

## Juridical Analysis of Fraud and Illegal Banking Practices in Cooperative Operations: A Case Study on the Baitul Mal Wa Tamwil (BMT) Muamaroh Anyer Cooperative

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ARTICLE INFO	ABSTRACT
<p><i>Keywords:</i></p> <p>Cooperatives; BMT; Fraud; Illegal Banking; OJK; Juridical Aspects</p>	<p>The Baitul Mal wa Tamwil (BMT) Muamaroh Anyer Cooperative is one of the Islamic financial entities that in practice is suspected of carrying out activities that deviate from the provisions of positive law in Indonesia. This cooperative collects public funds extensively, promises high returns, and conducts savings and loan activities with a system that resembles banking, even though it does not have an operational license from the Financial Services Authority (OJK) or Bank Indonesia. This phenomenon poses serious problems in the realm of criminal law and financial law because it has the potential to harm the public and violate the principle of prudence in the financial industry. The illegal financial practice under the guise of cooperatives also shows the weak legal and financial literacy of the community and the lack of supervision of non-bank financial institutions that use the name of sharia cooperatives. This study aims to analyze juridically the practice of fundraising by BMT Muamaroh Anyer without the permission of official authorities, examine the legal liability of cooperative administrators who are suspected of committing fraudulent crimes, and formulate legal remedies and preventive measures in protecting the community against illegal financial practices. The research uses a normative juridical method combined with an empirical approach through interviews with cooperative administrators and victims who have experienced losses. Primary data sources are obtained from the results of interviews and field observations, while secondary data comes from relevant laws and regulations, legal literature, and academic journals. The analysis was carried out in a qualitative descriptive manner by interpreting field findings based on the applicable legal framework, especially referring to Law Number 10 of 1998 concerning Banking, Law Number 21 of 2011 concerning the Financial Services Authority, Law Number 25 of 1992 concerning Cooperatives, and Article 378 of the Criminal Code concerning fraud. The results of the research are expected to contribute to strengthening the supervision of cooperative-based microfinance institutions, increase public legal awareness, and become the basis for the formulation of stricter policies against cooperatives that deviate from sharia principles and national banking regulations. The outputs of this</p>
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research are in the form of scientific articles in accredited legal journals, recommendations for cooperative supervision policies, and community legal education through Community Service (PKM) activities. Thus, this research not only has academic value, but also has a direct impact on law enforcement efforts and community protection from illegal financial practices under the guise of cooperatives.

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## 1. INTRODUCTION

Cooperatives as a form of business entity recognized by the legal system in Indonesia have a very important role in supporting the people's economy. As affirmed in Article 33 paragraph (1) of the 1945 Constitution of the Republic of Indonesia, "the economy is structured as a joint venture based on the principle of kinship." This constitutional provision emphasizes that national economic development does not only rely on the private sector or the state, but also on the participation of the people in a joint business forum. One of the tangible manifestations of the principle of kinship is cooperatives, which are legally regulated in Law Number 25 of 1992 concerning Cooperatives. In this provision, a cooperative is defined as a business entity consisting of a single person or a legal entity of a cooperative by basing its activities on the principle of cooperatives and as a people's economic movement based on the principle of kinship.

Cooperatives were initially established to overcome the difficulties of the community in meeting the needs of life, provide access to affordable financing, and strengthen the bargaining position of the lower middle class in the midst of the domination of capitalism. Over time, cooperatives not only play a role as alternative economic institutions, but also develop into microfinance institutions that function to collect funds and distribute loans to their members. Savings and loan cooperatives and sharia cooperatives, such as Baitul Mal wa Tamwil (BMT), are here to answer the community's need for easier, more flexible, and based on Islamic values.

However, this positive development is not uncommon to be followed by deviant practices. Weaknesses in the aspects of regulation, supervision, and managerial capacity of cooperative management open up opportunities for misappropriation. Not a few cooperatives have finally deviated from their basic principles, and turned into instruments of community exploitation. This happens when cooperatives are managed by irresponsible parties, taking advantage of legal weaknesses and low financial literacy of the community to seek personal gain.

