



# Legal Protection for Soybean Farmers in Cooperation Based on the Muzara'ah Akad with the Murabahah System

Dyah Ochterina Susanti<sup>1\*</sup>, A'an Efendi<sup>2</sup>, Nuzulia Kumala Sari<sup>3</sup>

<sup>1,2,3</sup>, Faculty of Law University of Jember, Jember, Indonesia.

 : dyahochtorina.fh@unej.ac.id

Corresponding Author\*

Submitted: 2022-02-13

Revised: 2022-04-29

Published: 2022-05-16



## Article Info

### Keywords:

Legal Protection; Muzara'ah Akad; Murabahah System

## Abstract

**Introduction:** During the pandemic Covid-19, the global soybean market experienced a shock which resulted in the availability of imported soybeans in several countries decreasing and soybean prices increasing. This also has an impact on small and medium industries that cannot afford soybeans for their processed food raw materials, one of which is the production of "tempe".

**Purposes of the Research:** The purpose of this study is to explain the concept of cooperation to provide legal protection to soybean farmers based on a muzara'ah akad with a murabahah system.

**Methods of the Research:** The research method used is normative legal research with a statute legal approach and a conceptual approach.

**Results of the Research:** The result of this study include 2 (two) things, namely the concept of cooperation and the form of legal protection. The concept of cooperation consists of: The first scheme, cooperation between the government (Pemda) with soybean farmers and Islamic banks. The second scheme is the cooperation of Islamic banks with soybean farmers using a murabahah akad. The third scheme, namely cooperation between soybean farmers and cultivator using muzara'ah akad. In connection with the form of legal protection, it is divided into 2 (two) namely: first, external legal protection regulated in Law Number 19 of 2013 concerning Protection and Empowerment of Farmers, which was later changed to Law no. 11 of 2020 concerning Job Creation, and second, internal legal protection, namely 3 (three) concepts of cooperation as outlined in a written agreement as a form of guarantee of legal certainty for the parties, especially for soybean farmers.

## 1. INTRODUCTION

Along with the times, one of the modifications to the cooperation agreement in agriculture is the muzara'ah akad with a murabahah system. Concerning the understanding of the muzara'ah akad, the murabahah system is a combination of 2 (two) akads, namely the muzara'ah akad and the murabahah akad. Concerning the notion of muzara'ah, Sheikh Ibrahim Al-Bajuri in Suhendi explained that muzara'ah is a collaboration between workers who manage land and landowners as capital providers.<sup>1</sup> Mardani explained that muzara'ah is a cooperation agreement in the processing of agricultural products between the landowner and the tenant. The landowner gives land and seeds to the cultivator to be

<sup>1</sup> Hendi Suhendi, *Fiqih Mu'amalah* (Jakarta: Raja Grafindo Persada, 2013), p. 154.

planted and maintained in return for the harvest.<sup>2</sup>

The definition of murabahah stated in Law Number 21 of 2008 concerning Sharia Banking (hereinafter referred to as the Sharia Banking Law) that murabahah is a financing contract of an item by confirming the purchase price to the buyer and the buyer pays it by higher price as agreed profit.<sup>3</sup> There is also the Regulation of the Supreme Court of the Republic of Indonesia Number 2 of 2008 concerning the Compilation of Sharia Economic Law (hereinafter referred to as KHES), which explains that murabahah is mutually beneficial financing carried out by shahib al-mal (owner of funds) with parties who need funds through buying and selling, provided that the procurement price of goods and the selling price have an excess of value which is the profit of the shahib al-mal (the owner of the funds), where the return is made in cash or in installments.<sup>4</sup>

In connection with the explanation above, the muzara'ah akad with the murabahah system is an effort to increase domestic soybean production. The increase in soybean production as intended is needed because the availability of domestic soybeans has not yet met the increasing needs of the Indonesian people, namely the average national demand for soybeans is 2.5 million tons per year.<sup>5</sup> As a result, the government imports soybeans to other countries. In 2018, Indonesia imported 2,520,253 kg, in 2019, 2,513,311 kg, and in 2020 as much as 2,238. 480 kg, even soybeans imported from America control 72% of the national soybean market.<sup>6</sup>

Indonesia's dependence on imported soybeans has resulted in the availability of Indonesian soybeans depending on the availability of soybean in the global market. In this regard, during the Covid-19 pandemic, the global soybean market experienced a shock which caused the availability of imported soybeans in several countries to decrease and soybean prices to increase.<sup>7</sup> This increase in soybean prices certainly affects small and medium industries that cannot afford soybeans for their processed food raw materials, one

---

<sup>2</sup> Mardani, *Fiqh Ekonomi Syari'ah* (Jakarta: Kencana Prenada Media Group, 2012), p. 240.

