

PROFIT-SHARING AGREEMENTS ON AGRICULTURAL LAND: THE STUDY OF SOCIO LEGAL

Perjanjian Bagi Hasil di Lahan Pertanian: Studi Sosio-Legal

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Abstract

Profit sharing on agricultural land is common in rural communities in Indonesia. Profit sharing on agricultural land is generally carried out according to customary law in the form of mutual trust between landowners and cultivators. The purpose of this study is to analyze the legal culture in profit sharing on agricultural land for cultivators in Lamongan Regency and Kediri Regency. This study uses empirical legal research methods and the theory of Legal Culture. The researcher conducted field research in Lamongan Regency and Kediri Regency, East Java by conducting in-depth interviews for three months with respondents who are farmers and rice field owners who understand the Legal Culture of Farmers and Agricultural Cultivators. This study shows that agricultural land owners in Lamongan and Kediri show more profitable dominance than cultivators because of sustainable land ownership, which is a crucial production factor, while cultivators are vulnerable because they do not have land to meet their needs, even if they have land, the area is less than five hundred square meters.

Keywords: *Agricultural Sharecroppers, Agreements, Land, Legal Culture, Rural*

INTRODUCTION

Agricultural land profit-sharing has been going on for a long time in Indonesia. It occurs when the number of people available is incomparable to the area of agricultural land available. This is where the concept of exchange occurs between landowners who have large areas of land and sharecroppers who want to cultivate agricultural land. This reciprocal relationship gives rise to an agricultural legal culture that is common in rural areas. These are the reasons why the legal culture of agricultural land profit-sharing is interesting:

First, agricultural profit-sharing often does not create justice for land shareholders. The landowner has a stronger position than the land shareholder. A sharecropper becomes the weak party because he does not have land to work. On the other hand, agricultural profit-sharing agreements are carried out through unwritten agreements. The agreements made are limited to mutual trust between the sharecropper and the landowner ¹ see ².

Second, agricultural land profit-sharing agreements have been regulated normatively in Law No. 2 of 1960 concerning Profit Sharing Agreements. In this law, the profit-sharing agreement guarantees justice between landowners and cultivators according to its considerations. At the empirical level, it is necessary to examine the extent to which this law has been able to create justice for landowners and, of course, for land cultivators. Based on

¹ Anita Mauliyanti, "Sistem Bagi Hasil Penggarapan Sawah Di Desa Bedegung Kecamatan Semidang Aji (Studi Kasus Desa Bedegung Kecamatan Semidang Aji Kabupaten OKU) Anita," *Ekonomi Dan Perbankan Syariah* 5, no. April (2020): 76–89.

² A. M.Hasan Ali, "Community-Based Economic Development and Partnership Cooperation: The Economics Strategy for Prosperity of the Ummah," *Samarah* 8, no. 2 (2024): 1280–1300, <https://doi.org/10.22373/sjkh.v8i2.22925>.

the reasons above, the problem addressed in this study is: How is the pattern profit sharing of agricultural land in the legal culture of farming communities in Lamongan and Kediri Regencies?

1. METHODS

This research uses the sociolegal research method³. The researcher examines and compares the legal aspects of agricultural profit sharing by conducting in-depth interviews with selected respondents from two villages, located in the Lamongan and Kediri Regencies. Interviews were conducted for 3 (three) months with selected respondents, namely those who were involved as sharecroppers or landowners in Jubel Lor Village, Lamongan Regency, and Tunglur Village, Badas District, Kediri Regency. Selected respondents have experiences with the agricultural profit-sharing process in the Lamongan and Kediri Regencies. The research was conducted in Lamongan Regency and Kediri Regency, as both are fertile agricultural regions in East Java Province.

This study uses the Legal Culture Theory developed by Lawrence M. Friedman. The law does not apply universally it is produced from human culture. Law was born as a form of human effort to maintain its civilization. Law is not simply a reflection of the political will of state power through statutory norms; rather, it is also seen as a manifestation of the collective will of cultured individuals. It is at this level that we understand the concept of legal culture. Legal Culture according to Lawrence M. Friedman is a response to legal phenomena. A legal culture shows a pattern of individual behavior in society that describes the same response or orientation to the legal behavior of society.⁴

DISCUSSION or RESULTS/FINDINGS

A. Agricultural Profit Sharing in Jubel Lor Village, Lamongan Regency

Based on data from the Central Statistics Agency of Lamongan Regency in 2019, rice productivity in Sugio District reached 54,044 tons. Meanwhile, overall, Lamongan Regency managed to produce 425,984 tons of rice in the first quarter of 2024⁵.

