



Legal Problem of the Merah Putih Cooperative

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Abstract

The Merah Putih Cooperative is a government program aimed at strengthening the village economy through cooperative institutions based on economic democracy and family principles. This study aims to analyze the legal basis for the establishment of the Merah Putih Cooperative, the legal challenges in its implementation, and the potential criminal risks for cooperative managers. The study uses a normative juridical method with a statutory, conceptual, and analytical approach. The results show that the establishment of the cooperative based solely on Presidential Instruction Number 9 of 2025 does not meet the legality principles of state administrative law, thus creating legal uncertainty. In addition, there is overlapping function between the cooperative and the Village-Owned Enterprises (BUMDes), which causes institutional conflict at the village level. Weak internal oversight and low capacity of cooperative managers also increase the potential for misuse of funds, corruption, and other legal violations. Therefore, strengthening formal regulations, harmonizing village institutions, and improving cooperative governance are needed so that the Merah Putih Cooperative program can run transparently, democratically, and sustainably.

Keywords: Governance, Red and White Cooperative, Village Economy

INTRODUCTION

Cooperatives play an essential role in the Indonesian economic system as mandated under Article 33 of the 1945 Constitution of the Republic of Indonesia, which emphasizes economic democracy and collective welfare.¹ Cooperatives are designed as people-based economic institutions aimed at improving community welfare through democratic participation and mutual cooperation principles.² Within the context of rural development, the Indonesian government introduced the Merah Putih Cooperative program to strengthen village economies and improve public access to economic resources.

¹ Thamasi Masnun, Muh Ali, Prasetyo, Dicky Eko, Konara, "Financial Reconstruction Of State-Owned Enterprises In Indonesia As Special State Finances: Public Or Private Law?," *Jurnal Hukum Bisnis Bonum Commune* 9, No. 1 (2026): 44-62.

² Afril Efan Pajri And Ita Aristia Sa'ida, "Digitalisasi Untuk Penguatan Tata Kelola Koperasi Desa Merah Putih," *Jurnal Teras Pengabdian Masyarakat* 2, No. 1 (January 1, 2026): 51-56, <https://jurnal.tdinus.com/index.php/jtpm/article/view/54>.

The Merah Putih Cooperative was established through Presidential Instruction Number 9 of 2025 as part of the government's strategy to encourage equitable economic development in rural areas. Through this policy, the government expects cooperatives to become instruments for poverty alleviation, food security, and local economic empowerment. However, despite its strategic objectives, the implementation of the program raises various legal and institutional problems.

One of the primary legal concerns relates to the legality of the cooperative's establishment. In Indonesian administrative law, the formation of institutions that directly affect public interests should ideally be based on stronger legal instruments such as statutes or government regulations.³ Presidential Instructions fundamentally function as internal administrative directives and are not intended to serve as comprehensive legal foundations for establishing public institutions with broad social and financial implications.

Another issue concerns the overlapping institutional functions between the Merah Putih Cooperative and Village-Owned Enterprises (BUMDes).⁴ Both institutions operate in village economic sectors and often share similar objectives, including economic development and community empowerment. The absence of clear legal boundaries between these institutions creates uncertainty regarding authority, management, and accountability within village governance systems.⁵

In addition, weak supervision systems and insufficient managerial competence among cooperative administrators increase the potential for legal violations and financial misconduct. Mismanagement of cooperative funds may lead to corruption, embezzlement, abuse of authority, and other criminal offenses that could harm both society and state finances. Therefore, this study is important to provide a comprehensive legal analysis regarding the implementation of the Merah Putih Cooperative in Indonesia.

RESEARCH METHODS

This research uses a normative juridical method focusing on legal norms and regulations related to the Merah Putih Cooperative.⁶ The research applies statutory,

³ Eny Sulistyowati Muh. Ali Masnun, Dicky Eko Prasetyo, Mohd Badrol Awang, "Reconstructing Indonesia's Trademark Registration System Through The Lens Of General Principles Of Good Governance To Realize Substantive Justice," *Journal Of Law And Legal Reform* 5, No. 3 (2024): 891-912.

