Volume 10, No. 2, 2026

International Journal on Language, Research Law Education Studies
(IJLRES)

Journal Homepage : https://jurnal.uinsu.ac.id/index.php/ijlres/index

E-ISSN 2580-6785
P-ISSN 2580-6777

DOAJ

Regulation on the Prohibition of Consanguineous and Affinity Family Relationships in the Structure of Cooperative Establishment

Pengaturan Larangan Hubungan Keluarga Sedarah dan Semenda dalam Struktur Pendirian Koperasi

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Abstract: *Cooperatives as business entities based on the principle of family hold a strategic role in the national economy as mandated by Article 33 paragraph (1) of the 1945 Constitution of the Republic of Indonesia. This research is motivated by the emergence of norms prohibiting blood and marriage relationships up to the first degree between administrators, supervisors, and managers in Article 50 in conjunction with Article 55 of the Regulation of the Minister of Cooperatives and Small and Medium Enterprises Number 8 of 2023 concerning Savings and Loan Businesses by Cooperatives, a norm that was previously unknown in Law Number 25 of 1992 concerning Cooperatives or its implementing regulations. The problem arises because the concept of blood and marriage to the first degree used is not explicitly aligned with the standard mechanism for calculating the degree of kinship in Articles 290-296 of the Civil Code, thus creating potential legal uncertainty for cooperative organs, cooperative services, and notaries. This study aims to analyze the legal ratio for the formation of the norm and formulate the concept and scope of the degrees of kinship that should apply using normative legal methods with a statutory and conceptual approach. The results of the study indicate that the prohibition is formally valid, but materially does not have an explicit legal ratio legis and is more of a non-legal policy or political reason to prevent conflicts of interest. This study also concludes that the concepts of blood and marriage need to be harmonized with the Civil Code and their scope expanded to the second degree to meet the requirements of legal certainty.*

Keywords: *Cooperative, Consanguineous Relations, Family Relationships, Savings and Loan, Notary.*

DOI: 10.47006/ijlres.v%vi%i.30144

INTRODUCTION

Article 33 paragraph (1) of the 1945 Constitution of the Republic of Indonesia states that "the economy is structured as a joint venture based on the principle of family." This constitutional provision positions cooperatives as the business entity that best suits the character and personality of the Indonesian people, because cooperatives prioritize togetherness, equality, and collective welfare above individual interests. Cooperatives are business entities whose members are individuals or legal entities, basing their activities on the principles of cooperatives as a people's economic movement based on the principle of family (*Undang-Undang Nomor 25 Tahun 1992 Tentang Perkoperasian*, 1992).

The establishment of cooperatives in Indonesia is a manifestation of the shared will of the founders, in the sense of the initiative of a group of people to work together because they have the same economic interests voluntarily in order to achieve shared prosperity because the main objective of cooperatives is not merely to seek profit, but to improve the welfare of its members through joint economic activities, such as savings and loans, production, or marketing (Atsar, 2024). This will is stated in the cooperative's deed of establishment, drawn up by a notary. The notary appointed by the cooperative's founders must also be registered with the Ministry of Cooperatives (*Keputusan Menteri Negara Koperasi Dan Usaha Kecil Dan Menengah Republik Indonesia Nomor 98/Kep/M.KUKM/IX/2004 Tentang Notaris Sebagai Pembuat Akta Koperasi*, 2004). The deed of establishment is basically subject to the principle of freedom of contract as regulated in Article 1320 in conjunction with 1338 paragraph 1 of the Civil Code, hereinafter referred to as the Civil Code (R. Subekti dan R. Tjitrosudibio, 1992).

Based on Article 18 paragraph (1) of Law Number 25 of 1992 concerning cooperatives, hereinafter referred to as Law No. 25/1992, those who can become members of a cooperative are every Indonesian citizen who is able to carry out legal actions or cooperatives that meet the requirements as stipulated in the articles of association. Cooperatives have the aim of improving the welfare of members in particular and society in general. However, in the practice of establishing and managing cooperatives, especially savings and loan cooperatives, various deviations are still found which have the potential to damage public trust and harm members (Hendrojogi, 2004). One of the fundamental problems is the existence of blood and marriage relationships between the supervisors and managers of the cooperative.

