

# Study of Legal Options for Agricultural Product Sale and Purchase Dispute Resolution

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**Abstract**— This study aims to reveal how the description of the behavior of the sale and purchase agreement transactions without letters between farmers and shallot traders in Belo District, Bima Regency and how the model or choice of ethical legal settlement occurs in default of the sale and purchase agreement. The type of research used is empirical research, a case approach, and primary data. The results of this study indicate that (1) the sale and purchase agreement (shallots) in Belo Subdistrict, Bima Regency, still uses the oral agreement method, the reason for using an oral agreement is due to habit, easy and fast ; (2) when problems arise in the future, or the contents of the oral agreement are not fulfilled, then the choice of settlement is taken by the parties.

**Keywords**— *agreements, buying and selling, habits, defaults, Bima*

## I. INTRODUCTION

Sociologically, the Indonesian people are a plural society. Both in terms of race, language, ethnicity, religion, and legal culture. However, it is a risk when this nation has to use uniform legal means, this is a consequence of a national law politics that adheres to a codified and unified legal system, even though in fact other laws such as Islamic law and customary law are still recognized and become a source. positive law. However, even though the State still recognizes other legal institutions within positive law, it also cannot be avoided when disputes arise in the community, which are prioritized as a tool to assess and measure positive laws established by the State, including in terms of buying and selling.

The Civil Code (KUHPperdata) and commercial law (HD) [1] clearly describe how the provisions of a legal sale and purchase agreement, as a reference and signposts in social life, especially in an engagement or sale and purchase relationship. However, because the Indonesian community is a plural and heterogeneous society, not all of them can understand the legal aspects of an agreement in buying and selling, including among the Bima community in general and in particular in the buying and selling districts, which in the future often lead to disputes that are not only interpersonal. but also can trigger horizontal conflict sentiment by involving broad mass mobilization.

Not a few of the results of the sale and purchase agreement between the farmers in the Belo sub-district, Bima Regency, with middlemen or traders, as well as between the traders themselves, actually cause problems, and sometimes lead to criminal cases [2]. For this reason, this research is in the form of a more in-depth look at the picture of the sale and purchase agreement between onion farmers and traders in Belo sub-district, whether using a written agreement or just a blanket, if there is default, how the options for settlement include the risks experienced by the parties if it occurs. wanpresiasi. This research is important because the area of Belo Subdistrict is an area that has very high economic mobility in terms of production and buying and selling of shallots.

## II. METHODS

This research is a type of empirical research or non-doctrinal research. Law is served as an institutionalized behavior pattern in a social structure. The approach used is a case approach and a statutory approach. The case approach is intended to describe the buying and selling behavior of paraparties. While the statutory approach is intended to analyze the buying and selling activities of the parties without a written agreement whether it meets the legal agreement rules according to the applicable positive law. Sources and types of data, the main data as the main source is primary data, namely data obtained from structured and in-depth interviews, while supporting data is secondary data in the form of statutory regulations such as the Civil Code (KUHPperdata), trading law (KUHDagang), journal, books, judges' decisions, agreement documents etc. And supported by tertiary data in the form of dictionaries and encyclopedias. Primary data were obtained through interviews and observations, while secondary data were obtained through literature studies. Samples are selected by means of purposive sampling, that is, deliberately selected informally, informants and respondents, namely those who understand, experience an agreement between the parties, both as actors, community leaders, etc. This research took place in Belo Subdistrict, Bima Regency that in the sub-district the majority of the people are onion farmers, and often have problems in terms of buying and selling, especially the problem of payment by traders to own farmers, or between

middlemen and trader. Data was analysed by using study of literature review and descriptive qualitative then writing up the conclusion based on the analysis results.

### III. RESULTS AND DISCUSSION

#### 1. *Sale and Purchase Agreement Model between Farmers and Traders*

Based on observations and structured and in-depth interviews that we conducted, there were several descriptions of the behavior of the sale and purchase agreement, in this case shallots carried out by the people of Belo District, Bima Regency, both between farmers and farmers and farmers with siege or also traders, in general they found the form The sale and purchase agreement is made still using the oral tradition, aka the absence of a letter of agreement, either in the context of paying cash or in the form of a payable agreement. Some of the respondents we interviewed were Maman (ncera), Aini, (Lido) Ahmad / brokers (Ncera), Haris (Monta), Ilham (Ngali) Oral / Unwritten, Yamin / UD. Yamin (Lido) admits that they prefer to make a verbal agreement because it is considered practical, fast, efficient, or not complicated.

According to them, the buying and selling process is carried out. As for the process, sometimes buyers (traders) who buy onions directly from farmers by paying directly on the spot. Buyers (Traders) who bring weighed onions first to be brought to collectors, then pay them on the same day or sometimes at a later date. The collectors send the onions with the amount that has been agreed upon beforehand to traders outside the Bima area, the traders have paid half of the amount to be paid, after the onions have arrived to the traders then the remaining is paid in full. For the time of payment, it is paid in full after the onion reaches the merchant. The process, according to Zaini, includes: Purchasing onions is carried out directly by the Collectors by way of debt to the owner of the onion, the agreement will pay off in the near future. Collectors send onions to traders based on mutual agreement between the two parties that the onions will be paid after the onions arrive at the traders. For the time of payment there is a time limit according to the agreement that has been made.

