

# CHAPTER I

## INTRODUCTION

### **A. Background**

The 1945 Constitution of Republic of Indonesia mandates that agricultural land used for food production is an integral part of the national territory controlled by the state and must be utilized to the maximum extent for the prosperity of the people. This is emphasized in Article 33 Paragraph (3) of the 1945 Constitution, which states, "The land, the waters, and the natural wealth contained therein are controlled by the state and are to be used to the greatest extent for the prosperity of the people."

Agriculture is one of the sectors that plays a strategic role in supporting a country's food security. The agricultural sector has an equally important role in ensuring the availability of food for the population. With the changing times and various challenges, the concept of sustainable agriculture becomes increasingly relevant in efforts to achieve sustainable food security.

Food is a basic human necessity that must be met at all times. This is crucial because food serves as the primary source of energy for humans, making people heavily reliant on these natural resources. Local food, including traditional and regional specialties, plays a strategic role in strengthening food security, particularly from a consumption perspective, as these food resources are available in specific locations. Additionally, the variety of recipes for local

foods is diverse, ranging from those passed down through generations to newly created ones.<sup>1</sup>

According to the Food and Agriculture Organization of the United Nations (FAO), food security exists when all people, at all times, have physical and economic access to sufficient, safe, and nutritious food to meet their dietary needs and food preferences for an active and healthy life. Sustainable development goals include a crucial target: achieving zero hunger by 2030, a goal that remains distant and even further away after the Coronavirus Disease 2019 (COVID-19) pandemic. Despite countries producing enough food to feed their populations, many people still suffer from malnutrition, influenced by factors such as climate, conflict, political instability, and various other factors.<sup>2</sup>

Food business operators, in the process of food production, must adhere to various regulations regarding food production activities to ensure that they do not pose risks to human health. Food business operators are responsible for the food they distribute, especially if the produced food causes harm, both in terms of health disturbances and the death of individuals who consume it. The public also needs clear information about each packaged food product before purchasing and consuming it. This information includes details about the origin, safety, quality, nutritional content, and other necessary information. Therefore,

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<sup>1</sup> Dedy Sutrisno, "Kebijakan Sistem Ketahanan Pangan Daerah", *Jurnal Ilmu Administrasi*, Vol. 13, No. 1 (January, 2022), p.28

<sup>2</sup> Francina Contreras, "Global Food Security and the Role of Women", *Alberta Council for Global Cooperation*, Vol. 25, No. 3, (November, 2022), p.10

it is important to establish regulations regarding food labelling and advertising so that the public can make informed decisions based on accurate information.<sup>3</sup>

The right to adequate and nutritious food is an intrinsic component of the most fundamental human rights; therefore, this right must be respected and protected. Good nutrition plays a crucial role in an individual's health, from growth and development to mental well-being, and significantly impacts overall health.<sup>4</sup>

Food security exists when everyone has physical, social, and economic access to sufficient, safe, and nutritious food to meet their dietary needs and food preferences for an active and healthy life. The four fundamental pillars that form the basis of food security include: food availability (consistent production and supply of an adequate quantity of food); food accessibility (the ability to physically access food at an affordable price); food utilization (appropriate use of food considering basic nutrition knowledge); and stability in the availability, access, and utilization of food.<sup>5</sup>

The specific transformation of agricultural land use into non-agricultural land is generally known as land use conversion. Uncontrolled conversion of agricultural land can threaten long-term food availability in the region, resulting

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<sup>3</sup> David Eko Prabowo, Bruce Anzward dan Galuh Praharafi Rizqia, "Penegakan Hukum Terhadap Pelaku Usaha Pangan yang Mengedarkan Air Minum Dalam Kemasan Tanpa Izin Edar di Kota Balikpapan (Law Enforcement Against Food Business Actors That Circulate Bottled Drinking Water Without Distributio Permits in Balikpapan)", *Jurnal Lex Suprema*, Vol, 2 No. I, (March, 2020), p.346

<sup>4</sup> Joseph U, "Global and National Food Security – Need For Novel Foods Formulation: A Review", *University of Uyo*, Vol. 2, No. 3, (April 2023), p.39

