

Abandoned Land Utilization for Food Security: A Welfare-Based Policy Approach in Indonesia



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ABSTRACT

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Concerning its land law system, Indonesia refers to Presidential Regulation No. 86 of 2018 on Agrarian Reform. As an organization of national power, the state must regulate the use of land solely for the prosperity of all components of the nation. Bringing benefit is the goal of Islamic law. Syatibi's *Maqasid al-Shari'ah* theory explained that God's main purpose in establishing the law is to bring benefits to human life. In this case, the law is linked to the management of abandoned lands and food resilience to achieve welfare. Land issues, especially those related to the availability of access to land and the utilization of wastelands, are crucial in Indonesia today because there are many abandoned lands that should produce food and increase the welfare of farmers. It is better if these abandoned lands are used to provide better food security. This research aims to describe the policy of abandoned land utilization and reformulate a welfare-based policy of abandoned land utilization management. This was normative legal research which used secondary data and library materials as the main data source. It used the statute and philosophical approaches. Research results showed that up to 2018, only 24,457,600 m² from 76,384,300 m² of abandoned lands were deemed clean and clear. There were 51,538,540 m² of abandoned lands that cannot function as supporters of agricultural productivity, although the optimization of these abandoned lands can help increase the currently depleting agricultural productivity in this country. Welfare-based policies in the utilization of abandoned lands in the context of food resilience is utilizing abandoned lands and giving them to farmers and stock farmers who have no land to bring benefit. This research on the policies and management in utilizing abandoned lands is crucial for the future to achieve the end goal of law application, namely bringing welfare to the Indonesian society.

1. INTRODUCTION

Concerning its land law system, Indonesia rests on Law Number 5 of 1960 concerning the Regulations on Basic Agrarian Principles (Basic Agrarian Law) which is the legislation on land. In terms of land ownership, there is a greater emphasis on the individual land ownership aspect. It is important to make the land tenure status clear in the case of the transfer of land rights [1]. Article 33 clause (3) of the Republic of Indonesia's 1945 Constitution contains the basis and simultaneously the directives for the political development of land law and other natural resources, including the Basic Agrarian Law [2]. As an agrarian country with agriculture as one of the basic sectors of the nation's economy, the Indonesian government needs to inspire a philosophical foundation in managing natural resources as enshrined in the constitution which states that the earth, water and natural resources contained therein are controlled by the state and are used as much as possible for the prosperity of the people. Interpreting natural management means returning to the sovereignty of the Indonesian people which includes a

paradigm called public ownership by the people's collectiveness of the said resources [3].

Today, issues on land have become very important in Indonesia. Such issues are mainly related to the availability of access to land and land use between agricultural and non-agricultural sectors, which impact land shrinkage and the lack of land use. The area of raw rice fields has decreased from 77,500 million m² in 2013 to 71,000 million m² in 2019 [4]. Of the 43,000 million m² of land with business use permits, 28,000 million m² are used for plantations. Meanwhile, the rest which is 15,000 million m² is not used for its designation [5]. The Ministry of Agrarian Affairs and Spatial Planning/National Land Agency database shows indications of abandoned land collected from 2010-2019. It showed that there are as many as 4,042 plots covering an area of 29,278,090,000 m² which are indicated as abandoned land [6].

Based on the description of the data above, there is a contradiction between Indonesia as a country with an agricultural economic base and the condition where most Indonesian farmers do not own land. Even if they do, they only have a small or even a very small portion of land [7]. In fact,

land ownership and control have broad economic, social and political implications. Farmers in rural areas cannot escape the trap of poverty because they are classified as small farmers with an average land tenure of less than 5,000 m² [8]. The low chance for farmers to work on greater plantation lands implies to the decreasing productivity of agricultural produce. This will impact the national food resilience that does not guarantee domestic-level food resilience [9]. This happens even though food resilience at the lowest level in households are a requirement to achieve national-level food resilience.

The government tries to provide a solution to farmers' access towards agricultural lands through the Agrarian Reform by utilizing the existing lands. This is in line with what was mandated in the Decision of the People's Consultative Assembly of the Republic of Indonesia No. IX/MPR/2001. But up to now, such efforts have not been optimally realized. This lack of optimization is caused by two factors, namely: *First*, there is a lack of legal protection in the form of special laws on the Agrarian Reform and there is only a Governmental Regulation with an instrumentalist (subjective) characteristic that does not answer the root of the problem, namely making sure of the farmers' access to agricultural lands. *Second*, the factor of land management that orients towards the free market. This results in the abandonment of lands as the land tenure holder only seeks profits from the increasing land price and not utilize them for agriculture.

The efforts that can be carried out to respond to the factors on the lack of optimization of land utilization as mentioned above is by determining the direction of land utilization policies that is based on welfare, and not only depart from legal values (making sure of special laws on Agrarian Reform) [10], But it should also depart from morality values (making sure that the land management is based on the *Maqasid al-Shari'ah* theory so that it is according to the noble values of the Sharia, as well as regulations on society and civilization). These morality values are hoped to inhibit the human desire to deviate from legal regulations. This is to stem the influence of the capitalist ideology which views that nature only functions to satisfy the fulfilment of human needs. Meanwhile, the divine ideology provides an awareness that nature is a mandate from God that is used for the benefit of humans, which must be preserved. From an Islamic perspective, the Holy Qur'an has become a guide for human life. It provides a knowledge construction that is built with the aim so that we become wise beings. On that basis, we can form behavior based on the normative values of the Qur'an, both at the moral and social levels [11].

