



**IMPLEMENTATION OF MONITORING OF SEED  
DISTRIBUTION BY THE MINISTRY OF AGRICULTURE  
TO PROTECT FARMER'S RIGHT IN INDONESIA  
(CASE STUDY OF COUNTERFEIT OIL  
PALM SPROUTS IN E-COMMERCE)**

**THESIS**

Submitted to complete the tasks and fulfil the requirements  
to complete the Bachelor of Law Program

By:

**Raissa Zandra Saraswati**

NIM 11000120190170

**INTERNATIONAL UNDERGRADUATE PROGRAM  
FACULTY OF LAW UNIVERSITAS DIPONEGORO  
SEMARANG**

**2024**

APPROVAL SHEET

IMPLEMENTATION OF MONITORING OF SEED  
DISTRIBUTION BY THE MINISTRY OF AGRICULTURE  
TO PROTECT FARMER'S RIGHT IN INDONESIA  
(CASE STUDY OF COUNTERFEIT OIL  
PALM SPROUTS IN E-COMMERCE)

THESIS

Submitted to complete the tasks and fulfil the requirements  
to complete the Bachelor of Law Program

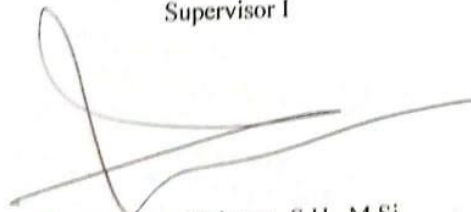
By:

Raissa Zandra Saraswati

NIM 11000120190170

The Undergraduate Thesis with the above title has been authorized and approved for  
reproduction

Supervisor I



Dr. Ery Agus Priyono, S.H., M.Si.  
NIP. 196108061986031002

Supervisor II



Aisyah Ayu Musyafah, S.H., M.Kn.  
NIP. 11.7.199211192018072001

TEST PAGE

**“IMPLEMENTATION OF MONITORING OF SEED DISTRIBUTION BY  
THE MINISTRY OF AGRICULTURE TO PROTECT FARMER’S  
RIGHT IN INDONESIA (CASE STUDY OF COUNTERFEIT  
OIL PALM SPROUTS IN E-COMMERCE)”**

Prepared and compiled

By:

**Raissa Zandra Saraswati**

NIM 11000120190170


Has been examined in front of the Board of Examiners on the date of 16 May 2024

Board of Examiners

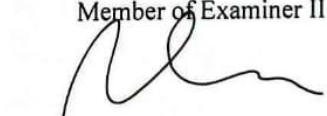
Chief Examiner

  
Dr. Ery Agus Priyono, S.H., M.Si.  
NIP. 196108061986031002


Member of Examiner I

  
Aisyah Ayu Musyafah, S.H., M.Kn.  
NIP. H.7.199211192018072001

Member of Examiner II

  
Rahandy Rizki Prananda, S.H., M.H.  
NIP. H.7.199103182018071001

Authorised by,  
Dean of the Faculty of Law  
Universitas Diponegoro,

  
Prof. Dr. Retno Saraswati, S.H., M.Hum.  
NIP. 196711191993032002

Acknowledged by,  
Head of the Bachelor of  
Law Study Program

  
Dr. Aditya Y. Sulistyawan, S.H., M.H.  
NIP. 198407092008121002

## STATEMENT

I hereby declare that this Undergraduate Thesis has never been submitted to obtain a degree in another university, and to the best of my knowledge there are no works or opinions that have been written or published by other people, except those that are written in this manuscript and mentioned in the bibliography.

Semarang, 10 March 2024



Raissa Zandra Saraswati

NIM 11000120190170

## **MOTTO AND DEDICATION**

“I was taught that the way of progress was neither swift nor easy”

(Marie Curie)

“Success is liking yourself, liking what you do, and liking how you do it.”

(Maya Angelou)

I dedicate this thesis to Allah SWT, my beloved family, friends, and myself.

## ACKNOWLEDGEMENT

The writer expresses gratitude to the divine presence of Allah SWT, the Almighty God, acknowledging His abundant grace, blessings, and strength, which have provided unwavering support from the inception to the completion of this undergraduate thesis, titled "**Implementation of Monitoring of Seed Distribution by the Ministry of Agriculture to Protect Farmer's Rights in Indonesia (Case Study of Counterfeit Oil Palm Sprouts in E-commerce)**" as one of the requirements to complete the Bachelor's Program to achieve a Bachelor's degree in Law, at the Law Program, Faculty of Law, Universitas Diponegoro.