According to Ahmad / Calo, this includes Buyers (Traders) who first bring the weighed onions to the collectors, for payment at a later date while waiting for payment from the merchant to the collector. The process, according to Ilham, includes: Brokers supply onions to collectors by way of debt. The collectors send the onions to the traders, after the goods arrive the traders, a payment transaction is made from the traders to the collectors according to the agreement of both parties. The payment deadline is usually two to three days after the onions arrive. On the other hand, there is also an oral sale and purchase agreement which contains the Rights and Obligations of the Parties.

Meanwhile, for buying and selling using oral, when the buyer does not pay according to the timeframe of the agreement, the step according to Maman: The habit that has been done so far when something like this happens, then we will try to find a solution by way of deliberation (in a friendly manner) so as to produce an agreement. -New agreements include: Providing guarantees in the form of

securities or motorized vehicles, etc. According to Zaini: By conducting deliberations by concluding the time of payment, making a letter of Agreement / Due Date when it does not fulfill the agreement previously agreed upon, then legal avenues will be pursued. According to Ahmad / Calo: By taking guarantees in the form of motorized vehicles or other securities that can be used as collateral. According to Abdul Haris: Through legal channels.

In general, the process of buying and selling orally carried out so far is based on customary law that has been passed down from generation to generation by buyers (traders) since a long time ago, namely oral buying and selling transactions, so that it has become a habit that is inherent in everyone when making transactions. buying and selling using oral because it is considered easy and fast. According to Maman, Ahmad, and Ilham, they are better off buying and selling orally than in writing, because according to them it is more practical, short and fast than using letters / written. Meanwhile, according to Zaeni, Abdul Haris, and Yamin / UD. Yamin that it is better to buy and sell in writing, because it can be accounted for in the eyes of the agreement made by the parties in the event of things that are not desired at a later date.

#### 2. *Settlement of Default Law on the Sale and Purchase Agreement*

The shallot sale and purchase agreement made by residents of Belo District, Bima Regency involving farmers and farmers, farmers and traders, generally goes well, and the majority uses verbal agreement methods, although there are a few who use the written method. The legal relationship of buying and selling that uses an oral model and generally runs well, does not mean there is no risk and problems arise in the future, it can even be a hidden factor in the creation of cross-personal conflicts. Based on the results of tracing by conducting observations and in-depth interviews, there are several problems that arise when an agreement is made orally between farmers and farmers and farmers and collectors or traders. Here we describe:

##### *Deliberation model*

One of the models or settlement options made by the disputing parties when the sale and purchase agreement is not fulfilled, the parties generally take a deliberative way such as buying time for payment, the seller gives leeway to the buyer to pay off the receivables in a few days, weeks, months or even years. Usually the majority of the results of the agreement can be fulfilled, but it is also possible that the result of a new agreement or tolerance from the seller to the buyer sometimes cannot be fulfilled by the buyer, because the buyer thinks that he has suffered a loss, being tricked by another trader or buyer, or because of deliberate factors. intention to deceive farmers (sellers). It is in this context that a variety of friction arises and the problem becomes more refractory [3].

##### *Confiscation of Buyer's Property*

The confiscation of assets owned by the buyer by the seller usually occurs after the buyer (trader) is no longer able to fulfill its obligation to pay off the receivable to the buyer even though there is a time leeway. But because the buyer (trader) does not have the ability to pay off the debt due to loss or on purpose. So, the farmer (seller) together with the

buyer (collector / trader) will usually agree to confiscate the buyer's agricultural land in exchange for the debt that cannot be repaid.

#### *Report to the Police*

In addition to the model of confiscation of assets owned by the buyer as mentioned in point two above, a settlement pattern is also found by reporting to the police on the pretext of fraud.

#### *Physical Violence*

Another model that often arises as a result of unpaid receivables, namely cases of physical violence, both minor violence and violence that can kill someone's life. This model also often appears when the emotions of the two parties are out of control, in Ngali Village and Renda Village, this model has appeared, a case of murder committed by the buyer against the seller due to a dispute over accounts receivable as a cause.

#### IV. CONCLUSION

In general, sale and purchase agreements (shallots) in Belo District, Bima Regency still use the oral agreement method, the reason for using an oral agreement is more due to habit, easy and fast factors. Second, when problems arise in the future, or the contents of the oral agreement are not fulfilled, the parties will take several solutions, starting from tolerating the limits for the fulfillment of the contents of the agreement, confiscation of receivables, reporting to the police on allegations of fraud and threats, to physical violence that leads to murder.

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