



RESEARCH ARTICLE

Implications of Agricultural Land Conversion on Food Production and the Environment: A Normative Legal Perspective

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The rapid development of industrial structures has resulted in the massive conversion of agricultural land. The current problem is the high pressure on land. Conversion of agricultural land causes various direct and indirect impacts. It has severe implications in the form of adverse effects on food production, the environment, and the culture of the community living upstream and around the converted land. This study aims to analyze and understand the nature of controlling the conversion of agricultural land. The research method used is normative legal research, which systematically examines written favorable legal provisions related to the prohibition of the conversion of agricultural land. In addition, laws and regulations related to the problem are analyzed using grammatical and systematic interpretations. The conclusion of this study is that land conversion can be interpreted as a change in the initial land use that has been converted to another land use that the related parties have planned. To protect agricultural land from conversion to land for other purposes, including housing, the Government has issued Law No. 41 of 2009 concerning the Protection of Sustainable Food Agricultural Land, in this case if the conversion of land use included in the Sustainable Food Agricultural Land area does not comply with the requirements outlined in the law, criminal sanctions and fines will be imposed. In addition, the licensing system in the land sector, in this case, changes and use of land and location permits issued by the land use section, both at the district/city land office and at the provincial National Land Agency regional office must be guided by the Regional Spatial Plan (RTRW) of each Regency/City.

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1. INTRODUCTION

Indonesia is an agricultural country, which means that the agricultural sector plays a vital role in development and in efforts to realize the prosperity of the people, as stated in the fourth paragraph of the Opening of the 1945 Constitution of the Republic of Indonesia (hereinafter referred to as the 1945 Constitution of the Republic of Indonesia). The role of agriculture in development is vital, especially in fulfilling national food needs, so agriculture cannot be separated from efforts to fulfill the people's right to food. However, the need for national food security runs concurrently with the need for development that requires land for infrastructure development, which also has an important role in realizing the nation's and state's progress. Based on the provisions of Article 2 paragraph (2) of Law Number 5 of 1960 concerning Basic Agrarian Regulations (hereinafter known as the UUPA), the government has the authority to regulate and plan the use, allocation and maintenance of land affairs. This authority is what is meant by the state's right to control. Based on this authority, the government must make a general plan regarding the allocation and use of land, water, and airspace and the natural resources contained therein, as stated in Article 14, paragraph (1) of the UUPA. Land conversion is an activity that changes land use from one activity to another. The rapid development of industrial structures has resulted in the conversion of agricultural land on a large

scale. In addition to meeting industrial needs, the conversion of agricultural land also occurs rapidly to meet housing needs, which are much more prominent in number. The change in the function of agricultural land to non-agricultural land in reality is developing very rapidly, which has caused the area of rice fields in Indonesia to decrease, which, of course, if left unchecked, will have an impact on the decreasing ability to meet people's food needs. It can be seen in 1995, during the New Order era, there had been a shift in land function from agriculture to non-agriculture, covering an area of 22 thousand hectares per year (Riawan et al., 2019). In fact, at that time Java Island produced 60% of the total national production, especially rice (Riawan et al., 2019).

Rice fields dominate agricultural land in Indonesia, and from year to year, the area of rice fields as agricultural land for food continues to decrease. The reduction in farmland was obvious from 2007 to 2010, especially in Java. Based on data from the National Land Agency, there has been a reduction in agricultural land; it can be seen that in 2007, it was 4.1 million hectares, and in 2010, it was 3.5 million hectares (Aulia, 2020). In 2015 to 2019, the area of rice fields decreased by 628,959 Ha. This land conversion condition is worrying because the government will have difficulty in realizing food independence, resilience, and sovereignty, while the fulfillment of food needs in a country is an absolute must. In addition, food also holds a significant and strategic policy in Indonesia socially, economically, and politically. However, food resilience, independence, and sovereignty face severe problems because food availability in agricultural land converted to non-agricultural land continues to increase. This problem requires the state, namely the Government and Regional Governments, to take policies to protect agricultural land so that the availability of agricultural land can continue to be maintained in order to fulfill the right to food (Sumarjono, 2008).

