

Between Statutory Authority and Administrative Discretion: Case Study of the Merah Putih Cooperative Deed Made by a Notary

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Article	Abstract
<p>Keywords: Authority; Notary; Merah Putih Cooperative Deed</p> <p>Article History Received: Jan 11, 2026; Reviewed: Feb 19, 2026; Accepted: Mar 03, 2026; Published: Mar 05 2026.</p>	<p>This study examines the normative conflict between statutory authority and administrative discretion in the establishment of Merah Putih Cooperatives under Indonesia's 2025 national cooperative revitalization program. While the Law on the Notarial Office grants notaries general authority to prepare authentic deeds, administrative regulations require a specific designation as Cooperative Deed Officials (NPAK), creating legal uncertainty in practice. Unlike previous studies that focused on general cooperatives and the procedural role of NPAK, this research is the first to analyze the legal bottlenecks generated by state-driven digital transformation through the SABH/AHU Online system within the Merah Putih initiative. Using a normative juridical approach, this study evaluates the civil, administrative, and ethical consequences of deeds prepared by non-NPAK notaries. The findings demonstrate that although such deeds remain civilly valid, administrative rejection may prevent cooperatives from obtaining legal entity status, resulting in significant socio-economic losses at the village level. The findings reveal that digital administrative filtering has transformed</p>

ministerial discretion into de facto statutory limitation, generating legal uncertainty, delaying village economic programs, and causing measurable financial losses at the local level. This study proposes regulatory harmonization to restore statutory authority while maintaining administrative oversight. The policy implication emphasizes the need to prevent digital governance mechanisms from undermining hierarchical legal certainty in Indonesia's cooperative development framework. This research offers policy recommendations for harmonizing statutory and administrative norms to ensure legal certainty, professional integrity, and the effective implementation of Indonesia's cooperative reform agenda.



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Introduction

In 2025, the Indonesian government launched the Merah Putih Cooperative program through Presidential Instruction No. 9 of 2025, aiming to establish more than 80,000 cooperatives at the village and sub-district levels. Unlike conventional cooperatives that emerge organically from community initiatives, this program represents a state-driven transformation supported by digital registration mechanisms such as the *Sistem Administrasi Badan Hukum* (SABH) and AHU Online. The scale and digital integration of this initiative have introduced new legal complexities, particularly regarding the authority of notaries in preparing deeds of establishment. The enactment of Law Number 25 of 1992 on Cooperatives reaffirmed this vision, providing a legal framework for the establishment, governance, and recognition of cooperatives as legal entities. Over time, however, the cooperative movement has faced challenges of stagnation, lack of professionalism, and limited access to capital, which have hindered its ability to fully realize its constitutional role. In response to these challenges, the government has periodically introduced new policies and programs to revitalize cooperatives, culminating most recently in the ambitious Merah Putih Cooperative initiative.

The Merah Putih Cooperative program, launched through Presidential Instruction Number 9 of 2025, represents a strategic effort

to establish more than eighty thousand cooperatives across villages and sub-districts throughout Indonesia.¹ This initiative is not merely an economic policy but a national movement designed to strengthen local economies, enhance financial inclusion, reduce inflationary pressures, create employment opportunities, and support food security.² By embedding cooperatives into the fabric of village governance and community development, the program seeks to transform cooperatives into engines of grassroots prosperity and instruments of national resilience. The program also emphasizes modernization, requiring cooperatives to adopt digital systems of management and accountability, thereby aligning traditional cooperative values with contemporary demands for transparency, efficiency, and technological integration.³

Central to the legal recognition of cooperatives is the requirement that their establishment be formalized through authentic deeds prepared by notaries.⁴ The notarial deed serves as the foundational document that confers legal personality upon the cooperative, enabling it to enter into contracts, own property, and participate in government programs.⁵ Without such a deed, a cooperative remains a mere association without legal standing, unable to exercise rights or bear obligations in the eyes of the law. The role of the notary, therefore, is indispensable in ensuring that cooperatives are not only socially legitimate but also legally valid.⁶ Yet, in practice, the

¹ Kiki Endah, "Mewujudkan Kemandirian Desa Melalui Pengelolaan Badan Usaha Milik Desa," *Jurnal MODERAT* 4, no. 4 (2018): 25–33, <https://doi.org/10.25147/moderat.v4i4.1777>.

