

LEGAL RECONSTRUCTION ARRANGEMENTS FOR SUSTAINABLE FOOD LAND PROTECTION, ENFORCEMENT AND ITS IMPACTS FOR URBAN COMMUNITIES

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Abstract

The purpose of this research is to analyze the protection of sustainable food fields, their enforcement and their impact on today's urban communities. The research method used in this research is to use empirical legal research, namely research conducted by examining the legal facts that occur in the field (in concreto), focusing on the study of how the law works in the field in society, which relates to the substance under study, namely relating to the legal reconstruction of sustainable food land protection regulations, their enforcement and their impact on urban communities, by using an approach method that is adapted to the problem to be studied that is: Sociological Approach, Legal Anthropological Approach, Legal Psychology Approach, Philosophical Approach, Legislative Approach, Conceptual Approach, and Approach Historical. Based on the results of the study it was concluded that sustainable food land protection, its enforcement and its impact on today's urban communities is Whereas Sustainable Food Agricultural Land is a field of agricultural land that is determined to be protected and consistently developed in order to produce staple food for national food self-sufficiency, resilience and sovereignty. Any plot of agricultural land that has been "designated" as Sustainable Food Agricultural Land may not be converted for non-agricultural purposes by anyone. The impact is expected to encourage the availability of agricultural land to maintain self-sufficiency, food security and sovereignty, which aims to: (a) Protect food agricultural land and areas in a sustainable manner; (b) Ensuring the availability of food agricultural land in a sustainable manner; (c) Realizing independence, resilience, and food sovereignty; (d) Protect the ownership of agricultural food land owned by farmers; (e) Increasing the prosperity and welfare of farmers and the community; (f) increase the protection and empowerment of farmers; (g) increase the provision of employment opportunities for a decent life; (h) maintaining ecological balance, and (i) realizing agricultural revitalization

Keywords: Reconstruction; Food Land; Urban Society

INTRODUCTION

Indonesia is a country with a fertility rate above the average, therefore many areas have the potential to be used as agricultural land for food. However, in reality it shows that the agricultural sector, especially food crop agriculture, is faced with various problems, including the rapid conversion of agricultural land to non-agriculture which has an impact on the narrowness of agricultural land per capita of the Indonesian population (900 m²/capita), and the insecure status of land tenure.¹ Regulations regarding land use change must be strictly enforced, controlled from the central level down to the regions. Because if it is not implemented it is estimated that by 2025 the area of paddy fields in Indonesia will only be two million hectares left. Therefore, it is necessary to make efforts to save food agricultural land, both existing and reserves. This needs to be followed up by identifying existing agricultural land, both irrigated and non-irrigated in the form of Sustainable Food Agriculture Land (LP2B) and Sustainable Food Agriculture Reserve Land (LCP2B).

As an agricultural country, Indonesia depends on the agricultural sector, which is one of the pillars in the field of national development and plays an important role in the economy and the survival of the community, especially in meeting food needs. Local food supply is the main foundation for national food providers. The increasing number of population, economic activity, and food needs make efforts to achieve national food security in the future even more difficult. Especially with the fact that local food production has not been able to meet national food demand. This is due to increased demand but on the other hand production tends to be unstable and productivity decreases. The big challenge in the agricultural sector is that there is less and less agricultural land because it is eroded by human economic activity. Mainly converted into settlements, infrastructure development (roads, dams, etc.), as well as industry. Development that continues to be carried out causes a lot of agricultural land to change its function to non-agricultural land (Conversion). The conversion of agricultural land to non-agricultural land is increasingly widespread in line with development policies that emphasize the growth aspect through the ease of investment facilities, both for local and foreign investors in providing land.²

Rapid population growth followed by the need for housing has reduced agricultural land in many areas. Land that is getting narrower is increasingly fragmented due to the need for housing and industrial land. Farmers prefer to work in the informal sector rather than survive in the agricultural sector. The attractiveness of the agricultural sector which continues to decline also makes farmers tend to be followed by land conversion.³ The implementation of land conversion is carried out by taking into account the role of land for the public interest in human life, in this regard, the control of agricultural land is one of the national policies that is quite appropriate to maintain the agricultural sector in the capacity of providing food in relation to preventing a decrease in the level of socio-economic welfare in long term given the multifunctional nature of agricultural land.⁴ Uncontrolled conversion of agricultural land can threaten the capacity to provide food, and even in the long term can cause social losses.⁵

Nationally, every year it is estimated that 80 thousand hectares of agricultural areas are lost, changed functions to other sectors or the equivalent of 220 hectares every day.⁶ Functional shift⁷ Land use occurs as a result of economic growth and an ever-increasing population growth. This is reflected in the growth in natural resource utilization activities driven by increasing demand for land use as well as a shift in the contribution of the primary development sectors, particularly from the agricultural and resource processing sectors to the secondary sector (manufacturing) and the tertiary sector (services).⁸ The basic obstacle that is the reason why regulations controlling land use change are difficult to implement, namely constraints on policy coordination, policy implementation, and planning consistency. Planning plays a very important role in regulating land use considering the need for non-agricultural land is increasing and it threatens the sustainability of agricultural land, especially paddy fields in urban areas.⁹

For example, the City of Mataram in West Nusa Tenggara Province is an urban area and currently it can be said to be a rice barn for the Mataram City area in particular and West Nusa Tenggara Province in general. Seeing the development of the Mataram City area and the

increasing importance of the city's position in regional development, the tendency for the conversion of agricultural land to be more open. Based on the above, it is necessary to determine LP2B based on agricultural land data and the suitability of the mapping results in the City of Mataram.

