



## THE CONSERVING AGRARIAN LAND FOR FUTURE GENERATIONS: A POLICY BLUEPRINT FOR INDONESIA

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### ABSTRACT

*This study examines the current laws and regulations on land conversion that have not been able to uphold ecological justice, challenges in the prevailing laws and regulations; and the reconstruction of these laws and regulations to comply with the values of ecological justice. This research aims to improve the protection of sustainable food agricultural land for future generations. This study used a normative legal method. The results of the study indicate that the Indonesian regulatory framework has not been able to achieve ecological justice due to competing demands between agrarian and non-agricultural land use. The government's regulatory authority derived from the 1945 Constitution often prioritizes economic goals over ecological justice, so that land protection policies are inadequate. This study concludes with a proposal to reconstruct the regulatory framework to comply with the principle of ecological justice, by proposing specific changes to Articles 2, 23, 39, 42, and 70 of Law No. 41 of 2009, Article 103 of PP No. 26 of 2021, and Article 44 of Law No. 41 of 2009 as amended by the Job Creation Law No. 6 of 2023. This study recommends integrating ecological justice into the legal framework, enhancing provisions to mandate local government participation, and strengthening governance and law enforcement in conserving agrarian land.*

## 1. Introduction

The universe with all its natural resource potential is a gift from the Creator, Allah SWT, to humans.<sup>1</sup> Allah gave nature to be managed well, preserved, and utilized sustainably for the common welfare. As per the Indonesian constitution,

1 Asmawati Muhamad (etc)., Preserving Human-Nature's Interaction for Sustainability: Quran and Sunnah Perspective, *Sci Eng Ethics*, Vol.26, 2020, page. 1053-1066.

the management of natural resources, including land, is handed over to the government to be regulated. Article 33 paragraph (3) of the 1945 Constitution states that "the earth, water, and natural resources contained therein are controlled by the state to be used for the greatest prosperity of the people."<sup>2</sup> This provision emphasizes that land and other natural resources must be managed for the prosperity of the people, not for the interests of a handful of parties.

Indonesia as an agrarian country has an obligation to protect its people so that they can enjoy a good living environment.<sup>3</sup> This is reflected in Article 28H paragraph (1) of the 1945 Constitution which states that "everyone has the right to live in physical and spiritual prosperity, to have a place to live, and to have a good and healthy living environment and has the right to receive health services."<sup>4</sup> In the midst of increasing food needs due to population growth, it is important to protect agrarian land from uncontrolled conversion. Agriculture is the basis of the national economy and the main source of food for the majority of the Indonesian<sup>5</sup> people. However, with the increasing population, the need for land for housing, industry, and infrastructure also increases, threatening the sustainability of agrarian land.<sup>6</sup>

The conversion of agrarian land to non-agrarian sectors, such as industry and housing, continues to increase along with rapid development.<sup>7</sup> The Central Statistics Agency (BPS) noted that the majority of farmers in Indonesia have less than 0.5 hectares of land, and the amount of agrarian land also continues to shrink, from 8.11 million hectares in 2014 to 7.46 million hectares in 2019.<sup>8</sup> This condition is exacerbated by the continued conversion of agrarian land, even though there are regulations governing its protection.

Law No. 41 of 2009 concerning the Protection of Sustainable Food Agrarian Land (PLP2B) aims to address this problem, but its implementation is still ineffective. On the one hand, the Government Regulation in Lieu of Law No. 2 of 2022 concerning Job Creation opens up opportunities for the conversion of sustainable food agrarian land, especially for National Strategic Projects (PSN)

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2 Lalu Noval Banu Harly., Sustainable forest management from the perspective of customary law in Indonesia: a case study in the Bayan community. *International Journal of Social Sciences and Humanities*, Vol.1 No.1, 2023, page. 32-42

3 I Dewa Made Suartha (etc)., Reconstruction Communal Rights Registration In Encouraging Indonesia Environmental Protection, *International Journal of Advanced Science and Technology*, Vol.29 No.3, 2020, page. 1277-1293.

