



AJLH

Asian Journal of Law and Humanity

Volume: 4 Number : 2 Year 2024

Submitted: 08/20/2024

Reviewed: 09/22/2024

Approved: 10/23/2024

Farmers' Constitutional Rights and Subsidized Fertilizer: How is the State Responsible?

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Abstract

Fertilizers play an essential role in increasing agricultural productivity, and Indonesia has implemented a subsidized fertilizer policy since the 1970s to alleviate the burden on farmers and provide fertilizers at affordable prices. However, farmers often face scarcity and difficulties in obtaining subsidized fertilizers, despite their constitutional rights being stipulated in the Minister of Trade Regulation Number 15/MDAG/PER/4/2013 regarding the procurement and distribution of subsidized fertilizers. This research uses an empirical legal method, with primary data obtained through interviews with farmers in Sokoduwet Village, Pekalongan, and secondary data sourced from related documents and literature. Data collection techniques include observation, interviews, and documentation. The study aims to assess the fulfillment of farmers' constitutional rights in obtaining subsidized fertilizers and to understand the legal consequences of fulfilling these rights. The findings indicate that farmers' constitutional rights in Sokoduwet Village have been fairly fulfilled, as subsidized fertilizers help reduce their burden and production costs. However, issues of fertilizer scarcity persist during planting periods, necessitating improvements from distributors and the government to ensure a smoother distribution process. Existing regulations and government decrees have provided farmers with guaranteed rights, including easier access through Farmer Cards and Farmer Identification.

Keywords: Constitutional Rights, Subsidized Fertilizer, Farmer, Human Rights.

Abstrak

Pupuk memainkan peran penting dalam meningkatkan produktivitas pertanian, dan Indonesia telah menerapkan kebijakan pupuk bersubsidi sejak tahun 1970-an untuk meringankan beban petani dan menyediakan pupuk dengan harga terjangkau. Namun, petani sering menghadapi kelangkaan dan kesulitan dalam memperoleh pupuk bersubsidi, meskipun hak konstitusional mereka diatur dalam Peraturan Menteri Perdagangan Nomor 15/MDAG/PER/4/2013 tentang pengadaan dan penyaluran pupuk bersubsidi. Penelitian ini menggunakan metode hukum empiris dengan data primer yang diperoleh melalui wawancara dengan petani di Desa Sokoduwet, Pekalongan, serta data sekunder berupa dokumen dan literatur terkait. Teknik pengumpulan data mencakup observasi, wawancara, dan dokumentasi. Tujuan penelitian ini adalah untuk menilai pemenuhan hak konstitusional petani dalam memperoleh pupuk bersubsidi dan memahami akibat hukum dari pemenuhan tersebut. Hasil penelitian menunjukkan bahwa hak konstitusional petani di Desa Sokoduwet telah cukup terpenuhi, karena pupuk bersubsidi membantu mengurangi beban dan biaya produksi. Namun, masalah kelangkaan pupuk masih terjadi selama masa tanam, sehingga diperlukan perbaikan dari distributor dan pemerintah untuk memastikan kelancaran distribusi. Keberadaan peraturan dan Keputusan Pemerintah telah memberikan jaminan hak bagi petani, termasuk kemudahan akses dengan Kartu Tani dan Identitas Petani.

Kata kunci: Hak Konstitusional, Pupuk Bersubsidi, Petani, Hak Asasi Manusia.

Introduction

Indonesia is an agricultural country, where most of the population works as farmers. The majority of its area is land which is used as one of the agricultural sectors. It is undeniable that most Indonesian people are farmers. The agricultural sector is a sector that has a strategic role in the structure of national economic development. This sector is a sector that does not receive serious attention from the government in national development. In fact, the agricultural sector is a very important sector so that development priorities are placed on the agricultural sector in order to meet food needs and domestic industrial needs. And the results of agriculture as a food barn for the Republic of Indonesia (Safitri et al., 2022) .

One of the reasons why agricultural development in Indonesia has an important role is the potential of large and diverse natural resources, as well as a fairly large amount of national income, the amount of which is very dependent on this problem for national exports of the Indonesian people. The development of the agricultural sector is currently faced with the problem of meeting the needs and problems of community welfare, this welfare is related to food problems (Kasiami, 2020) .