Previously the Mataram City Government together with consultants conducted a study of sustainable food agriculture land (LP2B). From the results of the study, there is a potential reduction in agricultural land from 509 hectares to 466 hectares. Land use change due to massive development¹⁰ Regional Secretary of the City of Mataram Dr. H. Effendi Eko Saswito explained that consultants from the Ministry of Agrarian Spatial Planning and the National Land Agency (ATR/BPN) were again conducting a study of the potential for sustainable food agriculture land in Mataram City. Based on Regional Regulation Number 5 of 2019 amendment to Regional Regulation Number 12 of 2011 concerning the Mataram City Regional Spatial Plan (RTRW), an LP2B area of 509 hectares has been determined. But the results of the LP2B study that could be maintained were only 466 hectares.¹¹

Previously, the central government targeted 1,414 hectares of sustainable food agriculture land. With the massive development and Mataram as the center of government, this is considered impossible. Because of this, a study of 466 hectares of LP2B is being proposed to the central government. Ideally, 466 hectares of LP2B in Mataram City can be maintained, so that this can be a reference for future city development. Head of Public Works and Spatial Planning (PUPR) Office of Mataram City, Miftahurrahman is still verifying the 1,414 hectares of protected paddy fields targeted by the central government. Even so, an LP2B area of 509 hectares has been determined. Apparently, the central government is also calculating green open spaces and riverbanks. The river bank is asking to be removed, because it is needed for the inspection, maintenance and arrangement of the river.

Therefore, based on the description of the background above, the researcher considers it interesting to study the Reconstruction of legal regulations for the protection of sustainable food lands, their enforcement and their impact on urban communities.

METHOD

Types of research

In this research, empirical legal research is used, namely research conducted by examining the legal facts that occur in the field (*in concreto*).¹² focuses his study on how the law works in society, which relates to the substance under study, namely relating to the reconstruction of legal arrangements for the protection of sustainable food land, its enforcement and its impact on urban communities.

Approach Method

Study law (legal research) in¹³ is characteristic of the science of law (jurisprudence),¹⁴ to answer legal problems or issues to be studied in research. In this legal research, an approach method is needed that is adapted to the problem to be studied.

Data Types and Sources

The types of data used to examine empirical legal research are primary data and secondary data. Primary data sources are data obtained from primary sources. Primary data were obtained from respondents and informants as well as sources. Sources of data in empirical legal research come from field data. Field data is data that comes from respondents and informants including experts as resource persons.

Therefore, the source of data in empirical legal research is data that is directly obtained from the community, subjects studied at institutions, or community groups, direct actors who can provide information, data and information to researchers, namely respondents and informants, as well as sources but also data secondary, namely library data and documents which include; primary legal materials, secondary legal materials, tertiary legal materials and non-legal materials.¹⁵

Thus, Data needed in this research comes from:

- a. Primary data, namely the data that will be used to analyze this problem is legal data obtained from the main sources, namely the community (respondents and informants as well as sources) who are directly related to the object of research.
- b. Secondary data, namely data that is used to explain primary data. These secondary data can be in the form of library data and documents which include; primary legal materials, secondary legal materials, tertiary legal materials and non-legal materials.

Data collection technique

The techniques used in the collection in this dissertation research include primary data, namely interviews, observations, and questionnaires. While the technique used in secondary data collection, namely by collecting literature, documents related to research problems.

Data analysis

After the data and legal materials have been collected and selected which have good validity, the next step is to carry out data processing, namely managing the data in such a way that the data and legal materials are coherent, systematic, so that it will be easier for the researcher to carry out the analysis.

Data processing is generally carried out through stages including; data checking, data tagging, classification and arrangement or systematization of data. Classify data and legal materials that have been collected into classes of the same or considered similar legal symptoms or events. Then, systematization of the data was carried out from the general to then be looked for to those specifically related to the research problem to be analyzed.

Data analysis,¹⁶ is a study or study of the results of data processing assisted or by using theories that have been previously obtained (within a theoretical/library framework), describing data in the form of good and correct sentences, so that they are easy to read and give meaning (interpretation).

Data analysis uses a qualitative approach which produces analytical descriptive data, namely data stated by respondents in writing or verbally as well as real behavior, which is researched and studied as a whole. The researcher determines which data or legal material has the quality as expected or required legal data or material and which data or legal material is irrelevant and has nothing to do with research material. Therefore, what is prioritized in using qualitative analysis is the quality of the data, meaning that the researcher analyzes only quality legal data or material and does not solely aim to reveal the truth, but also to understand the truth.

All data obtained from field research will be analyzed deductively by building arguments based on logical thinking, as well as interpreting various legal materials.¹⁷ In order to obtain accurate and comprehensive answers to problems related to the legal reconstruction of sustainable food land protection regulations, their enforcement and their impact on urban communities.

RESULTS AND DISCUSSION

Sustainable Food Land Utilization System in Indonesia.

1) Sustainable Food Land Utilization System.

