

ABSTRACT

Constitution of 1945, particularly Article 33 Clause (1), states that the economy shall be organized as a common endeavor based upon the principle of the family system. The explanation of Article 33 elaborates that public welfare is prioritized than individual welfare and the suitable form of company is cooperation. Act number 25 in 1992 about cooperation was enacted for 20 years in Indonesia until October 30th 2012, and then government provisioned Act number 17 in 2012 about cooperation. The government expected that this Act would be consequent and consistent to make cooperation in Indonesia to be more trusted, stronger, healthier, autonomous, and firm, and useful for its members, especially common public. In May 28th 2013, the constitutional court nullified Act number 17 in 2012, because the constitutional court considered this law was against Constitution of 1945, so that this Act was not legally enforceable, and for temporary the Act number 25 in 1992 was enacted again until new Act of cooperation to be provisioned.

The problems in this research were how did the implications of Decree of Constitutional Court number 028/PUU-XI for the cooperation which had establishment act based on Act number 12 in 2012 and toward those cooperation in process of establishment, and what were legal consequences from legal engagement had been done by cooperation which had establishment act based on Act number 17 in 2012.

The objective of this research was to find out and to analyze cooperation which had been established based on Act number 17 in 2012, and the existences of cooperation which were still in progress of establishment and legal consequences of legal engagement had been conducted by cooperation.

This research belonged to normative research which studied written law from varying aspects. This was a descriptive research which explain prevailing legal conditions in particular locations and time.

The conclusion of this research was that for the cooperation which had not yet had establishment act based Act number 17 in 2012, it was obligatory for the cooperation to make amendment, and for the cooperation being in the process of establishment should refer back to Act number 25 in 1992 about cooperation. Legal engagement had been conducted by cooperation with act of establishment based on Act number 17 in 2012 remained to valid and legally engaging.

Keywords : implication of decree of Constitutional Court, nullification of Act of Cooperation, establishment act of cooperation