Strategic efforts in controlling the conversion of agricultural land and protecting productive agricultural land must be supported by legislation. Provisions have been established in Law Number 41 of 2009 concerning sustainable agricultural land protection to protect food agricultural land continuously. These provisions need to be further elaborated by the Regional Government as stipulated that the Province, Regency/City determines sustainable food agrarian land, one of which is the obligation to decide agricultural areas in the Regional Spatial Plan so that its existence is expected to be sustainable (Kusniati, 2013). As a follow-up to Law Number 41 of 2009 concerning Sustainable Food Agricultural Land Protection, Government Regulation Number 1 of 2011 concerning the Determination and Conversion of Sustainable Food Agricultural Land and Government Regulation Number 30 of 2012 concerning Financing for Sustainable Food Agricultural Land Protection have been established. In this case, the function of the law is as an affirmative action or so-called *affirmative action*, which is interpreted as an effort to increase opportunities for people or groups of people to experience progress within a certain period. Through the policy of providing incentives and awards, farmers and land owners are encouraged to designate their land as sustainable food crop land and not to convert it.

The current problem is the high pressure on land. This is caused by the increase in population, which is still around 1.49 percent per year, while the existing land area is relatively constant, the productivity of agricultural land is experiencing a leveling off and competition for land use for development, including the expansion of provincial and district/city areas, so that the availability of land to meet national food sufficiency is increasingly threatened. In addition, the average control of agricultural land by farmers is getting narrower due to the inheritance of land ownership, there needs to be more balanced competition in land use, especially between the agricultural and non-agricultural sectors. In such a situation, if spatial utilization planning only focuses on the economic value of land rent (*land rent economics*), then there is no balance between agricultural development and the development of other sectors. This situation will be seen from the increasing conversion rate of agricultural land from year to year. The conversion of rice fields to non-agricultural land from 1999 to 2002 is estimated at 110,000 (one hundred and ten thousand) hectares/year.

Conversion of agricultural land causes various direct and indirect impacts and has serious implications in the form of negative effects on food production, the environment, and the culture of the community living upstream and around the converted land. The problem is increasingly complex; incredibly fertile food agricultural land is found on Java Island, which is utilized for various sector

interests, while land outside Java Island has yet to be utilized optimally for food agriculture due to low soil fertility and limited infrastructure. Thus, conversion of agricultural land not only causes a decrease in food production capacity, but is a form of investment waste, degradation of the agro-ecosystem, degradation of agricultural traditions and culture, and slowly food agricultural business actors will leave the food crop sector if it is not balanced with control of conversion, provision of incentives, and community empowerment. Therefore, determining sustainable food agricultural land and regulating the conversion of food agrarian land is a very strategic policy. The policy to protect sustainable food agrarian land is an initial step that requires continued action, namely how the substance of the provisions of Law Number 41 of 2009 regarding Sustainable Agricultural Land Protection is interpreted comprehensively, especially about legal policy.

In this case, two approaches are used to examine national law problems: the system approach and the cultural-political approach. Through the system approach, national legal development must be seen as a political dimension that is conceptually and contextually closely related to geopolitical, ecopolitical, geopolitical, sociopolitical, and kratopolitical dimensions. In other words, legal politics only stands with different sizes, especially if the law is expected to play a role as a means of social engineering (*law as a tool of social engineering*). *The main objective of the legal reform agenda is to present new norms to answer the legal needs of society. If the renewal is in law enforcement, new norms are expected to be able to answer the needs of law enforcement and be more progressive than existing regulations* (Kusniati, 2013).

Based on Law No. 41 of 2009 concerning Sustainable Food Crop Land Protection, for the purposes of Food Independence, Security and Resilience, Food Crop Land Rescue is required. Rescue must be carried out immediately because the rate of conversion of rice fields or other food crops is speedy. Rescue of food cropland from existing food crops or its reserves is compiled based on criteria that include land suitability, infrastructure availability, land use, land potential, and the existence of area in units of land (Article 9). Law No. 41 of 2009 concerning Sustainable Food Crop Land Protection also states that food crop land to be protected can be part of an area or extend outside the area and food crop land to be protected can be located inside or outside the region.

The sanctions that must be received by perpetrators of land conversion that deviate from the rules are regulated in Article 72 of Law Number 41 of 2009 concerning Sustainable Food Land. The sanctions that will be received by government officials who are authorized to issue permits for applications for conversion of agricultural land to non-agricultural land but grant permits for applications that are not by spatial planning do not meet both administrative and technical requirements and violate all provisions, then by Article 73, the official shall be punished with imprisonment for a minimum of 1 (one) year and a maximum of 5 (five) years and a fine of at least IDR 1,000,000,000.00 (one billion rupiah) and a maximum of IDR 5,000,000,000.00 (five billion rupiah).