In the general agricultural production process, the concept of profit sharing is used between landowners and land cultivators. Profit sharing of agricultural land in Indonesia has been regulated in Law No. 2 of 1960 concerning Profit Sharing Agreements. This norm explains that the distribution carried out by sharecroppers and landowners must be based on justice. Obstacles to the implementation of justice for farmers are often hampered by the existence of forms of agreements that are not beneficial to sharecroppers. Agreements made between land owners and cultivators are often still made verbally, thus creating legal certainty for cultivators.⁶ see⁷

Some fairly fair profit sharing can be done by dividing equally between landowners and

³ Afif Noor, "The Function of Legal Research in Formulation of Legislation," *Jurnal Ilmiah Hukum Dunia Hukum* 7, no. 1 (2023): 94-112, <https://doi.org/10.22225/jhp.7.1.1373.61-65>.

⁴ Izzy Al Kautsar and Danang Wahyu Muhammad, "Sistem Hukum Modern Lawrance M. Friedman: Budaya Hukum Dan Perubahan Sosial Masyarakat Dari Industrial Ke Digital," *Sapientia Et Virtus* 7, no. 2 (2022): 84-99, <https://doi.org/10.37477/sev.v7i2.358>.

⁵ Jatim Newsroom, "Lamongan Berhasil Produksi Padi 425.984 Ton Pada Triwulan I 2024," *Dinas Kominfo Jawa Timur*, April 30, 2024.

⁶ Zulkifli Makkawaru et al., "The Principle of the 'Temporary Nature' of Product-Sharing Business Right in the Principal Agrarian Law: A Legal Utility Perspective on Local Wisdom," *Indonesian Journal Of Law Studies* 03, no. 01 (2024): 1-11.

⁷ Rifaa' Adelya Herdiawan, Bambang Daru Nugroho, and Betty Rubiati, "Pelaksanaan Perjanjian Bagi Hasil Tanah Pertanian Di Desa Cileungsi Kecamatan Ciawi Kabupaten Bogor Berdasarkan Undang Undang Nomor 2 Tahun 1960 Tentang Perjanjian Bagi Hasil," *ULIL ALBAB : Jurnal Ilmiah Multidisiplin* 1, no. 12 (2022): 4333-41, <https://journal-nusantara.com/index.php/JIM/article/view/1090/871>.

cultivators by 50:50 or 1:1. On the other hand, injustice also arises when the agreement states that the share is declared as *maro* or *mertelu*. *Maro* means half-half, which means the owner gets 1 part, and the cultivator gets 1 part. However, sometimes, the profit sharing is done in a *mertelu* (1/3) manner, that is, 1/3 of the agricultural profits will be owned by the cultivator, while the landowner gets 2/3 of the profits. The cultivator often cannot refuse the conditions determined unilaterally by the landowner.⁸

Agricultural profit sharing in Lamongan Regency is interesting because it is different from the assumptions that have emerged so far regarding agricultural land profit sharing. Agricultural profit sharing that occurs for both rice and soybean commodities uses a *maro* profit sharing pattern (1/2 part for the landowner, 1/2 part for the cultivator) or often uses a *mertelu* pattern (1/3 for the landowner, 2/3 part for the cultivator). Hence most of the time, landowners get a larger share than land cultivators, but landowners get a smaller share than the cultivators. The concept of 1/3 profit sharing (*mertelu* or *partelon*) has been common in profit sharing patterns in rural Java and Madura.⁹ By explained: ¹⁰

"Bagi hasil ning Lamongan umume gawe model maro nek sing duwe tanah karo sing penggarap podo duwe modal. Artine nek sing penggarap yo ngetokno duit gawe modal: missal pupuk, bibit selain tenaga kerja. Nah sing dadi masalah bagi hasile iku pak, kadang gejeran sering gak tepak. Nang desoku iki akeh sing gawe model mertelu pak timbang maro pak. Sing duwe tanah gak ngetokno modal, lha sing nggarap tanah modal bibit, pupuk, tenaga. Penggarap entuk bagian 2/3 karena ngetokno modal luwih gede, pemilik entuk modal tanah gak ngetokno duit entuk bagian 1/3."