<sup>3</sup> See explained Article 19 Paragraph (1) point d Law Number 21 of 2008 concerning Sharia Banking. See also Hary Hoiruman Abdillah, "Murabahah Li Al-Aaamir Bi Al-Syira` and Its Implementation In Concept Of Financing at Sharia Financial Institutions In Indonesia," *Journal of Economic Studies* 1, no. 1 (2017): 9-22. DOI: <https://doi.org/10.32506/joes.v1i1.4>.

<sup>4</sup> Article 20 point 6 of the Regulation of the Supreme Court of the Republic of Indonesia Number 2 of 2008 concerning Compilation of Islamic Economic Law which contains the following: "Murabahah is mutually beneficial financing carried out by the shahib al-mal with the party in need through a sale and purchase transaction with a profit for the shahib al-mal whose return is made in cash or installments."

<sup>5</sup> <https://finance.detik.com/berita-ekonomi-bisnis/d-5324643/harga-kedelai-rp-8500kg-ditahan-3-bulan>. Lihat pula <https://money.kompas.com/read/2020/08/23/071100726/ironi-indonesia-negeri-tempe-kedelainya-mayoritas-impor?page=all>, accessed on March 1, 2021.

<sup>6</sup> <https://www.bps.go.id/statictable/2019/02/14/2015/impor-kedelai-menurut-negara-asal-utama-2010-2019.html>, accessed on Nopember 4, 2021.

<sup>7</sup> See Naufal Nur Mahdi, Suharno, "Analisis Faktor-Faktor Yang Memengaruhi Impor Kedelai di Indonesia," *Forum Agribisnis: Agribusiness Forum* 9, no. 2 (2019): 176-177. DOI: <https://doi.org/10.29244/fagb.9.2.160-184>. See also <https://ews.kemendag.go.id/berita/NewsDetail.aspx?v=8588>, accessed on Nopember 4, 2021.

of which is tempe production.<sup>8</sup> In this regard, dependence on imported soybeans has resulted in reduced local soybean production because it is not in demand by the public.<sup>9</sup> This is detrimental to farmers, especially in terms of the quality of local soybeans. In this regard, excessive food imports will hurt agriculture and can damage the agricultural industry in Indonesia, so the Indonesian government needs to pay attention to domestic (local) soybean farmers so that they can meet the soybean needs of the Indonesian people without having to import to other countries, as well as providing legal protection and empowerment to local soybean farmers.

Based on the explanation above, there is a problem formulation that will be the topic of discussion in this scientific paper, namely, how is the concept of cooperation to provide legal protection to soybean farmers based on a muzara'ah akad with a murabahah system?

## 2. METHOD

This research uses a type of normative legal research (doctrinal research). Doctrinal legal study analyzes authoritative texts (with binding legal force) and readers whose power is persuasive (strengthening). Texts that have binding legal force are primary legal materials that include laws and regulations relevant to the research issues.<sup>10</sup> Related to this, considering that this normative legal research analyzes legal rules, the objects studied are in the form of documents of statutory regulations and library materials.<sup>11</sup> In this regard, the object of this research is in the form of rules or literature related to the legal protection for soybean farmers in cooperation based on the muzara'ah akad with the murabahah system. In the implementation of this research, the authors use several approaches to examine a field of science so that research focuses on problem-solving following a predetermined scope. This approach in this research consists of a statute legal approach and a conceptual approach. The statute legal approach is carried out by examining laws and regulations.<sup>12</sup> This statute legal approach is used to examine statutory regulations or regulations relating to legal protection for soybean farmers, muzara'ah akad, and murabahah akad. About the conceptual approach, it is done based on legal principles obtained in the view of legal scholars or other legal doctrines by not departing from existing regulations this approach is necessary because no rules are governing it.<sup>13</sup> The application of the conceptual approach is to find the definition of legal protection, muzara'ah akad, murabahah akad, and information about the condition of soybean farmers in Indonesia, which is available in law books, and other legal journals.

---

<sup>8</sup> Nurlaila Hanum, Salman, & Gesya Gebine, "Analisis Dampak Kenaikan Harga Kacang Kedelai Terhadap Pendapatan UMKM Tempe di Kota Langsa," *Jurnal Samudra Ekonomika* 3, no. 2 (2019): 141-153. DOI: <https://doi.org/10.0123/jse.v3i2.1888>

<sup>9</sup> Parida Angriani, "Perlindungan Hukum Konsumen terhadap Kartel Kedelai dalam Perspektif Hukum Persaingan Usaha Tidak Sehat," *Jurnal IUS: Kajian Hukum dan Keadilan* 2, no. 1 (2014): 153-163. DOI: <http://dx.doi.org/10.12345/ius.v2i4.163>.

