

The Legal Protection of Sustainable Agricultural Land: Why is It Urgent?

*Ivan Fauzani Raharja, * Hafrida, ** Retno Kusniati, ***
Sasmiar, **** Ahmad Ridha******

Faculty of Law, Universitas Jambi, Indonesia

**Ivanfauzani_fh@unja.ac.id*

***hafrida_hukum@unja.ac.id*

****retno_kusniati@unja.ac.id*

*****sasmiar@unja.ac.id*

******ahmad.ridha@unja.ac.id*

Abstract

The phenomenon of rapid population growth and land conversion is what forms the background of this study. The Indonesian state does not only lose its agricultural land but also its farmers. This is the concern of the Government, including Local Governments, considering that agricultural land in its territory needs to be saved for food security and the needs of the next generations. Indonesia, including Jambi Province, will no longer have agricultural land and enough farmers in the future if this condition continues. Sungai Penuh of Jambi Province has been chosen as an object of study since this city is one of the main rice producers but suffering from agricultural land conversion. In realizing the goal, Legal policy is an option to implement because it binds not only the Local Government but also the community. That's why it is important to protect agricultural land through a legal framework to ensure the availability of agricultural land. This article argues that the problem has to find ways by establishing local regulation to protect the sustainability of land and the prosperity of the farmers as well as by providing comprehensive incentive programs for those who conserve it.

Keywords: Conversion; land conversion, legal protection; sustainable agricultural land.

A. Introduction

The phenomenon of agricultural land loss and decreasing the number of farmers in Indonesia has become a concern of the Central Government and Local Governments. If this continues, Indonesia will most likely lose more farmers in the future. The country lost 5.1 million farmers between 2003 and 2013, with their number dropping to 26 million, according to the Central Statistics Agency (BPS). This trend is expected to continue in the next few years. At this rate, Indonesia will lose all its farmers by 2063.¹ The Ministry of National Development Planning/National Development Planning Agency estimates that in 2063 there will be no longer a farmer profession. This is line with the decline in employment in agricultural sector.²

Many factors may cause this problem like the high growth of population that increase the needs for land and force farmers to converse their land. Land conversion to non-agricultural use made the providing land for rice lessen. "In all developed countries, as well as in some developing and emerging countries, there is a debate about

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- 1 I Ketut Suratha, "Krisis Petani Berdampak pada Ketahanan Pangan di Indonesia", *Jurnal Media Komunikasi Geografi* Volume 16 Nomor 1 Juni 2015 p. 68-69; The Jakarta Post, "a Land without Farmers Indonesia's Agricultural", <https://www.thejakartapost.com/longform/2020/08/13/a-land-without-farmers-indonesias-agricultural-conundrum.html>, accessed 23 March 2021. See also Stein T Holden, "The Role of smallholder Farm in Food and Nutrition Security", Springer link, 2020, p. 153, accessed https://link.springer.com/chapter/10.1007/978-3-030-42148-9_8 26 March 2021: "Landlessness is growing rapidly in densely populated poor agrarian economies, and in such economies, the landless may be among the poorest of the poor. In undifferentiated land-constrained rainfed agriculture, it may even be very hard to survive if landless as there may be very few jobs available that provide a livelihood throughout the year unless one has some specialised skills or education."
 - 2 Mia Amalia, Director of Regional Development ministry of National Development Planning, <https://www.kompas.tv/article/157965/bappenas-prediksi-tak-ada-lagi-petani-di-2063> Rabu 24 Maret 2021, accessed 27 July 2021.

how farmland conversion to urban uses should be managed”³

Meanwhile, Agricultural sector is one of the mainstay economic sectors for the development of the Indonesian economy that plays an important role in the overall national economy. As the agricultural country⁴, Indonesia is well known for its fertile soils, huge areas of rainforest, water and ocean resources, oil, gas and minerals as well as a large, young population. With its climate and geography, Indonesia is one of the key producers of tropical agricultural products.⁵ Among them, rice is still the main crop Indonesian people consume. Despite the national campaign by the government to reduce rice consumption by, for example, encouraging citizens to go one day a week without rice, Indonesian people seem to have no way to be off rice consumption. No rice, no way.⁶ The agricultural sector has contributed significantly to the productivity and stability of the country's economy considering that the sufficiency and fulfilment of agriculture is the basis for the prosperity of a society.⁷

Sungai Penuh, located in Jambi Province, Indonesia, is well known for its agricultural products, like cassia vera, potatoes and rice. There are about 480.1248 hectares of agricultural land that potentially support food in the region. With its huge paddy land, Sungai Penuh has been responsible for the availability of staple food in Jambi Province. Nevertheless, like other parts of Indonesian farmland, the production of rice decreased significantly. Climate change has

3 Coline Perrin *et al*, “Preserving Farmland on the Urban Fringe: A Literature Review on Land Policies in Developed Countries”, *Land*, Vol 9, No 7 (2020), p. 223.

