



THE DEVELOPMENT OF *STARTUP* COOP IN INDONESIA: AN OVERVIEW MAQASHID AL-SHARIA

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DOI: 10.21154/justicia.v20i1.4884

Received: Sept 16, 2022

Revised: Feb 16, 2023

Approved: June 30, 2023

Abstract: This paper uses the juridical-philosophical method and conceptual approach to develop regulations for cooperative-based startup companies (*startup coop*) in Indonesia from the perspective of positive law and *maqāsid al-Sharīa*. This study concludes that the issue of *startup coop* from the *maqashid* perspective is considered not contrary to Islamic values, the principles of *muamalah*, and in harmony with the objectives of the law. *Startup Coop* is oriented towards creative innovation based on the value of brotherhood and kinship. In addition, *startup coops* also aim to absorb productive labor and develop human resources from among the younger generation in creative business development. This research contributes to optimizing creative and innovative human resources in line with *maqashid* ideal goals.

Keywords: Platform Cooperative; *Startup Coop*; *maqashid*

Abstrak: Tulisan ini berfokus mengeksplorasi bagaimana pengembangan regulasi bagi perusahaan rintisan berbasis koperasi (*startup coop*) di Indonesia dari sudut pandang hukum positif dan *maqāsid al-syarī'ah*. Dengan menggunakan metode yuridis-filosofis dan pendekatan konseptual. Penelitian ini menghasilkan kesimpulan, bahwa persoalan *startup coop* dari perspektif *maqashid* dianggap tidak bertentangan dengan nilai-nilai Islam, prinsip-prinsip *muamalah* dan selaras dengan tujuan hukum. *Startup coop* berorientasi

pada inovasi kreatif yang berlandaskan nilai persaudaraan dan kekeluargaan. Selain itu *startup coop* juga tujuan menyerap tenaga kerja produktif dan mengembangkan sumber daya manusia dari kalangan generasi muda dalam pengembangan bisnis kreatif. Penelitian ini berkontribusi pada optimalisasi sumber daya manusia yang kreatif dan inovatif selaras tujuan ideal *maqashid*.

Kata Kunci: Platform Koperasi; Koperasi Rintisan; Maqashid



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INTRODUCTION

In Indonesia, there are many innovative young entrepreneurs with startups. Companies engaged in startups in Indonesia continue to grow, especially after launching the Gojek startup, which has entered the Indonesian decacorn startup category.¹ The government aims to produce 1000 technopreneurs with an e-commerce value reaching USD 130 billion by 2020. However, it should be noted that the failure rate of startups in Indonesia is very high due to various factors. This is, at the same time, a challenge for the government.²

It is known that the current regulations related to electronic technology-based businesses have not been able to solve problems in this field. Even though this problem is very urgent to find a solution immediately because it can be a factor inhibiting the development of the digital economy in Indonesia in the future, the government should be able to establish regulations that favor the business world to develop startups so that they can increase.³ The principle of coop must be adhered to survive in an era based on technology. Community economy, social

¹ Sheila Andini Wendy Zulkarnain, "Inkubator Bisnismodern Berbasis-Learning Untuk Menciptakan Kreativitas Startup Di Indonesia," *Jurnal Adimas* 1, no. 1 (2020): 77, <https://doi.org/10.34306/adimas.v1i1.252>; Lailatul Farida Mochammad Rofieq, Ditya Permatasari, "Model Pendampingan UMKM Bidang Kerajinan Menjadi Start-Up Sukses Di Kota Malang," *Jurnal Pengabdian Masyarakat Universitas Merdeka Malang* 3, no. 2 (2018), <https://doi.org/10.26905/abdimas.v3i2.2585>.

² Maria Dolorosa Kusuma Perdani Dkk, "Faktor-Faktor Yang Mempengaruhi Pertumbuhan Startup Di Yogyakarta," in *Seminar Nasional Teknologi Informasi Dan Komunikasi (SENTIKA)* (Yogyakarta, 2018), 338; Tifa Noer Amelia, "Pengendalian Internal Bisnis Startup Indonesia: Sebuah Konsep," *INOBIIS: Jurnal Inovasi Bisnis Dan Manajemen Indonesia* 1, no. 1 (2017), <https://doi.org/10.31842/jurnal-inobis.v1i1.18>.

³ Andy Saputra, "Peran Inkubator Bisnis Dalam Mengembangkan Digital Startup Lokal Di Indonesia," *Jurnal Calyptra: Jurnal Ilmiah Mahasiswa Universitas Surabaya* 4, no. 1 (2015): 1, <https://journal.ubaya.ac.id/index.php/jimus/article/view/102>; Yusuf Sholikhin M. Haikal, Muhammad Yazid, "Simbiosis Mutualisme Antara Startup Unicorn Indonesia Dengan UMKM," *Proceeding of National Conference on Asbis* 4 (2019), <https://e-prosiding.poliban.ac.id/index.php/asbis/article/view/371>.

character, and member equality are the basis for a coop organization's goals and philosophical foundation.

