

TOWARD INDONESIAN KOPERASI LAW THAT BRING THE SOCIAL JUSTICE (STUDY OF RECONSTRUCTION KOPERASI LAW THAT ORIENTED WELFARE SOCIETY)

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ABSTRACT

The legal arrangement of Koperasi is still not open a broad role in the community to actively and effectively promote Koperasi causing injustice and discrimination in the community, and also for the Koperasi itself as a business entity. The aim of this study is to reconstruct the law of Koperasi in Indonesia, headed to the substance of social justice so oriented to the welfare of society. This study is a qualitative doctrinal research that only used secondary data. The analysis performed by using the ground norm concept and the stufenbau das recht theory from Hans Kelsen. The result shows that: Law No. 17 of 2012 on Koperasi did not provide social justice for all Indonesian people, and discriminatory that Koperasi services utilization is still closed, exclusive, only for its members in order to take advantage of Koperasi services. This condition is unfair and contrary to the Constitution of 1945, which states the purpose of the state, one of which is to promote the general welfare based on social justice for all Indonesian people. A suggestion that can be given in this study are: Community non-members should be given the opportunity to take advantage of Koperasi services both producer Koperasi, consumer Koperasi, services Koperasi, as well as savings and credit Koperasi; Profit or SHU derived from transactions from non-members of society must be distributed to members of the Koperasi, so that members also enjoy and are motivated to develop a Koperasi effort, so it can better deliver justice and benefits for society.

Key words: Reconstruction, Koperasi Law, Justice, Welfare, Society.

Introduction

National economic development aims to achieve political and economic sovereignty of Indonesia through the management of economic resources in a climate of development and empowerment of Koperasi which has a strategic role in the governance of the national economy based on the principle of kinship and economic democracy in order to create an advanced society, equitable, and prosperous based on Pancasila and the Constitution of the Republic of Indonesia Year 1945. In Article 33 paragraph (1) of the Constitution of the Republic of Indonesia Year 1945 confirmed that the economy is structured as a joint venture based on family principles. The provision is in accordance with the principle of Koperasi, because it got a mission for Koperasi significant role in developing the economy based on the principle of kinship and economic democracy that promotes the public welfare instead of wealth people privately.

Koperasi is a pillar of the principal economic support of the people. The pillar will only be strong if there is an active role not only from members but also from the wider community active and effective manner.¹ Currently the koperasi is still not open a broad role for the wider community to actively and effectively causing injustice and discrimination for the community, and also for the koperasi itself as a business entity.

Legal umbrella Koperasi today is Act No. 17 of 2012 is still only a society that is discriminatory against non-members with only accommodate the interests of a group of people are members of Koperasi alone. Thus it was in fact a Koperasi law have failed because they do not provide benefits to the wider community in order to have the opportunity to utilize and enjoy Koperasi. Besides the continuity of the Koperasi can also certainly be drowned and eaten by the octopus capitalist economic system in the era of globalization.

In Law No. 17 of 2012 concerning Koperasi, we can see the existence of discrimination to the general public non-members. Of the four types of Koperasi are consumer Koperasi, producer Koperasi, service Koperasi and credit unions, savings and borrow only special exclusive members can take advantage of both savings and lending services. This can be seen in Article 84 of Law No. 17 of 2012 which reads:

- "(1) The consumer Koperasi organize business activities in the field of service provision Members goods and non - Members.
- (2) Koperasi producers held a service business in the provision of the means of production and marketing, production of the resulting Members to Members and non - Members.
- (3) Koperasi services hosted services business activities of non - savings required by Members and non - Members.
- (4) Credit Unions run savings and loan business as the only businesses that serve the Members."

¹ Mubyarto, *Sistem dan Moral Ekonomi Indonesia*, Jakarta, PT. Pustaka LP3S Indonesia, 1998, hlm.76.

