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Plant Variety Protection, Farmers' Rights, and Agrarian Justice: An Islamic Socio-Legal Perspective on Agricultural Capitalization in Indonesia

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Abstract

The capitalization of the agricultural sector has transformed seed governance from community-based agricultural practices into industrial systems dominated by corporate interests and intellectual property regimes. In Indonesia, the implementation of Plant Variety Protection (PVP) under Law Number 29 of 2000 has generated significant challenges regarding farmers' rights, local seed sustainability, and agrarian justice. This study aims to analyze the impact of agricultural capitalization on farmers' rights and local seed systems, as well as to evaluate the implementation of the PVP regime from an Islamic socio-legal perspective. This research employs a normative-empirical legal method using an Islamic socio-legal approach. Primary legal materials consist of national and international regulations concerning plant variety protection, while secondary materials include scholarly literature, policy reports, and previous studies related to agricultural capitalization and seed governance. The findings indicate that the implementation of the PVP system remains dominated by corporations and formal research institutions, while smallholder farmers face structural barriers in accessing legal protection. Technical requirements, administrative complexity, and unequal institutional access contribute to the marginalization of traditional seed systems and increase farmers' dependency on commercial seed markets. From an Islamic socio-legal perspective, the concentration of control over seeds raises concerns regarding distributive justice, public welfare (*maṣlaḥah*), and monopolistic practices (*iḥtikār*). This study argues that Indonesia's PVP system requires substantial reform through a more inclusive legal framework that recognizes farmers' rights, protects local seed systems, and balances innovation incentives with social justice and collective welfare.

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Introduction

The global agricultural sector has undergone a significant structural transformation over the past several decades. Agricultural practices that were once community-based and rooted in traditional knowledge systems have increasingly shifted toward industrial and capital-intensive models dominated by multinational agribusiness corporations. This process, commonly referred to as agricultural capitalization, has transformed not only production patterns but also the legal and economic structures governing food systems and agricultural resources. Seeds, which historically functioned as communal agricultural resources shared among farming communities, are now increasingly treated as commercial commodities protected under intellectual property regimes. The growing concentration of control over seeds and agricultural inputs in the hands of a few multinational corporations has intensified concerns regarding farmers' dependency, biodiversity loss, and the erosion of traditional agricultural practices.

Within this context, Plant Variety Protection (PVP) regimes have emerged as one of the primary legal instruments regulating ownership and commercialization of plant genetic resources. International agreements such as the Agreement on Trade-Related Aspects of Intellectual Property Rights (TRIPs) and the 1991 UPOV Convention have encouraged countries to adopt stronger intellectual property protections over plant varieties. Although such legal frameworks are often justified as mechanisms to encourage innovation and investment in plant breeding, critics argue that they simultaneously strengthen corporate dominance over agricultural systems and marginalize smallholder farmers who rely on traditional seed-sharing practices. The expansion of exclusive rights over seeds has created tension between commercial breeding interests and farmers' traditional rights to save, exchange, cultivate, and reproduce seeds.

Indonesia adopted the Plant Variety Protection system through Law Number 29 of 2000 concerning Plant Variety Protection. Normatively, the law aims to encourage agricultural innovation and provide legal protection for plant breeders. However, the implementation of the PVP system in Indonesia demonstrates structural inequalities in access and participation. Existing studies indicate that applications for plant variety protection are predominantly controlled by corporations and formal research institutions, while smallholder farmers and local breeding communities remain largely excluded from the system. Technical requirements such as the BUSS criteria (new, unique, uniform, and stable), administrative complexities, and limited institutional access create significant barriers for traditional farmers to obtain formal legal protection for local varieties developed through collective agricultural practices.