4 Sri Wahyuni Handayani, “Conversion of Agricultural Land Policy in Indonesia”, *Social Saints, Education and Humanities*, Vol 231, 2018, p. 48

5 Michelle Engel Limenta and Sianti Chandra, “Indonesian Food Security Policy,” *Indonesia Law Review*, Vol 7, No 2 (2017), p. 246.

6 No Rice, No Way, <https://reliefweb.int/report/indonesia/no-rice-no-way>. Accessed on 8 January 2021. See Bheemabai S. Mulage, Bheemabai S. Mulage, “History of Agricultural System in India: Legal Perspective”, *Journal of Humanities Social Sciences and Education*, Vol 4 Issue 7, (2017), p. 25: The agricultural sector has contributed significantly to the productivity and stability of the country's economy considering that the sufficiency and fulfillment of agriculture is the basis for the prosperity of a society

7 Mulage, “History of Agricultural System in India”, p. 25.

contributed to the devastation of some paddy land in some parts of Indonesia. However, human behaviour towards nature has become the main factor of agricultural land conversion to non-agricultural functions that is now a phenomenon among farmers. Despite being a large paddy and maize producer for the last decade, farming in Sungai Penuh has also been suffering from the high population, land conversion and low agricultural employment, which have been more daunting than environmental issues in achieving sustainability.⁸ All of these need the local government to issue policies to sustain the productive land.

Based on the Article 8 of Law No. 41 Year 2009 in relation to Article 23 stated that agricultural land which exists in a regency area is established as sustainable agricultural land in local regulation.⁹ Is it effective to issue a local regulation to protect food agricultural land from conversion? Could it improve the welfare of farmers? This article begins with the rule of law concerning land protection in Indonesia. It also looks at the phenomena of land conversion that is the problem of land sustainability. Subsequently, it elaborates on how a local regulation has to overcome the problem concerning land conversions and proposes a legal approach as a way out from which the sustainability of farmland in the future and the prosperity of the farmers can be ensured. The Local regulation covers legal protection of agricultural land, empowerment farmers and incentives programs.¹⁰ This regulation is expected to have an impact on welfare of farmers and availability of agricultural land in long term.

8 Weny Findiastuti, Moses Laksono Singgih, and Maria Anityasari, "Indonesian Sustainable Food-Availability Policy Assessment Using System Dynamics: A Solution for Complexities," *Cogent Food & Agriculture*, Vol. 4 (2018), p. 2.

9 Haris Retno Susmiyati and Rahmawati Al Hidayah, "The Legal Protection on agricultural land Sustainable Food in Mining Coal Area of East Kalimantan", *Pattimura Law Journal*, Vol. 5 Issue 1 (2020), p. 41.

10 Rahayu Subekti, Adi Sulistiyono, I Gusti Ayu Ketut Rachmi Handayani, "Solidifying the Just Law Protection for Farmland to Anticipate Land Conversion", *International Journal of Economic Research*, Vol 14 No 13 (2017).

B. Legal Protection of Sustainable Agricultural Land In Ensuring Rice for Food

Before discussing the legal framework for the protection of sustainable agricultural land, the following is a description of the provisions that mandate local governments to make policies that are necessary for the protection of agricultural land. Furthermore, the policies that should be formulated in local regulations and bind local governments in the planning, implementation and evaluation of these policies are also described.

1. The Laws on Sustainable Agricultural Land Protection

As part of basic human needs, food is the most basic necessity of life. Based on the human rights approach,¹¹ the government has the responsibility to actively fulfil human rights including the right to food. The Government and Local Government have three levels of obligation, namely to respect, to protect and to fulfil every right.¹² In Indonesia, human rights law Number 39 Year 1999 in article 8 states the protection, promotion, enforcement and fulfilment of human rights are primarily the responsibility of the government. Based on article 72, the responsibility and the obligation comprise effective implementation in such fields as law, politics, economy, social, culture, security, etc. Therefore the state should be able to realize food security.

In practice, however, it is not always easy for the local government to implement its obligation due to some factors that might affect the transfer of land use, namely:¹³

11 Morten Broberg & Hans Otto Sano, “Strengths and Weaknesses in a Human Rights-Based Approach to International Development: An Analysis of a Rights-Based Approach to Development Assistance Based on Practical Experience”, *The International Journal of Human Rights*, Vol 22, No 5 (2018), p. 664.

12 Samatha Besson, “The Bearers Human Rights’ Duties and Responsible for Human Rights: A Quiet R (Evolution)?”, *Social Philosophy & Policy Foundation* (2015), p. 252.

