

CHAPTER I

INTRODUCTION

A. Background

Indonesia is the one of countries with the fourth highest population level in the world. Based on the latest data released by the Directorate General of the Department of Population and Civil Registration, The Ministry of Home Affairs, the total population in Indonesia to date as of June 30th, 2022 has reached 275.361.267 people, consisting of 138.999.996 male population 54,48% and a female population of 136.361.271 people or 49,52%.¹ Population density followed by the rapid development of the world has resulted in many people turning to looking for work and living in urban areas. In 2020, the Central Statistics Agency (CSA) estimates that the Indonesian population living in urban areas has reached 56,7% and is expected to continue to increase to reach 66,6% in 2035.² Thus, the intensity of the population in Indonesia which continues to increase every year can result in a higher number of necessities of life. To balance the welfare of society equally, it is necessary for national development as a process of managing natural resources and human resources through the use of science

¹ Sekretariat, 2022, *Dukcapil Kemendagri Rilis Data Penduduk Semester I Tahun 2022, Naik 0,54% Dalam Waktu 6 Bulan*, <https://dukcapil.kemendagri.go.id/berita/baca/1396/dukcapil-kemendagri-rilis-data-penduduk-semester-i-tahun-2022-naik-054-dalam-waktu-6-bulan> (Accessed on October 11th 2022).

² Monavia Ayu Rizaty, 2020, *Sebanyak 56,7% Penduduk Indonesia Tinggal di Perkotaan pada 2020*, <https://databoks.katadata.co.id/datapublish/2021/08/18/sebanyak-567-penduduk-indonesia-tinggal-di-perkotaan-pada-2020>, (Accessed on October 12th 2022).

and technology.³ One of the natural resources that are used for national development as a basic need for people's lives is land.

The land is one of the basic needs of the community which from the management is used for various kinds of activities such as agriculture, construction of housing, construction of infrastructure, and industrial facilities. Land is an important need in urban areas along with increasing population growth and the accompanying socio-economic activities. The increasing population growth, the higher the pressure on the use of land as built-up land to meet the needs of the community. As a policy in the use of land in Indonesia, it has been regulated in Article 33 of the 1945 Constitution. The support of Indonesia's geographical conditions which are surrounded by many volcanoes, rivers, oceans, and astronomical locations affect climate change in Indonesia, which can affect the fertility land in the country.⁴

The existence of fertile land in Indonesia is an opportunity for the community to use it as land for farming as well as agricultural land. With the existence of agricultural land, farmers use the land for food production to survive. To increase the food production target, the Ministry of Agriculture (Kementan) has set a rice production target of 55,20 million

³ Sri Umiyati, T.S, "Faktor-Faktor Yang Mempengaruhi Petani Dalam Pengalokasian Dana Ganti Rugi Konversi Lahan Pertanian", *Jurnal Agribisnis dan Sosial Ekonomi Pertanian UNPAD*, Vol.4 I.1, (2019), p.623.

⁴ Umi Rosidah, H.S, "Analisis Faktor-Faktor Yang Mempengaruhi Alih Fungsi Lahan Pertanian di Kabupaten Sleman Tahun 1998-2017", *DINAMIC: Directory Journal of Economic*, Vol.1 I.3, (2019), p. 316.

tons. This target is a challenge that needs to be considered by the Ministry of Agriculture; because rice production continues to decline as happened in 2021 as there has been a decline in production of 233,91 thousand tons or 0,43%.⁵ The decline in rice production was caused by a decrease in harvested area, which is 2021 the harvested area decreased by 245,47 thousand ha or 2,30%. The harvested area continues to decline due to the conversion of agricultural land to non-agricultural land. Problems regarding the conversion from agricultural land to non-agricultural land can have an impact on farming activities caused by the loss of the main cultivation medium, namely agricultural land. Therefore, the implementation of land conversion can affect the production and supply of food for the community which can result in a decrease in the amount of food production. The community's need for space as a settlement and also as a means of life support has increased in the implementation of the conversion of agricultural land to non-agricultural use which affects food supply and food reserve security. This is because the conversion of agricultural land to non-agriculture causes the planting area and food production to decrease, while the amount of food demand will always increase along with population growth.

