Cooperatives As Pillars Of A People-Centered Economy: A Constitutional Law Analysis Of Cooperative Regulation In Indonesia

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Abstract

Cooperatives in Indonesia hold a unique constitutional status, enshrined in Article 33 of the 1945 Constitution, as instruments to achieve economic democracy and collective welfare. However, the practical realization of these ideals remains hindered by outdated regulatory frameworks, particularly Law No. 25 of 1992, which fails to reflect the dynamics of digital transformation, inclusive development, and modern governance. This study adopts a normative juridical method to examine the alignment of cooperative law with constitutional principles, focusing on the philosophical foundations, doctrinal interpretations, and historical evolution of cooperative governance. Through analysis of primary legal sources, academic literature, and recent policy initiatives such as the Koperasi Merah Putih movementthis research reveals significant normative gaps, legal fragmentation, and institutional constraints within the current regulatory regime. The study argues for a fundamental legal reconstruction that positions cooperatives not as peripheral economic actors but as constitutional agents of equitable and sustainable development. It proposes key legal reforms including the recognition of digital cooperatives, enhanced accountability mechanisms, and integration with national development platforms. The findings emphasize the urgent need for a responsive, inclusive, and constitutionally grounded legal framework to revitalize the cooperative sector in post-pandemic and digital Indonesia.

I. Introduction

Cooperatives are constitutionally mandated institutions in Indonesia, recognized not merely as economic actors, but as pillars of the people-centered economy (ekonomi kerakyatan) and strategic instruments for achieving economic democracy. This constitutional foundation is explicitly laid out in Article 33 of the 1945 Constitution (UUD 1945**)**, which underscores the importance of collective efforts (*usaha bersama*) to ensure the prosperity of all citizens. From a constitutional law perspective, this places cooperatives in a unique legal position as entities that are not only empowered by legislation but also mandated by the supreme law of the state.

Despite their elevated status in the constitutional order, cooperatives in Indonesia have historically struggled to fulfill their envisioned role. Several persistent challenges continue to obstruct their development: a fragmented regulatory environment**,** lack of harmonization between national and regional cooperative policies**,** minimal legal innovation**,** and a disconnect between cooperative governance and broader economic planning**.** The prevailing Law No. 25 of 1992 on Cooperatives**,** which was enacted during the early post-authoritarian transition period, is widely criticized for its outdated structure and inability to accommodate modern cooperative dynamics, including digital cooperatives, hybrid economic models, and cross-sectoral integration.

In recent years, there has been growing awareness of the need to reposition cooperatives within Indonesia's legal and economic architecture. A notable expression of this is the "Koperasi Merah Putih" program, which seeks to re-embed cooperatives into the core of national economic sovereignty and resilience**,** particularly in the face of global market volatility, digital disruption, and widening inequality. However, such initiatives require more than policy rhetoric—they demand a robust legal framework that is consistent with constitutional values and responsive to contemporary governance standards.

This article thus seeks to undertake a constitutional legal review of cooperative regulation in Indonesia**,** with a specific emphasis on its alignment with the principles of the 1945 Constitution. It poses a fundamental question: To what extent does the current legal regime governing cooperatives reflect the constitutional ideals of economic justice, public welfare, and sovereignty? Using a normative-juridical method, this study examines the philosophical, doctrinal, and historical underpinnings of cooperative law in Indonesia, analyzes the limitations of existing statutory instruments, and identifies opportunities for legal reconstruction.

By engaging with primary constitutional texts, legislative documents, and

academic legal theory, this article argues that cooperatives must be repositioned not as peripheral economic actors, but as constitutional agents of inclusive and sustainable development. Ultimately, this inquiry contributes to the discourse on how constitutionalism, legal certainty, and institutional reform can together revitalize the cooperative sector as a foundation for equitable national progress in the 21st century.

2. Research Method

This research employs a normative juridical method as its primary approach. The normative juridical method is concerned with the analysis and interpretation of legal norms, doctrines, and legislation that govern the operation and institutional framework of cooperatives in Indonesia. This approach enables a systematic examination of the law as a set of normative rules that should guide the behavior of legal subjects and the formation of public policies.

Figure 1 Normative Juridical Research Flow Problem Identification Collection of Primary and Secondary Legal Materials Conceptual and Historical Analysis Normative Evaluation Conclusions and Legal-Reform Recommendations.

