Repercussions of agricultural land conversion policy on food security in Indonesia

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Abstract. The state guarantees sufficient food for every citizen as regulated in the 1945 Constitution of the Republic of Indonesia. Food availability is highly dependent on the existence of sustainable food agricultural lands. The conversion is the cause of food agricultural land decrease. Unmet food needs will then affect national food security. The problem in this research is the effect of granting permits for the conversion of productive agricultural land into residential land and its relation to food security in Indonesia. This legal research uses a normative juridical approach. Data was collected through a literature review and analyzed qualitatively. The results show that agricultural land is decreasing every year due to its conversion into residential and infrastructural lands for the public interest. In the end, with insufficient food needs, national food security is diminished. In conclusion, permits to convert sustainable food agricultural lands should only be given on the condition. The recommendation of this research is for the regional government, the Ministry of Agrarian and Spatial Planning/National Land Agency (ASP/NLA), and Notary/Land Deed Official to work collaboratively in providing information on the impact of agricultural land conversion on the sustainability of food availability.

1. Introduction
The Republic of Indonesia is a state based on Pancasila law which always strives to fulfill the basic needs and rights of its citizens. This is explicitly stated in Article 28 of the 1945 Constitution (UUD 1945). One of the ways to fulfill those needs is to carry out the agriculture sector. Therefore, adequate land is required. The problem is the land area has not increased, while human growth and needs have increased. The land is required not only for agriculture in the context of fulfilling food, but there are more strategic goals of the country such as the development of food security, independence, and sovereignty.

The increase in population has a direct effect on the need for rice as a staple food for the Indonesian population. Based on data released by the Central Statistics Agency in 2015, the increase in population from 2013 to 2015 has increased above 1.25%. Although it is known as the 3rd (third) the largest rice-producing country in the world [1], during this period, Indonesia is also recorded to import rice in ever-increasing quantities (can be seen in Table 1). When rice imports are carried out continuously, it shows that food security is highly vulnerable.
Table 1. Number of the Indonesian population [2]

| No. | Year | Total populations       | Amount of rice imports |
|-----|------|-------------------------|------------------------|
| 1   | 2013 | 248,818,1 million people | 472,664,7 tons         |
| 2   | 2014 | 252,164,8 million people | 844,163,7 tons         |
| 3   | 2015 | 255,518,8 million people | 861,601,0 tons         |

National resilience which is influenced by economic and political stability will be maintained if food security is sufficient. Another impact of fulfilling food security is the increase in the quality of human resources.

The rampant conversion of paddy fields has finally affected the depreciation of agricultural land. Conversion results from increasing coherent population growth increase housing needs. Farmers who own land, developers, and investors used this condition. In arranging thewill of the parties in the deed of transferring rights to agricultural land, the Notary holds an important role in it. This role when carried out will cause problems and at the same time as a means of obtaining honoraria. The notary must uphold his oath of office in carrying out this noble duty. When dealing with a land conversion for development activities which results for a few people, the notary must boldly refuse to make the transfer deed to safeguard national interests. The aim is to achieve national food security and finally, Indonesia can be self-sufficient in food. The problem in this research is how the role of the notary public in the success of national food security.

2. Methods

This research was conducted using the normative juridical approach. This method focuses on research library data collection which is secondary data. All data obtained from library research are then analyzed qualitatively and systematically compiled to answer the problems in this research.

3. Results and discussion

3.1. Housing need as a reason for agricultural land conversion

The factors that cause agricultural land to be converted into residential and industrial areas include:[3]

- The selling price of agricultural land which is not as expensive as non-agricultural land, and the high demand for non-agricultural land;
- The location of agricultural land that has been sandwiched between non-agricultural land;
- The increasing number of population causes the need to establish a residence also increases;
- The development of a residential or industrial area in a certain area that investors interested;
- The increasing price of land causes other farmers to be interested in selling;
- Young people are not interested in managing agricultural land.

Increasing the number of residents who have a role in increasing the list of land use needs for non-agricultural activities (housing, trade, industry, public facilities), is a classic problem that is always the factor that causes the continued conversion of agricultural land for food. As one of the basic needs that can not be separated from humans, the demand for shelter always occurs with increased population. Due to increased housing construction, the area of agricultural land, especially rice fields, has a deficit due to the massive conversion of paddy fields. Based on the Central Statistics Agency (BPS) data, paddy fields in Indonesia are decreasing continuously every year. According to data in 2016, the majority of all provinces experienced a decrease in paddy fields. From 8,128,499 ha in 2013, 8,111,593 in 2014, 8,087,393 in 2015 [4]. In the end, the conversion of agricultural land cannot be avoided. Therefore, it takes a government effort in the form of control to control the rate of land
conversion by making aspects of environmental carrying capacity and land availability as one of the considerations.

