

DOI: <https://doi.org/10.38035/jlph.v4i3>

Received: 21 March 2024, Revised: 30 March 2024, Publish: 16 April 2024

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## Food Estate Policy in Humbang Hasundutan Regency, North Sumatra Province, from the Perspective of Masalah Mursalah

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**Abstract:** Masalah mursalah refers to an entity or thing that is rationally beneficial, given its potential to benefit mankind or prevent its damage. The implementation of the Food Estate policy in Humbang Hasundutan Regency, North Sumatra Province is one example. The main objective of this analysis effort is to analyze the implementation of the Food Estate policy in the Humbang Hasundutan District. Farmers provided primary data, and secondary data were extracted from supporting literature for this study. Data collection methods included interviews and documentation. The results of this study can be concluded that the food estate policy is considered unsuccessful due to the lack of training and socialization assistance provided by the government to farmers, the initially hard land must be plowed so that it becomes peatland and takes a long time, the extreme weather in Humbahas which is erratic, the lack of knowledge of farmers in managing food estate, and the lack of supporting facilities for farmers in managing land.

**Keyword:** Masalah Mursalah, Food Estate Policy Implementation

### INTRODUCTION

Indonesia is known for its agrarian economy, as most of the population supports their livelihood through agricultural activities. By 2022, MOA's Food Crops will be the most widely cultivated commodity. The increase in the total population in Indonesia has implications for the increase in people's need for food.

According to BKKBN (2020), Indonesia has an annual population growth of 32.56 million people. If the increase in population is not supported by an increase in food production, there will likely be challenges in meeting the food needs of the population in the future.

The implementation of a food estate program in North Sumatra is widely regarded as an effective approach to address food security issues. Ensuring food sustainability in times of crisis requires the implementation of programs that can effectively address food interests and the long-term viability of food businesses. Humbang Hasundutan district in North Sumatra is one of the food estate development sites known for its abundance of horticultural

commodities, including potatoes, shallots and garlic. The area spans approximately 215 hectares.

Undoubtedly, North Sumatra has tremendous potential for agricultural growth, and some of its products are even exported. In addition, agriculture is one of the aspects that contributed the most to the formation of North Sumatra's GRDP in 2014, contributing 21.77%.

The idea of a Food Estate involves the coordinated development of food production, including plantations, agriculture and livestock, on a very large area of land. Food Estate is a type of company that operates in an integrated food agriculture industry, including food production, livestock, and plantation management. Food Estate refers to a large cultural planting venture covering an area of 25 hectares. Agriculture is conceptualized as an industrial system based on contemporary principles of science and technology, capital, organization, and management.

The food security policy started in 2012, as outlined in Article 1 Point 4 of Law No. 18/2012 on Food (hereinafter Food Law). According to this law, food security refers to a situation where there is enough food, sufficient in both quantity and quality, safe, diverse, nutritious, fair and affordable. It should also be in line with the religion, beliefs and culture of the people. The ultimate goal is to enable individuals to lead healthy, active lives.

On July 13, 2020, President Jokowi officially appointed the Indonesian Minister of Defense, Prabowo Subianto, as the 'leading sector' in the national food barn or 'food estate' project, according to the specified parameters. The Food Estate Program is based on a legal framework outlined in Presidential Regulation No 109/2020 on the Third Amendment to Presidential Regulation No 3/2016 on the acceleration of the implementation of national strategic projects. This regulation is recognized as one of the National Strategic Program Plans for the 2020-2024 period.

The initiative faces several challenges, including various agricultural failures, forest encroachment and customary territories, leading to natural disasters and social strife. Correspondingly, since the beginning of the Food Estate project in North Sumatra, the Ombudsman RI has been suspicious of potential violations of legal regulations. For example, the lack of comprehensive research on environmental and social impacts, challenges related to land acquisition, and understanding of local culture.

The government's food estate strategy is indeed very lucrative; however, it ultimately has adverse impacts on farmers. Nevertheless, the government is advised to stop the problem at hand, i.e. the implementation of the food estate strategy, to mitigate the potential harm caused to farmers. Maslahah thinking deviates from the main objective of Islamic law called maqashid as-syariah. Imam As-Syatibi argues that the main focus of maqashid as-syariah is to ensure the preservation and maintenance of five fundamental aspects, namely religion, self, lineage, reason, and money.