Translation:

"Profit sharing in the Lamongan area generally uses the maro method, if the landowner and the farmer both spend capital. They both spend capital on fertilizer, seeds, and labor. The problem happens when dividing the results, often creating conflict. In my village, we predominantly use the mertelu method, rather than the maro method, sir. The landowner does not spend any money at all, while the farmer spends more capital on seeds, fertilizer, and labor. The farmer gets 2/3 because he spends more money, the landowner gets 1/3 because he does not spend money."

Based on by explanation above, the division using the *maro* method where the parties receive equal shares, often causes conflict. This is because dividing the profit equally between the two parties is often not right. Each party often has conflicts because they feel that the portion received is not by the agreement. Conflicts between rice field owners and cultivators often occur considering that agreements are made verbally ¹¹.

After all, it is not the same size. In Jubel Lor Village, the profit-sharing method of 2/3:1/3 is used, because this division is easier and mutually beneficial for the parties. The landowner just sits there and does not need to spend money and energy, while the cultivator gets a larger share because he spends more money in the process of planting rice until harvest.

⁸ Fathul Qorib and Muhammad Zainal, "Praktek Perjanjian Bagi Hasil Tanah Pertanian Antara Petani Pemilik Dengan Petani Penggarap Di Desa Gondosuli, Kecamatanpakuniran, Kabupaten Probolinggo," *Justness: Jurnal Hukum Politik Dan Agama* 1, no. 1 (2022): 28–59, <https://doi.org/10.61974/justness.v1i1.2>.

⁹ Moh Hasibuddin and Kudrat Abdillah, "Sistem Bagi Hasil Partelon Petani Padi Di Palengaan Kabupaten Pamekasan Perspektif Hukum Islam Dan Kompilasi Hukum Ekonomi Syariah," *Teraju* 3, no. 02 (2021): 81–94, <https://doi.org/10.35961/teraju.v3i02.295>.

¹⁰ Mulyono and Fokky Fuad, "Interview with By (Alias)" (2024).

¹¹ Nasrullah Nasrullah and Muh. Mooduto Safir, "Praktik Penggarapan Lahan Dengan Sistem Bagi Hasil Di Desa Bukit Harapan Kecamatan Wanggarasi Kabupaten Pohuwato," *Khatulistiwa Law Review* 1, no. 2 (2020): 182–200, <https://doi.org/10.24260/klr.v1i2.104>.

The main problem in this profit-sharing process is when there is a crop failure. By explained:¹²
"Nah sing masalah iku nek ono kasus gagal panen. Nek gawe mertelu pihak sing rugi kan penggarap soale dekne sing metu duit akeh timbang pemilik tanah. Nek wes ngene iki pihak pemilik tanah yo pangerten pak. Pemilik tanah kadang mbantu sak ikhlase kanggo ngurang kerugian penggarap. Iso rugi akeh nek wayah gagal panen."

Translation:

"Well, the problem is when there is a crop failure. If using the mertelu method, the party that experiences the greatest loss is the cultivator. When something like this happens, the landowner understands the condition of the cultivator. He frequently provides as much assistance as possible to help alleviate the losses faced by the cultivators. When it happens, the cultivator can experience very large losses".

According to By's statement, profit-sharing between the owner and the cultivator will cause problems when there is a crop failure. The cultivator as the party who has spent quite a lot of capital experiences a large loss. When this happens, the landowner provides as much assistance as possible to help the cultivator. The act of assisting is called *pangerten* behavior, which means mutual understanding. The cultivator who spends capital in the agricultural process does not demand anything from the landowner. On the other hand, the landowner also feels the impact of the losses suffered by the cultivator.