The agricultural sector can also have an impact on food security which is a broad dimension in the life of the nation and state and the existence of a country and is a program for economic sector development that must grow simultaneously to maintain the right balance between industry and especially agriculture and production for domestic consumption and export. This is because the food problem is not only related to economic problems, but also related to the security, health, political and social welfare conditions of the country. This food security effort cannot be separated from the existence of rice plants, therefore, to realize food security, the role of subsidized fertilizer distribution is very much needed to help the agricultural sector run well and smoothly (Lestari et al., 2021) .

Fertilizer plays an important role in increasing agricultural productivity. Balanced use of fertilizers according to plant needs has proven to be able to provide better productivity and income for farmers. This condition makes fertilizer a very strategic means of production for farmers. Indonesia has implemented a subsidized fertilizer policy since

the 1970s. This policy aims The agricultural sector can also influence food security which is a broad dimension in the life of the nation and state and the existence of a country and is a program for economic sector development that must grow simultaneously to maintain the right balance between industry and especially agriculture and production for domestic consumption and export. This is because food problems are not only related to economic problems, but also related to the security, health, political and social welfare conditions of the country. This food security effort cannot be separated from the existence of rice plants, therefore, to realize food security, the role of subsidized fertilizer distribution is very much needed to help the agricultural sector run well and smoothly .

In the Government Regulation of the Republic of Indonesia Number 68 of 2002 concerning Food Security in Chapter VI Article 13 paragraph 1 it is stipulated that the Provincial Government, Regency/City Government or Village Government implement policies and are responsible for organizing food security in their respective regions by paying attention to the guidelines, norms, standards and criteria set by the Central Government.

Fulfillment of the constitutional rights of farmers to obtain subsidized fertilizer has been stated in the Government Regulation on the provision of Subsidized Fertilizer in the regulation of the Minister of Trade Number 15/MDAG/PER/4/2013 concerning the procurement and distribution of subsidized fertilizer for the agricultural sector, then for 2024 it has been explained in the Decree of the Directorate General of Agricultural Infrastructure and Facilities Number 34.11/KPTS/RC.210/B/12/2023 of the Ministry of Agriculture concerning Technical Instructions for the Management of Subsidized Fertilizer for the 2024 Fiscal Year. In the Decree, farmers, extension workers, government, producers, distributors and retailers are the parties involved and responsible for the procurement and distribution of subsidized fertilizer. The distribution of subsidized fertilizer to farmers must go through four distribution lines. The subsidized fertilizer policy has proven to be able to increase the area of harvest and national rice production, in addition, the subsidized fertilizer price policy has caused all sectors of the economy to be able to add to their *output* and increase household income .

Subsidies are a form of government assistance to reduce the burden on society by paying part of the price that should be paid by the community or certain community groups to provide goods or services concerning the interests of the lives of many people.

Subsidized Fertilizer is fertilizer whose procurement and distribution are marketed at the Highest Retail Price (HET) set by the official Line IV distributor. Line IV is the location of the warehouse or retail kiosk in the sub-district and/or village area indicated or determined by the distributor. Subsidized fertilizer is intended for the agricultural sector or sectors related to the cultivation of food crops, horticulture, plantations, green fodder and fish or shrimp cultivation. The following is data on farmer groups in the Sokoduwet sub-district of Pekalongan:

Table 1.1
Sokoduwet Pekalongan Village Farmers Group

No	Farmer Group Name	Amount
1	Prosperous Farmers	49 people
2	Prosperous and prosperous	15 people
3	Sri Murni	15 people
Amount		79 people

Source: Data from the Pekalongan City Agriculture Service

Based on the table above, it can be seen that there are 3 farmer groups in Sokoduwet Village. However, not all farmers in Sokoduwet Village are members of farmer groups. The issue of fertilizer shortages and expensive fertilizer prices are still in the news at the beginning of each planting season. This issue has been going on for a long time as reported by Fauzan from the prosperous farmer group in Sokoduwet Village, Pekalongan in April, who had difficulty getting subsidized fertilizer during the planting season. Currently, complaints that are often expressed by farmers include fertilizer shortages, inefficient implementation of fertilizer production and distribution, fertilizer not reaching the right target recipients, and market dualism that can create *moral hazard*.