Based on the description above, the government needs to resolve the problem of land utilization, especially concerning abandoned lands, as part of agrarian reform. This problem very important because the number of abandoned lands always increase every year and this can be the cause of the decreasing food production and welfare. This research specially discusses this issue. The government needs to carry out many things to facilitate and provide options related to policies to resolve the problem of land utilization as agrarian reform objects. One of them is the effort to utilize the land for the object of welfare-based agrarian reform by building construction of land use to achieve real prosperity.

2. METHODOLOGY

This research was categorized as normative legal research [11]. This research had a perspective that the law is a

conception of norms of principles that are a guideline to the human behavior that is deemed appropriate. In this research, the approaches used [12] were the statute approach related to the utilization of land as an object of agrarian reform and food resilience as well as the conceptual approach using the *Maqasid al-Shari'ah* theory as an effort to build the construction of land utilization to achieve the true welfare.

In the normative legal research, the utilized data are secondary data that comprises primary legal materials, secondary legal materials, and tertiary legal materials. Primary legal materials consisted of the Republic of Indonesia's 1945 Constitution and Law No. 5 of 1960 on the Basic Agrarian Principles [13]. Then, the secondary legal materials are materials that provide explanation on the primary legal materials or texts that contain the perspectives of high-qualified scholars on the basic principles of legal studies or academic articles. Lastly, tertiary legal materials provide explanation as well as guidelines on primary legal materials and secondary legal materials sourced from reports presented in official websites of governments on agrarian reform and food resilience.

3. RESULTS AND DISCUSSION

3.1 Policies on abandoned land utilization in Indonesia

The great number of abandoned lands is still a complicated problem and the settlement process tends to be protracted. The 1945 Constitution as the state constitution and Law Number 5 of 1960 on the Basic Agrarian Principles as its derivative, do not allow abandoned land to exist in Indonesia. Article 33 paragraph (3) of the 1945 Constitution states: "Earth and water and the natural resources contained therein are controlled by the state and used for the greatest prosperity of the people."

The land that is spread all over the country has a social function that emphasizes the importance of land protection for the greatest welfare of society. In this case, it includes the fact that land cannot be left abandoned. On the contrary, they must be utilized. This is stated in Article 6 of Law on the Basic Agrarian Principles that is a reflection of the stipulations of Article 33 clause (3) of the Republic of Indonesia's 1945 Constitution as a stipulation that emphasizes the importance of land protection for the greatest welfare of society. The principle of the social functions on the right of land encompasses the principle that is manifested in various legal norms to give acknowledgement to land, which guarantees good land utilization for all society [14].

The 1945 Constitution is a crucial stipulation for the state of Indonesia as it is an applicable basic law. All laws in Indonesia with varying levels cannot contradict the 1945 Constitution. Meanwhile, the Law on the Basic Agrarian Principles is the only applicable law concerning agraria. As the law on agraria, all implementing regulations related to agraria must be derived and sourced from this law.

In order to use the land for the greatest benefit of the people and to achieve prosperity, at the operational level, the government issued Government Regulation No. 11 of 2010 on Control and Utilization of Abandoned Land [15]. The issuance of Government Regulation No. 11 of 2010 shows that Indonesia is one of the countries that have a high concern in eradicating poverty through land use mechanisms. This is in accordance with the results of the 2006 International Conference on Agrarian Reform and Rural Development (ICARRD) in Porto Alegre Brazil in March 2006 [16].

In formulating regulations, policymakers are required to always make profound considerations. In this aspect, policymakers are asked to consider certain policy criteria, such as costs and benefits, the interests of small entities, the impact of regulations on the environment, economic competitiveness, certain groups such as certain community groups, minorities, etc.

This is to achieve the goals policymakers desire. However, based on the results of the National Land Agency's (BPN) identification in 2021. Data shown that 73,000 million m² of land is indicated as abandoned in Indonesia. Then, 459 parcels of land were declared abandoned [17], covering an area of 48,000 million m².

The data collected from the BPN is actual data. The BPN has valid data, because in Indonesia, it is the only institution that has a complete and detailed data on land, agrarian maps, as well as who owns or manages the land tenure. The data are valid data owned by the BPN considering that all agrarian databases are managed by the BPN. There is a potential bias in the BPN reports but with a tiny margin as there are still agrarian data that are in the process of submission, in the process of the shift of rights, and other processes that can be categorized as different data.

The problem of abandoned land is mostly caused by land use permits that are not in accordance with their designation. This is because the process of land speculation is controlled by entrepreneurs with various permits for a profit.