The concept of *pangerten* is the key to minimizing conflict in the profit-sharing process within the legal culture of the residents of Jubel Lor Village, Lamongan Regency. In Javanese legal culture, the word *pangerten* has the same meaning as *tepo seliro* or tolerance. *Tepo seliro* is Javanese community wisdom where they respect each other and is intended when humans face differences in society.¹³ In a life of mutual respect, an open world will be created in a life of brotherhood for fellow humans.¹⁴ *Tepo seliro* is commonly used by Javanese and Sundanese people in the process of resolving disputes that occur.¹⁵ The success of the harvest is also interesting to observe, Sun, a resident of Jubel Lor Village explained:¹⁶

Panen dianggap berhasil nek itungane hasil panen iso entuk 1,5 ton gabah per 100 bumi. Roto-roto penggarap nggarap tanahe pemilik minimal kisaran bumi 100 sampe bumi 200. Bumi satus podo karo 1500 m2. Misale hasil panen entuk 1,5 ton (1500kg) gabah basah iki dibagi 2/3 kanggo penggarap. Penggarap entuk 1000kg, sing duwe tanah entuk 500kg. Nah nek gagal pemilik tanah kan gak metu duit blas, artine yo gak rugi juga. Tapi sing penggarap wes metu modal, rugi panen. Nah pemilik tanah sering bantu keuangan kanggo penggarap gawe nutup ngurangi kerugian"

Translation:

"A harvest is considered successful if a farmer can produce 1.5 tons of grain per one

¹² Mulyono and Fuad, "Interview with By (Alias)."

¹³ Nur Indra Intania et al., "Implementasi Budaya Tepo Seliro Sebagai Wujud Pembinaan Karakter Peserta Didik Generasi Alpha Dalam Pembelajaran IPS," *Jipsindo* 8, no. 3 (2021): 183–201, <https://doi.org/https://doi.org/10.21831/jipsindo.v8i2.41697>.

¹⁴ Fransiskus Asisi Satria et al., "Penghayatan Tepo Seliro Dalam Budaya Jawa Di Indonesia Sebagai Sumbangsih Bagi Dunia Masa Kini Untuk Membangun Persaudaraan Universal, Uraian Deskriptif Kritis Terhadap Situasi Dunia Masa Kini Dalam Perspektif Budaya Jawa Sebagai Usaha Untuk Membangun Per," *Logos, Jurnal Filsafat-Teologi*, Vol. 21, no. 1 (2024): 102–13, <https://ejournal.ust.ac.id/index.php/LOGOS/article/view/3421>.

¹⁵ Muharis Muharis and Najmu Tsaqib Akhdha, "Islam Serta Resolusi Konflik Berbasis Kearifan Lokal Masyarakat Jawa Dan Sunda," *Islam & Contemporary Issues* 2, no. 2 (2022): 71–78, <https://doi.org/10.57251/ici.v2i2.902>.

¹⁶ Fokky Fuad, "Interview with Sun (Alias)" (2024).

bumi in one harvest. On average, cultivators work on land of at least between 100 bumi and 200 bumi. One hundred bumi is equivalent to 1500m². Let's say that in one harvest, 1.5 tons (1500kg) of grain can be produced, which will be divided by a calculation of 2/3 for the cultivator. This means that the cultivator gets 1000kg, while the landowner gets 500kg. If the harvest fails, the landowner does not experience a loss, as he does not spend any capital at all. However, cultivators who have spent capital will experience a loss of harvest. Well, landowners often provide financial assistance to cultivators to cover the losses."

Based on Sun's explanation above, it appears that the relationship between landowner farmers and tenant farmers is a relationship that is filled with an atmosphere of spirituality and kinship. The spiritual and familial nature of the profit-sharing work relationship has an impact on the oral agreement patterns commonly used in agricultural profit-sharing between landowners and cultivators.¹⁷

When there is a successful harvest, with the calculation that the harvest can reach 1.5 tons or 1500kg (one thousand five hundred kilograms) of grain will be divided with the calculation of 2/3 of the portion given to the cultivator, which is 1000kg (one thousand kilograms) of grain, while the owner gets 500kg (five hundred kilograms) of grain.

On the other hand, when there is a crop failure, the farmer suffers a loss because he has spent capital on cultivating the rice field. This is where the landowner assists to reduce the crop losses suffered by the cultivator. The tradition of *tepo seliro* between landowners by helping farmer cultivators as a religious culture has existed since the *Wali Songo* (the spreaders of Islam in Java) era. Wali Songo carried out this tradition to respect people with different views, including religious differences.¹⁸ For farmer cultivators, the loss will be felt smaller and lighter if the crop failure occurs when the rice plant is still young, not yet approaching harvest age. Ey explained:¹⁹

"Mending nek gagal panen iku nang usia pari jek enom, soale modal sing ditokno gak akeh pak. Paling ga rugi akeh. Tapi nek wes sampe panen akhir hasile gagal wah iku sing abot pak. Modal operasional sekian juta wes jelas metune, lha panen durung tentu. Mangkane akeh saiki sing milih gawe sistem mesin kombi timbang gawe penggarap."