⁴ Asep Noor Bya, Muhammad Luthfia, And Oetje Subagdja, "Implementation Of Village Development Through Utilization Of Village-Owned Enterprises' Income," *Ranah Research : Journal Of Multidisciplinary Research And Development* 7, No. 4 (May 10, 2025): 3032-3043, <https://jurnal.ranahresearch.com/index.php/R2J/article/view/1577>.

⁵ Ridwan Arma Subagio Dicky Eko Prasetyo, "Optimalisasi Peran Pendidikan Dan Pemberdayaan Masyarakat Dalam Menghadapi Covid-19 Di Desa Sukorejo Kabupaten Bojonegoro," *Pelatihan, Pengembangan, Dan Pengabdian Masyarakat* 1, No. 2 (2021): 44.

⁶ Maalikatussofa Masnun, Muh. Ali, Prasetyo, Dicky Eko, "Reconstruction Of The Normative Legal Research Paradigm In Responding To Global Challenges: An Epistemological Analysis," *Novum: Jurnal Hukum* 12, No. 3 (2025): 372-384.

conceptual, and analytical approaches. Primary legal materials include Law Number 25 of 1992 concerning Cooperatives, Law Number 6 of 2014 concerning Villages, Presidential Instruction Number 9 of 2025, and other related regulations concerning cooperatives and village governance. Secondary legal materials were obtained from academic journals, legal books, previous studies, and scholarly articles discussing cooperative governance and administrative law. Data collection was conducted through library research by examining legal documents and academic literature relevant to the research topic. The collected legal materials were analyzed qualitatively using descriptive analysis to explain the relationship between legal norms and the implementation of the Merah Putih.

RESULTS AND DISCUSSION

Legal Issues in Regulating the Merah Putih Village Cooperative

The study reveals that the establishment of the Merah Putih Cooperative faces significant legal problems regarding its legal foundation. The cooperative's formation primarily relies on Presidential Instruction Number 9 of 2025, which is considered insufficient from the perspective of administrative law.⁷ A Presidential Instruction is possess the same legal authority as statutes or government regulations.⁸ This condition creates legal uncertainty concerning the cooperative's institutional legitimacy, authority, and accountability mechanisms.⁹ The absence of comprehensive regulations also increases the risk of inconsistent implementation across different regions in Indonesia.

Another significant issue identified in this research is the institutional overlap between the Merah Putih Cooperative and Village-Owned Enterprises (BUMDes).¹⁰ Both entities operate at the village level with relatively similar economic objectives, including local business development and community welfare improvement.¹¹ Consequently, conflicts of authority and inefficiencies in village economic management may arise. From a governance perspective, the Merah Putih Cooperative also faces challenges related to institutional independence and democratic participation. In several cases, village heads serve as ex officio supervisors of cooperatives. Such arrangements potentially undermine the democratic principles of cooperatives because decision-

⁷ Yusni Fitri Mardiana, Reka Dewantara, And Diah Aju Wisnuwardhani, "Disharmony In The Establishment Of The Merah Putih Village Cooperative From The Perspective Of Cooperative Principles," *International Journal Of Business, Law, And Education* 6, No. 2 (December 5, 2025): 1510-1516, <https://ijble.com/index.php/journal/article/view/1310>.

⁸ Sri Hidayati Junaidin, Taslim Sjah, And Ketut Budastra, "Mungkinkah Koperasi Merah Putih Berhasil," *JURNAL ECONOMINA* 4, No. 11 (November 30, 2025): 422-434, <https://ejournal.45mataram.ac.id/index.php/economina/article/view/1802>.

⁹ Bayangsari Wedhatami Dicky Eko Prasetyo, Muh Ali Masnun, "Legal Uncertainty Of Golf Game As Sports And Entertainment Branch In Local Tax Imposition," *Wawasan Yuridika* 4, No. 1 (2024): 76-93.

¹⁰ Bya, Luthfiea, And Subagdja, "Implementation Of Village Development Through Utilization Of Village-Owned Enterprises' Income."