The expansion of agricultural capitalization through intellectual property regimes has also generated broader social and ethical concerns related to agrarian justice. The concentration of seed ownership in corporate institutions threatens local seed sovereignty and weakens farmers' autonomy in managing agricultural resources. In many rural communities, seeds are not merely economic commodities but are closely connected to collective cultural heritage, local ecological knowledge, and community survival. Consequently, the commercialization and privatization of plant genetic resources may deepen social inequality and undermine food security, particularly for small-scale farmers in developing countries.

From an Islamic perspective, the issue of agrarian justice and monopolization of agricultural resources is closely related to broader ethical principles concerning justice, public welfare, and the protection of vulnerable communities. Islamic legal and ethical traditions emphasize the importance of distributive justice, collective benefit (*maṣlaḥah*), and the prohibition of exploitative monopolistic practices (*iḥtikār*). In the context of agricultural systems, these principles underline the obligation to ensure equitable access to essential resources and prevent excessive concentration of economic power that may harm society. Therefore, the domination of seed systems by corporate actors through restrictive intellectual property mechanisms raises important socio-legal and ethical questions regarding the compatibility of such systems with Islamic principles of justice and social welfare.

Previous studies on plant variety protection generally focus on intellectual property law, agricultural policy, and economic regulation. However, limited attention has been given to examining plant variety protection from an Islamic socio-legal perspective, particularly in relation to farmers' rights and agrarian justice in Indonesia. This article seeks to fill that gap by analyzing the impact of agricultural capitalization on farmers' rights and local seed systems, while critically evaluating the effectiveness of Indonesia's Plant Variety Protection regime through the lens of Islamic socio-legal principles. This study argues that the existing PVP framework tends to favor corporate interests and requires substantial reform to better accommodate farmers' rights, social justice, and sustainable agricultural practices.

Method

This study employs a normative-empirical legal research method using an Islamic socio-legal approach. The normative approach is used to examine legal norms governing Plant Variety Protection (PVP), particularly Law Number 29 of 2000 concerning Plant Variety Protection, international intellectual property frameworks under the TRIPs Agreement, and relevant legal principles concerning farmers' rights and agricultural justice. Meanwhile, the empirical dimension is directed toward understanding the social implications of the implementation of plant variety protection within agricultural communities, especially in relation to smallholder farmers and local seed systems.

The socio-legal approach enables this research to analyze the interaction between legal structures, economic power relations, and socio-cultural realities in agricultural society. In addition, this study incorporates Islamic socio-legal perspectives by examining principles of distributive justice, public welfare (*maṣlaḥah*), and the prohibition of monopolistic practices (*iḥtikār*) within Islamic legal thought as analytical frameworks for evaluating the fairness of the current plant variety protection regime.

The data used in this research consist of primary and secondary legal materials. Primary legal materials include Law Number 29 of 2000 concerning Plant Variety Protection, international legal instruments related to intellectual property rights, and relevant government regulations concerning plant variety protection. Secondary legal materials include scholarly books, journal articles, policy reports, and previous studies discussing agricultural capitalization, intellectual property rights, seed sovereignty, and farmers' rights. This study also utilizes relevant contemporary reports and international

discussions concerning the expansion of restrictive seed protection regimes and their impact on traditional farming communities.

Data were collected through literature study and document analysis. The collected materials were analyzed qualitatively using descriptive-analytical techniques. The analysis focuses on identifying the gap between the normative objectives of plant variety protection and its practical implications for farmers' rights, agrarian justice, and local seed sustainability in Indonesia. Furthermore, the study critically evaluates whether the existing legal framework reflects Islamic principles of justice and social welfare within the context of agricultural governance.

Results

Agricultural Capitalization and the Transformation of Seed Governance

The agricultural sector has undergone substantial structural transformation due to the expansion of industrial capitalism and the globalization of agricultural markets. Agricultural systems that were previously community-based and dependent on local knowledge have gradually shifted toward industrial production models characterized by technological dependency, capital concentration, and corporate control over agricultural resources. In this transformation, seeds are increasingly positioned not merely as agricultural necessities but as commercial assets regulated through intellectual property systems.