The provisions above indicate that violations of Law Number 41 of 2009 have criminal implications for the perpetrators. In fact, until now after the enactment of this law, the application of these sanctions has not been implemented; even the control of the conversion of agricultural land is not generally known by the public so the conversion of agricultural land still occurs a lot not only because of public ignorance but also because of the needs of the community which causes them to change the conversion of agricultural land. After the enactment of Law Number 41 of 2009, it turned out that the implementation of the conversion of agricultural land was very slow because the regional government had not consistently issued regional regulations on Sustainable Food Agricultural Land. In addition, there are obstacles to regions that have formed regional regulations but are not accompanied by the determination of the LP2B map, so they cannot be applied in land use change permits carried out by the Land Office and cannot be a reference for regional governments in issuing location permits, likewise, after the enactment of Law Number 11 of 2021 concerning Job Creation which also regulates LP2B and the issuance of the Suitability of Spatial Utilization Activities (KPPR) which is a replacement for location permits, consistency in the implementation of the prohibition of agricultural land conversion regulations based on Law Number 41 of 2009. Law Number 11 of 2020 has not been optimal. Based on the explanation above, the research issue is the regulation and

implementation of control of agricultural land conversion that has not applied the principle of balance between development and community interests over land, which has caused researchers to be interested in conducting further research and studies on the nature of controlling agricultural land conversion.

2. METHODOLOGY

This study uses a normative legal research type determined in accordance with the formulation of the problem and the study's objectives. This study systematically examines written favorable legal provisions related to the prohibition of agricultural land conversion related to the assumptions or basic assumptions used in answering the problems of this dissertation. Then, the analysis of the data obtained, both data sourced from document data and data sourced from interviews, is processed and reviewed based on theory to find solutions. Operationally, normative legal research is carried out by library research and interviewing several sources related to the writing of this dissertation.

The approaches used in this study are as follows: (1) The statute approach examines and reviews the provisions of laws and regulations whose content is related to the regulation of controlling the conversion of agricultural land. The 1945 Constitution of the Republic of Indonesia, Law Number 5 of 1960 concerning Basic Agrarian Principles, Law Number 26 of 2007 concerning Spatial Planning, Government Regulation Number 21 of 2021 concerning the Implementation of Spatial Planning, Law Number 41 of 2009 concerning Sustainable Agricultural Land Protection, Government Regulation Number 1 of 2011 concerning the Determination and Conversion of Sustainable Food Crop Land. (2) The case approach is an approach that examines the aspect of justice in the conversion of agricultural land. (3) Historical approach by examining the development of agricultural land conversion control regulations during the Old Order, New Order, and Reform Order. (4) The Comparative approach uses a comparison between two legal systems or two countries, namely Indonesia and Malaysia, to find differences and similarities.

The legal materials in this research were collected through literature studies, namely reviewing legislation and documents related to the problem and conducting written interviews with sources related to the research being carried out.

All primary and secondary legal materials are then processed by categorizing them as a selective classification of legal materials. All legal materials are grouped based on careful and strict criteria by the formulation of the research problem to be analyzed. Legal materials are analyzed through a logical and systematic *legal reasoning process*. *Legal reasoning is also based on the rules of thinking known in logic*. However, logic in legal science contains characteristics related to *the nature of law*, *sources of law*, and *types of law* (Hadjon, 1994). In addition, rules and regulations related to the problem of acquiring land rights are analyzed using interpretations that include grammatical interpretation and systematic interpretation. A legal opinion will be made from the study of laws and regulations, as well as conducting literature studies and court decisions.

3. RESULT AND DISCUSSION

Land has a critical position (Faradina et al., 2023). On land, humans can build houses as shelter and other buildings for other needs such as offices, business premises, etc. This land also contains various natural resources that humans can utilize (Nurfauziyah & Putra, 2022). They live on the land and obtain food by utilizing the land (Ayustini et al., 2023). On the other hand, realizing food security is hampered by the problem of converting productive agricultural land, especially rice fields, into non-agricultural land and rice food agricultural land into non-rice food agrarian land, so that farmers have difficulty producing (Kaputra, 2013).