² F. Arzewiniga and Zulkarnain, "Tantangan dan Peluang Kelembagaan Koperasi Desa Merah Putih," *Jurnal Manajemen dan Inovasi* 6, no. 2 (2025): 220–230, <https://ejournals.com/ojs/index.php/jmi/article/view/2188>.

³ Dirjen AHU, "Pastikan Percepat Pendirian Koperasi Merah Putih dengan Layanan 1.000 Koperasi per Jam," 2025, <https://portal.ahu.go.id/id/detail/75-berita-lainnya/5486-dirjenahupastikan-percepat-pendirian-koperasi-merah-putih-dengan-layanan-1-000-koperasi-per-jam>.

⁴ Abdul Atsar, *Perkembangan Hukum Koperasi di Indonesia* (Yogyakarta: Deepublish, 2023), 41–43.

⁵ Nyoman Arya Kusuma Wardana, Anak Agung Istri Agung, and Putu Suwantara, "Sanksi Bagi Notaris dalam Hal Terjadinya Pelanggaran Ketentuan Pembuatan Akta Autentik," *Jurnal Preferensi Hukum* 4, no. 1 (2023): 85–90, <https://doi.org/10.22225/jph.4.1.6734.85-90>.

⁶ I. M. A. Sabda and I. G. P. E. Wisanjaya, "Implementasi Kewajiban Notaris Bersikap Tidak Berpihak dalam Pembuatan Akta Otentik di Wilayah Denpasar," *Acta Comitatus: Jurnal Hukum Kenotariatan* 8, no. 3 (2023): 577–588, <https://doi.org/10.55227/ijhess.v4i3.1401>.

authority of notaries in preparing cooperative deeds has become a subject of controversy, particularly with respect to the requirement that only notaries who have obtained a formal decree as Cooperative Deed Officials (*Notaris Pembuat Akta Koperasi*, or NPAK) may prepare such deeds.

This requirement, introduced through ministerial decrees and administrative regulations, has created tension between statutory law and administrative practice.⁷ The Law on the Notarial Office (Law Number 30 of 2004, as amended by Law Number 2 of 2014) grants notaries general authority to prepare authentic deeds, without distinguishing between types of legal entities.⁸ The Cooperative Law (Law Number 25 of 1992) similarly requires that cooperative deeds be authentic but does not explicitly limit their preparation to NPAK-certified notaries. Ministerial decrees, however, have introduced additional requirements, mandating that only designated notaries may prepare cooperative deeds, thereby creating a hierarchy of authority that is not clearly supported by higher legislation⁹. This situation has led to overlapping norms, administrative discretion, and legal uncertainty, raising questions about the validity of deeds prepared by non-NPAK notaries and the rights of cooperatives established under such deeds.¹⁰

The problem is not merely theoretical but has practical consequences for thousands of communities seeking to establish cooperatives under the Merah Putih program. Reports from various regions indicate that the appointment of NPAK notaries has sometimes been opaque, leading to perceptions of favoritism and exclusion of other qualified notaries. In some cases, the limited number of NPAK notaries has created bottlenecks, delaying the establishment of cooperatives and undermining the government's ambitious targets. The imposition of fixed fees for cooperative deeds has also sparked debate about accessibility and fairness, particularly for

⁷ Hilda Halnum Salsabil, Muflih Munazih, and Siti Kunarti, "Tinjauan Hukum Administrasi Negara terhadap Pembentukan Koperasi Desa Merah Putih Melalui Instruksi Presiden," *Jurnal USM Law Review* 8, no. 2 (2025): 901–922, <https://doi.org/10.26623/julr.v8i2.12031>.