Besides of Law No. 12 of 2012 regarding Koperasi can see that credit union set if the member only allowed to borrow, while for deposits allowed. It is certainly different from the previous law, which is an opportunity for the public non - members participate in the loan in the Koperasi. This is certainly contrary to the Constitution of 1945 and of course to the values of social justice because it is not fair and is discrimination within. Furthermore, this situation has reflected that this was indeed the Koperasi law has failed, because it does not provide benefits to the public to be able to have the opportunity to utilize, enjoy, Koperasi, which in turn will inhibit the growth of Koperasi enterprises both in quantity and quality.

Then in Article 78 paragraph (2) of Law No. 17 of 2012 can be seen how the injustice in the koperasi return is contrary to the nature of the koperasi. As for Article 78 paragraph (2) reads:

"(2) Koperasi Members are prohibited from distributing the surplus Results of Operations arising from transactions with non-Members.

(3) Surplus Operating Results derived from non-Members as referred to in paragraph (2) can be used to develop koperasi businesses and improve service to Members."

By looking at the Article 78 paragraph (2) is then the question that arises is how members can develop, progress and prosperity a sovereign, when the benefits of the transaction are non-members of the community which is the largest market koperasi, even members do not get profit sharing. Distribution of surplus operating results is actually the rights of members. Surplus operating results is also one of the consequences of the principles espoused joint venture, with the principle of family on koperasi, so that koperasi will survive and thrive. Koperasi inherently organized to achieve maximum welfare for the members in particular, and society in general. Therefore, it is basically a koperasi effort undertaken by organized also by the members, then basically the koperasi members are entitled to receive the results of these efforts so that Article 78 paragraph (2) that is unjust, discriminatory and prosper.

Injustice, discrimination, the Act No. 17 of 2012 is certainly contrary to the Constitution of 1945. The existence of discrimination to the general public because that could take advantage of the services, especially savings and credit koperasi are just members only, the Act No. 17 of 2012 on Koperasi as described above was not in accordance with the spirit of the basic Act of 1945. This injustice is contrary to the Constitution of 1945, which entitles the public to be able to obtain a guarantee of fair treatment, namely:

1. Article 28 C (2) reads: Everyone has the right to advance himself in the fight for their rights collectively to build a society, nation, and country;
2. Paragraph D of Article 28 (1) reads: Every person has the right to recognition, security, legal protection and legal certainty that is fair and equal treatment before the law;
3. Article 28 D (2) reads: Everyone has the right to work and to receive remuneration and fair and decent treatment in employment;
4. Article 28 H (2) reads: Every person is entitled to the ease and special treatment to obtain the same opportunities and benefits in order to achieve equality and justice.

Legal umbrella koperasi today is Act No. 17 of 2012 on Koperasi. This Act legislation is discriminatory and turns will surely drown koperasi in Indonesia, making the koperasi into suspended animation, unable to thrive, because it is not capable of running the koperasi operation itself. This study actually motivated by the real condition of koperasi in Indonesia. Many of Koperasi does not have empowering function to society because the regulation that bounding Koperasi role. According from that reality, this study aims to redesign the law of koperasi in Indonesia moving towards a more socially equitable.

The remaining section of this paper will explain the research method that used in this study, the result and discussion about nowadays Koperasi reality in Indonesia, the concept of urgently reconstructing Koperasi Law as a tool for empowering economic society in Indonesia. After analyzed and discussed about the main problem, this paper will closed by the conclusion and suggestion section that drawing the crucial part of this study.

Research Method

This research is a doctrinal research, model of legal research is a comprehensive and analytical study that only used secondary data. The secondary data splitting to the primary legal materials (rules of koperasi), and secondary legal materials (books, journal, reports, results of previous research). Approach the problem using the statutory approach and the conceptual approach.² Data were analyzed qualitatively by describing the data generated in the form of an explanation of the study systematically so as to obtain a clear picture of the problem under study.

Analysis of the legal materials will done in two phases. First, by mapping the content analysis about the structure of rules, systematization of law indication to the problem that mapped and analyzed, interpreting and assessment of the occur rules.³ The second phase, on the legal materials will analyze using the *Regulatory Impact Assessment* (RIA) method.⁴ RIA method is a good

² Peter Mahmud, *Penelitian Hukum*, Kencana Prenada, Jakarta, 2005, hlm xx.