13 Komaruddin K and Rachmi Handayani, “Legal Protection: Converting Agricultural Land to Residential Land (Legal Analysis of Agricultural Land),

1. High population growth has been proved to have an effect on the demand for housing, services, industry and other public facilities. In addition, the increase in the standard of living such as facilities has also contributed to creating additional land demand due to the increased intensity of community activities, such as golf courses, shopping centres, highways, recreation areas, and other facilities.
2. The economic factor that is resulted from the high land rent of various non-agricultural activities that result in less popular business activities in agriculture.
3. Environmental changes such as the long dry season can result in damage to the production and the number of paddy fields.
4. The Regional Government, through regional autonomy, prioritizes short-term profits only to increase local revenue, while long-term needs and national needs that prioritize the interests of the people are neglected.

By the empirical fact and human rights provisions in relation to the availability of food, The State has enacted The Law No. 41 Year 2009 concerning Protection of Sustainable Agricultural Land. The Law provides protection for the conversion of agricultural land into non-agricultural land. From the various strategies mentioned above, the protection and control of land use change will be able to be carried out and get maximum results if done thoroughly from various aspects both non-juridical aspects and juridical aspects.

The Indonesian law is established through statutory regulations to achieve social welfare. As an embodiment of the state's obligation to provide welfare to all citizens, through land protection, food independence, food security and sovereignty, the Indonesian state promulgates the Law No 41 Year 2009 concerning Sustainable Land Protection. The objectives of the law are:

- a. protecting the area and food agriculture land in a sustainable manner;
- b. ensuring the availability of agricultural land for food in a

- sustainable manner;
- c. achieving the resilience, security, and sovereignty of foods;
- d. protecting the ownership of farmers on agricultural land;
- e. improving the prosperity and welfare of farmers and communities;
- f. enhancing the protection and empowerment of farmers;
- g. increasing the employment opportunities for a better life;
- h. maintaining the ecological balance; and
- i. accomplishing the agricultural revitalization ¹⁴

As long as the sustainable food agriculture land protection is concerned, the law has set the criteria for sustainable land by establishing:¹⁵

- a. Sustainable Food Agriculture Area;
- b. Sustainable food agriculture land inside and outside the sustainable food agriculture area; and
- c. Sustainable agricultural land reserves inside and outside the Sustainable Food Agriculture Area.

In implementing the provisions, the law is followed up with a series of regulations, for example through the Government Regulation No 1 Year 2011 concerning Determination and Transfer of Functions of Sustainable Agricultural Land. In its application, the transfer of the function of sustainable land requires a clear and targeted funding plan. Therefore a Government Regulation No. 32 Year 2012 concerning Financing for the Protection of Sustainable Agricultural Land is established. This regulation concerns the obligation of Regency/City Governments to allocate its funding for the realization of sustainable agricultural land in their respected district/city. Specifically, it regulated that: “(1) The Government, Provincial Governments, and Regency/Municipal Governments allocate Financing For Sustainable Protection of Agricultural Land based on their function and

14 Iqbal Rafani, “Law No. 41/2009 on Protection of Sustainable Food Crops Farm Land in Indonesia,” <https://ap.fttc.org.tw/article/658>, accessed on 13 January 2021.

15 The Law Number 41 Year 2009 on The Protection of Sustainable Agricultural Land, see Article 18.

authority; (2) Allocation as referred to in paragraph (1) shall be carried out by the Minister, governor and regent/mayor in accordance with statutory provisions.”¹⁶

In addition to the laws above, the determination of the conversion of sustainable land functions is also related to the Law No. 26 Year 2007 concerning Spatial Planning. This law regulates the need for the protection of areas designated as sustainable food agriculture. Based on various laws and regulations above, the Regional Government might follow up on the determination of a sustainable food agriculture area in a form of Local Regulation to carry out autonomous regions, as well as to accommodate the potential and uniqueness of the region.

2. The Protection of Sustainable Agricultural Land By Local Regulation

“The availability of agricultural land is important to ensure the sustainability of food supply for the country.”¹⁷ In order to maintain sustainable agricultural land, local government should provide policy and appropriate measurement as long as the agricultural land protection is concerned. Due to concerns about food security and food sovereignty, it is appropriate to discuss state policy for protecting agricultural land from conversion to other uses.¹⁸ Maintaining land functions for the benefit of the community and the environment is

16 Government Regulation Number 30 Year 2012 on Financing for the Protection of Sustainable Agricultural Land, Article 4.

17 E N Dirman, A Saleng and A S A Sapidin, “Food Agricultural Land Legal Protection to Improve Food Security in Indonesia”, *IOP Conference: Earth and Environmental Science*, 196 (2018), p. 1.

