
| RESEARCH ARTICLE

Juridical Analysis of Farmer Group Legal Security According to the Decree of the Malang Regent Number 188.45/22/2/KEP/35.07.013/2019

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| ABSTRACT

Farmers have made a real contribution to agricultural development and rural economic development. To realize food sovereignty, "food self-sufficiency and food security in a sustainable manner, farmers as actors of agricultural development need to be given protection". The idea of forming a group comes from the fact that each individual cannot fulfil their needs individually, as experienced by the less fortunate Panoramic farmer groups, so they need support to develop their socio-economic life. The research was conducted as an effort to prove that the counselling activities provided were able to encourage the group. This study uses a legal sociology approach. This research took place in Pamotan Village, Dampit District, Malang Regency. Primary data was obtained from observation and direct interviews with informants and data analysis using interactive analysis models. The results of the study found that the Malang district government played a role in the development of panoramic farmer groups by providing counselling and training to members of farmer groups; this phenomenon indicates that the government and stakeholders have participated in carrying out their duties based on the provisions of Article 66 of Law Number 19 of 2013 concerning Protection and Empowerment Farmers, by facilitating farming capital, are proven to have legal protection for the Panoramic Farmer Group. They receive assistance from the government in the form of KUR loan assistance for agricultural operations with small interest and also receive assistance in the form of machinery, transportation equipment and building materials to support the quality of the Panorama Farmer Group's farmer production.

| KEYWORDS

Legal protection, Legal certainty, Farmer, Capital, Farm Business

| ARTICLE INFORMATION

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1. Introduction

Indonesia is famous for being an agricultural country, with agricultural land stretching from Sabang to Merauke. It is not surprising that many people work in the agricultural sector. Due to the myriad of challenges that continue to arise, Indonesia's agricultural development cannot go according to the wishes of the country's leaders. These issues include the lack of awareness of the capabilities of farming communities, which is one of the reasons why farmer groups are needed. It is from this farmer group that the farming community will be led astray to achieve a relatively effective and efficient level of productivity. One of the goals of agricultural development is to increase the standard of living of farmers as much as possible. This goal is in accordance with the principles outlined in Pancasila and the 1945 Constitution of the Republic of Indonesia. So far, farmers have made a real contribution to agricultural development and rural economic development. To realize food sovereignty, food self-sufficiency and food security in a sustainable manner, farmers as actors in agricultural development need to be given protection and empowerment to support the fulfillment of food needs which are the basic rights of everyone. This is necessary in order to realize food sovereignty, food self-sufficiency and food security (Arifin, 2006).

Farmers play an important part in the process of carrying out agricultural growth and make a significant contribution to the field. Farmers are the main actors in agricultural development. Most farmers operate on a relatively modest scale; the typical agricultural land area is less than 0.5 hectares, and some farmers do not even own the land they cultivate; therefore, they are referred to as sharecroppers or even work as farm labourers. Farmers are usually at a disadvantage in terms of obtaining production facilities, financing for their farming ventures, and access to markets (Rivai & Iwan, 2011).

One of the areas in Malang Regency, which has a large number of people living as farmers is Pamotan Village, Dampit District, Malang Regency. It is recorded that 16.45%, or 3,332 residents work in the agricultural sector (Fatmawati, 2019). A consensus and mature thoughts from Panorama residents resulted in the formation of the Panorama farmer group. On April 26 2019, it was inaugurated at the residence of Hariono Malang, who was present as many as twenty nine people.

Protect farmers from crop failure and price risk; provide agricultural infrastructure and facilities needed in developing farming businesses; develop agricultural financing institutions that serve the interests of farming businesses; increase the capability and capacity of farmers and farmer institutions. Seeing this problem, the community, farmer groups and the government must be able to support each other in increasing the productivity of coffee farmers in Dawuhan Pamotan Dampit Village, Malang Regency (BPS Kab. Malang, 2021). To find out the legal certainty of the panorama farmer group, it is necessary to do research so that it can be known what rights can be obtained by the panorama farmer group with the Malang Regent's Decree NO. 188.45/22/2/KEP/35.07.013/2019, analyzes what legal protections the Panorama farmer group gets in accordance with Indonesian legislation.

