

Reconstructing the Cooperative Rule of Law as an Alternative for Economic Empowerment of Rural Communities in Indonesia

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ABSTRACT

Cooperatives in the Indonesian economic system function as one of the efforts to achieve national development goals, namely creating a just and prosperous society in accordance with the principles of Pancasila and the 1945 Constitution. The legal basis of cooperatives in Indonesia is regulated by Law Number 25 of 1992 concerning Cooperatives. The purpose of this research is to study the development of cooperative law in Indonesia as an alternative to economic empowerment of rural communities, and analyse the legal construction of cooperatives as an alternative to economic empowerment of rural communities in Indonesia. This research is a normative legal research with a legislative approach and conceptual approach. The results show that the weaknesses in Law No. 25/1992 on Cooperatives, such as the unclear definition of cooperatives, unfulfilled principles, and lack of strict sanctions, indicate that the regulation needs to be reconstructed to address the existing problems and increase public trust in cooperatives. Thus, the reconstruction of Law Number 25 of 1992 on Cooperatives will not only improve cooperative governance, but also make a significant contribution to the economic empowerment of communities in Indonesia, especially in rural areas.

INTRODUCTION

Economic development is one of the primary components of national development, playing a crucial role in ensuring that a nation progresses towards social justice and prosperity. In Indonesia, this is in alignment with the ideals of Pancasila and the 1945 Constitution of the Republic of Indonesia (UUD 1945), which emphasize equitable welfare distribution and the collective empowerment of society. According to Article 33, paragraph (4) of the 1945 Constitution, the government holds the responsibility of ensuring the nation's economic development adheres to the principles of economic democracy (Akbar, 2022). This principle focuses on the welfare of society as a whole rather than individual gains, promoting justice and fairness in economic life. The economic system structured by Indonesia's founders thus emphasizes economic sovereignty for the people, targeting equitable distribution of resources and prosperity.

In this regard, cooperatives have been recognized as a crucial tool for achieving economic empowerment and development. However, despite their prominence in the Indonesian legal and economic frameworks, cooperatives face significant challenges, particularly in rural areas. Therefore, this research seeks to explore how reconstructing the cooperative rule of law can serve as a viable alternative to economic empowerment for rural communities in Indonesia.

Economic empowerment refers to the process through which individuals or communities gain the skills, resources, and opportunities needed to improve their economic status. It is particularly significant for rural communities in Indonesia, where poverty rates are often higher, and economic opportunities are limited. The empowerment of these communities involves enabling them to access capital, improve their technical and managerial skills, and engage in productive economic activities that enhance their living standards. As emphasized by previous studies, economic empowerment is not merely about income generation but about fostering sustainable economic independence (Farrar & Uddin, 2020). This research proposes that economic empowerment in rural areas can be achieved through the development and reform of cooperative systems.

The rule of law in the context of cooperatives refers to the legal frameworks that govern their formation, operation, and dissolution. In Indonesia, cooperatives are regulated by Law No. 25 of 1992 on Cooperatives, which outlines the legal parameters within which cooperatives must operate. Cooperatives, as a legal entity, provide a collective business model that allows individuals to pool their resources and operate in accordance with democratic principles. However, existing regulations have not fully succeeded in facilitating the optimal development of cooperatives, especially in rural areas, due to various factors such as legal rigidity, bureaucratic hurdles, and insufficient government support (Saksono, 2021). This research will examine these legal limitations and explore how reconstructing the cooperative rule of law can better support rural economic empowerment.

The primary object of this research is the cooperative system in rural Indonesia, specifically focusing on the legal frameworks governing cooperatives and their role in the economic empowerment of rural communities. Rural Indonesia presents a unique set of challenges and opportunities for cooperative development. These areas are often characterized by limited access to financial resources, low levels of education and managerial skills, and inadequate infrastructure. However, rural communities also exhibit strong social bonds and a tradition of collective work, which aligns well with the cooperative principles of mutual cooperation and collective ownership (Rintuh & Miar, 2003). Therefore, this research will focus on rural cooperatives as the object of study, exploring how legal reforms can enhance their role in empowering local economies.

