



Legal protection for farmers as consumers of subsidized fertilizers in the Brebes district, Central Java province

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ABSTRACT

The government in the framework of realizing National Food Sovereignty, fertilizer is very important in increasing productivity and production of agricultural products, fertilizer is very decisive in achieving national food production targets. It is so important that fertilizer must be available in accordance with the six principles of right type, right quality, right amount, right time, the right place, and the right price. Various efforts have been made by the government in the context of providing subsidized fertilizers to achieve the 6 (six) right principles. The government seeks to provide production facilities in the form of fertilizer in sufficient quantities offset by affordable prices for farmers. This is the basis for the government to impose fertilizer subsidies for farmers. This fertilizer subsidy policy is a policy implemented by the government in order to be able to provide incentives for farmers to increase food production and productivity, as well as increase farmers' income. Apart from playing a role in increasing productivity, fertilizer also improves the quality of agricultural commodities, through the application of appropriate cultivation technology using recommended production facilities. The effectiveness of the use of fertilizers is directed at the application of balanced and organic fertilization in accordance with the recommended fertilization technology technical standards in each specific location area. This subsidized fertilizer policy aims to ease the burden on farmers in supplying and using fertilizer for their farming activities.

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1. Introduction

In the preamble of the 1945 Constitution of the Republic of Indonesia (UUDNRI) fourth paragraph emphasizes that "The Unitary State of the Republic of Indonesia protects the entire Indonesian nation and all of Indonesia's bloodshed and to promote public welfare, educate the nation's life". And in the Preamble to the 1945 Constitution of the Republic of Indonesia (UUDNRI 1945) it has been mandated that the purpose of establishing the Republic of Indonesia is to

promote general welfare and educate the nation's life. Indonesia is an agrarian country with a very wide land area and very diverse biodiversity. This is very possible to make Indonesia the largest agricultural country in the world.

In an agrarian country like Indonesia, agriculture has an important contribution both to the economy and to meeting the basic needs of society, especially with the increasing population which means that the need for food is also increasing. In addition, there is an additional role for the agricultural sector, namely increasing the welfare of the people, most of whom are now below the poverty line. When viewed from its absolute value, the contribution of the agricultural sector to GDP is a large amount, so that it can be interpreted that farmers should receive adequate income. to be able to live in peace.

Improving food security is a top priority in development because food is the most basic need for humans so that food plays an important role in national economic growth. Food security is defined as the availability of food in sufficient quantity and quality, distributed at affordable prices and safe for consumption for every citizen to support their daily activities at all times. Thus food security covers the household level and the national level.

Agriculture is the primary sector in the Indonesian economy. This means that agriculture is the main sector that accounts for almost half of the economy. Agriculture also has a real role as a foreign exchange earner through exports. Therefore it is necessary to hold development in the agricultural sector so that it can compete in domestic and foreign markets. The progress of agriculture in Indonesia is also inseparable from the role of farmers who have adequate knowledge and technology. The role of farmers is needed in the process of revitalizing the agricultural and agribusiness sectors, which have recently experienced a decline. Agriculture is often underestimated by the upper middle class, farmers are considered dirty jobs and synonymous with poverty.

The role of the agricultural sector, if viewed comprehensively as the provision of food for the community, is able to play a strategic role in creating national food security, produce raw materials to increase industrial and service sector products, generate or save foreign exchange from exports or import substitution products, is a potential market. for the products of the industrial sector, the agricultural sector is able to provide capital for the development of other sectors.

The government in the context of realizing National Food Sovereignty, fertilizer is very important in increasing productivity and production of agricultural products, fertilizer is very decisive in achieving national food production targets. It is so important that fertilizer must be available in accordance with six precise principles, namely the right type, right quality, right amount, right time, right place, and right price. Various efforts have been made by the government in the context of providing subsidized fertilizers to achieve the 6 (six) right principles. The government seeks to provide production facilities in the form of fertilizer in sufficient quantities offset by affordable prices for farmers. This is the basis for the government to impose fertilizer subsidies for farmers.

This fertilizer subsidy policy is a policy implemented by the government in order to be able to provide incentives for farmers to increase food production and productivity, as well as increase farmers' income. Apart from playing a role in increasing productivity, fertilizer also improves the quality of agricultural commodities, through the application of appropriate cultivation technology using recommended production facilities. The effectiveness of the use of fertilizers is directed at the application of balanced and organic fertilization according to the recommended fertilization technology technical standards in each specific location area.