2. Literature Review

Legal protection is to provide protection for human rights that are harmed by other people, and this protection is given to the community so that they can enjoy all the rights granted by law or in other words, legal protection is various legal remedies that must be given by law enforcement officials to provide a sense of security, both mentally and physically from disturbances and various threats from any party (Philipus M. Hadjon, 1992). Legal protection is the protection of dignity, as well as the recognition of human rights owned by legal subjects based on legal provisions of arbitrariness or as a collection of rules or rules that will be able to protect one thing from another. With regard to consumers, it means that the law provides protection for the rights of customers from something that results in the non-fulfilment of these rights (Satjipto Rahardjo, 1998).

Legal protection is a narrowing of the meaning of protection, in this case, only protection by law. The protection provided by law is also related to the existence of rights and obligations, in this case, those owned by humans as legal subjects in their interactions with fellow humans and their environment. As legal subjects, humans have rights and obligations to take legal action (CST Kansil, 1998). According to Setiono, legal protection is an action or effort to protect society from arbitrary actions by authorities that are not in accordance with the rule of law, to create order and tranquility so as to enable humans to enjoy their dignity as human beings (Setiono, 2004). According to Muchsin, legal protection is an activity to protect individuals by harmonizing the relationship of values or rules that are embodied in attitudes and actions in creating order in the association of life between fellow human beings (Muchsin, 2003).

Legal certainty is a situation where human behavior, both individuals, groups and organizations, is bound and is in a corridor that has been outlined by the rule of law. The principle of legal certainty is needed in the creation of laws and regulations because legal certainty is the main principle of various kinds of principles of the rule of law; "The legal certainty as the superior of the system of formal principles of the rule of law justifies the legal validity of a defined group of values" (Samudra, 2020). Legal certainty, according to Maxeiner, has two functions, namely guiding people to obey the law and protecting people against arbitrary government actions that can use their power in making and enforcing the rule of law (H. Juhaya, 2016).

Legal objectives that are close to realistic are legal certainty and legal benefits. Positivism emphasizes more on legal certainty, while Functionalists prioritize the benefits of law, and if it can be argued that "summum ius, summa injuria, summa lex, summa crux" which means that harsh laws can hurt, unless justice can help, thus Even though justice is not the only goal of law, the most substantive purpose of law is justice (Dominikus Rato, 2010). Kepastian hukum mengandung dua pengertian, yaitu pertama, adanya aturan yang bersifat umum membuat individu mengetahui perbuatan apa yang boleh atau tidak boleh dilakukan, dan kedua, berupa keamanan hukum bagi individu dari kesewenangan pemerintah karena dengan adanya aturan yang bersifat umum itu individu dapat mengetahui apa saja yang boleh dibebankan atau dilakukan oleh Negara terhadap individu (Riduan Syahrani, 1999).

This teaching of legal certainty originates from Juridical-Dogmatic teachings, which are based on a positivistic school of thought in the world of law, which tends to see the law as something autonomous and independent because, for adherents of this thinking, the law is nothing but a collection of rules (Asikin, 2012). For adherents of this school, the purpose of the law is nothing more than guaranteeing legal certainty. Legal certainty is embodied by law with its nature which only makes a general rule of law. The general nature of legal rules proves that law does not aim to achieve justice or benefit but is solely for legal certainty (Peter Mahmud, 2008).

3. Methodology

This study uses a type of sociology of law which examines "law as it is in society", which departs from the view that law is an institutionalized pattern of social behavior and exists as an empirical social variable (Utama, 2021). By using a legal, sociological juridical research approach, namely a research approach that studies the influence of society on law, the extent to which the symptoms that exist in society can affect law and vice versa and starting from the paradigm of empirical science (Ronny Hanitijo, 2008).

Determination of the research location was carried out by means of purposive sampling, namely taking the research location deliberately with certain criteria in accordance with the needs or provisions of the research methodology. This research took place in Pamotan Village, Dampit District, Malang Regency. The location for this research was taken by considering that this village has the most people working in the agricultural sector, especially coffee farming in Pamotan, Dampit District, Malang Regency.