The presence of food farms in Humbang Hasundutan Regency continues to pose many challenges, including related to land ownership, master plans, supporting infrastructure, and food estate growth. The expansion of food estates poses a great danger of exacerbating environmental degradation, as it requires extensive land use that can result in the destruction of forest areas, leading to ecological disasters and possible deforestation. In addition to the disputes related to land degradation above. The current situation deviates from the plan of sustainability aspects in its goal of ensuring food security, potentially creating new challenges in the future. Therefore, the author is interested in examining how the implementation of the Food Estate policy in Humbang Hasundutan Regency, North Sumatra Province in the perspective of Maslahah Mursalah.

## METHOD

Researchers used descriptive qualitative research methodology in this study. Qualitative studies include systematic research strategies that center on examining phenomena, facts, or events related to the characteristics of a particular population or geographic area. Descriptive research focuses on describing and explaining events using words, rather than looking for relationships or testing hypotheses.

This research was conducted in Ria-ria Village which is located in Pollung District, Humbang Hasundutan Regency. The research location was chosen deliberately. Ria-ria Village located in Pollung Sub-district is one of the participants in the government's food estate program as a food barn in Humbang Hasundutan Regency.

The participants in this research are individuals associated with food estate management in the Humbang Hasundutan region. The data collection process was methodical and planned, using several techniques such as interviews, observation, and note-taking. The study included conducting direct interviews with informants to obtain the most complete and in-depth data related to food barns in Humbang Hasundutan. In addition, the researcher conducted a direct observation study in Ria-ria Village, Pollung Sub-district, where the researcher collected data on activities and events that occurred in the field. This methodology enabled researchers to obtain empirical data and gain a deeper understanding of the circumstances surrounding the implementation of food barns. In addition, documentation served as an important source of data used in this study. The researcher collected relevant papers for this study, including reports, records of activities, and farmers' operational procedures. The provision of these documents was important in order to finalize the research data and provide a more comprehensive research framework. The data analysis process involved three main steps: data reduction, data presentation, and conclusion drawing.

## RESULTS AND DISCUSSION

### The Concept of Maslahah Mursalah

The scholars are of the opinion that pointing towards the Qibla in prayer is obligatory. Linguistically, the term "maslahah" comes from Arabic and was later adopted into Indonesian as "maslahah", which means the act of giving good intentions, providing benefits, and avoiding harm.

According to the original language, the word maslahah comes from the word *صلح* , *يصلح* , *صالحا* meaning something good, appropriate, and beneficial. (Muhammad Yunus, 1973). While the word mursalah means free, not bound by religious arguments (Al-Qur'an and Hadith) that allow or prohibit it.

What is meant by "maslahah mursalah" is the determination of law in areas that are not expressly mentioned in the Qur'an or Sunnah. This law is designed to promote the welfare and interests of human life, based on the principle of obtaining benefits and avoiding harm.

### Conditions of Maslahah Mursalah

Certain instances have been seen where badness is associated with badness, or conversely, badness is associated with maslahah. Some virtue in such instances is considered more significant (al amr al-a'zham). Maslahah and harm are subjective (idhafiyyah) and not absolute (haqiqiyyah), which means they apply to certain situations, times, or individuals. Such instances have been explained in terms of obligatory maslahah and prohibited harm. Therefore, such judgments must be in line with the principles of sharia and not based on human inclinations, despite the fact that pursuing human desires does not inherently cause harm.

An example of maslahah mursalah and its application is when the Prophet said: "Once people cried out to the Messenger of Allah regarding price fixing, "O Messenger of Allah. Prices are rising, set a price for us." The Prophet then replied: "It is Allah who is the price-

fixer, the restrainer, the spreader and the provider. I hope that when I meet Allah no one will ask me about injustice in matters of blood and property." (HR. Abu Daud).

Given the rising prices of commodities in the market, the ruler at the time had no authority to intervene in the matter of prices due to the unjust nature of such interference.

According to the scholars of the Malikiyah school of thought, this hadith of the Prophet Muhammad applies to situations of shortage of supply and strong demand resulting in natural growth. However, if the increase is not due to consumer demand but due to the actions of traders themselves, then the Malikiyah scholars allow government intervention in pricing, taking into account the "benefits" of consumers.