One of the triggers for land conversion is the increasing population resulting in high land requirements that are not proportional to the available

⁵ Badan Keahlian Setjen DPR RI. (2022). Budget Issue Brief Industri & Pembangunan, Vol.02, p.1.

land area. Land conversion is an effort to change the use of land whose designation is transferred to a certain designation and is accompanied by an increase in the value of the land.⁶ Although one of the factors in the implementation of land use change is meeting the needs of the population, in its implementation it is still required to pay attention to several things that have been regulated in Article 44 paragraph (3) of Law Number 41 of 2009 concerning the Protection of Sustainable Food Agricultural Land which has been explained that to convert an Agricultural land is required to conduct a feasibility study first, as well as the preparation of a land conversion plan, land rights acquisition from the owner, and the provision of a replacement for the land to be converted. Problems regarding the conversion from agricultural land to non-agricultural land can have an impact on farming activities caused by the loss of the main cultivation medium, namely agricultural land. Therefore, the implementation of land conversion can affect the production and supply of food for the community which can result in a decrease in the amount of food production.

Based on information data obtained from Sleman Regional Regulation Number 3 of 2021 concerning the 2021-2026 Regional Medium-Term Development Plan (RJMD), it is explained that based on the assessment and agreement of the RPJMD Strategic Environmental Assessment Team (KLHS) and stakeholders, land conversion is one of the

⁶ Rizqi Wardiana Sari, E.Y., "Identifikasi Dampak Alih Fungsi Lahan Pertanian Ke Non Pertanian Untuk Perumahan", *Jurnal Kajian Ruang*, Vol.1, No.2 (2021). p. 257.

main priorities in the issue of sustainable development in the Sleman Regency area. It is because the implementation of land conversion, whether appropriate or not by spatial planning, remains an important matter to study. As the conversion of the function of rice fields that have been carried out by spatial planning which is then designated as a residential area, it can also affect the quality of the environment which continues to decline.⁷ As an effort by the government to regulate the preparation and review related to regional spatial planning, a Regulation of the Minister of Agrarian Affairs and Spatial Planning/Head of the National Land Agency of the Republic of Indonesia Number 11 of 2021 concerning Procedures for Preparation, Review, Revision, and Issuance of Approval of Plan, Issuance of Approval of Substance of Spatial Plans for Provinces, Regencies, Cities, and Detailed Spatial Plans. As for the Regional Government in regulating regional spatial planning to avoid land use as well as a land conversion that is not by spatial planning, the Sleman Regency regional government has stipulated Sleman Regency Regional Regulation Number 13 of 2021 concerning plan the spatial planning of Sleman Regency for 2021-2041.

Sleman Regency is one of the areas in Yogyakarta Province which has a fairly good agricultural system. Based on its location, in the northern part of Sleman Regency, there are mountainous areas and the presence of Mount Merapi a mountain that is still active today, so the soil in the area has

⁷ Sleman Regional Regulation Number 3 of 2021 concerning The 2021-2026 Regional Medium Term Development Plan (RJMD)

high soil fertility due to volcanic ash produced by the eruption of Mount Merapi mixed with the soil in the area. In addition, the northern part of Sleman Regency is surrounded by several large rivers that cross the area, so the existing water reserves in the area are quite large. Thus, the two regional boundaries explain that the condition of the land in Sleman Regency is considered quite fertile, thus making the agricultural sector one of the holders of an important role in the economy of Sleman Regency to the regional income of Yogyakarta City.⁸

