

PROTECTION OF FOOD GROWING LAND IN LAND ACQUISITION FOR PUBLIC INTEREST

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Abstract

Infrastructure development has resulted in a decline in rice paddy area, rice production, and rice yields. The harvested rice area in 2024 decreased by 167.57 thousand hectares compared to 2023. This resulted in a decline in rice production in 2024, which amounted to 838.27 thousand tons compared to 2023. This shrinking agricultural land requires model protection of sustainable food agricultural land within the legal framework of land acquisition for public interest. This paper aims to offer a model protection of sustainable food agricultural land in land acquisition law for public interest so it is hoped that it will be able to guarantee protection sustainable food agricultural land and supports the achievement of food security and sovereignty. Using the doctrinal writing method with a conceptual approach and statutory regulations, it was found that: model Protection of sustainable food agricultural land in land acquisition law for public interest is composed of two important aspects, namely planning and institutional coordination. Where these two aspects are things that must be accommodated in change of Law Number 2 of 2012 concerning Land Acquisition for Development in the Public Interest.

Keywords: Land; Agriculture; Food; Land Acquisition.

I. INTRODUCTION

Land acquisition for public purposes is related to the development of the country's economic sector in a broad sense and is clearly needed by various parties. In addition to implementing government duties, private parties and the wider community are also interested in land acquisition due to the need for infrastructure development such as roads, ports, airports, and so on, both for investment and utilization. In addition to the interests of the government, the private sector, and the wider community, there are also interests of landowners involved.

However, the current reality is that the negative impacts arising from land acquisition for public purposes include: 1). Public unrest. 2). Negative perceptions that give rise to horizontal conflict between residents and vertical conflict between residents and state officials. 3). Economic impacts include decreased income, shifts in livelihoods,

decreased wealth levels, and guaranteed education for family members of landowners. 4). Environmental impacts include decreased air quality, noise, road damage, and a decrease in several river hydrological components.¹

One of the impacts that is also visible is the decrease in the area of rice fields and rice production because many rice fields are used as land acquisition areas for public interests.²Based on the results of the KSA Survey conducted by the Central Statistics Agency, in 2024 it showed that the rice harvested area in 2024 reached around 10.05 million hectares, a decrease of 167.57 thousand hectares or 1.64 percent compared to the rice harvested area in 2023 which was 10.21 million hectares. Rice production in 2024 was 53.14 million tons of GKG, a decrease of 838.27 thousand tons or 1.55 percent compared to rice production in 2023 which was 53.98 million tons of GKG. Rice production in 2024 for population food consumption reached 30.62 million tons, a decrease of 480.04 thousand tons or 1.54 percent compared to rice production in 2023 which was 31.10 million tons.³

The negative impact on the reduction of agricultural land above is estimated to be greater because the legal policy carried out in Law Number 2 of 2012 concerning Land Acquisition for Development in the Public Interest which was later elaborated by Government Regulation Number 19 of 2021 concerning the Implementation of Land Acquisition for Development in the Public Interest prioritizes investment interests over other interests. The Indonesian Forum for the Environment (WALHI) assesses that the Job Creation Law and its derivative regulations pose a real threat to the environment, with the potential to cause environmental damage and agrarian

¹A. Swela, E. Santosa, and D. Manar, "Analysis of the Impact of Land Acquisition and Compensation Value on the Socio-Economic Conditions of the Community in the Construction of the Logung Reservoir in Kandangmas Village and Tanjungrejo Village, Kudus Regency," *Journal of Politic and Government Studies*, vol. 6, no. 2, pp. 41-50, Mar. 2017. See also Cici Mindan Cahyani and Arief Rahman, 2021, *Legal Study of Land Acquisition for Public Interest After the Enactment of Law Number 11 of 2020 concerning Job Creation*, *Private Law Journal*, Faculty of Law, University of Mataram, Volume 1, Issue 2, June, p. 160. See also Mohammad Mulyadi, 2017, *Implementation of Land Acquisition Policy for Public Interest in North Jakarta*, *Aspirasi* Vol. 8 No. 2, p. 146. See also Muhammad Akib, *Legal Politics of Environmental Management in the Perspective of Regional Autonomy Towards Regulations Oriented to Ecological Sustainability*, Dissertation: Undip Postgraduate, 2013, p. viii.