This subsidized fertilizer policy aims to ease the burden on farmers in supplying and using fertilizer for their farming activities. This is the government's effort to ensure the availability of fertilizer for farmers at a price set by the government, namely the Highest Retail Price (HET). The need for subsidized fertilizer is calculated in accordance with the recommendations for specific location-specific balanced fertilization by taking into account the proposed needs submitted by the Head of the Provincial Service to the General. Subsidized fertilizer needs are broken down by type, amount, sub-sector, province and monthly distribution and further detailed by district/city,

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type, amount, sub-sector and monthly distribution stipulated through governor regulations and regent/mayor regulations.

In this case, the government has formed a Fertilizer and Pesticide Monitoring Commission which is a coordinating forum for relevant agencies in the supervision of fertilizers and pesticides which are required to monitor and supervise the distribution, use and prices related to subsidized fertilizers in their area, but even though a supervisory commission is formed, there are still many incidents problems, especially in the Brebes Regency Region in the implementation of the procurement and distribution of subsidized puppies. The problems faced are related to subsidized fertilizers, namely the existence of individuals who commit fraud, using various modes to gain economic benefits.

The modus operandi can be in the form of diversion, smuggling and embezzlement of subsidized fertilizers to be sold to other areas on a subsidized basis or to be converted into non-subsidized fertilizers. With this crime, related to the procurement and distribution of subsidized fertilizers, this has led to a scarcity of fertilizers in the Brebes Regency area. It is very regrettable, when farmers need fertilizer, but there are people who commit fraud, of course it has an impact on distributors in the area around Brebes Regency. The consequence of the scarcity of fertilizers, in the area of Brebes Regency,

2. method

The method used in this study is normative legal research carried out through a study of laws and legal materials related to this journal. A normative research must certainly use a statutory approach, because what will be examined are various legal regulations which are the focus as well as the central theme of a research.

3. Analysis and Results

3.1 Legal Protection for Farmers as Consumers Related to the Scarcity of Subsidized Fertilizers in the Brebes Regency Area.

Indonesia is a country based on law, as stated in the elucidation of the 1945 Constitution of the Republic of Indonesia. Alfred Hoetoeroek and Maroelan Hoetoeroek provide an understanding of the purpose of law is to regulate life with humans so that there is always an atmosphere of peace. Likewise ONotohamidjojo formulates the purpose of law as protecting human rights and obligations in society, protecting social institutions in society (in a broad sense which includes social institutions in the political, social, economic and cultural fields). On the basis of justice to achieve balance and peace and general welfare.

Law according to Sudikno Mertokusumo is a collection of regulations and rules that have general content, because they can apply to everyone, and normative, because they serve as a basis for determining what may be done and what cannot be done, or what must be done, and regulates how -how to implement these rules.

Thus, it can be interpreted that legal protection is an act to safeguard the interests of legal subjects with applicable regulations or rules. According to Satjipto Raharjo Legal Protection is an effort to protect a person's interests by giving a power to that person to take actions that can fulfill their interests.

Meanwhile, Philipus M. Hadjon defines that Legal Protection is an action to protect or provide assistance to legal subjects, by using legal instruments. Meanwhile, CST Kansil believes that legal protection is various legal remedies that must be provided by law enforcement officials to provide a sense of security, both mentally and physically from disturbances and various threats from any party.

Indonesia is an agricultural country with a very large land area and very diverse biodiversity. This is very possible to make Indonesia the largest agricultural country in the world. In an agrarian country like Indonesia, agriculture has an important contribution both to the

economy and to meeting the basic needs of society, especially with the increasing population which means that the need for food is also increasing. In addition, there is an additional role for the agricultural sector, namely increasing the welfare of the people, most of whom are now below the poverty line. When viewed from its absolute value, the contribution of the agricultural sector to GDP is a large amount.

Improving food security is a top priority in development because food is the most basic need for humans so that food plays an important role in national economic growth. Food security is defined as the availability of food in sufficient quantity and quality, distributed at affordable prices and safe for consumption for every citizen to support their daily activities at all times. Thus food security covers the household level and the national level.

The ninth World Trade Organization (WTO) member ministerial conference in Bali in December 2013 has resulted in a very meaningful agreement since the Doha Round was launched in 2011. The agreement is in the form of the Bali Package which provides space and flexibility for developing countries to regulate their food security policies. The three main points are (1) trade facilitation for developing and less developed countries, (2) providing flexibility for developing countries to provide agricultural subsidies and ensure the availability of food for the poor, and (3) paying attention more for less developed countries, both in terms of market access and other assistance. In addition, the impact of the Bali Package will bridge trade between developed and developing countries. boost the world economy, and make the WTO relevant again. According to the Chair of the WTO, the Bali Package was the start of a wider liberalization of world trade. The increase in population stimulated an increase in the need for food. According to the predictions of the Food and Agriculture Organization (FAO) 60 percent of agricultural output is needed to meet food needs in 2050 and developing countries play a major role in this.