Despite the potential of cooperatives to drive economic empowerment, especially in rural areas, several obstacles persist. First, access to capital is a significant barrier. Many rural cooperatives struggle to obtain financing due to stringent collateral requirements and the complexity of administrative processes (Setyabudi & Mashdurohatun, 2022). Second, the lack of managerial capacity and technical skills among cooperative members hinders their ability to compete in broader markets (Setyowati et al., 2022). Many rural cooperatives do not have access to sufficient training or educational resources to improve their operational efficiency. Lastly, the lack of supportive regulations and policy frameworks further exacerbates these challenges. Although cooperative laws exist, they often do not provide adequate incentives or protections for rural cooperatives, limiting their ability to grow and thrive (Muda, 2020).

Given these challenges, this research identifies a need to reconstruct the cooperative rule of law to address these barriers and enhance the effectiveness of cooperatives as tools for economic empowerment. By reforming the legal frameworks that govern cooperatives, this research aims to provide solutions that can improve the economic prospects of rural communities in Indonesia.

Although numerous studies have explored the role of cooperatives in Indonesia, there is a lack of comprehensive research focusing on the specific legal challenges faced by rural cooperatives and how reconstructing the cooperative rule of law can address these challenges. Several studies have examined the importance of legal frameworks in cooperative development (Farrar & Uddin, 2020; Saksono, 2021), but few have investigated the specific needs of rural cooperatives in Indonesia. Moreover, while previous research has emphasized the need for improved regulatory flexibility (Muda, 2020; Kania et al., 2021), there has been limited focus on how the cooperative legal framework can be restructured to better support rural economic empowerment. Furthermore, studies that have examined the economic empowerment of rural communities often focus on microfinance initiatives or government assistance programs (Rezara, 2021; Wahyuningtyas et al., 2023). However, they rarely consider how cooperatives, when supported by effective legal frameworks, can offer a sustainable, community-driven solution to rural poverty. This research aims to fill this gap by focusing on how legal reforms can create an enabling environment for rural cooperatives to flourish. Moreover, there is a growing

recognition of the importance of inclusive legal frameworks in supporting cooperative development (Kusmiati et al., 2023), yet there is a lack of empirical studies that link legal reforms with the broader goal of rural economic empowerment. Therefore, this research will address this gap by providing an in-depth analysis of how the cooperative rule of law can be reconstructed to meet the needs of rural communities.

This research aims to reconstruct the cooperative rule of law in Indonesia to strengthen the role of cooperatives in empowering rural communities economically. It focuses on identifying key legal barriers faced by rural cooperatives, analyzing the limitations of existing laws, such as Law No. 25 of 1992 on Cooperatives, and exploring international best practices for potential application in Indonesia. By proposing legal reforms and providing policy recommendations, the research seeks to enhance the capacity of cooperatives to drive rural economic development. The findings will offer valuable insights for policymakers, cooperative leaders, and rural communities to improve legal frameworks for more effective cooperative-driven economic empowerment.

LITERATURE REVIEW

The literature on economic empowerment through cooperatives underscores the potential of cooperatives to drive equitable development, particularly within rural communities. Central to Indonesia's development vision as outlined in Pancasila and the 1945 Constitution, economic progress is tied to principles of social justice and collective welfare, reinforcing the importance of cooperatives in national development (Akbar, 2022). Cooperative structures emphasize democratic ownership and shared benefit, aligning with Article 33 of the Constitution, which mandates an economy centered on public welfare rather than individual profit. Despite this ideal, cooperatives in rural areas face structural challenges, including limited access to capital, lack of managerial skills, and restrictive legal frameworks that fail to support cooperative growth effectively (Setyabudi & Mashdurohaturun, 2022; Saksono, 2021). Legal frameworks, such as Law No. 25 of 1992, set out parameters for cooperative formation but often hinder flexibility, presenting administrative and bureaucratic barriers that make it challenging for rural cooperatives to thrive. Furthermore, while previous research highlights the importance of flexible regulations to support cooperatives (Muda, 2020), studies rarely address how legal reform can specifically benefit rural communities. This gap calls for a targeted reconstruction of the cooperative rule of law, which would address these barriers and improve the viability of cooperatives as sustainable mechanisms for rural economic empowerment (Kusmiati et al., 2023). By examining legal frameworks and providing recommendations, this research seeks to enhance the capacity of rural cooperatives to foster local economic growth, thus contributing to the broader goals of equitable national development and economic independence in rural Indonesia.