One of the real cases that has come to the surface is the alleged irregularities committed by the BMT Muamaroh Anyer Cooperative. This cooperative is suspected of raising public funds widely with an investment scheme that promises high returns. In addition, this cooperative also carries out massive savings and loan activities and management of community funds, as if it functions as a banking institution. In fact, all of these activities were carried out without official permission from the Financial Services Authority (OJK) or Bank Indonesia. Legally, this action is a form of serious violation because it violates Law Number 10 of 1998 concerning Banking and Law Number 21 of 2011 concerning the OJK. In other words, these cooperatives carry out illegal banking practices that are prohibited in the legal system of the Indonesian financial services sector.

Based on the investigation data collected, BMT Muamaroh Anyer has collected funds from more than a hundred people, both members and non-members, with losses of billions of rupiah. The fund is

promised to provide a fixed return every month, but in practice there is no transparency in management or an accountable audit mechanism. Fund management is carried out unprofessionally, without external supervision, and without clear accountability to depositors. This situation shows a strong indication of the existence of an element of fraud as stipulated in Article 378 of the Criminal Code. The mode of fraud carried out is by conveying false information, using the legitimacy of the name of the sharia cooperative, and hiding the fact that the cooperative operates without an official license and is in an unhealthy financial condition.

Furthermore, the use of religious symbols further strengthens the appeal of this kind of illegal cooperative. Many people are deceived by the use of sharia terms, such as *mudharabah*, *qardh*, and *musharakah* contracts, when in reality the practices carried out do not reflect the principles of transparency, justice, or accountability as taught in Islamic law and national laws and regulations. Here's a latent danger to watch out for: ordinary people, especially in rural areas, don't have enough knowledge to distinguish between legally legitimate cooperatives and bogus cooperatives.

This phenomenon is not a single case. In various regions in Indonesia, problematic cooperatives have emerged in a similar mode: collecting public funds through the lure of sharia investment, promising high fixed returns, and finally failing to pay obligations when due. These cases are further aggravated by the weak supervision carried out by the regional cooperative office and by the OJK. So far, the supervision system is more based on internal reporting which is passive, so it is not able to detect potential violations early. The state, through its legal apparatus, should be present with stricter regulations, more active supervision, and effective implementation of sanctions.

Law Number 1 of 2013 concerning Microfinance Institutions has actually provided a strict legal umbrella by stating that every institution that collects and distributes public funds must obtain a permit from the OJK. However, in practice, many cooperatives avoid this provision by taking refuge behind the status of cooperative business entities. As a result, a "legal gray area" emerges that problematic cooperatives take advantage of to operate without adequate oversight.

From a criminal law perspective, the actions of BMT manager Muamaroh Anyer can be subject not only to Article 378 of the Criminal Code concerning fraud, but also Article 372 of the Criminal Code concerning embezzlement, as well as Articles 55 and 56 of the Criminal Code regarding participation and assistance in criminal acts. In fact, if it is proven that public funds are used for personal interests or disguised, the provisions of Law Number 8 of 2010 concerning the Prevention and Eradication of Money Laundering Crimes can also be applied. This confirms that the problem of illegal cooperatives is not only related to administrative violations, but also a serious criminal act.

The impact of these practices is widespread. From the economic side, people have suffered a large amount of financial losses. From the social side, public trust in cooperatives in general has decreased drastically. As a result, even though there are healthy, transparent, and legal cooperatives, people are still reluctant to put funds or invest in them. In the long term, this situation can hinder the development of cooperatives as the backbone of the people's economy which should be the main force in the structure of the Indonesian economy.

Through this study, the author wants to examine in depth the juridical aspects of the actions of the management of the BMT Muamaroh Anyer Cooperative. The analysis is carried out with a normative approach to applicable laws and regulations, as well as the interpretation of criminal law regarding fraudulent acts and illegal banking practices. This research will also look at the legal implications for cooperatives as legal entities, as well as the responsibilities of managers from a criminal law perspective.

Based on this description, there are two main problems that are the focus of this research. First, how the juridical aspects of fraud and illegal banking practices carried out by the BMT Muamaroh Anyer Cooperative are reviewed from the provisions of the applicable laws and regulations. Second, what law enforcement efforts can be taken to protect the public from illegal banking practices under the guise of cooperatives.

