

Law Enforcement on Farmers' Rights to Access Subsidized Fertilizers in Tanara District, Serang Regency, Banten Province

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Abstract

This study aims to analyze the enforcement of legal rights of farmers in accessing subsidized fertilizers in Tanara District, Serang Regency, Banten Province. Utilizing a normative juridical approach complemented by empirical data, the research examines the extent to which legal guarantees provided by Indonesian regulations particularly Law Number 19 of 2013 on the Protection and Empowerment of Farmers have been effectively implemented at the local level. The findings reveal a significant gap between legal norms and actual practice, where many smallholder farmers are unable to access subsidized fertilizers due to structural and administrative barriers, as well as limited participation in the distribution planning process. Through the lens of legal system theory and distributive justice, the study concludes that the current fertilizer subsidy policy has yet to prioritize the most disadvantaged farmers. Accordingly, reform in policy design and distribution mechanisms is urgently needed to ensure that the enforcement of farmers' rights is realized in a fair, inclusive, and sustainable manner.

Keywords: *Law Enforcement, Farmers' Rights, Subsidized Fertilizer, Distributive Justice, Tanara District.*

INTRODUCTION

The agricultural sector serves as the backbone of Indonesia's economy and a key pillar in maintaining national food security (Neilson & Arifin, 2013). With over 30 million people relying on agriculture for their livelihoods, this sector plays a strategic role in supporting the welfare of communities, particularly in rural areas (Khan et al., 2020). One of the most vital components in sustaining agricultural production is the availability of fertilizers, which function to enhance soil fertility and crop productivity (Bhardwaj et al., 2014). However, the high cost of fertilizers remains a serious barrier, especially for smallholder farmers with limited capital (Sommer et al., 2013).

As a form of state commitment to support farmers, the Indonesian government has implemented a fertilizer subsidy policy (Rachman, 2003). This policy aims to ensure that

fertilizers are accessible to farmers at affordable prices and in quantities sufficient for their cultivation needs. The implementation of the subsidy program is regulated by various legal instruments, including ministerial regulations, and is operationalized through a Group-Based Fertilizer Allocation Plan. Only farmers who are members of officially recognized farmer groups and are listed in this plan are eligible to purchase subsidized fertilizers from authorized retailers (Dzakir, 2022).

In practice, however, the subsidized fertilizer program continues to face a range of challenges. According to data from the Ministry of Agriculture in 2023, the national fertilizer demand was estimated at over 24 million tons, while the subsidized allocation covered only about 9.5 million tons equivalent to approximately 40% of total needs (Ika et al., 2015). This gap directly affects farmers, particularly those not included in the allocation plan or residing in areas with limited quota distributions. Additional problems in the distribution process include outdated data, lack of transparency, irregularities in field implementation, and inflexibility in the annual quota scheme.

Such issues are also evident in Serang Regency, Banten Province, particularly in Tanara District, a major agricultural hub for rice and horticulture. Although the district has a significant number of farmers, many have experienced difficulties accessing subsidized fertilizers. A report by Radar Banten (December 18, 2023) indicated that the fertilizer shortage occurred because the quota had already been exhausted by the end of the year, while requests for additional supplies had not been approved by the central government. In addition, several farmers in Tanara reported delays in distribution, discrepancies between their actual needs and the quantities received, and a lack of assistance in the data registration process for the allocation plan (Ramdhani, 2023).

For example, a farmer in Tanara managing one hectare of land and cultivating three times per year requires approximately 900 kilograms of fertilizer annually. Due to limited allocation, they may receive only a fraction of this amount. In such cases, farmers are forced to purchase non-subsidized fertilizer at much higher prices, ultimately increasing production costs, reducing yields, and raising the risk of crop failure. This situation exacerbates farmers' economic vulnerability and contributes to structural inequality within the agricultural sector.

From a legal perspective, farmers are entitled to production inputs as part of their constitutional and statutory rights. Law Number 19 of 2013 on the Protection and Empowerment of Farmers explicitly affirms that farmers have the right to adequate access to production facilities, including fertilizers, seeds, and agricultural equipment. The state is obligated to establish legal protection systems and guarantee such access. When the fertilizer subsidy system fails to function effectively, the state may be deemed negligent in fulfilling the fundamental rights of farmers as citizens (Sapto Nugroho & Tohari, 2020).

