

Analysis of Legal Protection for Salt Farm Farmers From Structural Victimization in Sampang Regency

Erma Rusdiana^{1*}, Boedi Mustiko², Wiwin Yulianingsih³,

Rio Cipta Dwi Frasetyo⁴

¹Universitas Trunojoyo Madura

²Universitas Trunojoyo Madura

³Universitas Pembangunan Nasional Veteran Jawa Timur

⁴Universitas Trunojoyo Madura

¹erma.rusdiana@trunojoyo.ac.id, ²boedimustiko@trunojoyo.ac.id,

³wiwinyulianingsih@upnjatim.ac.id, ⁴frasetyo.le30@gmail.com

Abstract

Salt is one of the strategic commodities that are needed in all sectors of life. Madura is an area that is often referred to as the island of salt. In carrying out production activities will not be able to produce salt without the presence of salt farm farmers. Therefore, community leaders, religious leaders and law enforcement are needed to provide protection to salt farm farmers. The study aims to analyze forms of structural victimization and analyze the role of society, religious figures and law enforcement in providing protection against salt farmers from structural victimization. Penelitian is an empirical legal research. Data collection is processed with primary data. Metode analysis used is descriptive and exploratory analysis. Research shows that there are several forms of victimization that occur to salt farmers, including salt purchases under government regulation, the distribution of aid that is not on target, there's imported salt smuggling. As well as communities, religious leaders, and law enforcement have not shown an active role in protecting salt farm farmers from structural victimization.

Keywords: protection; salt farmers; public figures; religious figures; Structural victimization

1. Introduction

Madura is an area that is often referred to as a salt island, because the average people on the island work as salt farmers, in addition many places are used to make salt, thus in addition to the production of salt every year amounting to a lot, salt making is the main search eye of some madurese residents, and the salt produced has good quality. Madura, which is known as the Salt Island, apparently has very few regional legal products and policies regarding salt.[1]

¹ Corresponding Author

Sampang regency is the district with the highest production compared to other districts in Madura Island, especially from pangarengan, camplong and jerngik has long been known both in the local and regional markets. Salt production in this region some time ago was very good, but in recent years salt production has decreased due to less salt selling prices, such conditions are feared to be prolonged and salt production in the region will decrease in the next few years. As is the case in Pangarengan Village Pangarengan District of Sampang Regency where the majority of the population is farmers, especially salt farmers. The existence of this farm has been around for a long time, so it is unfortunate if the existence of salt farming is not maintained.

Salt is a staple in everyday life so salt can be said also as a national need. So that salt farmers are considered of course by the government not only for the welfare of salt farmers but also to make national basic needs remain. Salt farmers have not been able to produce salt to the maximum, so it needs government support through government policies both central and regional levels. The government has also issued laws and regulations related to salt such as Law No. 7 of 2016 on Protection and Empowerment of Fishermen, Fish Farmers, and Salt Farmers (Law No. 7/2016), Government Regulation No. 9 of 2018 on Procedures for Controlling Imports of Salt commodities, and Regulation of the Minister of Industry No. 34 of 2018 on Procedures for Granting Recommendations for Import of Salt commodities as Raw Materials and Industrial Helpers.

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The Sampang Regency Government launched 2 rules related to the protection of salt farmers, namely Regional Regulation No. 1 of 2016 on Protection and Empowerment of Salt Farmers and Regional Regulation No. 7 of 2020 on Protection and Empowerment of Small Fishermen, Fish Farmers and Salt Farmers (hereinafter referred to as Regulation No. 1 of 2016). But unfortunately, the salt farming community assesses the regulations are considered unclear and the impact is not felt at all by salt farmers in Sampang. This is because one of the salt imports that ceaselessly damage and rob the rights of local salt farmers, especially salt farmers in Sampang. When viewed from a victimological perspective, in principle the state is obliged to guarantee a sense of security and protection for its citizens in various aspects of life. Various policies / regulations / government decisions are reflected in the policies of central and local countries that are wrong, consequently causing victimization or also that discriminates against certain civil groups resulting in victimization. In various violence by the state there has been *abuse of public power*, it can also be categorized as state *victimization*.