By formulating this problem, the research is expected to not only contribute academic thinking, but also have practical benefits for policymakers and law enforcement officials. The results of the research can be used as input in formulating strategic steps to prevent and overcome similar cases in the future. The government needs to immediately strengthen the cooperative supervision system by utilizing information technology, building an online reporting mechanism that is easily accessible to the public, and ensuring that cooperative administrators have competence and integrity in carrying out their duties.

Thus, this study is not only an academic documentation of the BMT Muamaroh Anyer case, but also a reflection on the need for comprehensive reform in the legal system and supervision of cooperatives in Indonesia. This reform is absolutely necessary so that cooperatives can return to their *khitah*, namely as a people's economic instrument based on the principles of kinship, transparency, and justice.

In the context of positive Indonesian law, the existence of cooperatives as legal entities is actually trusted by the state to carry out certain economic functions in a limited and responsible manner. The trust is not intended to open up space for cooperatives to carry out activities that are explicitly within the legal regime of banking and financial services. Therefore, any deviation from the basic functions of the cooperative must be seen as a violation of the purpose of the formation of the cooperative itself. When cooperatives carry out activities like banks without a license, there are not only administrative violations, but also serious violations of the principles of legality and consumer protection.

The principle of legality in criminal law emphasizes that every act that is prohibited and threatened with criminal law must be strictly regulated in laws and regulations. In the case of illegal banking practices, Indonesian law has explicitly prohibited the collection of public funds without permission from the competent authorities. Therefore, the excuse that the activity was carried out on behalf of the cooperative cannot be used as a justification. In fact, the use of cooperative legal entities to carry out illegal activities shows the existence of malicious intentions (*mens rea*) from its managers to avoid legal supervision.

This condition shows the abuse of the form of cooperative legal entities as a pseudo-legal shield. From a legal perspective, cooperatives cannot be positioned as financial institutions that are free from state supervision. Cooperatives remain subject to the principles of prudence, transparency, and accountability, especially when collecting large amounts of public funds. If these principles are ignored, then cooperatives have deviated from their legal characteristics as business entities based on membership and family principles.

Furthermore, the act of collecting public funds widely with the lure of profit still contains characteristics identical to deposit products or banking investments. In the doctrine of banking law, the promise of fixed returns is a characteristic of financial instruments that are under strict state supervision. Therefore, cooperatives that offer this kind of scheme without the permission of the OJK have actually entered the territory of illegal banking. These actions have the potential to pose systemic risks, especially if public funds are managed without adequate risk management standards.

From the point of view of economic criminal law, this kind of practice cannot be seen as an ordinary mistake or a mere administrative negligence. This act shows a systematic pattern in collecting funds, managing public trust, and hiding the true financial condition. This pattern strengthens the suspicion that there has been a continuous act of fraud. Thus, criminal liability against cooperative administrators is inevitable.

The criminal liability of cooperative administrators is based on the principle that legal entities act through their management organs. In this case, administrators who actively make decisions, carry out operations, and offer illegal products to the public can be held personally accountable. In fact, in certain circumstances, cooperatives as legal entities can also be subject to corporate criminal sanctions. This is in line with the development of modern criminal law that recognizes corporations as the subject of criminal law.

In addition, the involvement of other parties who help or enjoy the proceeds of crime cannot be ruled out. Article 55 and Article 56 of the Criminal Code provide a legal basis to ensnare parties who participate, order to commit, or assist in the occurrence of criminal acts. Thus, legal responsibility is not only limited to the core management, but can also be extended to other parties who play an active role in the operation of the illegal cooperative.

If the collected public funds are proven to be diverted for personal interests or disguised through various financial transactions, then the elements of the crime of money laundering can be fulfilled. Law Number 8 of 2010 gives broad authority to law enforcement officials to trace the flow of funds from crimes. In this context, the implementation of anti-money laundering regimes becomes very relevant to recover victims' losses and prevent the loss of assets by perpetrators.

From the perspective of legal protection, the community as victims of illegal cooperative practices is in a very vulnerable position. Low legal and financial literacy makes it difficult for people to distinguish between legitimate cooperatives and problematic cooperatives. This condition requires a more active state presence in providing education, supervision, and law enforcement. Without firm intervention, similar practices have the potential to continue to be repeated in various regions.

The role of local governments, especially the agencies in charge of cooperatives, is very strategic in preventing irregularities. So far, administrative and internal report-based supervision has proven ineffective. A more proactive monitoring system is needed, including periodic audits, field verification, and an easily accessible public complaint mechanism. Thus, potential violations can be detected early.

