses a barrier to MSMEs' compliance with legal requirements through the OSS, including limitations in digital literacy, access to information, administrative processes, and the ability to use technology. These findings reveal that access to technology has a social dimension. Digital systems also leave gaps when regulation does not keep up with how people actually work and do business (Hambodo & Darmawan, 2024). The ability to utilize licensing facilities is determined not only by the availability of the necessary facilities but also by the users' capacity (Mardikaningsih & Arifin, 2021). Owning a smartphone does not necessarily mean a user is capable of registering, uploading documents, managing emails, reading notifications, or correcting data errors. Younger applicants or those with family members who possess digital skills can obtain informal assistance. Applicants who lack such a network must seek paid services or abandon the process altogether. Access disparities are ultimately influenced by a combination of digital capital and social capital. An electronic system becomes inclusive when support is available for users with varying levels of technological proficiency.

Licensing barriers are also linked to perceptions of costs and benefits. Informal business operators may view legal compliance as non-urgent when the markets they serve do not require it. Many business actors also avoid forming formal legal entities because they see little immediate benefit (Fathoni et al., 2024). The time spent processing documents is seen as a cost because it must be taken away from production or sales hours. Licensing processing times tend to be slow, costs are sometimes high, and service quality has not reached expected standards (Hardyansah, 2023). Legal compliance becomes more appealing when its benefits are evident through access to financing, procurement, partnerships,

government facilities, or new markets. Certification requirements, such as halal certification, can also become a condition for entering certain markets (Hakiky et al., 2023). Demand for compliance can grow when customers expect safe and legitimate products (Sumito et al., 2024). Siregar et al. (2024) found that the implementation of the OSS is perceived as providing convenience, but limited outreach and access to technology still hinder the licensing process for MSMEs. These issues indicate that administrative reforms must be accompanied by communication about their benefits. Business operators need to understand the relationship between the NIB, business legitimacy, access to programs, and development opportunities so that the formalization process is not perceived as an obligation that merely adds to their burden.

Regional differences have a significant impact on access to digital licensing. While the national system can be accessed from various locations, internet quality, device availability, the presence of support services, and the capabilities of local governments vary. The unequal distribution of digital access and competencies across regions can create additional barriers for users in remote areas (Rojak, 2024). Stakeholders in urban areas may have access to the DPMPSTP, consultants, universities, business communities, and digital service centers. Stakeholders in areas with poor connectivity face obstacles when processes require document verification or uploads. When the system experiences technical errors, the ability to seek assistance also varies. Weak monitoring in areas with limited services also leaves compliance to depend on the awareness of individual business owners (Kahfi et al., 2023). Geographical disparities ultimately find their way into digital systems through supporting infrastructure. Licensing policies need to be viewed as a combination of national platforms and local service ecosystems. The availability of help desks, public internet centers, or mobile assistance teams can determine whether legal services are truly accessible.

Musthafa et al. (2023) discuss the validity of using the OSS Risk-Based Approach and highlight the importance of legal certainty in the licensing system following the changes brought about by the Cipta Kerja law. Regulatory certainty is needed so that businesses can trust that the legal status obtained through the system has clear legal standing. Unclear rules make it harder for businesses to plan and manage their obligations (Mardikaningsih & Darmawan, 2021). For MSMEs, rapid legal changes can create an additional information burden because they rarely have compliance staff who specifically monitor regulations. The Job Creation Law changed

many rules at once, which raised the burden of keeping up (Negara et al., 2024). Large companies can rely on consultants or legal departments, whereas small businesses tend to obtain information from social media, communities, government officials, or fellow business owners. When regulations change, the information circulating may be inconsistent. Unclear legality and weak supervision also allow doubtful schemes to circulate among business actors (Rizaldi et al., 2024). Public services need to provide stable, straightforward, and easily verifiable explanations so that knowledge gaps do not lead some business owners to follow procedures that are no longer appropriate.

Legal status serves a broader purpose than administrative permits. The NIB can serve as a business identifier that connects entrepreneurs to various government services and commercial opportunities. Entrepreneurs who successfully obtain legal status are better positioned to establish formal relationships with financial institutions, business partners, procurement markets, or distributors. Legal status also gives MSMEs a clearer basis to seek legal certainty when dealing with foreign partners (Kusuma et al., 2024). It also makes it easier to protect brands, copyrights, and designs (Hidayat et al., 2024). Without such protection, businesses are more exposed to brand counterfeiting (Isnaeni et al., 2023). Entrepreneurs who fall behind in the licensing process risk remaining in the informal economy and missing out on opportunities that require documentation. Social inequality can then develop cumulatively. Groups that already have education, tools, networks, and information find it easier to obtain legal status and gain access to new opportunities that strengthen their businesses. Groups with limited resources experience the opposite process. Support policies serve to break this cumulative cycle by helping business operators enter the initial formal stage.