3.2. Control of land conversion through regulation

From the macro perspective, agricultural land conversion occurs due to the transformation of economic structures and demographic problems so that this cannot be prevented [5]. In developing countries that experience relatively high economic growth, the economic structure tends to shift from those which initially relied on the agricultural sector to the non-agricultural sector. Changes in the economic structure that resulted in demand for land for non-agricultural activities increased rapidly, then stimulated the conversion of agricultural land allocated for the development of industrial estates and trade areas. The development of these two areas of shape subsequently attracted population migration to the area, so that there was also continued land conversion aimed at the construction of housing complexes. The conversion of agricultural land generally starts from the transfer of ownership by farmers to non-farmers. Therefore, the process of converting agricultural land generally begins with the sale of farmers' land to other parties. Based on this process, land conversion can also be stimulated by encouraging agricultural land supply by farmers [6].

In the long term, the drive for agricultural land supply can be stimulated by two phenomena, namely, the introduction of a fragmented land inheritance system that has an impact on the ownership of each farmer's land is narrower, and the decrease in agricultural business rent as a consequence of a secular decline in value agricultural exchange and rising land prices. These two phenomena then encourage farmers to sell their land and move to other sectors, because the income from the owned land is considered insufficient for the needs of farmers' households.

Landowners and all levels of society experienced the impact of land conversion. Besides decreasing productivity, land conversion has a further impact on drought and pest attacks. The conversion of land functions is irreversible while natural resources in the form of land, budget, and technology innovation are limited. As a result, it is difficult to increase the productivity of existing land products.

Opportunities for land conversion can be reduced by the government because they have the legal authority to control and regulate the use of land resources, including the conversion of paddy fields [7]. The strategy adopted by the government is to ensure the implementation of land distribution to villages and the distribution of land rights for farmers and suppress the conversion of productive and conservation land. For this strategic purpose, the government has legitimized several products of regulation, as described in the table 2. What is meant by Sustainable Food Agricultural Land (LP2B) is a field of agricultural land that has been determined to be conserved and processed consistently, to obtain basic needs for the realization of national food independence, resilience and sovereignty. Furthermore, the terminology of Sustainable Food Agricultural Land can be seen in Article 1 number (3) of the PLP2B Law. By the provisions of Article 44 paragraph (1) of the PLP2B Law, land that has been designated as LP2B must be protected and prohibited from being converted. The prohibition of changing the function of Sustainable Food Agricultural Land can be waived, if the land is used for the public interest, and implemented under the provisions of laws and regulations. The requirements to be able to change the function of land that has been designated as Sustainable Food Agricultural Land are very strict, one of which is providing replacement land for the converted Sustainable Food Agricultural Land. Besides, some obligations must be fulfilled, namely utilizing the land under the designation; and prevent irrigation damage.

Further provisions regarding the provision of replacement land are regulated in the PLP2B Law, namely in Article 46 paragraph (1), which requires that it be carried out based on land suitability, with the following conditions: a. at least three times the land area in terms of the conversion of irrigated
land; b. at least twice the area of the land in terms of the conversion of tidal and non-tidal swamp reclamation land; and c. at least one time the area of land if non-irrigated land is converted.

Table 2. Regulations in the PLP2B sector

| No. | Law product                          | About                                                                 |
|-----|--------------------------------------|-----------------------------------------------------------------------|
| 1   | Law No. 41 of 2009                   | Sustainable Food and Agriculture Land Protection (PLP2B Law)          |
| 2   | Law No. 26 of 2007                   | Spatial planning                                                      |
| 3   | Government Regulation No. 1 of 2011  | Determination and Conversion of Sustainable Food Agriculture Land    |
| 4   | Government Regulation No. 12 of 2012 | Sustainable Food and Agricultural Land Protection Incentives          |
| 5   | Government Regulation No. 30 of 2012 | Financing of Sustainable Food Agriculture Land Protection             |
| 6   | Government Regulation of Republic of Indonesia No. 13 of 2017 | Amendments to Government Regulation No. 26/2008 concerning National Spatial Planning |
| 7   | Regulation of the Ministry of Agriculture and Spatial Planning / Head of the National Land Agency of the Republic of Indonesia, No. 1 of 2018 | Concerning Guidelines for Preparation of Provincial, Regency and City Spatial Planning |

Provisions regarding which projects can be built on land used for public interest can be considered in a. Law Number 2 of 2012 concerning Land Acquisition for Development for Public Interest, namely in Article 10; b. PLP2B Law, namely in the Elucidation of Article 44 paragraph (2).

