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## Legal Review of Legal Protection in the Determination of Sustainable Food Land in Ngawi Regency

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### ABSTARCT

Food cropland plays a strategic role in realizing food security, independence, and sovereignty in Indonesia, particularly in Ngawi Regency, East Java. However, the phenomenon of agricultural land conversion to non-agricultural sectors is increasing along with population growth, development needs, and weak spatial planning oversight in Ngawi Regency. This condition poses a serious threat to national food availability and reduces the welfare of farmers and rural communities in Ngawi Regency. This study aims to examine the legal aspects of legal protection for food cropland, particularly in the implementation of Law Number 41 of 2009 concerning the Protection of Sustainable Food Cropland in Ngawi Regency. The method used is normative legal research with legislative and conceptual approaches. The results of the study indicate that although Ngawi Regency has a legal framework in place, its implementation remains weak, especially at the regional level, where permanent agricultural land has not been optimally designated in the Regional Spatial Plan (RTRW). In addition, sanctions for violations related to land conversion have not been strictly enforced. Therefore, regulatory strengthening, synchronization of central and regional policies, and derivative legal instruments are required at the local level, particularly in Ngawi Regency. The protection of agricultural land not only concerns legal aspects but also encompasses broader social, economic, and ecological interests in an effort to ensure sustainable food availability.

**Keywords:** Legal protection, land conversion, food security.

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## INTRODUCTION

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As an agrarian country, Indonesia is highly dependent on the agricultural sector, particularly in providing food for its entire population (Mukhlis & Gürçam, 2022; Rozaki, 2020). Food security is a strategic aspect related not only to food availability but also to economic independence, social stability, and national sovereignty (de Carvalho & Reynolds, 2016; Salasa, 2021). In this context, agricultural land is a primary and fundamental factor supporting the national food system. Therefore, the management and protection of agricultural land, particularly that used for food, is crucial and cannot be ignored. Furthermore, this issue is closely related to the fulfillment of human rights guaranteed in the 1945 Constitution of the Republic of Indonesia.

The provisions of Article 28A and 28C paragraph (1) stipulate that: "Everyone has the right to live and the right to defend his life and livelihood." Article 28C paragraph (1) states that "Everyone has the right to develop themselves through fulfilling their basic needs, the right to receive education and to benefit from science and technology, art and culture, in order to improve the quality of their lives and for the welfare of humanity. Furthermore, the provisions of Article 33 paragraph (3) stipulate that: "The land and water and the natural resources contained therein are controlled by the State and used as much as possible for the prosperity of the people." Based on the provisions of Article 33 paragraph (3). One of the important factors in developing food security, independence and sovereignty is the availability of food agricultural land. Food agricultural land is part of the earth as a gift from God Almighty which is controlled by the state and used for the greatest prosperity and welfare of the people as mandated in the 1945 Constitution of the Republic of Indonesia. Meanwhile, food agricultural land in Indonesia is decreasing due to the conversion of agricultural land to non-agricultural functions (Kambu, 2021).

However, the phenomenon of agricultural land conversion to non-agricultural sectors such as residential, industrial, and infrastructure is increasingly prevalent (Erasu Tufa & Lika Megento, 2022). This conversion is often driven by rapid population growth, pressures from economic development, and weak oversight of land use (Iman, 2021). This situation poses a serious threat to the sustainability of agricultural land in Indonesia (Syuaib, 2016). One example is the conversion of agricultural land into industrial areas in Karawang Regency (Budhijana, 2023). This has resulted in a decline in the community's ability to maintain food security in the region (Yusriadi & Cahaya, 2022). Data from various institutions shows a significant annual decline in productive rice fields (Al Mamun et al., 2021). This not only disrupts domestic food availability but also weakens the position of farmers as key actors in the agrarian system (Savary et al., 2020).