³ D.H.M. Meuwissen, *Tentang Pengembangan Hukum, Ilmu Hukum, Teori Hukum, dan Filsafat Hukum* (translator B. Arief Sidharta), Bandung, Refika Aditama. 2007.

⁴ Kolin Kirkpatrick and David Parker, *Regulatory Impact Assessment*, Edward Elgar Publishing, 2007.

tool to drawing and solving the problem in this study. Used RIA will clearly seen the main problem of Koperasi law that need to be reconstructing for a better regulation that can improve Indonesian social economic problem. The results of the data analysis will inferred deductively.

Result and Discussion

Globalization not only pulls upwards, but also pushed downwards, creating new pressures for the local economy.⁵ Widespreading of globalization with one leg that is the capitalist economic system as conventional financial institutions such as banks, leasing, and so make the existence of the koperasi at this time tend to lose even "dead". It is also in harmony with the style and culture of the people of Indonesia are relatively hedonistic, individualistic, and seek opportunities to benefit themselves.

Indonesian society is in fact still reluctant to partner or utilize a koperasi as an institution that helps the wheels of life and choose and make conventional financial institutions such as banks, leasing, as a partner in running his life. It is a setback for the koperasi who had lost against the capitalist economic system.

The main factor that is seen and analyzed by the author as a cause of the defeat of the koperasi of the capitalist economic system with its banking or leasing is because the koperasi system did not cause injustice to the people of Indonesia, then very discriminatory. It can be seen from the koperasi membership is still to be closed, exclusive, only for its members in order to take advantage of koperasi services. The wider community is not able to utilize the services of the koperasi, for example, in a koperasi savings and loan, then you can obtain the loan is the koperasi members only, the general public who want to get a loan can not obtain loans if they are not a member.

This makes choosing the products of capitalist society such as loans to banks for example or leasing that do not require to be a member. Moreover, the capitalist financial institutions do not require capital investment. Just imagine, people who are in need of money to support his efforts if the loan will take advantage of koperasi lending services even have to enter the capital, became a new member gets a loan, of course, it is burdensome to society.

These factors make the koperasi according to the author is not yet a true benefit to the community including the koperasi law as Act No. 17 of 2012 on Koperasi, which is the legal umbrella of koperasi in Indonesia. For the author, the law in this case true koperasi law should be responsive and progressive course that is not rigid and always dynamic with the times to provide benefits and justice for the people, and without benefit of law and justice that was not successful.⁶

Under Article 84 of Law No. 17 of 2012 on Koperasi, it can be seen how the Koperasi Act currently only divide the koperasi into four types. Types of koperasi are consumer koperasi, producer koperasi, service koperasi and credit unions. It is indirectly Act No. 17 of 2012 on Koperasi has been restricting the type of business that can be done by the koperasi. This situation in the long run will turn off the koperasi itself. This provision is not in accordance with the empirical aspects of the operations of the koperasi that has been running the business koperasi, should cover the activities of other businesses. Whereas in the rural scope, business koperasi, many are actually managed. These conditions make the koperasi in Indonesia are paralyzed, cannot develop, because it is not capable of running the koperasi operation itself. To more clearly seen in the table below:

Table 1: Condition of Koperasi in Indonesia (2010-2014)⁷

No.	Year	Amount Koperasi/unit			Inactive Percentage
		Amount	Active	Inactive	%
1.	2010 (per December)	177,482	124,855	52,627	29,65
2.	2011 (per December)	188,181	133,666	54,515	28,97
3.	2012 (per December)	194.295	139.231	54.974	28,29
4.	2013 (per December)	203.701	143.117	60.584	29,74
5.	2014 (per June)	206.288	144.839	61.449	29,79

⁵ Suteki, *Desain Hukum Di Ruang Sosial*, Thafa Media, Yogyakarta, 2013, hlm. 43.