18 Elin Slatamo, “Preservation Agricultural Land as an Issue of Social Importance”, *Rural Landscapes: Society Environment, History Journal*, Vol 4, No 1 (2017), p. 1. See also Mariana Shilton and Donald Rose, “A Right Based on Approach to Food Insecurity in the United States”, *Am J Public Health*, Vol 99, No 7(1999), p. 1203: “The definition of food security parallels the definition of the right to food. The United Nations Food and Agricultural Organization defines food security as A situation that exists when all people, at all times, have physical, social and economic access to sufficient, safe and nutritious food that meets their dietary needs and food preferences for an active and healthy life.”

the responsibility of the government and local government. Indonesia is the fourth largest population in the world, comprises of about 267 million.

I Gede Pantja Astawa¹⁹ suggests that the function of Regional Regulations is: a) as a policy instrument to carry out regional autonomy and co-administration functions mandated by the 1945 Constitution of the Republic of Indonesia and the Law on Regional Government. b) as the implementation of regulations of higher laws and regulations. In this function, Regional Regulations are subject to the provisions of the hierarchy of legislation so that regional regulations is not contradictory to higher laws and regulations c) and taking people's aspirations in the region, but in its regulation remains within the corridor of the unitary state of the Republic of Indonesia in improving regional welfare “.

In the formation of Regional Regulations in Indonesia, at least three foundations have to be fulfilled, namely:

1. Philosophical foundation, which is related to the basis of the ideology of the State;
2. Sociological foundation, which concerns with the empirical reality of the community aspiration; and
3. Legal foundation, which conforms to the applicable laws and is in line with the hierarchy of the higher statutory regulations.

In the context of implementing the provisions of Law Number 41 Year 2009 concerning the Protection of Sustainable Food Agricultural Land and its implementing regulations in order to lead to food independence and sovereignty, the City of Sungai Penuh needs to initiate a policy on the protection of Sustainable Agricultural Land in local regulation.

Sungai Penuh in the framework of the National Integrity of the Republic of Indonesia and in the context of the implementation of regional autonomy is in need to formulate a legal framework for the protection of sustainable food agriculture land outlined in an academic draft of the City of Sungai Penuh regulation. Possessing about

¹⁹ *Ibid.*

480.1248 hectares of potential land, Sungai Penuh City could designate sustainable food agriculture land that needs protection for its legal certainty in a Regional Regulation. Considering that agricultural land is one of the main resources that have a strategic role in food sufficiency and security, while access to it always faces various problems such as limited land resources used for agriculture, including high conversion of land to non-agricultural land, the protection through the policy of establishing sustainable food agriculture land of sustainable food agricultural land in Sungai Penuh City shall be protected.

Located between $1^{\circ} 40'$ to $2^{\circ} 26'$ South Latitude and between $101^{\circ} 08'$ to $101^{\circ} 50'$ East Longitude, Sungai Penuh has a tropical climate with an average temperature of around 22° C. Sungai Penuh, geographically, locates within the area of Kerinci Regency in the western part of Jambi Province which is directly bordered by the West Sumatera and Bengkulu Provinces.

Maria W Sardjono stated “conversion of the function of sustainable agricultural land is a framework of sustainable agricultural development, the protection of agricultural land for food is an inseparable effort from agrarian reform that includes structuring, control/ownership efforts related to the legal relationship between humans and land. Provisions for the protection of agricultural land sustainable food are intended so that certain land parcels may only be used for suitable food agriculture activities.”²⁰

Legal Academic Manuscript for the Draft of Sungai Penuh Regional Regulation (Ranperda) concerning Sustainable Food Agricultural Land needs to be adjusted to the provisions of legal instruments as mentioned above and does not conflict with the public interest and not create a high-cost economy so that the resulting regional regulations can meet legal certainty, the usefulness of law and justice.

The implementation of the authorities is stipulated in Law Number 25 of 2008 on the Establishment of Sungai Penuh City, concerning the separation of Sungai Penuh city from Kerinci Regency.

²⁰ Maria SW Sumarjono, *Tanah dalam Perspektif Hak Ekonomi, Sosial dan Budaya*, (Jakarta: Kompas Gramedia, 2008), p. 95.

The expansion of Sungai Penuh City potentially brings changes in the function and hierarchy of several regions that are determined as the new capital of the sub-district (kecamatan). The division will directly carry the implications of fundamental internal changes in the regional spatial structure strategy of the Jambi Province, and subsequently, there will be changes in the regional zoning, in the system of service centres, in the function of cities, in geographical internal and external movements as well as the geographical direction of marketing, and so on.