The emergence of international intellectual property frameworks, particularly through the Agreement on Trade-Related Aspects of Intellectual Property Rights (TRIPs) and the 1991 International Convention for the Protection of New Varieties of Plants (UPOV 1991), has accelerated the commercialization and privatization of plant genetic resources. These international instruments encourage member states to establish stricter legal protection for plant varieties by granting exclusive rights to breeders and seed corporations. As a consequence, the seed industry has become increasingly concentrated within a limited number of multinational corporations that control seed production, biotechnology, and agrochemical distribution.

The concentration of market power within global agribusiness has transformed seed governance in many developing countries, including Indonesia. Commercial agricultural production is increasingly dependent on proprietary seed technologies and licensing systems controlled by corporate breeders. This condition reduces farmers' autonomy in managing local seed systems and increases dependence on commercial seed markets. Traditional practices of saving, exchanging, and reproducing seeds within farming communities are gradually displaced by industrial agricultural mechanisms that prioritize commercial ownership and market-oriented production.

In Indonesia, the implementation of Plant Variety Protection through Law Number 29 of 2000 reflects broader global trends toward the formal regulation and privatization of plant genetic resources. The law grants exclusive rights to breeders over plant varieties that satisfy the BUSS criteria, namely new, unique, uniform, and stable. Although the legal framework formally recognizes limited farmers' rights to use protected varieties for non-commercial purposes, the practical implementation of the system remains largely dominated by corporations and formal research institutions.

The transformation of seed governance has also altered the relationship between farmers and agricultural production systems. Farmers who traditionally functioned as custodians of local genetic resources are increasingly positioned as consumers within industrial agricultural chains. This shift not only affects economic relations in agriculture but also influences the sustainability of local seed diversity and traditional farming knowledge that have historically supported food resilience in rural communities.

Implementation of Plant Variety Protection in Indonesia

The implementation of Plant Variety Protection (PVP) in Indonesia demonstrates significant inequalities in participation and access. Existing data indicate that applications for plant variety protection are predominantly submitted by corporations, universities, and government research institutions, while participation by smallholder farmers and local breeding communities remains limited. This imbalance illustrates the structural dominance of formal institutional actors within the PVP system.

Several factors contribute to the limited participation of farmers in obtaining formal plant variety protection. One of the primary barriers is the technical complexity of the BUSS requirements. Local seed varieties developed through participatory agricultural practices often fail to fulfill formal criteria of uniformity and stability despite possessing strong ecological adaptability and local resilience. Traditional seed systems generally prioritize diversity and adaptability to environmental conditions rather than genetic uniformity as required under formal breeding standards.

Administrative and institutional barriers also significantly affect farmers' access to the PVP system. Registration procedures are relatively complex and require technical documentation, legal understanding, and financial resources that are difficult for many smallholder farmers to obtain. In addition, plant variety protection services remain centralized and are not fully accessible in rural agricultural regions. The limited availability of technical assistance and legal support further widens the gap between formal legal protection mechanisms and traditional farming communities.

The implementation of the PVP regime also raises concerns regarding the sustainability of local seed systems. Most farmers in rural areas continue to depend on informal seed exchange mechanisms based on customary practices, kinship relations, and intergenerational knowledge transmission. These traditional seed systems play an essential role in maintaining agricultural biodiversity and supporting local food security. However, the expansion of formal intellectual property mechanisms over plant varieties increasingly marginalizes these communal agricultural practices.

The concentration of control over commercial seed production has further strengthened the dominance of agribusiness corporations in agricultural markets. Multinational corporations possess greater financial capacity, technological resources, and legal infrastructure to manage extensive portfolios of plant variety rights. Consequently, local farmers face increasing dependence on commercial seeds and reduced control over agricultural production inputs.