In Indonesia, the allocation of fertilizer subsidies is still relatively small compared to other countries. Nevertheless, the fertilizer subsidy policy is one of the policies that has historically been the backbone of subsidy policies, especially in the agricultural sector in Indonesia. The progress of agriculture in Indonesia is also inseparable from the role of farmers who have adequate knowledge and technology. The role of farmers is needed in the process of revitalizing the agricultural and agribusiness sectors, which have recently experienced a decline. Agriculture is often underestimated by the upper middle class, farmers are considered dirty jobs and synonymous with poverty.

Indonesia as a country with a large population and a very wide area, food security is an important agenda in Indonesia's economic development. Food insecurity is a very sensitive issue in the dynamics of Indonesian socio-political life. It is very important for Indonesia to be able to realize national, regional, household and individual food security based on the independence of domestic food supply. In the era of regional autonomy, the community needs to be involved so that they can develop and at the same time maintain traditions, both individually and as a group, to reserve their food. These efforts, among others, are carried out by way of socialization which is to provide an understanding in order to form a certain perception, for example, the understanding that fully relying on the fulfillment of staple food through the free market is risky, because food problems can arise at any time. It can also be done by means of an empowerment action program that acts as a stimulant, such as the community food barn revitalization program.

Organic fertilizers are currently used by most farmers in Indonesia, especially small farmers who use them where the procurement is subsidized by the Government. This means that farmers have two positions, namely as producers of agricultural products and on the other hand as consumers, in this case fertilizer consumers. The implementation of the fertilizer subsidy policy in Indonesia has been comprehensively implemented from planning, setting the highest retail price, the amount of the subsidy, and the fertilizer distribution system. However, this policy has not been able to guarantee the availability of adequate fertilizer at the farm level. For this reason, the government has distributed subsidized fertilizers from indirect subsidies to direct subsidies to farmers/farmer groups so that the benefits can be received directly by farmers.

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The Indonesian government provides a fertilizer subsidy policy in order to achieve food self-sufficiency. Facilitation of the provision of fertilizer subsidies is regulated in the Regulation of the Minister of Agriculture Number 15/Permentan/Rc.110/1/2010 concerning the Strategic Plan of the Ministry of Agriculture 2010-2014, in which the fertilizer subsidy scheme is a price subsidy whose distribution is carried out in a closed pattern system using the Definitive Plan approach Group Needs (RDKK). Various weaknesses in the distribution of subsidized fertilizers which are currently being tackled by increasing the active role of local governments through (1) issuing Governor and Regent/Mayor Regulations regarding the allocation of subsidized fertilizer needs as an elaboration of the Minister of Agriculture Regulation regarding the need and highest retail price (HET) of subsidized fertilizers for the agricultural sector,

Related to Legal Protection for Farmers as Consumers Related to the Scarcity of Subsidized Fertilizers in the Brebes Regency Area. Brebes Regency is an autonomous region in Central Java Province which is located along the north coast of the Java Sea, it extends to the south bordering the Banyumas Residency area and the Regency Cilacap. To the east it is bordered by Tegal City and Tegal Regency, and to the west by West Java Province. It is located between 6044' - 7021' South Latitude and between 108041' 109011' East Longitude. Brebes Regency has an area of 1,662.96 km² which divided into 17 districts.

In this study, it was found that Brebes farmers had complaints that it was still difficult to get subsidized fertilizers. These complaints were not only conveyed by farmers who did not get a farmer card, but also by farmers who already had a farmer card. There are farmers who actually own rice fields but do not have a farmer's card, while for those who have a farmer's card, there are those who have a record that the area of land ownership is far above the ownership of their fields.