This study uses the stages of analysis, which are carried out by means of the data that has been obtained, and then collected to be processed systematically. (Plümper et al., 2019). Starting from editing, classifying, condensing, then presenting data activities and concluding data. Data analysis in this study uses an interactive analysis model (Miles, Huberman & Saldana, 2014). Primary and secondary data will be used in this study. Primary data is an object in the form of the perpetrator's original document, which is called direct information. Primary data is data collected from the actual situation when the event occurred directly. Secondary data is a source of data obtained from interviews with the farmer group and other sources, namely related agencies.

4. Results and Discussion

4.1. Legal certainty for farmer groups

According to Malang Regent Decree No. 188.45/22/2/KEP/35.07.013/2019, the rights of panoramic coffee farmer groups are explained in the Regulation of the Minister of Agriculture of the Republic of Indonesia Number 67/PERMENTAN/SM.050/12/2016 Concerning Farmer Institutional Development that the growth and development of farmer groups are carried out through empowerment Farmers, with a combination of culture, norms, values and local wisdom to improve farming and the ability of farmer groups to carry out their functions. Farmer empowerment is carried out through training and counseling activities with a group approach. Extension activities through a group approach encourage the formation of farmer institutions that are able to build synergy between farmers and between farmer groups in an effort to achieve business efficiency.

Furthermore, in an effort to improve the ability of farmer groups, guidance and assistance are carried out by Agricultural Extension by carrying out an assessment of the classification of the ability of farmer groups on an ongoing basis that is adapted to the conditions of their development, this is evidenced by the many extension or guidance activities, or it can also be called training received by Panoramic Farmer Groups. from Malang district offices and academics as explained by Mr. Hariyono as the head of the farmer group and confirmed by Mr. Eko Cahyono as a companion from the Malang district social service.

One of the activities that can be carried out in order to create solutions for solving problems faced by coffee farmers. In this regard, it is necessary to arrange a PIRT permit. This PIRT permit is used for the legality of business management of coffee production and wider marketing. Besides that, in order to strengthen the coffee marketing network, it is necessary to establish or form coffee farmer cooperatives. The establishment of this farmer cooperative was guided by the district cooperative office (Malang et al., 2022). The cooperative that was established is a coffee farmer cooperative with the name Panorama or, in full, the Panorama Coffee farmer cooperative, which was established by coffee farmers, from farmers and for coffee farmers. This cooperative can handle quality coffee production from farmers. With the existence of this coffee farmer cooperative, upstream-on-farm and downstream activities will be able to run and be managed properly.

The requirements for the establishment of this coffee farmer cooperative must be fulfilled immediately. The requirements for the number of cooperative members are in accordance with the requirements, namely a minimum of 20 members and for members of the panoramic coffee farmer group as many as 40 members. For the development of cooperatives, they can carry out partnerships and form cooperative networks under the guidance of the district cooperative office. For future development, it is also necessary to cooperate with universities. Collaboration needs to be carried out with regard to the existence of a Coffee Assisted Village in order to accommodate coffee production throughout the Dampit District as a Tourism Village or coffee tourism center in Malang Regency.

4.2. Legal Protection Efforts for Tania Group

To increase the added value and selling value of the coffee beans, the Parnorama coffee farmer group must carry out their own processing of the coffee beans that have been harvested. Coffee beans that have been harvested are dried using a canopy in a rather large area of land, after which the coffee beans are dry and then processed by grinding the coffee beans (Pramudiana, 2018). Coffee that has been processed must be put in beautiful containers or boxes to attract buyers or consumers. In addition, marketing of processed coffee beans is also carried out by creating an online account to help expand the market. Marketing carried out by the panoramic coffee farmer group is not only for the domestic market but must be able to reach the international market.

In an effort to build and increase the trust of the coffee processing industry, the knowledge and skills, and understanding of coffee farmers are being increased in the business of managing coffee plants. In this case, coffee farmers are directed to intensive coffee management and to improve the quality and quantity of coffee yields, for example, in harvesting coffee, so that it is done after a lot of coffee beans are really ripe, meaning there are a lot of red ones, namely around 80 percent to 90 percent of coffee beans are red compared to coffee beans that are still green. This is adjusted to the demands of the coffee processing factory or industry in the Dampit area and market demand in general, as well as local coffee traders. Where they ask for the coffee beans that are harvested to be red, and if they are sold dry, they must be completely dry with very low water content; this is in accordance with the demands of industrial coffee bean processing factories.