²See: Rahayu Subekti and Winarno Budyatmojo, *Protection of Agricultural Land in Anticipating Land Conversion Due to Land Acquisition for Development*, *Yustisia*. Vol. 4 No. 2 May August 2015. Wiranda Sahara et al, *Compensation for Land Acquisition for Batang Bayang Irrigation Development Project*, *Locus Journal of Academic Literature Review* Volume 2 Issue 4, April 2023. Suraji et al, *Analysis of Land Acquisition Problems and Social Impacts of Manado-Bitung Toll Road Construction (Case Study in Girian Permai Village, Girian District, Bitung City)*, *Jurnal Media Birokasi*, Volume 4, Number 2 (October 2022): 85-98. Nurul Azmy D. Tantja et al, *Impact of Land Acquisition on Changes in Land Use and Social Conditions of the Community*, *GEOGRAPHY Journal of Educational Studies, Research and Development* <http://journal.ummat.ac.id/index.php/geography> Vol. 9, no. 2, September 2021, Pg. 170-182.

³<https://www.bps.go.id/id/pressrelease/2025/02/03/2414/pada-2024--luas-panen-padi-mencapai-sekitar-10-05-juta-hectare-dengan-produksi-padi-sejumlah-53-14-juta-ton-gabah-kering-giling--gkg--.html>. accessed April 15, 2025.

conflict.⁴Moreover, the provisions of Article 127 of Government Regulation Number 19 of 2021 stipulate that: if the location of Land Acquisition has been determined, the following requirements are no longer required: a. Suitability of Spatial Utilization Activities; b. Technical considerations of land; c. outside forest areas and outside mining areas; d. outside the peat/coastal area; and e. analysis of environmental impacts.⁵

The conditions described above require legal political support from the Government and the House of Representatives to ensure sustainability.sustainable food crop land protectionin land acquisition for public interest. This research will supportsustainable food crop land protectionby designing a modelProtection of sustainable agricultural land in the law on land acquisition for public interest. This is necessary to support the achievement of food security, which is ultimately expected to lead to food sovereignty in Indonesia.

II. RESEARCH METHOD

This paper is in the corridor of doctrinal research. which only uses secondary data. The legal research model is a comprehensive and analytical study of secondary legal materials. The approach to the problem uses a conceptual and statutory approach.⁶The data were analyzed qualitatively by describing the data generated from the research into a systematic explanation form so that a clear picture of the problem under study could be obtained. The results of the data analysis were concluded deductively.

III. ANALYSIS AND DISCUSSION

Accelerating economic development is a crucial issue that attracts attention and the focus of government policies worldwide. A well-established economy will enhance a country's standing internationally.⁷Accelerating the economic development process requires adequate infrastructure. In this context, development involves constructing specific infrastructure for the public interest. This infrastructure development requires land as the site for construction, and therefore, it is linked to the land acquisition mechanism for public interest.⁸

⁴Cici Mindan Cahyani and Arief Rahman, *Legal Study of Land Acquisition for Public Interest After the Enactment of Law Number 11 of 2020 concerning Job Creation*, Private Law Journal, Faculty of Law, University of Mataram, Volume 1, Issue 2, June 2021, p. 160.

⁵Muhammad Akib et al., *Environmental Impact Management Plan Model in Land Acquisition for Public Interest After the Job Creation Law Enacted*, Multidisciplinary Research Report, LPPM Unila, 2022, p. 2.

⁶Peter Mahmud (2005). *Legal Research*, Kencana Prenada, Jakarta, page xx.

⁷Ade Arif Firmansyah et all, *Land Acquisition In Accelerating And Expansion Of Indonesia's Economic Development Program: A Review Of Law, Moral And Political Relations*, South East Asia Journal of Contemporary Business, Economics and Law, Vol. 7, Issue 4 August 2015, ISSN 2289-1560, P.18.

