

Implementasi Pengesahan Akta Perubahan Anggaran Dasar Koperasi Pasca Berlakunya Peraturan Menteri Hukum dan Hak Asasi Manusia Republik Indonesia Nomor 14 Tahun 2019 Tentang Pengesahan Koperasi (Studi Kasus pada Koperasi Di Kabupaten Bogor) =
Implementation of Ratification of the Deed of Amendment to the Articles of Association of Cooperatives After the Entry into force of Regulation of the Minister of Law and Human Rights of the Republic of Indonesia Number 14 of 2019 Concerning Legalization

Kurnia Oetama Noviansyah, author

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Abstrak

Pasal 16 Peraturan Menteri Hukum dan Hak Asasi Manusia Nomor 14 Tahun 2019 tentang Pengesahan Koperasi telah mengatur bahwa setiap perubahan anggaran dasar koperasi yang memuat perubahan bidang usaha harus mendapat pengesahan Menteri melalui Sistem Administrasi Badan Hukum (SABH). Pada prakteknya ketidaktahuan pihak koperasi dan ketidakcermatan Notaris mengenai ketentuan tersebut mengakibatkan salah satu koperasi di Kabupaten Bogor tidak mendapat pengesahan Menteri dalam perubahan anggaran dasarnya padahal perubahan anggaran tersebut memuat perubahan bidang usaha. Dalam penelitian ini membahas mekanisme perubahan anggaran dasar koperasi pasca berlakunya Peraturan Menteri Hukum dan Hak Asasi Manusia Nomor 14 Tahun 2019 tentang Pengesahan Koperasi dan akibat hukum yang mungkin timbul akibat tidak dipenuhinya ketentuan Pasal 16 tersebut. Metode penelitian yang digunakan adalah penelitian normatif dengan tipe penelitian preskriptif dan menggunakan sumber data sekunder. Hasil penelitian dalam tesis ini adalah adanya kesalahan baik dari pihak koperasi maupun Notaris dalam proses perubahan anggaran dasar yang mengakibatkan tidak diperolehnya pengesahan Menteri sebagaimana diatur dalam Pasal 16 Peraturan Menteri Hukum dan Hak Asasi Manusia Nomor 14 Tahun 2019 tentang Pengesahan Koperasi. Selain itu, hasil penelitian ini menjelaskan akibat hukum terhadap koperasi yang tidak memperoleh pengesahan Menteri seperti eksistensi badan hukum koperasi tersebut, permohonan izin usaha, dan permohonan fasilitas kredit.

.....Article 16 of Regulation of the Minister of Law and Human Rights Number 14 of 2019 concerning Ratification of Cooperatives stipulates that any changes to the articles of association of cooperatives that contain changes in business fields must be approved by the Minister through the Legal Entity Administration System (SABH). In practice, the ignorance of the cooperatives and the notary's inaccuracy regarding these provisions resulted in one of the cooperatives in Bogor Regency not being approved by the Minister for changes to its articles of association, even though the changes to the budget included changes in business fields. This research discusses the mechanism for changing the articles of association of cooperatives after the enactment of Minister of Law and Human Rights Regulation Number 14 of 2019 concerning Legalization of Cooperatives and the legal consequences that may arise as a result of non-compliance with the provisions of Article 16. The research method used is normative research with a prescriptive research type and uses secondary data sources. The results of the research in this thesis are that there was an error on the part of both the cooperative and the Notary in the process of amending the articles of association which resulted in not obtaining Ministerial approval as stipulated in Article 16 of Regulation

of the Minister of Law and Human Rights Number 14 of 2019 concerning Ratification of Cooperatives. In addition, the results of this study explain the legal consequences for cooperatives that do not obtain approval from the Minister, such as the existence of the cooperative's legal entity, applications for business licenses, and applications for credit facilities.