Digital economic development and disruption occur in various sectors, so Coop must be able to adjust.⁴ Startup Coop is a worker coop-based startup with an innovative,⁵ technology-based business model that can be scaled up widely. Startup Coop was born to respond to the development of the private startup business trend. Coop startups are different from the conventional coop. The critical word lies in the market solution and the potential for scaling up or innovations in building the market (blue ocean market).⁶

In the 4th Amendment, the terminology of people's economy is called economic democracy, an economic system that emphasizes the principles of togetherness, justice efficiency, sustainability, environmental insight, independence, maintaining a balance of progress, and national economic unity. An economic constitution based on economic democracy is an economic system rooted in Pancasila, the hallmark of the Indonesian nation.⁷

Previous research, including Ariska Aisyah Ananda Puteri's, entitled, "The Essence of the Meaning and Function of the Family Principle in the Management of Savings and Loan Cooperatives and Its Application in Court Decisions."⁸ The findings of this study are: there are judges' legal considerations in District Court decisions related to disputes between cooperative institutions that use the principle of kinship in cooperative management, and some do not. Next is Muhammad Amin's research titled "Implementation of the Law on Microfinance Institutions in Sharia Microfinance Institutions with Cooperative Legal Entities." This study's findings regarding the MFI and Cooperative Law and its derivative regulations are controversial. This makes microfinance institutions split in their implementation in

⁴ Prio Penangsang, "Meretas Era Baru Coop Platform," accessed January 20, 2019, <https://milesia.id/2018/08/31/meretas-era-baru-coop-platform-dan-coop-tart-up/>.

⁵ Fathurrahman Azhari, Tri Hidayati, Masyithah Umar, "Political Reorientation of Indonesian Sharia Economic Law: Legal Politic of Trade Law on Sharia Multilevel Marketing," *Mazahib* 21, no. 2 (2022), <https://doi.org/10.21093/mj.v21i2.4971>.

⁶ Laksono Hari Wiwoho, "Start up Co-Op, Koperasi Generasi Milenial," 2018, <https://ekonomi.kompas.com/read/2018/10/31/125742026/start-up-co-op-koperasi-generasi-milenial?page=all>; Riva Jarot S. Suroso, Emil R. Kaburuan, Kenneth, Eman Sulaeman, "Business Process Management for Startup in Indonesia," *IEEE Xplore, 2020 8th International Conference*, 2020, <https://doi.org/10.1109/ICOT51877.2020.9468745>.

⁷ Achmad Yunus, "Konsep Dan Implementasi Ekonomi Kerakyatan Dalam Prespektif Hukum Transendental," in *Prosiding Seminar Nasional & Call for Papers Hukum Transendental*, (2018), 2018, 285.

⁸ Ariska Aisyah Ananda Puteri, "Esensi Makna Dan Fungsi Asas Kekeluargaan Dalam Pengelolaan Koperasi Simpan Pinjam Dan Penerapannya Dalam Putusan Pengadilan" *Master Thesis* (Palembang: Universitas Sriwijaya, 2018).

the economic development framework. Stefan E. Kamuntuan's research entitled, "Analysis of the Benefit of Law Number 17 of 2012 concerning Cooperatives on the Development of Cooperatives in Indonesia" findings of this study are that the Constitutional Court Decision Number 28/PUUXI/2013 states to cancel Law No 17 of 2012 concerning Cooperative because it is contrary to the 1945 Constitution and to fill the legal vacuum, it is returned to the old law is Law No 25 of 1992. In reality, the law is no longer relevant to the current development of cooperatives and the global economy.

On the contrary, the law that the Constitutional Court canceled, according to the researcher, has provisions following the development of cooperatives and the global economy. The judge's argument that Law No 17 of 2012 contradicts the 1945 Constitution is not genuine. Instead, it has an element of benefit in it that can develop cooperatives in the future.⁹ Research equation This, with previous research, is to discuss cooperative law. The difference is that Amin's research focuses on gaps in implementing the MFI law on cooperative-based SMEs. This is a fundamental difference between the MFI law and the Cooperative law. Stefan's research discusses the polemic of the Constitutional Court's decision regarding the annulment of Law No 17 of 2012 concerning Cooperatives. The difference with the research that the author is doing discussing the development of regulations for startup companies based on workers'.¹⁰

THE CONCEPT OF MAQAŞID AL-SHARIA

Ash-Shatibi states that it is beneficial from two points of view, namely: *Maqaşid al-shari'* (God's goal) and *Maqaşid al-mukallaf* (mukallaf's goal). *Maqaşid ash-Shari'* contains four aspects, namely: The original purpose of the Shari'a is for the good of human life in this world and the hereafter; Sharia is something that must be understood; Sharia is a law that must be implemented; The purpose of the law is to bring people to legal protection.¹¹

⁹ Stefan E. Kamuntuan, "Analisis Kemanfaatan Undang-Undang Nomor 17 Tahun 2012 Tentang Perkoperasian Terhadap Perkembangan Koperasi Di Indonesia" *Master Thesis* (Salatiga: Universitas Kristen Satya Wacana, 2018); Moh. Toriquddin, "Teori Maqâshid Syarî'ah Perspektif Al-Syatibi," *De Jure, Jurnal Syariah dan Hukum* 6, no. 1 (2014): 37, <https://doi.org/10.18860/j-fsh.v6i1.3190>, <http://ejournal.uin-malang.ac.id/index.php/syariah/article/view/3190>.