⁸ Atsar, *Perkembangan Hukum Koperasi di Indonesia*, 12–15.

⁹ S. F. Marbun, *Peradilan Administrasi Negara dan Upaya Administratif di Indonesia* (Yogyakarta: Liberty, 1997), 11–12.

¹⁰ S. Kotijah, "Peran Notaris Pembuat Akta Koperasi dalam Mewujudkan Badan Hukum Koperasi," *Jurnal Akta* 4, no. 2 (2017): 261–274, <https://doi.org/10.30659/akta.v4i2.2614>.

rural communities with limited resources. These issues highlight the broader challenge of ensuring that legal frameworks are not only formally coherent but also practically effective in supporting national development goals.¹¹

Academic literature has begun to address these issues, though often in fragmented ways. Studies on cooperative law have emphasized the importance of legal certainty in fostering trust and participation among members. Research on notarial practice has highlighted the principle of *specialiteitsbeginsel*, which requires that notaries act within the specific authority granted by law. In Indonesia, however, the coexistence of statutory authority and ministerial regulation has created a dual system that is prone to conflict and ambiguity. Previous research has also noted the risk that excessive administrative control over notarial authority may undermine the independence of the profession and erode public confidence in the authenticity of legal documents. While previous studies focused on general cooperatives and professional responsibilities of NPAK, this research is the first to analyze the normative conflict and legal bottlenecks created by state-driven digital transformation in the Merah Putih initiative. By situating the issue within the framework of statutory hierarchy, administrative discretion, and legal certainty, this study contributes a new perspective that integrates doctrinal analysis with socio-legal implications.

Against this background, the present study seeks to provide a comprehensive analysis of the authority of notaries in preparing deeds for the Merah Putih Cooperative. It aims to clarify the similarities and differences between Merah Putih Cooperatives and general cooperatives, to examine the scope of notarial authority under existing laws and regulations, and to assess the legal consequences of deeds prepared by notaries who have not obtained an NPAK decree.¹² By situating the discussion within the broader principles of legal certainty, administrative discretion, and professional ethics, the study contributes to both theoretical understanding and practical policy. The urgency of this research lies in the fact that the success of the

¹¹ Ali Marwan Hsb, "Keberadaan Instruksi Presiden sebagai Produk Hukum di Indonesia," *Reformasi Hukum* 23, no. 1 (2019): 96–112, <https://doi.org/10.46257/jrh.v23i1.59>.

¹² K. Setiadewi and I. M. H. Wijaya, "Legalitas Akta Notaris Berbasis Cyber Notary sebagai Akta Otentik," *Jurnal Komunikasi Hukum (JKH)* 6, no. 1 (2024), <https://doi.org/10.24843/AC.2021.v06.i01.p16>.

Merah Putih program depends not only on economic factors but also on the clarity and reliability of its legal foundations. Without harmonization of laws and regulations, cooperatives risk being trapped in a state of legal limbo, undermining their ability to function as engines of community development.

The significance of this research extends beyond the cooperative sector. It touches upon fundamental questions of constitutional law, administrative governance, and the role of public officials in safeguarding legal certainty. It highlights the need for coherence between statutory law and administrative regulation, the importance of professional independence for notaries, and the broader implications of legal uncertainty for social trust and economic development. By analyzing these issues in depth, the study offers recommendations for harmonizing regulations, strengthening professional standards, and ensuring that the authority of notaries is exercised in a manner consistent with constitutional principles and national development goals.