This is because the speculation process of the land owned by entrepreneurs with various permits is solely aimed for profit. This profit is in the form of a permit that is submitted for land utilization through the Business Usage Rights, and then they were abandoned and were only made to become collateral in banks. Another case is that when a person obtains the rights for land, he just waits for the optimum land price increase before selling it. If the price is not yet deemed profitable, the owner will just let the land be. The Business Usage Rights certificate can only be used as a collateral after a minimum of a three-year usage of that land as stipulated on the Letter of the State Minister of Agrarian Affairs/Head of the BPN dated September 17, 1998 No. 630.1-3433, on the certificate collateral on the land management rights, that the imposition of mortgage rights of Business Usage Rights requires a written agreement from the holder of the management rights [18]. Seeing that the land usage permit is not according to its stipulations, the government declared that the area of abandoned lands was 344,480,000 m² in 2022. From this area, 251,280,000 m² were owned by 12 legal entities, while the rest (93,200,000 m²) is part of the abandoned Business Usage Rights owned by 24 legal entities [19]. If the abandoned lands are only left alone, the impact that may happen is that there will be an increase in the social gap. If such an issue is left without any firm regulations, it may result in social conflicts among communities. Apart from that, if the government does not strictly bring order to abandoned lands, slowly but surely, the government will be faced with the impacts in the form of the nation's weakening economy. It will decrease the stability in the availability of food reserve in the nation.

In consequence, as a whole, abandoned land also causes a physical land crisis. Abandoned land causes greater erosion. It damages the quality of the soil. In the long term, abandoned soil also causes loss of soil fertility, disruption of nutrient cycles, and depletion of the soil's organic layer [20].

At the implementation level, the abandoned land policy

through Government Regulation No. 11 of 2010 has a weakness, namely it cannot function as a driver or stimulant for the development of agricultural productivity [21]. Every government regulation formulation should be able to provide encouragement and stimulation, as well as control for the addressed object. This can be seen from the criteria used in determining abandoned land. The criteria for the area of the cultivated land cannot provide an illustration of the actual productivity that can be achieved from the land management process. For example, a 3-year-old rubber plant will yield 6,000 kg 10,000 m² year⁻¹ of rubber latex if it is planted at the S2 level of land suitability criteria. It is different if it is planted on soil with a land suitability level of S1, then rubber plants will give a production yield of 9,000 kg 10000 m² year⁻¹. With this condition, the criteria for abandoned land should be changed from the criteria for a land area to a benchmark for land productivity. Productivity benchmarks will provide a fairer picture for the community and entrepreneurs as well as an effective controlling element for the government. This benchmark also provides a more realistic picture of the land area criteria.

The latest policy regarding abandoned land in 2021 has changed to the Government Regulation of the Republic of Indonesia Number 20 of 2021 on the Control of Abandoned Areas and Lands. This law aims to reorganize abandoned lands by their right holders and re-enter them into the social, economic, and political system of asset management. This abandoned land is planned to be allocated to the community and respond quickly to strategic state programs such as food, energy, infrastructure, and public housing.

The regulation states that what Article 1 clause (2) means by abandoned land are: land rights, land rights of management, and land obtained based based on control over land, which is intentionally not cultivated, not used, not utilized, and/or not maintained. The issuance of abandoned land is carried out after an evaluation of the land as described in Article 23 clause (1). The evaluation of abandoned land aims to ensure that the right holder, management right holder, or basic land ownership holder cultivates, uses, utilizes, and/or maintains the land owned or controlled. After an evaluation has been carried out and it is proven that there is abandoned land, the Head of the Regional Office gives a warning as described in Article 28, namely:

1. The first written warning as referred to in clause (1) contains a warning that the right holder, management right holder, or basic land ownership holder shall cultivate, use, utilize, and/or maintain their land within a maximum period of 90 (ninety) calendar days from the date of receipt of the first warning letter;
2. In the event that the right holder, management right holder, or basic land ownership holder does not carry out the temporarily written warning as referred to in clause (2), the Head of the Regional Office shall issue a second written warning containing a warning that the rights holder, management right holder, or holders of basic control over land cultivate, use, utilize, and/or maintain their land within a maximum period of 45 (forty-five) calendar days from the date of receipt of the second warning letter; and
3. If the right holder, management right holder, or basic land ownership holder does not carry out the second written warning as referred to in clause (3), the Head of the Regional Office gives a third written warning containing a warning that the rights holder, management right holder, or the basis of control over land shall cultivate, use, utilize,

and/or maintain the land within a maximum period of 30 (thirty) calendar days from the date of receipt of the third warning letter.

The allotment of control, ownership, use, and utilization of state land and formerly abandoned land is utilized for the benefit of the community and the state through agrarian reform and state strategic programs as well as for other state reserves. The state's strategic programs include the development of the food, energy, and public housing sectors that aim to improve the welfare of the community. Other state reserves include, among others, meeting the needs of land for the benefit of the government, defense and security, land needs due to natural disasters, as well as relocation and resettlement of communities affected by development for the public interest. The 2015-2019 National Medium Term Development Plan has stated that expired permits of business use and 6,000 million m² of abandoned land are under the authority of the Ministry of Agrarian Affairs and Spatial Planning/National Land Agency. Table 1 below presents data on the achievement of control and utilization of abandoned land up to 2018 [22]:

Table 1. Achievement of issuance and utilization of abandoned land up to 2018

Year	Designation of Abandoned Land (m ²)		Optimization of Abandoned Land (m ²)
	Designation Decree	Clean and Clear	
2010-2017	763,843,000	248,257,600	23,893,700
2018	-	-	134,357,500
Amount (2010-2018)	763,843,000	248,257,600	158,351,200

Source: Directorate of Control and Utilization of Abandoned Land, Land Information System Application, 2019