In Law No. 1/1992, there is no mention of blood relations and marriage relations, and in its implementing regulations, namely Article 8 in conjunction with Article 9 of Government Regulation Number 9 of 1995 concerning the Implementation of Savings and Loan Business Activities by Cooperatives, hereinafter referred to as PP No. 9/1995, there are no regulations regarding blood relations and marriage relations (*Peraturan Pemerintah Nomor 9 Tahun 1995 Tentang Pelaksanaan Kegiatan Usaha Simpan Pinjam Oleh Koperasi*, 1995). However, it was found in Article 50 that the Government through the Ministry of Cooperatives and Small and Medium Enterprises has issued Ministerial Regulation Number 8 of 2023 concerning Savings and Loan Businesses by Cooperatives, hereinafter referred to as Permenkop UKM no. 8/2023 regarding the concept of the definition of blood and marriage which was not previously regulated in Law No. 25/1992.

Based on Article 50 of the Regulation of the Minister of Cooperatives No. 8/2023, it is stated that the management of KSP/KSPPS and cooperatives that have USP/USPPS are selected from and by cooperative members with the requirement that they do not have blood family relationships and family relationships by marriage up to the first degree with other managers, supervisors, and managers. The same provisions also apply to supervisors based on Article 55 of the Regulation of the Minister of Cooperatives No. 8/2023 (*Peraturan Menteri Koperasi Dan Usaha Kecil Dan Menengah Nomor 8 Tahun 2023 Tentang Usaha Simpan Pinjam Oleh Koperasi*, 2023). The scope of this norm is significantly broader than previous regulations because it is no longer limited to conventional savings and loan cooperatives alone.

When linked to the Civil Code, Article 1909 in conjunction with Article 1910 of the Civil Code basically does not place blood relations and in-laws as a basis for prohibition, but only as a basis for limited exceptions, for example to be a witness before a judge. In fact, Articles 290 to 296 of the Civil Code have standardized the definition and mechanism for calculating the degree of blood relations and in-laws. This raises a fundamental question regarding the rationale for expanding the scope of the prohibition on blood relations to the first degree in cooperative organs without explicit reference to the mechanism for calculating such degrees.

The fundamental issue that arises is what exactly is the first degree of blood relationship and marriage as referred to in regulation 8/2023. Based on Article 290 of the Civil Code, it is stated that "blood relationship is a family relationship between them, where one is a descendant of another or all have the same ancestor" Juncto Article 293 of the Civil Code in a straight line downwards the relationship of a child to his father is the first degree, a grandson the second degree, and so on. Conversely in an upward line, a father and a grandfather, in relation to children and grandchildren, are in the first and second degrees, and so on. In addition, Article 294 of the Civil Code in a lateral degree two siblings are in the second degree, an uncle and nephew are in the third degree, cousins are in the fourth degree, and so on.

Meanwhile, Article 295 of the Civil Code defines it as "a marriage-related family is a family relationship resulting from marriage, namely a relationship between one of the husband and wife and the blood relatives of the other party." The degree of marriage is calculated in the same way as blood relations. Meanwhile, Regulation of the Minister of Cooperatives No. 8/2023 uses the phrase "first degree" without providing an explanation that is in line with the definition and calculation of degrees as referred to in the Civil Code, thus giving rise to differences in interpretation between the two legal instruments which results in a lack of uniformity in concepts for cooperative organs, cooperative services as advisors and supervisors, and notaries who make cooperative deed of establishment which gives rise to legal uncertainty.