Based on the results of observations on one of the residents who runs a rice farming business, Fauzan revealed that the scarcity of subsidized fertilizer often occurs, one of which is in Sokoduwet Village, South Pekalongan District, Pekalongan City, especially at the beginning of each planting season, farmers are forced to buy non-subsidized fertilizer from retailers, after *a drought occurred* last year due to the problem of fertilizer scarcity, finally farmers had to buy at a high price because subsidized fertilizer was scarce. Fauzan hopes that by buying this non-subsidized fertilizer, he can cover the losses of last year's season. Lack of fertilizer can cause abnormal plant growth, thus

reducing farmers' harvests or even causing crop failure. This crop failure is what then becomes a threat to food security and will further reduce farmers' income levels.

The next problem faced by farmers is related to market conditions that are not yet in favor of farmers, which is implied in the ideology of cheap food in Indonesia. Farmers become victims because the selling price is not yet profitable. Meanwhile, poor farmers must be willing to be poorer, with the cheap prices they receive so that food prices are affordable and neighbors with limited purchasing power can still eat.

Methods

Study This is study juridical-empirical , also known as as study law sociological or study field . The goal is For analyze provision applicable law as well as the reality that occurs in society . Focus main study This is For evaluate fulfillment right constitution of the farmers in to obtain fertilizer subsidized for welfare they , especially in the Subdistrict Sokoduwet , Pekalongan . In terms of approach , research This use method law empirical , which means researcher will down direct to location For collect data. Research This differentiate between two types study law , namely study law normative and research law empirical , as explained by Soerjono Soekanto .

Data sources in study This shared into two categories . First , there is primary data, which is data obtained direct from source main . This includes interview with relevant individuals in the Subdistrict Sokoduwet . Second , there is secondary data , which includes information that has been available , such as documents , books , magazines scientific , report research , newspapers , and articles on the internet. Sources law secondary that will used in study This covering various regulations and laws , including Food Law Number 7 of 1996 , Regulation Government of the Republic of Indonesia Number 68 of 2002 concerning Food Security , Regulation of the Minister of Trade regarding Subsidized Fertilizer , and Law of the Republic of Indonesia Number 19 of 2013 concerning Protection and Empowerment Farmers . In addition , it will also referring to other related regulations with needs and prices retail highest fertilizer subsidized For sector agriculture . Research This aiming For give a comprehensive overview about implementation provision law related fertilizer subsidized and its impact to welfare farmers in the area .

Results and Discussion

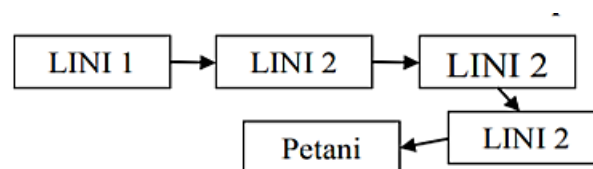
Mechanism Distribution of Subsidized Fertilizer in Sokoduwet Subdistrict, Pekalongan City

1. Fertilizer Distribution Mechanism

Fertilizer subsidy policy is one of the fiscal policies that aims to increase agricultural production, especially food crops, so that the population's food needs are met. This policy has been in place since 1960 and has undergone various changes in policy patterns to improve the effectiveness of fertilizer subsidy absorption (Mufid et al., 2020). The fertilizer distribution mechanism at the time of responsibility for the distribution and procurement of fertilizers was in one producer, namely PT. Pupuk Sriwijaya. In 2001, the fertilizer subsidy distribution mechanism was not only monopolized by one producer, but was handed over to all fertilizer producers Pupuk Indonesia with its subsidiaries PT. Pupuk Sriwijaya, PT. Petrokimia Gresik, PT. Pupuk Kaltim, PT. Pupuk Kujang Cikampek, and PT. Pupuk Iskandar Muda). PT. Pupuk Indonesia is responsible for distributing fertilizer subsidies from Line I to Line III. Then Line IV is the responsibility of the distributing KUD. If there is a problem in the distribution of this subsidized fertilizer, PT. Pusri is responsible for distributing it up to Line IV.