¹¹ Mochamad Ikwan Nurul Hikmah, Syahid Akhmad Faisol, Dicky Eko Prasetyo, Kamaluddin Nurdin Marjuni, "Professional Waqf 5.0: Penta Helix Strategy And Legal Pluralism In The Digital Era," *Krtha Bhayangkara* 20, No. 1 (2026): 173-194.

making processes may become heavily influenced by political interests and village elites.¹²

Financial governance constitutes another major concern. Weak supervision systems and inadequate financial management capacities increase the risk of corruption, embezzlement, misuse of village funds, and abuse of authority. Cooperative administrators who misuse public resources may be subject to criminal liability under the Indonesian Criminal Code and Anti-Corruption Law. Furthermore, limited public participation and low legal awareness among cooperative members also contribute to governance problems. Many cooperative members lack sufficient understanding regarding their rights and obligations within the cooperative system. This condition weakens transparency and accountability mechanisms within cooperative management.

To address these issues, the Indonesian government should establish stronger legal frameworks governing the Merah Putih Cooperative through formal legislation. Clear regulations concerning institutional structures, supervisory mechanisms, and accountability systems are necessary to ensure legal certainty and effective governance. The government should also strengthen institutional coordination between cooperatives and BUMDes to prevent overlapping functions and authority conflicts. Capacity-building programs for cooperative managers and village officials are equally important to improve professionalism, financial transparency, and legal compliance within cooperative administration.

Future Regulations Related to the Issues of Managing the Merah Putih Village Cooperatives

Future regulations related to the issues of the Merah Putih Village Cooperative need to be placed within the framework of national legal development oriented toward strengthening the people's economy, empowering village communities, and achieving social welfare as mandated by Article 33 of the 1945 Constitution of the Republic of Indonesia. The presence of the Merah Putih Village Cooperative as a strategic instrument for village economic development is essentially a progressive step by the government in promoting the economic independence of the community while simultaneously strengthening the national economic structure from the grassroots level.¹³ However, various normative, institutional, administrative, financial, and social issues that may arise in its implementation indicate that the success of the program cannot rely solely on the massive establishment of cooperatives, but must be accompanied by comprehensive, adaptive, and responsive regulatory designs to the diverse real conditions of rural communities.¹⁴ Therefore, future regulations should be directed toward

¹² Vito Vivaldi Mahardika And Sunny Ummul Firdaus, "Analisis Undang-Undang Nomor 6 Tahun 2014 Tentang Desa," *Jurnal Demokrasi Dan Ketahanan Nasional* 1, No. 1 (2022): 205-213.

¹³ Andra Bani Sagalane Et Al., "Posner, Rawls, And Sen's Perspectives On The Program Of Koperasi Merah Putih And Halal Tourism Areas," *JURNAL ILMIAH GEMA PERENCANA* 4, No. 3 (January 31, 2026): 2087-2100, <https://Gemaperencana.Id/Index.Php/JIGP/Article/View/348>.

¹⁴ Justinia Castellani Et Al., "The Role Of Village Owned Business Entities (Bumdes) On Rural Economic Development In Tanjungsari District, Sumedang Regency," *Journal Of Economic Empowerment Strategy (JEES)* 5, No. 1 (2022): 46-55.

the establishment of a village cooperative legal system that not only provides legal certainty but also ensures the effectiveness, accountability, professionalism, and sustainability of cooperative institutions.¹⁵

One of the main issues that requires further regulation is the aspect of regulatory harmonization. Currently, the regulation of village cooperatives intersects with various laws and regulations, including those regarding cooperatives, village governance, village-owned enterprises (BUMDes), state financial management, the empowerment of micro, small, and medium enterprises, as well as regulations in the agriculture, fisheries, trade, and food security sectors.¹⁶ The overlapping regulations have the potential to create ambiguity in inter-institutional authority and confusion in implementation at the village level. Therefore, it is necessary to have regulations that clearly define the legal position of the Merah Putih Village Cooperative within the village economic institutional system. The regulation must be able to explain the relationship between the cooperative and the village government, BUMDes, farmer groups, community business groups, and various other local economic institutions so that there is no duplication of functions or conflicts of authority that could hinder program implementation.