<sup>5</sup> Theophilus M. Ikegwu. "Food Security in Emerging Global Situations-Functional Foods and Food Biotechnology Approaches", *Journal of Advances in Food Science & Technology*, Vol. 10, No. 2 (January, 2023), p.47

in social losses. One of the threats to achieving food security and sovereignty is the conversion of agricultural land, as it has implications for food production, the physical environment, and the well-being of farmers in rural areas who depend on agriculture for their livelihoods, leading to a decline in their prosperity. The conversion of agricultural land is considered a threat to achieving food security and sovereignty because it impacts food production, the physical environment, and the well-being of farmers, thus requiring urgent attention.<sup>6</sup>

The government has made efforts to sustain the existence of agricultural land and prevent its conversion. However, these efforts face increasing challenges due to population growth, leading to higher demands for land for residential, business, and public facility purposes. Dealing with this situation requires the application of legal concepts, such as "law as a tool of social engineering," which involves shaping societal life through regulatory provisions.

The government's endeavors in maintaining sustainable agricultural land face difficulties, but the application of legal concepts can help overcome these challenges. This includes developing policies that support sustainable land use, preventing the conversion of agricultural land, and ensuring the availability of land for agricultural purposes. Legal efforts should encompass regulations governing land use, the protection of farmers, and mechanisms for resolving

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<sup>6</sup> Wahidatul Rizqi Firianti, "Implementasi Kebijakan Alih Fungsi Lahan Pertanian ke Non-Pertanian di Sleman Berdasarkan Perspektif Institusionalis", *Jurnal Ilmu Pemerintahan*, Vol. 13, No. 1, (October, 2020), p 44-57

land-related conflicts. Implementing these concepts can contribute to creating a legal environment supportive of sustainable agriculture, ensuring food availability, and addressing challenges in land management.<sup>7</sup>

In essence, sustainable agricultural development is the implementation of the concept of sustainable development with the goal of improving the income and well-being of the farming community at large. This is achieved through the enhancement of agricultural production (both in terms of quantity and quality), while still considering the conservation of natural resources and the environment. Agricultural development is carried out in a balanced manner, taking into account the ecosystem's carrying capacity, ensuring that production sustainability can be maintained in the long term while minimizing environmental damage.

The principles of sustainable agriculture include promoting a better environment, adopting better farming practices, and improving living conditions. Organic farming, in particular, is one model that embodies the principles of sustainable agriculture.<sup>8</sup>

The Bantul Regency government has not been able to establish regulations for Sustainable Agriculture Land Protection. The planning of new regulations is limited to the preparation of various studies needed for the formulation of the Academic Manuscript, including Land Fertility Mapping, Natural Resource

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<sup>7</sup> Lathif, N, "Teori Hukum Sebagai Sarana / Alat Untuk Memperbaharui Atau Merekayasa Masyarakat", *Pakuan Law Review*, Vol 3, No.1, (June, 2017) p.73-92

<sup>8</sup> Inneke Meilia Fadlina, Bambang Supriyono et al, "Perencanaan Pembangunan Pertanian Berkelanjutan (Kajian tentang Pengembangan Pertanian Organik di Kota Batu)", *J-PAL*, Vol. 4, No.1, (September, 2013), P.44

Balance, and Strategic Environmental Studies. The basis for the consideration of drafting this regulation is Law Number 41 of 2009, Regional Regulation of DIY Province Number 10 of 2011 on Protection Of Sustainable Food Agricultural Land, and the increasingly massive conversion of agricultural land to non-agricultural land activities in Bantul Regency, especially in the districts of Banguntapan, Sewon, and Kasihan.

The agricultural sector is a primary commodity in the Indonesian region, earning it the nickname "agrarian country." This plays a crucial role in enhancing welfare and economic development by serving as a livelihood for the people and contributing to development stimuli. The right to food is fundamental, and the government actively participates in maintaining stability by ensuring food availability, self-sufficiency, and food sovereignty. One key component in agriculture is the availability of land; thus, the presence of law is necessary for the protection of progressively productive agricultural areas.

The government has made efforts to sustain the existence of agricultural land and prevent its conversion. However, these efforts face increasing challenges due to population growth, leading to higher demands for land for residential, business, and public facility purposes. Dealing with this situation requires the application of legal concepts, such as "law as a tool of social engineering," which involves shaping societal life through regulatory provisions.