⁶ Unresponsive and unprogressive Koperasi law will give bad impact to society economic development, as the example this Koperasi law condition will impact law enforcement area. The bad laws will make the bad condition included the law enforcement part and conversely. According to Suteki, environmental influences on law enforcement as an institution can not be circumvented. Suteki, *Hukum dan Alih Teknologi, Pergulatan Sosologis*, Thafa Media, Yogyakarta, 2013, hlm. 21-22.

⁷ http://www.depkop.go.id/index.php?option=com_phocadownload&view=sections&Itemid=93, diunduh pada hari Minggu, 7 Desember 2014.

From the table one above, it can be seen more and more koperasi status of inactive or dormant in Indonesia. Starting from the year 2010 amounted to 52.627, rose to 54.515, in 2011 then in 2012 amounted to 54.974, increasing to 60.584 in 2013, and increased again as many as 61.449 in 2014, or about 30% of the number of koperasi as much as 206.288. This means that currently only about 70% of koperasi are active, the rest is dormant or inactive.

From the above data can also be seen that the increase in the number of inactive koperasi is the greater of 52.627 in 2010 to 61.449 in June 2014. What is even more interesting that the percentage of koperasi inactive from 2010 until December 2012 showed a lower percentage, but since December 2013 increased the percentage of inactive, this certainly has something to do with Act 17 of 2012 koperasi.

In addition, it would make the demise of the koperasi because it will not be able to compete with the savings and loan financial services such as banking patterned conventional capitalist. Where koperasi posture becomes unhealthy, fat as income (savings) is greater than expenditure (loan) which in turn will inhibit the growth of credit (loans). Where these loans are the only source of income for savings and credit koperasi. For comparison of growth of bank lending and koperasi can be seen from the table two below.

Table 2: Comparison Volume of Koperasi Loans and Conventional Banking⁸

No.	Year	Credit Distribution Volume		Percentage
		Banking	Koperasi	
1.	2010/per December	1.765.845 Billion	45,56 Million	0,0025
2.	2011/per December	2.200.094 Billion	46,93 Million	0,0021
3.	2012/per December	2.725.674 Billion	48,86 Million	0,0017
4.	2013/per December	3.319.842 Billion	49,78 Million	0,0015
5.	2014/per June	3.495 Billion	52,65 Million	0,0015

Based on the tables one and two described above, can be seen the condition of Indonesian koperasi unbalanced and far behind the conventional banking system characterized by capitalism. This condition is true to the spirit of social justice in Indonesia.

Law No. 17 of 2012 on Perkoperasian have been constitutionally reviewed to the Constitutional Court on 13 February 2013. The articles were tested is article 1, article 84, article 78 verse (2) . The substance of these articles on the same prinsipnya with the substance tested the applicant is contrary to the principle of the family, and not bring social justice, discriminatory, so that this law would only kill the koperasi venture in Indonesia.

Despite Article tested with article writing is the same object, namely Article 84 and Article 78, but there is a difference of substance and ideas between the author with the applicant. The Petitioners argued that Article 82, Article 83 and Article 84 of Law No. 17 of 2012 on koperasi had obstructed their right to undertake concerted efforts based on family principle guaranteed in Article 33 verse (1) and verse (4) of the 1945 Constitution. Furthermore, according to the Petitioners, the third chapter of the limit of koperasi efforts to determine the type of business that is only producer koperasi mean just special to run a business in any customer, producer koperasi are the same only able to run a business in the production of it, and so did the savings and loan koperasi whereas during the koperasi economic actors have been living by running wheels Multipurpose koperasi (KSU) which runs the business of production, as well as business customers, as well as savings and loans, and all of them mutually support one another.

With the unification of the type of koperasi effort as Article 82, Article 83, and Article 84, then the result should be split its business management, AD/ ART changed, the asset is broken, broken businesses, and so on. Koperasi will be busy with a solving problem - solution and not to concentrate the operations. Koperasi which has a variety of businesses that have lived, as well as entrenched in Indonesia, KUD, KPRI, Kopwan, Kokar the whole unit held to meet all members' interests must be frozen and replaced with a kind of cooperative enforced this provision.