Structural victimization encompasses political, social, legal, economic and *power abuse*. Structural victimization is a form of nonviolent crime with almost always impersonal, random characteristics.

Victims are massive and collective and can be in the form of physical or non-physical suffering. Victimization is processual, invisible and indirect, but its implications on various systems are felt directly by society. Thus, the problem that has been spelled out above is the victimization of receipts to salt farmers. Therefore, the role of religious figures is needed to participate in solving the problem of salt farmers with structural victimization above. To achieve the purpose of this research, the problem that can be raised is the analysis of legal protections for salt farmers in Sampang Regency from structural victimization. The research method used is an empirical juridical method derived from primary data and secondary data. To duplicate the data done from research that is descriptive analysis. It is obtained through observations and interviews.

2. Result and Discuccion

A. Forms of Structural Victimization

Ezzat Fattah[2] argues that structural victimization as a process of victimization related to social structures and power that exist in society. Structural victimization has no boundaries, and one of the most common forms of structural victimization is the abuse of power, particularly crimes against humanity. What separates structural victimization from other forms of victimization is the many characters of various forms of structural victimization, such as war, genocide, tyranny, dictatorship, repression, repression, torture, suffering, exploitation, discrimination, racism, sexism, ageism, and classism.

Structural victimization is the process of the emergence of victims rooted in stratification, values and institutions contained in society. Gosita describes that structural victimization is essentially the act of an individual or group, which he or she does alone or together with others as a particularly civilized element of social structure. Based on this definition, it is seen that victimization caused by certain structures in society and the existence of power is structural victimization. In short, victimization can be interpreted as a process of victimization experienced by someone. This process can occur in many forms, and can also be caused by a variety of factors. [3] n the scope of criminology, structural victimization is a single concept to explain the reality of victims of systemic crime which is synonymous with the role of the state as the party in control of power. Structural viiktimization is the process of the emergence of victims rooted in stratification, values and institutions contained in society. Thus, the reality of structural victimization is in a veiled dimension that is not physically visible as other conventional crimes.

In the context of structural crime, the party or subject who is the victim, tends to be helpless and not even know the reality of himself as a victim so that he will always be in a position to accept the reality. This condition certainly originated from the instrument of state policy as a symbolization representing the public interest that is believed to be true, but defacto has failed to provide protection of balance and justice for its people. In the relationship between the state and the corporation, structural victimization can perpetuate in one setting. This happens when the corporation deliberately deviates business activities due to the warning from state institutions in conducting prevention.

The disclosure or opening of the space of deviation by business actors is very possible once it occurs in developing countries because the characteristics of developing countries tend to be soft states, characterized by weak non-economic conditions, including cultural attitudes, institutional structures and laws and policies to encourage the development of society.

Referring to the above view, it clearly puts the state and corporations as a unit that dominates society. This is what criminologists are trying to formulate in mapping the conspiracy of state and corporate crime into a State-Corporate Crime study. According to Kramer and Michalowski, State-Corporate Crime is a state-facilitated crime that leads to the failure of government regulatory agencies in preventing business misconduct. At that point, melzoff quoted it as a duality of interests that not only operate at the individual level, but also determine the objectives of regulatory institutions so that there is room for stakeholders to: [4]

1. Seek to advance their own goals through institutions.
2. Translate its goals into policy objectives.
3. Measure each proposed policy on the basis of how it serves their priorities.
4. Support national policies on the same basis.

Forms of structural victimization can include:

1. *Unrelated* victims, which are victims who have nothing to do with the occurrence of victims, for example in the case of plane crashes. In this case the responsibility lies entirely with the perpetrator.
2. *Provocative* Victims, which is a person who actively encourages himself to become a victim, for example a case of cheating, where the victim is also the perpetrator.
3. *Participating* Victims, which is someone who does not do but with his attitude actually encourages himself to become a victim.
4. *Biologically weak victims* are those who physically have weaknesses or potential to become victims, such as elderly parents, children and people who are unable to do anything about it.
5. *Socially Weak* Victims, those who have a weak social position that causes them to become victims, such as victims of female trafficking, and so on.
6. *Self Victimized* Victims, namely those who are victims because of crimes committed by themselves, users of drugs, gambling, abortion and prostitution.