The data above is results of the review carried out by the National Land College (STPN/*Sekolah Tinggi Pertanahan Nasional*) as a high education institution which is overseen by the Republic of Indonesia's Ministry of Agrarian Affairs/National Land Agency in 2019 in the form of a book entitled the *Law Enforcement on the Declaration and Utilization of Abandoned Lands*. The low achievement of abandoned land control, in general, is due to: a) regulatory aspects, the Governmental Regulation on abandoned land opens a wide space for interpretation. For example, there is the 'intentional and unintentional' norm regarding abandoned land. Then, the I, II, and III warning periods are too short, which is 3 months. It usually takes 3 months for the right holder to carry out land clearing activities and fix the permit; b) the human resources are limited in quality and quantity. In terms of quantity, the section that handles abandoned land is the Land Control Section/Sub-Section, which is mostly filled by 3 to 6 people. In terms of quality, the Land Control Section/Sub-Section is filled with mostly non-law graduates who sometimes misinterpret the regulatory norms; c) there is suboptimum coordination between agencies and weak coordination of Regional Offices in implementing land redistribution.

Then, obstacles in the implementation of the control of abandoned land are as follows [23]:

1. There is weak community participation. Society has the right to determine what choices they are willing to take to develop themselves [24]. This is because one of the requirements in following up on the reports in the form of complaints on an abandoned land's existence is from

society's knowledge on the existence of an abandoned land in the location of the rights holder;

2. There is difficulty in notifying rights holders whose lands are suspected of being abandoned. In some cases, the right holders' whereabouts are no longer known as they changed their address from the previous address they used when applying for rights or other reasons;
3. The holder of land rights used the land that was indicated as abandoned as collateral for an object of the mortgage. Thus, caution is needed because this involves the civil rights of individuals and legal entities related to the mortgage;
4. Former rights holders' concept of civil rights is not yet clear on whether or not they are compensated. If compensation is given to former rights holders, it will require very large funds whose budget sources have not been determined;
5. Limited clean and clear, due to entry into forest areas, disputes, customary land claims, land use, and inappropriate provincial spatial plan;
6. The criteria for the subject of land redistribution beneficiaries are limited to only farmers and the absentee provisions must be reviewed.

This is to achieve welfare. But there are certainly some challenges that currently need to be anticipated, namely: (1) there is a weak guarantee of legal certainty on the right for land; (2) the implementation of land decentralization is not yet complete due to the lack of synchronization with existing regulations; (3) there is yet any solution on the gap and injustice in land control, ownership, use, and usage; (4) there is yet any solution on the misuse of land and the shift of technically irrigated land into non-agricultural land (for industries, services, and residential areas/property); and (5) the service in the land sector is still suboptimum [25]. These challenges show that land policies and management are still weak. This situation will bring negative impacts in the future.

3.2 Welfare-based abandoned land utilization policy in the context of food security management

Indonesia is a religious nation that recognizes that the earth, water, and space are gifts from the Creator, Allah (God). Sudjito views this provision as giving instructions so that the Indonesian people always maintain monotheism in dealing with and managing the country's earth, water, space and natural resources. They must do so without turning away from Allah [26]. For this reason, government policies as well as support from the community are required [27]. Article 15 of the Basic Agrarian Law states that maintaining land, including increasing its fertility and preventing damage is the obligation of every person, legal entity or agency that has a legal relationship with the land, by taking those who are economically weak into account. Sudjito stated that substantively, the article is the embodiment of the Islamic land law, where humans are legal subjects who are given the role, authority, obligation, and right to control, manage, and take advantage of land and nature in general. But on the other hand, Islam prohibits humans place land and nature solely as objects in this life, making them authorized to do anything without responsibility.

The *maqasid al-syari'ah* management [28] was developed to achieve the ultimate goal, which is to provide benefits from abandoned land. As as-Syatibi explained, the *maqasid al-syariah* management aims to bring benefits to the people. This means that it is better for the abandoned land to bring benefit

to the people. In land affairs, especially the registration of land in order to have strong evidence is included in *maqasid al-syari'ah* management to maintain ownership of the land. Land ownership, especially personal and communal ownership is recognized. However, the *maqashid al syariah* principle of management can be emphasized in Government Regulation No. 24 on Land Registration. The policy of lands benefits for abandoned land needs to be aligned with the points in *maqasid al-shari'ah management*, namely:

1. The management policy needs to align with the principle of safeguarding the ownership and the use of the land. The land office has been given the task of arbitrarily reducing abandoned land. Arbitrary actions will eliminate the attitude of justice and *ihsan* (doing good deeds). This is because every institution that has been given a mandate must carry out its duties with responsibility, righteousness, and fairness, to create harmony and thus bring welfare to the people;
2. The management policy needs to align with the principle of protecting the land. Therefore. The government must be able to guarantee the protection of land from abandonment by being fair. Otherwise, it will have a bad impact on the community. This means that the government needs to give incentives (to farmers, for example) by building dams, roads, and access to land so that the land will be utilized. Utilization of land could bring welfare to the community. This governmental action which is based on *maqashid al syariah* management will bring good impacts. This is to prevent people from abandoning their land and falling into things that will harm themselves and their families.
3. The policy needs to align with the principle of maintaining peace and harmony. With peace and harmony, people will obtain a sense of security, peace, and tranquility. Unresolved disputes between families will lead to hereditary disputes that can bring negative effects. It may break the harmony and peace between families. The government must be able to provide a positive impact on the community to provide a good example of fair actions to the people. Fair action and law would bring positive impacts.
4. The policy needs to align with the principle of maintaining the property. Property is a core need of humankind. However, the maintenance of the property is limited by three conditions, namely: first, protecting the property, which is one of the vital aspects of *maqashid al syariah* management. Protecting property means preventing other people from stealing or using the land and property without a permit from the owner or

destroying other people's property. Second, it must be used for lawful things. Third, if there is any case of law violation, then the government must prosecute the offender according to the law. In terms of protecting the land, the land owner has the right to protect his assets from confiscation that has no legal force. The government must ensure the implementation of all mechanisms to prevent other people from depriving the rights that are legally attached to owners.