4 Suparto and Admiral., Comparison of Regulations on Human Rights in the Constitution of 1945 and the Constitution of Medina. *Conference: The 2nd International Conference of Law, Government and Social Justice (ICOLGAS 2020)*, 2020, page.525-535

5 Ong Argo Victoria, Ade Riusma Ariyana, Devina Arifani. *Code of Ethics and Position of Notary in Indonesia. Sultan Agung Notary Law Review*, Vol.2 No.4, 2020, page. 397-407

6 Rondhi, Mohammad (etc)., Agricultural Land Conversion, Land Economic Value, And Sustainable Agriculture: A Case Study In East Java, Indonesia. *Land*, Vol.7 No.4, 2018, page. 148.

7 I Gusti Ngurah Ady Putra S (etc)., Effect of Agricultural Land Function Transfer on Urban Development in North Kuta District. *Astonjadro*, Vol.13 No.1, 2024, pages. 101-114

8 Baiq Rindang Aprildahani (etc). Enhancing Farmer's Well Being Through The Agriculture Land Provisions In West Nusa Tenggara. *GeoEco*, Vol.7 No.2, 2021, pages 188-202.

which are considered to be in the public interest.<sup>9</sup> This is contrary to the philosophy of protecting people's rights and the value of ecological justice.

As an agrarian country, Indonesia must prioritize policies that ensure the sustainability of agrarian land for future generations. Food is a basic need for the people that must be met and guaranteed by the state. Therefore, the government has a responsibility to improve local food security and protect agrarian land from uncontrolled conversion. Developing public policies that focus on protecting agrarian land is an important step to ensure sustainable food availability in the future.<sup>10</sup> A firm regulations and effective implementation are needed to reduce the rate of land conversion and ensure the welfare of the people as a whole.

## 2. Research Methods

This study uses a normative legal method to examine regulations related to the protection of sustainable agrarian land in Indonesia. The study was conducted by reviewing library materials or secondary data that include laws and regulations, legal journals, and related literature.<sup>11</sup> The data used is secondary data, including primary legal materials such as the Law on the Protection of Sustainable Agrarian Land and other related regulations. The paradigm applied in this study is constructivism, which focuses on individual interpretations of social reality. In the context of this study, the constructivism paradigm is used to understand how various actors, including the government, society, and other stakeholders, view and interpret agrarian land protection policies.<sup>12</sup> The type of research used is normative legal, with a prescriptive analysis approach.<sup>13</sup> This study aims to provide legal recommendations based on an analysis of existing regulations. The approach used is a statute approach to examine all related regulations, as well as a comparative approach to compare Indonesian regulations with other countries that have similar policies.<sup>14</sup> The analysis was conducted qualitatively with an inductive approach, which allows researchers to draw conclusions based on interpretations of the legal data collected.<sup>15</sup> This

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9 Irene Mariane (etc). Problems of Converting Agricultural Land and the Need to Anticipate Its Control After the Enactment of the Job Creation Law. *Volkgeist: Jurnal Ilmu Hukum dan Konstitusi*, Vol. 7, No. 1. 2024, pages 177-198

10 Lucia A. Reisch (etc)., Sustainable Food Consumption: An Overview of Contemporary Issues and Policies. *Sustainability: Science, Practice and Policy*, Vol.9 No.2, 2013, page. 7-25.

11 Marc Riedel., *Research Strategies For Secondary Data*. SAGE Publications, Inc. 2000, page. 47

12 Beaumie Kim., *Social constructivism. Emerging Perspectives on Learning, Teaching, and Technology*, 2001, page. 16.

13 Bell DE (etc)., *Decision Making: Descriptive, Normative, and Prescriptive Interactions*. Cambridge, Cambridge University Press. 1988. page.35

14 Bart Jansen (etc)., A Post-Colonial Comparative Critical Legal Study of the Open Norm of Reasonableness and Fairness (or Good Faith) in Dutch and Indonesian Corporate Law. *CCLJ University of Oslo Faculty of Law Legal Studies Research Paper Series*. Vol.15 Issue.1, 2021, page.73-100

15 Pedro F. Bendassolli., Theory building in qualitative research: Reconsidering the problem of induction. In *Forum Qualitative Sozialforschung/Forum: Qualitative Social Research*, Vol.14 No.1, 2013, page.1-20

study is expected to contribute to formulating more effective policies in protecting agrarian land in Indonesia.

### **3. Results and Discussion**

#### **3.1 Gaps in Law Execution Understanding of Juvenile Protection**

Historically, the earlier shifting of judicial power is related to the shift theory of separation of power. The first idea of the separation of power horizontally is proposed by John Locke. In his work "Two Treatises of Civil Government", Locke separated the power into three branches of power, namely legislative power, executive power, and federative power. Each power branch has its function. The legislative has the power to formulate the constitutions; the executive has the power to operate the constitution, and the federative has the power to carry international relations with other states.<sup>16</sup> According to Locke, the power to enforce justice is integrated into the executive branch.