Activities to increase knowledge and skills in managing the coffee growing business are carried out through the delivery of material from resource persons, which is then carried out by discussions with coffee farmer groups in a focus group discussion between farmers and material providers. Besides that, it is also carried out with field observations or on coffee plantations owned by coffee farmers who are the subject of this service together with speakers from the Faculty of Agriculture. Through activities to increase the knowledge and skills of coffee farmers in maintaining coffee plants, it is hoped that coffee beans will be produced with quality that meets the criteria that become quality standards demanded by coffee processing factories or industries that process dry coffee beans into ground coffee that is ready for consumption.

Because of the quality criteria required by the coffee management factory, in addition to the quality of the coffee beans, the water content of the dried coffee is also required. Coffee processing factories buy coffee beans in dry form, while local traders or middlemen can buy coffee that is still wet and just picked from the plants. Through training activities and discussions between presenters and coffee farmers in order to obtain good quality coffee, yields of the quality demanded by the coffee management factory will be obtained. By harvesting coffee that is of good quality or according to standards, coffee bean processing factories will be able to trust coffee farmers and even increase the trust of coffee processing factories in coffee farmers. In the event that the quality of the coffee beans sold to coffee bean processing factories into ground coffee or packaged in dry coffee meets the required standards, the factories will continue to improve their cooperation, and there will even be mutually beneficial partnerships between coffee farmers and coffee bean processing factories.

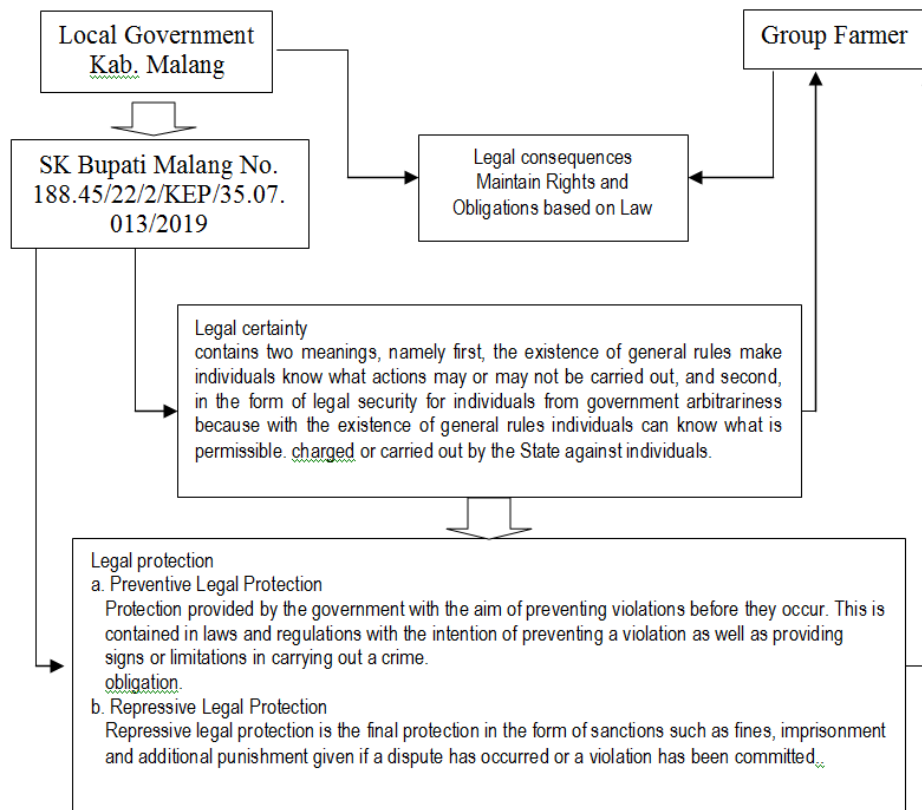


Figure 1. Model of Findings and Solutions Related to Legal Certainty For Farmer Groups in Pamotan Village, Dampit District, Malang Regency

In order to increase quality coffee production, this is done by changing the behavior of coffee farmers in managing their coffee plants. Cooperation is also carried out in a partnership system between coffee farmers and forestry parties. This cooperation is mutually beneficial; namely, the forestry party maintains its forest tree plantations and farmers are allowed to plant coffee plants between forestry tree plantations. The coffee yields are all for the farmers, and the forest trees are cared for until they are big. Through this collaboration, coffee farmers obtain a large and high-quality coffee bean crop because they receive guidance from