¹⁰ Muhammad Amin, "Implementasi Undang-Undang Lembaga Keuangan Mikro Pada Lembaga Keuangan Mikro Syariah Yang Berbadan Hukum Koperasi" *Master Thesis* (Yogyakarta: UIN Sunan Kalijaga, 2018).

¹¹ Moh. Toriquddin, "Teori Maqâshid Syarî'ah Perspektif Al-Syatibi," *De Jure, Jurnal Syariah Dan Hukum* 6, no. 1 (2014): 37; Khusniati Rofiah Luhur Prasetyo, "The Formulation of Islamic Bank Performance Based on Contemporary Maqasid al-Sharia," *Justicia Islamica* 18, no. 2 (2021): 319-34, <https://doi.org/10.21154/justicia.v18i2.3163>.

The Qoran commands people to cooperate and help each other in terms of virtue, not evil and persecution. This is confirmed in surah al-Maidah verse 2: "... And help you in (doing) goodness and righteousness, and don't help in committing sins and transgressions. And fear Allah. Indeed Allah is very heavy in punishment."

Cooperation following Islamic economic values, among others, is based on justice and equality, fair and equitable distribution, and deliberation. The purpose of law enforcement, or what is often known as Maqasid ash-Sharia, is an essential concept in studying Islamic law. The essence of the theory of Maqasid ash-Sharia is to realize the goodness and avoid evil or to benefit from and reject *mudarat*.¹² Understanding texts and legal stipulations must be taken from the purpose of providing a law, not only the textual meaning. This is based on the ta'lil problem, which analyzes a law that aims to benefit the servant.¹³

Ibn Qayyim, in his *ijtihad*, was based on the objectives of sharia. According to him, the Prophet had made zakat fitrah, as much as one *sha'* from dates, raisins, or flour, which were the staple foods of the people of Medina. If an area has different staple food, it is ordered to pay one *sha'* of their staple food. This is the aim of the *shar'i*.¹⁴

Likewise, the benefit must be sought to make it happen if damage must be attempted to prevent its path. Even though there is no specific text, it seems that there are sufficient texts, in general, that support to do benefit and good. Likewise, general texts prohibit committing crimes and harming others. The scholars agree that the general purpose of sharia law is to bring benefit and prevent damage in both this world and the hereafter.¹⁵

According to Shathibi, for every basis of *syara* which is not supported by a particular text, and it is following the spirit of *syara* and is deduced from the arguments, the law is valid. Then he gave an example with the argument of *mursal* and *istihsan* to maintain *maslaha* (servant kindness). Maintaining benefit if the *maslahat* is *maqasid al-sharia* (*maslahat* which is truly *maslahat*), which means

¹² Muhammad Sallâm Madkûr, *Al-Ijtihâd Fi al-Tasyrî' al-Islâmiy* (Kairo: Dâr al-Nahdah al-'Arabiyyah, n.d.); 'Izz al-Din ibn 'Abd Al-Salâm, *Qawâ'id al-Ahkâm Fi Masâlih al-Anâm Juz 1* (Beirut: Dâr alJail, n.d.). 9

¹³ Ahmad Al-Raisuni, *Nadariyât Al- Maqâsid, Inda Allmâm al-Shâthibi* (Beirut: Muassasah al-Jami'ah, 1992). 295

¹⁴ Al-Raisuni. 296

¹⁵ Al-Raisuni; Abû Hâmid Muhammad Al-Gazâli, *Al-Mustasfa Min 'Ilm al-Usul, Tahqîq Wa Ta'lîq Muhammad Sulaimân al-Asyqar Juz 1* (Beirut: Mu'assasat al-Risâlah, n.d.) .416-417

following the objectives of *syara*, then it is the basis on which *qath'i* (convincing) is used as a legal basis.¹⁶

The principles of Islamic economic law in regulating include the principle of *amar ma'ruf nahi munkar* (calls to good and forbids evil). *Amar ma'ruf*, namely the obligation to use Islamic law principles in business activities. Meanwhile, the *Nahi Munkar* Principle is realized as prohibitions in business activities that contain *riba* (usury), *gharar* (trick), and *maisyir* (gambling).¹⁷ In the context of development, the principle of *tazkiyah*, which means purification, is essential before humans are assigned the task of being the development agent. If this can be done well, then whatever is attempted by humans will be good for themselves, society, and the environment. The *Falah* Principle is the concept of human success. On this principle, the success achieved in the world will contribute to goodness hereafter.¹⁸