An economic sector that continues to experience improvement in an area can be characterized by an increase in the standard of living of the community which is in line with the opening of job opportunities created by investors. This can result in pressure on the need for land that is intended to keep up with increasing economic growth. One of the pressing factors in the need for land is the ever-increasing population. Based on data obtained from the Information Report of the Provincial Statistical Agency Special Region of Yogyakarta, in 2022 the population of the Special Region of Yogyakarta Province will reach 4.021.816 people, with an area of 3,133.15 km²/sq.km. As for the Information Report on the Statistics Agency for the Province of Special Region of Yogyakarta, the population in Sleman Regency as of 2022 will reach 1.282.804 people,⁹ with a total area range of 57,482 Ha or an area

⁸ Umi Rosidah, H.S, *Loc.Cit.*

⁹ Badan Pusat Statistik Provinsi D.I.Yogyakarta, *Proyeksi Jumlah Penduduk menurut Kabupaten/Kota di D.I.Yogyakarta (jiwa), 2020-2022*. Statistical Center Agency document of Provincial Yogyakarta. <https://yogyakarta.bps.go.id/indicator/12/131/1/kepadatan-penduduk-menurut-kabupaten-kota-di-d-i-yogyakarta.html> (Accessed on October 26th 2022 at 17.13 pm).

of 574,82 km². Based on this information, it can be explained that the total population density in the Sleman Regency area is not proportional to the available area in the Sleman regency, which is only around 18% of the area of the special region of Yogyakarta Province.

Based on the information data contained in the Sleman Regional Regulation Number 3 of 2021 concerning the 2021-2026 RPJMD, In the Sleman Regency area, there are still frequent conversions of agricultural land to yards every year. The high interest of investors in choosing land use compared to green areas is one of the triggers for land conversion. In 2020, the area of land use for yards reached 24.472,13 Ha, whereas previously, in 2019 the area of land use for yards was 24.335,42 Ha. Thus, the area of yard use in Sleman Regency has increased by 136,71 Ha or an increase of 0,24% of the total area of Sleman Regency, whereas in 2020, the area of paddy field use has decreased by 118,8 Ha from 2019 or decreased by 0,21% of the total area of Sleman Regency, namely to 18.595.75 Ha.¹⁰

The need for land for development continues to increase, while the amount of land availability remains relatively constant, resulting in competition in land use which in turn will reduce agricultural land. This is one of the main causes of land conversion often occurring in the Sleman Regency area. As a supervisor in the implementation of land conversion, the

¹⁰ Sleman Regional Regulation Number 3 of 2021 concerning The 2021-2026 Regional Medium Term Development Plan (RJMD)

local government of Sleman Regency has established a policy in the Sleman Regency Regional Regulation Number 3 of 2015 concerning Space Utilization Permits which are useful for controlling the conversion of agricultural land in Sleman Regency. The stipulation of these regulations has been carried out by the directives of the Sleman Regent Regulation Number 21 of 2017 concerning Instructions for the Implementation of the Sleman Regency Regulation Number 3 of 2015 concerning Space Utilization Permits. So, if the implementation of land conversion is still often carried out without any meaningful supervision, then this can have an impact on farmers and the agricultural sector.

Until 2021, the implementation of agricultural land conversion in the Sleman Regency area continues to increase so that the area of agricultural land continues to shrink until it reaches 0.12%, both rice fields and dry fields. The shrinkage of land that occurs continues to be dominated by the depreciation of paddy fields, where the rate of depreciation reaches 0.8% due to the large number of paddy fields that have been converted into buildings. While the depreciation of dry land is only around 0.04%, so that the total depreciation of land reaches 0.12%. To overcome the problem regarding the shrinking of agricultural land due to the implementation of land conversion, the Regional Government of Sleman Regency continues to make anticipatory efforts by tightening the implementation of the conversion of agricultural land to other non-agricultural activities. In mid-January 2022, the central government issued Protected Paddy Field (LSD)

maps in eight provinces, one of which is the Special Region of Yogyakarta. The determination of LSD is a hope for the government as an effort to protect paddy fields so that they do not continue to decrease due to the implementation of land conversion.

