



Assistance and Legal Counseling in Agribusiness Cooperation Agreements Between Farmers and Bali Bali / PT. Suji Wood Leaves According to the Provisions of Article 1313 of KUHPERDATA

Diah Gayatri Sudibya¹, Kade Richa Mulyawati²
Universitas Warmadewa
diahgayatrisudibya@gmail.com¹, kade.richa@gmail.com²

ABSTRACT

Community Service as stated in the Higher Education Tri Dharma, is an activity that aims to help the community in several activities without expecting any kind of imbalance. In community service for the 2023 academic year, we from the UNWAR PKM Team provided assistance to young and old group farmers with Bulan Bali/PT Daun Kayu Suji in making a cooperation agreement. We are from UNWAR PKM Team, in carrying out this community service, found problems in business cooperation between farmers and Bulan Bali/ PT Daun Kayu Suji namely: 1. Parties do not understand the existence of a standard agreement as an agreement in business relations in accordance with the provisions of the law. 2. All this time the parties are in a business relationship, loyalty only relies on self-confidence and according to conscience. Based on the problems mentioned this PKM have some objective that are as a form of the Lecturer's dedication to the community, provide opportunities for lecturers to carry out direct service with partners to the target object, improving cooperative relations between universities and the community and/or companies that employ employees. The method that used in this PKM namely, directly meet partners to see directly the workplace situation at the Bali Moon company, discuss with the parties who will make a work agreement, the PKM implementation team can apply the methods used to carry out socialization and legal counseling regarding agreements.

Keywords: Accompaniment, Agreement, Farmer, PKM, PT. Daun Kayu Suji.

How to cite:

Sudibya, D. G., & Mulyawati, K. R. (2023). Assistance and Legal Counseling in Agribusiness Cooperation Agreements Between Farmers and Bali Bali / PT. Suji Wood Leaves According to the Provisions of Article 1313 of KUHPERDATA. *Community Service Journal of Law*, Vol.2(2). Doi: <https://doi.org/10.55637/csjl.2.2.7710.60-65>

1. INTRODUCTION

1.1 Situation Analysis

Community service is a Dharma from a Lecturer from existing Higher Education Tri Dharma activities. Community service is one of the pillars of the Tri Dharma of Higher Education, namely Education, Research, and Community Service.

The forms of community service include:

1. Social service.
2. Teaching, in the form of conducting legal counseling, as well as providing assistance in making cooperation agreements for ordinary people about legal products.

Likewise, the Community Service carried out by the UNWAR PKM Team, namely providing assistance to people who need it, especially in terms of making a cooperation agreement between the two parties, namely the farmers and PT Daun Kayu Suji. This is in accordance with the Government's expectations, namely what is stated and published in Legislation, namely Law No. 20 of 2003 concerning the National Education System where in article 20 it is stated, that Community Service is the activity of academics in practicing science and technology to promote the general welfare and educate the nation's life.

Likewise, the Community Service was carried out by the UNWAR PKM Team, namely providing assistance to people who need it, especially in terms of making a cooperation agreement between the two parties, namely the farmers and PT Daun Kayu Suji. This is in accordance with the Government's expectations, namely what is stated and published in Legislation, namely Law No. 20 of 2003 concerning the National Education System where article 20 it is stated, that Community Service is the activity of academics in practicing science and technology to promote the general welfare and educate the nation's life.

In general, agreements under Article 1313 of the KUHPERdata are an act by which one or more people bind themselves to one or more people. So according to the formulation of the article, that agreement is an

agreement that gives rise to an engagement. According to Subekti (2008), an agreement is an event where a person promises to another person, or where that person promises each other to do something. Meanwhile, Handri Raharjo (2009), said that an agreement is a legal relationship in the field of assets which is based on an agreement between one legal subject and another and they bind themselves to each other. While

Muhammad (2000) argues that an agreement is an agreement between two or more people who bind themselves to one thing in the field of wealth. Based on the description of the views above, one of the elements of the agreement contained in the provisions of Article 1320 of the KUHPERDATA can be described, namely:

1. They agreed to bind themselves
2. The ability to make an engagement.
3. A certain thing.
4. A lawful cause.

If an agreement according to its form is divided into 2 namely:

1. Oral agreement, divided into two namely:
 - a. Consensual agreement

Consensual agreement is an agreement in which the word prohibition between the parties alone is sufficient to initiate an agreement.