<sup>10</sup> Dyah Ochtorina Susanti and A'an Efendi, *Penelitian Hukum (Legal Research)* (Jakarta: Sinar Grafika, 2014), p 11.

<sup>11</sup> *Ibid.*

<sup>12</sup> *Ibid.*, 10.

<sup>13</sup> *Ibid.*, 15.

### 3. RESULTS AND DISCUSSION

#### 3.1. Concept of Soybean Farmer Cooperation Based on Muzara'ah Akad with Murabahah System

Agriculture is one source of basic human needs, especially in villages, which work more like farmers. In the management of agricultural land (soybean farming), soybean farm owners (hereinafter referred to as soybean farmers) need other people to help care for, maintain and manage as a whole. This is a factor in the occurrence of cooperation between soybean farmers and sharecroppers, where the form of cooperation in agriculture according to the classical fiqh of Islamic law, is divided into 3 (three): namely Muzara'ah<sup>14</sup>, Mukharabah<sup>15</sup>, and PMusaqah<sup>16</sup>. of the three forms of cooperation, the author uses the form of muzara'ah cooperation as one of the contracts in finding the concept of cooperation with soybean farmers. The akad is then combined with a murabahah akad so that it becomes a muzara'ah Akad with a murabahah system.

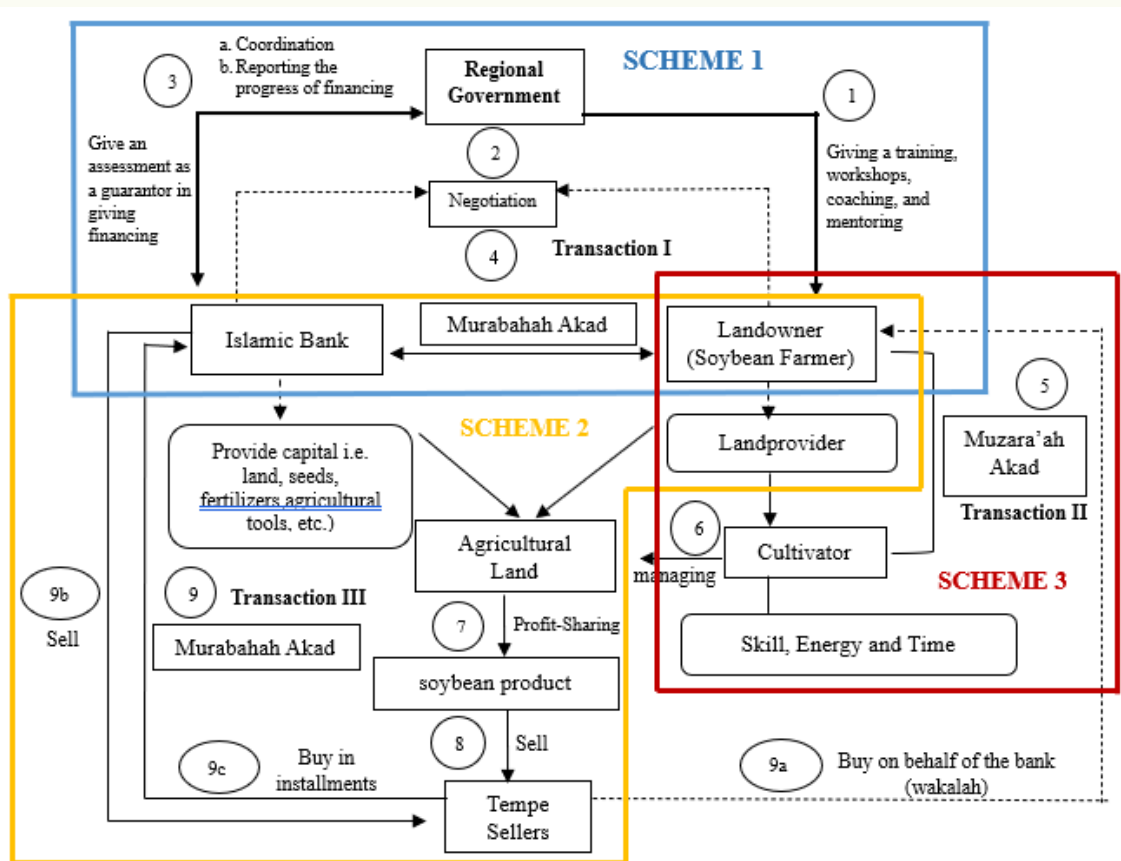
The author's idea to combine the muzara'ah akad with the murabahah system is a form of empowering soybean farmers during the Covid-19 pandemic. Example increase local soybean production and stabilize national soybean prices. With the merger of the two akads, soybean farmers can not only monitor the management of soybean farming but can improve the quality and quantity of local soybeans, and tempe sellers can get affordable prices. This is because in the muzara'ah akad with the murabahah system there is the involvement of several parties such as Islamic banks as capital providers in the form of superior seeds, fertilizers, agricultural tools, and other materials needed to increase the quantity and quality of local soybeans, as well as the government as the party that supervise the bank in distributing soybean seeds to soybean farmers. In this regard, more details can be look in the scheme below.