This land conversion situation is worrying the Government and Regional Governments because it will make it difficult to achieve food independence, resilience, and sovereignty. Therefore, meeting the country's food needs is absolutely essential. Furthermore, food also holds important and strategic policy in Indonesia based on its social, economic, and political influence. However, food resilience, independence, and sovereignty face serious challenges due to the increasing availability of agricultural land being converted to non-agricultural land (Press, 2018). This problem demands that the State, namely the Government and Regional Governments, adopt policies to protect agricultural land so that the availability of agricultural land can be maintained to meet the right to food.

In response to these conditions, the Indonesian government has normatively regulated the protection of food agricultural land through Law Number 41 of 2009 concerning the Protection of Sustainable Food Agricultural Land (PLP2B). This law serves as a legal instrument to prevent uncontrolled land conversion and ensure the sustainability of agricultural land for future generations. It includes provisions regarding the designation of sustainable food agricultural land,

spatial planning, the provision of incentives and disincentives, and monitoring and sanctions for violations. However, although this regulation was enacted more than a decade ago, its implementation still faces various challenges.

One of the main issues lies in the legal aspects of designating sustainable agricultural land. This designation requires coordination and synchronization between the central and regional governments in terms of spatial planning, land tenure, and legal certainty for farmers and agribusiness actors. However, in practice, many regional governments have not designated or have suboptimally designated permanent agricultural land in their Regional Spatial Plans (RTRW) (Hasddin et al., 2025). Furthermore, weak political commitment, limited resources, and pressure from the business and property sectors have also weakened the effectiveness of existing regulations.

From a legal perspective, this situation demonstrates a discrepancy between legal norms (*das sollen*) and the reality of implementation (*das sein*). The PLP2B Law provides a strong mandate for land protection, but its implementation remains far from ideal. The designation of sustainable food cropland as permanent land is often ignored or even altered for short-term investment interests. This situation creates a legal vacuum in concrete agricultural land protection at the local level. Therefore, a legal review of the legal framework governing the protection and designation of sustainable food cropland is urgently needed.

This study is important not only to assess the effectiveness of legal norms in regulating and binding policy actors, but also to encourage the development of more operational derivative policies and legal instruments at the regional level, particularly in Ngawi Regency. By examining the legal aspects of laws and regulations, including highlighting the legal politics behind the enactment of Law No. 41 of 2009 and its derivative regulations, it is hoped that it will provide a more comprehensive understanding of the legal position of agricultural land within the national agrarian system. This is also relevant to the agrarian reform efforts initiated by the government to achieve agrarian justice and national food security. The threat to food security due to rampant conversion is fundamentally significant. Ngawi Regency, previously a self-sufficient rice region, has now become a region that imports rice from other regions. This threat to food security not only causes reduced rice production but also disrupts economic, social, and political stability, and population growth in general (Subekti, 2019).

Furthermore, in the context of spatial planning and environmental law, the protection of sustainable agricultural land must be seen as part of the Sustainable Development Goals (SDGs), specifically Goal 2 (Zero Hunger) and Goal 15 (Life on Land). Therefore, efforts to protect agricultural land from the threat of conversion are also closely related to issues of climate change, land degradation, and farmers' rights to natural resource management (Afandi, Anomsari, & Novira, 2022). Therefore, the legal approach in this study is not only limited to a normative analysis of applicable regulations but also considers the social and economic dynamics that influence the effectiveness of such legal protection, specifically the case study in Ngawi Regency.

Furthermore, it is also important to review the role of the Ngawi Regency Government in exercising its authority as mandated by decentralization. The Central Government Law grants the Ngawi Regency Government broad autonomy to regulate local affairs, including spatial planning (Afandi et al., 2022). However, many regions, including Ngawi Regency, lack policies and regulations explicitly governing the protection of sustainable agricultural land. This absence of local regulations reinforces legal loopholes that can be exploited by certain parties to carry out land conversions that are formally legal but substantially problematic for social and environmental justice.