Agricultural cultivation is divided into two words, namely cultivation which means business that is useful and yields results (according to the Big Indonesian Dictionary-KBBI) and plants which refers to the understanding of plants cultivated/planted by humans, which usually have gone through domestication.¹⁸ or those cultivated in a certain space or media to be harvested at a time when they have reached a certain growth stage.¹⁹ So agricultural cultivation is defined as an effort to produce certain outputs, for example in the form of food, agro-industrial products, and aesthetics, by utilizing various inputs (fertilizers, seeds, growing media, water, and pesticides) and other resources (HR, natural resources, and financial).

Furthermore, Agricultural cultivation is often referred to as a system. This is because it contains elements or elements that are interrelated²⁰ in order to process inputs into outputs with the ultimate goal of meeting human needs (food). The agricultural cultivation system involves decisions related to elements from land clearing and processing, the use of plant or saprotan production facilities (fertilizers, pesticides, and seeds), irrigation, maintenance to harvest. In general, each element in agricultural cultivation is explained as follows:

a. Opening and Processing of Food Fields

Soil clearing and tillage aims to provide land ready for plant growth, both in terms of physical (water, air, and soil structure), chemical (soil ability to provide nutrients), and soil biology (macro/micro flora and fauna). Land clearing is defined as preparations made for agricultural cultivation in an area. The technique can be done manually or mechanically / using tools. While land management is an effort to improve soil structure (loose it) to sustain plant life. The technique can be done conventionally or modernly.

b. Use of Plant Growing Media

The planting medium is the main component when cultivating. A good planting medium is able to provide water and nutrients needed by plants during their growth and development period,

which is characterized by good soil air conditioning (aeration), nutrition, and water holding ability. Several types of planting media, including sand, sawdust, husk charcoal, cocopeat, zeolite, vermiculite, and perlite.²¹

c. Agricultural Cultivation Production Facilities (seeds, fertilizers, pesticides, as well as agricultural tools and machines)

Planting material in the form of high quality seeds or seedlings is needed to get high yields. Quality seeds are those that have characteristics, including high levels of genetic and physical purity, health, and safe moisture content in storage. Superior seeds can be obtained through mutation selection or crossing between parents who have superior genetic characteristics, both from foreign and local introductions.

Fertilizers are nutrients contained in each material to complement the nutrients in the soil that are needed by plants. Fertilizers consist of macro and micro essential nutrients, sourced from organic or inorganic materials, or are of the type as single or compound fertilizers. Fertilization is carried out by considering the 6 (six) correct principles, namely the right time, the right type, the right amount, the right quality, the right price, and the right place/location.

Pesticides are chemical substances, other materials, and microorganisms and viruses that are used to eradicate or overcome or prevent attacks of pests and plant diseases. The use of pesticides must also consider the 6 (six) right principles. The types of pesticides that are usually used by farmers include inorganic and organic pesticides.

Agricultural tools and machines (alsintan) are tools and machines that are usually used in agriculture. For example, agricultural machinery at the tillage stage (hand tractors and plows), agricultural machinery at the planting stage (planting machine), fertilizing agricultural equipment, weed eradication machinery, irrigation equipment (sprinkler), pest control equipment, and agricultural machinery during harvesting and postharvest.²²

d. Planting

Planting is an activity of immersing seeds in soil to obtain high productivity, or the part used to reproduce/develop plants.²³ In planting what needs to be considered is the planting pattern or the order of planting on a plot of land in one year/period taking into account climatic factors, soil type, and plant type. There are two types of planting, namely monoculture and multiculture. The cropping pattern is carried out to optimally utilize resources and avoid the risk of crop failure. Monoculture planting is a cultivation method by only planting one type of plant in one agricultural area. Meanwhile, multicultural planting is a cultivation method by planting more than one type of plant in one agricultural area, for example inter-cropping systems.

e. Irrigation

Irrigation means utilizing and increasing water sources at a certain level for plant life. If there is excessive water in the soil, it is necessary to dispose of it (drainage) so as not to interfere with plant life. Irrigation of plants can be done by (1) irrigation on the ground, (2) irrigation in the soil (sub irrigation), (3) irrigation by spraying (sprinkler irrigation), and (4) drip irrigation (drip irrigation).

f. Plant Protection

Plant-disturbing organisms (OPT) can be in the form of pests (insects, rats, certain types of birds, etc.), disease-causing microbes (fungi, bacteria, viruses), and weeds (competitors in obtaining sources of plant life). The level of disturbance can be in the form of inhibition of growth or development, decrease in the amount and quality of harvests, to crop failure / crop failure. Several methods of pest control are known, including (1) physically by removing pests from plants, removing weeds, and so on, (2) biologically by utilizing natural enemies (predators and parasites), using resistant plants, using midges. , and so on, and (3) chemically with pure chemical pesticides. The concept of controlling pests that damage plants refers to the integrated pest management (IPM) approach.

g. Plant Maintenance

Plant maintenance refers to a series of weeding, manging, replanting, and preventing pest and disease disturbances in young plants. Several plant maintenance actions can be carried out physically, mechanically/technically (for example using mulch), biologically and chemically (for example using herbicides).

h. Harvest

Based on the Big Indonesian Dictionary (KBBI), harvest is defined as the harvest or picking of rice fields or fields. The harvest period is strongly influenced by the type of plant, climatic conditions, and the treatment given by humans. Harvesting can be done on part (eg rubber sap and cocoa pods) or the whole plant (eg vegetables). The harvesting techniques are carried out conventionally (manual picking) and modern (using agricultural machinery).

i. Post-harvest

According to the Big Indonesian Dictionary (KBBI), post-harvest relates to the period after harvest. The purpose of post-harvest handling is so that the results of these plants can be maintained in good condition and are suitable for consumption or use as raw materials. The scope of postharvest handling starts from picking/harvesting, drying, cleaning, sorting, storage, and packaging.²⁴

2) Plant Cultivation System into Sustainable Agricultural Cultivation.