In addition to regulatory harmonization, future regulations need to clarify the institutional status of the Koperasi Desa Merah Putih. In practice, there is a potential perception that the cooperative is a government institution because its establishment is driven by a national program and receives various forms of state support. Such a perception has the potential to contradict the fundamental principles of cooperatives, which place members as both owners and users of the cooperative's services. Therefore, regulations must affirm that the Merah Putih Village Cooperative remains a private legal entity based on the principles of economic democracy, independence, member participation, and professional management.¹⁷ The state acts as a facilitator, regulator, and supervisor, not as a direct manager of the cooperative. This affirmation is important to maintain the independence of cooperatives and to prevent political intervention that could disrupt organizational governance.

Future regulations should also emphasize the aspect of good cooperative governance. The experience of various community economic empowerment programs shows that the failure of many cooperatives is not solely due to a lack of capital, but rather due to weak organizational governance, low capacity of managers, lack of transparency, and minimal member participation. Therefore, regulations need to detail the competency standards for cooperative managers and supervisors, transparent re-

¹⁵ Bagus Surya Dharma Et Al., "Harmonization Of Laws Regulating The Formation Of Village Government Work Plan Drafting Teams," *Ex Aequo Et Bono Journal Of Law* 2, No. 2 (January 31, 2025): 69-81, <https://journal-iasssf.com/index.php/EAEBJOL/article/view/1092>.

¹⁶ Ni Made Intan PRILIANDANI, I Gusti Ayu Athina WULANDARI, And Anak Agung Gde Krisna PARAMITA, "Moving The Wheels Of The Village Economy: Empowering Madasar BUMDES Towards Independence And Sustainability," *Akuntansi Dan Humaniora: Jurnal Pengabdian Masyarakat* 4, No. 2 (June 30, 2025): 90-95, <https://journalkeberlanjutan.com/index.php/Ahjpm/article/view/1592>.

¹⁷ Eko Wijayanto, Eny Haryati, And Dian Ferriswara, "The Development Prospects Of Koperasi Desa Merah Putih For Accelerating The Achievement Of Sdgs," *Socius Journal* 2, No. 5 (October 11, 2025): 41-52, <https://nawalaeducation.com/index.php/SJ/article/view/1996>.

cruitment mechanisms, mandatory cooperative management training, and a performance evaluation system conducted periodically. Cooperative managers should not be selected solely based on social proximity or local political considerations, but must meet professional qualifications capable of effectively and accountably carrying out business activities. Such regulations also need to be supported by a competency certification system for cooperative managers to ensure the sustainable quality of human resources.

The issue of capital becomes an aspect that requires special attention in future regulations. One of the main challenges for the Merah Putih Village Cooperative is how to create a balance between state capital support and the principle of cooperative independence. If the cooperative is too dependent on government assistance, the risk of dependency and weakened business motivation will increase. Conversely, if the entire financial burden is placed on the economically limited village community, the cooperative will struggle to develop. Therefore, a regulatory model is needed that can integrate various sources of financing, such as member savings, cooperative capital contributions, bank financing, Islamic financial institutions, government revolving funds, social investments, and partnerships with the private sector. The regulations must provide certainty regarding the mechanisms for accessing financing, the procedures for fund disbursement, standards for accountability in the use of capital, and a financial risk mitigation system to prevent fund misuse and potential state losses.

In the context of supervision, future regulations must develop a risk-based and technology-driven supervision model.¹⁸ So far, cooperative supervision has often been administrative and formalistic, making it less capable of detecting substantive issues occurring on the ground. Therefore, an integrated supervision system is needed that involves the central government, local governments, independent auditors, and the participation of cooperative members. Each cooperative needs to be required to submit financial reports and business activity reports digitally thru an integrated national information system. Thus, the government can monitor the development of cooperatives in real-time while also identifying potential deviations early on. The use of digital technology can also enhance transparency and make it easier for members to access information regarding the cooperative's financial condition, thereby ensuring that the principle of accountability can be optimally realized.