- b. Real agreement

Real agreement is an agreement that only occurs after the delivery of the goods or the word of the offer is the same as the delivery of the goods.

2. The tertulia agreement, is divided into two namely:

- a. Standard agreement

Standard agreement is a written agreement in the form of a form whose contents have been filled in beforehand.

- b. Formal agreement

Formal agreement, is an agreement established with certain formalities. For example, an agreement made before a notary.

From the explanation above, in an agreement, it should be done in writing, so that it strengthens what is the obligation of each party and the rights obtained by both parties. There will be legal certainty in the agreement in accordance with the applicable legal provisions, namely the meaning of the agreement itself is in accordance with the provisions of Article 1313 of the KUHPERDATA and refers to the provisions of Article 1320 of the KUHPERDATA which includes the elements that must be present in an agreement. There are several previous studies related to this research. First, Analysis of Non-performing Loans Settlement at PT Astra Credit Companies in Review of the Civil Code Article 1313 (Bengkulu City Study) (Ilham dkk, 2022). Then, default in the agreement which can be criminalized according to article 378 of the book of laws (Adati, 2018). Last, the role of agreement legal principles in realizing the purpose of the agreement (Sinaga, 2018).

1.2 Partner Identification and Problems

Based on initial observations in the field and looking directly into the field, namely where the young farmers hang out on Jalan Bypass Soekarno Tabanan, and where the group of old farmers live in Baturiti Tabanan Village, a problem can be identified, namely:

1. The parties have jointly agreed to make an agreement that is sufficient only with the belief in accordance with conscience and has been implemented for quite a long time until now.
2. The parties do not understand the existence of an agreement as the basis of cooperation in business relations which is implied and expressed as contained in the Laws and Regulations.

1.3 Objectives and Targets

General purpose:

1. As a form of the Lecturer's dedication to the community.
2. Provide opportunities for lecturers to carry out direct service with partners to the target object, in this case, the Tabanan construction workshop to carry out one of the Three Pillars of Higher Education in terms of community service.
3. Improving cooperative relations between universities and the community and/or companies that employ employees.

Special purpose:

1. Provide material on agreements that can be agreed upon, so that agreements are made not only from conscience.
2. Provide understanding and counseling regarding agreements as the basis of cooperation to be understood between the parties, where the agreement is contained in statutory regulations.

Activity Target

1. Information dissemination and legal counseling regarding the provisions of Article 1313 of the KUHPERDATA.

2. Provide assistance and direction in making a work agreement between the parties, the first party is the Bali Moon Owner, and the second party is the Four Ribs Garden Farmers.

2. METHODS OF IMPLEMENTATION THAT HAVE BEEN DONE

2.1 Implementation Method

The method of implementation carried out in this community service is:

- a. Directly meet partners to see directly the workplace situation at the Bali Moon company located on Jalan By Pass Ir. Soekarno, Tabanan, Bali.
- b. Discuss with the parties who will make a work agreement.
- c. The PKM implementation team can apply the methods used to carry out socialization and legal counseling regarding agreements in accordance with the provisions of article 1313 of the KUHPperdata.

No.	Identification of problems	Solution	Achievement Goals
1.	The parties have jointly agreed to make an agreement that is sufficient only with the belief in accordance with conscience and has been implemented for quite a long time until now.	As agreed from the identification of the problem mentioned above, it has fulfilled one of the elements of the provisions of Article 1338 of the KUHPperdata, namely point c, an agreement must be carried out in good faith, even so, if the cooperation agreement is not made in writing, it will still not have legal force.	In this case, the UNWAR PKM Team directed that the agreement be made in writing and have legal force signed by both parties, namely the Young Farmers Group as well as the Old Farmers Group with the Bulan Bali company / PT. Daun Kayu Suji is signed on a seal so that it will be clear and clear, especially regarding the obligations and rights between the two parties.
2.	The parties do not understand the existence of an agreement as the basis of cooperation in business relations which is implied and expressed as contained in the	Provide an explanation to both parties that an agreement should be made referring to Article 1313 of the KUHPperdata where one person or binds himself to another person or more. If we look back at the provisions of Article 1320 of the KUHPperdata, which regulates the terms	With the directions and input that were conveyed by the UNWAR PKM Team to the parties who collaborated and made the collaboration, namely the Group of Young Farmers, Old Farmers, and Bulan Bali / PT. Daun Kayu Suji, the PKM Team provides assistance in the hope that the cooperation agreement made
	Laws and Regulations.	of the validity of the agreement, namely: 1. They agreed to bind themselves 2. A certain thing, 3. A lawful cause Again, to look at the provisions of Article 3030 of the KUHPperdata, requires that a person is incapable of making an agreement if: 1. An immature person 2. Those who are placed under guardianship 3. Women in matters stipulated by law are prohibited from	can provide the best hope and avoid conflicts where the problem is that the business agreement does not include a written agreement.