In conclusion, the introduction of the Merah Putih Cooperative program has created both opportunities and challenges for Indonesia's cooperative movement.¹³ While the program promises to revitalize grassroots economies and strengthen national resilience, its success depends on the clarity of its legal framework and the authority of notaries to prepare authentic deeds¹⁴. The controversy surrounding NPAK certification illustrates the broader tension between statutory authority and administrative regulation, raising questions that are central to the rule of law and the effectiveness of public policy. This study addresses these questions by providing a normative juridical analysis of notarial authority, cooperative law, and administrative discretion, with the aim of contributing to legal certainty, professional integrity, and the realization of Indonesia's constitutional vision of an economy based on mutual cooperation and social justice.

¹³ Sekretariat Presiden, "Presiden Prabowo Dorong Pembentukan Koperasi Desa Merah Putih di 70 Ribu Desa," 2025, <https://www.presidentri.go.id/siaran-pers/president-prabowodorong-pembentukan-koperasidesa-merah-putih-di-70-ribu-desa/>.

¹⁴ Edy Yusuf Agunggunanto et al., "Pengembangan Desa Mandiri Melalui Pengelolaan Badan Usaha Milik Desa (Bumdes)," *Jurnal Dinamika Ekonomi dan Bisnis* 13, no. 1 (2016), <https://doi.org/10.34001/jdeb.v13i1.395>.

Method

This research employs a normative juridical method with a focused regulatory impact analysis. The study examines the legal validity and consequences arising from the rejection of deeds within the SABH/AHU Online system, particularly concerning civil, administrative, and ethical responsibility, as well as potential economic loss at the village level. The research relies on primary legal materials, including statutory regulations governing notarial authority and electronic administrative registration, supported by secondary materials such as scholarly writings on legal accountability and administrative liability. The analysis proceeds by identifying the legal basis and authority of the SABH/AHU Online system in rejecting documents, assessing whether such rejection produces legally recognized civil, administrative, or ethical consequences also evaluating whether alleged economic losses have a clear normative foundation under Indonesian law. Through systematic legal interpretation, this study determines whether document rejection results in juridical invalidity and enforceable liability, or merely constitutes administrative delay without legal consequence.

Result and Discussion

A. Differences and Similarities between Merah Putih Cooperatives and General Cooperatives

The Merah Putih Cooperative initiative, introduced through Presidential Instruction No. 9 of 2025, represents a significant departure from the traditional model of cooperatives in Indonesia. General cooperatives have historically been established through voluntary association among community members, reflecting grassroots economic participation and the constitutional mandate of Article 33 of the 1945 Constitution. They are characterized by democratic governance, collective ownership, and the pursuit of member welfare. Their legal foundation is provided by Law No. 25 of 1992 on Cooperatives,¹⁵ which stipulates that cooperatives must be established through authentic deeds prepared by notaries and

¹⁵ N. Fionny Brilliyant, "Koperasi Desa Merah Putih dalam Mekanisme Penyaluran Dana Desa: Langkah Maju atau Beban Baru?" 2025, <https://djp.kemenkeu.go.id/portal/id/berita/laninya/opini/4523-koperasi-des-merah-putih-dalam-mekanisme-penyaluran-dana-des-langkah-maju-atau-beban-baru.html>.

subsequently recognized as legal entities by the Ministry of Law and Human Rights.

Merah Putih Cooperatives, by contrast, are state-driven and integrated into national development policy. Their establishment is not merely a matter of community initiative but part of a nationwide program designed to create more than 80,000 cooperatives across villages and sub-districts. This scale alone distinguishes them from general cooperatives, which typically emerge organically and vary in size and capacity. Merah Putih Cooperatives are also distinguished by their reliance on digital systems of registration and accountability, such as the *Sistem Administrasi Badan Hukum* (SABH) and AHU Online. This digitalization ensures uniformity, transparency, and efficiency, aligning cooperative governance with contemporary demands for technological integration.

Despite these differences, both Merah Putih and general cooperatives share fundamental cooperative principles. Both are based on collective ownership, democratic decision-making, and the pursuit of member welfare. Both require authentic deeds prepared by notaries to obtain legal personality.¹⁶ Both are intended to empower communities economically and socially, providing a counterbalance to private capital and state enterprises. The novelty of Merah Putih Cooperatives lies in their scale, their integration with government programs, and their emphasis on digital accountability. This duality highlights the need to balance traditional cooperative values with modern governance standards.