Figure 3.1

Fertilizer Subsidy Distribution Mechanism



With the Government's limitations in providing fertilizer subsidies within the framework of government programs, subsidized fertilizers are only intended for agricultural businesses including Food Crop Farmers, Livestock and People's Plantations. In order to guarantee the procurement and prevent irregularities in the distribution of subsidized fertilizers, it is necessary to stipulate a Ministerial Decree, namely through Decree of the Minister of Trade No. 70/MPP/Kep/2/2003 dated 11 February 2003,

concerning Procurement and Distribution of Subsidized Fertilizer for the Agricultural Sector, which regulates the following matters :

- a. Revoking the Decree of the Minister of Industry and Trade of the Republic of Indonesia Number 93/MPP/Kep/3/2001 dated March 14, 2001 concerning Procurement and Distribution of Urea Fertilizer for the Agricultural Sector.
- b. Establishing the Decree of the Minister of Industry and Trade of the Republic of Indonesia about procurement And distribution fertilizer subsidized for the agricultural sector.

The procurement and distribution of subsidized fertilizers are carried out in accordance with the provisions of the Minister of Trade Regulation Number 04 of 2023 concerning the procurement and distribution of subsidized fertilizers for the agricultural sector. The executor of the provision of subsidized fertilizers according to the assignment of the Minister of SOEs is PT. Pupuk Indonesia (Persero) through producers, distributors, and distributors in their respective areas of responsibility.

Pekalongan City has been handled by two fertilizer distributors, namely PT. Sang Hyang Seri and Gresik Cipta Sejahtera, then it will be distributed to retailers in their respective areas including Sokoduwet Village, Pekalongan.

2. Subsidized Fertilizer Redemption Mechanism

The Ministry of Agriculture through the Decree of the Director General of Agricultural Infrastructure and Facilities Number 04/KPTS/RC.210/B/01/2024 concerning the Distribution of Subsidized Fertilizer from Retail Kiosks to Farmers. It is stipulated in the decree that the distribution of subsidized fertilizer from Retail Kiosks to Farmers is carried out through redemption using an Identity Card (KTP) and/or Farmer Card/ Digital Farmer Card . Redemption of subsidized fertilizer using KTP applies to Farmers who have never redeemed subsidized fertilizer using a Farmer Card/Digital Farmer Card according to the list listed in the e-Verval application. E-Verval is an information system for reporting the results of the verification and validation of the distribution of subsidized fertilizer. Where e-Verval is carried out by the Verval Team consisting of the Sub-district and Central levels that have been determined by the Regent/Mayor or Regional Apparatus that carries out affairs in the agricultural sector.

According to information from the Ministry of Agriculture, the Government has established a mechanism for redeeming subsidized fertilizers, namely using the I-Pubers application, a system owned by the Ministry of Agriculture (Kementan) which is

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prepared for redeeming fertilizers by farmers. To redeem subsidized fertilizers, farmers are required to bring their original ID cards. If the farmer cannot come in person, they must provide a power of attorney to another person. This mechanism is implemented to anticipate irregularities in the distribution of subsidized fertilizers. With this system, if there is a shortage of fertilizer, the cause can be traced. because now there is evidence of the power of attorney. Redemption of subsidized fertilizers through I-Pubers is a mechanism that has been established by the Ministry of Agriculture. Currently, all redemption systems have been digitized and stored in the application.

For the mechanism of subsidized fertilizer redemption using KTP (i-PUBERS), in its implementation using standard operating procedures (SOP) for both Retailer and Farmer kiosks. For retailer and Farmer kiosks, we must first download and log in to the i-PUBERS application on *the Google Play Store* on the cellphone device. After that, the next step is that the user will be asked to scan the KTP of the Farmer who will redeem subsidized fertilizer by clicking Scan KTP, and make sure the KTP image is fully visible. The next step is that the user simply follows the instructions during the process until it is complete. After the input process is complete, a notification will appear that the distribution was successful .⁵⁹

This is in accordance with the results of an interview with Mr. Nasihin, a farmer in Sokoduwet Village, Pekalongan, who said that he must have a card to get subsidized fertilizer.

"Every time I buy fertilizer, I always use a card because I can get subsidized fertilizer, so it's cheaper and I can save more money. The problem is if you don't have a card, you can't buy subsidized fertilizer."

He also added that according to him, obtaining subsidized fertilizer is rather difficult during the planting season because there is a lot of demand from farmers.