Translation:

"If there is a crop failure, the losses suffered will be lighter if the rice plants are still young. The losses will not befall the cultivators too much. But if the crop failure is close to the end of the planting period, close to the harvest, that is very heavy. Capital of several million is spent, but the harvest results are uncertain. Therefore, many prefer the kombi rental system rather than the cultivator system."

Cultivator farmers who work on land owned by the landowner calculate that if there is a crop failure such as a pest attack or a problem with changing weather, it would be better if it happened at the beginning of the planting season. According to Ey above, farmers who experience crop failure in the period leading up to the harvest will experience much greater losses. The production costs incurred to reach the final stage are much greater than if it were

¹⁷ Indra Yodris, Anggun Lestari Suryamizon, and Mahlil Adriaman, "Perjanjian Bagi Hasil Tanah Pertanian Dalam Hukum Adat Nagari Padam Gadang," *Pagaruyuang Law Journal* 6, no. 1 (2022): 87–103, <https://doi.org/10.31869/plj.v0i0.3824>.

¹⁸ Muhamad Rozikan, "Model of 'Tepo Seliro' in Sunan Kudus Spiritual Guidance as The Implementation of Religious Moderation for Millennial Santri," *International Conference on Cultures & Languages (ICCL)* 1, no. 1 (2022): 739–48, <https://ejournal.uinsaid.ac.id/index.php/iccl/article/view/5800>.

¹⁹ Fokky Fuad, "Interview Wit Ey (Alias)" (2023).

still in the early stages, such as the early planting period, crop failure can be caused by rainfall intensity or sunlight intensity.²⁰ Ey further explained:²¹

"Rego gabah basah nek apik roto2 nang deso kene kisaran 6000/kg, berarti nek berhasil panen itungan 1.500kg gabah entuk duit 9 juta dikurangi modal sing wes metu kisaran sakjuta setengah artine bathine jek ono perbumi 100-200. Lha nek gagal panen? Bathine sithik, padahal wes metu modal dhisikan, durung bondo tenogone. Remeg pak."

Translation:

"The price of wet paddy that is profitable for farmers in this village is around six thousand rupiahs per kilogram. This means that if the harvest is successful, the weight of one thousand five hundred kilograms, the farmer will make a profit, minus the initial capital of one and a half million rupiahs, which means they still make a profit. What if the harvest fails? The profit is small but what is clear is that the capital has been spent up front, not to mention the energy that must be expended. It will be ruined, sir"

Ey's statement above explains that farmers will not experience losses if crop failure occurs when the rice planting age is still young (still in the early stages). However, if the rice planting is ready to be harvested yet attacked by an epidemic resulting in crop failure, the losses suffered by farmers will be very large. Due to this, several landowners have started to switch to using the kombi (agricultural harvesting machine) rental system rather than working with rice field workers.²²

The calculation of profits in the agricultural profit-sharing system in Lamongan Regency is based on the price of wet rice, which is at least IDR. 6,000 per kilogram. With the price of rice at IDR. 6,000 per kilogram and a harvest of 1,500 kg from a rice field of at least 1,500 square meters, the total revenue would amount to IDR. 9,000,000. After deducting the initial capital of IDR. 1,500,000, the remaining profit is IDR. 7,500,000. This profit is then shared with the landowner, who receives one-third, or IDR. 2,500,000, leaving the sharecropper with IDR. 5,000,000. However, if the sharecropper bears the initial capital of IDR. 5,000,000, this calculation results in a loss for the sharecropper. He explained further:²³

"Mangkane minimal penggarap ga mungkin garap bumi 100-200, yo kudu garap minimal bumi 300-500 (4500-7.500m2) nek pingin entuk bathi, nek kurang akeh rugine. Roto2 penggarap iku garap selama 1 tahun langsung, itungane 3x panen sak garapan. Ben iso ketoro hasile kanggo penggarap."

Translation:

"Therefore, cultivators working alongside landowners cannot realistically manage only 100-200 hectares of agricultural land. To make a profit, they would need to work on at least 300-500 hectares (4,500-7,500 m²). On average, cultivators work the land for one year, with three harvests, allowing them to reap the profits."