B. Regulation No. 1 of 2016 Sampang Regency in Providing Protection to Salt Farm Farmers

One of the salt producing areas in Indonesia is the island of Madura. Madura Island is the largest salt supplier in Indonesia. The salt area is 15,000 hectares. Of the four districts on the island of Madura, Sampang is the second largest salt producing district in Indonesia. In addition, based on data in 2015, Sampang regency is able to produce the most salt when compared to Bangkalan, Pamekasan, and Sumenep. [5]

1. Policies related to the work made by the Central Government and also the Regional Government of four districts (Bangkalan, Sampang, Pamekasan, and Sumenep) located on the island of Madura. The policy of the Central Government in the form of laws and regulations related to the salting, including the following: Law No. 13 of 1959 concerning the Establishment of Emergency Law No. 25 of 1957 concerning the Elimination of Salt Monopoly and The Erosion of People's Salt.

2. Law No. 7 of 2016 on The Protection and Empowerment of Fishermen, Fish Farmers, and Salt Farmers;
3. Government Regulation No. 9 of 2018 on Procedures for Controlling The Import of Fishery Commodities and Salt commodities as Raw Materials and Industrial Auxiliary Materials;
4. Regulation of the Minister of Trade of the Republic of Indonesia Number 20/M-DAG/Per/9/2005 concerning Salt Import Provisions;
5. Regulation of the Minister of Industry of the Republic of Indonesia Number 34 of 2018 concerning The Procedure for Providing Recommendations for Import of Salt commodities as Raw Materials and Industrial Auxiliary Materials; and
6. Regulation of the Minister of Marine Affairs and Fisheries of the Republic of Indonesia Number 3/Permen-KP/2019 concerning Community Participation in the Implementation of Protection and Empowerment of Fishermen, Fish Farmers, and Salt Farmers.

Various laws and regulations published by the Central Government should aim to improve the quality and quantity of salt that leads to the welfare of salt farmers. So that in line with the contents of the National Medium Term Development Plan (RPJMN) 2015-2019 document where the Government of Indonesia wants to realize economic independence by moving strategic sectors of the domestic economy, one of which is by increasing the sovereignty of the salt sector. Specifically the target of sovereignty of this salt sector, targeted to be able to meet the needs for household salt consumption. The Ministry of Marine Affairs and Fisheries in its strategic plan in 2015-2019 people's salt production is targeted to reach 4.5 tons in 2019. The objectives of RPJMN in the salt sector were followed up with the issuance of Law No. 7 of 2016 on Protection and Empowerment of Fishermen, Fish Farmers and Salt Farmers. It is expected that the issuance of Law No. 7 of 2016 can provide protection for the existence of national salt amid the onslaught of salt imports. It is explicitly formulated in its consideration that Pancasila and the Constitution of the Republic of Indonesia of 1945 mandate the state has a responsibility to protect the entire Indonesian nation and all Indonesian blood and to promote the general welfare, educate the life of the nation, and realize social justice for all Indonesian people. In order to realize the state's goal of welfare of the people, including Fishermen, Fish Farmers, and Salt Farmers, the state organizes the Protection and Empowerment of Fishermen, Fish Farmers, and Salt Farmers in a planned, directed, and sustainable manner. Substance in the consideration of meaningful legislation as part of legal politics.

C. Struktral victimization of salt farmers in Sampang Regency

Struktral victimization of salt farmers in Sampang can be found in various activities, such as salt marketing channels. Salt marketing channel is a path that is traversed by the flow of salt producers to consumer users or consumers between both as processors and as sales agents. The pattern of salt marketing channels in Pangarengan Village of Pangarengan District of Sampang Regency has a pattern of marketing channels one level and two levels.

Determination of salt farmers who are used as respondents in determining marketing channels is salt farmers who conduct production and marketing activities with their own owned land or salt farmers who do a revenue sharing system with land owners.