The increase in coffee bean production for farmers because they get additional arable land for coffee plants, their income increases and household income also increases. Thus the welfare of coffee farmers in the Dampit sub-district becomes prosperous (Rukmana, 2018). The main agricultural production facilities that have been provided and will continue to be continued by the government to support agricultural businesses, namely seeds and fertilizers. The central government and regional governments play a role in providing breeder seed and foundation seed and controlling the supply of stock seed and extension seed by seed producers through a process of certification and accreditation (Syahbuddin, 2018). Legal protection according to Fitzgerald in Sutjipto raharjo, Salmond's theory of legal protection that the law aims to integrate and coordinate various interests in society because in traffic of interests (Budiono, 2019), protection of certain interests can be done by limiting various interests on the other side (Habibi, 2021).

The interest of law is to deal with human rights and interests so that the law has the highest authority to determine human interests that need to be regulated and protected. Legal protection must look at the stages, namely legal protection born from a legal provision and all legal regulations given by the community, which are basically community agreements to regulate behavioral relations between community members and between individuals and the government who are considered to represent the interests of society. According to Satjipto Raharjo, legal protection is providing protection for human rights (HAM) that are harmed by other people, and this protection is given to the community so that they can enjoy all the rights granted by law.

Legal protection is an illustration of the functioning of the legal function to realize legal objectives, namely justice, benefits and legal certainty (Satjipto Rahardjo, 1998). Legal protection is protection given to legal subjects in accordance with the rule of law, both preventive and repressive forms, both written and unwritten, in order to enforce legal regulations. In essence, everyone has the right to protection from the law. Almost all legal relations must receive protection from the law. Therefore there are many kinds of legal protection. So far, arrangements for protecting victims have not shown a clear pattern; in the positive criminal law currently, in effect, victim protection is more of an "abstract protection" or "indirect protection". This means that the various formulations of criminal acts in laws and regulations so far have, in essence, provided direct abstracto protection for the legal interests and human rights of victims.

Based on the provisions of Article 66 Law Number 19 of 2013 concerning the Protection and Empowerment of Farmers explains the obligation of the Government and Regional Governments to facilitate farming capital. It is understandable that the protection given to the Panorama Farmer Group by the Malang district government in terms of human resources/HR for farmer group members is to provide training and guidance in all aspects of agriculture. Related local government assistance for farmer business capital is to provide assistance in the form of agricultural equipment such as cultivators, pumping machines, transportation equipment and building materials for the manufacture of manure processing facilities.

5. Conclusion

Enshrined in the Law of the Republic of Indonesia Number 19 of 2013 concerning the Protection and Empowerment of Farmers, which is supported by the Regulation of the Minister of Agriculture of the Republic of Indonesia Number 67/Permentan/Sm.050/12/2016 concerning Institutional Development of Farmers and Malang Regent Decree No. 188.45/22/2/KEP/ 35.07.013/2019 which then becomes the main capital for farmer groups to obtain legal certainty. Farmer Institutions are developed from, by, and for farmers to strengthen and fight for the interests of farmers. To increase the institutional capacity of Farmers as intended. The development, as intended, involves Extension and Extension Institutions.

Strengthening farmer institutions is needed in the context of protecting and empowering farmers. Therefore, farmers can develop institutions from, by, and for farmers to strengthen and fight for the interests of the farmers themselves in accordance with the combination of farmers' culture, norms, values, and local wisdom. Farmers' Institutions are institutions developed from, by, and for farmers to strengthen and fight for the interests of farmers, including farmer groups, as an effort to provide legal certainty and business certainty in the service and development of farmer groups and farmer group associations.

Legal certainty and legal protection are a necessity which is an important part, as an aspect in providing a sense of comfort and security to farmer groups in carrying out their business activities. The local government's attention to legal certainty and protection still needs to be increased; the contribution that will be felt by farmers will not only be in their interests but also felt by many people who need the results of production contributed by farmers in the form of raw materials for various needs. So that two important aspects of legal certainty are: "Preventive Legal and Repressive Legal Protection

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