

Notary Authority in the Business Licensing Process Through Online Single Submission (OSS) For Micro, Small, And Medium Enterprise Licensing (UMKM) In Kendari City

Siti Rahma

Faculty of Law, Universitas Islam Sultan Agung, Semarang, Indonesia. Email: sitirahma.std@unissula.ac.id

Abstract. *This study examines the paradigm shift in the role of Notaries in the risk-based business licensing ecosystem in Kendari City. The results confirm that the role of Notaries has transformed from merely public officials who formulate the will of the parties into authentic deeds, to strategic facilitators in the integration of the Online Single Submission (OSS) system. Normatively, Notaries perform a crucial function as material verifiers and gatekeepers to ensure data consistency between the deed of establishment and the Legal Entity Administration (SABH) system and the digital licensing portal. However, empirically, the implementation of this authority is faced with multidimensional obstacles including low digital literacy among business actors, inconsistent data synchronization between agencies, and uncertainty about the limits of job responsibilities related to the validity of input data. This phenomenon of role expansion through the granting of power of attorney mechanism creates a legal dilemma regarding the limitations of Notary civil liability in the cyber notary realm. As a solution, this study formulates the urgency of tripartite synergy through the synchronization of responsive technological infrastructure, standardization of special electronic power of attorney instruments, and updating regulations on Notary positions that are adaptive to digital transformation. Optimizing this role is fundamental to mitigate the risk of legal disputes and ensure inclusive legal certainty for strengthening the regional economy.*

Keywords: Authority; Certainty; Legal; Notary; Validity.

1. Introduction

This research is motivated by a significant research gap between the normative design of the Online Single Submission (OSS) system as an electronic-based licensing instrument and the actual legal needs of Micro, Small, and Medium Enterprises (MSMEs) in the field. Regulatoryly, the OSS, as regulated by Government Regulation Number 5 of 2021 concerning the Implementation of Risk-Based Business Licensing, does not explicitly mention the role and involvement of

Notaries in the licensing process. However, in practice, Notaries remain crucial actors that cannot be ignored, particularly in the preparation of legal entity deed of establishment, legalization of legal documents, and providing legal consultations, which are prerequisites for business actors to access the OSS system. This gap between the lack of explicit regulation regarding the role of Notaries in OSS regulations and the actual needs of MSMEs for legal assistance constitutes the main research gap. As stated by Dewi and Buana (2023), Notaries require firm legal legitimacy in the digital licensing ecosystem, considering that many modern licensing transactions and procedures have shifted to the electronic space, while the notarial legal framework has not fully accommodated this transformation. Reynaldi (2022) also emphasized that after the implementation of the Job Creation Law, there has been a shift and limitation of the authority of Notaries, which was previously very central to the establishment of legal entities. Therefore, an in-depth study of the position and authority of Notaries in the contemporary digital licensing landscape is needed.

The underlying phenomenon of this research is clearly evident in the empirical conditions in Kendari City. Although approximately 3,373 MSMEs have successfully obtained a Business Identification Number (NIB) through the OSS system, a significant number of business owners remain unable to access or manage permits independently. This phenomenon demonstrates that the digitization of permits through the OSS has not fully addressed the structural issues faced by MSMEs, particularly those with limited digital literacy, a limited understanding of legal procedures, and barriers to accessing information technology. Furthermore, this phenomenon becomes even more complex when associated with women entrepreneurs who face multiple challenges, including structural, social, and cultural barriers, in accessing permit services. These data indicate that the existence of the OSS as a digital solution does not automatically eliminate the need for professional assistance from a Notary, but rather reinforces the urgency of their presence as a bridge between the electronic system and the still-limited legal capacity of business owners. This gap between the target of permit digitization and the actual capabilities of MSMEs in Kendari provides a strong empirical rationale for conducting in-depth research.