5. According to the *maqashid al syariah* management, the government must provide its citizens with distributed land, especially abandoned land which has never been owned before or is abandoned (in cases where the previous owner didn't have an heir). This would prevent people from being homeless and poor. People could utilize the abandoned land for farming, fishing, or building homes after obtaining it from the government.

Concerning food security, food security has a strategic role in national development. The overtime fulfillment of this is carried out by utilizing local resources, institutions, and culture. Food security does not only include the notion of sufficient food availability but also the ability to access food and the absence of food dependence on any party. Adequate food availability, not accompanied by adequate food access and optimal food absorption will lead to food insecurity [29]. However, access is not enough to realize the vision of Indonesia's food security, as there must also be sufficient or adequate land availability.

In the future, land management will be the key to managing abandoned land and turning them into productive land. If the holder of the land tenure rights abuses the land permits, the government will revoke the right or the permit for land usage. The abuse of land rights is the main cause of the emergence of abandoned lands. Abandoned lands make the land unproductive.

Abandoned lands do not produce economic benefits such as food produce or profits from other businesses. On the contrary, it only results in the increasing land price (for the owner or the holder of the land rights). The revocation of the land rights and giving the land rights to farmers or stock farmers who have no land will make the land productive. If more abandoned lands have their permits revoked and then they are managed by farmers or other society members, it will result in food produce which will increase food security. Apart from that, it will also increase the welfare of farmers and other society members.

The current high rate of land conversion does little to close the possibility of realizing Indonesia's food security. The conversion rate of rice fields is shown in Table 2:

Table 2. Conversion rates and the area of Paddy fields in the nine rice-producing provinces between 2000 and 2015

Province	Analysis Period Year	Conversion Rate	Conversion Rate	Rice Field Area	Conversion Rate
		m ² Period ⁻¹	m ² Year ⁻¹	m ²	% Year ⁻¹
West Java	2000-2013	476,080,000	36,620,000	10,380,430,000	0.353
East Java	2000-2014	137,110,000	9,790,000	11,268,450,000	0.087
Bali	2000-2014	14,160,000	1,010,000	801,170,000	0.126
West Nusa Tenggara	2000-2014	16,330,000	1,170,000	2,360,240,000	0.049
South Kalimantan	2000-2014	79,910,000	5,710,000	4,515,640,000	0.126
South Sulawesi	2012-2014	28,040,000	14,020,000	5,901,830,000	0.238
Gorontalo	2012-2014	2,600,000	1,300,000	290,710,000	0.447
South Sumatera	2000-2015	712,480,000	47,500,000	6,174,240,000	0.769
North Sumatera	2000-2015	95,270,000	6,350,000	4,229,340,000	0.150
Total		1,561,980,000	123,470,000	45,922,050,000	0.269

Source: Based on the agreement figures between the Ministry of Agriculture, National Land Agency, and Indonesia Statistics (2013)

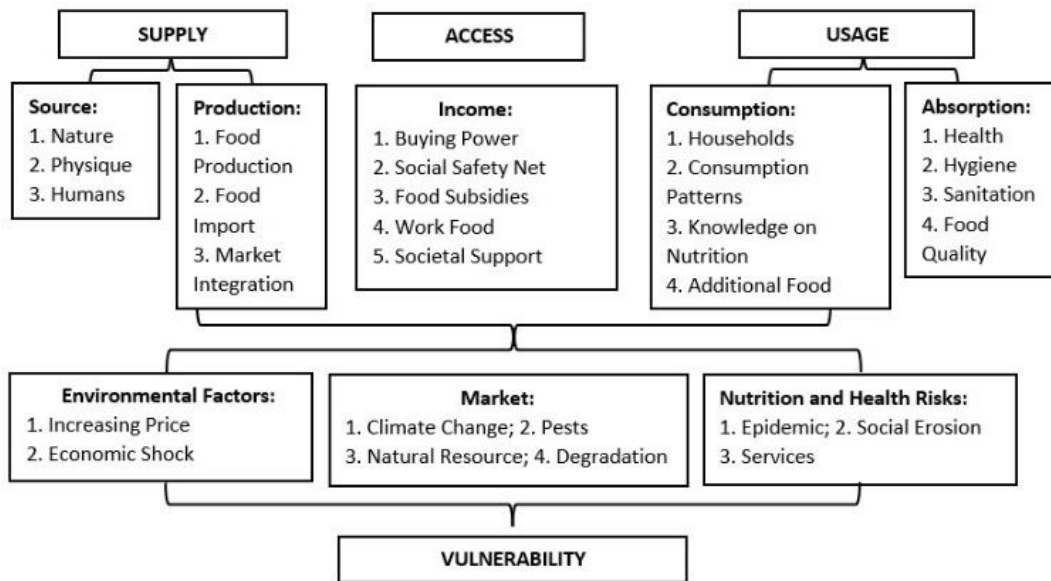


Figure 1. The dimensions of food resilience management

The data above shows that the phenomenon of rice field conversion with a high conversion rate is not only dominated by the island of Java, but also the islands of Sumatra, Sulawesi, and even Kalimantan [30]. In the case of South Sumatra, the largest land conversion rate is for the expansion of oil palm plantations. In South Kalimantan, there has also been the conversion of paddy fields to oil palm plantations, but it is not as extensive as in South Sumatra.