The concept of sustainable development was formulated in the late 1980s as a response to previous development strategies that primarily focused on the

main goal of achieving high economic growth. These earlier strategies had proven to cause degradation of production capacity and environmental quality due to excessive resource exploitation. Initially articulated in the Brundtland Report as a result of the World Commission on Environment and Development, a United Nations congress in 1987, the concept was a response to these issues.

Simply, sustainable development is defined as development that meets the needs of the present without compromising the ability of future generations to meet their own needs. The implementation of economically just development is carried out without sacrificing the environment, meaning that the development undertaken today must also take into account the needs of future generations.<sup>9</sup>

Law Number 18 of 2012 on Food is a document that regulates the direction and policy of national food management. This law is also a political statement of the state regarding food, indicating that food development is organized based on food sovereignty and food self-sufficiency to achieve sustainable national food security. The dynamics in the process of formulating the Food Law are a natural part of seeking the ideal format for regulating the basic needs and livelihoods of the people, especially related to food.

The existence of the Commodity Law is the result of efforts from various parties. The roles and contributions come not only from the legislative (People's Consultative Assembly) and executive (President) branches but also from constructive contributions and participation from various stakeholders,

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<sup>9</sup>Rudy S. Rivai dan Iwan S. Anugrah, "Konsep dan Implementasi Pembangunan Pertanian Berkelanjutan di Indonesia", *Jurnal Forum Penelitian Agro Ekonomi*, Vol. 29, No. 1, (April, 2013), p.14

including experts, academics, non-governmental organizations (NGOs), and the private sector. The resulting Commodity Law is expected to represent the aspirations of the Indonesian society in building sustainable food security with the principles of food sovereignty and self-sufficiency.

Human growth and development occur rapidly, while the availability of food resources is limited and not proportional to human food needs. Food reserves play a crucial role in food availability, serving as a supply source to bridge the gap between production and domestic or regional needs over time.

Ensuring an adequate food supply for the entire population of Indonesia is an obligation, both morally, socially, and legally, including the fundamental rights of every Indonesian citizen. Food is also an investment in shaping a better human resource in the future to carry out national development and serves as a prerequisite for fulfilling other basic rights such as education, employment, and more.<sup>10</sup>

Law Number 18 of 2012 on Food states that food is anything originating from the biological sources of agricultural, plantation, forestry, fisheries, livestock, water, and water resources, whether processed or not, intended for human consumption as food or drink. This includes food additives, food raw materials, and other substances used in the preparation, processing, and/or production of food or beverages. Additionally, local food refers to food consumed by the local community in accordance with its potential and local

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<sup>10</sup> Badan Ketahanan Pangan, “Indeks Ketahanan Pangan Indonesia 2018”, *Badan Ketahanan Pangan Kementan*, Vol. 2, No. 1, (January, 2018), p.31



wisdom. Meanwhile, processed food is food or beverages produced through specific processing methods, with or without additional ingredients.

Article 1 of Government Regulation of the Republic of Indonesia Number 68 of 2002 on Food Security defines food security as the condition of fulfilling food for households reflected in the availability of sufficient, safe, equitable, and affordable food, both in quantity and quality. Food security is crucial and strategic because experiences in various countries show that no nation can achieve sustainable development without first ensuring food security.

Article 45 Paragraph (1) of Law Number 7 of 1996 concerning Food mandates that the government, together with the community, must realize food security for the entire Indonesian population. With a large population and a high growth rate, efforts to achieve food security become a priority for the nation's welfare. Indonesia, as an agrarian and maritime country with diverse natural and socio-cultural resources, should be seen as a divine gift to achieve food security.

Efforts to achieve national food security should be based on diverse local food resources from one region to another and should, as much as possible, avoid dependence on food imports. In the pursuit of food security, all sectors must play an active role and coordinate closely with the Central Government, Provincial Government, Regency/City Government, Village Government, and the community to refine strategies for achieving national food security.

As industrial and service development strengthens, the role of agriculture diminishes with the shifting priorities towards non-agricultural sectors. This

makes the agricultural sector seem less strategic, and issues related to agricultural products become challenging to address. Expenditure priorities for agricultural products decline, mainly due to the low elasticity of agricultural products. As a result, many agricultural products are not effectively sold, and their prices remain low. Consequently, farmers' incomes decrease, leading to a general decline in their overall income.