In light of these issues, this paper aims to examine the extent to which farmers' rights to subsidized fertilizer are guaranteed and implemented under the national legal framework. Furthermore, it seeks to identify both normative and practical obstacles in the implementation of the fertilizer subsidy program, particularly in Tanara District—an agrarian region with high fertilizer demand. Ultimately, this study formulates legal and policy recommendations to strengthen equitable distribution of subsidized fertilizer as part of the state's responsibility to

uphold citizens' social and economic rights, especially for those who rely on agriculture for their livelihoods.

Through a legal and public policy analysis approach, this research is expected to contribute both theoretically and practically to improving the protection system for farmers' rights in Indonesia and to promote a more just, targeted, and sustainable fertilizer subsidy policy, particularly for farmers in agrarian regions such as Tanara (Ardiansyah, 2023).

METHOD RESEARCH

This study employs a normative juridical approach, which focuses on the examination of legal norms contained in statutory regulations, legal principles, and established legal doctrines. This approach is selected because the primary objective of the research is to assess the legal guarantees concerning farmers' rights to access subsidized fertilizers, as stipulated in Law Number 19 of 2013 on the Protection and Empowerment of Farmers and other relevant implementing regulations. To enrich the legal analysis, the study is also supported by secondary empirical data that reflect the actual conditions in the field. This empirical data is drawn from credible sources, such as media reports, institutional documents, and official statements from government agencies, including information from the Food Security and Agriculture Office of Serang Regency confirming the fertilizer shortage that occurred in Tanara District at the end of 2023 (Achjar et al., 2023).

The research relies on qualitative data, consisting of primary legal materials such as statutory laws and policy documents, as well as secondary and empirical materials such as academic literature, official news sources, and institutional reports. Data collection is conducted through literature review and document analysis of both legal and empirical sources relevant to the issue. The data analysis is carried out using a descriptive-qualitative method, which involves describing, examining, and interpreting legal substance based on legal theory, positive law, and relevant empirical facts. Through this methodology, the research aims to uncover the gap between legal norms and their implementation in the context of subsidized fertilizer distribution and to generate legal and policy recommendations that are more equitable, adaptive, and responsive to the interests of farmers, particularly those in Tanara District, Serang Regency (Ali, 2021).

DISCUSSION

1. Legal Guarantees for Farmers' Rights to Subsidized Fertilizer (In-depth Analysis)

The right to subsidized fertilizer for farmers is not merely an administrative issue, but a constitutional component of socio-economic rights. Article 28 C (1) of the 1945 Constitution of the Republic of Indonesia explicitly affirms that every person has the right to develop themselves through the fulfillment of their basic needs, including food and decent livelihood. Furthermore, Article 28H (1) states that every person is entitled to a prosperous life, housing, and access to a healthy environment. In this context, the state bears the responsibility to create socio-economic conditions that support the welfare of agrarian communities, especially smallholder farmers who represent one of the most vulnerable segments within the national economic structure (Noor & Suradi, 2016).

In addition, Article 33 (3) of the Constitution emphasizes that land, water, and natural resources are controlled by the state and must be used for the greatest prosperity of the people. Fertilizer, as a product derived from natural resource processing, constitutes a vital production sector essential to the public interest. Therefore, the provision of fertilizer particularly through state subsidies is a tangible realization of the constitutional mandate for the state not only to

regulate but also to ensure the availability and affordability of agricultural production inputs for the people, especially farmers (Chandranegara, 2016).

These guarantees are further elaborated in Law Number 19 of 2013 on the Protection and Empowerment of Farmers, which explicitly affirms that every farmer has the right to:

- a. Adequate agricultural production infrastructure and inputs;
- b. Protection against price fluctuations and scarcity of production facilities;
- c. Assurance of sustainable and equitable farming practices.

Articles 15 and 16 of the law further obligate the central and regional governments to ensure affordable access to production inputs and to develop an efficient and well-targeted distribution system. This reflects the state's dual role not only as a regulator establishing legal norms but also as a facilitator and social guarantor, responsible for intervening in the market when there is inequality or systemic failure in the distribution process.

From a legal theory perspective, Roscoe Pound's instrumentalist view of law as a Tool of Social Engineering is highly relevant here. Law is not a static or neutral entity, but a mechanism to reshape social structures in pursuit of justice. In this view, fertilizer subsidies should serve as an instrument to:

- a. Reduce disparities between large-scale and smallholder farmers;
- b. Address the limited capital access faced by small farmers;
- c. Safeguard the continuity of national food production; and
- d. Protect farmers from the exploitative tendencies of the unregulated fertilizer market.