The rapid conversion of paddy fields in South Sumatra seems to be related to the location of paddy fields which are generally located in peri-urban areas. South Sumatra is one of the provinces that is currently rapidly developing. The high rate of paddy field conversion in West Java Province is because this province has experienced land conversion for the expansion of cities such as the cities of Bandung, Soreang, Cimahi and West Bandung. The most extensive conversion of paddy fields occurred due to the development of settlements and offices, industrial areas and infrastructure development. In South Sulawesi and West Nusa Tenggara, land conversion is not only for residential and industrial purposes but also for the expansion of airports and roads. The government could prevent this by distributing land to its people. Abandoned land and land without any owners could be distributed and transferred into farming and agricultural sectors through the food estate project.

Food resilience management becomes crucial as it will result in the stability of food resilience. Stability means that there is a consideration for sustainability or the ability to achieve high food resilience related to the period of food supply, risks, environmental conditions, political instability, and other economic factors [31]. The stability of food resilience is described in Figure 1.

The condition of food vulnerability may happen when the food dimension is not fulfilled. Food vulnerability may cause the manifestation of malnutrition. The condition of food resilience is not limited to the capability of local or national societies in producing sufficient staple food (rice) but it also concerns how they produce diverse food materials to fulfill daily needs [32]. Sustainable healthy food habits may be achieved when all the above prerequisites for food resilience are fulfilled without excessive natural resource exploitation and environmental pollution [33]. Apart from that, there must

be optimum usage of the land sector so that land abandonment does not occur [34].

4. CONCLUSION

The policy for the utilization of abandoned land is regulated through Government Regulation of the Republic of Indonesia No. 20 of 2021 concerning Control of Abandoned Areas and Lands which is carried out to reorganize lands abandoned by their right holders and re-integrate them into the social, economic, and political system of asset management. These abandoned lands are planned to be allocated to the community and respond quickly to strategic state programs such as food, energy, infrastructure, and public housing. However, until 2018, there was still a low achievement in the abandoned land issuance which was declared clean and clear covering an area of 248,457,600 m² from the 763,843,000 m² that had been determined.

This is because policies on the abandoned land usage are currently not firm enough in regulating the prohibition of submitting the land usage certificate to banks as collateral. This activity makes the land usage differ from the permit issued. If the abandoned land is left alone, it will bring impacts on the increasing social gap. Slowly, it will weaken the state economy and decrease the stability of the availability of food reserve in the country, where it is according to the main finding of this research.

The findings of this research are crucial for the future formulation and creation of policies as this research was conducted using governmental grants. Therefore, its results will directly be reported to the government. Thus, it can be used by the government as a consideration in making decisions on abandoned lands.

Welfare-based policies for the utilization of abandoned in the context of food security land are thought-provoking. *Maqashidus shari'ah* formulated by Iman Syatibi is written in his famous book, *al-Muwafaqat fi Ushul al-Ahkam*. Based on *Maqashidus shari'ah*, the policy of utilizing abandoned land in the future needs to be harmonized in order to achieve the ultimate goal of establishing and implementing the law, namely the benefit of mankind. This harmony includes

harmony in terms of maintaining religion, protecting the soul, protecting offspring, maintaining reason and protecting property.

The authors recommend that the next research should analyze the mechanism of the shifts of the rights over abandoned land, especially concerning those whose usage is not according to the permit. Using the available data, the researchers can analyze the types of rights that are most often misused as well as the process in revoking the rights of abandoned lands. There should also be an analysis of a more effective method in shifting these rights.