The aspect of digitalization is one of the important dimensions that must receive attention in future regulations.¹⁹ The transformation of the digital economy has changed the patterns of production, distribution, and consumption in society, so coop-

¹⁸ Kevin B. Sibarani Albab, S H S Ulil, Erdha Widiyanto, "Pengawasan Pelaksanaan Kemitraan UMKM Dan Usaha Besar : Perbandingan Pengaturan Di Indonesia Dan Malaysia," *Persaingan Usaha* 3, No. 1 (2023): 75-86.

¹⁹ Dicky Eko Prasetyo Ridwan Arma Subagyo, "Dari Citizen Ideology Menjadi Netizen Ideology: Pendidikan Digitalisasi Pancasila Dalam Mewujudkan Kesantunan Bermedia Sosial," In *Pancasila Dan Pendidikan* (Sukoharjo: Pramudita Press, 2025), 336-345.

eratives can no longer be managed solely with conventional approaches.²⁰ Therefore, regulations must encourage the implementation of digital systems in various cooperative activities, ranging from membership administration, transaction recording, financial reporting, product marketing, to access to financing. The government needs to provide a national digital platform that can be used by the Red and White Village Cooperatives to develop business networks, expand market access, and improve operational efficiency. Digitalization can also strengthen the competitiveness of cooperatives in facing modern economic competition while expanding opportunities for integration with the national and global economic ecosystems.²¹

Future regulations must also consider the relationship between the Merah Putih Village Cooperative and the Village-Owned Enterprises. In practice, both institutions have relatively similar goals, namely improving the welfare of the village community thru economic activities. If not clearly regulated, the existence of both can lead to unhealthy competition or overlapping businesses. Therefore, regulations need to develop a collaboration model that positions cooperatives and BUMDes as strategic partners. Cooperatives can serve as institutions that gather and meet the needs of their members, while BUMDes can function as instruments for managing village assets and providing public economic services. The synergy needs to be clearly regulated so that each institution has a space that complements each other and does not weaken one another.

From the perspective of legal protection, future regulations must provide guaranties for the protection of cooperative members' rights. In various problematic cooperative cases in Indonesia, members often become the most disadvantaged parties due to weak supervision and the lack of dispute resolution mechanisms. Therefore, regulations are needed that provide access to complaint mechanisms, mediation, arbitration, and dispute resolution thru the courts. Regulations must also guaranty transparency of information, the right to obtain financial reports, the right to attend member meetings, and the right to raise objections against management policies that are deemed detrimental to members. Such legal protection is very important to strengthen public trust in the existence of cooperatives as democratic and just economic institutions.

In the context of sustainable economic development, the regulation of the Merah Putih Village Cooperative must also accommodate environmental sustainability principles. Cooperative business activities should not only be oriented toward short-term economic profits but also consider the social and environmental impacts they cause. Therefore, regulations need to encourage the development of cooperative businesses based on a green economy, sustainable agriculture, responsible natural re-

²⁰ Kiki Indrayani Et AL., "From Citizen Ideology To Netizen Ideology: The Legal Culture Of Digitizing Pancasila In Realizing Politeness On Social Media," *Golden Ratio Of Law And Social Policy Review* 4, No. 1 (December 31, 2024): 12-17, <https://www.goldenratio.id/index.php/grlspr/article/view/845>.

²¹ Muh. Ali Masnun Et AL., "Legal Reform Of Legal Profession Amidst The Development Of Artificial Intelligence In Indonesia: The Perspective Of Mesu Budi's Philosophy Of Law," *Novum: Jurnal Hukum* 12, No. 2 (2025): 277-287.

source management, renewable energy, and waste reduction.²² This approach is in line with the sustainable development agenda and can enhance the competitiveness of village products in both national and international markets.