---

<sup>14</sup> Muzara'ah is a collaboration between two people, namely the landowner and the cultivator, where the landowner submits his land to the cultivator to be processed and the results are divided between the parties with a balance of half and half, or one third, two-thirds of the ratio is in accordance with the agreement. Jefri Putri Nugraha, "Sistem Muzara'ah Sebagai Alternatif Pembiayaan Pertanian di Indonesia," *Jurnal Iqtishodia* 1, no. 2 (2016): 81-103. DOI: <https://doi.org/10.35897/iqtishodia.v1i2.66>

<sup>15</sup> Mukhabarah is a collaboration between landowners and tenants, where the landowner gives land to the manager to be planted and maintained in exchange for an agreement. Abdul Rahman, *et.all.. Fiqh Muamalat*. (Jakarta: Kencana, 2010), p. 117. Another definition of mukhabarah is cultivating the soil with what is removed from the soil or managing the soil on something that is produced and the seeds come from the manager. Ana Liana Wahyuningrum & Darwanto, "Penerapan Bagi Hasil Maro Perspektif Akad Mukhabarah," *Tawazun: Journal of Sharia Economic Law* 3, no. 1 (2020), 45-62. DOI: <https://doi.org/10.21043/tawazun.v3i1.7544>.

<sup>16</sup> Musaqaqah is a collaboration between landowners and sharecroppers with the aim that the land is maintained and cared for to provide maximum, and the result is a joint right between the landowner and the cultivator following the agreement. Musaqaqah is also as giving a tree to someone to be cared for by irrigating and caring for it until the fruit is complete a ripe in exchange for a certain part of the fruit. Shania Verra Nita, "Kajian Muzara'ah dan Musaqaqah (Hukum Bagi Hasil Pertanian dalam Islam)," *Jurnal Qawanin* 4, no. 2 (2020), 236-249. DOI: <https://doi.org/10.30762/qawanin.v4i2.2503>.



Picture 1.

### Scheme of Muzara'ah Akad Cooperation with the Murabahah System

Source: Author's Personal Notes, processed, 2021

The scheme above shows the flow of the muzara'ah akad implementation with the murabahah system which consists of several stages, namely:

1. The government (the regional government) guides farmers who wish to apply for financing to prepare proposals to be accepted by the bank. Local governments also provide various training, such as tips and tricks to make attractive products, marketing strategies through online media, financial management, and others.
2. Soybean farmers apply for murabahah financing for the soybean seeds, fertilizers, agricultural tools, and other materials to Sharia Commercial Banks. Banks and soybean farmers (customers) then negotiate descriptions of seeds, fertilizers, and other materials needed by soybean farmers; price of goods, margin (profit), method of payment, and others.
3. The Bank then coordinates with the local government before approving the application for further evaluation. The coordination includes the risk of financing, period, and collateral. If the local government approves the application, the bank will distribute the funds for the financing application to farmers. In this regard, apart from coordinating with the Regional Government regarding the application for financing, Islamic banks must also report the development of finance to the Regional Government, starting from the provision of finance to the provision of business profit sharing used soybean farming management. If the bank approves the customer's