This legal review will also consider aspects of law enforcement and the effectiveness of sanctions imposed on land conversion violations. To date, the administrative and criminal sanctions stipulated in the PLP2B Law have not been strictly enforced. This raises questions about the capacity and commitment of law enforcement officials to agricultural land protection efforts in Ngawi Regency. Furthermore, farming communities are often disadvantaged in terms of both legal knowledge and access to justice.

Previous research by Setiadi (2013) explored the legislative framework for the protection of agricultural land under Law Number 41 of 2009 concerning the Protection of Sustainable Food Agricultural Land (PLP2B), highlighting the legal mechanisms established to prevent land conversion and ensure sustainable use of agricultural land in Indonesia. Setiadi's study emphasizes the importance of spatial planning and government regulations in maintaining food security and agricultural land sustainability. However, the research mainly focuses on the theoretical aspects of legal frameworks without delving deeply into the practical challenges that local governments face in enforcing these regulations.

Similarly, Wicaksana et al. (2020) conducted research on the access to justice in Indonesia and identified several barriers that marginalized communities face in securing legal protection, particularly in land-related disputes. The study underscores the socio-economic issues hindering effective legal enforcement of agricultural land protection laws. However, this research is limited in terms of examining specific cases of agricultural land conversion, particularly in rural regions like Ngawi Regency, where rapid industrialization and population growth have led to increased land conversion pressures.

Thus, this background demonstrates that legal protection for the designation of sustainable food land is a strategic and complex issue that requires in-depth study from a normative, structural, and functional perspective. This study aims to contribute to the development of more effective legal instruments and policies at the regional level, particularly in rural and semi-urban areas facing high land conversion pressures. This study is expected to provide theoretical and practical contributions to the formulation of agrarian legal policies that are fair, sustainable, and in favor of long-term public interest.

## **RESEARCH METHOD**

This research is a type of normative legal research (Soekanto & Mamudji, 2005) which aims to examine the applicable laws and regulations relevant to legal protection in the determination of sustainable food agricultural land in Ngawi Regency. Normative legal research is conducted by examining legal materials in the form of primary laws and regulations, such as Law Number 41 of 2009 concerning the Protection of Sustainable Food Agricultural Land, as well as secondary legal materials such as literature, research results, journals, and opinions of legal experts. This approach is used to explore the legal basis and juridical norms that regulate and support agricultural land protection policies in the context of national food security, especially in Ngawi Regency.

This study uses two main approaches: a conceptual approach *and* a statutory approach. The conceptual approach is used to understand and interpret legal concepts related to agricultural land protection, food sovereignty, and sustainability in the context of agrarian law and spatial planning (Soekanto & Mamudji, 2005). Meanwhile, the statutory approach is used to examine legal norms contained in various regulations, both national and regional, which directly or indirectly influence the existence and protection of agricultural land.

The data sources used in this study consist of primary, secondary, and tertiary legal materials. Therefore, this research is a descriptive qualitative study with a library research approach

(Darmalaksana, 2020). Primary legal materials include laws, government regulations, ministerial regulations, and related regional regulations. Secondary legal materials are obtained from scientific studies, law books, and journal articles that support conceptual analysis and legal practice in the field. Tertiary legal materials include legal dictionaries, legal encyclopedias, and regulatory indexes that help clarify the use of legal terminology and classification in this study.

## RESULTS AND DISCUSSION

### Determination of Agricultural Land Conversion for Non-Food Needs in Ngawi Regency

Land use is any form of human intervention on land to meet their needs, both material and spiritual. Land use reflects the reciprocal relationship between humans and the environment, where land is utilized for various purposes such as settlements, agriculture, industry, conservation, and other socio-cultural activities. Land use can be grouped into two large categories: agricultural land use and non-agricultural land use (Ardiansah, 2021). Both categories often experience dynamics and pressures due to population growth, urbanization, and changes in development policies that can lead to land conversion. Therefore, sustainable land use management is crucial to maintaining a balance between meeting human needs and environmental preservation in Ngawi Regency.