Land conversion is an activity related to activities in the agricultural sector. Change the planned land function, either in part or in whole, from its original function to another function, usually converting it to the development sector. Land conversion can also be interpreted as changing the initial land use

that has been converted to another land use that has been planned by the parties related to the transfer of the land function. (Sudarso et al., 2023) .

Current land limitations will give rise to various problems in its utilization. In today's era, the population is increasing, so the number of people who need land is increasing, but the available land is limited (Maharani et al., 2022) . This results in a reduction in agricultural land as a result of the conversion of agricultural land into residential land. Several cases show that if a land conversion occurs in a location, then the surrounding land will also change function progressively in a short time. Two factors, namely cause this:

1. As residential or industrial areas are developed in a land conversion location, accessibility at that location becomes increasingly conducive to industrial and residential development. This ultimately drives increased demand for land by other investors or land speculators, so land prices in the surrounding area increase.
2. Increasing land prices can further stimulate other farmers in the surrounding area to sell their land (Irawan, 2005) Land purchasers are usually not local residents, forming lands that are generally vulnerable to land conversion processes (Anggrainy & Isharyanto, 2021).

Land has an essential meaning for *stakeholders* who utilize the land. The function of land for the community is to provide a place to live and a source of livelihood. For farmers, land is a source of food production and their survival. For the private sector, land is an asset for accumulating capital. For the government, land is sovereignty for a country for the welfare of its people. There are many interrelated interests in land use, resulting in overlapping interests between the roles of farmers, the private sector, and the government in utilizing land (Nurfauziyah & Putra, 2022).

Based on Article 6 of the UUPA, it is stated that "all land rights have a social function". This means that any land rights a person has cannot be justified that his land will be used or not used solely for his interests, especially if this causes harm to the community. The legal implication is that for the common interest of the nation and the state, the community cannot force their personal interests related to land use. This is also inseparable from the implementation of urban planning, where the intent and purpose of implementing this urban planning is for the greatest prosperity of the people. It must be accepted that with land ownership rights, a person can use the land he owns for his personal interests. This does not mean that public interests will pressure individual interests, but the UUPA still pays attention to individual interests (Sudarso et al., 2023) .

For development activities for the public interest, converting agricultural land to non-agricultural land must still pay attention to the people's interests. The government must continue prioritizing the community's welfare, especially people whose livelihoods are in the agricultural sector. The conversion of agricultural land to non-agricultural land is caused by the very high population growth rate, which has an impact on the need for housing, which is also very large. The policy taken by the government regarding the conversion of agricultural land to non-agricultural land, namely the construction of housing complexes, must, of course, still pay attention to the rights of the community, especially people whose livelihoods are in the agricultural sector. For people who sell their land, the land is valued at a fair price, according to the type of land owned by the community and based on the Land's Taxable Selling Value (NJOP). The government's implementation of the conversion of agricultural land for housing development is adjusted to the regional spatial plan (Sudarso et al., 2023) .

The Government issued Law No. 41 of 2009 concerning the Protection of Sustainable Food Crop Land to protect agricultural land from conversion to land for other uses, including housing. Law Number 41 of 2009 concerning the Protection of Sustainable Food Crop Land. This law is expected to provide protection for food crop areas and land and ensure the availability of sustainable food cropland; however, in its implementation, Law Number 41 of 2009 has its problems. This is because many regions still need to make a Regional Spatial Plan, which, among other things, must also determine the allocation of land for food agriculture (Purwaningtyas, 2024).

Furthermore, in Article 44 paragraph (1) of Law No. 41 of 2009 concerning the Protection of Sustainable Food Agricultural Land it prohibits the conversion of land that has been designated as

sustainable agricultural land, although it is still permitted to be converted as long as it is for the public interest as stated in paragraph (2). The legal consequences that arise if the conversion of land use included in the LP2B (Sustainable Food Agricultural Land) area does not comply with the requirements stipulated in the law will be subject to criminal sanctions and fines as stipulated in Law No. 41 of 2009 concerning Protection of Sustainable Food Agricultural Land, namely: (Kuswanto & Diani, 2016)

a. Article 72, paragraph (1)

"Any individual who carries out a change in the function of sustainable food cropland as referred to in Article 44 paragraph 1 shall be subject to a maximum prison sentence of 5 (five) years and a maximum fine of IDR 1,000,000,000 (one billion rupiahs)."

b. Article 73

"Every government official who is authorized to issue a permit for the conversion of sustainable food cropland that is not in accordance with the provisions as referred to in Article 44 paragraph 1 shall be punished with imprisonment for a minimum of 1 (one) year and a maximum of 5 (five) years and/or a fine of at least Rp. 1,000,000,000,- (one billion rupiah) and a maximum fine of Rp. 5,000,000,000,- (five billion rupiah)."