The agricultural sector is an important sector as a provider of inputs for other sectors, so this sector is said to have an influence on the structure of the Indonesian economy. The agricultural sector itself is not limited to farming or crop cultivation (food crops, plantations and horticulture), but includes the fisheries, livestock and forestry sectors, with cultivation activities upstream to distribution activities to downstream consumers, as well as changing inputs. Into output in the form of clothing, food, shelter and a comfortable environment for living things. Agriculture is not just planting and gardening. The above shows how broad the agricultural sector is.

The development of the agricultural sector as an effort to fulfill food in an era of high demand for food and food products is an indicator of the start of an environmentally friendly economic

and industrial era based on various creations and innovations in inputs, processes and products of agriculture, fisheries, livestock and forestry, both from environmental management aspects, fairness of the value cycle (value cyclic) and fairness of supply cycle management.²⁵ Furthermore, this new era will develop in the midst of a sustainable modern community with creation, innovation, technology and ecology. Henceforth this is known as the concept of green economy and blue economy. The era of green economy and blue economy is a new economic era that not only prioritizes innovation, but also corrects inequality and the non-linear nature of the system (system-cyclic). The green economy and blue economy are also constructive for the realization of the 17 indicators of the Sustainable Development Goals (SDGs).

However, the challenges faced in agricultural development to achieve food sovereignty and increase the welfare of farmers in the future are very heavy. Global food needs continue to increase, but on the other hand the availability of agricultural land continues to narrow due to the conversion rate of agricultural land to non-agriculture. Reduced productive agricultural land, land degradation and fragmentation, coupled with climate change due to global warming have caused fluctuating food supplies and food prices to tend to increase. Therefore, agricultural development policies must be comprehensive and holistic policies. The old paradigm which states that the agricultural sector is limited to the cultivation of plants or agriculture in the narrow sense, must shift (shifting paradigm) to become agriculture in a broad sense that is able to answer challenges and support the realization of sustainable development (Sustainable Development Goals) as part of the new sustainable agenda agreed upon by the United Nations. Thus, the concept of agricultural development policy no longer refers to the concept of plant cultivation, but rather sustainable agricultural cultivation.

Initially, the fulfillment of human needs was carried out by only taking from nature without any cultivation activities (both plants and animals). But along with the increasing human needs, agricultural cultivation began to be carried out intensively because of natural limitations to provide it. The implications of these conditions make agricultural cultivation activities require the support of other resources in the form of agricultural production facilities (saprostan) and agricultural tools and machinery (alsintan), both to meet their own needs (subsistence farming) and commercially or both with conventional and modern techniques. Developments outside the agricultural sector, such as differences in the potential of natural resources, differences in people's skills, and developments in transportation and technology, have stimulated specialization in agricultural cultivation activities. The division of labor is becoming clearer, where cultivation activities are agricultural activities in the narrow sense, saprostan activities are part of the upstream industry, and agricultural commodity processing activities are part of the downstream industry. The various parts of this specialization cannot be viewed partially, but are interrelated with each other to form a system known as agribusiness systems thinking.

In general, the agribusiness perspective is divided into 2 (two) sides, namely agribusiness as a system and agribusiness as a business sector (or agricultural company). The thing behind agribusiness is called a system because it contains the construction characteristics of a system, which consists of elements or components or subsystems that are interdependent on one another or there is interaction between subsystems.

Therefore, the terminology of agribusiness as a system refers to a set of elements (or subsystems) that are interrelated through interaction and cooperation in order to achieve certain goals. This terminology has been empirically mentioned by Davis and Goldberg in 1957 in their book entitled "A Concept of Agribusiness" that "agribusiness is the sum of all operations involved in the manufacture and distribution of farm supplies; production activities on the farm; and the storage, processing and distribution of farm commodities and items made from them." In simple terms, from this definition there are three main elements, viz²⁶ (1) upstream agribusiness which includes saprotan, (2) aquaculture agribusiness which includes cultivation activities, and (3) downstream agribusiness which includes harvest and postharvest (processing, distributing, and trading). Some experts try to divide these elements in more detail into (1) procurement of agricultural production facilities (agro input), (2) agricultural production (agro product), (3) processing and industrial agriculture (agroindustry), (4) Marketing of agricultural products. Agriculture (agro marketing), and (5) institutions supporting agricultural activities (agro supporting). The first two subsystems are on farm agribusiness, while the others are referred to as off-farm agribusiness.²⁷

The explanation of this definition shows that there is an "involve" that is directly used in the production/cultivation process. For example, farmers who are engaged in breeding, breeding and marketing rice seeds, either as farmer groups or as corporate entities, are also included in the agribusiness. On the other hand, in a broader context (industrialization), the creation of added value for agricultural products results in a new perspective of vertical linkages between agribusiness subsystems and horizontal linkages with other systems or subsystems outside of agriculture, such as services (financial and banking), transportation, trade, education, and so on). In full, the terminology of agribusiness systems is presented in Figure 1.