To establish *maslahah mursalah* as a valid legal argument, Hanafiyah scholars have set several prerequisites, including:

- 1) These advantages are in line with the principles of Sharia and fall under broader benefits.
- 2) The aforementioned advantages are characterized by rationality and certainty, not mere estimation. Consequently, legislation generated by *maslahah mursalah* effectively provides benefits while reducing potential harms.
- 3) These benefits relate to many individuals, and are not driven by certain interests or subgroups.

Abdul Wahab Khallaf states that *maslahah mursalah* can be a legal basis as long as it meets the following criteria:

- 1) In the context of real *maslahah* (*haqiqi*), and not speculative *maslahah*, then *shahih maslahah* is *maslahah* based on in-depth study, prudence, and deep consideration, and really provides benefits and avoids harm.
- 2) It is a widespread problem that affects many people, not just a few.
- 3) The statement above is in line with the legal principles outlined in the Qur'an, Hadith, and the consensus of the scholars (Abdullah Wahab Khallaf, 2002).

### **Food Estate Policy in Humbang Hasundutan Regency, North Sumatra Province, from the Perspective of *Maslahah Mursalah***

According to Imam Al-Gazali, benefit is defined as everything that gives benefit and prevents harm (danger/damage) based on its origin. However, the basic principle is *al-muhafazah 'ala maqsud al-syar'i*, which means maintaining the objectives of *shara'*. In the realm of law enforcement, *sharia* includes five fundamental parts that serve to safeguard religion, soul, mind, offspring and property. All entities that fulfill these criteria are called *maslahah*, while entities that violate these criteria are called *mafsadat*.

In this life, it is obligatory for us to choose those whose advantages and disadvantages outweigh their disadvantages or offenses, as it is affirmed in the Qur'an that alcohol and gambling alone include both benefits and disadvantages, although their bad consequences (sins) outweigh their benefits. (QS. Al-Baqarah: 219).

Islamic Shariah prohibits alcohol and gambling for this reason. It also upholds the idea of prioritizing forgiveness before gain.

One example of *maslahah mursalah* is the government issuing a food estate policy in Humbang Hasundutan Regency. The government issued this policy is an appropriate way or a *maslahah* way because it is to improve food security in Indonesia. But on the other hand, this government policy is not well implemented.

The reason for implementing the food barn program by the government is quite reasonable, because this program aims to provide stability and meet the food needs of the Indonesian people.

But on the other hand, the food estate policy is not well implemented, causing losses for some farmers. According to one of the farmers who suffered losses, with the existence of this food estate the farmers felt a loss, because the farmers claimed that before it was converted into a food estate, the residents of this community lived from cultivating coffee,

rice, frankincense, and andaliman. The income earned by farmers exceeded the income earned from farming or working in food plantations.

Ingot Manalu, a farmer affiliated with Kelompok Tani Maju, recounts the challenges of cultivating a food estate property, highlighting the financial setbacks that come with crop failure. The entire garlic crop on the 31 hectares of land controlled by the organization did not produce any crops, and shallots and potatoes only achieved a 50% success rate. According to Ingot, the planting process in the food estate was initially successful but short-lived.

There are several factors that contribute to the lack of community benefits in these food estates. One such factor is the farmers' cultivation of what was initially hard soil, previously occupied by perennials. They had to first plow the land until it became loose, a process that took six months until the land was suitable for planting.

He said farmers in Humbahas also face the challenge of adverse weather conditions. Rainfall reaches its peak during the September to December period. According to him, root crops perform poorly when exposed to water for long periods of time.

Furthermore, on closer inspection, it is clear that the food estate has not yet achieved success mainly due to the lack of training and socialization efforts made by the authorities to the farmers. Farmers in Humbang Hasundutan Regency display a variety of agricultural products, including coffee, vegetables, frankincense and andaliman. This situation was later transformed to meet the food estate's leading commodities, including potatoes, shallots and garlic. Acquiring new skills is a challenge that requires a significant investment of time to improve farmers' capabilities. There are several factors that have led to the perception of the food estate being less successful.

Based on the explanations, hadiths, and views of scholars, this analysis examines the issue of masalah mursalah and its implications for food estate policies in Humbang Hasundutan Regency, it can be stated that the food estate program at this time is appropriate. However, the government should pay more attention to the condition of the land and the ability of farmers who are not accustomed to food estate farming so as not to harm several other parties. And the government should continue to supervise activities in the food estate area, every program and policy issued by the government should not only be a patchwork solution, meaning that support for farmers is not only at the beginning, but until the results of the food estate program. The support can be such as training for farmers, provision of agricultural equipment, compensation for farmers' land, and by providing solutions to complaints felt by farmers, which in the end the purpose of this food estate is also to realize food security in Indonesia.