⁸ Data dihimpun dari Statistik Perbankan Indonesia per Juni 2014 <http://www.ojk.go.id/statistik-perbankan-indonesia-juli-2014> Otoritas Jasa Keuangan diunduh pada hari Minggu 14 Desember 2014, lihat juga pada <http://internasional.kompas.com/read/2013/03/04/16422473/Volume.Uusaha.Koperasi.Simpan.Pinjam.Rp.49.78.Miliar>.

The applicant is different from the concept of the author has a new idea or concept to reconstruct the koperasi law in Indonesia in the future with social justice as the main principles of the koperasi in the future is not just exclusive to members of the community but also open to non- members.

Although the Constitutional Court has made a decision that Law No. 17 of 2012 has been declared unconstitutional and not enforceable binding, but the author remains worried about the future when the new law-making koperasi to replace Law No. 17 of 2012, the substance of Article 84, Article 78 verse (2) and Article 75 of the disputed Author cooperative membership is exclusive only by and for members of permanent raised by lawmakers considering the magnitude of the influence of capitalists or owners of capital in this country in the era of globalization. The influence of capitalist power is so large that can set the start of the product creation process to implementation legislation that would protect the interests of the capitalists.

According to the *grund norm* concept from Hans Kelsen, the norm is made according to the higher norms, and norms that higher was made according to the norms of higher again, and so on until we stop on the norms of the highest that was not created by the norm again melainkan applied prior existence by the community or the people.⁹

Hans Kelsen was named the highest norm is a norm *grund norm* or basic nature can not be changed. Through this *grund norm* all regulations arranged hierarchically and thus he is also the main source of value for the legal system and the motor that drives the entire legal system.

In the legal system of Indonesia, Pancasila is the source of all sources of law. Pancasila is Grundnorm of all legal systems and the system of laws and regulations in Indonesia. As a supreme source of law, then it should have any legal order or legislation made in Indonesia refers to Pancasila.

Pancasila is also the basis of the state sets a guidelines and state goals. In the Act of 1945, states the purpose stated in the fourth paragraph of the Preamble which argues: (1) to protect the people and the country of Indonesia; (2) Promote the general welfare; (3) Feeding the life of the nation; (4) participate in the establishment of world order, based on lasting peace and social justice.¹⁰

Pancasila legal system owned by the Indonesian nation, giving guidance in building the political rules of national law. The guidance rule is the prohibition for the emergence of laws that are contrary to the values of Pancasila, namely the value of the Deity and religious civilized, human values and human rights, there should be no laws that threaten the integrity of ideology and territory of the nation and state of Indonesia, there should be no law which violates the principle of people's sovereignty, and must not violate the values of social justice.

In connection with the values of social justice, in the context of koperasi law, then the broader role of koperasi should serve the community both members and non-members. There should not be any discrimination that only members can take advantage of koperasi services.

Koperasi law in the future must be able to accommodate the interests of society at large, the public happiness, and justice for the people of both community members and non-members. Preparation and reconstruction of the law in the future in Indonesia, presumably should refer to the guiding principles and laws that must be followed by signs of Pancasila as the basic norm in the political and economic law, especially the law of development of koperasi in Indonesia.

In a reconstruction of the koperasi laws effort, going forward, be it producer koperasi, consumer koperasi and koperasi should be given the opportunity to grow, grow more prosperous with the way members earn profit sharing or SHU from the transactions with non-members of society. In fact the Act 17 of 2012 does not currently provide an opportunity for the members of both members of producer koperasi, consumer and services to grow because it cannot benefit from the transactions with the non-members, but quite the biggest market for the benefit for the koperasi is performed transaction with non-members. Compare this with the capitalist free enterprise producing, selling to the general public and enjoy the whole outcome of the transaction directly.