3.2 Actions of the Regional Government in Addressing the Scarcity of Subsidized Fertilizers in the Brebes Regency area.

Agriculture is a source of livelihood for millions of Indonesian people as a main source of livelihood, source of income, provider of food ingredients and provider of industrial raw materials and is the basis of the national economy. Therefore the position of the agricultural sector is very strategic in the structure of the national economy, it can be said that agriculture is the mother of all sectors. Thus developing agriculture is a "necessity" and building agriculture is "obligatory", if agricultural development can be carried out properly and successfully, then most of the nation's and state's problems can be solved. A sustainable development system needs to be developed in development in the agricultural sector through agricultural cultivation systems to achieve food sovereignty by taking into account the carrying capacity of ecosystems, mitigation,

Food security is realized by the work of the food economic system which consists of the availability sub-system covering production, post-harvest and processing, distribution sub-system and consumption sub-system that interact with each other on an ongoing basis. The three sub-systems constitute a single unit supported by the existence of various natural, institutional, cultural and technological resource inputs. This process will only run efficiently with community participation and government facilitation.

The food security sub-system consists of three main sub-systems, namely food availability, access and absorption, while nutritional status is an outcome of food security. Availability, access and absorption of food is a sub-system that must be fulfilled in its entirety. One of these subsystems is not fulfilled, so a country cannot be said to have good food security. Even though food is available sufficiently at the national and regional levels, if individual access to meet their food needs is not evenly distributed, then food security is still said to be fragile.

namely the availability of food in sufficient quantities that are safe and nutritious for everyone in a country, whether originating from own production, imports, food reserves or food aid. This food supply must be able to provide sufficient food which is defined as the number of calories needed for an active and healthy life, the ability of all households and individuals with

the resources they have to obtain sufficient food for their nutritional needs which can be obtained from their own food production, purchase or through food aid. Household and individual access consists of economic, physical and social access. Economic access depends on income, employment opportunities and prices. Physical access concerns the level of regional isolation (distribution facilities and infrastructure), while social access concerns food preferences.

The division of roles in consolidating food security, Government Regulation Number 38 of 2007 concerning the Distribution of Government Affairs, between the Government, Provincial Governments and Regency/City Regional Governments has strictly separated which is the responsibility of the central government, in this case the Ministry of Agriculture's Food Security Agency, and which are regional affairs both at the provincial and district/city levels, in this case the food security work units at the provincial and district/city levels.

The government in building food security in the era of regional autonomy, needs to involve the community in a participatory manner in every development plan, especially in the development of regional food security, because by involving the community in a participatory manner, the government can definitely and pro-actively know the problem of food shortages in every individual community and directly develop and at the same time maintain the tradition of providing food storages that have existed, both individually and collectively, to reserve their food for the continuation of their lives.

Government policies in the field of food so far have not been too good. Farmers' complaints about low grain prices and consumer anxiety about high rice prices are indicators of weakness in national food policies. Ideally, food policy benefits farmers as producers and consumers as users. The government's policy on rice imports is often misdirected. Especially if the import is done during the main harvest. Rice import activities should be suppressed when entering the main harvest season, because if imported rice enters during the main harvest, local rice will definitely sell. This is because the price of imported rice is cheaper than local rice. Conversely, when entering a famine season, the government, in this case Bulog, must make various anticipatory efforts.

In food development, integrated planning is required by the government (central and regional) and stakeholders (small producers/farmers and fishermen as well as large producers/entrepreneurs and consumers) in influencing food production, procurement, distribution and consumption to ensure continuity of access for every citizen. country (individual) to food. For this reason, there must be national and regional policies and action plans in the food sector (including nutrition issues). In such planning there needs to be clarity on the division of authority between the central government and regional governments, including clarity on coordination between the two. In the food plan,

The government held a program namely Agricultural Extension. According to Law Number 16 of 2006 concerning Agricultural, Fishery and Forestry Extension Systems, agricultural extension is a learning process for key actors and business actors so that they are willing and able to help and organize themselves in accessing market information, technology, capital and other resources, as an effort to increase productivity, business efficiency, income and welfare as well as increase awareness in the preservation of environmental functions.

Pricing policies can clash the interests of producers with the interests of consumers, if the allocated budget is inadequate. Fertilizer subsidy policy as a first way to encourage food security at the micro and macro levels and at the same time stimulate the development of input markets. However, the fertilizer subsidy policy can lead to farmers' dependence on cheap fertilizers, burden the fiscal capacity to finance other economic sectors, and even tend to increase pollution to the environment.

Another consequence of providing fertilizer subsidies will have an impact on Indonesia's efforts to export paddy/rice in the future. The allocation of subsidized fertilizers refers to the provisions stipulated in the Minister of Agriculture concerning the Allocation and HET of

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subsidized fertilizers in the current year. The procurement and distribution of subsidized fertilizers is carried out in accordance with the provisions of the Minister of Trade Regulation Number 15/MDAG/Per/4/2013 concerning Procurement and Distribution of Subsidized Fertilizers for the Agricultural Sector. The executor of the provision of subsidized fertilizer according to the assignment of the Minister of BUMN is PT Pupuk Indonesia (Persero) through producers, distributors and distributors in their respective areas of responsibility.