In addition to Law No. 41 of 2009 concerning the Protection of Sustainable Food Crop Land, various regulations have also been issued as policies related to controlling the conversion of agricultural land.

These regulations include:

- a. Government Regulation Number 1 of 2011 concerning the Determination and Conversion of Sustainable Food Crop Land;
- b. Presidential Regulation Number 59 of 2019 concerning Control of Conversion of Paddy Fields;
- c. Regulation of the Minister of Agrarian Affairs and Spatial Planning/Head of the National Land Agency of the Republic of Indonesia Number 12 of 2021 concerning Technical Considerations for Land.

Land must be utilized efficiently in every activity by considering the relevant Regional Spatial Plan. The government agency authorized in the matter of regulating permits for the transfer of agricultural land functions to non-agricultural land is the Integrated Service Unit (UPT) which is the agency that processes permits, the National Land Agency (BPN), this agency is also an agency authorized to issue permits in the land sector, both permits for changing land use and location permits issued by the land use component. In this case, the licensing system in the land sector changes and use of land and location permits issued by the land use section. Both district/city level land offices and provincial level National Land Agency offices must be guided by the respective District/City Spatial Planning Plans (RTRW). (Putro, 2018)

In controlling the conversion rate of agricultural land to non-agricultural land, the relatively high cost is expected to be used as a control, especially on agricultural land that is still productive, so that it can be a consideration for owners of agricultural land that will be converted. The rates imposed by Government Regulation Number 128 of 2015 concerning Types and Tariffs for Types of Non-Tax State Revenue Applicable to the Ministry of Agrarian Affairs and Spatial Planning/National Land Agency are considered relatively high for people with lower middle-class economy but for upper middle class economy of course this cost is not a problem as long as the objectives can be met (Anggrainy & Isharyanto, 2021)

The continuous conversion of agricultural land to non-agricultural functions without targeted control efforts will cause a decrease in the area of land for agricultural activities. It ultimately can weaken the food security of the Indonesian people. The weakening of food security can ultimately also weaken food sovereignty because, in the current era of globalization and free trade, developed countries are liberalizing food trade through dumping trade strategies. With the emergence of Law Number 26 of 2007 concerning Spatial Planning, it is hoped that it will be able to create a safe, comfortable, productive, and sustainable space amidst the existence of limited space and the lack of public understanding of the importance of structured spatial planning to ensure the lives of future

generations. The legal consequences that arise if agricultural land is converted to non-agricultural and does not meet the requirements set by the Government will have an impact. Agricultural land will decrease over time, and parties who violate the set requirements for land conversion will be subject to administrative and criminal sanctions. Land is the most critical asset of agricultural activities. The availability of fertile soil is also an important requirement for farming activities. Therefore, agricultural land's existence and availability must be protected for sustainability (Purwaningtyas, 2024).

4. CONCLUSION

Land conversion can be interpreted as a change in the initial land use that has been converted to another land use planned by the parties related to the conversion of the land function. The function of land for the community is to provide a place to live and a source of livelihood. The Government issued Law No. 41 of 2009 concerning the Protection of Sustainable Food Crop Land to protect agricultural land from conversion to land for other purposes, including housing. If the conversion of land use that is included in the Sustainable Food Crop Land area does not comply with the requirements set forth in the law, criminal sanctions and fines will be imposed as stipulated in Law No. 41 of 2009 concerning the Protection of Sustainable Food Crop Land. The government agency authorized to regulate permits for converting agricultural land to non-agricultural land is the National Land Agency (BPN). The licensing system in the land sector, in this case, changes and use of land and location permits issued by the land use section, both at the district/city level land office and at the provincial level National Land Agency regional office must be guided by the respective District/City Spatial Planning Plan (RTRW).

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