Incentives are tools or efforts to provide rewards for the implementation of activities that are in line with spatial planning, in the form of:

- a) Tax relief, compensation, cross-subsidies, compensation and space rent;
- b) Infrastructure development and procurement;
- d) Ease of licensing procedures; and / or;
- e) Giving awards to the public, private sector and/or regional government.

Sungai Penuh as part of the Republic of Indonesia and in the context of implementing regional autonomy needs to formulate a legal framework for the protection of sustainable agricultural land for food. In Sungai Penuh City there is 480.1248 hectares of potential land to be determined as sustainable food agricultural land as stated in the List of Proposed Sustainable Agriculture Land Determination Services of the Sungai Penuh's Food Crop Agriculture Office in 2018 based on a map of the measurement of Rice Field Area with GPS Office of Agriculture Food in 2018, with the following details: As one type of statutory regulation, regional regulation in implementing regional autonomy and regional regulation is a further elaboration of the higher statutory regulations. The Regional Regulation Draft is not only an initiative right of the Provincial House of Representative (DPRD) or the Governor but it can also come from the regent/ mayor.

D. The Urgency of Government's Policy on The Protection of Food Sustainability of Agricultural Land

Urban expansion occurs in many parts of the world especially in Asia and Africa has caused significant adjustment pressures as it occurs in some of the world's most productive agricultural lands including Indonesia.²¹ In developing countries, in particular, urbanization and changing demographics create problems in terms of hunger, food insecurity, and malnutrition. As a result, food systems in developing countries, particularly in Africa and Asia where urbanization occurs most rapidly are facing significant adjustment pressures due to urban expansion taking place on some of the world's most productive agricultural lands.²²

Agricultural farmers as development actors need to be protected and empowered to support food needs, which are the fundamental right for everyone, and to achieve food sovereignty as well as food security in a sustainable manner.²³ The Preamble of the International Treaty on Plant Genetic Resources for Food and Agriculture asserted "affirming that the past, present and future contributions of farmers in all regions of the world, particularly those in centres of origin and diversity, in conserving, improving and making available these resources, is the basis of Farmers' Rights."²⁴

In Article 9 of the Treaty, it is stated that "the Contracting Parties recognize the enormous contribution that the local and indigenous communities and farmers of all regions of the world, particularly those in the centres of origin and crop diversity, have made and

21 Assem Abu Hatab *et al*, "Urban Prawl, Food Security And Agricultural System In Developing Countries: A Systematic Review Of The Literature", *Elsevier*, Vol 94 (2019), p.129.

22 *Ibid*.

23 Rahayu Hartini & Bayu Dwi Widdy Jatmiko, "Legislative Policy Analysis of Legal Protection for Farmers in The Effectiveness of Traditional Farmers Cultivation", *Proceedings International Conference Universitas Muhammadiyah Jakarta*, 2016, p. 1109.

24 International Treaty on Plant Genetic Resources for Food and Agriculture, <http://www.fao.org/plant-treaty/overview/texts-treaty/en/>, accessed on 23 February 2021.

will continue to make for the conservation and development of plant genetic resources which constitute the basis of food and agriculture production throughout the world (9.1).” Whilst in the 9.2, it is affirmed that “the Contracting Parties agree that the responsibility for realizing Farmers’ Rights, as they relate to plant genetic resources for food and agriculture, rests with national governments. In accordance with their needs and priorities, each Contracting Party should, as appropriate, and subject to its national legislation, take measures to protect and promote Farmers’ Rights, including a) protection of traditional knowledge relevant to plant genetic resources for food and agriculture; b) the right to equitably participate in sharing benefits arising from the utilization of plant genetic resources for food and agriculture; and c) the right to participate in making decisions, at the national level, on matters related to the conservation and sustainable use of plant genetic resources for food and agriculture.” The 9.3 asserted “nothing in this Article shall be interpreted to limit any rights that farmers have to save, use, exchange and sell farm-saved seed/ propagating material, subject to national law and as appropriate.”²⁵

In many places, land sustainability for agriculture is limited and should be used in a sustainable manner and in protection.²⁶ Competition for land and natural resources is now accelerated.²⁷ A community or private party can do the transformation of agricultural land to non-agricultural use.²⁸

The Government of Jambi Province has ratified the Law 41 / 2009 into Governor’s Decree No. 14 Year 2009 on the Changes in the Use of Agricultural and Horticultural Land. This instrument of law is used to prevent other use of agricultural land. During 2009-2013 paddy

25 *Ibid.*

26 Alina Zrobek Razanka, “National Land Use Policy Against the Misuse Agricultural Land”, *Sustainability Journal* (2019), p. 2.