Based on this description, the discrepancy between the definitions of consanguinity and infidelity according to the Civil Code and the definitions used in Regulation of the Minister of Cooperatives No. 8/2023 is an important legal issue that requires further study to ensure legal certainty for all parties involved. As stated by Satjipto Rahardjo, good law is law that is able to address the needs of society before harm occurs, not after (Rahardjo, 2000). This article was prepared to analyze the legal ratio of the regulation on the prohibition of first-degree consanguineous relations and marriages in Article 50 in conjunction with Article 55 of the Minister of Cooperatives Regulation No. 8/2023, as well as to formulate the concept and degree of family relations that should apply to be in line with the Civil Code.

This article employs normative legal research with both a statutory and conceptual approach. The statutory approach is used to examine the Civil Code, Law Number 25 of 1992 concerning Cooperatives, and Ministerial Regulation Number 8 of 2023 concerning Cooperative Lending Businesses. The legal materials consist of primary, secondary, and tertiary legal materials. The analytical technique used is qualitative analysis through grammatical and systematic interpretation to clarify the meaning of prohibited family relationships.

RESULTS AND DISCUSSION

Legal Analysis of the Prohibition of Blood and In-Law Family Relationships in the Cooperative Establishment Structure between Managers and Supervisors Based on Article 50 Juncto Article 55 of the Minister of Cooperatives and UKM Regulation No. 8 of 2023

The history of regulations prohibiting family relationships within cooperative structures shows gradual development. Law No. 25/1992, the basic foundation of Indonesian cooperatives, comprehensively regulates cooperative institutions consisting of Members' Meetings, Management, and Supervisors, but does not prohibit blood or marriage relationships between the three (Nugraha, 2016). The absence of this norm creates conditions that are structurally not conducive to the realization of a check and balance mechanism between organs, so that the internal supervisory function has the potential to be paralyzed if there are close family relationships between managers and supervisors (Hutapea, 2026).

The initial implementing regulation, namely Government Regulation Number 9 of 1995 concerning the Implementation of Savings and Loan Business Activities by Cooperatives, also did not fill this gap because the requirements for becoming a manager did not mention blood and marriage relationships at all, and only focused on the operational aspects of savings and loans. The norm prohibiting blood and marriage relationships up to the first degree was first included in Article 11 in conjunction with Article 12 of the Regulation of the Minister of Cooperatives Number 15/Per/M.KUKM/IX/2015, although it was still limited to the scope of Savings and Loan Cooperatives (KSP) only, and was later emphasized through the Regulation of the Minister of Cooperatives Number 02/PER/M.KUKM/II/2017.

The issuance of Regulation of the Minister of Cooperatives and SMEs Number 9 of 2018 concerning the Implementation and Development of Cooperatives then reaffirmed the prohibition more systematically in Article 10, by requiring a written statement of not having any family ties by blood or marriage up to the first degree, intended to ensure independence between organs and prevent family domination in the control of KSP. However, the scope of this norm is still limited to conventional KSP and does not yet cover KSPPS or savings and loan units in other types of cooperatives, a limitation that was then sharply highlighted following a series of large-scale KSP default cases such as KSP Indosurya and KSP Sejahtera Bersama in 2020-2022 (Antoni & Razaga, 2024).

Professionalism and transparency in KSP management cannot be achieved if there are familial ties between the cooperative's organs. Such a situation has the potential to give rise to hidden conflicts of interest, ultimately harming the interests of members as the true owners of the cooperative. A review of the principles of Islamic cooperative governance also found that similar weaknesses, including a lack of understanding and lack of independence of the organs, are at the root of various cases of cooperative irregularities (Tania et al., 2025).

A comprehensive evaluation of the weaknesses in cooperative governance arrangements, from various cases of problematic cooperatives, prompted the Ministry of Cooperatives to issue Regulation of the Minister of Cooperatives No. 8/2023, which is an important milestone because it significantly expands the scope of the prohibition on blood and marriage relationships, no longer limited to conventional KSPs, but also includes

KSP/KSPPS and primary and secondary cooperatives that have savings and loan business units (USP/USPPS), namely in Article 50 in conjunction with 55 of Regulation of the Minister of Cooperatives No. 8/2023, which explicitly stipulates that "managers, supervisors and managers of KSP/KSPPS and Cooperatives that have USP/USPPS are prohibited from having blood and marriage relationships up to the first degree." The scope of this regulation is no longer limited to conventional KSPs alone, but is expanded to also include KSP/KSPPS (Sharia Savings and Loans and Financing Cooperatives) and USP/USPPS (Savings and Loans and Sharia Savings and Loans and Financing Units) organized by primary and secondary cooperatives.