The Financial Services Authority also has an important role in closing the legal loophole that has been used by problematic cooperatives. Coordination between the OJK and the cooperative office must be strengthened so that there is no overlap of authority or supervisory vacancies. Clarity of the boundary between cooperatives and microfinance institutions is key in creating legal certainty. Without this clarity, the community will continue to be victims of illegal practices that take refuge behind the cooperative's legal entity.

On the other hand, strict law enforcement against illegal cooperatives will provide a deterrent effect for perpetrators. Consistent law enforcement will also restore public trust in healthy, law-abiding cooperatives. This is important so that cooperatives are not constantly labeled negatively due to the actions of a handful of irresponsible individuals. Justice for victims must be a top priority in every law enforcement process.

The preventive aspect must also be the main concern in cooperative legal policies. The government needs to ensure that every cooperative administrator has adequate managerial competence and legal understanding. Certification of cooperative administrators, periodic training, and strict ethical standards can be important instruments in preventing irregularities. Thus, cooperatives can be managed professionally and with integrity.

Within the framework of national legal development, the case of BMT Muamaroh Anyer shows that there is an urgent need to reform cooperative regulations. Existing regulations need to be adjusted to the development of modern economic and financial practices. Harmonization between cooperative laws, banking, microfinance institutions, and criminal law is a strategic step to close the existing legal loophole. Without such harmonization, illegal cooperative practices will continue to find room to flourish.

This research is expected to contribute to enriching the study of economic criminal law in Indonesia. By examining concrete cases, this research can show how legal norms are applied in practice and the obstacles faced by law enforcement officials. This analysis is also expected to be a reference for academics, legal practitioners, and policymakers in formulating comprehensive solutions.

Furthermore, this research also has a strong consumer protection dimension. The public as users of financial services must get adequate protection from illegal and misleading practices. The state has a constitutional obligation to protect all citizens from losses due to the abuse of economic power. Therefore, strengthening consumer protection in the cooperative sector is non-negotiable.

In the long run, the success of law enforcement against illegal cooperatives will determine the direction of cooperative development in Indonesia. Cooperatives that are healthy, transparent, and law-abiding will be able to play a role as a pillar of the people's economy. On the other hand, if illegal practices continue to be allowed, cooperatives will lose their social legitimacy. This is certainly contrary to the national economic ideals as mandated by the constitution.

Thus, this study confirms that the problem of illegal cooperatives is not just an individual problem or a local case. This problem is a reflection of the weak system of supervision, regulation, and law enforcement structurally. Therefore, the solutions offered must be systemic and sustainable. A partial and reactive approach will not be able to solve the root of the problem.

Finally, this research is expected to be the basis for the birth of a fairer and more effective public policy in regulating cooperatives. Cooperatives must be returned to their *khitah* as a means of empowering the people's economy, not as a tool of exploitation. With strong supervision, clear regulations, and strict law enforcement, cooperatives can once again become a symbol of economic justice and common welfare.

## 2. METHODS

This research is a legal research based on the results of a study conducted in the operational area of the BMT Muamaroh Anyer Cooperative, located in Anyer District, Serang Regency, as well as other areas relevant to the existence of victims, cooperative administrators, and law enforcement officials who handle alleged illegal banking practices and fraudulent crimes that are the object of the research. The selection of the research location is based on the consideration that the legal events studied occur in real life in the area and cause significant legal and social impacts on the community.

### Research Approach

The research approach used is a normative-empirical legal approach, which is an approach that combines normative law studies with empirical research in the field. This approach was chosen because the problems studied are not only related to the existence of legal norms textually, but also concern how these norms are understood, applied, or even deviated in cooperative operational practices.

Normatively, law is understood as a set of norms, rules, and rules contained in laws and regulations and applicable legal doctrines. In the context of this study, a normative approach is used to examine positive legal provisions that regulate cooperatives, banking, and fraudulent crimes, including the limitation of the authority of cooperatives to collect public funds and the prohibition of carrying out activities that resemble the function of unlicensed banking institutions. Through this approach, the research departs from the basic assumption that every economic and financial activity carried out by a cooperative legal entity must be subject to and in accordance with the legal framework that has been set by the state.