The urgency of this research is further strengthened when viewed from the perspective of legal protection and legal certainty for MSMEs. Based on the Legal Protection Theory proposed by Philipus M. Hadjon, legal protection is divided into two dimensions: preventive protection and repressive protection. In the context of the OSS, preventive protection is realized through a risk-based approach that simplifies licensing procedures, while repressive protection is realized through a complaint mechanism and legal remedies in the event of a dispute. However, these two dimensions of protection cannot function optimally without the role of a Notary who ensures that the legal documents serving as the basis for licensing applications have met formal and material requirements. Without a valid deed of establishment and complete legal documents from a Notary, MSMEs have the

potential to face licensing rejections, future legal disputes, or even lose their right to legal protection. Satjipto Rahardjo emphasized that the law must be able to provide substantive protection, not merely procedural, and in this context, the role of a Notary is a vital instrument in realizing this substantive protection for MSMEs who are vulnerable to non-transparent legal practices.

From the theoretical perspective of authority, this research is urgent because the authority of a Notary in the context of the OSS is indirect and requires a comprehensive legal analysis. The Authority Theory proposed by Kelsen, Weber, and Friedrich emphasizes that every action of a public official must be based on legitimate authority and derived from legal norms. In the context of the OSS, a Notary does not have direct authority to operate the electronic licensing system, but their authority to create authentic deeds based on Article 15 of the Notary Law (UUJN) is an irreplaceable legal foundation for the legality of a business entity. This authority is expanded through a mechanism of granting power of attorney from business actors to Notaries to assist in the registration process and data entry in the OSS system. Research by Hidayat shows that the authority of a Notary in the process of establishing a business through the OSS has a significant impact on the ease and clarity of business legality, but has not been fully utilized optimally by MSMEs who tend to experience limited access to information and legal resources. Therefore, this research is urgent to analyze in depth how the Notary's attribution authority interacts with the digital licensing system within the framework of Indonesian positive law.

This research is also based on the need to integrate the findings of previous, fragmented studies into a comprehensive and contextual analytical framework. Susanti (2019) highlighted that effective business licensing can open up opportunities for economic empowerment and encourage business participation in the formal economy. Nugroho and Santoso emphasized that the role of notaries in ensuring document validity and compliance with legal provisions is crucial for enhancing business credibility and legal protection for MSME owners. Prasetya emphasized the need for synergy between government technology and the role of the notary profession to create a responsive and inclusive licensing process. Meanwhile, Christiantirta and Priyono (2022) argued that the role of notaries extends beyond document legalization to provide legal education and advice that supports community legal empowerment. However, no research has specifically examined the authority of notaries in the OSS licensing process for MSMEs in Kendari City, taking into account the local context, digital infrastructure challenges, and the socio-economic dynamics of the local community. This literature gap makes this research have significant novelty value in enriching the treasury of notarial law and state administrative law.

Practically, the urgency of this research is also driven by the need to formulate policy recommendations that can optimize the role of Notaries in supporting the MSME licensing ecosystem in Kendari City. The Public Service Theory proposed by

Osborne and Gaebler emphasizes that public services must be efficient, accessible, and adaptive to technological developments. In this context, Notaries function not only as deed makers, but also as legal consultants, educators, and facilitators who help MSMEs understand their legal rights and obligations. The Gender and Economic Empowerment Theory proposed by Nussbaum (2011) also emphasizes that women's economic empowerment must be supported by access to a fair legal system and administrative services. Therefore, the involvement of Notaries in assisting women entrepreneurs in the OSS process is a concrete effort to support equal access to business legality. Thus, this research is not only academic-theoretical, but also has practical implications directly related to improving the quality of public services, strengthening MSME legality, and empowering the economic community in Kendari City.

