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## Problematic Analysis of the Legal Policy of the Food Estate Program (Government Era 2020-2024)

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**Abstract:** Food estate development is a response to President Joko Widodo's 2020 warning of a crisis during the pandemic period to meet domestic food needs. The Ministry of Environment and Forestry issued Minister of Environment and Forestry Regulation No.24/2020 concerning the Provision of Forest Areas for Food Estate Development through the Ministry of Environment and Forestry, this regulation was later revoked and replaced by Permen LHK No.7 of 2021. The findings indicate that the food estate development policy conflicts with the principles of ecological justice, which advocate for harmonious coexistence between humans and nature. The food estate concept itself refers to the integrated development of food production, encompassing agriculture, plantations, and livestock over vast tracts of land. The perspective of the ecological justice theory approach suggests that forests need to be preserved not only because humans still need forests to meet their needs, but it is appropriate because humans are actually only one of the elements of the earth's large and complex ecosystem, and as humans who have morals need to respect the rights of non-human beings to coexist in harmony. Therefore, the existing set of regulations must consider the rights of other natural creatures including animals, forests, seas, mountains and other elements of the biospher.

**Keyword:** Problematic Analysis Of The Legal Policy, Food Estate Program, Government Era 2020-2024.

### INTRODUCTION

Global economic conditions continue to face crises, one of which is the factor influencing the rise in food consumption, leading to greater food integrity, the prolonged conflict between Russia and Ukraine, and the decline in income in several countries due to the food crisis (Retno, 2022), in addition the financial crisis experienced by European countries and the United States has further triggered a severe global crisis (World Bank Group, 2024). Many nations fell apart after the Covid 19 virus because they were unable to adjust to the difficulties facing the world. The World Food Program (WFP) noted that more than 333 million people in 78 countries face high levels of food insecurity. An increase of nearly 200 million people, compared to food

insecurity before the Covid-19 pandemic. The food crisis is caused by a deadly combination of factors (Jawahir, 2024).

Indonesia, one of the countries affected by global instability, was forced to reposition the national economy due to the global crisis. Therefore, the Food Estate policy in President Joko Widodo's administration was made a National Strategic Program (PSN) for 2020 – 2024 (Presidential Regulation, 2024).

To meet domestic food needs, the plan has actually been stated in the RPJMN (National Medium-Term Development Plan) in 2014-2019. The government then turned its attention to this issue by issuing the Minister of Environment and Forestry Regulation No. 24 of 2020 through the Ministry of Environment and Forestry, concerning the allocation of forest areas for Food Estate development. This regulation was later revoked and replaced by Minister of Environment and Forestry Regulation No. 7 of 2021, which designates four locations for the establishment of Food Production Center Areas: Central Kalimantan, North Sumatra, South Sumatra, and Papua (BAPPENAS, 2021).

The results of the 2023 Agricultural Census Phase I, conducted by the Central Statistics Agency (BPS) show that farmers in Indonesia have been aging in the past decade. The proportion of farmers managing individual agricultural businesses aged 55-64 years increased, from 20.01 percent in 2013 to 23.3 percent in 2023. Meanwhile, the proportion of farmers aged 65 years and above also increased, from 12.75 percent to 16.15 percent (Central Bureau of Statistics, 2023).

Meanwhile, based on BPS data, during 2018-2023, the area of raw rice fields shrank by 648,800 hectares, from 7.7 million hectares to 7.1 million hectares. This indicates an average of 130,000 hectares of paddy fields converted to non-agricultural land per year. National rice productivity since 2014 has also been slow to rise and has tended to fall. Based on BPS data, productivity in 2014 was 5.15 tons per ha. In 2020 and 2022, the productivity fell, to 5.4 tons per hectare and 5.24 tons per hectare, respectively.