The Principle of Kindness (*ihsan*), this principle explains that in economics, every Muslim is taught to always bring good to society in general, whether of the same religion, fellow citizens, fellow citizens, or fellow humans. The Principle of Accountability (*al-mas'ūliyah*), this principle includes accountability between individuals and individuals and society. Every human being in society is ordered to carry out his duties to create the welfare of members of society as a whole, as well as government responsibility. This is related to managing state finances or state treasury (*bait al-mal*) and monetary and fiscal governance. The *kifayah* principle, this principle is related to the obligation of every Muslim to care for others. The goal is to eradicate poverty and fulfill the primary needs of all members of society so that they are farthest from *kufr*.¹⁹

Startup Coop is a worker coop-based startup with an innovative, technology-based business model allowing massive scaling up. The key words are A workers' cooperative as an institutional model for the cooperative; Innovative business models that offer solutions for society or the market; Offer products/services to

¹⁶ Al-Syathibi, *Al-Muwafaqat*, vol. 1 (Cairo: Dar al-Hadist, 2006). 39

¹⁷ Asep Syarifuddin Hidayat, "Sharia and State's Intervention: Uncertainty Cryptocurrency in Indonesia," *Ahkam* 23, no. 1 (2023), <https://journal.uinjkt.ac.id/index.php/ahkam/article/view/31876>.

¹⁸ Luhur Prasetyo, "The Formulation of Islamic Bank Performance Based on Contemporary Maqasid al-Sharia."

¹⁹ Muhammad Kholid, "Prinsip-Prinsip Hukum Ekonomi Islam Dalam Undang-Undang Tentang Perbankan Syariah," *Asy-Syari'ah* 20, no. 2 (n.d.): 148-49; Al. Ahmad Syafi'i Sulaiman Jamrozi, et, "Maqāsid Al-Sharīa In The Study of Hadith And Its Implication for The Renewal of Islamic Law: Study on Jasser Auda's Thought," *Justicia Islamica* 19, no. 1 (2022): 75-93, <https://doi.org/10.21154/justicia.v19i1.3269>.

users using technology; Can be scaled up because the business is technology-based.²⁰

The institutional basis for a coop startup is not the same as the coop platform. Coop startups are based on worker coops, while Cooperatives platforms are based on multi-stakeholder coops. Until a particular phase, the need for scaling up or exponential growth, a coop startup can change (conversion) to a coop platform by including the parties involved in its business chain (partners and users).²¹

The experience of the Indonesian Consortium for Cooperatives Innovation (ICCI) in building a startup coop, the key lies in the existence of an incubator institution that incubates tenants. There are two ICCI patterns in establishing coop startups, including the following: Incubate conventional startup founders who usually already have an idea, a Minimum Viable Product (MVP), and an application. ICCI introduced a coop startup model with a big vision related to the digital economy and economic democracy, work schemes based on worker cooperatives, the role of incubator institutions, and others. In the incubator pattern, the incubator will receive a profit sharing of 5-10% in a sustainable manner after the tenant makes a profit; This venture-building scheme in which the incubator institute that sets up startups operates. The process is for an incubator to initiate ideation, validate it and then recruit millennial Co-Founders who want to have a startup. Incubator institutions provide initial research funds for them to carry out market validation. If it is valid, the incubator institution will seek capital from investors.²²

Furthermore, the incubator institution will receive a profit sharing according to the agreement on an ongoing basis from their profits. The above pattern is still looking for a suitable one to attract the parties involved. Because in the incubator institution, Mentors contribute to incubating tenants.²³ Currently, Mentors are volunteers who come from cooperative managers, business practitioners, and academics. Mentors will receive continuous profit sharing through the incubator institution. Incubator institute, like InnoCircle, until now it is still financed by the

²⁰ Executive Committee at Indonesian Consortium for Cooperatives Innovation (ICCI).

²¹ Firdaus Putra dan Novita Puspasari, "Startup Coop Sebagai Inovasi Model Koperasi Di Indonesia Sebuah Gagasan Dan Praktik Awal," in *Paper Platform Cooperativism Conference, New York, 7-9 November 2019*, 4-5.

²² Puspasari.

²³ Silmi Fauziati Mardi Arya Jaya, Ridi Ferdiana, "Analisis Faktor Keberhasilan Startup Digital Di Yogyakarta," *Prosiding SNATIF K E-4*, 2017, <https://jurnal.umk.ac.id/index.php/SNA/article/view/1261>.

Kopkun Institute Foundation. The target is that InnoCircle can be independent by relying on capital from the profit sharing of their tenants.²⁴

The incubator institution receives a 5-10% service fee to invest investor capital in the tenants during incubation. The service fee is used to carry out various incubation activities. The incubation time target is set at 6-12 months, after which the tenants are declared to have passed. They are gathered in Weekly Sessions to deliver their business progress report every week. *InnoCircle* presents a mentor or coach at the event. The findings in the field show that the challenge for startups is not in technology but in marketing efforts to acquire users. The incubator carries out various technical supplies depending on the cases encountered in the field. The incubator organization also supports startups with their networks.

Furthermore, the startup coop Beceer.com will start a service development trial out of Purwokerto, to the province of East Java, in collaboration with the Credit Union. This kind of model is planned to be duplicated by other coop startups. They collaborate with a startup coop with an existing coop when developing the market. The strength of the incubator institution is human resources which is responsible as a mentor or coach.