However, this study also uses an empirical approach because in practice it is often found that there is a gap between the applicable law (*das sollen*) and the reality that occurs in the field (*das sein*). Empirically, law is not only understood as a written norm, but also as patterned social behavior, which is reflected in the actions of cooperative administrators, the attitude of supervisory officials, and the perception and experience of the community as members or victims. The empirical approach is used to explore legal facts that occur in real life through observation and interviews, in order to find out how fundraising practices are carried out, how the legal relationship between cooperatives and members is built, and how the impact is on society.

In order to bridge the normative and empirical approaches, this study uses a socio-legal approach, which is an approach that places law in its social context. Through this approach, the discussion is not only focused on formal juridical analysis of laws and regulations, but also includes external factors outside the law that affect the occurrence of violations, such as the socio-economic conditions of the community, the level of legal literacy of cooperative members, the power relationship between

management and members, and the weak supervision system of related agencies. The socio-legal approach allows researchers to understand law as a social phenomenon that lives and works in society.'

In addition, this study uses a descriptive qualitative approach, which is a research approach that aims to describe and explain the research object in depth and as it is. The qualitative approach emphasizes on the process, meaning, and subjective understanding of the parties involved, not on the measurement of numbers or statistical data. The determination of this approach is based on the consideration that the research seeks to reveal legal phenomena comprehensively without manipulating or engineering the data obtained.

The type of qualitative research used in this study is a case study, because the research is focused on one concrete case, namely the alleged illegal banking practices and fraudulent crimes committed by the BMT Muamaroh Anyer Cooperative. Through this case study, the researcher seeks to examine in depth the legal dynamics that occur, starting from the operational background of cooperatives, the pattern of collecting community funds, to the juridical implications that arise for cooperatives as legal entities and for their administrators personally. The case study approach allows for a sharper and more contextual analysis, so that the results of the research are expected to be able to provide a complete picture of the legal problems being studied.

Thus, the use of normative-empirical approaches combined with socio-legal, qualitative descriptive, and case study approaches is expected to produce a comprehensive, objective, and substantive justice-oriented legal analysis, especially for communities disadvantaged by cooperative practices that deviate from the provisions of the law.

### **Types and Sources of Legal Substances**

Literature studies are carried out by examining various written sources that are relevant to the research problem. This technique is used to obtain a strong theoretical and juridical foundation as the basis for legal analysis. The literature materials used include laws and regulations, legal textbooks, scientific journals, results of previous research, academic articles, and legal doctrines related to cooperatives, banks, financial institutions, and fraud crimes.

In addition, this study also uses documentation techniques as part of a literature study, namely by collecting and reviewing supporting documents that are directly related to the operations of the BMT Muamaroh Anyer Cooperative. These documents include the cooperative's deed of establishment, articles of association and bylaws, organizational structure, activity reports, transaction evidence, community complaint reports, and other relevant legal documents.

This literature and documentation study technique is used to identify applicable legal norms, understand relevant legal concepts and principles, and compare normative provisions with empirical data obtained through observation and interviews. Thus, literature data functions as an analytical framework, while empirical data functions as a test tool for the effectiveness of the application of legal norms in practice.

### **Legal Material Collection and Analysis Techniques**

In order to obtain accurate, in-depth, and scientifically accountable data, this study uses several data collection techniques that complement each other between normative and empirical aspects. The use of more than one data collection technique is intended so that this research not only relies on the analysis of legal texts, but also is able to capture the social realities and factual practices that occur in the operations of the BMT Muamaroh Anyer Cooperative, especially those related to alleged illegal banking practices and fraudulent crimes. The data collection techniques used in this study are as follows:

Observation was carried out by conducting direct observations in the field on the factual conditions and operational activities of the BMT Muamaroh Anyer Cooperative. This observation technique aims to obtain an empirical picture of how the cooperative carries out its business activities, especially in terms of the mechanism of collecting funds from the community, the service system to

members and non-members, and the pattern of interaction between the cooperative management and the surrounding community.

Through field observations, the author directly observes the physical condition of the cooperative office, operational facilities and infrastructure, the administrative system used, and the service practices carried out by the cooperative management to the depositors. This observation is also directed to assess whether the cooperative's activities reflect the characteristics of the cooperative as regulated in laws and regulations, or actually show the operational characteristics of financial institutions that resemble banking practices.