METHODOLOGY

This research employs a normative legal research methodology, focusing on discovering legal truth based on scientific logic from a normative perspective (Syahrudin, 2022). Using a legislative and conceptual approach, as proposed by Soekanto and Mamudji (2001), the study aims to fully understand and explain the legal issues related to cooperatives. The research relies on secondary data, including primary, secondary, and tertiary legal materials such as Law Number 25 of 1992 concerning Cooperatives, law books, and relevant legal research. Data collection is conducted through library research, and the data is systematically organized and analyzed descriptively to provide a comprehensive understanding of the legal framework governing cooperatives in Indonesia.

RESULT AND DISCUSSION

The economic empowerment of rural communities in Indonesia is an essential issue, particularly because a significant portion of the population resides in these areas. Cooperatives, which have long been recognized as a strategic tool for enhancing local economies, play a crucial role in the overall well-being of these communities. Through the cooperative model, individuals in rural areas can collaborate and pool their resources to achieve economic goals that would otherwise be difficult to attain independently. Given this strategic role, there is a pressing need for a rule of law governing cooperatives in Indonesia that fosters a conducive framework for their growth and development. This framework must be robust, adaptable, and responsive to the evolving needs of both cooperatives and the broader economic landscape.

Historically, cooperatives in Indonesia have been regulated by Law No. 25 of 1992 concerning Cooperatives, which provided the legal structure under which these entities were to operate. In 2012, this law was amended by Law No. 17 of 2012, which aimed to modernize the cooperative sector and introduce reforms that could support its growth. However, in 2013, the Constitutional Court of the Republic of Indonesia, through Decision Number 28/PUU-XI/2013, ruled that Law No. 17 of 2012 was not in line with the basic principles of the economy as a joint effort and the principle of kinship as mandated by Article 33, paragraph 1 of the 1945 Constitution. The Court found that the new law prioritized material and financial capital over social capital, which is a fundamental characteristic of cooperatives in accordance with the constitution (Akbar, 2022). As a result, the Court annulled Law No. 17 of 2012, reinstating Law No. 25 of 1992 until a new cooperative law could be enacted.

The decision of the Constitutional Court emphasized that the amendments introduced in Law No. 17 of 2012 deviated significantly from the constitutional principles that define cooperatives as gotong royong-based economic entities (Akbar, 2022). The new law was criticized for reducing the role of cooperative members, giving disproportionate power to supervisors, and treating cooperatives more like Limited Liability Companies than social enterprises built on mutual cooperation. These deviations made it clear that Law No. 17 of 2012 could not function effectively without undermining the

foundational principles of cooperatives in Indonesia.

To address the legal uncertainty created by the invalidation of Law No. 17 of 2012, the Constitutional Court reinstated Law No. 25 of 1992 on a temporary basis, with the expectation that the government would develop a new law more in line with constitutional values. However, despite this ruling, legal reform in the cooperative sector has been slow. In 2020, the government passed Law No. 11 of 2020 on Job Creation, which, in Article 86, included provisions related to cooperatives. These changes aimed to facilitate investment and promote the development of cooperatives, particularly in the context of encouraging economic growth in rural areas. Yet, in 2021, the Constitutional Court, through Decision Number 91/PUU-XVIII/2020, ruled that the establishment of Law No. 11 of 2020 was unconstitutional, though the law remains in effect until necessary amendments are made (Akbar, 2022).

