

Legal Protection on Harvest Prices for Farmers and Agricultural Business in Indonesia

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ABSTRACT: Agricultural development in Indonesia aims to improve the welfare of farmers. This is in line with Pancasila and the 1945 Constitution. When viewed from the empirical conditions of farmers who have made a real contribution to the rural economy, this ideal goal is deemed necessary for protection and empowerment to improve the welfare of farmers who generally have a weak position in obtaining production facilities, financing, and market access. This is all because the protection and empowerment of farmers have not been supported by comprehensive, systemic, and holistic laws and regulations, so that it does not provide guarantees for legal certainty and justice for farmers and agricultural business actors. This condition causes agricultural products sometimes to experience a drastic decline and cause losses for farmers and business actors in the farming sector. So, in this case, the government must provide massive legal policies regarding legal certainty and justice for farmers and business actors in the agricultural industry to maintain post-harvest price stability. So, now, the writer would like to review the Legal Protection of Harvest Prices for Farmers and Business Actors in the Agricultural Sector by using a normative juridical approach, conceptual and legal approach. So, in this case, the government must provide massive legal policies regarding legal certainty and justice for farmers and business actors in the agricultural sector to maintain post-harvest price stability. So, at this moment, the writer wants to review the legal protection of harvest prices for farmers and business actors in the agricultural sector using a normative juridical, conceptual and legal approach. So, in this case, the government must provide massive legal policies regarding legal certainty and justice for farmers and business actors in the agricultural sector to maintain post-harvest price stability. So, now, the writer wants to review the legal protection of harvest prices for farmers and business actors in the agricultural sector using a normative juridical, conceptual and legal approach.

KEYWORDS: Legal Aspects, Patents, Agricultural Biotechnology Products.

I. INTRODUCTION

Socio-political as a prerequisite for the implementation of development. Therefore, the Indonesian government is very interested in food issues, especially since household spending on food is still above 60%. The phenomenon of food production, trade and consumption demand the role of the government to protect domestic producers and consumers. Through the policy on prices of agricultural and food commodities, the government is expected to maintain stability in food prices to reduce farmers' uncertainty in marketing agricultural commodities and ensure that consumers obtain food at reasonable prices. The design and implementation of food commodity price policies, especially non-rice food, has not been formulated comprehensively but only based on the characteristics of each commodity. The policy on commodity prices, non-rice food, only applies to the introductory price without limiting the maximum price.

This is different from the introductory price of rice which is equipped with the provision of the highest retail price, which reflects the maximum price of the commodity. Timmer and Silitonga suggested that the introductory price of secondary crops is based on production costs and balances with the introductory price of grain. This reflects that the government still places the price of non-rice food commodities in second place after grain/rice (Surono, 2006). Other than that, regulations in price protection and market access for non-rice food commodities are still weak because the government is focused on accelerating rice self-sufficiency. This paper aims to: (1) examine non-rice food price policies for the sustainability of national food security, (2) examine non-rice food price policies and their effects on farmers' welfare, and (3) formulate alternative policies for determining non-rice food prices in Indonesia.

II. LEGAL PROTECTION FOR FARMERS AND FOOD SECURITY IN INDONESIA

Pancasila and the 1945 Constitution of the Republic of Indonesia mandate that the State has the responsibility to protect the entire Indonesian nation

and promote the general welfare, educate the nation's life and realize social justice for all Indonesian people. In the fifth precept of Pancasila and the preamble to the 1945 Constitution of the Republic of Indonesia, it is clearly stated that social justice for all Indonesian people is the basis of one of the philosophies of nation-building, so that every Indonesian citizen has the right to welfare. Therefore, every Indonesian citizen has the right and is obliged according to his ability to participate in business development in the framework of improving welfare, especially in agriculture. In line with the mandate of Pancasila and the 1945 Constitution of the Republic of Indonesia, one of the goals of agricultural development is directed at increasing the welfare of farmers as much as possible.

So far, farmers have made a real contribution to agricultural development and rural economic development. Farmers as actors of agricultural development need to be given protection and empowerment to support the fulfilment of food needs which are the fundamental rights of every person to realize food sovereignty, food independence, and food security in a sustainable manner. Farmers in carrying out agricultural development have a central role and make a significant contribution. The main actors in agricultural development are farmers, who generally do business on a small scale, namely: the average area of farming business is less than 0.5 hectares, even some of the farmers do not own their farming land or are called sharecroppers, even farm labourers. Farmers generally have a weak position in obtaining production facilities, financing for farming businesses, and market access (Eisen, 2021). Several specific activities have been focused on achieving farmers' welfare, for example, efforts to increase farmers' income through empowerment, increasing access to agricultural business resources, institutional development and protection of farmers.