Based on the overall arguments above, this research was conducted with strong and multidimensional reasons, encompassing theoretical, empirical, and practical dimensions. Theoretically, this research fills the gap in studies regarding the intersection between the authority of Notaries based on the UUJN and the OSS digital licensing system within the framework of the Theory of Authority, Theory of Legal Protection, and Theory of Public Service. Empirically, this research addresses the phenomenon of the gap in OSS implementation in Kendari City where thousands of MSMEs still require professional legal assistance to access business legality. Practically, this research is expected to produce strategic recommendations for strengthening collaboration between Notaries, local governments, and MSME support institutions in creating an inclusive, transparent, and sustainable licensing ecosystem. Thus, the research entitled "The Authority of Notaries in the Business Licensing Process Through Online Single Submission (OSS) for Micro, Small, and Medium Enterprises (MSMEs) in Kendari City" has a strong academic justification and high social relevance for implementation.

The novelty of this research lies in the specific study of the intersection between the attribution authority of Notaries based on the Notary Law (UUJN) and the Online Single Submission (OSS) digital licensing system in the local context of Kendari City, which has never been comprehensively examined in previous research. Previous studies such as those by Hidayat, Susanti (2019), Nugroho and Santoso, and Prasetya only examined the role of Notaries in licensing in general or at the national level without delving into the local dimension which has different characteristics of digital infrastructure, human resource capacity, and socio-economic dynamics. Furthermore, studies by Dewi and Buana (2023) and Reynaldi (2022) focused more on the aspect of Notary authority in electronic transactions and the establishment of Sole Proprietorships, but did not directly link it to the MSME licensing process through OSS in areas with limited access to technology. This study fills this gap by empirically analyzing how Notaries in Kendari City exercise their authority in assisting MSMEs who face digital literacy barriers, limited legal understanding, and technical obstacles in accessing the OSS system, thus producing findings that are contextual and applicable.

Furthermore, the novelty of this research lies in its multidimensional approach, integrating the Theory of Authority, Theory of Legal Protection, Theory of Public Service, and Theory of Gender into a single, cohesive analytical framework to examine the position of Notaries in the digital licensing ecosystem. Previous research has tended to utilize one or two theoretical approaches separately, while this research simultaneously analyzes the legal authority of Notaries, the preventive and repressive dimensions of legal protection for MSMEs, the function of digital-based public services, and the perspective of women's economic empowerment who face structural challenges in accessing business legality. Another novelty is the critical identification of the "normative void" in the OSS regulation, which does not explicitly mention the role of Notaries, despite the fact that Notaries are an irreplaceable prerequisite for providing legal documents that form the basis for data input into the OSS system. Thus, this research not only produces an empirical description but also offers a new theoretical construct regarding the "indirect authority" of Notaries in digital licensing, as well as policy recommendations to strengthen the synergy between the notary profession and e-government systems at the regional level.

2. Research Methods

This study uses an empirical legal research method (sociological juridical) with a descriptive qualitative approach. The qualitative approach was chosen because this study aims to deeply understand the legal phenomena that occur in practice, namely how Notary authority is exercised in the MSME licensing process through the OSS in Kendari City, as well as to identify the obstacles and solutions faced. Qualitative methods allow researchers to explore the meaning, experiences, and perspectives of research subjects holistically without reducing the complexity of the phenomenon to statistical figures. Specifically, data collection techniques were conducted through semi-structured in-depth interviews with notaries, MSMEs, and officials from the Kendari City Investment and One-Stop Integrated Services Agency (DPMPTSP). These interviews were designed to gather information on the practice of notary authority, technical and administrative obstacles in managing the OSS (Owner-Owned Business Registration) system, and business actors' experiences in accessing digital licensing services. In addition to the interviews, participant observation was conducted by directly observing the notary's assistance process for MSMEs in filling in data and uploading documents to the OSS system. Data analysis used the Miles and Huberman model of qualitative analysis techniques, which consists of three stages: data reduction, data presentation, and conclusion drawing. Data from interviews and observations were transcribed, coded based on relevant themes such as authority, legal protection, technical obstacles, and solutions, then interpreted using the Authority Theory and Legal Protection Theory frameworks. Data validity was guaranteed through source triangulation, namely comparing information from Notaries, MSMEs, and relevant government agencies to obtain a complete and credible picture of OSS licensing practices in Kendari City.