Agricultural land use encompasses activities such as food crop cultivation, horticulture, plantations, livestock farming, and inland fisheries. These activities play a crucial role in providing food and ensuring public welfare, while also contributing to food security in Ngawi Regency. Meanwhile, non-agricultural land use in Ngawi Regency includes land use for residential areas, industrial areas, road and transportation infrastructure, public facilities, trade and service areas, and protected areas or environmental conservation. Therefore, determining land availability for sustainable land use requires a separate analysis, which is then visualized in map form. This map creation can be done using Geographic Information Systems (GIS) technology. GIS is defined as a system designed to assist in data collection, data processing, data *modeling analysis*, and the presentation of *spatial/graphic data and attribute/textual* or descriptive data (Fadillah, 2021).

In the context of land use, one of the serious challenges threatening food security in Ngawi Regency is the conversion of agricultural land. This shift in land use from the agricultural to non-agricultural sector has a significant impact, not only on the decline in food production capacity, but also on the sustainability of the physical environment and the socio-economic stability of rural communities that are heavily dependent on the agricultural sector as their primary source of livelihood (Sanjesti & Silviana, 2025). Land conversion, particularly of fertile and productive agricultural land, occurs on a fairly massive scale, but has not been balanced by adequate replacement strategies, such as programs for creating new agricultural land or revitalizing other potential land. This imbalance exacerbates the risk of losing the long-term food production base and narrowing the living space for farmers, which ultimately has implications for the weakening of the rural socio-economic structure and increasing regional development inequality (Armaya, 2025).

Uncontrolled urbanization has triggered massive urban expansion, squeezing agricultural spaces in rural areas directly adjacent to cities. This land conversion process, driven by urbanization pressure, has caused rural populations to lose access to key resources that support their well-being, particularly agricultural land, the primary source of livelihoods for agrarian communities. A further impact of this situation is the large-scale increase in rural-urban migration, which unfortunately is not accompanied by a prepared urban economic structure, particularly in terms of providing adequate employment (Prihatin, 2015). This situation poses a serious threat to food security in Ngawi Regency, potentially forcing Indonesia to rely on food imports to meet

domestic demand. Amidst continued population growth, various disruptions to food production have raised concerns about a future food crisis. Consequently, in the future, Indonesia will face demands to significantly increase food availability, including the need to expand and protect agricultural land as the primary basis for food production in Ngawi Regency (Lasminingrat & Efriza, 2020).

Land conversion is a change in the function of part or all of a land area from its original function (as planned) to another function that has a negative impact (problem) on the environment and land potential. Land conversion can also be interpreted as a change to another use caused by factors that in general according to Pasandaran, (2006), there are three factors, either individually or together, which are determinants of land conversion, namely the scarcity of land and water resources, development dynamics, and population growth. The impact of land conversion is not only felt by land owners, but can be felt widely by all levels of society (Angraini, Selpiyanti, & Walid, 2020).

In addition to causing decreased productivity, land conversion also has a further impact on increasing the risk of drought and attacks by plant pests. The land conversion that occurs is irreversible or cannot be returned to its original function, while various efforts to overcome the decline in productivity are often hampered by limited development budgets, minimal availability of land resources, and low adoption of agricultural technology innovations. In this context, the protection of food cropland cannot be separated from the agrarian reform agenda, which includes the arrangement of land control and ownership as well as the regulation of its use and utilization. This is in line with the provisions of Article 2 of the Decree of the People's Consultative Assembly of the Republic of Indonesia Number IX/MPR-RI/2001 concerning Agrarian Reform and Natural Resource Management, which emphasizes the importance of reforming the agrarian structure in a just and sustainable manner (Hadi, Rahayu, Herliana, & Widiyawati, nd).