Both roles are ecosystem building between various parties in the cooperative movement and other stakeholders (government, private sector, community, campus, and others). The third is to play a role in community development through gathering events, talk shows, and others. Startups need a community as a space for inspiration, a community of first users, sharing knowledge/ skills, and so on.

ICCI develops incubator institutions in several cities/provinces in Indonesia. The institution can be an incubation space for creative-innovative ideas. This can only be realized if the institution is in a broad community. And the institution can assist tenants in setting up cooperative-based companies.²⁵

LEGAL BASIS FOR STARTUP COOP IN INDONESIA

Cooperative Law No 12 of 1967 concerning Principles of Cooperatives states that Indonesian cooperatives are people's economic organizations with a social

²⁴ Puspasari, "Startup Coop Sebagai Inovasi Model Koperasi Di Indonesia Sebuah Gagasan Dan Praktik Awal."

²⁵ Puspasari.

character, consisting of people or cooperative legal entities which are an economic arrangement as a joint venture based on the principle of kinship.²⁶

Whereas cooperatives, according to Law No 25 of 1992, are business entities whose members are people or cooperative legal entities with the basis of their activities based on cooperative principles as well as a people's economic movement based on the principle of kinship.²⁷

Startup companies involve internet technology, then trade through websites or electronic systems, regulated in Law No 11 of 2008 concerning Electronic Information and Transactions and Government Regulation No 82 of 2012 concerning Implementation of Electronic Systems and Transactions. This regulation does not regulate the ownership of a particular form of business entity to run a sales business using the Website, which states:

“Business Actors are any individual or business entity, whether in the form of a legal entity or not a legal entity, which is established and domiciled or carries out activities within the jurisdiction of the Republic of Indonesia, individually or jointly, through agreements to carry out business activities in various economics.”²⁸

As for the implementation of the sales business through the website, it is essential to note that every business actor who conducts electronic transactions can be certified by a reliability certification agency, namely an independent institution established by professionals who are recognized, authorized, and supervised by the government with the authority to audit and issue certificates. Reliability in electronic transactions. Implementing this certification aims to protect consumers in conducting Electronic Transactions. However, the technical implementation of the reliability certification has not been implemented. More detailed regulations have not yet been issued governing procedures, requirements, and other technical matters for implementing this matter.

Regulatory challenges in Indonesia are related to coop startups, where there is no overarching regulation. Regulations that govern several things: like the number of founders. Law No. 25 of 1992 states that the minimum number of cooperative founders is 20 people. ICCI tried to do advocacy, and then the Cooperative Bill accommodated a minimum of 9 founders.²⁹ Another regulation

²⁶ Ninik Widiyanti. YW. Sunidia, *Koperasi Dan Perekonomian Indonesia* (Jakarta: PT. Rineka Cipta, 2002). 3.

²⁷ Abdul Bashith, “Islam Dan Manajemen Koperasi: Prinsip Dan Strategi Pengembangan Koperasi Di Indonesia,” *Islam dan Manajemen Koperasi*, 2008.

²⁸ Government Regulations No. 82 of 2012 Concerning Implementation of Electronic Systems And Transactions.

²⁹ See Law No 25 of 1992 Concerning Cooperatives.

that needs to be regulated relates to the institutional model of worker cooperatives, which is different from other types of governance.

Including the regulation of the coop platform, it needs to be regulated in ownership and institutional governance in decision-making. Several regulations have not affirmed Cooperative Legal Entities as an option for establishing startup companies.

This is closely related to the dominant capitalist in Indonesia. The capital pillar specifically for coop startups is not yet available. It needs to be developed, such as Venture Capital Coop, to support access to capital for coop startups/ coop platforms. On the other hand, very aggressive and massive venture capitalists in Indonesia pose a challenge to developing an economic model that is more pro-equity and economic democracy.

STARTUP COOP AND COOPERATIVE MODERNIZATION

ICCI develops coop startups departing from the Indonesian context and experience where conventional startups (CV/PT based) proliferate. So startup coop is ICCI's strategy to enter a new economic wave.³⁰ Several strategic issues led ICCI to develop this coop startup model: 1) the Indonesian government is currently concerned with job creation. Statistically, the labor absorption in the cooperative is low. This is because Indonesia does not have a previous worker cooperative model. Most existing cooperatives are savings and loans/credit unions, consumption, and production. Coop startup is expected to increase labor absorption statistics.³¹ 2) Some young people in Indonesia may not be interested in cooperatives. This sees cooperatives as an outdated model. He consists of older adults and is no longer productive. It is hoped that the coop startup will become the entrance for the millennial generation with their creative talents to the cooperative ecosystem. Furthermore, in the long term, they will regenerate the human resources of the cooperative in the country.³² 3) Cooperatives in Indonesia are considered stagnant in their business and institutional models. Coop startups are trying to encourage it to metamorphose into a new model from a business and institutional perspective so that it can become a rule for the development of other models that do not yet exist (such as platform coop, social coop, community coop,

³⁰ Puspasari, "Startup Coop Sebagai Inovasi Model Koperasi Di Indonesia Sebuah Gagasan dan Praktik Awal."