Declining productivity is not the only thing threatening Indonesia's agricultural sector. However, there are also socio-political issues such as the declining labor force in the agricultural sector (Masfia, 2019). In turn, this has led to an increase in imports of foodstuffs that can be produced in Indonesia. Rice, garlic and soybeans have become more expensive domestically (Tiza, 2021). Therefore, the government is trying to pursue a food estate program. The establishment of these food reserves involves expanding land, even into protected forest areas. Not to mention, Indonesia is forced to implement a liberal economy in realizing economic progress.

Food estate refers to a comprehensive approach to food production development that integrates agriculture, plantations, and livestock across a vast expanse of land (Setyo, 2018). However, in carrying out the program, problems arose that were felt to be lacking in the government's planning in preparing the implementation of the food estate activities that had been launched. For example, environmental and forest ecosystems were damaged, indigenous peoples were not involved, including violations of animal rights and human rights, which eventually led to violations of the laws made by the government itself (SPI, 2024).

There are also those who say that the Food Estate program is only to support economic liberalization policies in Indonesia (Article from Faculty of Law, 2024). This can be seen from the corporations involved in clearing peatlands, ignoring the harmonious relationship between humans, nature and animals.

In 2010, President Susilo Bambang Yudhoyono (SBY) launched the 1.2 million hectare Merauke Integrated Food and Energy Estate (MIFEE) project in Merauke Regency, which was predicted to strengthen national food security and compete in the global food export market (Tempo, 2024). 10 years later, President Joko Widodo is more progressive. Ignoring the ecology and ecosystems of life on Indonesian soil.

In this world, there is not a single country that can dispel economic liberalization. As a result, people become victims of the country's progress. This is contrary to the 1945 Constitution. The author also thinks like that, not anti-openness. The problem lies in the government's application, which ignores the joints, norms and morals of Indonesian nationality. Thus, it is important to construct the legal problems that occur, especially the legal problems in the Food Estate program in the era of President Joko Widodo during 2020 - 2024.

Referring to the background description above, the problem formulations in this study are: 1) How does Indonesia define its food estate legal policy. 2) How to analyze legal violations of the Food Estate Program policy.

The objectives in this study are; 1) For researchers, identify legal policies on Food Estate and analyze legal violations of the Food Estate Program policy. 2) For the Technical Ministry, it provides a perspective on legal policy towards the Food Estate to prevent violations or mistakes that are always made or even seem consolidated, like a mafia. Thus, it is very risky for the life of the Unitary State of the Republic of Indonesia. 3) For the community, especially law enforcement, providing a comprehensive framework is expected to be taken into consideration for the Government, especially the era of President-elect Prabowo Subianto. In order to really pay attention to the involvement of the people. Thus, it can produce a synergy of development, economic progress and the people of the Unitary State of the Republic of Indonesia.

## **METHOD**

In this study using a normative juridical method approach. Normative legal research is legal research based on literature or library materials known as library research (Abdulkadir, 2004) by examining primary, secondary materials, doctrines or principles in law. Such as, books, legal journals, research results and laws and regulations. Thus, it can be thoroughly analyzed through theories, concepts and or legislation policies that apply in Indonesia (Soerjono, 2003). Judging from the content, this research uses a descriptive qualitative analysis approach with research methods referring to legal norms contained in laws and regulations. Descriptive research analysis aims to provide a detailed, comprehensive and systematic description of the object of this research and all matters related to the research set. While being analytical, it means grouping, connecting, comparing with existing laws and regulations. From there, positive law and unwritten law can be seen in examining the legal case (Soerjono, 1996).

The research utilizes secondary data, which consists of information sourced from official documents, relevant books, theses, dissertations, and applicable laws and regulations related to the research subject

Data sources used are sourced from Primary Legal Materials. Secondary and Tertiary.

### **a. Primary Legal Materials**

Primary legal materials are legal materials that have binding force in the form of laws, government regulations or court decisions.

### **b. Secondary Legal Materials**

Secondary legal materials refer to resources related to legal entities that are non-binding but serve to elucidate primary materials. These include books, scholarly works from legal experts, official documents, research reports, and online journals.

