

## Disharmony in the Establishment of the Merah Putih Village Cooperative from the Perspective of Cooperative Principles

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### ABSTRACT

The process of establishing the Merah Putih Village Cooperative, carried out through village government policy, raised normative issues, especially regarding the fulfillment of the principle of voluntary membership as stipulated in Law Number 25 of 1992 concerning Cooperatives. This study aims to examine the alignment between the cooperative establishment model influenced by government policy intervention and the principle of free will in the legal act of establishing a cooperative. The approach used is normative legal research based on legislation analysis, legal concepts, and historical perspectives to examine the normative structure related to principles in the process of establishing cooperatives at the village level. The results of this study are expected to contribute to the proper application of legal principles, ensuring that the establishment of cooperatives is legally legitimate in accordance with applicable laws and regulations.

### Keywords:

cooperative establishment, principle of voluntarism

### INTRODUCTION

Cooperatives hold a vital position in the Indonesian economic system as stipulated in Article 33 paragraph (1) of the 1945 Constitution of the Republic of Indonesia (UUD NRI 1945). This provision affirms the principle of kinship as the basis for economic management, thereby viewing cooperatives as a form of business entity that reflects the values of togetherness and participation. This constitutional provision provides a normative basis for the role of cooperatives as entities that connect economic and social functions in national economic activities.

Further provisions regarding cooperatives are stipulated in Law Number 25 of 1992 concerning Cooperatives (Cooperative Law). This law contains principles that must serve as a reference for the management of cooperatives. Article 5, paragraph (1), of the Cooperative Law sets out five basic principles: voluntary and open membership; democratic governance; proportional distribution of surplus; limited return on capital; and independence. These principles serve as guidelines for the identity, structure, and operations of cooperatives in various forms of business activities.

The principle of voluntary and open membership is the first principle emphasized in the Cooperative Law. This principle stresses that the decision to join as a member is a voluntary act born of individual will without coercion, encouragement, or interference from other parties. This provision places cooperative membership as the result of a rational choice and full awareness, not as a result of external pressure. Within the organizational framework, this principle serves as the foundation for the formation of internal cooperative relations, positioning members as the primary subjects in the process of formulating and shaping the organization's will.

The application of the voluntary principle in the context of establishing cooperatives provides an indicator of how cooperatives should ideally be formed. The establishment of cooperatives is perceived as a process that arises from the community's real needs and is formulated through the direct involvement of interested

parties. This process is often described as bottom-up formation, indicating that cooperatives result from collective will rather than structures imposed by external parties.

Within the framework of rural economic policy development, the government issued Presidential Instruction No. 9 of 2025, which contains provisions for implementing the Merah Putih Village Cooperative Program. This policy aims to expand the institutional structure of the village economy by establishing cooperatives across various regions as instruments of community empowerment. From a public policy perspective, the program represents a strategy to strengthen the local economy by leveraging the cooperative institutional model to integrate community needs and economic development objectives. This approach also demonstrates the government's orientation towards promoting village independence through the strengthening of community-based financial institutions, as emphasized that "cooperatives are a strategic instrument in village economic development because they can mobilize community participation while increasing local economic capacity."

The implementation of the Merah Putih Village Cooperative Program in practice shows a top-down pattern of cooperative formation. The village government receives specific directions for forming cooperatives, including the setting of targets, the preparation of implementation schedules, and the holding of village deliberations in accordance with the stages outlined in the program guidelines. This pattern shows that the government's policy framework provides a relatively structured process for establishing cooperatives at the village level.

This condition raises the need to examine the relationship between the cooperative establishment policy implemented through a top-down approach and the principle of voluntary membership as stipulated in Article 5, paragraph (1), letter a of the Cooperative Law. The principle of voluntary membership requires free will in the process of establishing a cooperative and in determining membership. Therefore, the existence of a command-based policy in the establishment of cooperatives raises questions about how the principle of voluntary membership can be consistently upheld in practice.

## METHOD

This study uses normative legal research, focusing on positive legal norms, legal principles, and doctrines related to cooperatives. This method was chosen because the main issue of the research concerns the analysis of cooperative legal principles, particularly voluntary membership as stipulated in Article 5, paragraph (1), of Law Number 25 of 1992 concerning Cooperatives, and its relation to the concept of agreement in civil law. The approaches used include: a statute approach to examine the provisions in the Cooperative Law, *Burgerlijk Wetboek*, and related technical regulations; a conceptual approach to explore the principles of cooperatives and free will in the establishment of cooperatives; and a historical approach to trace the development of the principle of voluntary membership in the doctrine of cooperatives in Indonesia. This type of research uses a descriptive-analytical approach, aiming to explain applicable legal provisions while examining them in depth within a legal theoretical framework appropriate to the issues discussed.

The legal materials for this research consist of primary, secondary, and tertiary legal materials. Primary legal materials include laws and regulations governing

cooperatives, civil law, and court decisions relevant to collective agreements or legal actions. Secondary legal materials include academic literature in the form of books, journal articles, and research results that discuss cooperatives, the principles of contract law, and the theory of free will. Tertiary legal materials include legal dictionaries, encyclopedias, and indexes used to clarify the legal terminology used. All legal materials are collected through library research, including systematic searches and reviews of relevant legal documents and scientific references.

## RESULTS AND DISCUSSION

Article 5 paragraph (1) letter a of the Cooperative Law stipulates that cooperative membership is voluntary and open. This formulation grounds the formation of a legal relationship between the cooperative and its members in the element of free will. As a legal entity characterized as an association of persons (vereniging), cooperative membership cannot arise automatically or through coercion, but only through an individual declaration of intent by the party choosing to become a member.