The results of the observation were used to identify any conformity or deviation between practices in the field and applicable legal provisions, especially related to the principle of prudence, transparency in the management of public funds, and the limitation of the authority of cooperatives in collecting and managing funds. Thus, observation not only serves as a descriptive data collection, but also as an initial instrument to test the implementation of legal norms in cooperative operational practices.

Interviews are data collection techniques that are carried out through direct, structured, and in-depth questions and answers with parties who have a direct or indirect relationship with the object of research. This interview technique is used to explore empirical data that are subjective, personal experience, and scientific views that cannot be obtained only through literature studies. Interviews in this study were conducted with several groups of resource persons, namely:

Members or victims of the BMT Muamaroh Anyer Cooperative, to obtain information about the fundraising process carried out by the cooperative, the form of investment offers or deposits given, the promise of returns promised by the cooperative management, as well as material and immaterial losses experienced as a result of these activities. The victim's testimony was also used to reconstruct a pattern of practice that allegedly deviated from the provisions of the law.

Academics and experts in cooperative law and economic criminal law, to obtain views and scientific analysis regarding the legal limits of cooperative activities, indicators of illegal banking practices, and juridical consequences for cooperatives and their management if proven to have violated the law.

Interviews were conducted using open-ended question guidelines that were systematically arranged according to the focus of the research. Each interview is recorded and recorded with the consent of the source to maintain the accuracy of the data. The interview results were then analyzed qualitatively and used as supporting data to strengthen normative findings, as well as to show the gap between legal norms and practice in the field.

Literature studies are carried out by examining various written sources that are relevant to the research problem. This technique is used to obtain a strong theoretical and juridical foundation as the basis for legal analysis. The literature materials used include laws and regulations, legal textbooks, scientific journals, results of previous research, academic articles, and legal doctrines related to cooperatives, banks, financial institutions, and fraud crimes.

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### 3. FINDINGS AND DISCUSSION

The practice of fundraising carried out by the BMT Muamaroh Anyer Cooperative began from offering to the community using the name of the sharia cooperative, thus giving rise to the belief that the activity was legal. The victims stated that they were interested because the socialization was carried out convincingly by the management, without a detailed explanation of the legality or financial risks.

The promise of fixed returns every month is the main attraction that encourages people to deposit their funds. However, the promise is not based on verifiable real business activities. This fixed rate scheme shows the existence of a practice similar to banking, which according to the law can only be carried out by licensed institutions.

The search results show that the cooperative does not have permission to raise funds from non-members. Many victims were never registered as members of the cooperative, were not granted membership rights, and did not receive a written explanation of their rights or obligations. This proves that the collection of funds is carried out illegally from the general public.

The management of cooperative funds is not carried out transparently. Based on the victims' statements, there have never been financial reports, internal audits, or exposure of business activities that are a source of profit. When the yield fails to be paid, the management gives a capricious and unprovable reason.

From a criminal law perspective, these actions meet the elements of fraud as regulated in the Criminal Code, because the victim is misled with false information about guarantees of legality and profits. In addition, it is suspected that there was embezzlement of funds because the funds collected were not in accordance with the intended purpose and were not returned to the depositor.

Interviews with legal experts and the public show that the entire series of fundraising activities was carried out on the instructions and policies of the cooperative management. The management not only makes offers, but also determines the yield structure, receives funds, and manages operations without the supervision of cooperative members.

The active role of the management shows intentionality and not negligence. The management uses its institutional status to gain the trust of the public, and when problems arise, the management avoids responsibility by giving false promises or restricting communication.

In addition to individual responsibility, cooperatives as legal entities can also be held accountable. Funds are raised using the name of the cooperative, carried out at the cooperative facility, and promoted using the organization's identity. Thus, cooperatives benefit directly from fundraising.

In the theory of corporate criminal liability, a legal entity can be criminally charged if the criminal act is committed by the management within the scope of its duties and for the benefit of the corporation. Field facts show that this element is fulfilled, because cooperatives are a means of abuse of authority.

The victim expressed confusion about the legal steps that must be taken, as well as experiencing difficulties in accessing legal aid. The lack of legal literacy and the cost of enforcing rights are the main obstacles in reporting their cases to law enforcement officials.

