

Kemitraan dalam pola Perusahaan Inti Rakyat perkebunan kelapa sawit : studi di Desa Kerta dan Desa Kertaraharja Kabupaten Lebak Propinsi Banten = Partnership within nucleus estate smallholder palm oil plantations : study in Village of Kerta and Kertaraharja Regency of Lebak the Province of Banten

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Abstrak

Penelitian ini menggunakan metode penelitian hukum normatif yaitu mengacu kepada norma hukum yang terdapat dalam peraturan perundangundangan dan keputusan pengadilan. Penelitian kepustakaan tersebut dilanjutkan dengan penelitian lapangan melalui wawancara dan peninjauan ke dua desa di Lebak, Banten. Yang menjadi permasalahan dalam disertasi ini adalah apakah perjanjian-perjanjian dalam Pola Perusahaan Inti Rakyat Perkebunan di Lebak, Banten adil bagi petani peserta? Apakah Pola Perusahaan Inti Rakyat Perkebunan dapat membawa kesejahteraan yang kontinu kepada petani peserta di Lebak, Banten? Faktor-faktor apakah yang menyebabkan Pola Perusahaan Inti Rakyat Perkebunan di Lebak, Banten akhirnya tidak berhasil? Usaha-usaha apakah yang perlu dilakukan agar Pola Perusahaan Inti Rakyat Perkebunan membawa keuntungan baik untuk perusahaan inti maupun petani peserta di Lebak, Banten? PIR Perkebunan dilaksanakan untuk membangun petani perkebunan yang sejahtera dan mandiri melalui peningkatan pendapatan dan taraf hidup. Untuk mencapai tujuan tersebut dilakukan melalui mekanisme yang telah diatur dalam peraturan perundang-undangan dan perjanjian. Pola PIR Perkebunan dalam pelaksanaannya mengalami hambatan-hambatan atau kesulitan-kesulitan. Di samping ada PIR Perkebunan yang berhasil, tetapi ada pula yang mengalami kegagalan. Hasil penelitian menyimpulkan bahwa perjanjian dalam Pola PIR Perkebunan yaitu perjanjian pembelian-pembayaran hasil panen dan kredit petani peserta dibuat dalam bentuk standar dengan tujuan untuk memperhatikan asas keseimbangan, tetapi dalam pelaksanaannya tidak selalu tercapai. Perjanjian mengenai pengelolaan kebun dan kredit petani peserta dibuat dalam bentuk perjanjian standar dan isinya belum sepenuhnya adil bagi petani peserta. Sementara perjanjian kredit dibuat dalam bentuk standar, tetapi dalam perjanjian tidak ditemukan unsur-unsur yang memberatkan petani peserta. Selanjutnya Perjanjian Produksi dan Jual Beli buah kelapa sawit semula dibuat untuk memberikan keuntungan bagi perusahaan inti dan petani peserta, tetapi perjanjian tersebut belum sepenuhnya adil bagi petani peserta. PIR Perkebunan akhirnya tidak dapat membawa kesejahteraan yang kontinu kepada petani peserta di Lebak yang ditunjukkan dengan rendahnya tingkat pendapatan petani peserta dan beberapa mengalihkan tanah perkebunan. Pola PIR Perkebunan yang mempunyai tujuan mulia ternyata gagal membawa kesejahteraan kepada petani peserta di Lebak karena tidak berjalannya mekanisme dalam Pola PIR Perkebunan. Usaha-usaha yang perlu dilakukan agar PIR Perkebunan dapat membawa keuntungan bagi perusahaan inti dan petani peserta di Lebak diantaranya harus dilakukan perbaikan tugas dan peran perusahaan inti serta petani peserta, kelembagaan petani peserta harus dibentuk dan diperkuat, serta kemitraan antara perusahaan inti dan petani peserta harus diperbaiki.

.....This research utilizes the legal normative research methodology which is based on legal norms within regulations and courts decision. In addition to that, library research is complemented by field research through interviews and observation to the two villages in The Regency of Lebak, Banten Province.

Specifically, the main research questions for this research are whether the agreements within The Nucleus Estate Smallholder Plantations are impartial for its farmer members? Other questions that will be evaluated are whether The Nucleus Estate Smallholder Plantations could bring continuous social prosperity for its farmers in Lebak, Banten? Moreover, which factors are influencing the failures of The Nucleus Estate Smallholder Plantations in Lebak, Banten? More importantly, what efforts need to be made so that The Nucleus Estate Smallholder Plantations could be beneficial for its own good and also the its farmers in Lebak, Banten? Nucleus Estate Smallholder Plantations are designed to create a prosperous and self-sufficient farmers through increasing their wages and living conditions. These objectives are pursued through the establishment of a mechanism which are managed through existing regulations and agreement. During its implementation, the pattern of Nucleus Estate Smallholder Plantations encountered obstacles and difficulties whereas in spite of several successful NES Plantations, there are also those that failed. The result of this research has shown that the agreements within The Nucleus Estate Smallholder Plantations namely, the agreement on the buying-payment of harvest results and farmers credit are made with equality in concept but it failed to achieve its intended goals during its implementation. In addition to that, the agreement on the management of plantations and farmers credit are made in the form of standard agreements in which its contents does not serve the interest of the farmers. At the same time, the credit agreements are created in the standard forms but it is not found to have a negative impact on the farmers. Furthermore, the agreement on production and selling of palm oil are originally designed to benefit for the nucleus estate and its farmers, but as this research has shown it has not created a fair and just impact for its farmers. As a result, The Nucleus Estate Smallholder Plantations could not create continuous social prosperity for the farmers in Lebak as shown by the low income of the farmers and several plantation lands issues. The noble goal of The Nucleus Estate Smallholder Plantations in the end has not been beneficial on the farmers in Lebak due to the failed mechanism within The Nucleus Estate Smallholder Plantations. Therefore, efforts need to be made so that The Nucleus Estate Smallholder Plantations could create a positive output for the nucleus estate and the farmers in Lebak, these reforms can be made in the form of improving the scope of task and roles of nucleus estate and its farmer?s members, the strengthening of the farmer?s institutions and improving the partnership model between nucleus estate and its farmer?s members in the future.