Indonesia's efforts to protect agrarian land from unsustainable conversion face significant challenges due to challenge in the current regulatory framework. These challenge span across legal, structural, and cultural dimensions, undermining the effectiveness of laws designed to ensure the preservation of agrarian land for future generations.<sup>17</sup> Addressing this challenge is essential to aligning land management practices with ecological sustainability and securing national food security.

One of the main challenge lies in the legal substance of the regulations. Law No. 41 of 2009 on Sustainable Agrarian Land Protection, which serves as a cornerstone of the legal framework, suffers from several substantive flaws.<sup>18</sup> The law defines key principles, such as sustainability, fairness, and ecological balance, but its interpretation of 'justice' is limited to proportional fairness among citizens. This narrow definition fails to encompass the broader concept of ecological justice, which calls for fair treatment of the environment and natural resources. Consequently, the law does not adequately protect agrarian land as an ecological resource, weakening its overall effectiveness.<sup>19</sup>

Furthermore, the lack of required responsibilities for local governments poses a significant challenge. While the law mandates that local governments integrate sustainable agrarian land protection into their spatial plans, the language is non-binding. This results in inconsistent implementation across regions, with less than half of the provinces and districts incorporating these protections into their regional plans. The absence of mandatory requirements reduces the

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16 John Locke., *Two Treatises of Government*, J.M Dent and Sons, London, 1960. page. 74

17 Laely Nurhidayah., *Legislation, Regulations, and Policies in Indonesia Relevant to Addressing Land/Forest Fires And Transboundary Haze Pollution: A Critical Evaluation*. *Asia Pacific Journal of Environmental Law*. Vol.16 No.1, 2013, page. 215-239

18 Laurens Bakker., *Who owns the land? Looking for law and power in Reformasi East Kalimantan*. Radboud University Nijmegen, 2009, page. 28

19 Nancy Lee Peluso (etc)., *Claiming The Grounds for Reform: Agrarian and Environmental Movements in Indonesia*. *Journal of Agrarian Change*, Vol.8, Issue.2-3, 2008, page. 377-407.

incentive for local governments to prioritize agrarian land conservation, particularly when faced with pressures for urban and industrial development.<sup>20</sup>

The existing incentive structures also fall short of encouraging broader compliance and proactive policy implementation. Articles 38 and 39 of the law provide incentives primarily for farmers, such as tax relief and infrastructure support, but fail to offer clear, enforceable incentives for local governments.<sup>21</sup> Without these, local authorities lack the motivation to adopt sustainable land use practices, further weakening the monitoring framework's ability to safeguard agrarian land.

Structural challenge within the institutional framework worsens these challenges. Despite provisions for criminal penalties against unauthorized land conversion, enforcement is weak.<sup>22</sup> Few prosecutions or penalties have been imposed, allowing illegal land conversions to persist. The lack of a robust enforcement mechanism undermines the law's deterrent effect, leading to ongoing violations. Additionally, the framework suffers from coordination challenges among various government agencies.<sup>23</sup> Effective land protection requires collaboration between the Ministry of Agriculture, local governments, and environmental bodies, but the current system lacks clear mechanisms for such cooperation. This results in fragmented policy implementation and overlapping responsibilities, as seen in Government Regulation No. 30 of 2012, which deals with financing for land protection but does not clearly delineate agency roles.<sup>24</sup>

Cultural attitudes towards land use and environmental protection also contribute to the challenge in the regulatory framework.<sup>25</sup> A strong legal culture that prioritizes environmental stewardship and sustainable land management is lacking.<sup>26</sup> Many local governments and communities favour short-term economic gains over long-term ecological sustainability, often due to a lack of awareness or understanding of the importance of agrarian land conservation. Economic pressures for urban and industrial development frequently outweigh considerations for conserving agrarian land.

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20 Jeb Brugmann., Planning For Sustainability At The Local Government Level. *Environmental Impact Assessment Review*, Vol.16 Issue.4-6, 1996, page. 363-379.

21 Khanna, M., Non-mandatory Approaches to Environmental Protection. *Journal Of Economic Surveys*, Vol.15 No.3, 2001, page. 291-324.

