JURIDICAL REVIEW SUSTAINABLE FOOD AGRICULTURAL LAND PROTECTION

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Abstract

The purpose of this research is to analyze the occurrence of land conversion which is increasing from year to year from agricultural land to non-agricultural land. The research uses a normative juridical method which is carried out by examining literature studies and sources of this research using primary legal sources. The problem in this research is to analyze the policy of sustainable food agriculture land protection, the weaknesses of the policy and provide recommendations to improve these weaknesses. In Law No. 41 of 2009 article 28 discusses the development of agricultural technology that has not been evenly distributed and has not been kept up with the times. Education in agriculture is also still not in accordance with article 63. This land conversion occurs because there are fewer people who work as farmers and the lack of policies that support people to work as farmers. The area of non-paddy agricultural land in 2019 was around 29,353,138 hectares and the area of rice fields in 2019 was around 7,463,948 hectares. Indonesia should focus more on agriculture to overcome this land conversion.

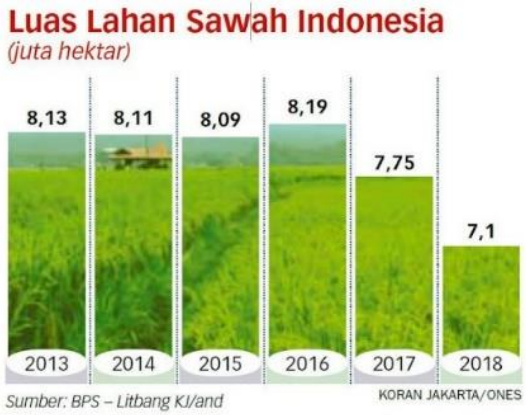
Keywords: Protection, Agriculture Land, Sustainable Food

INTRODUCTION

Indonesia is an agricultural country, where agriculture is the main support for the national economy. Compared to other Asian countries, Indonesia is the third largest agricultural country after India and China. (Tulus Tambunan, 2012). Agriculture is a sector that is slow to adopt new technologies and has a high negative impact on the environment due to climate change (Solihin, 2013). The agricultural sector is an important part of Indonesia's life, development and economy. The agricultural sector conserves natural resources and helps provide livelihoods and livelihoods. It also creates jobs. Over the past few years, Indonesia's average real income growth has been around 4.5% annually (Minot, 2015). Temporary agricultural land conversion can be done either temporarily or permanently. If the paddy fields are converted into agricultural land, then the land conversion is temporary, because in the following years it can be reused as rice fields, whereas if the rice fields become residential or industrial then the land conversion becomes permanent (Utomo, 1992).

Figure 1. Decrease in the area of paddy fields from 2013-2018

The Central Statistics Agency stated that in 2018, the area of raw rice fields decreased by 7.1 million hectares. The area used for agricultural activities, such as rice fields, has decreased by 7.75 million hectares since last year. This may be due to the conversion of land to other uses, such as plantations or fields. The area of non-rice agricultural land in 2019 was around 29.5 million hectares, while the area of rice fields was around 7.5 million hectares (Wahyuni, 2018). Of the total area that has been used for cultivation activities, such as rice fields, agriculture, dry land, plantations, fields, and other uses . However, there has been a decrease in the area of agricultural land in Indonesia due to conversion or land use change. The area of non-paddy agricultural land in 2019 was around



29,353,138 hectares and the area of rice fields in 2019 was around 7,463,948 hectares. (Aulia, 2020). This decrease in area will have an impact on the food security of a country, especially Indonesia. Food security based on article 1 paragraph 3 of Government Regulation Number 17 of 2015 concerning Food Security and Nutrition stipulates that "food security is the condition of the availability of state food for individuals as reflected in the provision of sufficient food, both in quantity and quality, safe, diverse, nutritious, evenly distributed. , affordable, and does not conflict with the religion, belief, or culture of the community to lead a healthy, active and productive life in a sustainable manner.

Land conversion has a negative impact on the environment and the potential of the land itself, so it is important to be able to live a healthy, active and productive life in a sustainable manner (Alinda, 2021). Many factors, both internal and external, affect land conversion. In line with the increase in population and the increasing need for infrastructure, such as housing, roads, industry, offices, and other buildings, the need for land is increasing. The reason the paddy fields are switched to other uses is because of the rapid physical development that is taking place, such as roads, markets, housing, offices, and other facilities (Aminuddin, 2009).