Later in the face and compete against the era of globalization, the free market is the economic system of capitalist such as banking services conventional, leasing services and others, the writer has a concept referred to above, namely the use of koperasi services should be open is not just for members only, but the general public non-members can also participate in the facility utilizing the services of the koperasi.

Do not blame society if amid the need for funds to run the wheel of life, the wheels of the economy people will still turn to financial institutions capitalists such as banking and lending institutions leasing, or pawn shops and at the same time the koperasi arising sinking is still shut down and do not give loans to the people who need that just because these people are not members of the koperasi. Koperasi should look at opportunities to attract people and take him as a partner in their business development and expected to one day be able to become members because they understand the system of koperasi.

In terms of deposits, is currently in the print media often we see and read the financial statements of financial institutions capitalists such as banking, almost every year gain tremendous savings fund society that is collected and then given back to the community in the form of loans or credit. In the case of any sale of the koperasi sinking of modern shops that are currently

⁹ Esmay Warassih, *Pranata hukum: Sebuah Telaah Sosiologis*, Semarang: Suryandaru Utama, 2005, hlm. 32.

¹⁰ Mahfud MD, *Peranan Mahkamah Konstitusi Dalam Pembangunan Hukum Progresif Untuk Keadilan Sosial*, Jakarta, Mahkamah Konstitusi Republik Indonesia, 2009, hlm. 106.

mushrooming in the community, such as Alfamart, Indomart, Hypermart, Carrefour, and so forth. Obviously with the concept of writer that is open to this, the koperasi could receive capital from the public and working with the community to open shops or other business units so that the cash flows of capital and it can be increased and the koperasi can provide benefits for the welfare of the Indonesian people.

Based on author interviews with the actors of venture koperasi, koperasi enterprise turns out in practice to serve the community in the community are still non-members. This is done in order to maintain the existence of the koperasi itself. Then the empirical facts in the community are also found business koperasi were forced to remain in operation even though it has been deleted by Act No. 17 of 2012 concerning Koperasi.

From social facts above prove, savings and credit koperasi societies continue to serve non-members. Multipurpose Koperasi Enterprises and still living in the community after they were deleted by Act No. 17 of 2012 on Koperasi. This can happen because at the level of Indonesian society does not recognize any dichotomy or divisions within society. Social condition proves that the perpetrators of Koperasi, still run the koperasi according to the Law of Koperasi of time, namely Law No. 25, 1992, where the Act provides an opportunity for koperasi to access the market (public non-members) as well as a way to promote and disseminate the koperasi to the public. These people's behavior actually reflects the values of social justice as precepts 5th namely "social justice for all Indonesian people" are not found in Law No. 17 of 2012 which does not provide justice for all Indonesian people.

Indeed, individual and group profit is not the main goal of Indonesia's economic activity but rather as the God commands, then this benefit must be distributed evenly among all the people in a way that the fairest, no discrimination and democratic. Especially with regard to the true koperasi who benefit from the services of the koperasi was not confined to mere members but non-members can also feel it.

Besides the fact we can also see from the politics of economic law and democratic national kinship is also true oriented and principled in Article 33 UUD 1945 which reads:¹¹

- "(1) The economy is structured as a joint effort based on the principle of family;
- (2) The production branches which are important for the country and the lives of many people controlled by the state;
- (3) The earth, water, and natural riches contained therein shall be controlled by the state and used for the greatest prosperity of the people;
- (4) The national economy shall be organized based on economic democracy with the principles of togetherness, efficiency, justice, sustainability and environmental friendliness, independence, and balancing economic and national unity."

From Article 33 UUD 1945 in particular paragraph (4) of this, can we see the values of non - discrimination, the values of democracy, the system of national economy and (4) it provides an opportunity for koperasi to open up to the market system. Therefore, the koperasi membership and his services must be open to society common as well and not just confined or exclusive to members and the koperasi members should also be able to enjoy the benefits of the transactions with the non - members, because it is not fair, contrary to values of democracy, justice and non - discrimination as Article 33 paragraph (4) and also against Sila 5th namely social justice for all Indonesian people.