However, when such aspirational legal norms are not accompanied by fair and adaptive implementation mechanisms, law fails to function as a tool for social justice. In fact, it may instead serve to legitimize a distribution system that is exclusive, bureaucratic, and disconnected from the realities faced by farmers in the field.

Moreover, administrative law principles of transparency, accountability, and fairness must be applied to assess the success of fertilizer subsidy policies. An ideal legal framework should not only contain normative provisions but also establish effective monitoring mechanisms, public participation (particularly from farmer groups), and accessible complaint channels, allowing farmers to raise concerns in the event of unfair distribution practices (Imanullah, 2017).

2. Field Realities: Challenges in Fertilizer Distribution in Tanara District

Despite the normative guarantees of farmers' rights to subsidized fertilizer, the reality on the ground particularly in Tanara District, Serang Regency—reveals a significant gap between legal expectations and practical implementation. Located on the northern coast of Banten Province, Tanara is known as a center of rice and horticultural production. The majority of its population are smallholder farmers who rely heavily on fertilizers to maintain land productivity. However, according to Radar Banten (December 18, 2023), many farmers in Tanara experienced a fertilizer shortage near the end of the year. This shortage occurred because the existing quota had already been exhausted, and requests for additional allocations from the local government to the central government had not yet been approved.

This situation illustrates the inability of the fertilizer distribution system to adapt to the dynamic needs of farmers, especially during planting seasons. Furthermore, the distribution process depends heavily on the Group-Based Fertilizer Allocation Plan, which often does not reflect actual field needs, as the data is outdated, inaccurate, or excludes farmers not formally registered in farmer groups. Many farmers in Tanara have complained that even though they actively farm and manage their land, they are not listed in the allocation database and thus cannot redeem subsidized fertilizer.

Analyzed through Soerjono Soekanto's theory on the effectiveness of law, five factors influence legal effectiveness: legal substance, law enforcers, infrastructure, society, and legal culture. In the case of Tanara, at least three of these factors face serious obstacles:

- a. Infrastructure, where distribution is unequal due to supply limitations and inflexible systems;
- b. Law Enforcement, where the absence of a responsive mechanism for requesting additional quota has rendered local authorities unable to meet urgent needs;
- c. Legal Culture, as low legal literacy among farmers regarding administrative procedures such as group registration and fertilizer allocation has systematically excluded them from the system.

Administratively, the rigid annual quota system is also problematic. It fails to account for agricultural realities such as triple cropping cycles, flood-damaged land, or pest outbreaks that require replanting. Consequently, the actual fertilizer needs of farmers often exceed the pre-determined quota, which the system is unable to accommodate flexibly.

From the perspective of state administrative law, this situation constitutes a form of maladministration. The state has failed to uphold the principles of adaptive and inclusive public service. In terms of social welfare rights, it also reflects the state's failure to fulfill its constitutional obligation and the legal mandates outlined in the Law on Farmer Protection.

The distribution practices in Tanara also highlight inequalities in access among farmers, where those affiliated with well-connected farmer groups are more likely to obtain fertilizer, while marginalized farmers and farm laborers are often excluded. This demonstrates that a legal system unresponsive to local social structures can exacerbate inequality and potentially violate the principle of equal treatment before the law.

3. The Gap Between Norm and Practice: A Critical Evaluation

On paper, the rights of Indonesian farmers appear to be well protected. Legal frameworks have been designed to ensure that subsidized fertilizers are accessible to those who need them most. However, in practice particularly in Tanara District, Serang Regency the realities faced by farmers are far from what the regulations promise.

Imagine a smallholder farmer in Tanara, cultivating a family-inherited rice field with hope and determination. Yet, when the planting season begins and the land is ready, subsidized fertilizers are nowhere to be found. Upon visiting an official distributor, he is told, "We're out of stock; the quota has already been redeemed." He never knew how to register for the subsidy program, nor does he belong to any formal farmer group. He is unaware of who compiles the fertilizer needs plan in his village. His voice is simply unheard within the system.

This illustrates the stark disparity between legal norms and lived reality. While laws guarantee farmers' rights, their implementation fails to reach the grassroots. Drawing on Lawrence M. Friedman's legal system theory, it becomes evident that the written law—such as Law No. 19 of 2013 and its technical regulations—lacks institutional and cultural support mechanisms that connect farmers to their entitlements.