### **c. Tertiary Legal Materials**

Tertiary legal materials are resources that offer guidance and explanations about primary and secondary legal materials, including legal dictionaries and general Indonesian dictionaries.

The data collection technique uses secondary data collection techniques in the form of literature studies or library research sourced from laws and regulations, books, official documents, publications and research results.

The data analysis technique involves employing qualitative analysis methods, which are then presented in a narrative form.

## RESULTS AND DISCUSSION

In 1948, the Universal Declaration of Human Rights recognized the entitlement of all individuals to sufficient food (Ban Ki-moon, 2024). The United Nations' Committee on World Food Security stated that Food Security means that all individuals have physical, social, and economic access to adequate, safe, and nutritious food at all times, which satisfies their dietary preferences and requirements (World Bank Group, 2024). Subsequently in 1997, the Food and Agriculture Organization defined Food Security as a situation in which all households have both physical and economic access to food for every family member, ensuring that they are not at risk of losing that access (Food and Agriculture Organization, 2017).

Law No. 25/2007 on Capital Investment (UUPM) and its various derivatives create opportunities for investors to gain greater control over agrarian resources. Further strengthened by Presidential Regulation No. 77/2007 on the list of closed and open business fields, it states that foreigners may have a maximum capital of 95 percent in rice cultivation. The Presidential Regulation or other regulations used as the basis for the government to work on the Food Estate are more in favor of investors than farmers.

Referring to Law No. 18/2012, which states that food security is a requirement for the state to provide individuals with food, it is reflected in the availability of enough food—safe, diverse, nutritious, equitable, and affordable—that does not conflict with community values, religious beliefs, or cultural norms and allows people to lead active, healthy lives in a sustainable way. Moving on from this idea, the National Food Authority was born, which is tasked with strengthening food availability and reserves, ensuring the safety and quality of fresh food, optimizing the use of quality food and nutrition for a healthy, active and productive life and increasing the availability and reserves of food sourced from domestic production (National Food Agency, 2024).

In addition to Government Regulation (PP) No. 17/2015, Food Security and Nutrition is a requirement of meeting the state's food and nutrition needs for individuals. This is demonstrated by the availability of enough food, safe, diverse, adequate in terms of quantity and quality, equitable and affordable, and not in conflict with the community's religion, beliefs, or culture. This is necessary to achieve good nutritional status so that people can lead healthy, active, and productive lives in a sustainable manner.

The concept embraced within the political economy system concerning environmental justice has started to evolve in the era of globalization following the amendment of the 1945 Constitution, leading to a greater responsiveness to ecological modernization (Haskarlianus, 2011). The series of legal bases above are the government's way of fulfilling the legal basis for the Food Estate practice it wants to carry out. However, the problem is that the relationship with the community is ignored. So that it produces clashes in the field and certainly does not reflect a regulation and fulfillment of people's needs in the end. Moreover, it contradicts the specificity of Papua which is emphasized in Law Number 2 of 2021 and various Papua Special Regional Regulations. That land in Papua cannot be maximized for management sporadically without involving the Papuan people.

An investigation conducted by Tempo in Gunung Mas, Central Kalimantan, together with the Gecko Project supported by Greenpeace, the Rainforest Investigations Network of the Pulitzer Center and Internews' Earth Journalism Network showed that there were many violations of government regulations committed by private companies in the construction of food estates. The implementation of Presidential Regulation No. 77/2007 is detrimental to 13 million rice farmers who have been the main food producers in Indonesia and is a threat to food life in Indonesia, especially conflicts in agricultural areas and large plantations occur due to the lack of community involvement in the Food Estate program. There could be a "New Colonialism" that controls large areas of land and becomes the local ruler (Herdi, 2023).