Conversion of sustainable food and agriculture land can be carried out with provisions that must be following the regional spatial plan and/or detailed spatial plan and carried out with the requirements: have a strategic feasibility study, have a plan for land conversion, exemption of ownership of land rights by providing compensation, and availability of converted substitute land for sustainable food agriculture land. Every person who performs sustainable agricultural land conversion must return the land to sustainable food land to its original condition. Incorrect procedures for obtaining permits for land-use change by carrying out activities that damage irrigation and other infrastructure and reduce soil fertility for sustainable food agriculture are needed to rehabilitate sustainable food agriculture lands.

Conversion of LP2B for purposes other than for public interest, should not conflict with spatial planning. One part of spatial planning is controlling space utilization. The purpose of controlling spatial use is in the framework of the implementation of spatial planning that does not conflict with the stipulated spatial layout plan. To control space utilization, efforts that can be made include a. establishing regulations related to zoning; b. granting of permits by regulations; c. providing incentives to stakeholders who utilize space that does not conflict with the spatial plan and disincentives for those who violate spatial planning regulations. This provision is regulated in Article 35 of Law Number 26 of 2007 concerning Spatial Planning (here in after referred to as Law Number 26 of 2007). The norms contained in Article 35 of Law No. 26 of 2007 are re-regulated in Article 148 of Government Regulation Number 15 of 2010 concerning Spatial Planning (hereinafter referred to as Government Regulation Number 15 of 2010), and are further regulated in more detail in Article 9 paragraph (6) of the Regulation Minister of Agraria and Spatial Planning/Head of the National Land Agency Number 1 of 2018 concerning Guidelines for the Formulation of Provincial, Regency and City Spatial Plans (hereinafter referred to as Permen ATR / Kep BPN No.1 of 2018). Space utilization permits issued by authorized officials can be canceled and null and void by law. As for the authorities
to cancel space utilization permits issued by officials are the Government and Local Governments, as stipulated in Article 37 paragraph (2) of Law No. 26 of 2007. The basis for space utilization permits that can be canceled by the Government and Regional Governments, includes a. Space utilization permit that is no longer suitable due to changes in regional spatial planning; b. Space utilization permit obtained through correct procedures but later proved to be incompatible with the regional spatial plan. Space utilization permit that is canceled by law, because a. the diverted land is sustainable food agriculture land; b. issued and/or obtained not through the correct procedure.

3.3 Role of the notary public in the success of national food security

The position of a notary is based on morals, so the legal products that he issues must be attached to the moral quality that makes them. The legal product in question is an authentic deed, which is born from its authority as a general officer. Further provisions regarding the authority of a Notary are regulated in Law Number 2 of 2014 concerning the Position of Notary Public, as a substitute for Law Number 30 of 2004 (hereinafter referred to as Law on Notary Position), namely in Article 15 paragraph (1), (2), and (3). In addition to regulating authority, the Law on Notary Position also regulates obligations and prohibitions. The provisions regarding obligations and prohibitions are also contained in the Notary Code of Ethics. The notary code of ethics is a moral code determined by the Notary organization, namely the Indonesian Notary Association which applies to and must be obeyed by all members of the association, and all people who carry out the duties of a Notary, including Temporary Notary Officers and Substitute Notaries.

About transfer of rights to land, the Notary must master and understand the norms contained in various regulations regarding land including regarding sustainable food agricultural land. Mastery of these regulations will make it easier for Notaries in a. make an inventory of an object to be transferred is sustainable food agriculture land or not; and b. know the procedures for land-use change. With the knowledge he has, the notary can decide, get involved, or not in implementing the wishes of the parties who will transfer the land.

4. Conclusions

The shift in the function of agricultural land in Indonesia is due to the need for land that is used to build public facilities that benefit the public, the need for housing/settlements, and industrial estates. Efforts made by the government in protecting LP2B from being transferred, except for the public interest, are by passing the Law on PLP2B. The conversion of agricultural land which is not sustainable food agriculture cannot be done automatically. The process of obtaining a land conversion permit is very long, starting with the transfer of rights to agricultural land to be converted. In this phase, the role of a notary is needed. Therefore, the Notary must again remember and carry out the oath/promise of office spoken before actually taking up his position as a public official. Also, notaries are also required to carry out their obligations, namely to provide legal counseling about the worst consequences of selling agricultural land to non-farmers, which is an integral part of the land conversion process. With the implementation of this legal counseling, the Notary as an element of society has contributed to the success of food supply and food security.

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