Structurally, implementing agencies such as agricultural departments and fertilizer distributors are neither proactive nor transparent enough to reach unorganized smallholder farmers. Many farmers feel that only "certain people" receive fertilizer, typically those with social ties to village authorities.

Culturally, farmers hesitate to ask questions, often unaware of their rights or unsure where to seek help. No existing forums empower them to voice concerns. This silence perpetuates structural inequality in the system.

Thus, instead of serving as a protective tool, the law becomes a barrier—accessible only to those who "know the way." Within the framework of Critical Legal Studies, this reveals that

the law, though seemingly neutral, often reinforces existing inequalities. Formal farmer groups with bureaucratic access tend to secure their rights, while marginalized farmers are left in limbo.

This issue goes beyond fertilizer distribution—it speaks to the fundamental sense of justice. It concerns whether smallholder farmers feel seen, heard, and valued in a system purportedly designed to support them. If fertilizer subsidies reach only a privileged few, the legal promise of social justice remains unfulfilled.

4. Analysis of Distributive Justice: Has the System Favored Smallholder Farmers?

Behind the green rice fields and golden harvests lies a simple hope of smallholder farmers: to plant with dignity, harvest sufficiently, and sustain their families in peace. Yet for years, the subsidized fertilizer distribution system has not fully served those who need it the most. In Tanara District, farmers with limited land, modest capital, and no formal group affiliation are often the most adversely affected by a rigid and bureaucratic distribution process.

Normatively, fertilizer subsidies are designed as an economic justice mechanism to ensure that farmers, especially those with limited purchasing power, remain productive. However, in practice, the system operates on a quantitative and administrative basis: eligibility depends on whether one is listed in the village fertilizer needs plan or registered within a formal farmer group, with quotas determined annually. This procedural efficiency often comes at the expense of substantive justice.

Using John Rawls' theory of distributive justice, public policies—including fertilizer subsidies should aim to maximize benefits for the least advantaged. Under the "Difference Principle," inequality is acceptable only if it improves the condition of the most vulnerable. However, in Tanara, the reality suggests otherwise: socially and economically weaker farmers are frequently excluded from the subsidy system.

Many smallholder farmers are not part of formal groups due to limited information or local political dynamics that prevent their inclusion. Some who are members are still excluded from the official distribution plan because they are not involved in its preparation. Meanwhile, established groups with close ties to local authorities often receive their allocations first and in greater quantity resulting in horizontal inequality among beneficiaries, contrary to principles of justice.

Moreover, the national quota-based distribution model, which is fixed and unresponsive to local agricultural dynamics, is a major cause of injustice. Without accounting for planting patterns, land size, crop type, or seasonal variations, the fertilizer allocation becomes misaligned with actual needs.

Justice should not be measured solely by formal equality. Equal distribution does not mean giving everyone the same amount, but rather what they need. In this context, smallholder farmers deserve affirmative treatment. Distributing fertilizers evenly without considering economic position and actual demand only reinforces existing inequalities rather than resolving them.

Furthermore, the concept of living law within farming communities shows that farmers seek more than affordable fertilizers; they desire a system that is fair, inclusive, and humane. They want to be involved, respected, and treated as more than just a "statistical entry" in policy reports. When justice is absent from fertilizer distribution, not only agricultural productivity is at risk but so too are the dignity and morale of smallholder farmers, gradually eroded by systemic neglect.

5. State Responsibility and Strategic Recommendations

The state, as mandated by the Constitution, bears an unwavering responsibility to ensure the welfare of its citizens, including smallholder farmers who have long been the backbone of national food security. In the context of subsidized fertilizers, it is not enough for the state to

merely issue regulations—it must also ensure that such regulations are implemented justly and tangibly improve farmers' lives. Article 33(3) of the 1945 Constitution of Indonesia clearly affirms that land, water, and natural resources are controlled by the state and must be utilized for the greatest prosperity of the people. Fertilizer, being a vital input in agricultural production, therefore falls under the state's obligation to be managed and distributed fairly.