Thus, to realize the optimal use and utilization of land, it must be adjusted to the Regional Spatial Plan which refers to Government Regulation No. 16 of 2004 concerning Land Use and Law No. 26 of 2007 concerning Spatial Planning.¹¹ As one of the efforts in regulating and supervising the implementation of Spatial Planning, in 2016 the Land and Spatial Planning Office was formed as a replacement agency for the regional Land Control Office in Sleman Regency as stated in the Sleman Regent Regulation Number 66 of 2016 concerning Position, Organizational Structure, Duties, and Functions and Governance Work of the Department of Land and Spatial Planning. The existence of the Department of Land and Spatial Planning is an implementing element of regional government led by a head of a service who has a position under and is responsible to the Regent through the Regional Secretary.

Although various policies have been implemented, both from the Central Government and the Regional Government of Sleman Regency which regulates land conversion and spatial planning, the implementation

¹¹ Yul Ernis, 2015, *Laporan Penelitian Hukum Tentang Konsistensi Penggunaan dan Pemanfaatan Tanah Sesuai dengan Undang-Undang No.26 Tahun 2007 Tentang Penataan Ruang*, Jakarta, Badan Pembinaan Hukum Nasional Kementerian Hukum dan Hak Asasi Manusia,

of land conversion in the Sleman Regency area is still relatively high. This explains that the tasks carried out by the Department of Land and Spatial Planning in the implementation, service, guidance, and control of government affairs in the land sector have not been carried out effectively. Many people often change the function of agricultural land into non-agricultural land without a permit, as well as people who build residential buildings on agricultural land without having a permit. These two things can show that law enforcement and policies against violations of space utilization permits have not been running properly.

Based on this background description, the author raised the subject of writing the final project with the title “Analysis of Government Policy to Provide The Illegal Agricultural Land Conversion In Sleman” Thus, the purpose of this study is to examine and analyze government policies on the implementation of the conversion of agricultural land in Sleman. Later, this research will be explained the policies implemented by the Sleman Regency Government in dealing with the implementation of the conversion of agricultural land which continues to increase in the Sleman Regency area.

B. Problem Statement

Based on the description of the background of the problem, the main problems that will be discussed are as follows:

1. What is the policy of the Local Government against the illegal conversion of agricultural land in Sleman Regency?

2. What are the strategies carried out by the Government to overcome the obstacles in protecting agricultural land from illegal conversion?

C. Objective of Research

1. To find out the policy of the Regional Government related to legal enforcement against the implementation of illegal land conversion in the Sleman Regency area.
2. To find out the strategies carried out by the Government to overcome the obstacles in protecting agricultural land from illegal conversion.

D. Benefit of Research

Any benefits to be obtained from this research are as follows:

1. Theoretical Benefit

Theoretically, this research is expected to increase public knowledge and insight regarding the importance of government policies on the implementation of land conversion which is still a priority issue for the regional environment in Yogyakarta City, especially in the Sleman Regency area which continues to increase. Thus, with the enactment of the policy, it can anticipate the occurrence of land use changes outside of land use planning. This research will analyze the implementation of government policies and plans in case of the implementation of land conversion that is not by applicable regulations, to restore land functions as they should and restore the balance of environmental quality. Thus, this research is expected to be a new reference in enforcing government policies on the implementation of land

conversion from agriculture to non-agriculture (built-up land) in the Sleman Regency area.

2. Practical Benefit

Practically, this research is aimed at members of state institutions, both the Central Government and Regional Governments who have the right and authority to formulate and regulate a policy or legislation, so that they can pay more attention to the policies implemented related to the implementation of the conversion of agricultural land. This research is expected to provide government awareness of the importance of community rights as owners of expropriated land and the right to obtain a beautiful environment and avoid land eviction for the benefit of the regional economic sector. Thus, this research is expected to be a solution as well as an overview and evaluation of the Sleman Regency Government in carrying out policies on the implementation of land conversion, to restore environmental balance so that it can be implemented effectively and efficiently in practice in the field.