Several sub-programs are further elaborated to achieve this goal, including farmer empowerment, institutional development, increasing farmers' access to productive resources, developing business diversification, reviewing and accelerating the dissemination of agricultural innovations, and poverty alleviation. The activities of implementing development programs in the community are not only carried out by government institutions but can also be carried out by the community groups themselves, private institutions,

educational institutions, and other stakeholders (Moeliono & Soetoprawiro, 2020). The Agricultural Research and Development Agency, as one of the institutions through the support of the "agro-innovation" model, has given birth to various empowerment efforts for the farming community, especially concerning rural agribusiness development, according to the function and existence of the Agricultural Research and Development Agency institution and its staff in various regions to be committed to supporting programs agricultural and rural development in the country.

Indonesia provides legal protection to farmers with Law Number 13 of 2019 concerning the Protection and Empowerment of Farmers, which in this law explains that the protection and empowerment of farmers aims to realize the sovereignty and independence of farmers in order to improve the level of welfare, quality, and a better life; protect farmers from crop failure and price risk; provide agricultural infrastructure and facilities needed in developing Farming Business; develop agricultural financing institutions that serve the interests of Farmers; improve the ability and capacity of farmers and Farmer Institutions in the running a productive, advanced, modern, value-added, competitive, market share and sustainable farming business.

The targets for the protection and empowerment of farmers are farmers, especially smallholders; a maximum of 2 (two) hectares (does not have land whose main livelihood is farming); a farmer who owns the land and conducts food crop cultivation in a maximum area of 2 (two) hectares; horticultural farmers, planters, or small business scale breeders following the provisions of laws and regulations. For food is a basic human need that must be met at all times. Food is a human right, as stated in Article 27 of the 1945 Constitution and the Rome Declaration (1996) (Cahyaningrum, 2019). These considerations underlie the issuance of Law no. 7/1996 on food. As a basic need and one of the human rights, food has a significant meaning and role in the life of a nation. The availability of food that is smaller than the need can create economic instability. Various social and political upheavals can also occur if food security is disturbed. This critical food condition can even jeopardise economic stability and national stability.

Food for Indonesia is often identified with Rice because this type of food is the leading staple food. Experience has proven that disturbances in food security - such as the skyrocketing increase in rice prices during the 1997/1998 economic crisis, which developed into a multidimensional crisis - have triggered social insecurity that jeopardises economic stability and national stability. The strategic value of Rice is also because Rice is the most important staple food. The rice industry has a significant influence in the economic field (in terms of employment, rural economic growth and dynamics, as a wage good), the environment (maintaining water use and air cleanliness) and socio-political (as the glue of the nation, creating order and security). Rice is also the primary source of nutritional fulfilment which includes calories. The definition of food security cannot be separated from Law no. 18/2012 on food. It is stated in the law that food security is “a condition of fulfilling food for the state to individuals, which is reflected in the availability of sufficient food, both in quantity and quality, safe, diverse, nutritious, equitable and affordable and does not conflict with religion, belief and community culture, to be able to live a healthy, active and productive life in a sustainable manner”.

The Food Law does not only talk about food security but also clarifies and strengthens the achievement of food security by realising food sovereignty with food independence and food safety. “Food Sovereignty is the right of the state and nation to independently determine food policies that guarantee the right to food for the people and which gives the community the right to determine a food system that is following the potential of local resources”. The definition of food security in Law No. 18 of 2012 above is an improvement and “enrichment of coverage” from the definition in Law No. 7 of 1996 which includes “individual” and “according to religious beliefs” as well as “culture” of the nation. The definition of Law No. 18 of 2012 is substantively in line with the definition of food security from FAO, which states that food security is a condition in which everyone at all times, both physically and economically, has access to sufficient, safe, and nutritious food to meet daily nutritional needs. -day according to his preference.

Various social and political turmoils can also occur if food security is disrupted, even if a critical condition jeopardises national stabilisation, which can undermine the current government. Historical experience has proven that disturbances in food security -- such as rising rice prices during a monetary crisis -- can trigger social insecurity that jeopardises economic and national stability. For this reason, it is not wrong if the government always strives to improve food security for the community, both from domestic production and by additional imports. Fulfilling food needs and maintaining food security are becoming increasingly crucial for Indonesia because the population is substantial with a wide and spread geographical coverage. Indonesia requires food insufficient and distributed quantities, which meet the consumption and logistical criteria, which is easily accessible to everyone, and it is believed that tomorrow there will be food for the people.