The normative juridical approach in this study is directed at understanding how the Indonesian Constitution (*UUD 1945*), especially Article 33, positions cooperatives within the national economic system. The research aims to determine whether the current regulatory framework—particularly Law No. 25 of 1992 concerning Cooperatives—adequately reflects the constitutional mandate for economic democracy and people-based economic development (*ekonomi kerakyatan*).

To achieve this objective, the research relies on both primary and secondary legal materials.

- Primary legal materials include official sources of law such as the 1945 Constitution, statutory laws, government regulations, and presidential directives relevant to the legal framework of cooperatives. These documents are analyzed to identify legal principles, obligations, and institutional mechanisms that define the state's approach toward cooperative governance.

- Secondary legal materials include academic writings, journal articles, legal commentaries, and textbooks authored by constitutional law scholars and experts in cooperative economics[5]. These materials support the doctrinal analysis by providing interpretations, critical evaluations, and theoretical perspectives on the development and challenges of cooperative regulation in Indonesia.

Additionally, this study applies a conceptual approach to analyze key legal concepts such as "economic democracy," "people's economy," and "legal certainty" within the framework of state economic policy. The conceptual approach is complemented by a

historical approach, which traces the evolution of cooperative regulation from the early post-independence period to the contemporary reform era, including the introduction of the "**Koperasi Merah Putih**" initiative.

The analysis in this research is qualitative and descriptive**,** focusing on identifying legal inconsistencies, normative gaps, and potential improvements in cooperative legislation. By doing so, this research provides a constitutional and juridical evaluation of the Indonesian legal system's capacity to support cooperatives as agents of inclusive and sustainable economic development.

3. Results and Discussion

Implementation of Legal Protection for Lampung Robusta Coffee Geographical Indications in Improving the Economy of West Lampung Coffee Farmers

The Constitutional Position of Cooperatives in Indonesia

This research adopts a normative juridical method, which is commonly used in legal studies that aim to analyze statutory regulations, legal principles, and doctrines through a systematic and theoretical lens. This approach allows researchers to explore the coherence, consistency, and constitutional conformity of legal rules concerning the governance of cooperatives in Indonesia. In the context of this study, the normative juridical method serves to examine the legal positioning of cooperatives as mandated by Article 33 of the 1945 Constitution of the Republic of Indonesia, which emphasizes collective efforts and economic democracy.

The selection of this method is particularly relevant given the current regulatory dissonance in Indonesia's cooperative legal system. While Law No. 25 of 1992 on Cooperatives remains in force, it is widely criticized for being outdated and unable to address modern challenges such as digital transformation, global competition, and the rise of startup cooperatives. Several strategic national initiatives, such as the Koperasi Merah Putih (Red and White Cooperative) program initiated by the Ministry of Cooperatives and SMEs, reflect a governmental push to reorient cooperatives as pillars of the people's economy in a rapidly evolving socio-economic landscape.

This study also employs a conceptual and historical approach**,** which are essential in understanding the philosophical and ideological foundations of cooperative law. The conceptual approach facilitates a critical evaluation of core legal ideas such as *people's economy*, *social justice*, and *economic democracy*, while the historical approach traces the evolution of cooperative law from its colonial legacy, post-independence development, New Order corporatism, to the present democratic era.

To enrich the normative analysis, this study uses **qualitative-descriptive**

techniques to examine a variety of **legal materials**, including:

- **Primary legal materials**: the 1945 Constitution (especially Article 33), Law No. 25 of 1992 on Cooperatives, Presidential Regulation No. 97 of 2014 on the Development of Cooperatives and MSMEs, and other relevant legislation and policy documents.
- **Secondary legal materials**: peer-reviewed journal articles, textbooks on Indonesian constitutional law and cooperative governance, official government reports, and publications from cooperative development agencies.

The normative findings are juxtaposed with **empirical observations** derived from recent reports and data published by the Ministry of Cooperatives and Statistics Indonesia (BPS), which suggest that although Indonesia has over 127,000 registered cooperatives as of 2024, only around 30% are considered active and sustainable. This gap reflects not only a lack of institutional capacity but also legal rigidity, bureaucratic inefficiencies, and insufficient incentives for innovation.

Furthermore, the context of Indonesia's post-pandemic economic recovery and digital acceleration underlines the critical need for adaptive legal instruments. The cooperative sector, if legally and institutionally empowered, could serve as a key mechanism for inclusive recovery—supporting micro, small, and medium enterprises (MSMEs), improving rural economies, and reducing structural inequality. In this light, the normative juridical approach must also consider the intersection of constitutional mandates with emerging global norms on digital economy, cooperative fintech, and green transition.