²⁰ Maria Carmelita Mnou, Hamza Huri Wulakada, and Sukmawati, "Pengaruh Faktor Geografis Terhadap Potensi Gagal Panen Jagung Di Kecamatan Insana Tengah Kabupaten Timor Tengah Utara Tahun 2020," *Jurnal Geografi* 19, no. 2 (2023): 87–99, <https://doi.org/https://doi.org/10.35508/jgeo.v19i2.14054>.

²¹ Fuad, "Interview Wit Ey (Alias)."

²² I Rahmadani, S Hartuti, and M Idkham, "Analisis Ekonomi Teknik Dalam Penggunaan Mesin Combine Harvester Dan Alat Konvensional Untuk Pemanenan Dan Perontokan Padi Di Kecamatan Indrapuri ...," *Jurnal Ilmiah Mahasiswa ...* 9 (2024): 488–98, <https://jim.usk.ac.id/JFP/article/view/28033%0Ahttps://jim.usk.ac.id/JFP/article/download/28033/13760>.

²³ Fokky Fuad, "Interview Wit He (Alias)" (2023).

He's explanation above indicates that cultivators working in partnership with landowners typically manage agricultural land spanning at least 300-500 *Bau(tumbak)*, or approximately 4,500 to 7,500 square meters (500 x 15 M²). When working on this land, the average successful harvest yields around 7.5 tons, or 7,500 kilograms, of grain. If the rice fields are successfully cultivated and the harvest is achieved on a 500 *Bau* plot or 7,500 square meters, the yield would be approximately 7.5 tons of grain. With the price of grain at IDR. 6,000 per kilogram, the total revenue would amount to IDR. 45,000,000. This amount is divided with 2/3 going to the cultivator and 1/3 to the landowner. The cultivator would receive IDR. 30,000,000, while the landowner would receive IDR. 15,000,000.

However, the cultivator's share of IDR. 30,000,000 is further reduced by the initial capital cost of IDR. 7,500,000 for cultivating the 500 *Bau* (7,500 square meters). As a result, the net profit for the cultivator would be IDR. 22,500,000 for one harvest cycle over one year. In this agricultural profit-sharing arrangement, there is typically a kinship relationship between the cultivator and the landowner. Yul, a farmer, explained:²⁴

"Nah menghindari gegeeran antara pemilik tanah karo penggarap, akhire pemilik tanah milih sing kenal apik utowo keluargane dewe sing garap sawahe. Kan luwih percoyo karo dulur dewe timbang wong liyo to pak? Pemilik tanah mikire mbantu keluarga dewe ngono. Kan ono keluarga sing ga duwe tanah isone garap. Yo sodaqoh kanggo dulure dewe, bagi hasile ono sing nyerahno nang penggarap kabeh. Pemilik tanah pasrah ae piro bagiane manut. Tapi akehe yo mertelu iku pak."

Translation:

"Well, to avoid any disputes between the landowner and the cultivator, the landowner chose someone he knew well or someone from his own family to work on his land. You trust your own family more than other people, right, sir? The landowner thought about helping his own family, some families do not have rice fields. Yes, charity is for his own family, the matter of profit sharing is left entirely up to the cultivator to decide how to divide it. The landowner just goes along with how much is divided, he just obeys. But most of them use the method of dividing it into thirds, sir."

Yul informed that the kinship relationship between the owners and the sharecroppers generally exists to avoid a conflict between the landowners and the sharecroppers. The sharecroppers have a greater potential threat of loss compared to the landowners. Sharecroppers spend much more capital in the form of production costs and labor. If a loss occurs, then the potential for conflict will be created between the two. To avoid the conflict that occurs, the owner will contact his family to work on his land.

In the context of legal culture, the 1/2 or 2/3 agricultural profit-sharing model is a norm of agreement that has occurred for generations in the world of farmers. For landowners in Jubel Lor Village, handing over land cultivation to sharecroppers has two meanings: first, the landowner can continue to cultivate the land without having to spend money. Second, land cultivation through a profit-sharing system aims to help families who need agricultural land cultivation work.