22 Srinivas Shivakumar and Keith Clifford Bell., *A Review of Indonesian Land-Based Sectors With Particular Reference to Land Governance and Political Economy*. Conference: 2015 World Bank Land and Poverty Conference at: Washington D.C, USA, 2015

23 A. Contreras-Hermosilla., *Law Compliance In The Forestry Sector: An Overview*.: World Bank. Washington DC, 2002, page. 48

24 Dwi Amalia Sari (etc)., Evaluating policy coherence: A case study of peatland forests on the Kampar Peninsula landscape, Indonesia. *Land Use Policy*, Vol. 105, 2021

25 Ferdinand Adu-Baffour (etc)., Governance challenges of small-scale gold mining in Ghana: Insights from a process net-map study, *Land Use Policy*, Vol. 102, 2021, page.1-16

26 M.J. Sanz (etc)., *Sustainable land management contribution to successful land-based climate change adaptation and mitigation: A report of the science-policy interface*. A Report of the Science-Policy Interface. United Nations Convention to Combat Desertification (UNCCD), Bonn, Germany. 2017, page. 85

Moreover, there is cultural resistance to regulatory compliance, particularly at the local level. Local authorities and stakeholders may resist implementing or enforcing land protection laws due to perceived conflicts with local development goals or economic interests.<sup>27</sup> This resistance, combined with weak enforcement and inadequate incentives, perpetuates a cycle of non-compliance and continued land conversion.

To address this challenge, Indonesia needs a comprehensive overhaul of its regulatory framework. Strengthening legal definitions, making local government obligations mandatory, improving enforcement mechanisms, fostering inter-agency collaboration, and promoting a culture of environmental stewardship are critical steps. By enhancing these aspects, Indonesia can better protect its agrarian lands, ensuring food security and environmental sustainability for future generations.

3.2 Agrarian Land Conversion Practices in Other Countries

Many countries face similar challenges but have developed effective policies to manage agrarian land conversion. This article provides a comparative analysis of agrarian land conversion practices in Indonesia, Thailand, Malaysia<sup>28</sup>, and Vietnam. The aim is to draw lessons that can help Indonesia create a robust policy framework to conserve its agrarian land for future generations.

Table 1: Agrarian Land Conversion Practices in Other Countries

Aspect	Indonesia	Thailand	Malaysia
Legal Framework	Governed by the Constitution and specific laws (e.g., Law No. 41 of 2009). Conversion requires strict conditions, feasibility studies, compensation, and replacement land provisions. <sup>29</sup>	Policies influenced by directives from the King and national goals. Emphasis on food security, sustainable practices, and economic support for farmers (e.g., rice pledging policy). <sup>30</sup>	Governed by the Ministry of Agriculture and Food Security. Emphasizes sustainable agrarian practices and protection of paddy fields for food security. <sup>31</sup>

27 David Palmer (etc)., Towards Improved Land Governance. Food and Agriculture Organization of The United Nations United Nations Human Settlements Programme. *Land Tenure Working Paper*, Vol.11, 2009, page. 41

28 Deen, Thaufiq., Ong Argo Victoria & Sumain., Public Notary Services in Malaysia. *Jurnal Akta*: Vol.5 No.4, 2018. pages 1017-1026.

29 Ganjar Kurnia (etc)., Local wisdom for ensuring agriculture sustainability: A case from Indonesia. *Sustainability*, Vol.14 No.14, 2022, pages.1-13

30 Wasinee Suwannawong Sauer., Legal aspects of contract farming under the Thai Contract Farming Promotion and Development Act BE 2560, 2017. *Thammasat Business Law*, Vol.12, 2022, page. 65-84

31 Alizah Ali and Nurulhasni Shaari., Mismanagement of chemical agriculture in Malaysia from legal perspective. *Procedia Economics and Finance*, Vol.31, 2015, page. 640-650.