Food security cannot be separated from the nature of food commodity production itself, which is seasonal and fluctuates because it is very easily influenced by climate/weather. The production behavior, which is strongly influenced by the climate, greatly affects the national food availability. If the production behaviour that is vulnerable to climate change is not complemented by a firm food policy, it will be detrimental to both producers and consumers, especially small-scale producers and low-income consumers. Characteristics of food commodities that are easily damaged, farmers' production land is limited; Inadequate agricultural supporting facilities and infrastructure and weak handling of harvest and post-harvest have prompted the government to intervene by realising food security policies (Bulog, 2014).

The Government of Indonesia, in the Second United Indonesia Cabinet (KIB 2), made food security one of the eleven national development priorities, as stated in the National Medium-Term Development Plan., The results of research by Ilham et al. (2006) showed the influence of food price policy on food security. In the short and long term, food price policies and Gross Domestic Product (GDP) positively affect energy availability at the national level. This means that the funds issued by the government to finance food procurement through food price policies affect the availability

of energy sourced from Rice, corn, soybeans, sugar, cassava, sweet potatoes, eggs, and chicken meat (Mantau & Bahtiar, 2010). As for the provisions The government purchase price (HPP) set by the government in order to maintain price stability when the main harvest is still on the type of rice food, this is stated in the Minister of Trade Regulation number 24 of 2020, where this Minister of Trade Regulation was issued aiming to provide farmers protection regarding prices during post-harvest amid the COVID-19 outbreak

III. THE PRICE OF GRAY OR RICE ACCORDING TO THE MINISTER OF TRADE REGULATION NUMBER 24 OF 2020

The function of law is as a medium for regulating social interaction. In these arrangements, there are instructions on what to do, what to do and what not to do with the hope that everything will run in an orderly and orderly manner (Budiono, 2019). Law in an orderly society is used as a means to realize social justice. Here the law is expected to be useful for people's lives. The community is protected, safe and comfortable. Law can also function as a driver of development; namely: it can bring society in a more advanced direction. In addition, the law functions to increase people's thinking power to become more critical because people know their rights and obligations. The law aims to regulate public order in various aspects of life to guide everything to be organized in every behaviour and action (Rasjidi & Putra, 1993).

The functions of law in economic development in Indonesia are as follows: (i) Taking an active role in economic development, the law is always needed to regulate all economic activities in society; (ii) The law protects economic actors; (iii) Economic activities are regulated by law to create economic development that prioritizes the rights and interests of the community (Mawardi, 2015). The Government's determination of the HPP for grain or rice is expected to guarantee prices according to those set by farmers who aim to maintain their productivity. With this price determination, the Government expects: (a) rice production can be increased to meet national food needs; (b) stable grain and rice prices are

created in the market so that farmers' incomes can increase; (c) increased farmer profits; (d) Increased national economic growth from the agricultural sector, especially grain or rice. The policy for determining the HPP for grain or rice that the Government has set has taken into account the moisture content and broken grains of rice (Hermanto & Saptana, 2018).

The Government implements one price policy instrument to achieve stability in the price of grain and rice, namely: the base price policy and the maximum price policy. The introductory price is intended to protect farmers as producers from falling grain prices during the main harvest, while the maximum price is intended to protect consumers, especially from price spikes during the famine season. The basic price concept was then adjusted to become the introductory government purchase price (HDPP) as of January 1, 2002, and then to the Government Purchase Price (HPP) in 2005. Presidential Instruction No. 5 of 2015 stipulated that the Government Purchase Price (HPP) Rice for Rp7.300,- per kilogram in warehouse BULOG with the following qualities: (a) Maximum moisture content of 14%, (b) Maximum fracture of 20%, (c) The level of groats is 2% maximum, (d) The degree of soso minimum 95%. The purchase price of grain/rice excludes the quality as referred to in The Inpres is set by the Minister of Agriculture. As a follow-up to Presidential Instruction No. 5 of 2015, the Government has issued Regulation of the Minister of Agriculture of the Republic of Indonesia No 05/Permentan/Pp.200/2/2016 on Amendment to Regulation of Minister of Agriculture No 71/Permentan/Pp.200/12/2015 concerning Guidelines for Purchase Prices of Unhulled Grain and Rice (Hermanto & Saptana, 2018).