- request, the bank then purchases the goods according to the customer's specifications.
4. The bank and the customer then put the results of the agreement into a written agreement using a murabahah akad. At this stage, a transaction occurs where the bank delivers goods (soybean seeds, fertilizers, etc.) to soybean farmers. Soybean farmers (customers) provide payment according to the agreement, in cash or installments. Soybean farmers propose cooperation with banks regarding soybean sales, where tempe business actors who do not have money to buy soybeans will be recommended to apply for financing to Islamic Banks (profit sharing according to the agreement of both parties).
  5. Soybean farmers then work together using a muzara'ah akad with the cultivators. At this stage, soybean farmers and cultivators carry out negotiations starting from harvest sharing, risks, and other things. If a consensus has been reached, then the farmers provide the land along with seeds, fertilizers, and other materials to the cultivators to manage.
  6. After harvesting soybeans, soybean farmers and sharecroppers share the results according to the agreement. Profit-sharing for cultivators is in the form of money, while for soybean farmers is in the form of soybeans.
  7. The soybean harvest is sold to tempe sellers (tempe producers).
  8. If the tempe sellers (tempe producers) does not have the cost to buy soybeans, then he/she can apply for murabahah financing to a sharia bank, with the following stages:
    - a. Tempe sellers apply for murabahah financing to a Sharia Bank recommended by soybean farmers. If the bank approves the application, the tempe seller buys soybeans on behalf of the Islamic bank (wakalah) to soybean farmers as needed.
    - b. The bank sells goods (soybeans) to tempe sellers at a selling price plus a margin (profit) according to the agreement of the parties.
    - c. Soybean farmers (customers) buy soybeans in installments according to a predetermined period.

Based on the explanation of the scheme above, it can be found the concept of cooperation between soybean farmers based on a muzara'ah akad with a murabahah system which includes 3 (three) cooperation schemes: *The first scheme* is the relationship between the government, banks, and farmers. The government (in this case the regional government) provides guidance, namely preparing a financing proposal so that it can be accepted and approved by the bank; Controlling and determining soybean seeds that have good quality and other materials used in soybean farming management. Give training, such as product packaging strategies and marketing strategies through online media, financial management, and so on. In relation to the legal relationship between the Regional Government and Bank, namely coordinating the risk of financing, period, and guarantees by the Regional Government in the event of default on soybean farmers who have been fostered by the Regional Government. *The second scheme* is the relationship between Islamic banks and soybean farmers, in collaboration using a murabahah akad, where the farmer proposes to procure soybean seeds, other materials, while the bank provides superior and quality soybean seeds and other materials needed by soybean farmers. In this regard, banks and farmers cooperate in selling soybeans, where tempe sellers can buy soybeans directly from soybean farmers through financing from Islamic banks. *The third scheme*, namely cooperation between land-owning farmers and sharecroppers using a muzara'ah akad, with a profit-sharing system that has been agreed upon by the parties.

### 3.2. Legal Protection of Soybean Farmers during the Pandemic Covid-19

Legal protection is one of the issues that so much a discussed to guarantee human rights. Legal protection consists of 2 (two) words is "protection" and "law". Regarding the definition of protection, the Indonesian Dictionary defines protection as a place of refuge, things (actions, etc.) to protect.<sup>17</sup> Related to the word law is defined as a rule that must be obeyed by the community.<sup>18</sup> Sudikno Mertokusumo in Erwin Syahputra gives an understanding of the law, namely as a collection of rules or rules in living together, the whole regulation of behavior that applies in shared life, which can be enforced with a sanction.<sup>19</sup>

Based on the definition of protection and law above, it can be seen that what is meant by legal protection is the protection provided by law, which is intended to protect certain interests, namely by making what needs to be protected in a legal right.<sup>20</sup> Based on the explanation of the definition of legal protection above, it can be seen that legal protection is important to protect the rights of legal subjects and prevent losses from occurring at any time. In this regard, the increase in soybean prices has an impact on tempe sellers who also suffer losses, so legal protection is needed for soybean farmers.

In this study, to find a form of legal protection for soybean farmers, the researchers used legal protection according to Moch Isnaeni divides legal protection into 2 (two) types, namely external legal protection and internal legal protection.<sup>21</sup>

#### 3.2.1. External Legal Protection

External legal protection is legal protection carried out by the authorities through statutory regulations, obstacles that are deliberately created by the authority so that strong parties do not use the principle of freedom of contract arbitrarily to obtain unilateral benefits.<sup>22</sup> Based on this explanation, the implementation of external legal protection for soybean farmers has been regulated in Law Number 19 of 2013 concerning the Protection and Empowerment of Farmers (hereinafter referred to as the Law on the Protection and Empowerment of Farmers). In Article 1 point 1 of the Law on the Protection and Empowerment of Farmers, it is stated that: "Farmer's protection is all efforts to assist farmers in dealing with difficulties in obtaining production infrastructure and facilities, business certainty, price risk, crop failure, high-cost economic practices, and climate change."

The above provisions show that the Indonesian state has taken part in efforts to protect farmers, including soybean farmers, and even the law provides regulations regarding

---

<sup>17</sup> Tim Redaksi Tesaurus Bahasa Indonesia, *Tesaurus Bahasa Indonesia Pusat Bahasa* (Jakarta: Pusat Bahasa Departemen Pendidikan Nasional, 2008), p. 864.