⁸Ade Arif Firmansyah, *Legal Protection Pattern of Indonesia's Land Acquisition Regulation: Towards The Thickest Version Rule Of Law*, International Journal of Business, Economics and Law, Volume V Issue 4 December 2014, ISSN 2289-1552, p. 142.

However, based on data on complaints of agrarian conflicts in the infrastructure sector at the Indonesian National Human Rights Commission and data from the KPA, if we examine it more closely, the most prominent cause is related to compensation which is deemed inadequate and unfair.⁹ This is based on the fact that the most frequently complained about cases, 23 out of 32, or 67.65 percent, involved compensation. However, other causes also included customary land rights disputes (5.88%), land ownership disputes and pre-legal land acquisition (17.65%), access to conflict locations (1.29%), loss of livelihoods (2.94%), and criminalization (1.29%).¹⁰ Loss of livelihoods is one of the serious causes of conflict in land acquisition for public purposes. Livelihoods in agriculture and plantations, such as farming, are among those lost because food crop land is used to acquire land for public purposes.

The development of the agricultural sector as an effort to fulfill food needs in an era of high demand for food and food products is an indicator of the beginning of an era of environmentally friendly economy and industry based on various creations and innovations in inputs, processes and products of agriculture, fisheries, livestock and forestry, both from the aspects of environmental management, value cycle justice and supply cycle management justice.¹¹ The agricultural sector is an important sector as a provider of input for other sectors, so this sector is said to have an influence on the structure of the Indonesian economy.¹²

Challenges faced in agricultural development to achieve food sovereignty¹³ and improving the welfare of farmers in the future is very difficult. Global food demand continues to increase, but on the other hand, the availability of agricultural land continues to shrink due to the rapid conversion of agricultural land to non-agricultural use. The reduction in productive agricultural land, land degradation and fragmentation, coupled with climate change due to global warming, have led to fluctuating food supplies and prices that tend to increase. Therefore, agricultural development policies must be comprehensive and holistic. The old paradigm that states that the agricultural sector is limited to crop cultivation activities or agriculture in the narrow sense, must shift (paradigm shift) to agriculture in the broader sense that is able to address challenges and support the realization of Sustainable Development Goals (SDGs) are part of the new sustainable agenda agreed upon by the UN. Therefore, the concept of agricultural development policy

⁹Suntoro, A 2018, *Study of Law Number 2 of 2012 concerning Land Acquisition for Development in the Public Interest*, National Commission on Human Rights of the Republic of Indonesia, Jakarta, p. 38.

¹⁰Suntoro, A 2019, 'Assessment of Compensation in Land Acquisition for Public Interest: A Human Rights Perspective', *Bhumi, Agrarian and Land Journal*, vol. 5, no. 1, pp. 13-25.

¹¹EH Khaeron. *Food Diversification Development Model in Supporting National Food Security (A Case Study in West Java Province)*. Dissertation, Faculty of Agriculture, Padjadjaran University, Bandung, Bandung, 2016.

¹²Drafting Team, *Academic Paper and Draft Law on Sustainable Agricultural Cultivation Systems*, Commission IV DPRRI, 2017.

¹³ It cannot be denied that sovereignty food is a concept that was born as a response to the disappointments in food development that have occurred in many parts of the world. Many parties are dissatisfied with the condition of local food and global food trade. Evidence shows that even though food security has been achieved, it has not been able to guarantee food conditions. Syahyuti, Sunarsih, Sri Wahyuni, Wahyuning K. Sejati, and Miftahul Azis, *Food Sovereignty as the Basis to Realize National Food Security*, *Jurnal Forum Penelitian Agro Ekonomi*, Vol. 33 No. 2, December 2015: 96.