Future regulations must strengthen the aspects of education and cooperative cadre development. One of the fundamental weaknesses of the cooperative movement in Indonesia is the low level of public understanding of the principles and values of cooperatives. Many cooperatives are formed merely to meet administrative needs or obtain government assistance without a collective awareness of the essence of cooperatives as a member-based economic movement. Therefore, regulations must mandate the continuous provision of cooperative education for members, managers, and village communities. The educational program needs to cover aspects of business management, financial literacy, organizational governance, entrepreneurship, and digital transformation so that cooperatives have a strong institutional foundation in the long term.

Future regulations need to implement a differentiated approach based on village characteristics. Indonesia has a very high level of social, cultural, economic, and geographical diversity, so the implementation of a uniform cooperative model has the potential to cause inefficiencies. Agricultural villages, fishing villages, tourist villages, creative industry villages, and plantation villages have different needs and economic potentials. Therefore, regulations must provide flexibility for the Merah Putih Village Cooperatives to develop business models that align with the local characteristics of each region. This approach reflects the principle of responsive law that places the needs of the community as the basis for the formation of legal policies.

Future regulations also need to strengthen institutional coordination between ministries and local governments. The Red and White Village Cooperative Program involves various sectors that require cross-institutional support. Without good coordination, the policies produced can run partially and ineffectively. Therefore, a clear national coordination mechanism is needed, including the division of authority, operational standards, success indicators, and an integrated evaluation system. Local governments should also be given a greater role in the development of cooperatives because they have a closer understanding of the local community conditions.

Future regulations regarding the issues of the Merah Putih Village Cooperatives should be directed toward building a sustainable, professional, inclusive, and adaptive cooperative ecosystem in response to changing times. The success of this program cannot be measured solely by the number of cooperatives formed, but must be seen in terms of the cooperatives' ability to improve the welfare of members, create jobs, strengthen the local economy, and reduce the development gap between rural and urban areas. Therefore, regulatory reform needs to be carried out comprehensively through

²² Dicky Eko Prasetyo And Muh. Ali Masnun, "Beneficiary Pays Principle : Rekonstruksi Pengaturan Pelindungan Lingkungan Dalam Mewujudkan Kelestarian Sumber Daya Air," *Jurnal Hukum Lingkungan Indonesia* 11, No. 1 (October 9, 2025): 1-22, <https://jhli.lcel.or.id/jhli/article/view/957>.

the harmonization of regulations, strengthening governance, system digitalization, enhancing human resource capacity, developing sustainable financing models, legal protection for members, and integrating sustainable development principles. With such an approach, the Merah Putih Village Cooperative can develop into a strategic instrument in realizing economic democracy, village independence, and the ideals of a welfare state based on the values of Pancasila and the Indonesian constitution.

CONCLUSION

The Merah Putih Cooperative represents an important governmental initiative to strengthen village economic development through cooperative institutions based on economic democracy and mutual cooperation principles. Nevertheless, the implementation of the program still encounters several legal and governance challenges. The weak legal foundation of the cooperative, institutional overlap with Village-Owned Enterprises, insufficient supervision mechanisms, and limited managerial competence create substantial risks for sustainable cooperative governance. Additionally, weak financial accountability systems increase the possibility of corruption, embezzlement, and abuse of authority within cooperative management. Therefore, the Indonesian government must strengthen the legal basis of the Merah Putih Cooperative through more comprehensive regulations and improve governance systems to ensure transparency, accountability, and legal certainty. Institutional harmonization between cooperatives and village economic institutions is also essential to create an effective and sustainable rural economic development system.

The regulatory issues of the Merah Putih Village Cooperative indicate that the success of the program highly depends on the existence of a comprehensive, harmonious regulatory framework that can provide legal certainty in institutional governance, financing, supervision, and relationships with other village economic institutions. Future regulations need to be directed toward strengthening the principles of good cooperative governance through the enhancement of human resource capacity, system digitalization, transparency, and accountability in cooperative management. In addition, an adaptive regulatory model is needed that aligns with the characteristics and local potential of the village so that cooperatives can develop sustainably and responsively to the needs of the community. Thus, the Merah Putih Village Cooperative not only becomes an instrument for village economic development but also an effective means to achieve community economic independence, equitable welfare distribution, and the strengthening of national economic democracy.

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