Conclusions and Suggestions

Based on the problem and the foregoing discussion, conclusions can be stated as follows: The main factor is seen as the cause of unsuccessful koperasi in achieving social justice for all Indonesian people because the law of koperasi today is Act No. 17 of 2012 does not provide social justice for all Indonesian people, and discrimination that koperasi services utilization is still closed, exclusive, only for its members in order to take advantage of koperasi services. Koperasi law does not provide space for the community as widely as possible. Not all people can use the services of the koperasi. In addition, Law No. 17 of 2012 precisely turn down and off the koperasi itself and provide opportunities for the business sector capitalists. So also in the sharing of benefits derived SHU koperasi of transactions with non-members can not be enjoyed by members of the koperasi. With only provide benefits to small communities or groups are members of koperasi without providing equal justice for the public to enjoy the benefits or facilities koperasi, then it was unfair and contrary to the Constitution of 1945 as the opening Act of 1945 which mention the purpose of the state, one of which is to promote the general welfare based on social justice for all Indonesian people. To be able to continue to grow and compete against the capitalist economic system with conventional banking, leasing and others stersebut, the reconstruction effort is the use of koperasi law koperasi should be open on a limited basis is not only for members of the general public alone but also can participate.

Some suggestions are given related to the discussion in this paper is: Public non-members should be given the opportunity to take advantage of koperasi services both producer koperasi, consumer koperasi, services koperasi, as well as savings and credit koperasi in accordance with the values of Pancasila and the 1945 Constitution, namely social justice for the people of Indonesia that the state goal was achieved, namely the welfare of the Indonesian people for koperasi law is fair and beneficial for the people of Indonesia; Profit or SHU earned from transactions of the non - members should be distributed to members of the

¹¹ See, Article 33 UUD 1945.

koperasi, so that members also enjoy and are motivated to develop a business koperasi, and also so that people are more interested in entering or attempting by means of koperasi because koperasi provide justice and benefits for society.

References

- D.H.M. Meuwissen, (2007). *Tentang Pengembanan Hukum, Ilmu Hukum, Teori Hukum, dan Filsafat Hukum/ About The Duty of Law, Jurisprudence, Legal Theory and Philosophy of Law* (translator B. Arief Sidharta), Bandung, Refika Aditama.
- Kirkpatrick, Kolin. and David Parker. (2007). *Regulatory Impact Assessment*, Edward Elgar Publishing.
- Mahfud MD, (2009). *Peranan Mahkamah Konstitusi Dalam Pembangunan Hukum Progresif Untuk Keadilan Sosial/ The Role Of The Constitutional Court In Progressive Law Development For Social Justice*, Jakarta, Mahkamah Konstitusi Republik Indonesia.
- Mahmud, Peter. (2005). *Penelitian Hukum/Legal Research*, Kencana Prenada, Jakarta.
- Mubyarto, (1998). *Sistem dan Moral Ekonomi Indonesia/System and Moral Economy Indonesia*, Jakarta, PT. Pustaka LP3S Indonesia.
- Suteki, (2013), *Desain Hukum Di Ruang Sosial*, Thafa Media, Yogyakarta.
- Suteki, (2013), *Hukum dan Alih Teknologi, Pergulatan Sosologis*, Thafa Media, Yogyakarta.
- Warassih, Esmey. (2005). *Pranata hukum: Sebuah Telaah Sosiologis/Legal institutions: A Sociological Assessing*, Semarang: Suryandaru Utama.
- http://www.depkop.go.id/index.php?option=com_phocadownload&view=sections&Itemid=93, Accessed on Sunday, 7 December 2014.
- <http://www.ojk.go.id/statistik-perbankan-indonesia-juli-2014> Otoritas Jasa Keuangan, Accessed on Sunday, 14 December 2014.
- <http://internasional.kompas.com/read/2013/03/04/16422473/Volume.Usaha.Koperasi.Simpan.Pinjam.Rp.49.78.Miliar>. Accessed on Sunday, 14 December 2014.