27 Harold Riversage, “An Overview of IFAD’s Support for Securing the Land and Natural Resources Rights of Poor Rural People”, *Journal of Law Rural Developments*, No 1 (2017), p. 4.

28 Suryo Haji Asmoro, “Implementation of the Change of the Use of Agricultural Land to Non-Agricultural in the Land Office in Pemalang District (2011-2013)”, *Unnes Law Journal*, Vol 5 No. 2 (2019), p. 32.

fields in Jambi have decreased significantly by about 0.98% per year.

Table 1. Rice Fields in Jambi Province Year 2009 - 2013

No	Regency/City	2009	2010	2011	2012	2013
1	Kerinci	15,737	16,204	16,105	16,063	21,306
2	Merangin	10,115	9,281	11,628	11,034	9,801
3	Sarolangun	5,439	4,972	4,937	4,918	6,360
4	Batanghari	8,296	9,517	8,351	8,256	8,652
5	Muaro Jambi	8,930	9,047	9,250	9,502	10,878
6	Tanjung Jabung Timur	32,586	29,863	29,710	28,523	27,917
7	Tanjung Jabung Barat	19,858	18,573	19,215	19,196	14,212
8	Tebo	5,224	4,867	4,406	4,394	4,592
9	Bungo	7,488	6,289	6,289	5,396	5,395
10	Jambi	1,200	1,029	1,100	1,168	1,421
11	Sungai Penuh	3,463	3,792	3,766	3,720	4,012
	JAMBI	117,336	112,434	113,757	112,174	111,546

Source: Centre of Information System and Data of The Agricultural, Jambi Province (2014: 10)

Table 1 shows that the area of paddy fields in Jambi Province has decreased. The drastic decline occurred from 2009 to 2010, within one year around 1,332 hectares, but did not increase as in 2009. Furthermore, an interval of three years from 2010 to 2013 the area of paddy fields again decreased 0.98 per cent or around 900 hectares every year. Statistically, it can be seen that the area of paddy farming in Jambi Province fluctuates every year.

In Sungai Penuh City, there are about 1186,5340 Ha of potential land to be determined as sustainable food agricultural land. This mapping was carried out with the mandate of Government Regulation No. 1 Year 2011 concerning Determination and Transfer of Functions of Sustainable Food Agricultural Land and this Regional Regulation is an implementation of Law No 41 Year 2009 concerning Protection of Sustainable Agricultural Land. To follow up this Government Regulation the Minister of Agriculture of the Republic of Indonesia issued Ministry's regulation No. 07 / Permentan / OT / 2/2012 about the Technical Guidelines on Criteria and Requirements for the Area, Sustainable Agricultural Food Reserves. The Sungai

Penuh Government carried out this mapping, which is the role of the Regional Government in ensuring the Protection of Sustainable Food Agriculture Land. The involvement of the local government in determining the regional spatial plan directly determines success and experiences the impact of the land conversion.

Indonesia as an Agrarian country improves the people's welfare through agricultural development.²⁹ "Maintaining productive farmland and sustainable farms as well as providing adequate volumes of foodstuffs have led to measures to protect farmland and farm activities in many countries".³⁰ As an object of ownership, the agricultural land is treated by the owners as the heritage of many generations, which determines their social and property-related status in local communities. That is why implementation of the conversion of agricultural land can actually be suppressed and neutralized by an award for the owner that has been conserving.³¹ Three strategies can be taken and must be implemented simultaneously. The first is to minimize the chance of agricultural land conversion by reducing the intensity of factors that can encourage agricultural land conversion; the second is to control the activities of the conversion of agricultural land to reduce the potential negative impacts caused; and the third is to tackle or neutralize the negative impacts of the conversion of agricultural land functions.

Nevertheless, the Government's strategy to tackle the impacts of agricultural land conversion has faced many challenges so that Law Number 41 Year 2009 concerning the Protection of Sustainable Agricultural Land cannot be implemented properly. Now there are still various problems related to the control of the conversion of agri-

29 Rahayu Fery Anitasari, "Agrarian Law: Perspective of Indonesia Agricultural Policies" *South East Asia Journal of Contemporary Business, Economic and Law*, Vol 20, No 4 (2019), p. 2.

30 Antonia Bousbaine, Ch Akkari, Christopher Bryant, "What can Agricultural Land Use Planning Contribute to Food Production and Food Policy", *International Journal of Avian & Wildlife Biology*, Vol 1, No 1 (2017), p. 13.