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REFERENCES

- [1] Budiono, A. (2019). Teori Utilitarianisme Dan Perlindungan Hukum Lahan Pertanian Dari Alih Fungsi (Utilitarianism Theory and Legal Protection of Agricultural Land from Conversion). *Jurnal Jurisprudence*, 9(1): 102-116. <https://doi.org/10.23917/jurisprudence.v9i1.8294>
- [2] Ismail, N. (2012). Arah politik hukum pertanahan dan perlindungan kepemilikan tanah masyarakat (Political direction of land law and protection of community land ownership). *Jurnal Rechts Vinding: Media Pembinaan Hukum Nasional*, 1(1): 33-52. <http://doi.org/10.33331/rechtsvinding.v1i1.105>
- [3] Rachman, I.N. (2016). Politik hukum pengelolaan sumber daya alam menurut pasal 33 UUD 1945 (Legal politics of natural resource management according to article 33 of the 1945 constitution). *Jurnal Konstitusi*, 13(1): 195-212. <https://doi.org/10.31078/jk1319>
- [4] Badan Pusat Statistik (Indonesia Statistics). (2019). Jusuf Kalla sampaikan hasil kerangka sampel area (KSA) (Jusuf Kalla presented the results of the area sampling framework). BPS. <https://www.bps.go.id/news/2018/10/24/245/jk-sampaikan-hasil-ksa.html>, accessed on Jul. 19, 2022.
- [5] Forest Watch Indonesia. (2019). Forest Watch Indonesia Forest Monitoring Network Organization. FWI. <https://fwi.or.id/>, accessed on Jul. 19, 2022.
- [6] The Ministry of Agrarian Affairs and Spatial Planning/National Land Agency. (2022). The Ministry of Agrarian Affairs and Spatial Planning/National Land Agency Website. ATR BPN. <https://www.atrbpn.go.id/>, accessed on Jul. 19, 2022.
- [7] Absori, A., Nugroho, S.S.N., Budionom A., Ellyani, E., Nurani, S.S., Fadlillah, M. (2020). Indonesia as an ecocratic country: The state's responsibility and the people's participation in preserving and in managing the environment quality. *Quality - Access to Success*, 21(179). ISSN: 1582-2559
- [8] Susilowati, S.H., Maulana, M. (2012). Luas lahan usaha tani dan kesejahteraan petani: Eksistensi petani gurem dan urgensi kebijakan reforma agrarian (The area of farming land and the welfare of farmers: The existence of smallholders and the urgency of agrarian reform policies). *Analisis Kebijakan Pertanian*, 10(1): 17-30. <https://doi.org/10.21082/akp.v10n1.2012.17-30>
- [9] Harini, R., Sukri, I., Ariani, R.D., Faroh, E.P.I., Nadia, H., Kafafa, U. (2022). The study of food security in the special region of Yogyakarta, Indonesia. *Forum Geografi UMS*, 35(2): 199-200. <https://doi.org/10.23917/forgeo.v35i2.15855>
- [10] Budiono, A., Yuspin, W., Nurani, S.S., Nurani, S.S., Fairuzzaman, F., Pradnyawan, S.W.A., Sari, S.D. (2023). The anglo-saxon system of common law and the development of the legal system in Indonesia, *WSEAS Transactions on Systems*, 22. <https://doi.org/10.37394/23202.2023.22.21>
- [11] Utami, N.S., Prasetyoningsih, N., Hidayat, A., Huda, N., Suteki, S., Budiono, A. (2019). Equality of the political rights of people with mental disorders (PWMD) in general elections. *Indian Journal of Forensic Medicine and Toxicology*, 13(4): 1571-1575. <https://doi.org/10.5958/0973-9130.2019.00527.9>
- [12] Izziyana, W.V., Harun, H., Absori, A., Wardiono, K., Nugroho, H.S.W., Budiono, A. (2019). Health insurance for Indonesian migrant workers. *Medico-Legal Update*, 19(1): 188-192. <https://doi.org/10.5958/0974-1283.2019.00038.0>
- [13] Wibowo, S., Dimiyati, K., Absori, A., Wardiono, K., Ramon, T.M., Budiono, A., Lyandova, V. (2023). Islamic nomocracy: From the perspectives of Indonesia, Spain and Russia. *Legality : Jurnal Ilmiah Hukum*, 31(1): 91-111. <https://doi.org/10.22219/ljih.v31i1.25358>
- [14] Rosyadi, N., Rizka, R. (2022). Utilization of land pawning in customary law and its solutions under islamic law. *Jurnal Jurisprudence*, 11(2). <https://doi.org/10.23917/jurisprudence.v11i2.16374>
- [15] Rejekiningsih, T. (2016). Asas fungsi sosial hak atas tanah pada negara hukum (Suatu Tinjauan dari Teori, Yuridis dan Penerapannya di Indonesia) (The principle of the social function on land tenure rights in a legal state: A review from the theory, jurisdiction, and its applicatio. *Yustisia Jurnal Hukum*, 5(2): 298-325. <https://doi.org/10.20961/yustisia.v5i2.8744>
- [16] Absori, A., Budiono, A., Bangsawan, M.I. (2021). Welfare-based natural resource policy in the land sector: Maqasid Asy-Syari'ah perspective. *Review of International Geographical Education Online*, 11(3). <https://doi.org/10.33403/rigeo.800510>
- [17] Campesina, V. (2006). Agrarian reform in the context of food sovereignty, the right to food and cultural diversity: Land, territory and dignity. *International Conference on Agrarian Reform and Rural Development (ICARRD)*, Porto Alegre, Brazil.
- [18] BPN. (2022). Laporan Tahunan BPN (BPN Annual Report). BPN Pusat, Jakarta.
- [19] Franciska, W. (2022). Perjanjian penjaminan kredit perbankan terhadap objek hak guna bangunan di atas hak pengelolaan (The agreement on bank credit collateral on the object of building use rights on management rights). *Aksara: Jurnal Ilmu Pendidikan Nonformal*, 8(3): 2223-2238. <http://doi.org/10.37905/aksara.8.3.2223-2238.2022>
- [20] Kementerian Komunikasi dan Informatika Republik Indonesia (The Republic of Indonesia's Ministry of Communication and Information). (2023). Pemerintah Cabut Izin Usaha Tambang Kehutanan dan HGU