The recent push for digital public infrastructure (DPI) under the government's "Satu Data Indonesia" and "SPBE" (Electronic-Based Government System) initiatives necessitates the legal integration of cooperatives into national digital ecosystems. This includes recognizing digital cooperatives, blockchain-enabled cooperative transactions, and decentralized governance frameworks—issues not yet addressed in current cooperative legislation.

Therefore**,** this methodological framework allows the researcher to assess not only the legal validity and constitutional alignment of cooperative regulations but also their practical responsiveness to the changing needs of society and market dynamics. The ultimate goal is to generate a critical legal evaluation that contributes to the reformulation of cooperative law in line with the economic sovereignty agenda and the ideals of Pancasila-based legal development.

a) Evaluation of Law No. 25 of 1992 on Cooperatives

Law No. 25 of 1992 on Cooperatives constitutes the foundational legislative framework for the regulation of cooperatives in Indonesia. While the law explicitly embraces normative principles such as mutual assistance (*gotong royong*), economic democracy, and social justice, it remains largely a product of the post-

authoritarian transition era and has proven increasingly inadequate in addressing the multifaceted challenges of the 21st-century economic environment.

One of the core deficiencies of the law lies in its inability to accommodate innovations within the cooperative sector, particularly in relation to digitalization and emerging hybrid business models. There is an absence of explicit legal provisions governing the operations of digital cooperatives, platform-based cooperative enterprises, and fintech-integrated cooperative ecosystems. This legal vacuum creates regulatory uncertainty for cooperatives seeking to modernize, thereby impeding their capacity to adapt to market shifts and technological advancements.

Additionally, mechanisms for oversight and accountability within the cooperative framework remain weak and fragmented. The law lacks enforceable standards for internal governance, auditing procedures, and transparency obligations, leading to widespread governance failures and, in some cases, exploitation of cooperative status for personal or political gain. The proliferation of inactive or dormant cooperatives—many of which still hold legal standing—further exacerbates issues of legitimacy and effectiveness.

Another significant structural weakness is the lack of horizontal and vertical legal harmonization. The cooperative law exists in relative isolation from other key economic statutes, such as those concerning taxation, financial services, investment, and procurement. This disconnection hampers inter-agency coordination and deprives cooperatives of the legal parity needed to compete with corporations or access state-supported economic facilities. For instance, unlike private limited companies (PT) or BUMN (state-owned enterprises), cooperatives often face institutional discrimination in public procurement schemes and government credit facilities due to their ambiguous legal standing.

In the context of Indonesia's post-pandemic recovery and digital economy push, these limitations pose a substantial risk of marginalizing the cooperative sector. Cooperatives—which should ideally serve as vehicles for inclusive growth, rural empowerment, and MSME integration—are instead rendered peripheral actors in national economic planning. The inertia of legal reform perpetuates this marginalization and weakens the constitutional imperative under Article 33 of the 1945 Constitution.

Consequently, this research calls for a comprehensive and forward-looking legislative overhaul that not only modernizes Law No. 25 of 1992 but also embeds cooperatives into the broader framework of Indonesia's economic digital transformation and sustainable development agenda.

b) The "Koperasi Merah Putih" Initiative and Legal Reform

In response to the enduring structural and regulatory stagnation within Indonesia's cooperative sector, the government has initiated the "Koperasi Merah Putih" program an ambitious national movement spearheaded by President Prabowo Subianto to reassert cooperatives as core agents of economic sovereignty and equitable development. This initiative aims to strengthen the institutional capacity of cooperatives, modernize their operational standards, and strategically integrate them into the broader framework of Indonesia's national economic resilience, particularly in the face of digital disruption, climate-induced volatility, and post-pandemic recovery challenges. The program envisions cooperatives not merely as traditional economic actors but as community-based economic institutions capable of mobilizing local resources, enhancing financial inclusion, and fostering entrepreneurship at the grassroots level.

However, the viability and long-term impact of the Koperasi Merah Putih initiative is fundamentally dependent upon the existence of a robust, coherent, and adaptive legal architecture. The current legislative framework centered around Law No. 25 of 1992 does not provide the necessary legal infrastructure to support this transformation. As such, comprehensive legal reform is no longer optional but imperative.