The fluctuating legal environment surrounding cooperatives has created uncertainty and highlighted the need for a comprehensive reconstruction of the legal framework governing cooperatives. To address this, the government issued Government Regulation No. 07 of 2021 on the Ease, Protection, and Empowerment of Cooperatives and Micro, Small, and Medium Enterprises (MSMEs). This regulation was part of the broader initiative stemming from Law No. 11 of 2020, and it sought to streamline the regulations governing cooperatives, addressing issues such as access to capital, protection of cooperative members, and administrative simplification. The fragmented nature of existing regulations made it clear that a more integrated and coherent legal approach was necessary to support cooperative development in Indonesia.

While Law No. 25 of 1992 represents a significant step forward for cooperatives in Indonesia, there are still several weaknesses that limit its effectiveness. The law's vague definition of cooperatives (Akbar, 2022) and inconsistent application of cooperative principles (Setyowati et al., 2022) have led to confusion regarding cooperatives' roles. Additionally, the high threshold for cooperative formation hampers local-level growth, especially in rural areas (Rintuh & Miar, 2003). Weak enforcement (Muda, 2020), dependency on external funding (Saksono, 2021), and outdated regulations further hinder cooperatives' ability to adapt to modern economic challenges, while the lack of member protection exposes individuals to financial risks (Setyowati, 2022). Consequently, there is a growing call for revisions to ensure cooperatives remain competitive and aligned with current economic realities (Akbar, 2022).

Given these legal challenges, there is a clear need for a comprehensive reconstruction of Law No. 25 of 1992. The reconstruction must focus on creating a legal framework that is flexible, adaptable, and aligned with modern economic realities. Specifically, the new law should address the weaknesses identified in the existing legal structure, including clarifying the definition and scope of cooperatives, reinforcing cooperative principles, simplifying formation requirements, and enhancing transparency and accountability in cooperative governance.

To enhance the role of cooperatives in the economic empowerment of rural communities, the legal framework must also include provisions that promote financial transparency, requiring cooperatives to submit regular financial reports to their members. This would allow members to monitor the cooperative's financial health and hold management accountable for any discrepancies or malpractices. Additionally, stricter sanctions should be imposed on cooperative boards that violate the law or fail to fulfill their obligations to members. By establishing clear penalties for misconduct, the new law can help restore public confidence in cooperatives as a viable and ethical business model (Setyowati, 2022).

As the business landscape evolves, cooperatives must be able to adapt to new challenges such as digitalization, technological innovation, and the changing needs of their members. The reconstructed law should provide a framework that allows cooperatives to embrace new technologies and integrate digital platforms into their operations, enabling them to compete more effectively in both local and global markets. By doing so, cooperatives will be better positioned to serve as engines of economic empowerment for rural communities, helping to alleviate poverty and foster sustainable development (Wahyuningtyas et al., 2023).

In the context of empowering cooperatives in Indonesia, several articles in Law No. 25 of 1992 on Cooperatives need to be revised to improve the institutionalisation, transparency, accountability of cooperative management, as well as sanctions for administrators who commit violations. The following are the articles in Law Number 25 of 1992 concerning Cooperatives that need to be considered and revised:

Table 1. Reconstruction of Law No. 25/1992 on Cooperatives from the Aspects of Institutions, Transparency, Accountability of Cooperative Management, and Sanctions

Terms	Weaknesses	Rule reconstruction
Principles of Cooperatives (Article 5)	This article sets out the basic principles of cooperatives, including voluntary membership and democratic management. However, it needs further confirmation regarding the implementation of these principles in daily practice.	Add more specific provisions on decision-making mechanisms and member participation in the management of cooperatives to ensure transparency.
Cooperative Organisational Devices (Article 21)	This article states that the cooperative's organisational apparatus consists of the Members' Meeting, Management, and Supervisors. However, there is no detailed explanation of the responsibilities and authorities of each device.	Clarify the duties and responsibilities of the Supervisor in supervising the Management to improve accountability.
Members' Meeting (Article 22)	This article states that the Members' Meeting is the highest authority in the cooperative. However, the procedures for conducting meetings and making decisions are still too general.	Establish clearer procedures for the organisation of the Members' Meeting, including voting procedures and the requirement to involve all members in making important decisions.