The concept of the maximum price is then stated in the Highest Retail Price (HET) policy as stated in the Minister of Trade Regulation no. 57/M-DAG/PER/8/2017 concerning Determination of the Highest Retail Price of Rice. The essence of the implementation of HPP is to provide incentives for rice farmers by guaranteeing prices above the equilibrium price, especially at harvest time. Through the HPP policy, the Government hopes that rice production can be increased to meet domestic supply needs, create stability in grain and rice prices on the market, and increase rice

farmers' income. The policy for determining the HPP for grain that has been carried out so far is based on water content and void content, while the HPP for rice is water content and broken grains of rice (Hermanto, 2017).

The prospect of implementing a multi-quality government purchase price (HPP) policy for unhusked paddy and rice in Indonesia has the following main findings: (a) The determination of HPP for single quality that has been implemented so far has indeed succeeded in protecting farmers from the phenomenon of falling prices at harvest time, but has not been able to improve the quality of grain and rice produced by farmers; (b) The multi-quality HPP policy on unhulled rice is estimated to be able to increase the production of better quality unhulled rice, gain farm business through increased productivity, and farmer incentives can improve the quality of grain and rice from medium to premium quality; (c) The multi-quality HPP policy on rice is believed to encourage traders/industries to increase the production of quality rice.

The implementation of the cost of goods sold at this time also pays attention to the conditions of void content and moisture content to the point of consideration of some farmers in producing grain at that quality, in the hope of increasing the welfare of most rice farmers. The main purpose of the HPP on Unhulled and Rice is so that Bulog can optimally absorb the absorption of Unhulled or Rice. In determining the Cost of Goods Sold (HPP), the minister of trade issued the latest regulation on the amount of HPP, namely the Minister of Trade Regulation Number 24 of 2020 which in this regulation follows the instructions of the President Number 5 of 2015 regarding the policy on the Procurement of Grain and Rice, which is distributed through the Government (Maulana & Rachman, 2016). The Cost of Goods Sold (HPP) of grain or rice is the purchase price of grain or rice by the Government at the producer level to be used as the availability of Government food reserves, in the form of Government rice reserves and needs for specific groups.

Details of the cost of goods sold (HPP) of unhulled rice or rice as stipulated in the Minister of Trade Regulation 24 of 2020, namely: (a) The purchase

price of domestically harvested dry grain with the highest moisture content of 25% and the highest void/impurity content of 10% is IDR 4,200/kg at the farmer or IDR 4,250/kg kilogram in the mill; (b) The purchase price of domestically milled dry grain with the highest water content quality of 14% and the highest void/impurity content of 3% is Rp. 5,250/kg in the mill or Rp. 5,300/kg in the warehouse of Perum BULOG; and (c) The purchase price of domestic rice with the highest moisture content of 14%, the highest broken grain 20%, the highest content of groats 2%, and the polishing degree of at least 95% is IDR 8,300/kg in the BULOG Perum warehouse.

The Cost of Goods Sold (HPP) for unhulled rice or rice, which was later known as the HPP policy, is a form of the Government's efforts to improve the protection of farmers' crop prices. Through the Minister of Trade Regulation Number 24 of 2020, it is possible for Perum Bulog to maximally absorb unhulled rice or rice from farmers to strengthen the Government's stock and ensure food security. The availability of rice stocks managed by Perum Bulog is expected to maintain the balance and availability of food supplies for the Indonesian people in the short and long term. Minister of Trade Regulation No. 24 of 2020 is an instrument for government intervention in market activities in order to achieve mutual stability (Sonny, 2020).

Determination of the Cost of Goods Sold (HPP) of unhulled or rice is one of the Government's strategies in providing protection for farmers. When the price of grain or rice in farmers or mills is below the Cost of Goods Sold (HPP), Perum Bulog is obliged to buy grain or rice following HPP and still pay attention to the quality requirements according to the provisions. If there is no change in the highest retail price at the consumer level, inflation will not rise. Irresponsible parties should not misuse this policy. The reality is that at harvest time, farmers are dissatisfied with the selling price below production costs. Such conditions disappoint farmers because they feel they are not getting a decent profit.

The appropriate selling price should be enjoyed by various parties, both producers and consumers. This emphasis is significant because there are

still sales prices that benefit consumers but cannot be enjoyed by producers. The policy on the Cost of Goods Sold (HPP) for unhulled rice or rice cannot be implemented effectively because the market price is higher than the price set by the Government, so farmers prefer to sell their rice to parties other than Bulog. In the Minister of Trade Regulation Number 24 of 2020, the price of GKP at the farmer level is set at Rp 4,200/kg. Meanwhile, the price of GKG at the milling level is set at Rp5,205/kg and the Bulog warehouse at Rp5,300/kg. Meanwhile, BPS noted that during January 2021, the average price of GKP at the farmer level was Rp.4,921/kg, up 3.03 per cent and at the milling level, Rp.5. 026/kg or an increase of 3.10 per cent compared to the exact quality grain price in the previous month.