- Perkebunan (The Government Revoked Forestry Mining Business Permits and Plantation Business Usage Permit) [Internet], Kominfo. <https://kominfo.go.id/content/detail/39219/pemerintah-cabut-ribuan-izin-usaha-tambang-kehutanan-dan-hgu-perkebunan/0/berita>, accessed November 12, 2023.
- [21] Hardjowigeno, S. (2001). Kesesuaian Lahan dan Perencanaan Tataguna Tanah (Kesesuaian Lahan dan Perencanaan Tataguna Tanah). Jurusan Tanah Fakultas Pertanian Institut Pertanian Bogor, Bogor.
- [22] Nurlinda, I., Pujiwati, Y. (2013). Evaluasi dampak berlakunya PP No. 11 tahun 2010 tentang penertiban dan pendayagunaan tanah terlantar terhadap kebijakan pengelolaan tanah pertanian di kabupaten Tasikmalaya (Impact evaluation of PP No. 11 of 2010 concerning ordering and utilization of abandoned land on the policies of agricultural land management in Tasikmalaya regency). *Sosiohumaniora*, 15(1): 102-110. <https://doi.org/10.24198/sosiohumaniora.v15i1.5244>
- [23] Direktorat Penertiban dan Pendayagunaan Tanah Terlantar (Directorate of Control and Utilization of Abandoned Land). (2019). Aplikasi Sistem Informasi Tanah Terlantar (Asi-Tante) (Application of Abandoned Land Information System (Asi-Tante)). Rapat Kerja Nasional Kementerian Agraria Dan Tata Ruang/Badan Pertanahan Nasional Tahun 2019 (2019 National Work Meeting of the Ministry of Agrarian Affairs and Spatial Planning/National Land Agency), Jakarta.
- [24] Mujiburohman, Aries, D., Soetarto, E. (2019). Penegakan Hukum Penertiban dan Pendayagunaan Tanah Terlantar (Law Enforcement, Ordering and Utilization of Abandoned Land). STPN Press, Yogyakarta.
- [25] Makhrus, M., Wage, W., Sulaeman, A. (2021). Pemberdayaan Masyarakat dengan Pendekatan Qaryah Tayyibah pada Desa Datar Kecamatan Sumbang Kabupaten Banyumas (Society Empowerment Using the Qaryah Tayyibah Approach in Datar Village, Sumbang District, Banyumas Regency). *Warta LPM UMS*, 24(3): 447-455. <https://doi.org/10.23917/warta.v24i3.12080>
- [26] Handoko, W. (2019). Analisis Pengembangan Kebijakan dan Manajemen Pertanahan BPN/Kementerian Agraria RI (Analysis of the Development of Land Policies and Management of the National Land Agency/The Republic of Indonesia's Ministry of Agriculture). *Recital Review*, 1(2): 23-43.
- [27] Budiono, A., Prasetyo, Y., Wardiono, K., Yuspin, Wardah, Dimiyati, K., Iriani, D. (2022). Legal conscience and the pressure of the formal law system. *Wisdom*, 22(2). <https://doi.org/10.24234/wisdom.v22i2.790>
- [28] Absori, Nurhayati, N., Bangsawan, M.I., Budiono, A., Achmadi, Nugroho, H.S.W. (2020). Green and health constitution of green open space and its implementation in Surakarta. *Journal of Global Pharma Technology*, 12(9): 70-74. <https://doi.org/10.423911/jgpt.v12i9.376>
- [29] Ganadi Y.P., Nurhayati, N., Rizka, R., Bangsawan, M.I. Tranh, M. L. (2023), Legal security of ownership of land certificates post exchanging forest area for residents relocation in Ngroto Dusun, Wonogiri, Central Java. *Khairun Law Journal*, 7(1): 8-16. <https://doi.org/10.33387/klj.v7i1.6805>
- [30] Koswara, A., Syathori, A.D. (2017). Faktor-faktor yang terkait dengan ketahanan pangan rumah tangga petani di kota Malang (Factors associated with farmer household food security in Malang city). *Agriekstensia: Jurnal Penelitian Terapan Bidang Pertanian*, 16(2): 293-302. <https://doi.org/10.34145/agriekstensia.v16i2.142>
- [31] Mulyani, A., Kuncoro, D., Nursyamsi, D., Agus, F. (2016). Analisis konversi lahan sawah: Penggunaan data spasial resolusi tinggi memperlihatkan laju konversi yang mengkhawatirkan (Paddy field conversion analysis: The use of high-resolution spatial data reveals an alarming conversion rate). *Jurnal Tanah dan Iklim*, 40(2): 121-133. <https://doi.org/10.2017/jti.v40i2.570>
- [32] Mulyo, J.H., Irham, Jumeri, Widodo, A.H., Wirakusuma, G., Perwitasari, H. (2018). Food security of farm households in Indonesia's border area, Sebatik Island. *International Journal of Engineering & Technology*, 7(3): 314-319. <https://doi.org/10.14419/ijet.v7i3.30.18269>
- [33] Atem, A., Niko, N. (2020). Security at low-income community in the border region of Entikong (Indonesia Malaysia) West Kalimantan. *Jurnal Surya Masyarakat*, 2(2): 94-104. <https://doi.org/10.14419/ijet.v7i3.30.18269>
- [34] Christyanto, M., Mayulu, H. (2021) Pentingnya pembangunan pertanian dan pemberdayaan petani wilayah perbatasan dalam upaya mendukung ketahanan pangan nasional: Studi kasus di wilayah perbatasan Kalimantan (The importance of agricultural development and farmer empowerment in bordering areas in the effort to support national food resilience: A case study in Kalimantan borders). *Journal of Tropical AgriFood*, 3(1): 1-14. <http://doi.org/10.35941/jtaf.3.1.2021.5041.1-14>

NOMENCLATURE

m² area