<b>Regulations on Land Conversion</b>	Conversion of agrarian land is restricted unless it meets specific criteria. Requires replacement land of equivalent value or function. <sup>32</sup>	Strict regulations against transforming agrarian land to non-agrarian uses, particularly for housing or industry. High priority on agrarian preservation. <sup>33</sup>	Conversion monitored and regulated by national policies. Focus on maintaining rice fields and ensuring food security. <sup>34</sup>
<b>Economic Incentives and Compensation</b>	Compensation for converted land includes covering infrastructure investments and providing replacement land. Government supports fair compensation for displaced farmers. <sup>35</sup>	Economic incentives for farmers include guaranteed minimum prices for crops, direct government purchase of rice, and subsidies for sustainable practices. <sup>36</sup>	Provides financial support and incentives for maintaining agrarian land and adopting sustainable practices. <sup>37</sup>
<b>Support for Sustainable Practices</b>	Emphasizes the need for sustainable agrarian practices to ensure food security and environmental	Policies focus on improving agrarian efficiency, promoting green practices, and developing infrastructure for	Promotes precision agriculture, use of technology, and sustainable farming practices. Focuses on reducing environmental impact while

32 Mohammad Rondhi (etc)., Agricultural Land Conversion and Food Policy in Indonesia: Historical Linkages, Current Challenges, and Future Directions, *Springer Nature Link*, 2019, page. 631-664.

33 Santita Nathalang., *A spatial analysis of factors influencing farmland conversion in the Bangkok metropolitan area, Thailand*. (Doctor of Philosophy) Oregon State University. Faculty of Geography. 1986, page 98

34 Ismail Omar., Rules Affecting the Land Development Process in Malaysia-: A Review on Regulation of Environmental Impact Assessment (EIA). *8th. Pacific Rim Real Estate Society Conference 21st-23rd. January, 2002, Lincoln University, Christchurch, New Zealand*. 2002, page. 1-21

35 Jonah Busch (etc)., Structuring economic incentives to reduce emissions from deforestation within Indonesia. *Proceedings of the National Academy of Sciences of the United States of America*. Vol.109 No.4, 2012, page. 1062-1067

36 Scott Christensen., The role of agribusiness in Thai agriculture: Toward a policy analysis. *TDRI Quarterly Review*, Vol.7 No.4, 1992, pages 3-9.

37 Anuar Alias and M. D. Nasir Daud., Payment of adequate compensation for land acquisition in Malaysia. *Pacific Rim Property Research Journal*, Vol.12 No.3, 2006, page. 326-349.

	health. Policies include promoting use for agriculture over non-agrarian purposes. <sup>38</sup>	irrigation and other agrarian needs. <sup>39</sup>	enhancing agrarian productivity. <sup>40</sup>
<b>Institutional Arrangements</b>	Managed by various government bodies, including the Ministry of Agriculture and local governments, with laws aligning with national land use and agrarian policies. <sup>41</sup>	Centralized control under the Ministry of Agriculture and Cooperatives, with strong royal influence and national strategic planning. <sup>42</sup>	Centralized under the Ministry of Agriculture and Food Security, with coordination between regional offices and national policy implementation. <sup>43</sup>
<b>Focus on Food Security</b>	Policies heavily emphasize food security, aiming to protect agrarian land from conversion to meet national food needs. <sup>44</sup>	Strong focus on food security as a national priority. Policies aim to protect agrarian land and ensure self-sufficiency in rice and other	Policies focus on self-sufficiency in rice and maintaining agrarian productivity to ensure national food security. <sup>46</sup>

38 Muhammad Iqbal and Gelar S. Budhi., Perspective of agri-environmental service incentives in Indonesia, developing countries and OECD members. In *Forum Penelitian Agro Ekonomi*. Vol.26 No.1, 2008, page. 1-16

39 Sittidaj Pongkijvorasin and Khemarat Talerngsri., A study of Farmer's Decision and Incentive Scheme To Reduce Highland Maize Farming in Thailand. *The 9th ASAE International Conference: Transformation in agricultural and food economy in Asia*, 2017, page. 46-68.

40 Suhanah Sharifah and Syed Ahmad., *Law and labour market regulation in Malaysia: Beyond The New Economic Policy*. Routledge, 2003, pages 55-90.

41 E N Dirman (etc)., Food Agricultural Land Legal Protection To Improve Food Security In Indonesia. *IOP Conference Series: Earth and Environmental Science*, Vol.196, 2018, page. 1-9

42 Sarah Kersting and Meike Wollni., New Institutional Arrangements And Standard Adoption: Evidence From Small-Scale Fruit And Vegetable Farmers In Thailand. *Food Policy*, Vol.37 No.4, 2012, page. 452-462

43 Salfarina Samsudin (etc)., A Review Of Organizational Arrangements In Malaysia Land Administration System Towards Good Governance: Issues And Challenges, *FIG Working Week*, 2011, page. 1-15.