The archipelagic nature of Indonesia means that the law of supply and demand does not always apply effectively. Distribution and logistics incur significant costs, and there are often delays in the distribution of agricultural products, making it challenging to match production with demand. Agricultural production is consistently available, but its presence is sometimes questioned due to high prices. In reality, production does exist, but it may not be in demand at certain times because pricing becomes a crucial factor in decision-making.<sup>11</sup>

The presence of food security, along with food availability, is a fundamental need for a country to thrive. This is driven by the fact that a country's food security can impact all aspects of its national life, including economic, political, social, and even cultural aspects. Therefore, a nation's actions to meet the food needs of its population become a global issue, not just a problem for one country alone. This, in turn, leads to the development of food policies by the government.<sup>12</sup>

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<sup>11</sup> Eko Tulus Wibowo, "Pembangunan Ekonomi Pertanian Digital dalam Mendukung Ketahanan Pangan (Studi di Kabupaten Sleman: Dinas Pertanian, Pangan, dan Perikanan, Daerah Istimewa Yogyakarta)", *Jurnal Ketahanan Nasional*, Vol. 26, No. 2, (March, 2020), p.205

<sup>12</sup> Didit Hendriawan, 2016, *Kedaulatan Pangan Maritim, Dinamika dan Problematika*, Jakarta, Beta, p.2

Food security in Indonesia, based on data from the Ministry of Agriculture's Agricultural Information System, can be said to have started improving in 2016, as reflected in the position of Indonesia's food security index surpassing that of Thailand. This improvement is driven by positive outcomes achieved in terms of national food security and nutrition in Indonesia during the period of 2015-2019. This is also evident from the food security ranking of Indonesia as assessed by the Global Food Security Index.<sup>13</sup>

**Table 2.1** Global Food Security Index

<b>State</b>	<b>Point</b>
<b>Singapore</b>	<b>73,1</b>
<b>Malaysia</b>	<b>69,9</b>
<b>Vietnam</b>	<b>67,9</b>
<b>Indonesia</b>	<b>60,2</b>
<b>Thailand</b>	<b>60,1</b>

Source: (*Global Food Security Index, 2023*)

In 2015, Indonesia was ranked 74 out of 113 countries, while in 2019, Indonesia climbed to the 62nd position. The improvement in Indonesia's ranking can be associated with the availability, accessibility, safety, and quality of food. Additionally, Indonesia's higher position in the Global Food Security

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<sup>13</sup> Global Food Security Is the Global Food Security Index published by The Economist Intelligence Unit New York, which provides information about the food security and nutrition situation in 113 countries. It covers the national food security situation according to its indicators and ranks the food security and nutrition of each country relative to others.

Index (GFSI) assessment is attributed to a growth of 3.1 points in terms of food availability and 5.2 points in terms of food accessibility.<sup>14</sup>

The growth in the food sector, according to the author, should also be supported by the availability of agricultural land, which is related to the concept of agrarian reform that regulates the organization, control, and, not to be forgotten, the legal relationship between humans and land. Based on the points mentioned above, it can be said that food security will not be achieved without sustainable land availability.<sup>15</sup>

In every country, food is an extremely important issue to address. Food-related issues are closely tied to the well-being and prosperity of the people. The right to access food is one of the fundamental human rights, as reflected in the goals of the Republic of Indonesia stated in the 1945 Constitution, Paragraph 4, which states, "to establish a Government of the State of Indonesia that protects the entire Indonesian nation and the entire homeland of Indonesia and to advance the general welfare, educate the nation's life, and participate in implementing a world order based on freedom, eternal peace, and social justice."