		<p>making certain agreements.</p> <p>So, it is very clear that the law requires the importance of an agreement being made in a business relationship or partner so that the rights and obligations between the parties become clear and clear in order to avoid disputes in the future.</p>	
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2.2 Partner Contribution to Implementation

Contributions in this case are contributions given in various forms, both in the form of funds, ideas donation programs, and energy given to other parties to achieve something better and more efficiently. This Community Service will provide assistance in making a joint work agreement between farmers and the Bulan Bali company or PT. Daun Kayu Suji in accordance with statutory provisions, namely the provisions of Article 1313 of the KUHPperdata, and Law No. 13 of 2003 concerning Manpower. Through the Community Service Program (PKM) the Campus element will become a bridge from the Government to socialize legal products that apply to employers for the good and welfare of workers.

3. LITERATURE REVIEW

According to Setiawan (2007) "Agreement is a legal act, in which one person or more binds himself or binds himself to one person or more", so the notion of an agreement is a legal act by which two or more people bind themselves to two or more other people.

In accordance with the sound of article 1313 of the KUHPperdata, which states "An agreement is an act in which one or more people bind themselves to one or more other people." and the provisions of article 1317 of the KUHPperdata state "You can also enter into an agreement for the benefit of a third person, if an agreement made for yourself, or an offer to another person, contains such conditions. Anyone who has determined a condition, cannot withdraw it if a third party has stated that the condition will exist. The provisions of the two articles above are closely related to each other in making work agreements so that the agreement made and produced is in accordance with applicable legal provisions (Satrio, 2001).

In statutory provisions, apart from referring to the provisions above, it is also important to understand the provisions of Article 1320 of the KUHPperdata. Where there are 4 conditions for the validity of the agreement in accordance with the provisions of 1320 of the KUHPperdata with sound, In order for a valid agreement to occur, four conditions need to be fulfilled;

1. The agreement of those who bind themselves;
2. The ability to make an agreement;
3. A certain subject matter;
4. Because that is not forbidden.

Judging from Article 1313 of the KUHPperdata, an agreement is an act by which one or more people bind themselves to one or more people. Based on the formulation of the understanding of the agreement, it can be concluded that an agreement consists of parties, agreements between parties, achievements to be carried out, legal reasons, certain forms of oral or written, certain conditions as the contents of the agreement, and conditions for goals. to be achieved. In making an agreement there are several important things that must be considered or fulfilled, these things include:

a. Agreement law regulatory system

The legal arrangement system for agreements or open systems (open system) is a regulation that states that everyone is free to enter into agreements, whether those have been regulated in related laws or not. The provisions of this legal agreement regulatory system are listed in Article 1338 paragraph (1) of the KUHPperdata which reads "All agreements made legally apply as laws for those who make them."

b. Requirements for the validity of an agreement

The legal requirements for an agreement are regulated in Article 1320 of the KUHPperdata. In these provisions, there are four conditions for the validity of the agreement, among others:

1. There is an agreement between the two parties;

2. The ability to take legal action;
3. There is a meeting object;
4. There is a lawful cause.

c. The legal principle of the agreement

In legal agreements, the principles of contract law are known, namely the principle of consensual, the principle of freedom of contract, the principle of the binding force of agreement (*pacta sunt servanda*), the principle of good faith, the principle of trust, the principle of personality, the principle of legal agreement, the principle of balance, Principles of Legal Certainty, Moral Principles, Adequacy Principles, Customary Principles, and Protection Principles.

d. Form and type of agreement

The form of the agreement can be divided into two kinds, namely written and oral.