The regulatory authority is the responsibility of PT Pupuk Indonesia (Persero) in accordance with production capacity, with the principles of efficiency and effectiveness. Subsidized fertilizer distribution is carried out in private through producers to distributors (dealers in Line III), then distributors distribute to Retailers (dealers in Line IV). Fertilizer distribution to farmers is carried out by authorized retailers who have been appointed in their working areas based on printed e-RDKK data which is limited by the allocation of subsidized fertilizers in their areas, with the Highest Retail Price (HET) as stipulated in Minister of Agriculture Regulation No. 49 of 2020. In terms of distribution determined must adjust to the needs in the field due to shifts in the planting season, development of the area, the existence of a special program of the Ministry of Agriculture and other urgent matters, can be reallocated between regions and time according to the provisions in the Minister of Agriculture concerning the allocation and HET of subsidized fertilizers.

Another policy is the redemption of subsidized fertilizers using the e-RDKK-based Farmer's Card as an effort to ensure transparency and accountability in the distribution of subsidized fertilizers to farmers, and to follow up on the recommendations from the Corruption Eradication Commission (KPK) and the Supreme Audit Agency (BPK), in areas where the infrastructure is ready. , using the farm card. The next policy is the existence of distribution verification and validation. This activity begins with the establishment of a Verification and Validation Team on documents, distribution at the field and central level. verification and validation carried out by the District Team.

Regarding the farmers in the Brebes Regency area, complaining about the scarcity of subsidized fertilizers, some farmers are forced to use non-subsidized fertilizers with the consequence that the prices are more expensive. With the addition of subsidized fertilizers in Central Java, subsidized fertilizers will be distributed to each district/city in Central Java. It is hoped that the handling of the scarcity of subsidized fertilizers in Brebes Regency can be resolved due to the scarcity of subsidized fertilizers.

4. Conclusion

Legal protection for farmers as consumers with a scarcity of subsidized fertilizers in the Brebes Regency area. Regarding legal protection for farmers, the consumer protection law does not explicitly mention regulations regarding consumer rights to subsidized products, but the provisions of Article 4 letter (a), (f) and (i) can be used as a basis for legal protection against farmers as subsidized fertilizer consumers. First, in Article 4 letter (a), it is regulated that consumers have the right to comfort, security and safety in consuming goods and/or services. This means that in the consumption of fertilizers, farmers must get comfort, security and safety, but in reality there are still many farmers who feel and complain about the inconvenience of consuming fertilizers. Second, in Article 4 letter (f), It is regulated that consumers have the right to receive educational guidance. This means that farmers have the right to receive guidance and education on everything related to fertilizer, starting from the regulations or legal basis and its provisions, the procurement system, the distribution system, how the fertilizer is produced itself, how to use fertilizer and its dosage. Third, in Article 4 letter (i) consumers have rights regulated in the provisions of other laws and regulations. This means that this article is a bridge article so that the provisions of the law on the protection and empowerment of farmers can also be used as a reference for the rights of farmers granted by law. Apart from the Consumer Protection Act above, Farmers also have other protections provided by law, which are contained in the Law on Protection and Empowerment of Farmers. The actions of the regional government of Brebes

Regency in dealing with the scarcity of subsidized fertilizers. To overcome the scarcity of subsidized fertilizers is to reallocate subsidized fertilizers. Reallocations can be carried out if there is a real scarcity of fertilizer, such as the result of smuggling or a natural disaster which disrupts the allocation of fertilizer and cannot proceed as planned or previously planned. The Relocation was proposed by the Department of Agriculture. To overcome the scarcity of subsidized fertilizers is to reallocate subsidized fertilizers. Reallocations can be carried out if there is a real scarcity of fertilizer, such as the result of smuggling or a natural disaster which disrupts the allocation of fertilizer and cannot proceed as planned or previously planned. The Relocation was proposed by the Department of Agriculture. To overcome the scarcity of subsidized fertilizers is to reallocate subsidized fertilizers. Reallocations can be carried out if there is a real scarcity of fertilizer, such as the result of smuggling or a natural disaster which disrupts the allocation of fertilizer and cannot proceed as planned or previously planned. The Relocation was proposed by the Department of Agriculture.

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