44 E. N Dirman (etc)., Food Agricultural Land Legal. *Loc. Cit*



The comparative analysis reveals that while each country faces unique challenges regarding agrarian land conversion, common themes emerge, such as the need for strict regulation, economic incentives for sustainable practices, and a strong focus on food security.<sup>47</sup> Indonesia can draw valuable lessons from these countries by developing a comprehensive policy framework that balances developmental needs with agrarian preservation. By learning from international best practices, Indonesia can create a sustainable future that ensures food security, environmental health, and economic stability for generations to come.

### 3.3 Islamic Principles in Developing Sustainable Agrarian Land Policies

Key Islamic concepts for environmental and agrarian sustainability include *Maslahah* 'Welfare', which emphasizes the importance of promoting the welfare of both humans and the environment in decision-making processes related to land use and agrarian policies.<sup>48</sup> *Mizan* 'Balance' teaches the importance of maintaining ecological balance to ensure the sustainability of human and non-human life.<sup>49</sup> *Khalifah* regards humans as stewards of the Earth, responsible for conserving and protecting natural resources and the environment.

Islamic teachings provide a comprehensive framework for environmental justice and the sustainable use of natural resources. The concept of *Adl al-Bi'ah* or Environmental Justice in Islam emphasizes fairness and balance in managing the environment and using natural resources.<sup>50</sup> It underscores the moral responsibility of humans as *khalifah* (stewards) on Earth to use resources sustainably and equitably, without causing harm to other living beings or future generations.

The principles of environmental justice in Islam include sustainable use, preventing over-exploitation, and ensuring fair distribution of access and

46 Tapsir Serin., Food Security And Sustainability: Malaysia Agenda. *Malaysian Applied Biology*, Vol.48 No.3, 2019, page. 1-9.

45 Katesuda Sitthisuntikul (etc)., How does Organic Agriculture Contribute to Food Security of Small Land Holders?: A case study in the North of Thailand. *Cogent Food & Agriculture*, Vol.4 No.1, 2018, page. 1-12.

47 Suzanne Verhoog., The Politics Of Land Deals-A Comparative Analysis Of Global Land Policies On Large-Scale Land Acquisition. *Conference: 2013 Land Divided Conference University of Cape Town South Africa*. 2013, page. 1-32.

48 Ainul Jaria Maidin and Umar A. Oseni. Islamic Principles On Sustainable Land Use Planning And Development., *Journal of Islamic Law Review*, Vol.7 No.1, 2011, page. 57-89

49 Ibrahim Özdemir., The Concept Of Al-Mizan (Balance) As A Framework For A New Ethics Of Environment And Sustainability. *Creation-Transformation-Theology: International Congress of the European Society for Catholic Theology (August 2021-Osnabrück/Germany)*, Vol.30 2022, page. 421

50 Siti Aminah., The Concept of Fiqh Al-Bi'ah Toward Environmental Sustainability Post Pandemic Covid-19. *Tahkim*, Vol.18 No.2, 2022, page. 235-255

benefits derived from natural resources.<sup>51</sup> These principles advocate for a harmonious relationship between humans and the environment, where both support each other in balance. These principles provide a strong ethical foundation for developing sustainable agrarian policies that align with environmental conservation and social justice.

In practical applications, Islamic environmental principles guide the management of natural resources in several ways. For instance, water resource management is crucial for agrarian productivity, and Islamic teachings provide guidelines for its fair and sustainable use. Waste management principles encourage reducing, recycling, and managing waste in an environmentally friendly manner, consistent with Islamic teachings. Furthermore, the protection of biodiversity is emphasized, highlighting the importance of conserving species and preventing extinction. Islamic teachings also encourage Muslim communities to engage in climate change mitigation efforts, such as reducing greenhouse gas emissions and adopting environmentally friendly technologies.<sup>52</sup> Additionally, Islamic principles support the development of a sustainable economy based on sharia compliance and social justice.

The relevance of Islamic principles to modern agrarian policies is evident in their alignment with contemporary sustainability and conservation concepts. The management of agrarian lands during the Caliphate of Umar ibn Khattab serves as a model for reconstructing Indonesia's agrarian policies. Umar ibn Khattab implemented several policies that prioritized agrarian productivity. He encouraged the allocation of land to individuals willing to cultivate it and invested in agrarian infrastructure, such as irrigation canals and storage facilities, to enhance productivity.