Terms	Weaknesses	Rule reconstruction
Decisions of the Members' Meeting (Article 23)	This article regulates matters determined at the Members' Meeting, including general policies and accountability of the Management.	Added provisions that require annual financial and accountability reports to be submitted openly to members to increase transparency.
Management (Article 29)	This article regulates the election of the Management and its term of office. However, there are no provisions regarding sanctions for the Management if they commit violations or abuse of authority.	Add strict sanctions for administrators who are proven to have committed violations or abuse of authority, as well as reporting and dispute resolution mechanisms.
Duties of the Management (Article 30)	This article describes the duties of the Management Board in managing the cooperative. However, there is no emphasis on the importance of accountability in the performance of these duties.	Strengthen the obligation of the Management to prepare periodic reports on the performance of the cooperative and submit them to the members.
Sanctions for Violations	Currently, it does not provide clear criminal sanctions for cooperative administrators or members who commit violations of the law.	Regulate criminal or administrative sanctions for cooperative administrators or members who commit misappropriation of funds or other offences that harm the cooperative and its members.

These changes are very important to strengthen cooperative governance in Indonesia. By improving articles in Law No. 25/1992 on Cooperatives related to institutions, transparency, accountability, and sanctions for administrators, it is expected that cooperatives can function more effectively as pillars of the people's economy and encourage community empowerment in rural areas. This revision will also help create a healthier and more sustainable business environment for cooperative members.

Cooperatives, as economic entities based on the principles of kinship and gotong royong, have a mission to improve the welfare of members and the surrounding community. In the context of economic empowerment, cooperatives can serve as a platform for communities to come together, collaborate, and manage resources collectively. As such, cooperatives not only play a role in providing access to economic resources, but also in building social solidarity among their members.

Co-operatives can provide members with access to financial services, training, and product marketing. For example, a savings and loan cooperative can assist members in meeting their business capital needs, while a production cooperative can provide facilities for members to market their products. This will increase the productivity and income of communities in rural areas.

Economic empowerment of communities in rural areas through cooperatives also requires an approach that is inclusive and responsive to community needs. Co-operatives must be able to address the challenges faced by communities, such as access to technology, product marketing, and human resource capacity development.

CONCLUSION AND RECOMMENDATION

The development of cooperative law in Indonesia has been marked by regulatory complexities, particularly concerning the goal of empowering rural communities economically. Weaknesses in Law No. 25/1992, such as unclear cooperative definitions, unfulfilled principles, and insufficient sanctions, underscore the need for legal reconstruction to restore public trust and improve cooperative governance. By enhancing transparency, accountability, and ensuring access to capital, the law can better support the role of cooperatives in empowering rural economies. To achieve this, policy recommendations include creating accessible microcredit schemes, offering tailored education and training programs, and facilitating market access through infrastructure and local product promotion policies. These efforts will collectively strengthen the cooperative sector and contribute significantly to improving the welfare of rural communities.

ADVANCED RESEARCH

Further research should focus on developing a comprehensive legal framework that addresses the regulatory complexities and limitations currently hindering the effectiveness of cooperatives in rural Indonesia. In particular, studies could explore the specific mechanisms by which cooperative laws can enhance transparency, accountability, and access to capital, examining models from other countries with successful cooperative frameworks. Additionally, future research could investigate the impact of targeted financial programs like microcredit schemes on cooperative growth and their role in fostering economic independence within rural communities. Exploring tailored training programs to improve cooperative management skills and technical expertise would also be beneficial, alongside studying policies that promote local products and improve market access. These research directions would provide valuable insights into crafting a supportive legal and policy environment that strengthens the cooperative sector and enables sustainable economic empowerment for Indonesia's rural communities.

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