³¹ Puspasari.

³² Puspasari.

convert to coop, worker coop, housing coop, insurance coop. and others).³³ 4. The biggest challenge for the Indonesian economy is the stagnant micro, small and medium enterprises (MSMEs). They are the most significant contributor to GDP, reaching 60% and absorbing nearly 90% of the workforce. ICCI tries to conception that this startup coop will be a solution by consolidating the market, streamlining the supply chain and the needs of other MSME players.³⁴ 5. Conventional startups (CV/ PT) are increasing, relying on capital injections from Venture Capitalists. Indonesia has 5 unicorns: GoJek, Tokopedia, Bukalapak, Traveloka, and Ovo. Will follow next: Halodoc and Ruang Guru. Most unicorns and other startups rely on foreign venture capital. This is a long-term problem related to national ownership, security of user data (big data) which is prone to abuse of interest,³⁵ the national production value chain, economic concentration and inequality, and Indonesia's economic independence. Coop startups are expected to be an alternative to the conventional, capitalistic startup ecosystem. 6. Some of the founders of conventional startups began to feel anxious about the ownership of the companies they started and founded. This is related to the dependence of the Founders on capital injections from domestic venture capital (national conglomerates such as Sinarmas Group, Djarum Group, Salim Group, Emtek, and others) and abroad (Tencent, Softbank, Alibaba, Google, North Star, and others).³⁶

DEVELOPMENT OF STARTUP COOP IN INDONESIA

Startup coop start Of early initiation in early 2018 from the bottom up of various existing local resources. In this dialectical process, ICCI developed the Startup Coop model, systematized it, and disseminated it through the mass media in Indonesia. Then the idea was responded to by various parties, including the government through the Ministry of Cooperatives and SMEs. Since the beginning of 2019, ICCI has started collaborating with the government to hold a Startup Coop Camp (SCC), a three-day training activity to introduce this coop startup model to various cities in Indonesia.³⁷

³³ Puspasari.

³⁴ Puspasari.

³⁵ Erie Hariyanto, "Public Trust in the Religious Court to Handle Dispute of Sharia Economy," *Ahkam* 22, no. 1 (2022).

³⁶ Puspasari, "Startup Coop Sebagai Inovasi Model Koperasi Di Indonesia Sebuah Gagasan Dan Praktik Awal."

³⁷ Puspasari. 6

On the ICCI website, dated December 29, 2020, it can be seen that they already have 13 startup coops with various business models that have been incubated. Among them:

Table 1: Startup Coop and Business Model in Indonesia

No.	Name	Business Model	Province
1	BookCircle	An application that connects book owners and Purwokerto readers	Central Java
2	Beceer	Startup of the Purwokerto traditional market shopping application	Central Java
3	OrnaGreen	Purwokerto microgreen plant rental startup	Central Java
4	Pedihelp	Blue collar freelance startup (carpentry, cleaning) Purwokerto	Central Java
5	Pesanmakan	Purwokerto food ordering service startup	Central Java
6	Bengkol	Purwokerto online workshop service application	Central Java
7	Simooc	The online learning application for Purwokerto lecturers and students	Central Java
8	Juruspintar	Applications that meet the Koran teachers with Purwokerto parents	Central Java
9	Sewaaja	The Purwokerto wedding equipment rental application	Central Java
10	Sewaa. In	Rental applications for various equipment, household supplies, carpentry, and other necessities	Central Java
11	Londry	A startup that collaborates home laundry in Lampung	Lampung
12	Technovation	Innovative device development and installation startups	Central Java
13	Semurina	Equipment rental applications, household equipment, buildings, books, accessories, and various other needs	Lampung

Related to the establishment, development, and evaluation stages, ICCI provides education on establishing worker cooperative-based startups. Coop startups still use regulations from Law Number 25 of 1992 with the support of the cooperative and MSME ministries regarding implementing and developing various modern cooperative models today. Because the problem still lies in

regulations related to cooperatives and the development of startup companies based on workers' cooperatives that are not yet available in Indonesia.

The conventional startup community tends to accept the coop startup ideas and models ICCI offers. This means that coop startups can be brought into the startup ecosystem in Indonesia. There is anxiety and awareness from some conventional startup founders about stock dilution when they access capital from venture capitalists. This coop startup is also relatively easy to accept in the cooperative movement. ICCI is collaborating with the Credit Union movement in Indonesia on several matters: 1. Seed funding to startup coops that the ICCI incubated by PT. SKK (credit union consortium in the field of fintech). 2. Coop startup incubator institutions that ICCI implanted into several credit unions in several provinces. 3. Partnership in opening a startup coop service in a particular city where a credit union becomes the anchor for a local institution.