3. Results and Discussion

This research reveals a fundamentally interesting and original finding in the study of Indonesian notary law: the structural dialectic between the limitations of a notary's normative authority as stipulated in the Notary Law (UUJN) and the organic expansion of their functional roles in the field. This finding not only describes administrative practices but also identifies a phenomenon of professional transformation that has not been adequately accommodated within Indonesia's positive regulatory framework.

Interview data with three notaries in Kendari City on February 2, 2026, revealed a rich spectrum of academic views. Notary Askar Laepe, SH, M.Kn. emphasized that, according to the regulations, notaries do not have the authority to process NIB through OSS, except in the context of creating authentic deeds for large-scale PT or CV business entities. However, he simultaneously acknowledged the practice of mentoring MSMEs as a form of socialization and empowerment. On the other pole, Notary Gresia Puterahmat, SH, M.Kn. firmly stated that the creation of NIB through OSS is not the authority of notaries because notaries are only deed-making officials under the Ministry of Law and Human Rights, while OSS is the domain of the Ministry of Investment/BKPM. Meanwhile, Notary Irwan Addy Sanusi, SH, M.Kn. presented a third, more progressive perspective, namely that notary authority can normatively extend to the management of NIB as long as it is based on a valid power of attorney from the business actor based on the civil law principle of granting power of attorney (*volmacht*).

The triangulation of these three perspectives yields a very interesting theoretical construct: there is no single consensus among notary practitioners regarding the limits of their authority within the OSS ecosystem, implicitly confirming the existence of a legal vacuum in the prevailing regulations. This finding has high academic significance because it demonstrates that the law on the books and the law in action in the context of Indonesian digital notaries remain separated by a wide gap.

Notaries as Gatekeepers and Material Verifiers: Redefining Roles in the Digital Era

The second very interesting finding is the identification of the notary's role as a gatekeeper, as defined by mass communication theory, adapted to the context of state administrative law. Notaries in Kendari City not only control the flow of information during the legal entity establishment process but also serve as the primary filter determining whether a business entity is eligible to enter the national licensing system. This function includes verifying the identity of the parties, the validity of supporting documents, the compliance of articles of association with legal provisions, and the accuracy of selecting the Indonesian Standard Industrial Classification (KBLI) code. What makes this finding unique is the context of the integration between the Ministry of Law and Human Rights' Legal Entity Administration System (SABH) and the BKPM's OSS portal. Notaries

occupy a strategic position as a nexus point between two government systems with different architectures and jurisdictions. When data synchronization inconsistencies occur between the systems—as discovered in this study—notaries become the *de facto* parties who bear the burden of resolving the problem, even though *de jure* this is the responsibility of the state's technological infrastructure. This finding reveals a paradox: notaries are given material responsibility for data validity, but are not equipped with investigative authority or full access to the government's digital infrastructure.

The third finding with significant policy implications is the identification of a functional burden shift from the state to notaries due to low digital literacy among MSMEs in Kendari City. By policy design, the OSS RBA system was built on the assumption that business actors would be able to register independently. However, the reality on the ground shows that the majority of micro and small MSMEs lack the technical skills to operate the system.

This situation forces notaries to take over administrative tasks that are not within their regulatory authority, such as account registration, access rights activation, and data input into the OSS portal. This finding is interesting because it reveals that the digitization of bureaucracy, rather than reducing public dependence on intermediaries, has actually created a new, more complex form of dependency. MSMEs that previously relied on licensing brokers now rely on notaries as "digital translators" who bridge the gap between system complexity and user capacity.

Dualism of Perception and Transformation of Notary-MSME Relations

The fourth sociologically relevant finding is the dual perception of notary services among MSMEs in Kendari City. On the one hand, there is a positive perception that notaries are strategic partners for business legality. On the other hand, most micro and small business owners still view notaries as transactional "administrative rubber stamps" or additional costs. This dualism is influenced by limited legal literacy at the grassroots level and suboptimal education regarding the long-term investment value of quality notary services.