However, of some respondents all are salt farmers who do a revenue sharing system with provisions of 2/3 for farm owners and 1/3 for farmers who work on salt ponds. Salt farmers who do a profit sharing system with land owners also play a role in marketing their production products such as looking for price information to traders or determining the purpose of selling salt.

Unlike the case with farmers who have debt or dependence on middlemen. They cannot freely determine the direction of their sale because it is hindered by their debt, automatically receiving only the price set by the trader.

Middlemen are intermediary traders who buy salt in large quantities to be sold to a salt processing plant. On average, some of the middlemen in this study, all sold pangarengan salt to the outside of Madura island, namely Surabaya, Gresik, Malang, Kediri and Pasuruan. The salt payment system of factories outside the island is not in cash, but is paid once a week. Likewise, the salt payment system carried out by this middleman on pangarengan salt farmers. Middlemen who buy petambak salt do not directly pay for salt at a moment's time, but they also wait for payment from the factory.

Based on the results of interviews with people's salt land owners, he said that he has at least 5 hectares of productive salt land. In this village the salt collection system is carried out by the calculation of sacks so it is not known exactly how many kilograms of salt are obtained in one harvest. He said that the payment of farm workers or farmers is done with a revenue sharing system so that the amount of pay received follows the salt crop. [6]

The price of taking people's salt at the time of the interview was rp. 35,000, while for collectors usually benefit from the difference in factory prices and excess load of each sack of salt. A sack of salt usually ranges from 65-80kg. So middlemen benefit if the salt produced is of good quality or old because usually the number of kilograms per salt will be heavier.

In the people's salt channel in Pangarengan Village there is a PT (Limited Liability Company) named Jaya Makmur Utama which also serves to accommodate salt produced by pangarengan village salt farmers. PT. Jaya Makmur Utama produces salt in the form of coarse salt and also processed and iodized packaged salt that is ready for consumption. The purchase volume of this plant's salt is 20,000 tons during the season. However, only 25% of the salt will be made into iodized packaged salt that is ready for consumption and the remaining 75% is resold in the form of carpending. The purpose of selling salt produced from PT. Jaya Makmur Utama, among others, to Surabaya Salt Factory, Gresik, Malang, Pasuruan, Kediri, Sampang, Sumenep, Jember and Banyuwangi in various forms such as coarse salt and fine salt packaging that has been iodized.

Factories outside the island is the final destination of the sale of salt to the people of Pangarengan Village Pangarengan District of Sampang Regency. This factory includes salt factories located in Surabaya, Gresik, Malang, Kediri and Pasuruan. These salt factories only want to buy salt in large quantities, which is thousands of tons. These factories also did not carelessly accept merchants who would sell salt. They already have subscriptions or partners with certain traders in consideration of the trust they have done for a long time. New traders who will sell salt to these factories should generally get recommendations from long-standing salt depositors. The purchase system is carried out by the factory with units of kilograms. However, the payment system is not directly cash but is paid weekly with a total delivery system for a week.

In fact, it is not uncommon for factories to have debts for salt payments even up to tens of millions of rupiah on the part of traders during the salt season. Regulation No. 1 of 2016 Kab. Sampang can not be felt for salt farmers in Sampang, because of the many forms of structural victimization experienced by salt farmers, until the act becomes a natural thing in the salt environment in Sampang. Regulation No. 1 of 2016 Kab. Sampang is still not enough in providing protection to salt farmers. One of the salt farmers, Supardi, a resident of Aeng Sareh Sampang Village, considered that his position during his position as a salt farmer was always unfavorable even though there was Regulation No. 1 of 2016 Kab. Sampang. Supardi suggested that over the past three years the price of salt has continued to plummet. In fact, absorption is almost non-existent from private companies. While PT. Salt has been two years since it has been absorbed for more. Thus, many salt farmers urged the Madura Salt Farmers Forum (FPGM), as a representative to follow up its application to the Jatim DPRD to make rules that really take sides and provide protection to farmers.