no longer refers to the concept of crop cultivation, but rather to sustainable agricultural cultivation. The sustainability of agricultural expansion is determined by the program's technical feasibility, financial/economic feasibility, environmental feasibility, and social acceptability. The approach needs to be simultaneous and integrated because they influence each other.¹⁴ In general, food commodities are less elastic to income than the demand for non-agricultural commodities, the consequence of which is that economic development that leads to increased income tends to cause an increase in demand for land for non-agricultural activities at a faster rate than the increase in demand for land for agricultural activities.¹⁵

Land conversion is a process of changing land use from a certain form of use to another use, for example non-agricultural, and usually the conversion of function leads to something that is negative for the natural ecosystem of the rice fields themselves.¹⁶ Therefore, the conversion of sustainable food agricultural land, one of which is due to land acquisition for public interests, must be controlled, one of which is through renewal. model protection of sustainable food agricultural land in land acquisition law for public interest.¹⁷

As for the model Protection of sustainable food agricultural land in land acquisition law for public interest is composed of two important aspects, namely planning and institutional coordination. These two aspects are things that must be accommodated in changes to the Law on Land Acquisition for Public Interest, because:

1. The planning aspect of land acquisition for public interest should, as far as possible, not select locations that contain sustainable food agricultural land and if forced to use such locations due to the lack of other options, there must be a legal obligation from the agency requiring it to replace the use of the land in another area that has the same environmental characteristics so that the amount of production and its reliability are not reduced.
2. Aspect coordination/institutional cooperation related to the implementation of land acquisition, that agencies requiring land and implementing land acquisition in food agricultural land areas must involve the ministry in charge of agricultural affairs, local governments and local universities to measure the impact and minimize the negative excesses of the land acquisition.

¹⁴*Ibid.*

¹⁵Syarif Imama Hidyat, "Analysis of Rice Field Conversion in East Java Province" Journal: Faculty of Agriculture, UPN "Veteran" East Java. 2008.

¹⁶I Made Mahadi Dwipradnyana, *Factors Influencing Agricultural Land Conversion and the Impact on Farmers' Welfare (case study in Subak Jadi, Kediri District, Tabanan)*. Thesis: Postgraduate Program, Udayana University, Denpasar. 2014.

¹⁷Hario Danang Pambudhi and Ega Ramadayanti, *Reassessing the Legal Politics of Environmental Protection in the Job Creation Law to Support Ecological Sustainability*, *Indonesian Journal of Environmental Law*, Vol. 7, No. 2, 2021: Pages 297 – 322. See also Roni Sulistyanto Luhukay, *Elimination of Environmental Permits for Business Activities in the Omnibus Law on Job Creation*, *Meta-Yuridis Journal* Vol (4) No. 1 March 2021, pp. 100-122.

Based on this explanation, the next step is to determine what kind of legal design can encompass and accommodate these two aspects. Because this issue is cross-sectoral, the issue of accommodating these aspects must be resolved through good cooperation based on statutory regulations. The appropriate and solution-oriented legal form to accommodate this is by making changes to Law Number 2 of 2012 concerning Land Acquisition for Development in the Public Interest, then includes the two necessary regulatory aspects.

Because the regulations to be created constitute amendments to the law, their technical and substantive formulation must refer to Law No. 12 of 2011 concerning the Formation of Legislation. It is necessary to formulate the legal, philosophical, sociological, and juridical principles that actually make these regulations necessary to accommodate this model

IV. CONCLUSION

As a conclusion to what has been discussed, it can be concluded that the model protection of sustainable food agricultural land in land acquisition law for public interest consists of two important aspects, the first one is institutional planning which contains: not select locations that contain sustainable food agricultural land and if forced to use such locations due to the lack of other options, there must be a legal obligation from the agency requiring it to replace the use of the land in another area that has the same environmental characteristics so that the amount of production and its reliability are not reduced. The second one is institutional coordination that related to the implementation of land acquisition, that agencies requiring land and implementing land acquisition in food agricultural land areas must involve the ministry in charge of agricultural affairs, local governments and local universities to measure the impact and minimize the negative excesses of the land acquisition. Where these two aspects are things that must be accommodated in change of Law Number 2 of 2012 concerning Land Acquisition for Development in the Public Interest.

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