In another perspective, agribusiness can be seen as a line of business (Agribusiness Company). An agribusiness company is a business institution that operates in one of the subsystems, several subsystems or in an integrated manner within an agribusiness system that is managed with good managerial skills to make a profit (profit oriented). Some examples (1) of companies in one subsystem include fertilizer factories (PT Pupuk Sriwijaya), agricultural machinery (PT United Tractor), peanut farmers partnering with PT Kacang Garuda, cigarette factories (PT Gudang Garam), dairy factories (PT Sari Husada), and cassava exporters, marketing cooperatives, commodity brokers, (2) companies in two or more subsystems including plantations complete with mills (PTPN) for tea, rubber and oil palm,

Legal Protection of Food Land in Urban Communities

1) Protection of Sustainable Food Agricultural Land

Based on Law Number 41 of 2009 it is stated that Sustainable Food Agricultural Land is a field of agricultural land that is determined to be protected and developed consistently in order to produce staple food for national food independence, resilience and sovereignty. The word "protected" of course has the meaning that every area of agricultural land that has been "designated" as Sustainable Food Agricultural Land may not be converted for non-agricultural purposes by anyone except under certain circumstances as alluded to in the introduction section

above. Any action or action that results in the conversion of sustainable food agricultural land to non-agricultural land can be subject to administrative sanctions and criminal sanctions.

Even though there appears to be an element of coercion in the form of sanctions, Law Number 41 of 2009 also contains incentive and disincentive mechanisms for farmers who are willing to have their agricultural land designated as Sustainable Food Agriculture Land. In addition, it also contains empowerment activities for farmers. These activities are a form of the State's concern for farmers so that it is hoped that they will always love and be proud of their profession in the agricultural development sector, which in the end will achieve self-sufficiency, food security and sovereignty as desired by Law Number 41 of 2009.

The things above show the firm stance chosen by the makers of Law Number 41 of 2009 because they saw that the legal instruments that existed before the formation of this law were "ineffective" in preventing the increasingly worrying conversion of agricultural land.²⁸ The attitude of the legislators is reasonable considering that food (especially rice) is one of the basic needs for the Indonesian people to maintain their existence.

Furthermore, there are also those who argue that Indonesia should not continue to depend on imported food from other countries. If this is related to foreign conditions such as Thailand, then it needs to be a concern for stakeholders. Protection of agricultural land in Thailand is far better than Indonesia, but the younger generation there is less interested in working in the agricultural sector.³⁹ Thus it can be imagined that if they can only meet domestic needs and cannot meet exports to other countries, then other countries that depend on Thailand will lack or run out of food stocks so that it is possible that a famine will occur.³⁰

The emergence of sustainable food agricultural land protection policies is aimed at protecting food agricultural land and areas in a sustainable manner; ensure the availability of food agricultural land in a sustainable manner; realize self-sufficiency, resilience, and food sovereignty; protect the ownership of agricultural food land owned by farmers; increase the prosperity and welfare of farmers and society; increase the protection and empowerment of farmers; increase the provision of employment opportunities for a decent life; maintaining ecological balance; and realizing agricultural revitalization.

With regard to the protection of sustainable food-agriculture land, Law Number 41 of 2009 has formulated it as a system and process for planning and establishing, developing, utilizing and fostering, controlling and supervising food-agricultural lands and their areas in a sustainable manner. From this formulation it can be seen that the policy is actually included in the scope of state administrative law so that its implementation is determined by the bureaucracy who is authorized to handle this matter. Without real movement from the bureaucracy, this policy cannot run as it should. On the other hand, support from farmers is also very important in determining the success of this policy. Without the support of farmers, this policy is just wishful thinking.

However, the policy of protecting sustainable food agricultural land cannot work as it should if the government has not determined exactly where the "Sustainable Food Agricultural Land" is located. In this regard, the legislators said that there must be a distinction between objects of

sustainable food agricultural land and non-sustainable food agricultural land objects.³¹ Thus this policy can only be implemented on land that has been designated as sustainable food agriculture land. In other words, this policy is not possible to be implemented on objects that are not sustainable food agricultural land.

If explored further, it can be said that Law Number 41 of 2009 has been supplemented by various implementing regulations such as Government Regulation of the Republic of Indonesia Number 1 of 2011 concerning Determination and Transfer of Functions of Sustainable Food Agricultural Land; Government Regulation of the Republic of Indonesia Number 12 of 2012 concerning Incentives for Protection of Sustainable Food Agricultural Land; Government Regulation of the Republic of Indonesia Number 25 of 2012 concerning Information Systems for Sustainable Food Agricultural Land; Government Regulation of the Republic of Indonesia Number 30 of 2012 concerning Financing for Protection of Sustainable Food Agricultural Land; Regulation of the Minister of Agriculture Number 07/Permentan/OT.140/2/2012 concerning Technical Guidelines for Criteria and Requirements for Areas, Land, and Sustainable Food Agriculture Reserve Land; Regulation of the Minister of Agriculture Number 79/Permentan/OT.140/8/2013 concerning Guidelines for Land Suitability for Food Crop Commodities; Regulation of the Minister of Agriculture Number 80/Permentan/OT.140/8/2013 concerning Criteria and Procedures for Assessment of High Achieving Farmers in Sustainable Food Agricultural Land; and Regulation of the Minister of Agriculture Number 81/Permentan/OT.140/8/2013 concerning Technical Guidelines for the Transfer of Functions of Sustainable Food Agriculture Land.