During this undergraduate thesis writing process, the author received moral and material assistance from various parties. At this opportunity, the author would like to express gratitude to:

1. Prof. Dr. Yos Johan Utama, S.H., M.Hum., as Chancellor of Universitas Diponegoro;
2. Prof. Dr. Retno Saraswati, S.H., M.Hum. as the Dean of the Faculty of Law, Universitas Diponegoro.
3. Dr. Ery Agus Priyono, S.H., M.Si. as Supervisor I and Aisyah Ayu Musyafah, S.H., M.Kn. as Supervisor II who have provided guidance, direction, and motivation to the author
4. Pulung Widhi Hari Hananto, S.H., M.H., LL.M. as the Academic Adviser.

5. All Lecturers of the Faculty of Law, Diponegoro University, who has taught invaluable knowledge to this author.
6. My Mama, Papa, and Sister whose unwavering love, encouragement, and support have been the author source of strength to this author. Without their endless support, this author would not have made it through this journey.
7. My extended family: Naila, Yangti, Uncles, Aunts, cousins, nieces, and nephews for their unwavering support and prayers for this author.
8. My beloved friends and colleagues from IUP Law 2020: Ardra, Bella, Sian Lie, Tarissa, and others who have accompanied this author throughout these four years at Universitas Diponegoro.
9. My comrades and kiddos from Willem C. Vis. East 2024 and Willem C. Vis. East 2023: Netanya, Odilia, Faqih, Zifa, Jordy, David, Rafa, and others who have shed blood, sweat, and tears together with this author to represent Universitas Diponegoro on the international stage in Hong Kong.
10. My teammates, managers, and coaches from IMCC Philip C. Jessup 2022, Internation 2022, and IMOOT 2020: Haningrum, Dzaki, Ifa, Putri, Anya, Gio, Kak Achel, Kak Retno, Bang Alan, Kak Merys, Bang Danu, Tia, Cendra, Lulu, Nofel, Dyandra, and others who have worked together with the author and taught this author the joy and spirit of mooting.
11. My pillars of strength: Velyn and Rista, who truly understand and support this author through thick and thin, and have always been ready to lend an ear to my stories and troubles.

12. My friends: Cantinesya, Dhiyah, Asyifah, Alya, Faratiti, and Febriano who have consistently shown me their love and support and have been the best gaming companions for this author.
13. Dandang besties: Jasmine and Salsha, who helped this author to survive KKN. Their presence and assistance for this author made the KKN experience very memorable.
14. DIMCA brothers and sisters, who will keep the flame of international mootung alive at Universitas Diponegoro.
15. The interviewees in this thesis: Bu Maya, Pak Fajar, Pak Suwanto, Pak Yohito, and Pak Idrus, who took the time to participate in the interviews for this thesis. This thesis could not have been completed without their assistance and guidance.
16. Others who have provided support and assistance to this author.

The author recognizes the imperfections in this thesis and welcomes constructive feedback. Apologies are extended for any shortcomings, and the author hopes the thesis will benefit those in need.

Semarang, 24 February 2024

Author,

Raissa Zandra Saraswati

NIM 11000120190170



## **ABSTRACT**

Palm oil is crucial to Indonesia's foreign exchange earnings, as it contributes significantly to the nation's economy. The use of high-quality oil palm seeds not only maximizes yields but also ensures the production of high-quality palm oil, thereby increasing its market value. However, the widespread circulation of illegitimate oil palm seeds, primarily due to counterfeit products, remains a prevalent issue, causing losses for stakeholders in the oil palm industry, particularly for oil palm farmers. This research employs a juridical-empirical approach, gathering data from respondents including the Ministry of Agriculture of Indonesia, seed producers, seed breeders, and oil palm farmers. The research findings reveal that the Ministry of Agriculture's supervision, guided by Ministry of Agriculture Decree No. 26 of 2021, follows a structured process in the oil palm seed circulation from production to the consumer. Despite enforcement efforts by the government, challenges persist, with counterfeiters evading existing laws. Moreover, findings indicate that seed counterfeiters may face administrative and criminal sanctions under existing regulations. Recommendations include implementing stronger enforcement actions, such as publicly destroying illegal seeds, and establishing an efficient reporting system to combat counterfeit seed circulation effectively.