<sup>18</sup> Subiharta, "Moralitas Hukum Dalam Hukum Praksis Sebagai Suatu Keutamaan," *Jurnal Hukum dan Peradilan* 4, no. 3 (2015), p. 385-398. DOI: <https://doi.org/10.25216/jhp.4.3.2015.385-398>.

<sup>19</sup> Erwin Syahputra, *Pengentasan Kemiskinan Melalui Hukum Sebagai Sarana Pemberdayaan CSR (Corporate Social Responsibility) Dalam Kegiatan Pertambangan Emas Di Tapanuli Selatan* (Semarang: Program Magister Ilmu Hukum Fakultas Hukum Universitas Diponegoro, Tesis, 2017), p. 59.

<sup>20</sup> Luthvi Febryka Nola, "Upaya Pelindungan Hukum Secara Terpadu Bagi Tenaga Kerja Indonesia (TKI)," *Jurnal Negara Hukum* 7, no. 1 (2016): 35-52. DOI: <https://doi.org/10.22212/jnh.v7i1.949>.

<sup>21</sup> Moch Isnaeni, *Diorama Hukum Kontrak* (Surabaya: Revka Petra Media, 2018), p. 41.

<sup>22</sup> *Ibid.*, p. 42.

planning, farmer empowerment, financing, and funding, as well as supervision.<sup>23</sup> Concerning efforts to protect farmers (including soybean farmers) contained in Article 7 paragraph (2) of the Law on Protection and Empowerment of Farmers, it is explained that the strategy that can be taken to protect farmers is through 7 (seven) things, including:

- 1) agricultural production infrastructure and facilities;
- 2) business certainty;
- 3) prices of agricultural commodities;
- 4) elimination of high-cost economic practices;
- 5) compensation for crop failure due to extraordinary events;
- 6) early warning system and climate change impact management; and
- 7) agricultural insurance.

Referring to the above, specific protection in the form of provision of agricultural production infrastructure and facilities, business certainty, agricultural commodity prices, compensation for crop failure due to extraordinary events, and agricultural insurance is given to farmers working on food crops who do not own land for farming and working on a maximum of 2 (two) hectares. Farmers who own land and carry out food crop cultivation business on a land area of a maximum of 2 (two) hectares, Horticultural farmers, plantations, or small business scale breeders follow the provisions of laws and regulations.<sup>24</sup>

Some of the provisions mentioned above are a legal umbrella for the protection and empowerment of soybean farmers to increase the production and quality of local soybeans so that the government does not import soybeans from other countries. Related to this, amendment of Law Number 19 of 2013 concerning the Protection and Empowerment of Farmers to Law No. 11 of 2020 concerning Job Creation provides an opportunity for the government to continue to import soybeans.<sup>25</sup> The explanation is that the adequacy of consumer needs or government food reserves comes from domestic production and imports while protecting the interests of farmers. This provision shows that there is no obligation to prioritize domestic agricultural production. This of course can have an impact on local farmers. When imports enter without regard to supply and harvest season, prices at the local farmer level will be disrupted. When the price of soybean production for local farmers is disturbed, the welfare of local farmers will also be disturbed and not guaranteed.

In connection with the above, to realize the prosperity of soybean farmers and fulfill the rights and basic needs of the community and soybean farmers, the government provides protection and empowerment of farming communities in a targeted, planned, and

---

<sup>23</sup> See Article 4 of Law Number 19 of 2013 concerning the Protection and Empowerment of Farmers, which contains: "The scope of arrangements for the Protection and Empowerment of Farmers, includes:

- a. Planning;
- b. Protection of Farmer;
- c. Empowerment of Farmer;
- d. Financing and funding;
- e. Supervision; and
- f. Community participation."

<sup>24</sup> See Article 12 paragraph (2) of Law Number 19 of 2013 concerning the Protection and Empowerment of Farmers.