Land conversion occurs mainly due to competition in land use between the agricultural and non-agricultural sectors. At the same time, competition for land use stems from three economic and social phenomena (B.Irawan, 2005), namely:

1) limited land resources,
2) population growth and
3) economic growth.

With the increasing standard of living and opening up opportunities for job creation, which is marked by the increasing number of investors or the community and the government carrying out development, the need for land will also increase. On the other hand, limited land funds have led to the conversion of land use to non-agricultural uses. The conversion of agricultural land to non-

agriculture is a concern because people depend on the agricultural sector. Land use conversion is the transfer of function from one land use purpose to another, so that the problems that arise from changes in land use are mostly related to land use policies. soil. (Ruswandi, 2007)

RESEARCH METHOD

The type of research used to write this research paper is legal research. Legal research is a process of searching for the rule of law, legal principles, and legal doctrine in order to answer the legal problems faced (Marzuki, 2008). The source of the research or information that the author obtained is from basic legal documents such as laws relating to the protection of sustainable food agricultural land. In writing this research, the research methods used are: Library research. Analysis of the data used in this research paper uses a qualitative, descriptive and analytical approach to the occurrence of land conversion in the presence of laws and regulations related to the protection of sustainable food agricultural land.

RESULTS AND DISCUSSION

Legislation for the Protection of Agricultural Land for Sustainable Food

Protection of sustainable food agricultural land systems is the process of planning, determining, developing, utilizing, and fostering food agricultural land in a sustainable manner. Indonesia's fertile agricultural land is in a vulnerable condition if it is converted to other uses. If the conversion of agricultural land is not strictly controlled, it can disrupt food security. With land conversion, agricultural production will decline, and we must find other ways to meet our basic needs (Handari, 2012). The conversion of agricultural land is something that cannot be stopped because the need for housing and other infrastructure is an important part of our society. In addition, population growth also causes an increase in the need for food. The problem is the need for food as well as the need for housing and other infrastructure requires land with a fixed size, resulting in land competition to meet these needs. for food and shelter. Currently, land that is normally used to grow rice has been removed by converting its function into a building (hossaimah, 2017).

According to (Rokhmah.M, 2012)and (janti, 2016)Several obstacles in the planning and implementation of PLP2B, among others:

1. Inadequate regional spatial planning policies to protect existing food crops,
2. Violation of local land use regulations,
3. Allocate a limited budget for policy planning,
4. Power holders and capital owners with interest groups,
5. The difficulty of obtaining the desire or sense of security of farmers,
6. Limited availability of agricultural land and
7. There is no socialization to the community in maintaining the importance of agricultural land

Article 28 letters f and g of the Law on Protection of Sustainable Food Agricultural Land No. 41 of 2009 states that agricultural technology and the development of agricultural innovations must be used responsibly to protect agricultural land. Article 63 of the Constitution guarantees that the government will provide education and health services for farmer households and make it easier for farmers to access information and technology. Article 38 of Law Number 41 Year 2009 concerning Sustainable Food Agricultural Land stipulates that farmers can obtain incentives in the form of tax breaks for land and buildings, agricultural infrastructure development , financing for research and development of superior seeds and varieties and, easy access to information and technology.

Law Number 41 of 2009 concerning Sustainable Food Agricultural Land, Article 62 concerning Farmer Protection by providing guarantees in the form of several profitable staple food commodities , obtaining agricultural production facilities and infrastructure to market staple food crops and prioritizing domestic agricultural food products to meet the needs national food in case of crop failure, and compensation will be given due to crop failure. Article 17 Paragraphs 1 and 2 of Government Regulation Number 11 of 2011 concerning Stipulation and Transfer of Sustainable Food and Transfer of Agricultural Land Functions;

(1) In the event that a sustainable food agriculture area requires special protection, then the area can be designated as a national strategic area.
2) Special protection as referred to in paragraph (1) is carried out by taking into account: food agriculture area, productivity, technical potential. land, infrastructure reliability, availability of agricultural facilities and infrastructure.