Indonesia is an agrarian country with a land area of approximately 190.9 million hectares. Out of this total area, 37.1% is used for cultivation activities, such as paddy fields, dryland agriculture, plantations, and other uses, while the remaining 62.9% is forest land. The continuous population growth accompanied

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<sup>14</sup> Badan Ketahanan Pangan Kementerian Pertanian/Sekretariat Dewan Ketahanan Pangan, 2019, *Kebijakan Strategis Ketahanan Pangan dan Gizi (2020-2024)*, p.8

<sup>15</sup> Wahyu, BUMN Pangan, 2017, *Evolusi Menuju Kedaulatan Pangan*, Jakarta, Swadaya, p.10

by economic and industrial expansion has led to land conversion. The pattern of land conversion, based on the analysis of land use changes from 1994 to 2014, includes deforestation and other land uses. Land conversion primarily occurs on the island of Java. During the period from 1979 to 2013, it was recorded that 38.43% or 625,459 hectares of rice fields in Java were converted, equivalent to 31,273 hectares per year.<sup>16</sup>

Land is a strategic natural resource for development. Almost all sectors of physical development require land, including agriculture, forestry, housing, industry, mining, and transportation. In the field of agriculture, land is a crucial resource for farmers and agricultural development. This is based on the fact that in Indonesia, agricultural activities are still highly dependent on agricultural land.<sup>17</sup>

Indonesia is committed to achieving the 17 Sustainable Development Goals (SDGs), which include eradicating poverty (goal number 1) and ending hunger, achieving food security, improving nutrition, and promoting sustainable agriculture (goal number 2). In the effort to achieve these goals, the National Food Agency has the responsibility and role to coordinate, establish, and implement policies to prevent and address food and nutrition vulnerabilities, promote diverse food consumption, and ensure food safety.

Food is always a strategic issue in development, both at the global and national levels, as access to food is a right that must be guaranteed for every

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<sup>16</sup> Apriyanto, M., Fikri, K. N. S., & Azhar, A, "Pendampingan Santri untuk Penurunan Tingkat Pelanggaran Lalu Lintas", *Magistrorum et Scholarium: Jurnal Pengabdian Masyarakat*, Vol. 1, No. 2, (December, 2020), p. 238-247.

<sup>17</sup> Su Ritohardoyo, 2013, *Penggunaan dan Tata Guna Lahan*, Yogyakarta, Penerbit Ombak, p.37

citizen in terms of quantity, quality, safety, and nutrition. The Indonesian government continues to be committed to strengthening food security as an effort to provide food for its 270.2 million population, aiming to ensure a healthy, active, productive, and competitive population, in accordance with the mandate of Law Number 18 of 2012 on Food. This commitment aligns with the second goal of the Sustainable Development Goals (SDGs), which is to eradicate hunger (zero hunger) by 2030.<sup>18</sup>

In the Special Region of Yogyakarta, there is agricultural land with a recorded area of rice fields in 2020 according to *Badan Perencanaan Pembangunan Daerah DIY* (Local Development Planning Agency) of approximately 113,338.00 hectares. In 2020, based on the Population Census conducted by Central Statistics Agency of DIY Province, the population in Yogyakarta increased by 211,230 people. There was an increase of 0.58 percent over the last decade, from 2010 to 2020. The 2020 Population Census also indicated a demographic bonus, where the productive age group between 15 to 64 years reached 70.04 percent, while the elderly group reached 15.75 percent. This population growth also impacts land use in Yogyakarta over the past four years.

From 2018 to 2021, there has been a trend of increasing changes in land use in DIY Province, with each Regency and city experiencing an average increase. This indicates land use conversion in DIY Province. According to the

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<sup>18</sup> Badan Ketahanan Pangan, 2022, *Indeks Ketahanan Pangan Tahun 2022*, Jakarta, Deputi Bidang Kerawanan Pangan dan Gizi Badan Pangan Nasional, p.1

news site [bantulkab.go.id](http://bantulkab.go.id), in 2021, the land area reached 14,861.03 hectares, with an annual reduction of about 50-100 hectares due to land use conversion for the *Jogja Outer Ringroad* (JORR) toll road passing through Bantul and Sleman Regencies. This supports the ease of supply of goods, services, and logistics between cities and provinces. Additionally, it is currently being further developed for the Southern Cross Road, which is expected to create investment opportunities in the South Bantul region (Bantul Regency Investment and Integrated One-Stop Service Agency, 2021).

Daerah Istimewa Yogyakarta (DIY) is one of the provinces with a relatively strong agricultural sector. In the "Regional Gross Domestic Product (GDP) by Business Field 2018-2022," it is mentioned that the contribution of the agriculture, forestry, and fisheries category in 2022 reached 16.52 trillion Rupiah. The agricultural sector in DIY, along with forestry and fisheries, is the second-largest business field that employs 402,044 people or 17.94 percent of the total workforce.