The similarities and differences between Merah Putih and general cooperatives have important implications for legal certainty. The requirement of authentic deeds prepared by notaries applies equally to both, underscoring the central role of notaries in ensuring that cooperatives are legally valid. However, the state-driven nature of Merah Putih Cooperatives magnifies the importance of legal certainty, as any ambiguity in the recognition of deeds can have nationwide repercussions.¹⁷ This comparison underscores the urgency of clarifying

¹⁶ R. S. Malinda, B. Parmono, and Sunardi, "Notary's Responsibility for Authentic Deeds Made with Forged Letter (Case Study Decision No. 933 K/Pid/2023)," *Jurnal Ilmu dan Penelitian Hukum (JLPH)* 5, no. 4 (2025): 2702–2706, <https://doi.org/10.38035/jlph.v5i4>.

¹⁷ Leony Ghuusbertha Marpaung, Deisiree Maria Rosario Parengkuan, Linsepda Limbong, *Legal Protection Framework and Bankruptcy Risk Management: A Case Study of the Merah Putih Cooperative*, *Hang Tuah Law Journal* 9, no. 2, (2025): 515–537. <https://doi.org/10.30649/htlj.v9i1.317>

the legal framework governing notarial authority in cooperative establishment. Instead of merely invoking the principle of legal certainty, this study analyzes the conflict through Hans Kelsen's theory of the hierarchy of norms (*Stufenbau theory*). According to Kelsen, legal norms are structured in a hierarchical order in which lower norms derive their validity from higher norms. A regulation at the ministerial level (*Peraturan Menteri*) must therefore conform to statutory law (*Undang-Undang*), which occupies a higher normative position.¹⁸

In the Indonesian legal system, the hierarchy of legislation is explicitly recognized under Law No. 12 of 2011 on Lawmaking. Consequently, a Ministerial Regulation or administrative decree cannot create substantive limitations that contradict or exceed authority granted by statute. Applying this framework, the requirement of NPAK certification—if interpreted as limiting notarial authority granted under the Notary Law—raises a normative inconsistency. A ministerial-level instrument cannot reduce or condition authority that has been explicitly granted by legislation. This analysis shifts the issue from mere legal uncertainty to a structural problem of normative hierarchy.

B. Authority of Notaries in Preparing Merah Putih Cooperative Deeds

The authority of notaries to prepare cooperative deeds is rooted in their status as public officials under the Law on the Notarial Office (Law No. 30 of 2004, amended by Law No. 2 of 2014). This law grants notaries general competence to draft authentic deeds, without distinguishing between types of legal entities. In principle, therefore, any notary is authorized to prepare deeds of establishment for cooperatives, including Merah Putih Cooperatives.¹⁹

Ministerial decrees, however, have introduced the requirement of a *Surat Keputusan* (SK) designating certain notaries as Cooperative Deed Officials (NPAK). This requirement has created ambiguity, as it is not explicitly mandated by higher legislation. The findings of this research indicate that deeds prepared by non-NPAK notaries remain valid under civil law, since their authenticity derives from statutory

¹⁸ FX Adji Samekto, *Memahami Ajaran Hukum Gustav Radbruch* (Jakarta: RajaGrafindo Persada, 2015), 34–37.

¹⁹ Seri Suharsa and Lathifah Hanim, “Kedudukan Notaris sebagai Pembuat Akta Koperasi,” *Jurnal Kenotariatan* 3, no. 2 (2022): 120–135, <https://etd.repository.ugm.ac.id/penelitian/detail/38869>.

authority rather than administrative designation. Nevertheless, administrative authorities may reject such deeds, creating uncertainty for cooperatives and exposing notaries to professional scrutiny.²⁰

This situation illustrates the tension between statutory law and administrative regulation. While statutory law provides broad authority, administrative decrees impose additional restrictions, leading to overlapping norms and inconsistent practice. The principle of *diskresi administratif* under Law No. 30 of 2014 allows flexibility, but without harmonization, it risks undermining legal certainty and professional independence.