"During planting season, it is usually quite difficult because many people may buy subsidized fertilizer, so usually the shop runs out of stock because the shipment has not arrived."

Redemption of subsidized fertilizer through I-Pubers is a mechanism that has been established by the Ministry of Agriculture. Currently, all redemption systems have been digitized and stored in the application. Likewise, subsidized fertilizer retailers also said that for redemption of subsidized fertilizer with a card:

"Distribution of subsidized fertilizer through E-RDCK (*Electronic* - Definitive Plan of Farmer Group Needs) cards."

The Pekalongan City Government, Central Java, ensures that currently the distribution of subsidized fertilizers to meet the needs of farmers ahead of the planting season is still smooth so that they do not need to worry about the scarcity of the plant fertilizer.

⁶³ This is in accordance with the results of an interview with the owner of a subsidized fertilizer retail store who said that the distribution of subsidized fertilizers is always evenly distributed in his area, Sokoduwet Village, Pekalongan.

Thank God, the distribution of fertilizer here is always even and good, but sometimes during planting season, many people buy it, but sometimes the stock doesn't arrive again."

The procurement, distribution, and distribution of subsidized fertilizers are carried out in accordance with the provisions of the Regulation of the Minister of Trade concerning the Procurement and Distribution of Subsidized Fertilizers for the Agricultural Sector. Official producers, distributors, and retailers are required to ensure the availability of subsidized fertilizers in their areas of responsibility in accordance with the provisions of the stock that has been set. For this reason, there needs to be continuous supervision in stages from producers and distributors.

The regulation states that producers are responsible for distributing subsidized fertilizers in warehouses in Line II to warehouses in Line III. Distribution of subsidized fertilizers from Line III to retailers or Line IV is the responsibility of the Distributor, while distribution from Line IV or retailers to farmer groups is the responsibility of the retailers. Distribution to farmer groups is guided by the Definitive Group Needs Plan (RDKK) submitted by the Pidie Regency Agriculture and Food Service at the beginning of the year and is enforced for one year. This was also explained by Iman Prasetyo, in his interview:

"If there are obstacles, the obstacle is sometimes the fertilizer is there, the fertilizer is available at the kiosk but it turns out the farmers don't need it. Kiosks redeeming fertilizer also use capital, sometimes the kiosk's economy is also not stable because for payment of subsidized fertilizer itself now using the E-verval application and it is also tiered E-verval at the Sub-district, Regency, Province, to the Center. So after being verified by the central team, they are paid for the subsidized fertilizer. So one of the reasons is because of the delay in payment, then the redemption is also sometimes not in accordance with the planting season. There are delays in redemption from farmers to kiosks, from distributors to kiosks too. So the problem is unpredictable, sometimes the problem is at the Kiosk, sometimes the problem is at the farmer. There is no delay from the government, there is always stock in the warehouse, just redeem it."

Based on the statement above, it can be clearly seen that the process of distributing subsidized fertilizers has a long stage with various obstacles in the field so that sometimes there is a delay in the availability of subsidized fertilizers at the retailer level. Redemption of fertilizers to distributors is not immediately carried out due to lack of capital, so it cannot be blamed on the government or the producers and distributors. In determining the level of effectiveness of a fertilizer subsidy policy is the timely indicator. The timely indicator in question is subsidized fertilizer that will always be available when needed by farmers in other words that there is no shortage of subsidized fertilizer when farmers will need the fertilizer. However, on the contrary, if the timely indicator cannot be realized in the distribution process, there will be various obstacles in the field such as fertilizer shortages and soaring fertilizer prices.

Fulfillment of Constitutional Rights of Farmers in Obtaining Subsidized Fertilizer in Sokoduwet Village, Pekalongan

1. Constitutional Rights of Farmers

Farmers' rights have been explained based on Article 19 Paragraph (1) of Law Number 19 of 2013 concerning the Protection and Empowerment of Farmers which states that the Government and Regional Governments in accordance with their authority are responsible for providing agricultural production facilities as referred to in Article 7 Paragraph (2) Letter a, namely in a timely manner and with the right quality and affordable prices for farmers. Furthermore, Article 19 Paragraph (2) explains that "agricultural production facilities as referred to in paragraph (1) at least include: ⁶⁶

- a. Seeds, seedlings, livestock, fertilizers, pesticides, feed and animal medicines in accordance with quality standards;
- b. Agricultural tools and machinery according to quality standards and site-specific conditions.