31 Alina Zrobek Rozanska and Joanna Zielinska Szczepkowska, "National Land Use Policy Against the Misuse of the Agricultural Land-Couse and Effects: Evidence from Poland", *MDPI Sustainability*, Vol 11 (2019), p. 6403.

cultural lands such as (1) Not all Provinces and Regencies/Cities have completed making the Regional Spatial Plan (RTRW) as mandated by Law Number 26 of 2007 concerning Spatial Planning and Government Regulation Number 26 of 2008 concerning National RTRW; (2) Regional Development Plans especially basic infrastructure that requires land is increasingly intensive and competitive; (3) Determination of Sustainable Food Agricultural Land (LP2B) in the Regional Spatial Planning Plan (RTRW) has just been conducted 225 out of 554 City Regencies throughout Indonesia, with the area of rice fields specified in the Sustainable Food Agricultural Land (LP2B) not supported by geospatial data ; (4) The rise of function transfer independently/ without specified permissions.

There are many factors that the regional governments do not establish a Sustainable Food Agricultural Land yet. There is a perception among the Regional Government that the establishment of Sustainable Food Agricultural Land can disrupt investment and consequently fail to provide additional Regional Revenue. Besides, the consequence of the implementation of a Sustainable Food Agricultural Land is that the region must provide a budget for incentives. In addition, the designation of a Sustainable Food Agriculture Land might cause the Regional Governments find difficulties in developing their regional territories if they already had a different plan. Furthermore, based on the Indonesian regulation, there are no consequences for a Regional Head who fails to determine Sustainable Food Agricultural Land.

Therefore, the obstacles of establishing a Sustainable Food Agricultural Land are caused within the government themselves. The aversion of the local government is contrary to the idea of duty barrier, which has been determined in the doctrine and the regulations. The consequence of being a duty barrier is that the government is obliged to ensure that there is no conversion of agricultural land to non-agricultural land in order to fulfil the availability of sustainable food in the future. Therefore, the local government's policy to make local regulation, which is bound to local government, farmers, and the community, is necessary. The determination of agricultural food

land has to be regulated in the partiality of the Regional Spatial Planning as a legal document from which all people can access and find a reliable guide to formulate the future policy.

E. Conclusion

The protection of agricultural land through legal policies is crucial because of the uncertainty in the future about the availability of agricultural land. Future conversion of agricultural land to non-agricultural uses, possible long-term climate change, and future trends in agricultural productivity is likely to decline due to diminishing water supplies. Preserving farmland for the future is like buying insurance policies to provide future supplies. Thus, agricultural land must be protected through local legal policies to ensure sufficient food production to meet the needs of a growing population. The local government policy that can be taken by the government as an effort to safeguard the conversion of agricultural land include: conducting a comprehensive evaluation of the implementation of the Sustainable Agricultural Land policy so that the main obstacles causing the non-establishment of Sustainable Agriculture Land should be focus of attention so that the problem can be resolved; Re-coordinating the implementation of the Sustainable Agricultural Land policy, especially at the central level, which is coordinated by the Coordinating Ministry for Economic Affairs and the Ministry of National Development Planning to re-reposition the duties and functions of each on the Agricultural Land Policy. With the improvement of Government policy in the field of Sustainable Agricultural Land, can improve food security and the welfare of the community in the future.

Bibliography

Abu Hatab, Assem *et al*, "Urban Prawl, Food Security And Agricultural System In Developing Countries: A Systematic Review Of The Literature", *Elsevier*, Vol. 94, November 2019, p.129 <<https://www.sciencedirect.com/science/article/pii/S0264275118310485?via%3Dihub>> accessed 26 April 2021

- Amalia, Mia, Director of Regional Development ministry of National Development Planning <https://www.kompas.tv/article/157965/bappenas-prediksi-tak-ada-lagi-petani-di-2063> Rabu 24 Maret 2021, accessed 27 July 2021.
- Anitasari, Rahayu Fery, "Agrarian Law: Perspective of Indonesia Agricultural Policies" *South East Asia Journal of Contemporary Business, Economic and Law*, Vol. 20 Issue 4 (Dec), 2019 <https://seajbel.com/wp-content/uploads/2020/01/SEAJBEL-20_22.pdf> accessed 28 April 2021.
- Asmoro, Suryo Haji, "Implementation of The Change of The Use of Agricultural Land to Non-Agricultural in the land Office in Pemalang District (2011-2013)", *Unnes Law Journal*, Vol 5 No. 2, 2019.
- Besson, Samatha, "The Bearers Human Rights' Duties and Responsible for Human Rights: A Quiet R (Evolution)?" *Social Philosophy & Policy Foundation*, Cambridge University Press, 2015 Volume 32 (1).
- Bousbaine, Antonia, Ch. Akkari, Christoper Bryant, "What can Agricultural Land Use Planning Contribute to Food Production and Food Policy", *International Journal of Avian & Wildlife Biology*, 2017, Vol. 2 Issue 1 <https://medcraveonline.com/IJAWB/what-can-agricultural-land-use-planning-contribute-to-food-production-and-food-policy.html> accessed 28 April 2021.
- Broberg, Morten & Hans Otto Sano, "Strengths and Weaknesses in a Human Rights-Based Approach to International Development-an analysis of a rights-based approach to development assistance based on practical experience", *The International Journal of Human Rights*, Vol. 22, 2018, Issue 5.
- Dirman, E N, A Saleng and A S A Sapidin, "Food Agricultural Land Legal Protection to Improve Food Security in Indonesia", *IOP Conference: Earth and Environmental Science* 196, 2018.
- Handayani, Sri Wahyuni, "Conversion of Agricultural Land Policy in Indonesia", *Social Saints, Education and Humanities*, Volume 231, 2018.
- Hartini, Rahayu & Bayu Dwi Widdy Jatmiko, "Legislative Policy