In his official statement, Ahmad Zabadi, Deputy for Cooperatives at the Ministry of Cooperatives, emphasized that the ban is part of an effort to build public trust in cooperatives. Savings and loan cooperatives operate a financial business that is essentially a business of trust. To maintain and foster public trust, cooperatives must be managed professionally and transparently, and free from conflicts of interest. This principle also underlies the reason why a similar ban was previously implemented in the banking sector through Financial Services Authority Regulation Number 55/POJK.03/2016 concerning the Implementation of Governance for Commercial Banks and POJK Number 62/POJK.03/2020 concerning Rural Credit Banks (Ahmad Zabadi, 2023).

Sri Soemantri also constructs the relationship between law and politics in Indonesia as likening the journey of a train locomotive that has derailed. If the law is likened to a locomotive, then what is often seen is the locomotive derailing from the rails it is supposed to be on. This means that the law does not always function and operate as it should, because its creation and implementation are inseparable from the power that gave birth to it and lives alongside it (imam Mustofa, 2015).

So, law and politics must work together and strengthen each other, this is like the saying "law without power is a dream, and power without law is tyranny". The etymological meaning of legal politics is legal policy, which means legal politics as a series of concepts and principles that become the outline and basis of plans in implementing leadership work and how to act in the legal field (Imam Syaukani & A. Ahsin Thohari, 2006).

The validity of a policy decision or regulation (beleidsregel) is measured from two complementary sides, namely material requirements and formal requirements (Michael, 2017). The material requirements include four elements, namely: (1) the decision must be made by an authorized government apparatus; (2) in the formation of the will of the government apparatus there must be no legal deficiencies (geen yuridische gebreken in de wilsvorming); (3) the decision must be given a form that is in accordance with the regulations that form its basis and fulfill procedures that are clearly established (rechtmatig); and (4) the content and objectives of the decision must be in accordance with the content and objectives to be achieved (Hadjon, 1987).

To test the validity of this norm, the study uses the Theory of Legal Validity which requires the fulfillment of material and formal requirements, with an emphasis on the element of doelmatigheid, namely the suitability of the content and purpose of the Decree. The section considering Permenkop UKM No. 8/2023 states that the formation of this regulation is intended "to improve the welfare of the community and provide convenience, protection, and empowerment to cooperatives that run savings and loan businesses, it is necessary to amend several Regulations of the Minister of Cooperatives and Small and Medium Enterprises that regulate savings and loan business activities by cooperatives because they are no longer in accordance with the legal needs of the Community". Without touching on arguments regarding blood and marriage relationships at all.

A review of the Abstract of the Regulation of the Minister of Cooperatives No. 8/2023 shows that the main legal rationale for the formation of this regulation rests on three issues: the need for risk-based business licensing, the elevation of technical policies to the status of legitimate regulations, and the follow-up to Law Number 4 of 2023 concerning the Development and Strengthening of the Financial Sector, all of which do not address the arguments regarding the prohibition of incest and marriage. The absence of a fully traceable Academic Paper further strengthens the vulnerability of the material requirements for legal validity, particularly the element of the absence of legal deficiencies in the formation of the will of the regulation maker.

Further analysis shows that the most rational intersection between this prohibition and the purpose of establishing regulations lies in the aspect of cooperative members' capital accountability. Capital essentially represents the limits of each member's liability, in line with Hans Kelsen's concept of responsibility, which states that responsibility arises from obligations imposed by legal rules (Kelsen, 2008). Because the capital of a Savings and Loan Cooperative comes directly from the contributions of individual members and not from the capital participation of independent third parties as in a Limited Liability Company, the prohibition on blood relations and marriage can be understood as an effort to ensure that the cooperative's capital is not mixed with personal assets or joint assets due to family relations (Mulhadi, 2017).