The United Nations Declaration on the Rights of Peasants and Other People Working in Rural Areas (UNDROP) is a new International Human Rights instrument that recognizes the human rights of peasants and other people working in rural areas and has been adopted by the UN on December 17, 2018. Through UN-DROP, a number of peasant rights, as affirmed in various international human rights

instruments, are confirmed and reaffirmed to be respected, protected, and fulfilled. So far, these rights have often not been respected, easily violated, and not fulfilled by the state due to various large economic interests and capital accumulation working in rural areas.

The Government of the Republic of Indonesia has issued several laws and regulations that support farmers' rights as stated in Food Law Number 7 of 1996 concerning food security, namely the fulfillment of food for households with sufficient availability in both quantity and quality, Law of the Republic of Indonesia Number 19 of 2013 concerning the Protection and Empowerment of Farmers, namely providing agricultural production facilities, including subsidized fertilizers, and the technical distribution has been regulated in the Decree of the Directorate General of Agricultural Infrastructure and Facilities Number 34.11/KPTS/RC.210/B/12/2023 of the Ministry of Agriculture concerning Technical Instructions for the Management of Subsidized Fertilizers for the 2024 Fiscal Year.

Rights are normative elements that function as guidelines for behavior, protect freedom, immunity, and guarantee opportunities for humans to become their dignity and honor. Meanwhile, Constitutional Rights are defined as rights guaranteed by the constitution or basic law, whether the guarantee is stated explicitly or implicitly. Because it is stated in the constitution or law, it becomes part of the constitution or basic law so that all branches of state power are required to submit to and respect it. Therefore, recognition and respect for constitutional rights as part of the constitution also means restrictions on state power.⁶⁷

The 1945 Constitution does not clearly explain the meaning of constitutional rights, but in Indonesian positive law the term constitutional rights appears in Law No. 24 of 2003 in conjunction with Law No. 8 of 2011 concerning the Constitutional Court and is defined as the rights regulated in the 1945 Constitution.

2. Fulfillment of Constitutional Rights of Farmers to Obtain Subsidized Fertilizer

Article 20 Paragraph (1) The Government and Regional Governments in accordance with their authority may provide subsidies for plant seeds or seedlings, livestock seeds or stock, fertilizers, and/or agricultural tools and machinery according

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to needs. Furthermore, in Article 20 Paragraph (2) the provision of subsidies as referred to in paragraph (1) must be appropriate, targeted, timely, in the right location, in the right type, in the right quality, and in the right amount. In the position of farmers, it is very important in their development because the community is expected to be able to develop good planting patterns to increase national food security and in order to carry out the government's program, namely eradicating poverty, which is currently still a problem that must be resolved by the entire Indonesian nation in a comprehensive and sustainable manner.

Subsidized fertilizer helps farmers in increasing their purchasing power because with the availability of subsidized fertilizer, the costs that farmers should spend to buy fertilizer are reduced because the price of subsidized fertilizer is affordable so that the money can be used for daily needs, this was also mentioned in my interview with Mr. Nasihin, a farmer:

"With cheaper fertilizer prices, we farmers can use the remaining money to shop for daily necessities such as fish, vegetables and other basic necessities. Then with the cheap price of subsidized fertilizers, it can help cover children's school fees, such as buying their school supplies and other unexpected costs, and for us small farmers anything that can reduce production costs can help in helping with household living costs."

Based on the statements of the farmers above, with the availability of subsidized fertilizer, farmers can spend the money to meet these needs, although it cannot help completely, for farmers it is more than adequate with more affordable fertilizer prices, *the costs* that farmers should pay for rice production costs can be used for daily needs by farmers because of the availability of subsidized fertilizer.

In accordance with the Law of the Republic of Indonesia Number 41 of 2009 concerning the Protection of Sustainable Food Agricultural Land, which states that the state guarantees the right to food as a basic right of every citizen so that the state is obliged to guarantee food independence, resilience, and sovereignty. then in this case the state has guaranteed the rights of every citizen in food sovereignty.