B. Agricultural Profit Sharing in Tunglur Village, Badas District, Kediri Regency

The process of agricultural land profit-sharing is also common in Tunglur Village, Badas District, Kediri Regency, East Java. Based on BPS Kediri Regency Data in 2022, the harvest area in Badas District is 3,058 Ha, with a production volume of 191,230 quintals of grain ²⁵. Sharecroppers and landowners generally work together with sharecroppers to cultivate their

²⁴ Fokky Fuad, "Interview with Yul (Alias)," (2023).

²⁵BPS Kabupaten Kediri, "Produktivitas Padi 2020-2022" (Kediri, 2024), <https://kedirikab.bps.go.id/subject/9/industri.html>.

agricultural land. Ri, a sharecropper in Tunglur Village, explained: ²⁶

"If the landowner also pays for the planting costs, then the results are divided in two between the landowner and the cultivator. Now if the costs are entirely from the landowner, then the results for the landowner are 2/3. In this case, fertilizer, seeds, and all of that are from the landowner. Now the cultivator only spends the labor model."

According to Ri's explanation, the rice planting process can be done using the equal profit sharing method (*maro*), where the owner also contributes costs in the planting process until harvest. In this case, he also buys necessities such as fertilizer, medicine, seeds, and others. When the harvest occurs, the results will be divided in two between the landowner and the cultivator. If in Lamongan Regency the term *bumi* is known to indicate the area of cultivated land, then in Kediri Regency the term *banon* is known. *Banon Satus* (*banon* one hundred) means that the cultivated rice field land is at least as large as *banon* one hundred, while the area of *banon satus* ²⁷ is equal to 1,400 m² (one thousand four hundred square meters) of a rice field area. ²⁸ Ri explained: ²⁹

"In one processing, it will generally require capital of around two and a half million to three and a half million Rupiah, and if the harvest is considered successful, that is if the farmer can obtain 8 quintals of rice or the equivalent of 800 (eight hundred) kilograms of harvested grain."

According to Ri's statement, the capital spent by farmers and cultivators ranges between IDR 2,500,000 (two million five hundred thousand rupiah) and IDR 3,500,000 (three million five hundred thousand rupiah). The harvest yields approximately 8 quintals, or 800 kilograms, of grain. This freshly harvested wet grain will be divided equally between the landowner and the cultivator.

In Kediri, the price of wet grain in 2024 is IDR 5,000 per kilogram. With 8 quintals (800 kilograms) of grain from one harvest, the total value is IDR 4,000,000. This amount is split 50/50, so both the landowner and the cultivator will each receive 400 kilograms of grain, which is worth IDR 2,000,000 (two million rupiahs). After deducting the initial capital cost of IDR 1,200,000 (one million two hundred thousand rupiah), ³⁰ each party's net income would be IDR 800,000. This amount is the profit after the capital expenses are subtracted from the initial share of IDR 2,000,000.

Cultivating multiple plots of land is a common practice among farmers to mitigate potential losses. In this case, tenant farmers and landowners work together on a plot of land measuring 7,000 m² (seven thousand square meters). Using a 1:1 profit-sharing arrangement, both parties split the harvest equally. Each party also incurs an initial capital cost of IDR 625,000 (six hundred twenty-five thousand rupiah).

If the average harvest from a single plot (*banon satus*) yields 1 ton of wet grain, then a larger plot, referred to as *banon limangatus* (*banon lima ratus*), would yield 5 tons, or 5,000 kilograms, of wet grain. For IDR 5,000 per kilogram, the total value of the harvest is IDR 25,000,000. Each party would receive IDR 12,500,000, which is equivalent to 2,500 kilograms of grain.

To calculate the net profit, each party's initial production cost of IDR 1,200,000 per plot is multiplied by 5 plots, amounting to IDR 6,000,000. After deducting this initial cost from the share of IDR 12,500,000, each party would earn a net profit of IDR 6,500,000 for each

²⁶ Mulyono, "Interview with Ri (Alias)" (2024).

²⁷ Zainul Arifin, "Selain Hektar, Berikut Istilah Ukuran Tanah Dan Luasannya Dalam Meter Yang Patut Petani Ketahui - Hallo Id," *Hello.Id*, January 10, 2023.

²⁸ Mulyono, "Interview with Mo (Alias)" (2024).

²⁹ Mulyono, "Interview with Ri (Alias)." (2024).