In relation to the regulations above, it can be stated that these regulations will only become texts that are as ineffective as the old legal instruments if the location of sustainable agricultural food agricultural land cannot be demonstrated.

In its development, regulations are still being issued that are intended to protect agricultural land.³² Regarding this matter, no matter how many regulations the government will issue to protect agricultural land, the author is of the opinion that it will be in vain if the government and regional governments cannot indicate where sustainable food agricultural land is located.

There seems to be difficulty in establishing sustainable food agriculture land by the government. Perhaps this problem is due to the spirit of Law Number 41 of 2009 which adheres to a bottom-up approach³³ so that the determination process depends on the local regional authorities. The purpose of using this approach is actually right, this is to be able to accommodate the aspirations of the local community.

If explored further, it will be found that several regions have established sustainable food agricultural land through regulations in their regions. The next question is whether with the existence of these regional regulations, regions can indicate the location of sustainable food agriculture land in their area? The answer is that most regions cannot indicate the location of sustainable food agriculture land in their area, even though there is an area of sustainable food agriculture land in the body contained in the regional regulations. Why is that? This is because regional regulations only describe sustainable food agricultural land in their articles, but the

map is not described/delineated further in the map attachment or even the regional regulation does not have a map attachment and then submits the map to regional regulations regarding regional spatial planning. In the following, a table of regions that have designated sustainable food agricultural land in the Regional Regulation concerning the Protection of Sustainable Food Agricultural Land will be presented.

In Article 9 paragraph (1) of the Special Region of Yogyakarta Provincial Regulation Number 10 of 2011 concerning Protection of Sustainable Food Agricultural Land it is stated that "Sustainable Food Agricultural Land stipulated in the Spatial Planning and Regional Areas is determined with an area of at least 35,911.59 Hectares". Furthermore, it can also be seen the elaboration at the district/city regional regulation level. In this case Article 10 paragraph (1) of Gunungkidul Regency Regional Regulation Number 23 of 2012 concerning Protection of Sustainable Food Agriculture Land confirms that "Determination of Sustainable Food Agriculture Areas is part of the determination of the Rural Area spatial plan in the Regional area in the Regional spatial plan in accordance with the provisions of the legislation".

As previously mentioned, Law Number 41 of 2009 is a legal product of the elaboration of the spatial planning law. It is appropriate that an implementing law from other laws cannot be separated from the main regulation. In this case, Law Number 41 of 2009 cannot stand alone in realizing its goals because it depends on the support of the spatial planning law. Therefore, this discussion needs to also discuss the support for spatial planning laws for sustainable food agriculture land protection policies.

2) Implementation of Sustainable Food Agricultural Land Protection Policy

The policy of protecting sustainable food agricultural land is largely determined by the spatial plan. Spatial planning is like a driving force for the success of the agricultural sector as well as all natural resource sectors in Indonesia. However, the issue that always arises is the difficulty of allocating limited spatial resources in a balanced manner, so that it is at this point that conflicts of interest often occur.³⁴

Several legal circles have expressed their views regarding the real purpose expected of spatial arrangements. Regarding this matter it is said that space needs to be managed in a sustainable manner for the greatest prosperity of the people. In other words, the Spatial Planning Law is in favor of protecting the interests of the people.³⁵ Spatial planning is expected to allocate space for the activities of all community groups for the welfare of all of them and leave some for future generations.³⁶ It can be said that spatial planning is also included in the arena of discourse on justice. Other observers of spatial planning law argue that spatial planning is a blueprint that provides directions (as a guideline) for land tenure, use and utilization activities for various interests by the subject of rights so as not to harm the interests of the community, to prevent land degradation from occurring and to ensure certainty. The law on the land parcel in question.³⁷ these observers of agrarian law actually yearn for the spirit of traditional wisdom values as the basis for spatial planning so that spatial planning really runs on its rails for the greatest possible prosperity of the people.

Another interesting thing about spatial planning is the ability to make a certain area much better

than an area that was not planned beforehand. Bumi Serpong Damai (BSD) is an example of planning for a city that was planned before its inhabitants entered the space.³⁸ However, spatial arrangements that are full of certain interests can also have a negative impact on local communities. For example, in the past most of the Pulogadung Industrial Area was fertile agricultural land but now it has turned into factories. In an effort to smooth out the desire to acquire fertile paddy fields, sometimes the factory owner promises to employ the former land owner in his factory, but this promise is rarely kept because the farming profession does not meet the specified qualifications and conditions.³⁹ Thus the farmers who were originally working on paddy fields to produce food for themselves and the community, have changed their way of life.