In practice, however, as evidenced in Tanara District, many smallholder farmers remain excluded from access to subsidized fertilizer due to a distribution system that is overly administrative and not sufficiently inclusive. These farmers are marginalized not because they lack need, but because they are not enrolled in formal mechanisms such as farmer groups or the village-level planning system for fertilizer needs. From the perspective of administrative law, public services such as fertilizer distribution must meet the principles of transparency, justice, legal certainty, and accountability. When access to subsidized fertilizer is systematically denied to those most in need, the state's commitment to its constitutional obligations must be called into question.

To address this, the state must undertake a series of strategic measures as a concrete manifestation of its legal responsibilities. First, the planning and registration system for fertilizer allocation must be improved to be more flexible, based on real-time field data, and inclusive of individual or informal farmers. Second, distribution transparency should be enhanced such as through digital systems that allow for real-time public monitoring. Third, the government must establish accessible, responsive, and farmer-friendly grievance mechanisms to allow those affected by unfair distribution to voice their complaints and seek redress. Fourth, affirmative approaches toward smallholder farmers should be prioritized, whether in the form of additional quotas or direct support. Fifth, local governments must actively facilitate the formation of farmer groups that genuinely represent the aspirations of farmers, rather than being dominated by specific interest groups.

Protecting farmers' rights to subsidized fertilizer is not merely a matter of ensuring supply it is about ensuring that the state is present, both in place and in time, to support its citizens. This is not solely an economic policy issue, but a reflection of social justice that reveals whether the state truly stands with the marginalized. Thus, state responsibility must not end with regulation it must be realized through concrete action that bridges the gap between law and the everyday realities of farmers' lives.

Conclusion

This study demonstrates that, from a normative perspective, farmers' rights to access subsidized fertilizer are already regulated and guaranteed through various legal frameworks, ranging from the 1945 Constitution to Law No. 19 of 2013 on the Protection and Empowerment of Farmers. Through fertilizer subsidy policies, the state seeks to ensure farmers' access to affordable agricultural inputs as a manifestation of social justice principles. However, in practice particularly in Tanara District, Serang Regency many farmers still face significant challenges in accessing subsidized fertilizer due to limited quotas, the rigidity of the planning system, low levels of farmer participation in distribution processes, and weak supervision of implementation. The gap between legal norms and practical implementation in fertilizer distribution reflects structural and institutional weaknesses. An overly administrative and non-inclusive system has hindered the fulfillment of rights for smallholder farmers, who are the most vulnerable and in need of protection. Within the framework of distributive justice theory, fertilizer distribution should prioritize those who are economically and socially disadvantaged. However, current practices fall short of this principle. The law, which should serve as a bridge between the state and the people, has in many cases become a wall that separates them.

Therefore, it can be concluded that although, in theory, farmers' rights to subsidized fertilizer are legally protected, their implementation remains ineffective, unequal, and unjust.

The state has not yet fully fulfilled its constitutional role as the guarantor of farmers' welfare, particularly for those living in agricultural regions such as Tanara.

Suggestion

Based on the findings and analysis of this study, the researcher recommends that both central and local governments conduct a comprehensive evaluation and reform of the subsidized fertilizer distribution system to make it more inclusive and farmer-oriented. One of the initial steps is to reform the fertilizer planning mechanism to become more open, transparent, and flexible. Farmers who are not formally registered in official farmer groups should be given the opportunity to apply independently and be verified through field-based approaches rather than purely administrative procedures.

Moreover, the government should establish a digital monitoring system that is publicly accessible and operates in real time, enabling farmers, village officials, and the general public to track every stage of the fertilizer distribution process—from allocation to receipt. Affirmative approaches must also be prioritized, ensuring that small-scale or marginalized farmers are given precedence in subsidy distribution, whether through additional quotas or targeted assistance. In this regard, justice does not mean equal distribution for all, but rather a fair allocation according to each individual's needs.

Additionally, the government must improve farmers' legal literacy and participation in planning and decision-making processes at the village level. Education about farmers' rights, facilitation of farmer group organization, and inclusive public forums must be promoted to ensure that farmers' voices become the foundation of policy—not mere formalities of village deliberation. Equally important, the state must develop and activate an accessible grievance mechanism with a responsive and pro-farmer process to address any malpractice in fertilizer distribution fairly and transparently.

Ultimately, the government must reaffirm that laws and policies are not tools of authority, but instruments of protection for the vulnerable. By ensuring that the distribution of subsidized fertilizer is genuinely fair and well-targeted, the state not only safeguards national food production but also fulfills its promise to the farmers who have long sustained the nation—even when they often feel neglected by the very system they depend on.

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