Government Regulation No. 12 of 2012 concerning Incentives for the Protection of Sustainable Food Agricultural Lands Article 12 concerning Provision of Agricultural Production Facilities in

particular Provision of agricultural production facilities and infrastructure as referred to in Article 5 letter d, at least includes the provision of seeds and/or seeds, agricultural tools and machinery, organic and inorganic fertilizers, pesticide fertilizers, soil enhancers, growth regulators. and production equipment. Agricultural production sites as referred to in paragraph 1 must at least include rice mills and drying areas, and warehouses , agricultural production facilities and infrastructure as referred to in paragraph (1) are available to farmers in accordance with the needs and recommendations given by the Minister. . Article 17 of Presidential Regulation Number 59 of 2019 concerning Control of the Transfer of Functions of Rice Fields states that rice fields which are included in the paddy field protection map as referred to in Article 15 paragraph (1), but have not been identified as part of the determination of land use as referred to in Article 16 cannot be amended until notification of the change in land use designation is obtained from the Minister who is responsible for land management, land / regional agrarian and spatial planning".

Weaknesses of Sustainable Food Agricultural Land Protection Policy

Law Number 41 of 2009, Article 28 letters f and g regulate the use of technology and the development of agricultural infrastructure. Information Agricultural technology in Indonesia is still very minimal and agricultural innovation is very slow and even uneven. The problem that needs to be emphasized here is that technology and government support are not effective and well targeted. (Himarekta "agrapana" ITB, 2020). Low levels of education and lack of training in using modern technology led to technological underdevelopment in the agricultural industry. The weakness of this law is that it does not explain the technology that will be provided to each farmer, resulting in a mismatch for the farmer. In Article 62 of Law No.1 of 2009 stipulates that the cost of product is profitable, in February 2022 the price of fertilizer will skyrocket and subsidized fertilizer will decrease, in this case farmers are very picky. The high price of fertilizer is because Indonesia still imports most of the fertilizer ingredients such as phosphate and potassium, so that domestic fertilizer prices increase. (Rachmawati, 2022). The weakness in Article 62 is that the amount of fertilizer given to each farmer is not clearly defined, resulting in inequality.

The real sisal phenomenon among young farmers (Farhani, 2017) Many Indonesian teenagers do not want to be farmers for the sake of prestige, if the parents of the teenager are farmers and there are no family heirs as farmers, agricultural land will be sold and most likely the land will be converted into non-agricultural land. Indonesian youth must be motivated, find solutions and directions and even appeals to advance agriculture in this country. Almost all areas of physical development require land such as; agriculture, forestry, housing, industry, mining and transportation. The results of the analysis (susilowati, 2014) of the 2013 agricultural census data, the proportion of farmers aged more than 40-54 years is the largest, namely 41%, the second largest proportion is the age group over 55 years which can be classified as old farmers, which is 19%, while the generation group young people aged less than 35 years is only f24% even for the younger generation around the age of 20-29 years it is not more than 15%.

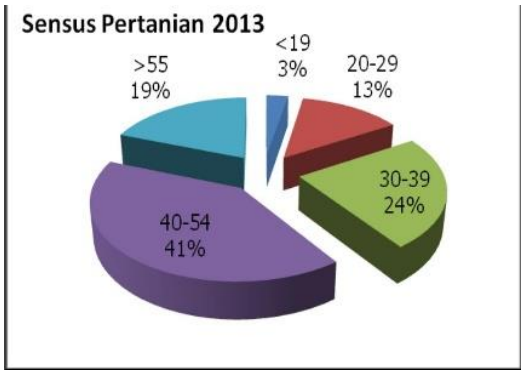


Figure 2. Census agriculture year 2013 based on age

The low interest of the younger generation to participate in agriculture is caused by several factors, including the following (Dinas Perkebunan, 2021): There is an assumption that farming is the last career choice over other types of work. so that millennials feel the prestige of being farmers, weak control of agricultural land due to the inheritance system, making agriculture considered impossible to meet the necessities of life and, income from agricultural products is unstable and the risk of loss is high.