Furthermore, the expansion of restrictive plant variety protection regimes has generated broader concerns regarding seed monopolization and unequal power relations within agricultural governance. In practice, the PVP system tends to favor actors with greater economic and institutional resources while placing local farmers in structurally

disadvantaged positions. This condition demonstrates that the implementation of plant variety protection in Indonesia is not solely a legal matter concerning innovation and intellectual property but is also closely connected to broader issues of social inequality, agricultural sovereignty, and access to essential productive resources.

Discussion

Farmers' Rights and Agrarian Injustice in the Plant Variety Protection Regime

The implementation of the Plant Variety Protection (PVP) regime in Indonesia reflects broader structural inequalities within contemporary agricultural systems. Although the PVP framework is formally designed to encourage innovation and provide legal protection for plant breeders, its practical implementation tends to disproportionately benefit corporations and formal research institutions rather than smallholder farmers. This condition illustrates how legal mechanisms that are formally neutral may operate unequally within socio-economic structures characterized by unequal access to capital, technology, and institutional resources.

The dominance of corporations in plant variety registration demonstrates that access to legal protection is strongly influenced by economic and institutional capacity. Smallholder farmers and local breeding communities often lack the technical expertise, financial resources, and legal infrastructure necessary to participate effectively in the formal PVP system. As a result, traditional agricultural actors who have historically contributed to the preservation and development of local genetic resources remain structurally marginalized within contemporary seed governance systems.

The application of BUSS criteria (new, unique, uniform, and stable) further reinforces this inequality. Local seed varieties developed through participatory agricultural practices are frequently unable to satisfy formal standards of uniformity and stability because such varieties are naturally adaptive and heterogeneous. In practice, the PVP system privileges industrial breeding models that prioritize commercial standardization while overlooking the ecological and cultural value of local agricultural diversity. Consequently, the legal framework indirectly delegitimizes traditional seed systems and communal agricultural knowledge that have long sustained rural food production.

This condition reflects a broader problem of agrarian injustice in which legal authority over agricultural resources becomes concentrated within economically dominant actors. The commercialization and privatization of seeds transform agricultural resources that were historically shared collectively into objects of exclusive ownership and market control. As farmers become increasingly dependent on proprietary commercial seeds, their autonomy over agricultural production declines. In the long term, such dependency may weaken local food sovereignty and increase the vulnerability of rural communities within industrial agricultural systems.

Islamic Socio-Legal Perspective on Seed Monopoly and Agricultural Justice

From an Islamic socio-legal perspective, the concentration of control over seeds and agricultural resources raises important ethical and legal concerns related to justice, public welfare, and economic balance. Islamic teachings emphasize that economic activities should not generate exploitation, social harm, or excessive concentration of wealth and power within limited groups. In this regard, the monopolization of agricultural resources

through restrictive intellectual property mechanisms may conflict with broader Islamic principles concerning social justice and equitable resource distribution.

One of the important concepts relevant to this discussion is *ihtikār*, which refers to monopolistic practices that create hardship and public disadvantage. Classical Islamic legal thought generally condemns practices that restrict public access to essential goods for private profit. Although the contemporary plant variety protection system operates through modern legal mechanisms rather than traditional market monopolies, the concentration of seed ownership within a limited number of corporations produces similar socio-economic consequences, particularly for smallholder farmers who depend on access to affordable agricultural inputs.

In addition, the principle of *maṣlahah* (public welfare) provides an important analytical framework for evaluating agricultural governance policies. Islamic legal theory recognizes that laws and policies should aim to protect collective welfare and prevent social harm. Within the agricultural context, maintaining farmers' access to seeds, preserving local agricultural biodiversity, and supporting sustainable food systems constitute essential components of public welfare. Therefore, legal arrangements that disproportionately favor corporate interests while marginalizing vulnerable farming communities may undermine broader social benefits and contradict the ethical objectives of Islamic law.