**Keywords: Intellectual Property, Plant Variety Protection, Oil Palm, Seeds, Farmer's Rights**

## **ABSTRAK**

*Minyak kelapa sawit sangat penting bagi pendapatan devisa Indonesia, karena memberikan kontribusi signifikan terhadap ekonomi negara. Penggunaan benih kelapa sawit berkualitas tinggi tidak hanya akan memaksimalkan hasil produksi, tetapi juga menjamin produksi minyak kelapa sawit berkualitas tinggi, sehingga meningkatkan nilainya di pasar. Namun, penyebaran luas benih kelapa sawit ilegal, terutama karena produk palsu, tetap menjadi masalah utama yang menyebabkan kerugian bagi para pihak dalam industri kelapa sawit, terutama bagi pekebun kelapa sawit. Penelitian ini menggunakan pendekatan yuridis-empiris, mengumpulkan data dari responden termasuk Kementerian Pertanian Republik Indonesia, produsen benih, penangkar benih, dan pekebun kelapa sawit. Hasil penelitian menunjukkan bahwa pengawasan Kementerian Pertanian, yang dipandu oleh Keputusan Menteri Pertanian Nomor 26 tahun 2021, mengikuti proses terstruktur dalam penyebaran benih kelapa sawit dari produksi hingga ke konsumen. Meskipun pemerintah telah melakukan upaya penegakan hukum, tantangan masih ada, dengan pemalsu berhasil menghindari hukum yang ada. Selain itu, temuan menunjukkan bahwa para pemalsu benih dapat menghadapi sanksi administratif dan pidana berdasarkan peraturan yang ada. Rekomendasi termasuk penerapan tindakan penegakan hukum yang lebih kuat, seperti menghancurkan benih ilegal secara publik, dan membentuk sistem pelaporan yang efisien untuk mengatasi penyebaran benih palsu secara efektif.*

***Kata Kunci: Hak Kekayaan Intelektual, Perlindungan Varietas Tanaman, Kelapa Sawit, Benih, Hak Petani***

## TABLE OF CONTENT

APPROVAL SHEET .....	i
TEST PAGE.....	ii
STATEMENT .....	ii
MOTTO AND DEDICATION .....	iv
ACKNOWLEDGEMENT .....	v
ABSTRACT .....	viii
<i>ABSTRAK</i> .....	ix
TABLE OF CONTENT .....	x
LIST OF TABLES .....	xii
LIST OF DEMONSTRATIONS.....	xii
CHAPTER I .....	1
A. Background .....	1
B. Problem Formulation.....	5
C. Research Objectives .....	6
D. Research Benefits .....	6
E. Research Method.....	7
1. Research Approach.....	7
2. Research Specifications .....	7
3. Data Types .....	8
4. Sampling Method.....	10
5. Data Collection Methods .....	11
6. Research Locations .....	12
7. Data Analysis Method .....	15
F. Writing Systematics .....	16
G. Research Originality.....	18
CHAPTER II.....	22
A. General Overview of Intellectual Property Rights .....	22
1. The Definition of Intellectual Property Rights .....	22

2.	The Scope of Intellectual Property Rights .....	24
B.	General Overview of Plant Variety Protection .....	25
1.	The Definition of Plant Variety Protection.....	25
2.	The Regulation concerning Plant Variety Protection .....	26
3.	The Scope of Plant Variety Protection .....	28
C.	General Overview of Seed .....	36
1.	The Definition of Seed.....	36
2.	High-quality Seeds.....	36
3.	High-quality Oil Palm Seeds .....	38
4.	Illegitimate/Counterfeit Oil Palm Seeds .....	42
D.	General Overview of Farmer.....	44
1.	The Definition of Farmer .....	44
2.	The Rights of Farmer .....	46
E.	General Overview of E-Commerce .....	49
1.	The Definition of E-Commerce .....	49
2.	The Types of E-Commerce.....	50
CHAPTER III	.....	53
A.	Finding .....	53
1.	The Profile of The Ministry of Agriculture in Indonesia.....	53
2.	Interview Result.....	64
B.	Discussion .....	88
1.	The Implementation of Seed Circulation Supervision Carried Out by the Ministry of Agriculture in Indonesia .....	88
2.	Measures to Tackle the Circulation of Counterfeit Oil Palm Seedlings on E-Commerce Platforms to Safeguard Farmers' Rights .....	96
CHAPTER IV	.....	114
A.	Conclusions .....	114
B.	Recommendations .....	115
REFERENCES	.....	116
APPENDIX	.....	127
A.	Appendix 1 .....	127
B.	Appendix 2 .....	128

C. Appendix 3 .....	130
D. Appendix 4 .....	142
E. Appendix 5 .....	149
F. Appendix 6 .....	155
G. Appendix 7 .....	170

### **LIST OF TABLES**

Table 1. 1. Research Locations .....	13
Table 1. 2. Research Originality .....	18

### **LIST OF DEMONSTRATIONS**

Picture 3. 1. The Logo of The Ministry of Agriculture.....	55
Picture 3. 2. The Organizational Structure of the Ministry of Agriculture .....	57
Picture 3. 3. The Organizational Structure of PVPAL Center .....	60
Picture 3. 4. Organizational Structure of the Directorate General of Plantation.....	64