According to Irawan, land conversion is essentially caused by competition in land use between the agricultural and non-agricultural sectors, as is the case in Ngawi Regency. This competition is triggered by three main phenomena in the economic and social spheres, namely: (1) limited land resources, (2) population growth, and (3) economic growth. The limited land available in Ngawi Regency makes allocations for agricultural and non-agricultural activities increasingly competitive, especially amidst the increasing need for land due to population growth. In this context, the conversion of agricultural land for food has a direct impact on the narrowing of the area of land cultivated by farmers, which in turn reduces their level of welfare. Therefore, efforts to control land conversion through agricultural land protection policies for food in Ngawi Regency are a strategic step in realizing food security and sovereignty. This policy also plays an important role in supporting the increase in farmer prosperity and the welfare of the wider community (Dinaryanti & Atmanti, 2014).

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The vision of sustainable agricultural development is to create a just, prosperous society free from the cycle of poverty. This vision has been universally accepted and serves as the basis for the development of sustainable agriculture principles in many countries, including Ngawi Regency. Therefore, developing a sustainability-oriented agricultural system is a strategic mission to achieve food security, farmer welfare, and natural resource conservation. Sustainable food agriculture is crucial for the Ngawi community, which relies heavily on the agricultural sector, as agricultural land not only has economic value but also social, cultural, and religious values. However, population growth, increasing food needs, and high demand for land for development have put pressure on agricultural land. Therefore, in accordance with Article 49 of Government Regulation

Number 1 of 2011, systematic efforts to protect and optimize agricultural land are needed to strengthen national food sovereignty (Fitria et al., 2024).

### **Basic Concept of Sustainable Food Agricultural Land in the Regency Ngawi in Legal Perspective**

In practice, law functions not only at the macro level as a safeguard of social order or at the micro level in resolving individual legal issues. Furthermore, law also plays a strategic role as an instrument of social engineering. In this context, law can be utilized as a means to shape or change social conditions that potentially disrupt food security, independence, and sovereignty, toward creating a more supportive environment for the sustainable protection of agricultural land. Thus, the sustainability of agricultural land in Ngawi Regency can be maintained.

Strategic efforts to control agricultural land conversion and protect productive agricultural land need to be supported by legislation. To continuously protect food agricultural land, provisions have been established in Law Number 41 of 2009 concerning the Protection of Sustainable Agricultural Land. This provision needs to be further elaborated by the Regional Government of Ngawi Regency as stipulated that the Province, Regency/City, determines sustainable food agricultural land, one of which is the obligation to designate agricultural areas in the Regional Spatial Plan so that its existence is expected to be sustainable.

The phenomenon of agricultural land conversion in Ngawi Regency raises serious concerns for the central and provincial governments, as it could hamper the achievement of strategic goals of national food independence, resilience, and sovereignty. In this context, meeting food needs is an absolute requirement that must be guaranteed by the state. Furthermore, food holds strategic value in Indonesia due to its broad impact on social, economic, and political aspects. However, the increasing conversion of agricultural land to non-agricultural use in Ngawi Regency continues, threatening the sustainability of the national food system. Therefore, firm and targeted action is needed from the state, both through central and regional government policies, to guarantee the protection of agricultural land and ensure the fulfillment of the right to food for all citizens.

In its role as a tool of social engineering, law is seen as having a powerful influence in driving social change. This change is directed from a less-than-ideal situation to a more positive and constructive condition for community life. Legally, the existence of legal regulations is based on the view that every legal provision is a concrete form of a legal norm that has empirical implications for community life. This understanding is based on the assumption that every legal rule not only reflects normative values but also responds to the social reality that underlies it. This view aligns with the thinking of Robert B. Seidman, who stated that:

*Every rule of law is a norm, as John Austin grasped when he defined law as a 'command'. It is a rule prescribing the behavior of the role occupants. One can divide all norms between law and custom. By custom I mean any norm which people come to hold or to follow without its having been promulgated by an agency of the state. By 'a law' or 'a rule of law', I mean any norm so promulgated. A custom becomes a law when it is so promoted. This definition ignores the question, whether a role-occupant has internalized a rule of law. It leaves problematic, whether role performance matches the behavior prescribed by the rule. 'Phantom' laws-rules promulgated the state which do not induce the prescribed behavior may still appropriately be designated rules of law. (Seidman, 1978)*