In Article 3 of the Republic of Indonesia Law Number 19 of 2013 concerning the Protection and Empowerment of Farmers, it is explained that:

"The state guarantees agricultural facilities and infrastructure including subsidized fertilizers, which explains that the Protection and Empowerment of Farmers aims to provide the agricultural infrastructure and facilities needed to

develop Farming Businesses. Although sometimes in the fertilizer retail line it is difficult and rare, the government is always ready with its subsidized fertilizers, this is because the retail level also has difficulty redeeming the fertilizers provided by the government."

Thus, the constitutional rights of farmers to obtain subsidized fertilizer have been sufficiently fulfilled so that the need for fertilizer at affordable prices greatly lightens the burden and production costs in farming. As with the interview with Mr. Iman from the Pekalongan City Agriculture Service who said that the Pekalongan City Agriculture Service is responsible for fostering farmer groups starting from the establishment of institutions, group activities, and farmer cards, and also coordination from planting and distribution of subsidized fertilizers.

"We started coordinating farmers to start planting when the water has reached Pekalongan City. In addition, we informed them about the availability of fertilizers for farmers to take using farmer cards."

From the explanation above, it can be said that farmers' rights are fulfilled if they can meet their basic needs and can also continue to carry out farming activities without being disturbed by expensive fertilizer prices and difficulties in the field. Farmers in Pekalongan City, especially Sokoduwet Village, South Pekalongan District, only have two planting seasons a year, namely April-September and October-March. However, some farmers also have rice in their fields that is 50 days old. as the following interview results:

"Most farmers in Pekalongan City only plant twice a year. Not many plant three times in one year. "Most only twice a year, their land is left to rest for some time or when approaching Ramadan it is planted with *barteh* ."

The fulfillment of farmers' rights in obtaining subsidized fertilizer prices has also been felt by farmers in Sokoduwet Village, South Pekalongan District, because the determination of fertilizer prices in the implementation of the fertilizer subsidy program can ease the burden on farmers in providing and using fertilizers for their farming activities. Another goal of the government in determining the availability of subsidized fertilizers for farmers is so that there is no price competition so that farmers can buy fertilizers at affordable prices. Therefore, the government sets the Highest Retail Price (HET) for subsidized fertilizers distributed by producers. Based on the explanation above, this is in accordance with the results of an interview with Mr. Slamet as a subsidized fertilizer shop:

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"So, with the availability of subsidized fertilizer, it will definitely help farmers, because the price of subsidized fertilizer itself has been regulated by the government, so with its price which is much cheaper compared to the non-subsidized price, it really helps farmers ."

Based on the interview results above, it provides an explanation that this subsidized fertilizer program can help farmers because the price of subsidized fertilizer is much more affordable than non-subsidized fertilizer, so it can be said that the constitutional rights of farmers have been sufficiently fulfilled with the existence of subsidized fertilizer which greatly helps farmers in obtaining subsidized fertilizer. This can also be seen in the interview results below with farmers, namely:

"Rice productivity is greatly influenced by fertilizers, so subsidized fertilizers are also one of the determinants of rice productivity, because subsidized fertilizers are also one of the rights of farmers, although farmers *do not* always depend 100% on subsidized fertilizers, at least *subsidized* fertilizers are our hope as farmers to reduce the cost of farming capital."

From the interview results, it can be understood that subsidized fertilizer is an important component for farmers, because with more affordable subsidized fertilizer prices, farmers feel very helped in terms of capital financing, although farmers understand that subsidized fertilizer cannot meet overall needs due to the insufficient overall fertilizer quota, but it has had a positive impact on farmers' welfare.

Legal Consequences of Fulfilling the Constitutional Rights of Farmers in Obtaining Subsidized Fertilizer in Sokoduwet Village, Pekalongan

In the 1970-1993 period, the subsidy system applied was price subsidy, the source of financing came from the APBN, subsidized fertilizers were the price of fertilizers from imports and domestic production. The 1999-2001 period; since 1998 the fertilizer price subsidy was revoked due to the economic crisis at that time, the subsidy system during this period was the price subsidy for raw materials for making fertilizers, namely gas subsidies. In the 2003-2005 period, the subsidy system applied was a combination of gas subsidies and price subsidies, gas subsidies for urea fertilizers, while price subsidies for non-urea fertilizers. In the 2006-present period, the subsidy applied is a price subsidy, which is calculated using the formula, the difference between HET and HPP and

production costs multiplied by production volume which is the subsidy figure borne by the government. The source of the subsidy is the APBN. ⁷³