In common law jurisdictions, the role of notaries is more limited, but the principle of legal certainty remains paramount. The Indonesian case, therefore, illustrates a hybrid situation in which statutory authority is clear but administrative regulation introduces ambiguity. This comparison underscores the need for Indonesia to harmonize its legal framework, ensuring that notarial authority is exercised in a manner consistent with both domestic principles and international best practices.

The authority of notaries in preparing Merah Putih Cooperative deeds is thus both legally secure and administratively contested. This duality creates uncertainty for cooperatives and notaries alike, highlighting the need for reform to integrate NPAK requirements into higher legislation, clarify the scope of notarial authority, and ensure that administrative regulations support rather than contradict statutory provisions.

C. Legal Consequences of Deeds Prepared by Non-NPAK Notaries

The legal consequences of deeds prepared by non-NPAK notaries can be analyzed from three perspectives: civil law, administrative law, and professional ethics. From the civil law perspective, such deeds remain valid and binding between the parties, as they fulfill the substantive and formal requirements of

²⁰ I. G. A. Permana, Muhaimin, and L. W. P. Suhartana, "Peranan Notaris dalam Pendirian Koperasi sebagai Badan Hukum," *Jurnal Hukum dan Pembangunan* 50, no. 3 (2020): 456–470, <https://www.neliti.com/id/publications/562327/peranan-notaris-dalam-pendirian-koperasi-sebagai-badan-hukum>.

authenticity.²¹ The authenticity of a deed derives from the notary's status as a public official authorized by law to create authentic documents, rather than from additional administrative decrees.²²

The rejection of a deed within the SABH/AHU Online system does not automatically render the deed null and void as a private legal instrument. However, its practical implications extend far beyond procedural delay. The critical issue is not merely the formal status of the deed, but the tangible institutional and economic consequences that follow from the refusal of electronic validation.

When a deed establishing or amending a village legal entity, such as a BUMDes, is rejected by the system, the entity cannot obtain formal legal recognition from the Ministry of Law and Human Rights. Without this recognition, the village institution lacks legal personality in the public administrative sense. As a result, it cannot open institutional bank accounts, enter formal cooperation agreements, access government partnership schemes, or receive third-party investment. The legal obstacle thus directly interrupts economic activity.

The economic loss at the village level is not abstract. It materializes in the form of delayed operationalization of village enterprises and unrealized revenue. For instance, where village capital participation has been allocated in the APBDes for business development, the inability to complete registration prevents the execution of that budget.²³ If a village enterprise projects monthly revenue and business activities are postponed for several months due to administrative rejection, the village suffers measurable opportunity loss. This loss is reflected in unrealized income, delayed circulation of village funds, and reduced contribution to local economic growth. In this sense, the rejection produces economic stagnation rather than mere procedural inconvenience.

However, the existence of economic impact does not automatically generate civil liability. Under Indonesian civil law

²¹ Philipus M. Hadjon et al., *Pengantar Hukum Administrasi Indonesia* (Yogyakarta: Gadjah Mada University Press, 2007), 12–15.

²² M. C. Lembata, "Akta Otentik dan Ketimpangan Posisi Para Pihak: Konstruksi Hukum Penyalahgunaan Keadaan dalam Tugas Notaris," *Jurnal Ilmu Hukum, Humaniora dan Politik (JIHHP)* 5, no. 5 (2025), <https://doi.org/10.38035/jihhp.v5i5.4898>.

