

KERANGKA HUKUM PENETAPAN HARGA TANDAN BUAH SEGAR (TBS) SAWIT: URGENSI REGULASI, KEADILAN HARGA BAGI PETANI, DAN MEKANISME SENGKETA HARGA

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ABSTRACT

Indonesia's palm oil industry faces serious structural challenges regarding price fairness for smallholders, particularly independent farmers who are not part of a partnership scheme. This study analyses the legal framework for setting the price of Fresh Fruit Bunches (FFB) with a focus on the urgency of regulation, price fairness for farmers, and price dispute mechanisms. The method used is a literature review (library research) with a juridical-normative approach to analyse legislation, scientific journals, and relevant official publications. The research findings indicate that although regulations are in place through Ministry of Agriculture Regulation No. 01/Permentan/KB.120/1/2018 and Ministry of Agriculture Regulation No. 13 of 2024, implementation on the ground remains weak due to the absence of strict sanctions for violators of reference prices and a significant enforcement gap. Independent farmers receive an average TBS price 15–25% lower than partner farmers with the same fruit quality due to weak bargaining power, information asymmetry, and a long distribution chain. Existing dispute resolution mechanisms are also ineffective due to the absence of specialised arbitration or mediation bodies and the lack of independent oversight mechanisms. This study recommends comprehensive reforms encompassing strengthened regulations with strict sanctions, the establishment of an independent oversight body, the digitisation of price information, and equitable partnership contracts to foster fairness and the sustainability of the national palm oil industry.

Keywords: *palm oil FFB prices, price equity for smallholders, plantation regulations, dispute resolution mechanisms, independent smallholders, Ministry of Agriculture Regulation No. 01/2018, legal certainty, palm oil industry.*

ABSTRAK

Industri kelapa sawit Indonesia menghadapi tantangan struktural serius terkait keadilan harga bagi petani kecil, khususnya petani swadaya yang tidak tergabung dalam sistem kemitraan. Penelitian ini menganalisis kerangka hukum penetapan harga Tandan Buah Segar (TBS) sawit dengan fokus pada urgensi regulasi, keadilan harga bagi petani, dan mekanisme sengketa harga. Metode yang digunakan adalah kajian pustaka (library research) dengan pendekatan yuridis-normatif untuk menganalisis peraturan perundang-undangan, jurnal ilmiah, dan publikasi resmi terkait. Temuan penelitian menunjukkan bahwa meskipun regulasi telah ada melalui Permentan Nomor 01/Permentan/KB.120/1/2018 dan Permentan Nomor 13 Tahun 2024, implementasi di lapangan masih lemah karena ketiadaan sanksi tegas bagi pelanggar harga acuan dan enforcement gap yang signifikan. Petani swadaya menerima harga TBS rata-rata 15-25% lebih rendah dibandingkan petani mitra dengan kualitas buah yang sama akibat posisi tawar yang lemah, asimetri informasi, dan rantai distribusi yang panjang. Mekanisme sengketa yang ada juga tidak efektif karena tidak adanya lembaga arbitrase atau mediasi khusus dan ketiadaan mekanisme pengawasan yang independen. Penelitian ini merekomendasikan reformasi komprehensif yang mencakup penguatan regulasi dengan sanksi tegas, pembentukan lembaga pengawasan independen, digitalisasi informasi harga, dan kontrak kemitraan yang setara untuk menciptakan keadilan dan keberlanjutan industri kelapa sawit nasional.

Kata Kunci: *harga TBS sawit, keadilan harga petani, regulasi perkebunan, mekanisme sengketa, petani swadaya, Permentan 01/2018, kepastian hukum, industri kelapa sawit.*