The procurement of subsidized fertilizer is carried out after the subsidy budget for fertilizer is approved through the APBN. Fertilizer procurement is carried out based on the needs per province which are calculated and determined through the Regulation of the Minister of Agriculture each year. The Ministerial Regulation contains the needs and HET of subsidized fertilizer for the agricultural sector for the current budget year. Meanwhile, the amount and type per Regency/City are determined through the Governor's Decree and for each sub-district are determined through the Decree of the Regent/Mayor. ⁷⁴ In order for the subsidized fertilizer program to be right on target, subsidized fertilizer is determined as goods under supervision which is regulated through Presidential Regulation Number 77 of 2005. This means that the distribution of subsidized fertilizer is under the supervision of related parties, and there are criminal sanctions for those who violate it.

In general, the procurement and distribution of subsidized fertilizers are regulated by the Directorate General of Agricultural Infrastructure and Facilities Number 34.11/KPTS/RC.210/B/12/2023 of the Ministry of Agriculture Concerning Technical Guidelines for the Management of Subsidized Fertilizers for the 2024 Fiscal Year with the aim of optimizing and increasing productivity, quality of agricultural products, and access to fertilizers at affordable and efficient prices for eligible farmers, as well as optimizing the control of the distribution of subsidized fertilizers. ⁷⁵

The legal consequences that farmers get after the regulation and Government Decree on the procurement and distribution of subsidized fertilizers are that farmers now have fairly guaranteed rights and have received a guarantee to get subsidized fertilizers easily, because only by having a Farmer Card and Farmer Identity (KTP) then subsidized fertilizer retailers or shops can sell it at a price determined by the government. However, for farmers who do not have a card, they cannot get subsidized fertilizers, this is to avoid misuse that has occurred in the past where many bought subsidized fertilizers but the allocation was not for agriculture. This is in accordance with the results of an interview with Mr. Iman as an agricultural service extension worker who said that:

"To purchase subsidized fertilizer, you must use a farmer card, because this is done solely to avoid misuse and embezzlement by certain farmers who do not use it as agricultural fertilizer, but for other purposes ."

The distribution of subsidized fertilizers is regulated based on the distribution mechanism that has been determined by the government from Line I to farmers. The procurement and distribution of subsidized fertilizers are also supervised, especially in relation to the six right principles in accordance with the provisions of the law. From this supervision there will be an evaluation of the procurement and distribution of subsidized fertilizers by the regional KP3.



Submitted: 08/20/2024

Reviewed: 09/22/2024

Approved: 10/23/2024

Conclusion

The constitutional rights of farmers in Sokoduwet Village, Pekalongan, to obtain subsidized fertilizer have been quite well fulfilled because the need for affordable fertilizer greatly lightens the burden and production costs in farming. As mentioned from the results of the study, farmers can be said to have their rights fulfilled if they can meet their basic needs and can also continue to carry out farming activities without being disturbed by expensive fertilizer prices and difficulties in the field. However, the obstacles that occur during the planting season are that subsidized fertilizers sometimes become scarce and difficult for retailers. Therefore, improvements are needed from the distributors to the government so that this does not happen again.

The legal consequences that farmers get after the regulation and Government Decree on the procurement and distribution of subsidized fertilizers are that farmers now have fairly guaranteed rights and have received a guarantee to get subsidized fertilizers easily, because only by having a Farmer Card and Farmer Identity (KTP), retailers or subsidized fertilizer shops can sell them at prices determined by the government.

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- Interview with Nasihin farmer Ward Sokoduwet Pekalongan on Wednesday , June 12 , 2024 at 10.00 WIB

Interview with Iman Prasetyo, Extension Worker Agriculture Field (PPL) of the Department of Agriculture and Food (Dinperpa) of Pekalongan City on Thursday , June 13, 2024 at 13.30 WIB

Interview with Slamet, Fertilizer Shop in Kelurahan Sokoduwet Pekalongan on Wednesday , June 12 , 2024 at 11.00 WIB