- Analysis of Legal Protection for Farmers in The Effectiveness of Traditional Farmers Cultivation”, *Proceedings*, International Conference Universitas Muhammadiyah Jakarta, 2016.
- Holden, Stein T, “The Role of Smallholder Farm in Food and Nutrition Security”, Springer link, 2020, p. 153, accessed https://link.springer.com/chapter/10.1007/978-3-030-42148-9_8 26 March 2021
- Kanianska, Rodaslava, 2016. *Agriculture and Its Impact on Land Use, Environment, and Ecosystem Service*, Intechopen.
- Komaruddin K & Rachmi Handayani, “Legal Protection: Converting Agricultural Land to Residential Land (Legal Analysis of Agricultural Land)”, *Legal Standing Journal*, Volume 1 No. 2 September 2017.
- Mulage, Bheemabai S., “History of Agricultural System in India: Legal Perspective”, *Journal of Humanities Social Sciences and Education*, 2017 Vol.4 Issue 7, p.25, < <https://www.arcjournals.org/pdfs/ijhsse/v4-i7/4.pdf> > accessed 28 March 2021
- Riversage, Harold, “An Overview of IFAD’s Support for Securing the Land and Natural Resources Rights of Poor Rural People”, *Journal of Law Rural Developments*, Issue 1, 2017.
- Rozanska, Alina Zrobek and Joanna Zielinska Szczepkowska, “National Land Use Policy Against the Misuse of the Agricultural Land-Couse and Effects. Evidence from Poland”, *MDPI Sustainability*, 2019, 11, 6403 <<https://www.mdpi.com/2071-1050/11/22/6403/pdf>> accessed 26 April 2021.
- Shilton, Mariana and Donald Rose, “A Right Based on Approach to Food Insecurity in the United Stated,” *Am J Public Health*, 2009 July 99 (7), p. 1203 <<https://www.ncbi.nlm.nih.gov/pmc/articles/PMC2696644/>> accessed 24 March 2021
- Slatamo, Elin, “Preservation Agricultural Land as an Issue of Social Importance”, *Rural Landscapes: Society Environment, History Journal*, 2017, 4 (1).< <https://www.rurallandscapesjournal.com/articles/10.16993/rl.39/>> accessed 23 March 2021
- Sumarjono, Maria SW. 2008. *Tanah dalam Perspektif Hak Ekonomi, Sosial dan Budaya*, Kompas Gramedia, Jakarta.

- Susmiyati, Haris Retno and Rahmawati Al Hidayah, "The Legal Protection on agricultural land Sustainable Food in Mining Coal Area of East Kalimantan", *Pattimura Law Journal*, Vol. 5 Issue 1, September 2020 < <https://fhukum.unpatti.ac.id/jurnal/palau/article/view/478/0> > accessed 28 April 2021.
- Suratha, I Ketut, "Krisis Petani Berdampak pada Ketahanan Pangan di Indonesia", *Jurnal Media Komunikasi Geografi* Volume 16 Nomor 1 Juni 2015 p. 68-69 <<https://ejournal.undiksha.ac.id/index.php/MKG/article/view/10172>>
- Subekti, Rahayu, Adi Sulistiyono, I Gusti Ayu Ketut Rachmi Handayani, "Solidifying the Just Law Protection for Farmland to Anticipate Land Conversion", *International Journal of Economic Research*, Volume 14 No. 13, 2017, accessed < <https://layan.hukum.uns.ac.id/kepeg/jurnal/adisulistiono/article3/Solidifying%20the%20Just%20Law%20Protection%20for%20Farmland%20to%20Anticipate%20Land%20Conversion.pdf> > 28 July 2021.
- The Jakarta Post, "A Land without Farmers Indonesia's Agricultural", <<https://www.thejakartapost.com/longform/2020/08/13/a-land-without-farmers-indonesias-agricultural-conundrum.html>> accessed 23 March 2021.