The average price of GKG at the farmer level was IDR 5,318/kg, down 0.73 per cent and at the milling level, IDR 5,432/kg, down 0.80 per cent. This price gap ultimately makes farmers prefer to sell rice to private buyers willing to pay more than the predetermined price. This has resulted in the competition between Perum Bulog and the private sector, which affects the absorption of Perum Bulog's crops cannot be maximized. This price gap ultimately makes farmers prefer to sell rice to private buyers willing to pay more than the predetermined price. This has resulted in the competition between Perum Bulog and the private sector, which affects the absorption of Perum Bulog's crops cannot be maximized. This price gap ultimately makes farmers prefer to sell rice to private buyers willing to pay more than the predetermined price. This has resulted in the competition between Perum Bulog and the private sector, which affects the absorption of Bulog's crops cannot be maximized.

Based on data from Bulog in 2020, Bulog's rice absorption from farmers decreased from 2.96 million tons of GKG in 2016 to 1.48 million tons in 2018. This result occurred because Bulog was unable to compete with budget constraints ("Lindungi Petani, HET Dan HPP Beras Diminta Dievaluasi," 2021). Indonesia adheres to the Pancasila economic system, namely: sourced from Pancasila, especially the fifth principle "Social justice for all Indonesian people" and the mandate of Article 27 paragraph (2), Article 33-34 of the 1945 Constitution (4th Amendment). This fifth

precept explains that all national and state orientations, political economy, law, social and culture, are imbued with the spirit of comprehensive justice and are intended for all Indonesian people. Thus, the Pancasila Economic system exists with Pancasila as its ideal basis and the 1945 Constitution as its constitutional basis.

There are several points related to the effectiveness of the Minister of Trade Regulation number 24 of 2020 in dealing with the farmer crisis in Indonesia with the establishment of HPP. *First*, domestic rice stock is safe. Blog conveyed that the availability of rice as of July 2021 was in a safe condition. In the condition of the Covid-19 pandemic, which imposes restrictions on community activities (PPKM), rice stocks are safe so that the discourse on imports that had become news that was troubling to farmers has not been taken into consideration. The rice stock per July based on the Bulog report, the Government's rice stock is 1.37 million tons, and the commercial stock is 13,969 tons.³¹ Absorption of grain and rice by Bulog can increase, but on the one hand, farmers are not entirely satisfied with the price set. From the facts, farmers prefer to sell their crops to the private sector when the price from BULOG is lower. *Second*, the Minister of Trade Regulation number 24 of 2020 has not been able to increase the community's enthusiasm, especially the younger generation, to become farmers. The profits from the sale of harvests are still not felt by farmers, and it is not uncommon for farmers to experience losses because in the initial process to harvest, the costs are higher; moreover, it is not balanced with the pricing of cheap and abundant fertilizers.

The determination of HPP by the Government is deemed not to provide a price that is following farmers' productivity. The cost of goods sold (HPP) of grain or rice set by the Government is still below the farmers' production costs. It can be proven by looking at the Minister of Trade Regulation Number 24 of 2020, namely HPP GKP of Rp. 4,200/kg, while based on a study by the Association of Seed Banks and Indonesian Farmer Technology (AB2TI) in 2019, the cost of domestic rice production reached Rp. 4,523/kg. this proves that the cost of production is higher than the selling price

IV. CONCLUSION

Indonesia has provided legal protection and empowerment of farmers with the enactment of Law Number 13 of 2019 concerning the Protection and Empowerment of Farmers, wherein this law is explained that the Protection and Empowerment of Farmers aim to realize the sovereignty and independence of Farmers to improve the level of welfare, quality, and a better life; protect farmers from crop failure and price risk, while regarding food security in Indonesia it is divided into Rice and Non-rice, but regarding the determination of post-harvest prices in Indonesia only regulates HPP Rice with the issuance of Minister of Trade Regulation Number 24 of 2020 which in this regulation follows Presidential Instruction Number 5 of 2015 concerning the policy of the Procurement of Grain and Rice, which is distributed through the Government. The determination of the HPP for grain or rice by the Government as outlined in the Minister of Trade Regulation Number 24 of 2020 is expected to provide a price guarantee as determined by the Farmers, which aims to maintain their productivity. However, in practice, this regulation has not been fully effective due to competition between the private sector and Bulog; Bulog cannot fully absorb harvest yields after the law is issued.

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