The convenience and adaptability of companies or individual capital owners in managing food estates can influence the nature of Indonesian agriculture and food, resulting in a shift from peasant based and family based farming to corporate driven food and agricultural production.(Wikipedia, 2024). This situation significantly undermines Indonesia's food sovereignty. The government's failure to regulate the distribution of products generated from the Food Estate allows financiers to dictate market prices. Therefore, in the end, it is the financiers who determine the selling price of agricultural commodities in Indonesia in domestic and export activities (Pusaka, 2022).

The issue of forest clearing activities that increase deforestation and global warming has caused flooding in several areas in Central Kalimantan. Apart from Central Kalimantan, based on Walhi's 2021 report, agrarian conflicts have also occurred in a number of food estate provision areas (Press Lerease,2021) .

In Papua, for example, indigenous peoples' rejection of food estates is not without reason, but because of the experience of the Susilo Bambang Yudhoyono (SBY) era food estate program which made the Malind Anim and other indigenous peoples lose their customary rights where their land was converted into MIFEE land (Dwi, 2024).

If we refer to the Ministry of Agriculture's presentation, the food estate is at least run in eight streams. First, it starts with the consolidation of farmers in farmer groups/farmer group associations. Second, facilitating facilities and infrastructure, as well as other supporters. Third, the preparation of water system infrastructure. Fourth, placing farmers as members of cooperatives that cultivate agricultural cultivation.

Fifth, cooperatives, along with State-Owned Enterprises (BUMN) and Village-Owned Enterprises (BUMdes), establish a Limited Liability Company (PT) to oversee Farmer Corporations. Sixth, the village Rice Milling Unit (RMU) business is integrated within the Farmer Corporation. Seventh, the private sector serves as a strategic partner for the Farmer Corporations. Finally eighth, Farmer Corporations are responsible for marketing agricultural products.

The practice of a long chain of food estate programs is clearly not a quick and appropriate solution to the food problems at hand. This background also refers to several findings at the location. For example, the food estate in Humbang Hasundutan Regency, North Sumatra, shows that farmers are not the main actors. The government instead opens wide the participation of corporations and agribusiness companies, starting from production preparation (provision of seeds and fertilizers), assistance during the production process, to off-takers of crops. This case was found in 2021 in the research of the Indonesian Farmers Union (SPI) and the Indonesian Forum for the Environment (Walhi) in Ria-Ria Village. Where for the second planting season, the contract and cooperation scheme between the company and farmers had already occurred (Irsyan, 2024).

The food estate project as a national strategic program also violates farmers' rights to determine the food system to be chosen and involvement in agriculture/food policy. In Humbang Hasundutan District, which has prioritized three types of commodities, namely shallots, garlic, and potatoes. In the first planting season, there was a crop failure due, among others, to soil conditions that were not ideal and crop types that were not fully mastered by farmers (KSPPM, 2023).

In addition, other potential conflicts are very likely to occur such as price monopoly (Suhardiman, 2022). If the government fails to regulate the distribution of products from the food estate, the financiers will essentially become the sole determiners of prices. This is prone to manipulation practices related to market price determination. Based on domestic selling prices, or influenced by commodity exports. Both choices are tailored to the tastes that are favorable to financiers.

A closer look reveals that the Food Law really mandates the National Food Authority Agency, a food institution. Article 127 of the Food Law states, "In order to realize Food Sovereignty, Food Independence, and National Food Security, a Government institution in charge of the Food sector shall be established under and responsible to the President". While Article 128 states, "The Government agency as referred to in Article 127 may propose to the President to give special assignments to state-owned enterprises in the field of food to carry out the production, procurement, storage, and/or distribution of staple food and other food stipulated by the Government". Thus, the National Food Authority could be given direct responsibility by the president. This is a way out of the plan to develop sustainable food barns. This is because the agency will be the guardian of biased practices and maladministration, while strengthening the goal of independent food governance.