In relation to the legal norms governing sustainable food agricultural land in the legislation, the provisions of Article 33 paragraph (3) stipulate that: "The land and water and the natural

resources contained therein are controlled by the State and used as much as possible for the prosperity of the people." Referring to the provisions of Article 33 paragraph (3) of the 1945 Constitution, food agricultural land is part of natural resources, a gift from God Almighty which is under the control of the state and must be utilized as much as possible for the prosperity of the people. This provision is in line with the mandate of the Preamble to the 1945 Constitution of the Republic of Indonesia which emphasizes that the main objective of the formation of the state is: "... to protect all the Indonesian people and all of Indonesia's homeland and to advance general welfare, to educate the nation's life and to participate in implementing world order based on independence, eternal peace, and social justice...." (Hendro Wibowo, & Dwi Putro, 2022).

Based on the basic concept of the state, the purpose of its establishment, and its constituent elements, the government's primary concern should be focused on the welfare of the people as one of the fundamental elements in the existence of a state. The noble idea regarding the purpose of the state as stated in the Preamble to the 1945 Constitution of the Republic of Indonesia is to realize the welfare of all people. In an effort to carry out this responsibility, especially in ensuring land protection, as well as building independence, resilience, and food sovereignty, the state formulates and implements policies through legal regulations, one of which is by establishing Law Number 41 of 2009 concerning the Protection of Sustainable Food Agricultural Land (Setiadi, 2013).

As an implementation of Law Number 41 of 2009 concerning the Protection of Sustainable Food Agricultural Land, the government has established Government Regulation Number 1 of 2011 concerning the Determination and Conversion of Sustainable Food Agricultural Land, as well as Government Regulation Number 30 of 2012 concerning Financing for the Protection of Sustainable Food Agricultural Land. In this context, the law plays its role as a form of affirmative action, namely a strategic step to expand access and opportunities for certain individuals or groups to achieve progress within a certain period. One form of this is through policies providing incentives and rewards, which encourage farmers and landowners to designate their land as part of a sustainable food agricultural area and prevent land conversion.

On the other hand, Lawrence M. Friedman states that law should be understood as a complete system, consisting of three main elements. These three elements include (Saleng, 2004):

1. Legal substance, namely general rules and norms.
2. *Legal* structure, namely law enforcers such as police, prosecutors, judges and lawyers as well as institutions that produce legal products.
3. Legal culture, which includes ideas, views about law, habits, ways of thinking and acting, is part of culture in general, which can cause people to obey or, conversely, deviate from what has been formulated in the substance of the law.

According to Soerjono Soekanto (2011), there are several factors that influence law enforcement, namely:

1. The legal factors themselves, which are related to statutory regulations.
2. Law enforcement factors, namely the parties who form and implement the law.
3. Factors of facilities and infrastructure that support law enforcement
4. Social factors, namely the environment in which the law applies
5. Cultural factors, namely as a result of work, creativity and feelings which are based on human will in social life.

Referring to these two perspectives, the policy of protecting sustainable agricultural land in Ngawi Regency is essentially an initial step that must be followed by concrete action, namely a comprehensive interpretation of the substance of Law Number 41 of 2009. This interpretation must include an understanding of the direction of legal policy and the objectives of the regulation's

formation. Because a law that has been formed is not only required to be enforced effectively, but also must be able to fulfill its basic function of providing legal certainty, benefiting the community, and realizing substantive justice.

In practice in Ngawi Regency, this is evident in the increasing conversion of productive rice fields, particularly in strategic areas along the Solo-Ngawi-Kertosono toll road and areas close to the city center. Land conversion in these areas is often driven by development pressures, whether for housing, public facilities, or other economic activities. Yet, Ngawi is a major contributor to rice production in East Java, so the loss of agricultural land in this region will directly impact regional food security.