This finding is reinforced by data showing that many MSMEs choose to process their NIB independently through the OSS (Online Business Registration) system due to its perceived ease of access. For individual CV or PT establishments, they use notary services with fees tailored to their financial capabilities. This fact indicates that the notary-MSME relationship in Kendari City is transitioning from a transactional relationship to a strategic partnership, but has not yet reached the ideal point of maturity.

What makes this research novel and multidisciplinary is its analysis from an Islamic legal perspective. The transformation of the notary's role as a strategic facilitator in the OSS ecosystem aligns with the principles of *maslahah mursalah* (public benefit) and *sadd al-dzari'ah* (preventing harm). The notary's involvement in

validating OSS data serves to prevent fraudulent practices (gharar), document forgery, and money laundering. Meanwhile, the mechanism for granting power of attorney from business actors to notaries fulfills the requirements of a valid *wakalah bil ujah* (granting power of attorney in return) contract as long as it is based on consent (*ridha*) and transparency. This perspective enriches the discourse on Indonesian notary law with a religious ethical dimension relevant to the context of Kendari City society.

Theoretically, the findings of this study confirm that the theory of authority in state administrative law needs to be expanded to accommodate the phenomenon of derivative authority based on civil mandates in the context of digitalizing public services. The notary's actions in inputting OSS data based on a power of attorney from an MSME cannot be categorized as attributive or delegated authority, but rather a form of mandate that requires explicit regulatory recognition.

Based on these findings, this study recommends three strategic steps: first, the establishment of a Joint Regulation between the Ministry of Law and Human Rights and the Ministry of Investment/BKPM that explicitly recognizes the role of notaries as legal-administrative assistants in the OSS ecosystem with clear boundaries of responsibility; second, the implementation of a safe harbor policy that protects notaries from lawsuits as long as they act in accordance with SOPs and based on a valid special power of attorney; and third, the establishment of OSS Centers at the regional level and a digital literacy certification program for MSMEs to reduce structural dependence on notaries in technical-administrative matters.

The theoretical construction of "derivative authority based on civil mandate" has never been explicitly identified in Indonesian notarial law literature before. Interview findings with three notaries in Kendari City revealed that notaries' actions in inputting MSME actor data into the OSS portal cannot be classified into the classic trilogy of sources of authority in state administrative law—namely attribution, delegation, or administrative mandate—but rather constitute a form of hybrid authority born from the intersection of civil law (*volmacht* based on Article 1792 of the Civil Code) and public law (risk-based business licensing). This construction is an original finding because it demonstrates the existence of a "third space" in the architecture of public officials' authority in the era of digitalization of government services, where notaries operate not as vertical extensions of the state, but as horizontal facilitators bridging the gap between the state's technological capacity and the public's digital literacy. Furthermore, this study empirically identifies for the first time the phenomenon of "functional burden shifting" in the context of OSS in Indonesia, where the digitization of the bureaucracy actually creates a new form of structural dependence on the notary profession, rather than reducing the role of intermediaries as assumed by the initial OSS RBA policy design. This finding reverses the dominant narrative in e-government studies that has assumed that digitalization automatically democratizes access to public services, and instead demonstrates that without

strengthening user capacity at the grassroots level, digitalization has the potential to reproduce unequal power relations in a more subtle form.

The integration of an Islamic legal perspective into the analysis of notary authority in the OSS ecosystem, which has never been done in digital notary research in Indonesia. This research originally identified that the transformation of the notary's role as a gatekeeper and material verifier in the OSS system has a direct correspondence with the principle of *maslahah mursalah* (public benefit) and the function of *sadd al-dzari'ah* (prevention of damage) in *siyasah fiqh*. The mechanism of granting power of attorney from MSMEs to notaries fulfills all the pillars and requirements of the *wakalah bil ujah* contract, while the notary's verification function of KBLI data and articles of association is a manifestation of the principle of *hifz al-mal* (protection of assets) and the prevention of *gharar* (uncertainty) and *tadlis* (fraud) practices in economic transactions. This dimension is strengthened by the normative basis of Surah An-Nisa verse 58 regarding the fair fulfillment of trust and Surah Al-Baqarah verse 188 regarding the prohibition of consuming wealth unjustly, which is contextually relevant to efforts to prevent extortion and brokering practices in licensing. Thus, this research not only enriches the discourse of positive law, but also offers a contextual religious ethical framework for the majority Muslim community of Kendari City, so that the social legitimacy of the notary's role obtains a dual foundation: the formal-juridical from UUJN and theological-moral from *maqashid sharia*.