A comparison with two similar legal entities further strengthens this analysis. In a Limited Liability Company, the relationship between shareholders, the Board of Directors, and the Board of Commissioners is contractual and professional, so familial relationships are not expressly prohibited because the limits of liability are measured through authorized capital. In the case of a Foundation, precisely because of its non-profit character and high degree of independence, the Foundation Law expressly prohibits dual positions between Supervisors and Managers to prevent misuse of the foundation's assets by the founder's family (Anwar et al., 2026).

Cooperatives have a unique character because they are formed on the basis of family principles according to Article 1 paragraph (1) of Law No. 25/1992, so that they inherently have a higher risk of developing real family relations within their organizational structures (R.T. Sutantya Rahardja Hadhikusuma, 2001). There is a paradox within the cooperative body, on the one hand the principle of family is its main philosophical value according to Article 33 paragraph (1) of the 1945 Constitution, but on the other hand concrete family relations within the management and supervisory organs must be limited in order to maintain the independence of supervision, so that the misuse of the phrase principle of family to justify nepotism is a distortion of its constitutional meaning (Herman Suryokumoro, 2020).

The prohibition on incest and in-law relationships can also be analyzed through the principles of Good Cooperative Governance, especially the principles of accountability, responsibility and independence (KNKG, 2021). If the Management and Supervisors have a family relationship, it is factually difficult to separate the responsibilities of each organ because there is a tendency for self-protective bias, so that the independence of supervision is damaged from the start regardless of whether or not there is actual bad intention (Rahmawati, 2022).

The phenomenon of kinship within savings and loan cooperatives is a real issue, the majority of which falls within the second degree, not the first degree, which is the textual scope of the prohibition. This gap between the scope of textual norms and the actual need to prevent conflicts of interest is the starting point for the discussion in the next sub-chapter. Based on the overall analysis using the Theory of Legal Validity, it can be concluded that Article 50 in conjunction with Article 55 of the Minister of Cooperatives Regulation No. 8/2023 formally meets the requirements for validity because it was issued by an authorized official through a legal procedure. However, materially, especially in the element of doelmatigheid, no explicit legal ratio legis is found, so the prohibition is more appropriately understood as a non-legal policy oriented towards preventing conflicts of interest and affirming the uniqueness of cooperatives as family-based legal entities, as well as a manifestation of the principle of good cooperative governance.

Alignment of the Concept and Degree of Blood and In-Law Family Relationships in Regulation of the Minister of Cooperatives and UKM No. 8 of 2023 with the Definition Based on the Civil Code

A cooperative is a joint venture that involves all members in carrying out its business activities through mutual cooperation, typically similar to the activities of a family. This spirit of togetherness is not only manifested in mutual responsibility for the cooperative's business activities but also in the form of shared capital. Therefore, it is clear that cooperatives play a crucial role in developing the economic potential of the community and in realizing a democratic economic life characterized by democracy, togetherness, family, and openness (Suryokumoro & Ula, 2020). In the previous discussion, it was emphasized that the prohibition on blood relations and in-laws up to the first degree does not have an explicit legal ratio legis, but rather a non-legal policy to prevent nepotism, so this sub-chapter focuses on how the concept and scope of these degrees of kinship should be regulated in order to fulfill the goal of legal certainty.

According to the Theory of Legal Certainty, specifically the three internal requirements for the structure of legal norms proposed by Nurhasan Ismail, namely the clarity of the concept used, the clarity of the regulatory hierarchy, and the consistency of the norms. First, from the aspect of conceptual clarity, Permenkop UKM No. 8/2023 uses the phrase blood and marriage family relationships up to the first degree without providing a definition or mechanism for calculating the degree itself in its body, even though the concept is basically borrowed from the standard civil law concept in Articles 290-296 of the Civil Code. Article 290 of the Civil Code emphasizes that blood kinship is a family relationship between those who are descendants of another or who all have the same ancestor, in conjunction with Article 293 of the Civil Code which states that in a straight line down, the relationship of a child to his father is the first degree, grandchildren the second degree, and so on.