D. Patterns of Completion of Structural Victimization

The pattern for resolving structural victimization in this case against salt farmers is through conflict resolution based on local wisdom. Conflict resolution can generally be carried out through two approaches: first, conflict resolution based on or culture-value oriented. This can be done by utilizing cultural symbols and norms to unite parties in conflict. Second, conflict resolution is based or oriented towards structural or institutional development. This can take the form of holding communication forums, empowering public spaces, and building mutual agreements.

Resolution of the conflict over structural victimization of salt farmers in Sampang Regency can be done with the following things:

1. Involve the role of the community, religious leaders and law enforcement officials in preventing violations or crimes that occur among salt farmers
2. Establish a written contract system in a profit sharing pattern between salt farmers and related parties, including land owners, companies and middlemen.
3. The readiness of the Regional Government and security forces to prevent and mediate conflicts that occurred after reports of protests from salt farmers.
4. Include sanctions with a deterrent effect explicitly in Sampang Regency regional regulations regarding every violation of the basic rights of salt farmers by entrepreneurs.
5. Prioritize local salt over imported salt
6. Providing services and facilities that support salt production performance for salt farmers
7. Implement and carry out truly sustainable community participation as intended in Article 71 and Article 72 of Regional Regulation No. 1 of 2016 District. Lacquer.

3. Conclusion

The formulation and form of existing government social protection policies can be in favor of existing salt farmers issued by the Central Government in the form of legislation, namely Law No. 7 of 2016. While the policy issued by the Region is Sampang Regency Regional Regulation No. 1 of 2016. That based on the results of the study, the implementation of policies both published by the Center and published by the Region has not contributed to the guarantee of the welfare of salt farmers. Among the factors influencing the policy at the time of its implementation was the contradiction in substance between Law No. 7 of 2016 and some of the lower regulations hierarchically. Apart from that, conflict resolution based on local wisdom is also very necessary to provide protection to salt farmers.

Acknowledgments

Thanks to LPPM Trunojoyo University Madura for funding the independent research grant through the National Cooperation scheme. Thanks also go to LPPM UPN Veteran East Java as a research partner.

References

- [1] Muhammad Fauzan, Indra Yulianingsih, Azizah. *Constitutionality of Salt Protection Through Local Regulations. Journal of Policy SosekKP. Vol. 10 No. 1, 2020.*
- [2] Ezzat Fattah, (1991). *Understanding Criminal Victimization. Canada: Prentice Hall*
- [3] Gosita, A. 2004. *The Problem of Victims of Crime (Collection of Essays). Jakarta: PT Bhuana Science Popular. In 46.*
- [4] Abdul Munir, "Structural Victimization of Workers Through Sistem Outsourcing (Case Study of Outsourced Workers PT (X)) Employed at PT (Y) in Serang Regency, Banten Province), Riau Islamic University, 2017
- [5] Zubaidah, N. 2018. *Indonesia's Largest Salt Land is in Madura. Retrieved 2) November 2021, from SINDONEWS.com Web Site:*
- [6] *Interview with Mr saryud : land owners salt as well as steaming salt people*
- [7] John L Esposito, *a key figure in the Contemporary Islamic Movement,p. Sugeng Hariyanto, et al (Jakarta: PT Raja Grafindo Persada, 2002*
- [8] Prihantini, C. I., Syaukat, Y., & Fariyanti, A. (2016). *Revenue Sharing Patterns of People's Salt Business in the District Pamekasan, East Java. Indonesian Agribusiness Journal. Journal of Indonesian Agribusiness,4 (1).*
- [8] *Law No. 7 of 2016 on Protection and Empowerment of Fishermen, Fish Farmers, and Salt Farmers*
- [9] *Government Regulation No. 9 of 2018 on Procedures for Controlling Imports of Salted Commodities*
- [10] *Regulation of the Minister of Industry , No. 34 of 2018 on Procedures for Providing Recommendations for Import of Salt commodities as Raw Materials and Industrial Helpers*
- [11] *Regional Regulation No. 1 of 2016 on Protection and Empowerment of Salt Farmers*
- [12] *Regional Regulation No. 7 of 2020 on Protection and Empowerment of Small Fishermen, Fish Farmers and Salt Farmers.*