During Umar ibn Khattab's leadership, specific agrarian policies were implemented to ensure land productivity and sustainability.<sup>53</sup> He introduced a policy that allowed the state to reclaim any agrarian land left uncultivated for three consecutive years, preventing unproductive land use. This policy aligns with modern principles of maximizing land productivity and preventing wastage. Umar also distributed agrarian land to those skilled in farming, ensuring efficient and productive land management. Investment in infrastructure, such as irrigation systems, was prioritized to support sustainable farming practices. *Kharaj* known as taxes on agrarian land were based on land productivity, with adjustments made during times of crisis, such as drought. *Zakat* (a form of almsgiving) was also collected from agrarian produce, reinforcing social responsibility and support for the less fortunate.

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51 Aadil Gulzar (etc)., Environmental Ethics Towards The Sustainable Development In Islamic Perspective: A Brief Review. *Ethnobotany Research and Applications*, Vol.22, 2021, pages 1-10.

52 Fachruddin Majeri Mangunjaya and Jeanne E. McKay,. Reviving an Islamic approach for environmental conservation in Indonesia. *World Views Environment Culture Religion, and Ecology*, Vol.16 No.3, 2012, page. 286-305

53 Muhammad Abdul Karim. The Islamic Economic Policy: some Historical Accounts on Economic Policies in The Moslem World. *IJISH (International Journal of Islamic Studies and Humanities)*, Vol.6 No.2, 2023, pages 87-99

Indonesia's current agrarian policies, particularly those outlined in Law No. 41 of 2009 on the Protection of Sustainable Agrarian Land, share similarities with these Islamic principles.<sup>54</sup> Both frameworks emphasize sustainable practices, productive land use, and the preservation of agrarian land for future generations. By integrating Islamic principles into its agrarian policies, Indonesia can strengthen its approach to sustainable land use, environmental protection, and economic development, ensuring that these practices benefit current and future generations alike

### **3.4 Incorporating Pancasila Values into Agrarian Land Policy Reform**

The legal politics shifting of judicial power post-amendment of the 1945 State Constitution is a shift related to the presence of the Constitutional Court. The presence of this institution has a great juridical constitutional significance for the existence of the democratic and modern legal state in Indonesia.

Pancasila, Indonesia's foundational philosophy, underpins the country's governance and policy-making processes.<sup>55</sup> It consists of five principles: Belief in One God, Just and Civilized Humanity, Indonesian Unity, Democracy through Deliberation and Representation, and Social Justice for all Indonesians.<sup>56</sup> These principles guide every aspect of Indonesian life, including agrarian land management and policy reforms.<sup>57</sup>

The first principle, Belief in One God, emphasizes that Indonesia is a theistic state, requiring respect for religious diversity and practices conducted with civility and tolerance. The second principle, Just and Civilized Humanity, promotes equality and human rights, ensuring that all individuals are treated with dignity, regardless of their background. The third principle, Indonesian Unity, fosters a sense of national solidarity, placing national interests above personal or group interests and discouraging external interference in domestic affairs. The fourth principle, Democracy through Deliberation and Representation, underscores the importance of public participation in governance, requiring government actions to be based on laws approved by representatives. The fifth principle, Social Justice, calls for equitable access to resources and social welfare, ensuring that policies benefit all citizens.

These principles are integrated into environmental and agrarian policies to promote sustainable land use and protect natural resources. For example, MPR RI Decree No. IV/MPR/1999 outlines guidelines for managing natural resources, promoting sustainable development, and decentralizing authority to local

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54 Martin E., Gold and Russell B Zuckerman., Indonesian Land Rights And Development. *Columbia Journal of Asian Law*, Vol.28 No.1, 2014;

55 Alexander Kennedy and Franciscus Xaverius Wartoyo., Harmonizing Diversity: Pancasila's Role as The Cornerstone of Multi-Cultural Harmony As Legal Discours. *Global International Journal of Innovative Research*, Vol.2 No.4, 2024; page. 747-759.

56 Wahyudin (etc)., Pancasila and the Development of Democracy in Indonesia: an Axiological Perspective. *Jurnal Kawistara*, Vol.9 No.2, 2019, pages.127-138.