The government's efforts to create new jobs align with this model. Encouragement of innovation in terms of approaches, methods, models, and values pursued in various sectors of the Ministry/ Institution. The government's focus for the next five years is the creation of superior human resources through the development of digital talent to respond to the era of the Industrial Revolution 4.0.³⁸

MAQASID AL-SHARIA PERSPECTIVES REGARDING THE DEVELOPMENT OF START-UP COOPS IN INDONESIA

In this case, the development of a worker cooperative-based startup or startup coop seeks integration between cooperatives and startups. In Islam, the cooperative concept is classified as *shirkah/sharikah* (cooperation agreement). This institution is a medium of partnership, cooperation, kinship, and togetherness in a healthy, sound, lawful business. Cooperatives have the principle of collectivity and *ta'awun* (mutual help), expressed in Islamic teachings. Economic cooperation in this cooperative is based on mutual need, strengthening, and equal interests among cooperative members.

Cooperatives are a form of a joint venture to improve the fate of economic life based on helping to help, symbolizing hope for the weak. Based on helping out among the members, the cooperative can generate mutual trust in themselves and collectively. The brotherhood initiated by the cooperative is a new spirit to

³⁸ Dandy Bayu, "5 Visi Jokowi Untuk Indonesia," accessed June 11, 2020, <https://www.kompas.com/tren/read/2019/10/20/151257765/5-visi-jokowi-untuk-indonesia?page=all>.

advance oneself, help its members, and seek a broad impact on society.³⁹ These are universal values found in *maqāsid al-sharīa*.⁴⁰

The practice of cooperatives, according to the perspective of Islamic law, is permissible, particularly seeing cooperatives as muamalah practice. Muamalah law regulates social relations. Change or permissible except practices that are expressly prohibited by religion. Seeing the concept of a coop startup which is a new integration of cooperatives and startups, if it cannot be included in one of the named Akads (*al-uqud al-musamma*), it can be included in the nameless Akad (*al-uqud ghair al-musamma*). Making a new contract is not prohibited in religion, while there are no prohibited things, such as *gharar*, *usury*, and *maysir*.⁴¹

The Qoran guides the aims and objectives of developing a worker cooperative-based startup company or startup coop in Indonesia, namely creative innovation based on fraternal and family values to absorb and develop the younger generation in the creative business for mutual progress.

From a more profound perspective regarding wealth, maintaining the property is not only interpreted narrowly as an effort to protect property from theft, mugging, or someone's right to obtain property in a lawful/ working manner. But in a broader scope. Efforts to maintain the Islamic/sharia economic system, maintain the right to get a decent job and wages, alleviate poverty, improve the welfare of its citizens, and so on.

In this case, *maqāsid al-sharia*'s perspective on property protection (*hifz al-mal*) is applied to the economic aspect. The protection of this property must be endeavored in its development by opening up sustainable alternatives for the next generation in the form of utilization, distribution, growth, and equitable development. It is essential to fulfilling the five necessities (*al-darūriyat khamsah*).

Hifz al-mal (safeguarding property) is very important to maintain the balance and sustainability of the country's financial balance towards a prosperous, just,

³⁹ Hisam Ahyani et al., "Building the Values of Rahmatan Lil 'Alamin for Indonesian Economic Development at 4.0 Era from the Perspective of Philosophy and Islamic Economic Law," *Al-Ihkam: Jurnal Hukum Dan Pranata Sosial* 16, no. 1 (2021), <https://doi.org/10.19105/al-lhkam.v16i1.4550>.

⁴⁰ Sherrindra Avedta Aam Rusydiana, Raditya Sukmana, Nisful Laila, "Waqf, Maqasid al-Sharia, and SDG-5: A Model for Women's Empowerment," *Jurnal Al-Ihkam* 17, no. 2 (2022), <https://doi.org/10.19105/Al-Lhkam.V17i2.6572>; Mahmud Ridha Muhammad Taufiki, Rokani Darsyah, "The Use of Maxims (*al-Qawā'id al-Uṣūliyyah Wa al-Fiqhiyyah*) in Legal Argumentation of Sharia Economic Court Decisions in Indonesia," *Jurnal Al-Ihkam* 17, no. 1 (2022), <https://doi.org/10.19105/al-lhkam.v17i1.6070>; Ahyani et al., "Building the Values of Rahmatan Lil 'Alamin for Indonesian Economic Development at 4.0 Era from the Perspective of Philosophy and Islamic Economic Law."

⁴¹ Moh. Muhlis Anwar M. Asrorun Niam Sholeh, Muhammad Fauzinudin Faiz, "A Critical Analysis of Islamic Law and Fatwa of MUI (Majlis Ulama Indonesia) & NU (Nahdlatul Ulama') on A Gold-Backed Cryptocurrency (OneGram)," *Jurnal Al-Ihkam* 17, no. 2 (2022).

and dignified Indonesian nation. Moreover, in boosting the carrying capacity of managing the country's wealth, assets, and income, legal breakthrough efforts are needed to solve the legal impasse that hinders the investment climate and economic movement in the fast-paced modern era.