<sup>25</sup> Compare this with the provisions in Article 30 paragraph (1) of Law Number 19 of 2013 concerning Protection and Empowerment of Farmers, which stipulates that everyone is prohibited from importing agricultural commodities when the availability of agricultural is sufficient for consumer needs or government food reserves. <https://tirto.id/rezim-impor-pangan-karena-uu-cipta-kerja-jokowi-f6im>, accessed on November 5, 2021.



sustainable manner.<sup>26</sup> The protection and empowerment of local farmers aim to realize the sovereignty and independence of farmers to improve the level of welfare, quality, and a better life. In this regard, one of the principles of protection and empowerment of farmers is openness, namely the implementation of protection and empowerment of farmers must be carried out by taking into account the aspirations of farmers and other stakeholders supported by information services that can be accessed by the community.<sup>27</sup>

### 3.2.2. Internal Legal Protection

Internal legal protection is protection for the interests of the parties made based on an agreement as outlined in the form of contract clauses.<sup>28</sup> Based on that understanding, the implementation of internal legal protection referred to in this scientific paper is in the form of cooperation between local governments and Islamic banks and soybean farmers; Islamic Banks and Soybean Farmers; and Soybean Farmers and Cultivators, must be stated in a written agreement. The concept of cooperation involves several parties with several contracts in the form of cooperation using a muzara'ah akad with a murabahah system. The pouring of cooperation in an agreement is an effort to protect the law for all parties because, with a written agreement (akad), the rights and obligations of the parties will be clear, and the wishes of the parties can be fulfilled according to the agreement, and other agreed matters must be adhered to and implemented by the parties. This is following Article 1338 of the Burgerlijk Wetboek which stipulates that: "All agreements made legally apply as law to those who make it."

The above provisions are also known as the principle of *pacta sunt servanda*, meaning that the agreement made by the parties must be obeyed by the parties and must be implemented. If one of the parties denies or does not carry out the contents of the agreed agreement, then that party has violated the law and there will be sanctions imposed on him. The sanctions referred to regulating in Article 1243 Burgerlijk Wetboek, which contains: "Payment of compensation, damages, and interest due to unfulfillment of a legal obligation will only be required if the debtor after they are declared as being negligent in fulfilling their obligations, continue to neglect them, or if the thing that they have to provide or make can only be provided or made within the period that has passed."

In connection with the above explanation, to provide legal protection for soybean farmers, the concept of farmer cooperation consisting of 3 (three) schemes as described in subchapter 1 (one) must be agreement as a form of legal guarantee for the parties. In this regard, in addition, the cooperation promised in the agreement can be used as evidence if one day one of the parties violates the mutually agreed agreement.

## 4. CONCLUSION

The concept of cooperation to provide legal protection to soybean farmers based on a muzara'ah akad with a murabahah system includes 2 (two) things, namely the concept of cooperation and the form of legal protection. The concept of cooperation as intended consists of 3 (three) schemes, namely: The first scheme, cooperation between the government (Pemda) with soybean farmers and Islamic banks. The second scheme is the cooperation of Islamic banks with soybean farmers using a murabahah akad. The third

---

<sup>26</sup> Suciati, "Perlindungan Hukum terhadap Petani dalam Menggapai Negara Kesejahteraan (Welfare State)," *Jurnal Moral Kemasyarakatan* 1, no. 2 (2016): 149-161. DOI: <https://doi.org/10.21067/jmk.v1i2.1532>.

<sup>27</sup> *Ibid*, p. 157.

<sup>28</sup> Moch Isnaeni. *Op. Cit.*, p. 42.

scheme, namely cooperation between soybean farmers and cultivator using a muzara'ah akad, with a profit-sharing system that has been agreed upon by the parties. In connection with the form of legal protection, it is divided into 2 (two) namely: first, external legal protection regulated in Law Number 19 of 2013 concerning Protection and Empowerment of Farmers, which was later changed to Law no. 11 of 2020 concerning Job Creation which explains that the adequacy of the government's consumption needs and/or food reserves comes from domestic production and imports while protecting the interests of farmers. This provision indicates that the Law provides an opportunity for the government to continue importing soybeans, or in other words, there is no obligation to prioritize domestic agricultural production as regulated in the previous Law on the Protection and Empowerment of Farmers. Second, the implementation of internal legal protection, namely 3 (three) concepts of cooperation in the form of cooperation between the Government and Islamic Banks and Soybean Farmers, Sharia Banks with Soybean Farmers, and Soybean Farmers and Cultivators, as outlined in a written agreement as a form of guarantee of legal certainty for the parties, especially for soybean farmers.

## ACKNOWLEDGMENTS

Thank you to the Institute for Research and Community Service, University of Jember, which has provided support in research until the writing of this scientific paper is completed.