A modern cooperative law must address several key areas. First, it should establish enforceable standards for transparency, accountability, and financial integrity, including mandatory internal audits, public reporting mechanisms, and legal protections for cooperative members. Second, it must provide a regulatory basis for digital governance, allowing cooperatives to adopt fintech, blockchain-based transactions, and platform-based management systems while ensuring data protection and cybersecurity compliance. Third, the new law must explicitly recognize and promote the participation of marginalized and underserved populations, including women, youth, persons with disabilities, and workers in the informal sector, thereby aligning with the Sustainable Development Goals (SDGs) and Indonesia's Vision 2045.

Importantly, legal reform must move beyond mere codification. It must institutionalize effective mechanisms for state facilitation, dispute resolution, oversight, and cooperative education, empowering both regulators and cooperative members to ensure good governance and resilience. Regulatory bodies should be mandated to conduct periodic performance evaluations, provide capacity-building support, and impose sanctions for non-compliance, thereby fostering a culture of accountability and professionalism within the cooperative ecosystem.

Ultimately, the Koperasi Merah Putih will only succeed if supported by a legal system that is not only reflective of Indonesia's constitutional values, as articulated in Article 33 of the 1945 Constitution, but also responsive to the demands of a rapidly changing economic landscape.

c) Comparative Insights and Global Best Practices

Comparative experiences from other countries, such as the cooperative systems in Finland, Japan, and Canada, demonstrate the importance of legal clarity, strong regulatory bodies, and supportive public policy in fostering a vibrant cooperative sector[7]. In Japan, for example, agricultural cooperatives are supported by robust legal frameworks and favorable fiscal policies[8].

Indonesia can draw valuable lessons from such systems by adapting global best practices to the local socio-political context. This includes incorporating tax incentives, financial access programs, and embedding cooperatives in national development plans. A reformed legal structure would enable cooperatives to play a central role in achieving inclusive, democratic, and sustainable economic growth.

Figure 2. Relationship between Constitution, Cooperatives, and Economic Law ReformArticle 33 of the 1945 Constitution Principles of Economic Democracy Cooperatives as Core Actors Government Policy & Regulation Implementation of Inclusive & sustainable Economy.

4. Conclusion

The normative juridical analysis presented in this article affirms the urgent imperative to reconstruct Indonesia's legal framework on cooperatives, aligning it with both constitutional mandates and the rapidly transforming socio-economic environment of the 21st century. As articulated in Article 33 of the 1945 Constitution, cooperatives are not ancillary economic actors but are envisioned as instrumental mechanisms to achieve economic democracy, social justice, and national prosperity. Yet, this constitutional vision remains only partially realized due to the inertia of legal reform, particularly the continued reliance on Law No. 25 of 1992, whose regulatory architecture is no longer fit for purpose.

Indonesia's cooperative sector in 2025 remains riddled with structural deficiencies, characterized by:

- Erosion of public trust following repeated cases of mismanagement and opaque financial governance;
- Institutional misalignment between traditional cooperative values and contemporary needs for agility, innovation, and digital literacy;
- Regulatory obsolescence in responding to emerging cooperative typologies such as platform cooperatives, green cooperatives, and fintech-based mutualism.

While the statistical count of cooperatives remains high exceeding 127,000 entities government reports consistently show that fewer than 30% are active and accountable, underscoring a pressing gap between legal form and economic function. Initiatives such as "Koperasi Merah Putih", though promising in vision, lack the legal embeddedness and inter-ministerial

alignment necessary for structural continuity and resilience.

This study argues that Indonesia's cooperative legislation should no longer be derivative of economic policy, but rather elevated as a constitutional pillar of national economic architecture. To that end, any future legal revision must be drafted through a rights-based, inclusive, and deliberative process, engaging cooperative leaders, legal academics, digital innovators, and civil society organizations. The following reform targets are deemed essential:

- Codifying the legal status of digital and hybrid cooperatives to foster innovation and cross-sectoral integration;
- Institutionalizing mechanisms for audit transparency, member accountability, and democratic decision-making;
- Creating legal incentives and protections for cooperative participation by women, youth, rural communities, and the informal sector;
- Synchronizing cooperative regulations with national digital governance systems, including SPBE (Electronic-Based Government System) and Satu Data Indonesia.

In conclusion, unless a comprehensive legal reconstruction is enacted rooted in the core constitutional values of sovereignty (kedaulatan), social justice (keadilan sosial), and shared prosperity (kemakmuran bersama) Indonesia will continue to marginalize its cooperative sector at the very moment when it could be a transformative engine of post-pandemic recovery, digital equity, and green economic transition. It is thus imperative for legislators, ministries, and the academic community to reconceptualize cooperatives not as peripheral actors, but as strategic constitutional agents of inclusive and resilient national development.

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