57 Airlangga Pribadi Kusman., *The politics of good governance in post-authoritarian East Java: Intellectuals and local power in Indonesia*, Doctoral Dissertation, Murdoch University, 2015

governments for better resource management. By aligning policies with Pancasila, Indonesia aims to balance economic development, environmental sustainability, and social equity.

Indonesia can learn from regional neighbours like Thailand<sup>58</sup>, Vietnam, and Malaysia, who prioritize agrarian preservation and sustainability. Thailand emphasizes food security and sustainable agrarian practices, Vietnam uses incentives and advanced technology to boost agrarian output, and Malaysia balances agrarian productivity with environmental protection. By incorporating these best practices and aligning them with Pancasila values, Indonesia can develop a comprehensive policy framework that ensures sustainable agrarian land use, benefiting current and future generations while adhering to the nation's core philosophical values

### **3.5 Enhancing Regulatory Frameworks for Equitable and Sustainable Land Management**

The practise of transforming irrigated paddy fields to non-agrarian uses is increasing annually in Indonesia. According to 2021 data from Indonesia's Central Bureau of Statistics (BPS), the conversion of national paddy fields ranges from 60,000 to 80,000 hectares per year. With a rice harvest index of 2.5-3% and an average productivity of 6 tons of milled dry grain per hectare, this conversion translates into the loss of approximately 1.8 to 2.4 million tons of rice over five years.<sup>59</sup> If this trend continues, without strict control and protection measures, Indonesia's paddy fields could disappear within the next 38 years.

Paddy fields provide not only economic benefits through rice production but also environmental benefits. These benefits, categorized as use values, include both direct and indirect benefits. Direct benefits are tangible, marketable outputs like agrarian products and biomass, primarily benefiting landowners. Indirect benefits, which are not easily quantified, include public goods such as food security, rural employment, recreational spaces, and the preservation of rural traditions and culture, which help mitigate urbanization and associated social problems. Environmentally, paddy fields help prevent floods, control water balance, reduce erosion, and decrease pollution from household waste.

The loss of paddy fields through conversion poses significant risks, such as environmental degradation and loss of biodiversity. For instance, urban flooding increases when paddy fields, which serve as natural water absorption areas, are converted. The conversion also leads to the loss of ecosystems that support various flora and fauna, including species like eels, snails, fish, birds, and frogs, which are integral to both ecological balance and local diets.

To address these issues, sustainable agrarian practices must adhere to three core principles: economic sustainability, ecological sustainability, and social

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58 Yaya Kareng, Ong Argo Victoria, R., Juli Moertiyono. How Notary's Service in Thailand. *Sultan Agung Notary Law Review*, Vol.1 No.1, 2019. page. 46-56,

59 Poornima Varma., *Rice Productivity And Food Security In India*. Springer Singapore. New York, 2017, page. 124

sustainability.<sup>60</sup> Economically sustainable agriculture ensures continuous production while maintaining soil quality and water availability. Ecologically sustainable systems protect natural resources and biodiversity, while socially sustainable systems ensure fair access to resources and improve the quality of life for those involved in agriculture.

Environmental justice is critical in sustainable land management, promoting fair resource distribution and public participation in environmental decision-making. It emphasizes the importance of ecological integrity and social equity, recognizing the interconnectedness of human welfare and environmental health. Regulatory frameworks must be strengthened to ensure sustainable land management, with policies that promote agrarian sustainability and protect paddy fields from conversion.<sup>61</sup> Restructuring existing laws to enhance their effectiveness is necessary to achieve equitable and sustainable land management that aligns with Indonesia's development goals

#### **4. Conclusion**

The study *Conserving Agrarian Land for Future Generations: A Policy Blueprint for Indonesia* concludes that current regulations are inadequate in safeguarding agrarian land due to conflicting land use demands driven by limited resources, population growth, and economic development. The existing legal framework often prioritizes economic development over ecological justice, leading to continued land conversion from agrarian to non-agrarian uses. Significant challenge in the laws include a lack of mandatory local government actions to designate sustainable agrarian zones, insufficient incentives and enforcement mechanisms, and cultural factors that encourage land sales. To effectively conserve agrarian land for future generations, the study recommends integrating ecological justice into the legal framework, enhancing provisions to mandate local government participation, and strengthening governance and enforcement to prevent unauthorized land conversions, thereby ensuring sustainable land use and food security in Indonesia

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