Criminal law enforcement is very important to prevent further losses. Law enforcement officials are obliged to act quickly, conduct professional investigations, and trace the flow of funds so that the perpetrator's assets are not lost or transferred. Without swift action, the restoration of victims' rights will become increasingly difficult.

In addition to the repressive aspect, the state is also obliged to ensure the protection of victims in a concrete way. Legal assistance, provision of information, and effective complaint mechanisms are instruments needed by the community so that they do not become repeat victims.

From the point of view of prevention, research shows the need to strengthen cooperative supervision. Cross-agency coordination—such as the Cooperative Service, the Police, the OJK, and local governments—must be strengthened to close the loophole for the abuse of cooperative legal entities under the guise of illegal business.

Improving community-based financial and legal literacy is a long-term strategic step. The involvement of local governments is important so that information about legal cooperatives, permits, and investment risks can be easily accessed by the public.

Administrative sanctions such as freezing permits and dissolving problematic cooperatives need to be carried out faster. The confiscation and confiscation of assets from crime is an important instrument to restore the victim's losses and ensure that the perpetrator does not enjoy the proceeds of crime.

Thus, law enforcement, victim protection, and reform of the supervisory system must run simultaneously to prevent the recurrence of illegal banking practices under the guise of cooperatives. The state has an inseparable responsibility to ensure that the community is protected, justice is upheld, and the space for the continuation of illegal practices is closed.

#### 4. CONCLUSION

Based on the results of the research, it can be concluded that the BMT Muamaroh Anyer Cooperative has deviated from the principles and legal provisions of the cooperative. Cooperatives raise funds from the wider community, including non-members, by offering fixed returns. This practice is contrary to the principle of membership and exceeds the authority of cooperatives as stipulated in Law Number 25 of 1992 concerning Cooperatives.

Juridically, the actions of the management meet the elements of fraud, embezzlement, and illegal banking practices. Misleading information regarding the legality and profitability of investments meets the element of fraud, while the management of funds without clear accountability indicates embezzlement. In addition, fundraising activities without the permission of the Financial Services Authority are illegal banking practices according to Indonesia's positive law.

Criminal liability can not only be imposed on the management personally, but also on the cooperative as a legal entity. Criminal acts are committed by the management in carrying out their duties and for the benefit of the cooperative, so that corporate criminal liability becomes relevant to provide justice for the victims.

The case of the BMT Muamaroh Anyer Cooperative shows the weak system of supervision and legal protection of cooperatives in Indonesia. Low public literacy and lack of coordination between supervisory agencies cause illegal cooperative practices to last for a long time without effective handling. This condition emphasizes the need to strengthen regulations, supervision, and law enforcement so that similar practices do not continue to be repeated.

Departing from the results of this study, the author suggests that law enforcement officials place problematic cooperative cases proportionately according to the character of their actions. If in the operational practice of cooperatives the elements of criminal acts have been met, then the criminal law approach needs to be applied firmly, professionally, and fairly. Optimizing the tracing of fund flows and the implementation of the money laundering regime is also an important step to secure assets and recover losses for victims to the maximum.

The author also advises the government and supervisory authorities to strengthen the cooperative supervision system in a more active and integrated manner. Supervision should not only be administrative, but also complemented by periodic audits, field verification, and the use of information technology in the reporting and complaint system. Coordination between the cooperative office and the Financial Services Authority needs to be clarified so that there are no vacancies or overlapping authorities, accompanied by the renewal of cooperative regulations to be able to respond to the development of increasingly complex financial practices.

Furthermore, cooperative administrators and managers are advised to increase compliance with applicable legal provisions. Cooperatives must be run in accordance with the principles of membership, prudence, transparency, and accountability, and not be used as a means of collecting public funds freely. For this reason, increasing managerial capacity and legal understanding through education,

training, and management certification is a strategic step to prevent the recurrence of irregularities in cooperative management.

Finally, the author suggests that the public increase vigilance and critical attitude in placing funds in cooperatives or other financial institutions. Offering high fixed yields without risk needs to be scrutinized as an early indication of potential lawlessness. Increasing legal and financial literacy is expected to strengthen the public's position as protected legal subjects, as well as encourage the development of legal studies that are more oriented towards consumer protection and the public interest.

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