

Tinjauan hukum mengenai dampak keberlakuan Undang-Undang nomor 17 tahun 2012 tentang perkoperasian terhadap penyelenggaraan dan pengawasan koperasi simpan pinjam = Judicial review on the impact of legal enforceability of act no 17 of 2012 about cooperative against the implementation and supervision loan and save cooperative

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Abstrak

ABSTRAK

Permasalahan hukum yang dilakukan oleh badan hukum koperasi maupun yang mengatasnamakan koperasi sering terjadi, dengan berbagai macam modus operandi yang dilakukan. Permasalahan yang timbul juga dapat disebabkan karena adanya niat maupun tujuan untuk melakukan segala cara oleh pelaku baik perseorangan maupun secara bersama untuk kepentingan pribadi, kurangnya pengetahuan, pendidikan dan pemahaman tentang Perkoperasian yang berdampak kurangnya pemahaman dan pelaksanaan yang menjiwai prinsip-prinsip koperasi. Permasalahan hukum yang sering terjadi dengan modus operadi diantaranya usaha investasi berkedok koperasi, Koperasi mobilisasi dana masyarakat baik menggunakan sistem arisan, Multi Level Marketing (MLM), penerimaan modal penyertaan, iming-iming yang menggiurkan dan lainnya. Permasalahan hukum tersebut mendorong pemerintah untuk mengeluarkan kebijakan baru yang setidaknya meminimalisir permasalahan hukum serta membangun dan member perlindungan terhadap koperasi, dengan mengeluarkan Undang-Undang Nomor 17 Tahun 2012 Tentang Perkoperasian. Ketentuan Undang-undang tersebut mengalami perubahan dengan undang-undang sebelumnya, khususnya mengenai Koperasi Simpan Pinjam. Perubahan dalam peraturan undang-undang Perkoperasian terhadap meminimalisir permasalahan hukum koperasi simpan pinjam telah mengalami perubahan, diantaranya status badan hukum dan izin usaha koperasi simpan pinjam melalui Menteri koperasi dan UKM, Lembaga Pengawas Koperasi Simpan Pinjam yang berbentuk lembaga non struktural Menteri Koperasi dan UKM, Lembaga Penjamin Simpanan Koperasi Simpan Pinjam. Perubahan perangkat organisasi koperasi, serta struktur organisasi perkoperasian tersebut dapat meminimalisir serta mencegah permasalahan hukum, sehingga perlu adanya keterkaitan masalah hukum yang terjadi dengan ketentuan undang- undang Perkoperasian yang dulu dengan yang baru, dalam penyesuaian dan penyelenggaraan Koperasi Simpan Pinjam.

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ABSTRACT

Legal issues conducted by the legal entity on behalf of a cooperative or cooperatives often occur, with a variety of modus operandi. The problems arising can also caused because the existence of an intention or purpose to do all manner of an offender either by individuals or by together to private interests, a lack of knowledge, education and understanding of cooperative externalities lack of understanding and the implementation of the who animates the principles of cooperative. Legal issues such as often happens with a mode of operadi investment business pretended to be cooperative koperasi mobilization of public fund better to use the system arisan, multi the level of marketing (MLM), the reception of capital participation, a lure that interesting and other. The legal issues pushed the government to issue new policies which at least minimize the problem of law and build member cooperatives, and protection against by enacting law

number 17/2012 about cooperative. A statutory provision has had a change to the statute formerly, particularly regarding loan and save cooperative. Changes in the regulation of the act of cooperative to minimize the problem law loan and save cooperative has undergone a change, such as its legal entity status and business license of loan and save cooperative through minister of cooperatives small and medium enterprises institution supervisory loan and save cooperative that is shaped lembaga non structural minister of cooperatives small and medium enterprises institution warrantor the mistress of loan and save cooperative. Changes in regulations the act of cooperative to minimize the problem law loan and save cooperative has experienced change, including legal entity status and business permit loan and save cooperative through minister cooperatives and smes, institution supervisory loan and save cooperative shaped institution non structural minister cooperatives and smes, insurance agency mistress loan and save cooperative. Change device organization cooperative, and organizational structure the cooperative can minimize and preventing legal issues, so that it needed entanglement legal problems happened to statutory provision cooperative formerly with the new, in a readjustment governance and loan and save cooperative.