Islamic perspectives on distributive justice also emphasize the importance of protecting vulnerable social groups from structural inequality. Smallholder farmers play a central role in sustaining local food systems and preserving agricultural biodiversity. However, within highly capitalized agricultural systems, farmers often possess weaker bargaining positions compared to multinational agribusiness corporations. Consequently, legal systems that fail to accommodate farmers' rights may contribute to widening socio-economic disparities in rural communities.

The issue of seed governance is therefore not merely a technical legal matter concerning intellectual property rights but also an ethical issue concerning social justice, access to productive resources, and the protection of communal welfare. Through an Islamic socio-legal lens, agricultural governance should prioritize balance between innovation incentives and social responsibility in order to ensure that legal protection mechanisms do not become instruments of structural domination.

Reconstructing an Inclusive and Equitable Plant Variety Protection System

The findings of this study indicate the need for substantial reform within Indonesia's Plant Variety Protection system. A more inclusive legal framework is necessary to balance the protection of commercial plant breeders with the rights and interests of smallholder farmers and local agricultural communities. Such reform is important not only for achieving legal fairness but also for strengthening sustainable agricultural systems and protecting local food sovereignty.

One important reform strategy involves strengthening legal recognition of traditional seed systems. Farmers' practices of saving, exchanging, reproducing, and distributing seeds within local communities should be explicitly protected as legitimate agricultural rights rather than treated as informal activities outside the legal framework. Legal recognition of communal agricultural knowledge would help preserve local seed diversity and reduce excessive dependency on commercial seed markets.

In addition, the existing PVP system requires a more flexible protection mechanism capable of accommodating local seed varieties developed through participatory agricultural practices. The strict application of BUSS criteria may not be fully appropriate for traditional varieties that possess ecological adaptability but do not exhibit genetic uniformity. Therefore, a differentiated protection scheme that recognizes the specific characteristics of local varieties could create a more equitable legal structure for farmers and local breeders.

Institutional reform is also necessary to improve farmers' access to legal protection. The decentralization of registration services, expansion of legal assistance programs, and provision of technical support for local farming communities would help reduce structural barriers within the PVP system. Strengthening farmers' participation in agricultural policymaking processes is equally important to ensure that agricultural governance reflects the interests of broader rural communities rather than predominantly corporate actors.

From an Islamic socio-legal perspective, reconstructing the PVP system requires legal policies that align with principles of justice, collective welfare, and social balance. Agricultural governance should not solely prioritize commercial efficiency and market expansion but must also protect vulnerable communities and preserve equitable access to essential resources. A balanced legal framework that accommodates innovation while safeguarding farmers' rights would contribute to more sustainable and socially just agricultural development in Indonesia.

Conclusion

This study demonstrates that the implementation of Plant Variety Protection (PVP) within highly capitalized agricultural systems has contributed to structural inequalities affecting smallholder farmers and local seed communities in Indonesia. Although the PVP regime formally aims to encourage innovation and provide legal certainty for plant breeders, its implementation remains predominantly dominated by corporations and formal research institutions. Technical requirements, administrative complexity, and unequal institutional access continue to marginalize traditional farmers and weaken local seed systems that play an important role in maintaining agricultural biodiversity and food resilience.

The findings further indicate that the concentration of control over seeds and agricultural resources has strengthened corporate dominance within agricultural governance while reducing farmers' autonomy over production systems. From an Islamic socio-legal perspective, such conditions raise important concerns regarding distributive justice, public welfare (*maṣlahah*), and the prohibition of exploitative monopolistic practices (*iḥtikār*). Therefore, the issue of plant variety protection should not be understood merely as a matter of intellectual property regulation, but also as a broader question of agrarian justice and equitable access to productive resources.

This study argues that the reconstruction of Indonesia's Plant Variety Protection system requires a more inclusive and socially just legal framework that recognizes farmers' rights, protects traditional seed systems, and balances innovation incentives with collective welfare. Strengthening legal protection for local agricultural communities and integrating principles of justice within agricultural governance are essential for developing a more equitable and sustainable agricultural system in Indonesia.

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