## REFERENCES

### *Journal*

- Abdillah. "Murabahah Li Al-Aaamir Bi Al-Syira` and Its Implementation In Concept Of Financing at Sharia Financial Institutions In Indonesia." *Journal of Economic Studies* 1, no. 1 (2017), 9-22. DOI:<https://doi.org/10.32506/joes.v1i1.4>.
- Angriani, Parida. "Perlindungan Hukum Konsumen terhadap Kartel Kedelai dalam Perspektif Hukum Persaingan Usaha Tidak Sehat". *Jurnal IUS: Kajian Hukum dan Keadilan* 2, no. 1 (2014), 153-163. DOI: <http://dx.doi.org/10.12345/ius.v2i4.163>
- Hanum, Nurlaila & Salman, & Gesya Gebine. "Analisis Dampak Kenaikan Harga Kacang Kedelai Terhadap Pendapatan UMKM Tempe di Kota Langsa." *Jurnal Samudra Ekonomika* 3, no. 2 (2019): 141-153. DOI: <https://doi.org/10.0123/jse.v3i2.1888>
- Mahdi, N.N & Suharno. "Analisis Faktor-Faktor Yang Memengaruhi Impor Kedelai di Indonesia." *Forum Agribisnis: Agribusiness Forum* 9, no. 2 (2019), 160-184. DOI: <https://doi.org/10.29244/fagb.9.2.160-184>.
- Nita, Shania Verra. "Kajian Muzara'ah dan Musaqaq (Hukum Bagi Hasil Pertanian dalam Islam)." *Jurnal Qawanin* 4, no. 2 (2020), 236-249. DOI: <https://doi.org/10.30762/qawanin.v4i2.2503>.
- Nola, Luthvi Febryka. "Upaya Pelindungan Hukum Secara Terpadu Bagi Tenaga Kerja Indonesia (TKI)." *Jurnal Negara Hukum* 7, no. 1 (2016), 35-52. DOI: <https://doi.org/10.22212/jnh.v7i1.949>.
- Nugraha, Jefri Putri. "Sistem Muzara'ah Sebagai Alternatif Pembiayaan Pertanian di Indonesia." *Jurnal Iqtishodia* 1, no. 2 (2016), 81-103. DOI: <https://doi.org/10.35897/iqtishodia.v1i2.66>.

Subiharta. "Moralitas Hukum Dalam Hukum Praksis Sebagai Suatu Keutamaan." *Jurnal Hukum dan Peradilan* 4, no. 3 (2015), 385-398. DOI: <https://doi.org/10.25216/jhp.4.3.2015.385-398>.

Suciati. "Perlindungan Hukum terhadap Petani dalam Menggapai Negara Kesejahteraan (Welfare State)." *Jurnal Moral Kemasyarakatan* 1, no. 2 (2016), 149-161. DOI: <https://doi.org/10.21067/jmk.v1i2.1532>.

Wahyuningrum, Ana Liana & Darwanto. "Penerapan Bagi Hasil Maro Perspektif Akad Mukhabarah." *Tawazun: Journal of Sharia Economic Law* 3, no. 1 (2020), 45-62. DOI: <https://doi.org/10.21043/tawazun.v3i1.7544>.

### **Book**

Dyah Ochtorina Susanti & A'an Efendi. *Penelitian Hukum (Legal Research)*. Jakarta: Sinar Grafika, 2014.

Isnaeni. M. *Seberkas Diorama Hukum Kontrak*. Surabaya: Revka Petra Media, 2018

Mardani. *Fiqh Ekonomi Syari'ah*. Jakarta: Kencana Prenada Media Group, 2012.

Rahman, A. *et.al. Fiqh Muamalat*. Jakarta: Kencana, 2010.

Suhendi, Hendi. *Fiqh Mu'amalah*. Jakarta: Raja Grafindo Persada, 2013.

Tim Redaksi Tesaurus Bahasa Indonesia. *Tesaurus Bahasa Indonesia Pusat Bahasa*. Jakarta: Pusat Bahasa Departemen Pendidikan Nasional, 2008.

### **Thesis, Web Page, and Others**

Erwin Syahputra. *Pengentasan Kemiskinan Melalui Hukum Sebagai Sarana Pemberdayaan CSR( Corporate Social Responsibility) Dalam Kegiatan Pertambangan Emas Di Tapanuli Selatan*. Semarang: Program Magister Ilmu Hukum Fakultas Hukum Universitas Diponegoro, Tesis, 2017.

<https://news.kemendag.go.id/berita/NewsDetail.aspx?v=8588>.

<https://finance.detik.com/berita-ekonomi-bisnis/d-5324643/harga-kedelai-rp-8500kg-ditahan-3-bulan>.

<https://money.kompas.com/read/2020/08/23/071100726/ironi-indonesia-negeri-tempe-kedelainya-mayoritas-impor?page=all>.

<https://tirto.id/rezim-impor-pangan-karena-uu-cipta-kerja-jokowi-f6im>.

<https://www.bps.go.id/statictable/2019/02/14/2015/impor-kedelai-menurut-negara-asal-utama-2010-2019.html>