Changes in the pattern of farmer's life can only make it better, but it can also make it worse. Observing the description above, it appears that there is a close relationship between spatial planning and the land it regulates. In the context of land regulation, other agrarian observers also want land law reform to provide legal protection for the common people, especially the peasantry. Likewise, it is hoped that in the future land law can become a protector for the interests of the people who are powerless because of their various weaknesses and backwardness, such as farmers and customary law communities.⁴⁰ In line with this it is also said that the government is obliged to guarantee and protect land rights for farmers.⁴¹ Thus it can be concluded that the ideal spatial arrangement is a spatial arrangement that can allocate spatial resources proportionally which of course also applies to the agricultural sector, in which in this sector there are marginalized communities that need to be protected by the state.

With regard to the description above, it is necessary to see to what extent the sustainable food agriculture land protection policy has been implemented in the spatial planning legal system.

After looking at table 2 above, it can be seen that there are 25 districts/cities out of a total of 514 districts/cities in Indonesia that have included sustainable food agriculture land in their spatial plans. This is a very important indicator to state that until this paper was published, the policy to protect sustainable food agricultural land was not supported by regional spatial plans. As is well known, spatial planning is made by the government or local government in accordance with the authority granted by the Spatial Planning Law. In the case of the spatial planning described in the table above, it can be stated that the authority lies with the district/city area.

Likewise, if we look at the provincial regional regulations regarding regional spatial planning, there is not a single province in Indonesia that has included sustainable food agricultural land in provincial-level spatial planning plans. Regarding this matter, it is better to present a comparison of the percentages between provincial regional regulations and district/city regional regulations related to the issues raised.

Table 1: Percentage of Provincial and District/City Spatial Plans Containing Sustainable Food Agriculture Land

No.	Rule Type	Amount Area	Space Pattern LP2B	Percentage
1.	Provincial Regulations	34	0	0.00 %
2.	Regency/City Regional Regulations	514	25	4.86 %

Processed and sourced from: <http://gistaru.atrbpn.go.id/rtronline/>, accessed on 21 October 2019.

Adhering to what is presented in table 1 above, it is clear that sustainable food agriculture land protection policies are waiting to be implemented in regulations that are higher than district/city regional regulations. This is in accordance with the idea of the legislators who wish to use a bottom-up approach to this set of regulations. It can also be stated that there is a problem of weak political will among local authorities because they have not been serious about fully supporting this policy so that Law Number 41 of 2009 has not been able to work as expected.

At the central government level, there are actually directives in Government Regulation Number 13 of 2017 which contains agricultural allotments covering an area of 77,410 square kilometers spread throughout Indonesia. What is directed by this government regulation should be followed up by the regions by aligning it with their respective regional regulations. Agricultural designations that are aligned from a high regulatory level to a low regulatory level should be used as sustainable food agriculture land. If this is not immediately followed up, then the area of agricultural allotment stated by the government regulation will continue to decrease so that the government's goal of realizing food self-sufficiency, security and sovereignty will be disrupted.

First, the concept of protecting sustainable food agricultural land aims to realize self-sufficiency, resilience, and food sovereignty which is equipped with coercive elements in the form of sanctions for anyone who dares to convert it into non-agricultural land. In addition, this policy talks about incentives and disincentives for farmers. However, this policy cannot stand alone because it is very dependent on regulatory support in the field of spatial planning. Second, the implementation of the policy to protect sustainable food-agriculture land in Indonesia as contained in regional regulations regarding spatial planning is still very low due to various influencing factors, especially the political factors of regional authorities who are not concerned with this policy. Meanwhile, the movement at the central level has shown direction to push back this policy. This can be seen in Government Regulation Number 13 of 2017, which among other things contains agricultural allotments of 77,410 square kilometers. Therefore, another encouragement is needed, namely a system of sanctions for reducing the budget for regions that do not comply with the directives of Government Regulation Number 13 of 2017.

3) Strategy for Protecting Sustainable Food Agricultural Land in Urban Communities.

The strategy for controlling sustainable food-agriculture land in urban communities aims to determine protection priorities and the Strategy for Controlling Sustainable Food-Agriculture Land, focusing on the factor level that becomes a priority is empowering urban communities,

this is an effort to provide empowerment or strengthening) to urban communities. At the stakeholder level, the community empowerment factor is given more priority to the private sector. At the obstacle level, it has priority, namely lack of collaboration with the city government. At this level, there is a need to equalize perceptions and work together between the government, the private sector and NGOs. At the alternative level, the strategy has priority on establishing a team of controllers for sustainable food agriculture as a companion for academics.

The role of the government and local governments in land conversion and control of sustainable food agricultural land is very large. Control of sustainable food agricultural land is carried out by the government and local governments through the provision of incentives, disincentives, licensing mechanisms, protection and counseling. One of the efforts made by the government and regional governments is to suppress the conversion of agricultural land, and in Article 38 of Law Number 41 of 2009 concerning Protection of Agricultural Land.

Sustainable Food to control sustainable food agricultural land by providing incentives to farmers, in the form of: land and building tax relief, development of agricultural infrastructure, financing research and development of superior seeds and varieties, ease of access to information and technology, provision of agricultural production facilities and infrastructure, guarantees issuance of food agriculture land certificates through sporadic and systematic land registration; and/or, awards for high achieving farmers.