The number and complexity of agrarian conflicts due to the seizure of people's land for the procurement of land for Food Estate projects is increasing. Such areas that have been designated as examples, should be postponed or even stopped first in concept and practice. Instead of evicting customary land and productive agricultural and plantation land, it is better to recommend that the government take up abandoned land use rights (HGU). HGUs that are left abandoned and are still claimed by state and private companies and never disciplined by the government, can be processed and converted properly by the community, rather than destroying peat forests which cover 1.42 million hectares (Fry, 2021).

The performance criteria for environmental protection and management as mandated in Article 45 paragraph (2) of Law No. 32/2009 explains that the performance criteria for environmental protection and management include the performance of maintaining conservation areas and reducing the level of pollution and/or environmental damage. However, as stated in Law Number 23 of 1997 Concerning Environmental Management, the Government grants local governments a great deal of jurisdiction to carry out environmental preservation and management.

Based on the study, it describes binding legal policies in the form of Laws, Government Regulations or Court Decisions related to the performance of maintaining conservation areas and reducing the level of environmental pollution and/or damage as well as the government's authority in terms of Environmental Management does not reflect Food Sovereignty, Food Independence and National Food Security as stated in the Food Law Article 127 and Environmental Management in Law No. 23 of 1997.

The Eco Justice theory openly criticizes anthropocentrism that views nature as satisfying human needs, on the contrary, humans are actually only one of the elements of the earth's large and complex ecosystem, and humans as a community with morals should respect the rights of other non-human beings in order to coexist in harmony. Therefore, the existing set of rules must also consider the rights of other natural creatures including animals, forests, seas, mountains, and other elements of the biosphere (Rob, 2013).

It is also important to highlight the cooperation scheme in the food estate, between landowning farmers and companies that position farmers as partners or "laborers". Issues related to land rights for farmers must certainly be a major concern, given the core problems of agriculture in Indonesia, namely low land ownership and unequal agrarian structures. The proposed food estate project in Parsingguran II Village, Humbang Hasundutan Regency, was met with resistance from the locals. The community claims that there has been no settlement regarding land rights that are now included in the forest area and will be designated as a food estate location (KOMNASHAM, 2016).

PermenLHK 7/21 describes KHKP using a rapid SEA instrument, but KLHK does not provide further clarity on the government's consideration of rapid SEA as the instrument used. Then the application of SEA needs to be complemented by an AMDAL document. According to Law No. 32/2009, the Environmental Impact Assessment (EIA) is an analysis of the significant

effects that a business and/or planned activities may have on the environment, which is essential for the decision-making process concerning the implementation of those business activities. In Article 22 of Law 32/2009, EIA is used in business activities that have an important impact on the environment. The function of SEA implementation should read to achieve environmental protection and sustainable development through early warning accompanied by EIA.

## CONCLUSION

The militarism of agriculture and food chosen in the Food Estate system undermines the professionalism of the military whose function is to defend the sovereignty of the Republic of Indonesia. For example, the Indonesian Supreme Audit Agency (BPK) found 21 problems in the new rice field printing program. The rice field printing experience should be a lesson for the government when it wants to involve the military in agriculture.

From the perspective of legal policy studies and food estate implementation, it can be concluded that Indonesia's economic policy has returned to the era of colonialism. A comparison of the Food Estate system with the forced planting system reveals that the latter involves the appropriation of land through both non-military and military means.

The procurement of food estate land obtained by seizing land rights through PSN claims is very painful, forcing landowning farmers to become daily contract farm laborers, exactly the same as the concept of Domein Verklaring (Jeffrey, 2020) applied during the colonial era. So it is very natural, if many parties say the food estate program is a new model colonial agenda. In fact, farmers, fishermen, indigenous peoples, women and other vulnerable groups must be the main actors in the country's development and progress agenda, not relying on food corporations.

Basically, the food crisis and food import dependency in Indonesia are simulations created by financiers and corporations. In fact, these activities are the new colonialism that is being carried out and implemented in Indonesia through various legal government agendas or programs such as food estates and the Capital City of the Archipelago (IKN).

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