Concerning rice consumption, DIY is one of the provinces with relatively high rice consumption. According to data from the Department of Agriculture and Food Security, the average rice consumption in DIY from 2019 to 2023 is 81.64 kg per capita per year. In DIY, paddy production in 2020 was equivalent to 295.77 thousand tons of rice, experiencing a decrease of 5.70 thousand tons (1.89 percent) compared to paddy production in 2019. One of the factors contributing to the decline in paddy production in DIY is the reduction in

agricultural land due to land use conversion caused by population growth and changes in economic structure.<sup>19</sup>

Bantul Regency is an integral part of the Special Region of Yogyakarta, which includes four Regency's and one city. Bantul Regency has a total area of 506.85 square kilometers and is administratively divided into 17 sub-Regency's, 75 villages, and 933 hamlets. Geographically, Bantul Regency is located between 07°44'04" - 08°00'27" South Latitude and 110°12'34" - 110°31'08" East Longitude. As part of Indonesia's disaster-prone region, especially for earthquakes, due to its location at the convergence of the Eurasian Plate and the Indonesia-Australia Plate, Bantul Regency is also situated along the active Opak Fault. Consequently, this area is susceptible to earthquakes and potential tsunamis.<sup>20</sup>

Food crops are the largest contributors to the economy of Bantul Regency, although they tend to decrease from year to year. Rice is the main commodity among food crops. Based on harvested areas using the Area Sampling Framework (*Kerangka Sampel Area*) in 2021, the harvested area of rice reached 24,671 hectares, showing an increase of 11.64% compared to the harvested area in 2020. According to the 2021 Food Crop Statistics Report, the harvested area of corn increased by 0.45% in 2021 compared to 2020, reaching 3,809.5

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<sup>19</sup> Gilang Rusadi Akhmad, "Proyeksi Kebutuhan dan Ketersediaan Beras di Provinsi DIY Tahun 2045", *Jurnal Pendidikan Geografi Undiksha*, Vol. 11, No. 2, (August, 2023), p.95

<sup>20</sup> Agus Tri Basuki Henry Krismawan, 2016, "Analisis Konsumsi Pangan Lokal di Kabupaten Bantul", (Kajian Pangan Lokal di Kabupaten Bantul Tahun 2016), p.10



hectares. Other crops that experienced an increase in harvested area include soybeans by 662 hectares and peanuts by 2,178.5 hectares.<sup>21</sup>

The agricultural sector is the largest contributor to the formation of national and domestic products, as well as the primary source of employment for the population. This sector is also one of the dominant sectors in terms of community income because the majority of the population works as farmers. Food security in Bantul Regency is a manifestation of agricultural sector policies outlined in Law Number 18 of 2012 on Food. Based on the above, the author is interested in conducting research in the form of a thesis which entitled **“IMPLEMENTATION OF SUSTAINABLE AGRICULTURAL POLICIES IN ACHIEVING FOOD SECURITY BASED ON LAW NUMBER 18 OF 2012 ON FOOD IN BANTUL REGENCY”**.

## **B. Research Problems**

1. How is the implementation of sustainable agricultural policies to achieve food security based on Law number 18 of 2012 on Food in Bantul Regency?
2. What are the supporting factors and inhibiting factors in realizing food security in Bantul Regency?

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<sup>21</sup> BPS, 2022, *Hasil KSA Padi Laporan Statistik Pertanian (SP) Tanaman Pangan*, <https://bantulkab.bps.go.id/subject/53/tanaman-pangan.html>, (accessed on 25 August 2023, 14:27)

### **C. Research Objectives**

1. To understand the implementation of sustainable agriculture policies in realizing food security based on Law number 18 of 2012 on food in Bantul Regency.
2. To identify the supporting factors and obstacles in achieving food security in Bantul Regency.

### **D. The Benefits of Research**

1. Theoretically

This research will contribute to sustainable agricultural policy in achieving food security based on Law Number 18 of 2012 on Food in Bantul Regency. It is expected to be beneficial as a lesson learned and valuable information regarding the formulation of norms in drafting a law, thereby assisting stakeholders in implementing the Food Law more accurately.

2. Practically

This research can be used as a basis for making policy recommendations in efforts to improve food security mechanisms based on Law Number 18 of 2012 on Food.