The most significant policy implication is the identification of a "paradoxical nexus point" in the relationship between the Legal Entity Administration System (SABH) of the Ministry of Law and Human Rights and the OSS portal of the Ministry of Investment/BKPM. This research, for the first time, empirically demonstrates that notaries in Kendari City bear the *de facto* burden of resolving data synchronization inconsistencies between government systems with different architectures and jurisdictions, even though *de jure* this is the responsibility of the state's technological infrastructure. This finding reveals a structural asymmetry never before documented in Indonesian administrative law studies: notaries are burdened with material responsibility for the validity and accuracy of data input into the OSS, but are not equipped with investigative authority, full access to the backend of government systems, or a mechanism for direct correction of system errors. This paradox results in prescriptive policy recommendations that have never been formulated in previous research, namely the urgent need for a Joint Regulation between the Ministry of Law and Human Rights and the Investment Coordinating Board (BKPM) that explicitly recognizes the role of notaries as legal-administrative assistants in the OSS, the implementation of a safe harbor policy that protects notaries from legal liabilities due to system failures beyond their control, and the establishment of OSS Centers at the regional level as supporting institutions that reduce the structural dependence of MSMEs on notaries in purely technical-administrative aspects. With these three layers of novelty, this research contributes not only to the development of notarial law and state administrative

law, but also to the formulation of evidence-based public policies in the digital transformation of business licensing in Indonesia.

Thus, this study concludes that the authority of notaries in the MSME licensing process through OSS in Kendari City is a dynamic, multidimensional legal phenomenon, and requires an adaptive regulatory response so that the digital transformation of licensing truly functions as a catalyst for inclusive economic growth, not simply shifting the bureaucratic burden from paper to digital screens.

4. Conclusion

Based on the research results and discussions that have been presented previously, the following conclusions can be drawn: The role of notaries in Kendari City within the Online Single Submission (OSS) ecosystem has transformed from mere deed-making officials to strategic facilitators bridging traditional legal aspects with the digital licensing system. Although normatively, obtaining a Business Identification Number (NIB) is not an absolute obligation for notaries, their function as material verifiers and gatekeepers is a crucial instrument in ensuring legal certainty, particularly in synchronizing authentic deed data with the correct KBLI code. The practice of granting power of attorney from MSMEs to notaries demonstrates an expansion of functional roles to overcome digital literacy barriers, so that the resulting legality is not only issued quickly but also has strong legal validity to support business scalability and access to capital in the era of risk-based licensing. The implementation of notary authority in the OSS RBA (Online Single Submission Risk-Based Approach) system in Kendari City faces multidimensional challenges including low digital literacy among MSMEs, technical obstacles to data synchronization between institutions, and legal risks resulting from the expansion of notaries' functional roles as licensing assistants. Although notaries voluntarily take on a strategic role as digital facilitators to overcome administrative deadlocks for local businesses, this creates a dilemma of legal responsibility regarding the validity of input data that goes beyond their conventional duties. As a solution, tripartite synergy is needed through real-time integration of the API (Application Programming Interface) system, standardization of special powers of attorney for professional protection, and strengthening regulations that recognize the role of notaries in the cyber notary ecosystem to ensure legal certainty and bureaucratic efficiency that are more inclusive for regional economic growth.

5. References

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- Law Number 2 of 2014 concerning Amendments to Law Number 30 of 2004 concerning the Position of Notary, Article 1 number 1
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