Article 294 of the Civil Code stipulates that in terms of side-by-side relationship, two siblings are in the second degree, uncles and nephews are in the third degree, and cousins are in the fourth degree. Meanwhile, Article 295 of the Civil Code defines a marriage-related family as a family relationship resulting from marriage between one of the husband and wife and the blood relatives of the other party, with the degree calculated in the same way as blood relations. The absence of an independent definition formulation that refers explicitly to the Civil Code causes the norms in the Minister of Cooperatives Regulation No. 8/2023 to not meet the requirements for conceptual clarity, resulting in a lack of uniformity of interpretation among cooperative organs, the Cooperative Service as the supervisor and advisor, and the notary who draws up the deed of establishment.

Second, from the aspect of hierarchical clarity, the position of Permenkop UKM No. 8/2023 as a technical policy regulation (beleidsregel) which is under the law requires that the norms it contains do not exceed or conflict with the general principles and norms that have been in effect in the Civil Code (Indrati, 2020). In the lex generalis-lex specialis relationship, the Civil Code is positioned as a genus that regulates the basic concept of blood and marriage kinship as a whole, while the Minister of Cooperatives Regulation No. 8/2023 should be positioned as a species that only applies the concept specifically to the context of cooperative organs, without the authority to create a stand-alone terminology.

Third, from the aspect of norm consistency, the researcher conducted a horizontal comparison of the regulation prohibiting family relationships in the management organs of other business entities that have similar risk characteristics to savings and loan cooperatives, namely as intermediary institutions that manage public/member funds. Financial Services Authority Regulation Number 4/POJK.03/2015 concerning the Implementation of Governance for Rural Credit Banks expressly prohibits the majority of members of the Board of Directors and the Board of Commissioners from having family or marriage relationships up to the second degree with fellow members of the Board of Directors and the Board of Commissioners. The same regulation is also maintained in Financial Services Authority Regulation Number 17 of 2023 concerning the Implementation of Governance for Commercial Banks, which prohibits the majority of members of the Board of Commissioners from having family relationships up to the second degree with fellow members of the Board of Commissioners and/or members of the Board of Directors (*Peraturan Otoritas Jasa Keuangan Nomor 4/POJK.03/2015 Tentang Penerapan Tata Kelola Bagi Bank Perkreditan Rakyat*, 2015).

The consistency of the second-degree regulation in the financial services sector shows that the Minister of Cooperatives Regulation No. 8/2023, which limits the prohibition to the first degree, is inconsistent with similar norms in the national legal system that address the issue of family conflicts of interest in public fund management institutions, so it does not meet the requirement of norm consistency as one of the prerequisites for legal certainty (Mertokusumo, 2010). This inconsistency is an important indicator that the formation of blood-based norms in cooperatives has not comprehensively considered regulatory practices in similar sectors.

Based on this, it can be emphasized that the understanding of blood and marriage relationships according to the researcher's view is that even though the ratio legis prohibition is non-juridical or more accurately understood as a political consideration (political reason) to prevent nepotism and conflicts of interest, this does not make the resulting norms free from the obligation to fulfill the goal of legal certainty. Law as stated by Mochtar Kusumaatmadja, basically also functions as a means or tool to build and direct society in the direction desired by policy makers, so that the existence of political considerations behind a norm is neither foreign nor prohibited in the formation of law (Syah et al., 2026). However, when these political considerations are incorporated into positive legal norms, they must be subject to the objective of legal certainty which requires uniformity of conceptual perception with regulations that are more general and have a higher systemic position, namely the Civil Code, so that the political function of the law does not sacrifice the function of legal certainty itself.

