

ABSTRAK

Pengambilan sampel tembakau merupakan salah satu bagian penting dalam proses transaksi jual beli tembakau, khususnya di Desa Durbuk, Kecamatan Pademawu, Kabupaten Pamekasan yang dikenal sebagai sentra penghasil tembakau. Dalam praktiknya, pengambilan sampel seringkali melebihi batas maksimal 1 kg sebagaimana diatur dalam Pasal 21 ayat (2) Peraturan Daerah Kabupaten Pamekasan Nomor 2 Tahun 2022 tentang Pengusahaan Tembakau Madura. Hal ini menimbulkan kerugian bagi petani karena berkurangnya berat tembakau yang dijual, sehingga berdampak pada menurunnya pendapatan. Oleh karena itu, penelitian ini dilakukan untuk mengetahui pelaksanaan transaksi jual beli tembakau di Desa Durbuk dan menganalisa efektivitas penerapan Pasal 21 ayat (2) Peraturan Daerah Kabupaten Pamekasan Nomor 2 Tahun 2022 tentang Pengusahaan Tembakau Madura.

Metode yang digunakan adalah penelitian empiris. Adapun pendekatan yang dilakukan adalah pendekatan fakta dan pendekatan perundang-undangan.

Hasil penelitian menunjukkan bahwa pelaksanaan transaksi jual beli tembakau di Desa Durbuk dilakukan melalui dua sistem, yaitu sistem jual beli di pasaran dan sistem jual beli melalui juragan atau pelaku usaha. Namun, dalam sistem jual beli melalui juragan atau pelaku usaha terdapat pelaku usaha yang melanggar Pasal 21 ayat (2) Peraturan Daerah Kabupaten Pamekasan Nomor 2 Tahun 2022 tentang Pengusahaan Tembakau. Efektivitas Pasal 21 ayat (2) Perda No. 2 Tahun 2022 di Desa Durbuk belum efektif. Secara struktur, pengawasan lemah meski payung hukum ada. Substansi hukumnya jelas, namun belum didukung norma pelaksana yang memadai. Kultur hukum masyarakat yang sudah terbiasa dan minim kesadaran hukum turut menghambat penerapan aturan.

Kata kunci: Tembakau - Pengambilan Sampel - Efektivitas Hukum

ABSTRACT

Tobacco sampling is an important part of the tobacco buying and selling transaction process, especially in Durbuk Village, Pademawu District, Pamekasan Regency, which is known as a tobacco producing center. In practice, sampling often exceeds the maximum limit of 1 kg as stipulated in Article 21 paragraph (2) of Pamekasan Regency Regional Regulation Number 2 of 2022 concerning Madura Tobacco Business. This causes losses for farmers due to the reduced weight of the tobacco sold, resulting in decreased income. Therefore, this study was conducted to determine the implementation of tobacco buying and selling transactions in Durbuk Village and to analyze the effectiveness of the implementation of Article 21 paragraph (2) of Pamekasan Regency Regional Regulation Number 2 of 2022 concerning Madura Tobacco Business.

The method used is empirical research. The approaches used are the factual approach and the statutory approach.

The results of the study show that the implementation of tobacco buying and selling transactions in Durbuk Village is carried out through two systems, namely the buying and selling system in the market and the buying and selling system through bosses or business actors. However, in the buying and selling system through bosses or business actors, there are business actors who violate Article 21 paragraph (2) of Pamekasan Regency Regional Regulation Number 2 of 2022 concerning Tobacco Business. The effectiveness of Article 21 paragraph (2) of Regional Regulation No. 2 of 2022 in Durbuk Village is not yet effective. Structurally, supervision is weak even though the legal umbrella exists. The legal substance is clear, but it is not supported by adequate implementing norms. The legal culture of the community that is accustomed to and has minimal legal awareness also hinders the implementation of the rules.

Keywords: Tobacco - Sampling - Legal Effectiveness