The meaning of “voluntary” in this provision is in line with the definition of voluntary according to Black's Law Dictionary 11th Edition, which describes a voluntary act as an act performed of one's own free will without compulsion, constraint, or undue influence. This definition emphasizes that the basis of cooperative membership is tied to the freedom of choice of each individual.

A systematic interpretation of the provisions in the Cooperative Law also shows that the legislators positioned cooperatives as socio-economic organizations that grow from community initiatives (bottom-up), not through engineering or formation by village government structures in a top-down manner. The establishment of a cooperative must be based on the real needs of the community, arising from the collective awareness and will of its members, not on external instructions or intervention.

Conceptually, the character of a cooperative as an association of people requires the authentic individual will of each prospective member. This will is the source of the cooperative's legitimacy as a private legal entity. Suppose citizen participation is driven by social or administrative pressure. In that case, the cooperative's orientation may shift from an autonomous, member-driven organization to an administrative unit that follows the directives of public authorities. This change has important consequences for the status and character of cooperatives.

Practice in the field shows that the formation of cooperatives through village government instructions or specific program targets often creates structural pressure. This pressure does not always take the form of explicit orders, but can arise as moral encouragement, a sense of obligation, or a perception of duty to follow village policy. In a hierarchical rural social structure, the village head's directives are often seen as collective decisions that must be followed. This situation affects the purity of the voluntary element in legal membership actions.

In cooperative doctrine, the principle of voluntary membership is the first principle as formulated by the International Cooperative Alliance (ICA). The ICA emphasizes that membership must be free, without discrimination, and based on individual decision. Conceptually, voluntarism is the foundation of the legitimacy of internal democracy in cooperatives.

Membership formed due to instructions can weaken the dynamics of internal democracy. Member participation in meetings, business supervision, and capital

participation requires individual awareness, not administrative compliance. If membership is formed top-down, the relationship between members becomes formal and lacks a sense of belonging. This condition weakens the capacity of cooperatives to function as community-based economic institutions.

Moh. Hatta's thinking provides a crucial philosophical basis for the principle of voluntarism. Hatta positioned cooperatives as a tool of the people's economy, rooted in shared awareness and guided by the principles of mutual assistance and cooperation. Cooperatives are not intended to be organizations formed through state instruction, but rather entities that grow from the real needs of the community. Thus, the formation of cooperatives through instruction is not in line with the character of cooperatives as formulated in the basic concepts of Indonesian cooperatives.

The value of cooperation, which is the morality of cooperatives, also implies voluntary involvement. Mutual cooperation can only flourish when members join out of a conscious desire to contribute, not simply to follow a government program. Participation that arises from shared needs is better able to strengthen internal solidarity and commitment to business management.

In the context of the Merah Putih Village Cooperative Program, the village government's facilitation pattern is an essential factor in determining the fulfillment of the principle of voluntarism. An overly persuasive approach, for example by emphasizing the success of village programs, can create the perception that participation is an obligation for citizens. This has the potential to give rise to administrative membership that does not originate from the collective consciousness of the community.

A historical approach shows that an instructive model of cooperative formation occurred during the establishment of Village Unit Cooperatives (KUD). Many KUDs were formed as instruments of national development, resulting in formal and administrative membership. As a result, participation was low, member meetings were ineffective, and business dynamics weakened. This historical experience shows that cooperatives that do not arise from the organic needs of the community tend not to function optimally and are challenging to sustain.

The weaknesses in the KUD membership structure affect capital participation, internal supervision, and the effectiveness of member meetings. Formally existing organizations that do not function substantively underscore the importance of the principle of voluntarism as a condition for the sustainability of cooperatives. The implementation of the Merah Putih Village Cooperative Program has the potential to face similar problems if its membership is formed using a top-down approach.

In rural social structures, the position of the village head as a central figure often shapes residents' freedom of will. The village head's directives are easily interpreted as orders to be obeyed, which can create social pressure that undermines the voluntary nature of legal membership. In fact, from a civil law perspective, participation in a cooperative is a legal action based on free will that should not be influenced by external pressure.

Thus, top-down cooperative formation has the potential to degrade the essential orientation of cooperatives: from fulfilling the economic needs of members to prioritizing the fulfillment of government targets. Cooperatives formed on the basis of program interests or intervention are prone to losing sight of collective needs (common needs), which are the basic values of cooperatives. This disorientation will further have

implications for the organizational structure, level of member participation, and effectiveness of cooperatives in realizing their collective economic functions.

### CONCLUSION

Based on the results of discussions regarding the principle of voluntary membership in cooperative law and analysis of the elements of agreement in the establishment of the Merah Putih Village Cooperative, it can be concluded that the principle of voluntary membership in the establishment of the Merah Putih Village Cooperative has not been fully fulfilled because the top-down pattern of formation by the village government has created social and administrative pressure. This could shift voluntarism to formal membership only and is not in line with the character of cooperatives as autonomous organizations grounded in the real needs of the community. As a follow-up to these findings, it is recommended that:

a. The village government needs to implement a purely participatory approach without pressure, either direct or indirect. Socialization regarding the establishment of cooperatives must be carried out neutrally, so that every citizen has complete freedom to decide whether to become a member based on personal needs and considerations, not because of government program incentives.

b. The community needs to be provided with adequate education on the basic principles of cooperatives, their functions and objectives, as well as the rights and obligations of members. This understanding is important so that the agreement to establish and participate in the cooperative is truly born of awareness, commitment, and a complete understanding, enabling the cooperative to develop healthily and sustainably.

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