Furthermore, regarding the scope of the degree that should be used, the researcher is of the view that the scope of the prohibition should be expanded from the first degree to the second degree. That the pattern of familial relationships that most often occur in practice is actually at the second degree, namely the relationship between siblings, not the first degree which is the textual scope of the current prohibition. The formation of good legal norms should pay attention to and encompass the real behavioral patterns that most often occur in the field, so that these norms are truly effective in preventing the conflicts of interest they are intended to avoid, not just norms that are merely normative in nature without the ability to reach the actual facts that are intended to be regulated (Soekanto, 2013).

As explained in the discussion regarding the consistency of norms, limiting family ties to the second degree is a standard that is consistently used by financial services sector regulations in regulating the management and supervisory organs of financial intermediary institutions, as seen in Article 6 and Article 27 paragraph (3) of Financial Services Authority Regulation Number 4/POJK.03/2015 concerning the Implementation of Governance for Rural Credit Banks in conjunction with Article 47 of Financial Services Authority Regulation Number 17 of 2023 concerning the Implementation of Governance for Commercial Banks. Considering that savings and loan cooperatives basically carry out functions that are substantially analogous to microfinance intermediary institutions, namely collecting and distributing funds belonging to members, for the sake of legal certainty and equal treatment between institutions that have the same risk characteristics, it is appropriate that savings and loan cooperatives also comply with the minimum standards for limiting family ties to the second degree that have been consistently applied in the financial services sector.

Furthermore, the selection of the limit up to the second degree, and not the first degree or further degrees such as the third or fourth degree, is also based on considerations of the balance of principles. The first degree, which in Article 290 in conjunction with Article 293 of the Civil Code only covers relationships in a straight line upwards and downwards such as between parents and children, is considered too narrow because it does not cover relationships between siblings (lateral lines) which in Article 294 of the Civil Code are only categorized as the second degree, even though the relationship between siblings empirically and sociologically is the closest family relationship economically and psychologically in Indonesian society, so it is most prone to giving rise to informal joint control over cooperative member funds.

On the other hand, extending the scope of the prohibition to the third or fourth degree, which includes uncle-nephew relationships and cousins, is seen as potentially counterproductive to the kinship principle that is the basic character of cooperatives themselves, because it would unduly limit the availability of candidates for management and supervisors, especially in small-scale savings and loan cooperatives in rural areas which are generally formed by community groups with close kinship ties. The second degree is thus the most rational balance point between the need to prevent conflicts of interest and efforts to maintain the continuity of the cooperative's kinship principle.

Thus, the definition of blood and marriage kinship in the Regulation of the Minister of Cooperatives No. 8/2023 should be explicitly aligned with the definition and mechanism for calculating degrees as regulated in Articles 290 to 296 of the Civil Code, not solely based on legal demands, but rather on the basis of the demands of the legal function itself to realize legal certainty for cooperative organs, the Cooperative Service, and notaries as general officials who make cooperative deed of establishment. In line with this, the scope of the prohibition which currently only covers the first degree should be expanded to the second degree, both on the basis of practical arguments and systemic arguments as described.

CONCLUSION

The prohibition of blood and marriage relations up to the first degree between managers and supervisors in Article 50 Jo Article 55 of the Minister of Cooperatives Regulation No. 8 of 2023, viewed from the Theory of Legal Validity, formally meets the requirements of validity because it was issued by an authorized official through a legal procedure, but materially does not have an explicit legal ratio legis so it is more appropriately understood as a non-legal policy oriented towards preventing nepotism and conflicts of interest as well as a manifestation of the principle of good cooperative governance. In addition, the definition of blood and marriage relations in the Minister of Cooperatives Regulation No. 8/2023 has not been harmonized with the Civil Code so that, viewed from the Theory of Legal Certainty, it does not meet the requirements of conceptual clarity, hierarchical clarity, and normative consistency. Therefore, the government needs to revise the Minister of Cooperatives Regulation No. 8/2023 by aligning the definition and mechanism for calculating the degree of consanguineous and in-law relationships explicitly with Articles 290-296 of the Civil Code, and expanding the scope of the prohibition from the first degree to the second degree so that the norm is truly effective in reaching family relationship patterns that are practically and systemically most prone to causing conflicts of interest in managing savings and loan cooperative member funds.

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