e. Terms and conditions that must be considered in making the agreement These terms and conditions include among others:

- a. Achievement is something that must be implemented in an engagement;
- b. Default means not fulfilling the achievements or obligations that have been determined by certain parties in an agreement
- c. Summons is a reprimand from the creditor to the debtor so that they can fulfill their achievements in accordance with the contents of the agreement agreed upon by both of them
- d. Compensation, there are two types of compensation, namely compensation due to default and acts against the law.

f. Matters considered by the parties

Things that must be considered by the parties who will enter into and make an agreement are the legal authority of the parties, taxation, agrarian issues, choice of law, dispute resolution, agreement settlement, and standard forms of agreement.

4. RESULTS AND DISCUSSION

4.1 The form of the Work Agreement is Agreed in accordance with the Legal Provisions that are entitled

Contract law is a law formed as a result of a party binding itself to another party. Or it can also be said that the law of agreement is a law that is formed as a result of someone promising another person to do something awful. In this case, the two parties have agreed to enter into an agreement without any coercion or decision by only one party.

If two people enter into an agreement, they or the parties intend that there is an agreement between them, and then they are bound by the promises they have made. The agreement that was born from the agreement is indeed desired by the parties who make an agreement. Likewise, for the Bali Moon company, where the Bali Moon owner who will enter into an agreement with Four Ribs Garden provides an understanding in accordance with the provisions of Article 1313 of the KUHPperdata and Article 1324 of the KUHPperdata. It is hoped that the parties will not only make an agreement based on good services but an agreement must be made in accordance with applicable legal provisions (Kusmiati, 2016).

The parties can enter into an agreement and bind themselves to do or not do certain things, they actually create laws that will apply in a limited way to the maker of the agreement, this is based on rights and is authorized to make laws with a limited scope granted or bestowed by other laws that are more basic and generally applicable. It is concluded that according to the Civil Code, an agreement has essentially occurred with the existence of restrictions (*consensus*) from both parties and binds those who make it, binds it to law.

4.2 The Importance of an Agreement from a Cooperation in Business Relations Implied and Expressed in Legislation

The importance of the agreement is conveyed by the UNWAR Community Service Team which provides assistance and legal counseling regarding the importance of agreements made by partners, namely the Bulan Bali and the Four Ribs Garden, where the terms of the agreement must exist and have a very important role that needs to be observed and understood, the 4 terms of the agreement described above can be grouped into 2 broadly namely,

1. Subjective Terms

Subjective conditions are conditions that concern the subjects of the agreement, in other words, the conditions that must be met are the terms of binding himself and being a party to the agreement. If the first and second conditions are not met, then the legal consequence is that the agreement becomes cancelable. This means that the parties must fulfill this element, where both the agreement and the element of freedom must be fulfilled. Can be canceled brings the consequence, that the agreement has resulted in the parties that the

agreement because of a lawsuit a court decision against an agreement can be canceled, because of the existence of a lawsuit or decision of the lawsuit, and an annulment (cancellation) can be requested by one of the parties, for example for those who are not yet competent according to the law submitted by their parents or guardians, or he himself if he is already competent.

2. Terms of purpose

Terms of purpose are conditions relating to the object of the agreement, including a certain matter and a lawful cause. The third condition and the fourth condition are the objective conditions, the objective conditions are not fulfilled, then the agreement is null and void. This has the consequence that from the start the contract does not bring any legal consequences because this contract is against the law, public drunkenness, and decency. So, from the beginning, juridically, there was no agreement and there was no agreement between people who intended to make an agreement. Thus, one party cannot sue the other party before the judge, because there is no legal basis.

With the foregoing, it can be understood by the parties in making an agreement so that the form of agreement that is used in running a business can be realized in the form of supplying plant seeds and other products related to cooperation in the agricultural sector.

4.3 Conclusions

1. In making an agreement, the first party, namely the Owner of the Bali Moon, and the second party, namely the Four Ribs Garden Farmers, already understand and know the importance of an agreement that is used as the basis for managing cooperation engaged in the field of agricultural products of leaves and ornamental plants.
2. The parties have signed the agreement that was made, with the assistance and legal channels from the PKM UNWAR team, so that the agreement designed and agreed upon can be used as the basis for business relations, because it already refers to the provisions of the legislation, in this case the KUHPERDATA.

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