The relationship between licensing and contractual protection is also very close. Business operators with legal status find it easier to prove their business identity, open business accounts, obtain supporting documents, and build credibility in their relationships with partners. Legal status does not automatically guarantee a fair contract, but it strengthens the administrative position as the business grows. Fair dealings with partners also rely on ethical conduct in business decisions (Mardikaningsih & Darmawan, 2022). Informal business operators can use contracts, but they often mix personal and business identities, making it difficult to keep assets, debts, and liabilities clearly

separated. Simple accounting systems can help owners record transactions and keep business finances separate (Nuraini et al., 2024). The formalization process can promote administrative order that supports legal protection. Formal status also makes tax obligations clearer, including on online sales (Wibowo et al., 2023). Assistance with licensing should be linked to education on contracts, transaction recording, and document management. Low legal awareness, including on intellectual property, leaves business owners unsure how to protect what they build (Kurniawan et al., 2024). Separating licensing services from other business legal needs may result in business owners obtaining an NIB without understanding how to use that legal status to strengthen their business activities.

Gender and generational gaps can influence the use of OSS. Younger entrepreneurs who are accustomed to using digital services may have an advantage in accessing electronic processes. Older entrepreneurs may have strong business experience but require technical assistance. Female business owners may face time constraints or limited access to devices shared within the household. These situations cannot be resolved by assuming that all users have the same digital capabilities. Digital systems that treat all users alike can push aside those who work at a slower pace or with less skill (Darmawan, 2024). Mentoring programs need to employ flexible methods, including group consultations, in-person services, visual tutorials, and individual assistance. Even technically simple systems can still feel complicated to users who are handling formal documents for the first time. The focus of these services needs to shift from merely providing a platform to ensuring that users successfully complete the process independently or with reasonable assistance.

Local support is beneficial because it bridges national procedures with the social context of the community. MSME communities, village governments, universities, professional organizations, and government agencies can serve as intermediaries to explain requirements and help resolve errors. Cooperatives can also act as intermediaries by helping small businesses access financing and services (Wiyandarini et al., 2021). This model reduces the need to use unofficial services, which can be costly or create dependency. Facilitators must ensure that assistance does not evolve into third-party control over accounts and documents. Business owners should retain control over their digital identities, email addresses, passwords, and the documents they generate. Weak

control over accounts also exposes owners to cybercrime risks (Fajar et al., 2024). The goal of facilitation is to build capacity, not to permanently replace business owners. This capacity-building makes compliance more sustainable, as future changes to data or obligations can be managed independently. Building this capacity also helps businesses adjust when legal obligations change (Darmawan, Hardyansah, et al., 2024).

Access gaps can be assessed using more substantive metrics than the number of NIBs issued. Issuance figures indicate system usage but do not explain who is still left behind. Evaluations need to consider region, business scale, education, age, gender, internet access, and assistance needs. Evaluations should also look at how rules are enforced in practice, including social sanctions when formal enforcement is weak (Darmawan, Ferdiansyah, et al., 2024). Data on process bottlenecks is also useful for improving the system's design. If many business owners get stuck at the KBLI selection stage, the solution differs from obstacles caused by verification or connectivity issues. A user-experience-based approach helps ensure that reforms not only result in procedures that are shorter from the government's perspective, but are actually easier for groups with limited capacity. Access equity means that business owners from different socioeconomic backgrounds have comparable, realistic opportunities to obtain legal status.

Social disparities affect access to licensing through digital literacy, education, internet infrastructure, location, support networks, perceptions of benefits, and the ability to allocate time for administrative processes. Government Regulation No. 5 of 2021 and BKPM Regulation No. 4 of 2021 have established an electronically integrated, risk-based licensing system. This system can reduce bureaucratic barriers, but equity requires support beyond the platform. Local assistance, internet access, simple administrative language, in-person services, outreach on benefits, and digital education must all work together. Legal protection for businesses becomes more inclusive when contracts and licensing are understood as a continuum of empowerment that strengthens MSMEs' ability to enter formal business relationships from a more secure position. Competitiveness also depends on business practices that follow clear principles, including sharia economic principles (Mardikaningsih et al., 2024). Strengthening MSMEs also matters because the sector helps reduce poverty (Wisnujati & Mardikaningsih, 2021).

CONCLUSION

Social disparities affect MSMEs' access to legal business protections through differences in economic capital, education, legal literacy, digital capabilities, location, social networks, and bargaining power. In contracts, these differences determine the ability to understand clauses, negotiate, document transactions, and enforce rights in the event of a dispute. Regarding licensing, the digitization of the OSS provides a simpler process, but its benefits are not uniform due to varying technological capacity and access to assistance. The protection framework has provided conveniences for MSMEs, risk-based licensing, and legal aid support. The main issue lies in the gap between formal rights and the practical ability to exercise them. Closing this gap requires services that reach stakeholders before disputes arise, contract guidance, affordable mediation, digital literacy training, multi-channel licensing services, and local support for groups with limited resources.

Theoretically, the findings of this study indicate that legal protection for businesses cannot be assessed solely based on the number of regulations or the ease of formal procedures. Access is created through the intersection of norms and the social resources of business actors. Two MSMEs subject to the same regulations may have vastly different capabilities in utilizing contracts, legal services, or permits. From an academic perspective, these findings encourage an analysis of SME business law through an "access to justice" approach that accounts for economic class, legal literacy, networks, geographic location, and technology. In practical terms, policies should link licensing assistance with contractual education and dispute resolution services. Entrepreneurs who have obtained legal status need to be equipped with the ability to use it in business relationships, while those facing conflicts need access to assistance that does not depend on their ability to pay for professional legal services.

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