³⁰ Mulyono, "Interview with Mo (Alias)." (2024).

harvest cycle. However, this calculation assumes a successful harvest. In the event of a crop failure, the income would be significantly lower.³¹

The uncertain income of sharecroppers has led many to seek additional sources of income outside of farming. Some take up work as construction workers, or carpenters, or perform various jobs in urban areas, while others turn to livestock farming as an alternative means of earning.³² This pursuit of additional income is a natural response to the instability and dependency on landowners for survival.³³

The legal culture surrounding profit-sharing has been shaped by long-standing practices, such as the *maro* or *mertelu* systems, which promote a mutually beneficial and fair relationship, especially for the sharecroppers. However, despite the fairness of these traditional arrangements, they have not been sufficient to ensure the prosperity of sharecroppers. There is a pressing need for government action to improve the welfare of landless farmers who rely on landowners for their livelihoods.

While landowners, as seen in Lamongan Regency, may offer sincere assistance to sharecroppers, the latter's position remains weak, particularly when it comes to control over natural resources. Landless farmer remain vulnerable to poverty. A reform in land ownership, through agrarian reform is crucial to ensuring justice and equity³⁴ see³⁵. Agrarian reform is not only about land distribution, but more about restructuring ownership, control, utilization of land resources fairly and with legal certainty with land legalization in accordance with Article 2 of the MPR RI Decree Number IX/MPR/2001 so that there is no longer inequality in control and the level of land disputes is reduced.³⁶

Moreover, there is a need to enhance both agricultural practices and human resources in the sector³⁷. On the other hand, the provisions of Law No. 2 of 1960, which seeks to provide fairness in the profit-sharing system, are not widely understood by either sharecroppers or landowners³⁸. When farmers struggle to access their rights and control over land, it can result in the violation of their human rights.³⁹

CONCLUSION

Based on the comparison between the profit-sharing systems that occur in Lamongan Regency and Kediri Regency above, it appears that this profit-sharing process is still less able to provide decent welfare for farmer groups. Land-owning farmers in the profit-sharing process still get a better position because they still have capital in the form of land as a factor of production. Sharecroppers are vulnerable, this happens because they do not have land to meet

³¹ Mulyono.

³² Mulyono, "Interview with Ri (Alias)."

³³ Reffi Anggun and Pambudi Handoyo, "Strategi Bertahan Hidup Petani Penggarap Sawah (Studi Desa Simo, Kecamatan Balerejo, Kabupaten Madiun)," *Paradigma* 13, no. 1 (2024): 31–40, <https://doi.org/DOI:https://doi.org/10.30742/perspektif.v26i1.753>.

³⁴ Retno Sulistyaningsih, "Reforma Agraria Di Indonesia," *Perspektif* 26, no. 1 (2021): 57–64, <https://doi.org/10.30742/perspektif.v26i1.753>.

³⁵ Mauliyanti, "Sistem Bagi Hasil Penggarapan Sawah Di Desa Bedegung Kecamatan Semidang Aji (Studi Kasus Desa Bedegung Kecamatan Semidang Aji Kabupaten OKU) Anita."

³⁶ Sulasi Rongiyati, "Reforma Agraria Melalui Perpres Nomor 86 Tahun 2018," *Info Singkat X*, no. 19 (2018): 1–6.

³⁷ Rizqha Sepriyanti Burano, "Identifikasi Penyebab Kemiskinan Petani Di Kawasan Perkotaan (Studi Kasus Sepuluh Kecamatan Di Kota Padang)," *MENARA Ilmu X*, no. 72 (2016): 18–29.

³⁸ Bosna Trimanta, Rosnidar Sembiring, and Zaidar, "Perjanjian Bagi Hasil Tanah Pertanian Antara Pemilik Sawah Dan Pengelola (Studi Di Desa Timbang Lawan Kecamatan Bahorok Kabupaten Langkat)," *Jurnal Hukum Dan Kemasyarakatan Al-Hikmah* 3, no. 2 (2022): 358–67.

³⁹ Felishella Earlene and Benny Djaja, "Implikasi Kebijakan Reforma Agraria Terhadap Ketidaksetaraan Kepemilikan Tanah Melalui Lensa Hak Asasi Manusia," *Tunas Agraria* 6, no. 2 (2023): 152–70, <https://doi.org/10.31292/jta.v6i2.223>.

their living needs.

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