Rules regarding land conversion, including land that has been designated as sustainable food agriculture land are protected and prohibited from being converted. This is in accordance with Article 44 of Law Number 41 of 2009 concerning Protection of Sustainable Food Agricultural Land. If farmers do not fulfill their obligations, such as not utilizing the land according to its designation, not preventing irrigation damage, not maintaining and increasing soil fertility, not preventing land damage, and not maintaining environmental sustainability, disincentives may be imposed in the form of revocation of the relevant incentives. Provisions regarding this disincentive refer to Article 42 of Law Number 41 of 2009 concerning Protection of Sustainable Food Agricultural Land.

Regarding permits, the law on spatial planning regulates regional spatial planning, which nationally must pay attention to one of them being provincial spatial planning plans and district/city spatial planning plans. The spatial plan for the national territory contains one of the directions for controlling the use of space for the national territory which contains indications for directives on national system zoning regulations, licensing directives, incentive and disincentive directives, and sanction directives. This is regulated in Article 20 of Law Number 26 of 2007 concerning Spatial Planning. Likewise with the authority possessed by the district or city regional government,

In Article 50 of Law Number 41 of 2009 concerning Protection of Sustainable Food Agricultural Land, all forms of permits that result in the conversion of sustainable food agricultural land are null and void by law, except for public interests. Everyone who owns sustainable food agriculture land can transfer ownership of their land to other parties without

changing the function of the land as sustainable food agriculture land.

In terms of controlling the use of space, according to Article 35 of Law Number 26 of 2007 concerning Spatial Planning, it is carried out through the establishment of zoning regulations, permits, provision of incentives and disincentives, and imposition of sanctions. Matters regarding licensing can be found in Article 37, that licensing provisions are regulated by the Government and regional governments according to their respective authorities in accordance with statutory provisions. Spatial use permits must be adjusted to the regional spatial layout plan. If it is not appropriate, it will be canceled by the government and local government. In addition, space utilization permits issued and/or obtained without going through the correct procedures are null and void by law. So that,

To unravel the complexity of the national food problem towards sustainable food security, it can be linked to agrarian reform which has been modified in such a way, including: first, as in many countries, fertile land for the development of the food sector. This must be closely monitored by the central and regional governments so that food agricultural land does not change its function. Second, systematically working on the methodological aspect of capital, application of appropriate technology, especially management technology and new varieties, distribution systems and infrastructure, and market access. Third, agricultural industrialization, from upstream to downstream so as to provide added value. Thus, our food products compete in the world market. Fourth, strict protection policies for imported food products, such as high import duties, non-tariff barriers, anti-subsidies, and anti-dumping. Fifth, legal politics (sustainable food security), especially the issue of overlapping regulations and law enforcement. This last problem is the root of thousands of illegal mining and forest concession permits in this country.⁴²

Thus, based on the writing above, it can be concluded that the conversion of agricultural land in terms of food management (Law Number 18 of 2012 concerning Food), includes:

1. If the transfer of functions is carried out widely, then there will be an impact especially on the implementation of the food itself, which will have an impact on food sovereignty, food self-sufficiency, and food security.
2. To be able to further suppress the conversion of agricultural land that occurs, in accordance with Article 7 of the Law of the Republic of Indonesia Number 18 of 2012 concerning Food, food planning must pay attention to: population growth and distribution, food consumption needs and nutrition, carrying capacity of natural resources, technology, and environmental sustainability, development of human resources in the implementation of food, the need for facilities and infrastructure for food implementation, food potential and local culture, regional spatial planning plans, and national and regional development plans.
3. The role of the government and local governments is very important in overcoming the conversion of land use which can lead to failure of food production, through technological assistance and regulations in the form of regulations regarding regional spatial planning, and regulations regarding permits related to the conversion of

agricultural land to non-agricultural land.

4. Land use that is guided by the regional spatial layout plan is used as a guideline for regions to organize the land in the area, including agricultural land.
5. Sustainable protection of agricultural food land is needed in agrarian reform.
6. In order to carry out the development of sustainable food agriculture areas and sustainable food agricultural land, land intensification and extensification are carried out.
7. The spatial plan for the national territory contains one of the directions for controlling the use of space for the national territory which contains indications for directives on national system zoning regulations, licensing directives, incentive and disincentive directives, and sanction directives.
8. The problem of national food towards sustainable food security can be connected with agrarian reform which has been modified in such a way.

CONCLUSION

Sustainable food land protection, enforcement and impact on today's urban communities is Whereas Sustainable Food Agricultural Land is a field of agricultural land that is determined to be protected and consistently developed in order to produce staple food for national food self-sufficiency, resilience and sovereignty. Any plot of agricultural land that has been "designated" as Sustainable Food Agricultural Land may not be converted for non-agricultural purposes by anyone. The impact is expected to encourage the availability of agricultural land to maintain self-sufficiency, food security and sovereignty, which aims to: (a) Protect food agricultural land and areas in a sustainable manner; (b) Ensuring the availability of food agricultural land in a sustainable manner; (c) Realizing independence, resilience, and food sovereignty; (d) Protect the ownership of agricultural food land owned by farmers; (e) Increasing the prosperity and welfare of farmers and the community; (f) increase the protection and empowerment of farmers; (g) increase the provision of employment opportunities for a decent life; (h) maintaining ecological balance, and (i) realizing agricultural revitalization

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