In agriculture, land is a very important resource both for farmers and for agricultural development. This is based on the fact that in Indonesia, agricultural activities still depend on land (land based farming activities). Population growth requires more and more land, not only for the expansion of human settlements, but also space for the expansion of economic activities to better meet human needs. . Problems arise when residents build settlements and supporting infrastructure in fertile agricultural areas. The state of Indonesia is still importing rice, the amount of rice in 2021 will amount to 1.6 thousand tons, worth 18.5 million US dollars or 266 billion rupiah. Specifically, Indonesia's rice imports in July were mainly imported from India with a volume of 29.52 thousand tons, followed by Vietnam with an import volume of 8,850 and Thailand with an import volume of 8,850 with an import volume of 2,150 tons. , while together with other countries, Indonesia imports rice with a volume of 2,150 tons. 80 tons (Putri, 2021). Indonesia has a very large and fertile land, but still imports food that can be grown in Indonesia. Public awareness of this problem is very low, rice is only one of them, there are still many other foods that are imported because they do not make maximum use of arable land, but instead convert agricultural land into non-agricultural land.

Recommendations for Improvement of Policy Weaknesses for Sustainable Food Agricultural Land Protection.

Indonesia is experiencing a fairly serious land conversion problem and requires a truly precise and serious treatment. Several laws have been issued by the government to address the problem of land conversion, but this problem has not been resolved due to the lack of awareness of the community itself. The government should provide more appropriate directions, appeals, and policies and avoid the import of food ingredients that can still be grown on Indonesian agricultural land. The government does provide incentives to farmers, but there are still many people who doubt their profession as farmers. When viewed from a developed country such as Japan, the Japanese government is trying to attract the attention of young people who were previously less interested in working in the land, but are interested in technology (Kamata, 2019).

Japanese farmers on average have a bachelor's degree because the Japanese government focuses on developing farmers' skills and income so that Japan has a standard of agricultural skills education. However, this does not apply in Indonesia, because many teenagers who do not have a bachelor's degree do not even have an education, so the knowledge they have to develop agriculture is very difficult or even very little developed. . Compared to Indonesia, where most farmers still use hoes, while Japan uses hoes to cultivate land in a shorter time, Indonesia's productivity is clearly still far behind (Rasyid, 2018).

CONCLUSION

Regulation of the Protection of Agricultural Land for Sustainable Food in Law Number 41 of 2009 concerning Protection of Agricultural Land for Sustainable Food Articles 28 and 38 discuss the utilization of agricultural technology and agricultural innovation, as well as infrastructure development. Government Regulation Number 11 of 2011 concerning the Determination and Transfer of Functions of Sustainable Food Agricultural Land Article 17 discusses the need for special protection for sustainable food agriculture areas. Government Regulation Number 12 of 2012 concerning Incentives for Protection of Sustainable Food Agricultural Land, article 12 discusses the facilities and provision of production facilities and infrastructure. Presidential Regulation Number 59 of 2019 concerning Control of Rice Field Land Transfer is an interrelated regulation and regulates the Protection of Sustainable Food Agricultural Land Article 1 discusses protected rice fields as part of the determination of sustainable food agricultural land.

Regulations and laws governing agricultural technology and innovation in Indonesia are still not maximally implemented when viewed from Indonesia's technology which is still lagging behind. Innovation in agriculture is also moving very slowly due to low interest among teenagers to become farmers in 2022. The average farmer is currently 30 years old and above, while many young teenagers refuse to work as farmers because they are still considered small. The problem that needs to be emphasized here is that the technology and assistance provided by the government have not been effective and on target, and the low level of education of farmers and the lack of training in the use of modern technology have caused technology in the agricultural industry to lag behind.

Recommendations for improvement of policy weaknesses in protecting agricultural land for sustainable food The government should provide more appropriate directions, appeals, and policies and avoid importing food ingredients that can still be grown on Indonesian agricultural land. The government does provide incentives to farmers, but there are still many people who doubt their profession as farmers and it is better for Indonesia to develop technology in agriculture and make

better innovations. The Indonesian state may also pay attention to developed countries such as Japan which are overcoming land conversion by attracting young people to participate in agriculture.

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