## CONCLUSION

After the author conducts research related to the Food Estate Policy in Humbang Hasundutan Regency, North Sumatra Province from the perspective of Masalah Mursalah, the author can conclude that the implementation of the Food Estate policy in Humbang Hasundutan, which began on August 2, 2020, is a government effort to meet Indonesia's food needs. If the terms and conditions of masalah mursalah are examined, it can be seen that there are no ethical concerns in this food estate policy. The reason for the government's decision to establish this food estate is quite reasonable, because the main objective is to maintain a stable food security condition in the Indonesian context. To fulfill the food needs of the Indonesian people. Instead, the government prioritizes the land status and skills of farmers who lack experience in managing food estates. Residents of these communities survive by cultivating coffee, rice, frankincense and andaliman. The income earned by farmers exceeds the income earned from farming or working in food estates. Farmers also have to contend with the extreme weather in Humbang Hasundutan, the soil that is initially hard, then has to be plowed first until the soil is loose which ultimately requires a long time

just waiting for the soil to be good, and making the lands that are used as food estate locations use land that is designated for protected forests and change to agricultural land. Some of these things make the food estate policy in Humbang Hasundutan Regency ultimately bring mafsadat.

## REFERENSI

- Aji, Ahmad Mukri, 'Pandangan Al-Ghazali Tentang Masalah Mursalah', *Ahkam*, 4.8
- Al-Gazali, Abu Hamid Muhammad Ibn Muhammad, *Al- Mustasfa* (Bairut: Dar al- Kutub al 'Ilmiyyah, 1993)
- Basundoro, Alfin Febrian, 'Meninjau Pengembangan Food Estate Sebagai Strategi Ketahanan Nasional Pada Era Pandemi Covid-19', *Departemen Ilmu Hubungan Internasional, Universitas Gadjah Mada*, 2020
- Daud, Abu, *Shahih Sunan Abu Dawud* (Riyad: Maktabah alMa'arif, 1998)
- Indonesia, Republik, *Pasal 1 Angka 4 Undang-Undang Nomor 18 Tahun 2012 Tentang Pangan*, 2012
- Kahhar, Wahidul, 'Efektivitas Al-Maslahah Al-Mursalah Dalam Penetapan Hukum Syara', 2004
- Kurniasari, Dita, 'Ragam Teknik Analisis Data Deskriptif Kualitatif vs Kuantitatif', 2022
- Mongabay.co.id, 'Petani "Food Estate" Di Humbang Hasundutan Hadapi Beragam Persoalan' <<https://www.mongabay.co.id/2022/12/19/petani-food-estate-di-humbang-hasundutan-hadapi-beragam-persoalan/>>
- Nasution, M., and O. V. Bangun, 'Tantangan Program Food Estate Dalam Menjaga Ketahanan Pangan', *Buletin APBN*, V (2020)
- Puja, 'Implementasi Food Estate Dalam Meningkatkan Kesejahteraan Ekonomi Masyarakat Kalampang Kota Palangka Raya' (IAIN Palangka Raya, 2019)
- RI, Kementerian Agama, *Al-Qur'an Dan Terjemahnya* (Jakarta: Lajnah Pentashihan Mushaf Al-Qur'an, 2019)
- Sugiyono, D., *Metode Penelitian Kuantitatif Kualitatif* (Bandung: Alfabeta, 2021)
- Syarifuddin, Amir, *Ushul Fiqh* (Jakarta: Logos Wacana Ilmu, 2008)
- Wandananum, S. T., A. T. Prameswari, and S. E. Dianti, 'Peran Keuangan Negara Terhadap Pembangunan Food Estate Pada Masa Pandemi Covid-19 Dalam Menjawab Upaya Ketahanan Pangan Dan Kaitannya Dengan Isu Lingkungan', *Jurnal Acitya Ardana*, 1.2 (2021), 175–183
- Wirapranatha, A., Y. Sutrasna, and L. Simbolon, 'Strategi Pengembangan Food Estate Dalam Pemulihan Ekonomi Nasional', *Ekonomi*, 8.1 (2022), 1–13