In Islam, workers' cooperative-based startups, or startup coops as integration between cooperatives and startups, are necessary for technological and economic development. They are allowed if they are not involved in usury, *gharar*, and *maisyir*. However, the concept of a startup coop, even though it is condemned to be permissible in Islam, may have to be reviewed in the economic constitution in Indonesia regarding the making of new regulations or updating of previous regulations.

In addition, because economic innovation is a part of economic activity (*muamalah maliyah*), the muamalah fiqh principle applies, which is that all forms of muamalah, including economic activity, are allowed to be carried out unless.⁴²

Surah an-Nisa verse 9 expressly commands humans not to leave offspring in any material condition. This secret verse commands the people to pay attention to their descendants by anticipating undesirable things through long-term investments.⁴³

The analysis related to the development of startups based on worker cooperatives or coop startups with the reform of the cooperative law can be a way out of the legal impasse related to the modernization of cooperatives in the digital era and affect Indonesia's economic progress, especially in the cooperative regeneration sector in the digital era. This policy is essential because democracy will increasingly lose its essence without improving people's welfare. Thus, ICCI's plan to continue educating the younger generation regarding coop startups can be said to be a breath of fresh air for the renewal of the cooperative movement.⁴⁴

On the other hand, reforming or making new regulations related to startups based on workers' cooperatives or startup coops is a means for the government to realize maqasid al-sharia in improving the country's economy and, at the same time, opening a way out for innovators who are trying to integrate between cooperatives and startups.

⁴² "Fatwa DSN-MUI No. 07/DSN-MUI/IV/2000 Concerning Mudhârabah Financing (Qirâdh).

⁴³ Muhamad Nafik Hadi Ryandono, "FinTech Waqaf: Solusi Permodalan PerusahaanStartup Wirausaha Muda," *Studi Pemuda* 7, no. 2 (2018), <https://doi.org/10.22146/studipemudaugm.39347>.

⁴⁴ Bambang Purwanggono Zihramna Afdi, "Perancangan Strategi Berbasis Metodologi Lean Startup untuk Mendorong Pertumbuhanperusahaan Rintisan Berbasis Teknologi Di Indonesia," *Industrial Engineering Online Journal* 6, no. 4 (2017): 11.

Law No 11 of 2008 concerning Information and Electronic Transactions and Government Regulation Number 82 of 2012 concerning implementing Electronic Systems and Transactions have not regulated many matters related to startup coops. Such as ownership and institutional governance in decision-making, being certified by a reliability certification agency, and capital pillars such as the Venture Capital Coop.

Coop startups are based on cooperatives so that they are collectively owned. However, the regulations above have not regulated the ownership. It is impossible to be owned by an individual because a cooperative is a joint organization. ICCI tried to do advocacy, and then the new Cooperative Bill accommodated a minimum of 9 founders.⁴⁵ Ownership is also closely related to capital. Ownership or membership of this cooperative is also related to the decision-making process in the startup coop. In developing its business, a startup coop also requires capital. Capital that has low margins so that these startups can inject capital for capital and operational costs in developing their business.

It is known that current regulations related to electronic technology-based businesses have not been able to overcome problems in this field. Even though this problem is very urgent to find a solution immediately because it can become a limiting factor in the development of the digital economy in Indonesia in the future, the government should be able to stipulate regulations that are in favor of the business world to develop startups to trigger increased and equitable distribution of welfare.⁴⁶

It is urgent to be supported by the government to issue regulations that support this effort. If not, developing startup coops in Indonesia will undoubtedly bring difficulties and disadvantages. This has been proven amid the emergence of many startups, including startup coops, many of which later fell. This condition is certainly not desirable in industrial development in Indonesia. The government must move quickly to protect these startup coop workers.⁴⁷ A strong startup coop will have a positive impact and benefit the economy of society and the country in general.

⁴⁵ Law No 25 of 1992 Concerning Cooperatives.

⁴⁶ Saputra, "Peran Inkubator Bisnis Dalam Mengembangkan Digital Startup Lokal Di Indonesia"; M. Haikal, Muhammad Yazid, "Simbiosis Mutualisme Antara Startup Unicorn Indonesia Dengan UMKM."

⁴⁷ Muhammad Maksum, "The Relationship Model of Sharia and Financial Authorities," *Ahkam: Jurnal Ilmu Syariah* 20, no. 1 (2020), <https://doi.org/10.15408/ajis.v20i1.16235>; Miftah Faried Hadinatha Bambang Iswanto, "Sharia Constitutionalism: Negotiating State Interests and Islamic Aspirations in Legislating Sharia Economic Law," *Ahkam* 23, no. 1 (2023).

CONCLUSION

Based on the discussion and analysis, it can be concluded that the renewal or formation of regulations related to worker cooperative-based startup companies or startup coops is a means for the government to realize maqāsid al-sharīa in improving the country's economy and, at the same time become a way out for innovators who try to integrate cooperatives and startups. Maqāsid al-sharīa also sees that the issue of startup coop is considered not contrary to Islamic values, the principles of muamalah and is in line with the startup coop's goal of creative innovation based on the value of brotherhood and kinship to absorb productive labor and develop young human resources in creative business development.

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