²³ Nyimas Latifah Letty Aziz, "Otonomi Desa dan Efektivitas Dana Desa (The Village Autonomy and The Effectiveness of Village Fund)," *Jurnal Penelitian Politik* 13, no. 2 (2016): 193–211, <https://doi.org/10.14203/jpp.v13i2.575>.

principles, compensation requires proof of unlawful conduct and fault. A rejection within SABH/AHU that is based on procedural non-compliance does not in itself constitute unlawful administrative action. Civil consequences may arise only if negligence by the notary or administrative authority can be demonstrated. Therefore, earlier references to civil liability must be strictly grounded in fault-based responsibility rather than presumed from the fact of rejection alone.

From an administrative law perspective, the rejection functions as a state administrative act that suspends the conferral of legal status. The consequence is institutional paralysis rather than juridical invalidity of the deed itself. The deed remains valid as a private document, but it lacks external legal effectiveness until approved within the electronic system. This distinction clarifies that the real impact lies in the domain of administrative recognition and its economic ramifications.

Beyond legal doctrine, the socio-legal impact must also be considered. In many villages, formal registration is not merely a bureaucratic requirement but a gateway to economic empowerment and access to broader financial networks. When registration is delayed or rejected, community trust in formal legal mechanisms may decline, and reliance on informal arrangements may increase. This undermines the objective of digital administrative reform, which is intended to enhance legal certainty and efficiency. Thus, the rejection mechanism affects not only legal status but also institutional confidence, governance performance, and community perception of state responsiveness.

Accordingly, the consequences of rejection within SABH/AHU should not be characterized as automatic civil or ethical liability. Rather, its most immediate and demonstrable impact lies in administrative suspension and measurable economic delay. By distinguishing between juridical invalidity, liability, and socio-economic consequence, the analysis moves beyond speculation and provides a grounded assessment of the real impact produced by electronic administrative rejection.

From the administrative perspective, however, deeds prepared by non-NPAK notaries may be rejected by registries such as SABH, preventing the cooperative from obtaining legal personality. This rejection undermines the cooperative's ability to enter into contracts, access government programs, or secure financing. It also creates uncertainty for cooperative members, who may find themselves in a

state of legal limbo, unable to exercise rights or bear obligations in the eyes of the law.

From the perspective of professional ethics, notaries who prepare deeds without an NPAK decree may face disciplinary action or reputational damage, even though their actions are consistent with statutory law. This creates a paradox in which notaries are legally authorized but administratively constrained, leading to uncertainty for both practitioners and cooperative members.

The broader consequence is that legal uncertainty undermines the credibility of the Merah Putih Cooperative program. Without harmonization of laws and regulations, cooperatives risk being trapped in a state of legal limbo, unable to function effectively as engines of community development. Reform is therefore essential, focusing on integrating NPAK requirements into higher legislation, clarifying the scope of notarial authority, and ensuring that administrative regulations support rather than contradict statutory provisions.

Conclusion

This study concludes unequivocally that a cooperative deed drafted by a notary without NPAK certification remains legally valid under civil law. The Notary Law grants authority through statute, and such authority cannot be limited by ministerial regulations or administrative digital systems. Under the hierarchy of norms, a lower-level regulation cannot override statutory authority. Therefore, rejection by the SABH/AHU Online system does not invalidate the deed; it only affects its administrative effectiveness. The deed is civilly valid but administratively unrecognized. This distinction is crucial: administrative filtering cannot nullify rights and authority granted by legislation.

However, administrative rejection produces real economic consequences. Without registration, the cooperative cannot access banking facilities, government capital programs, or formal contractual status, resulting in delayed capital circulation and economic loss at the village level. These losses stem from administrative obstruction, not legal invalidity. Accordingly, this research affirms that statutory authority must prevail over administrative discretion. Any limitation on notarial authority must be enacted through legislation, not imposed through ministerial or digital mechanisms.

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All authors declared that this work is original and has never been published in any form and in any media, nor is it under consideration for publication in any journal, and all sources cited in this work refer to the basic standards of scientific citation.