The policy of protecting food land in Ngawi through the designation of Sustainable Food Agricultural Land in the Regional Spatial Plan (RTRW) has begun, but its implementation still faces serious challenges. Among these are weak oversight and the suboptimal provision of incentives to farmers to maintain the function of their rice fields. This situation demonstrates a gap between the ideal legal norms stipulated in Law No. 41 of 2009 and the reality of their implementation at the regional level. Thus, the Ngawi case study demonstrates that without strong political commitment, operational derivative regulations, and firm law enforcement mechanisms, the protection of sustainable food agricultural land will remain merely normative.

### **Legal Policy for Sustainable Food Crop Land Protection in Ngawi Regency**

The Preamble to the 1945 Constitution explicitly states that the Indonesian state was established with the aim of "*protecting the entire Indonesian nation and its entire homeland, and to advance the general welfare, to educate the nation, and to participate in establishing a world order based on freedom, eternal peace, and social justice*" (Wibowo et al., 2022). Therefore, the state's responsibility to protect all citizens and improve the welfare of society is a key pillar of state governance. One concrete manifestation of this protection is the guarantee of the right to food, which is classified as an essential human right and must be fulfilled by the state.

Legally, the basis of the Government's authority in regulating land affairs is rooted in Article 33 paragraph (3) of the 1945 Constitution which states that; "*the earth, water, and natural resources contained therein are controlled by the State to be used for the greatest prosperity of the people*" (Wibowo et al., 2022). In the period before the amendment to the 1945 Constitution, the meaning of Article 33 paragraph (3) was further explained in the fourth paragraph of the Explanation of Article 33, which contains the provision that; "*the earth and water and natural resources contained therein are the mainstays of the people's prosperity. Therefore, they must be controlled by the State and used for the greatest prosperity of the people.*" This was further regulated in Law Number 5 of 1960 concerning Basic Agrarian Principles (UUPA) (Indonesia, 1960).

The provisions of Article 2 of the UUPA, which are the implementing regulations for Article 33 paragraph 3 of the 1945 Constitution, define the right to control Natural Resources by the State as follows (Agustiwi, 2019):

1. Based on the provisions of Article 33 paragraph 3 of the 1945 Constitution and matters as referred to in Article 1, the earth, water and airspace including the natural resources contained therein are controlled at the highest level by the State, as the organization of power of all the people. The State's right to control as stated in paragraph 1 of this article provides the authority to:
  - a. Regulate and organize the allocation, use, supply and maintenance of the earth, water and space.

- b. Determine and regulate legal relationships between people and the earth, water and space.
  - c. Determine and regulate legal relationships between people and legal actions concerning earth, water and space.
2. The authority derived from the State's right to control as stated in Article 33, paragraph 2, is used to achieve the greatest prosperity of the people in the sense of national welfare, freedom in society and a free, sovereign, just and prosperous Indonesian state based on the rule of law.
  3. The implementation of the State's right to control mentioned above can be delegated to regions, private sector and customary law communities, as necessary and not in conflict with national interests, according to the provisions of the applicable regulations.

Based on Article 2 of the UUPA and its explanation, according to the UUPA concept, the meaning of "controlled" by the State does not mean "owned", but rather the right that gives the State the authority to control as mentioned above. The content of the State's authority that is based on the right to control natural resources by the State is solely public in nature, namely, the authority to regulate (regulatory authority) and not to physically control the land and use the land as the authority of the holder of land rights that is "private" (Ramdani Rahmat, 2016).

This is in line with the provisions in Article 28A and Article 28C of the 1945 Constitution of the Republic of Indonesia and also in accordance with *Article 25 of the Universal Declaration of Human Rights Juncto Article 11 of the International Covenant on Economic, Social, and Cultural Rights (ICESCR)* (Pinto, 2022). As part of the effort to realize the welfare of the community, the development of food security and sovereignty is an urgent strategic agenda that must be realized. In this context, the development of the agricultural sector in Ngawi Regency in a sustainable manner is a must. One important step to curb the rate of conversion of agricultural land is through legal regulations, as stipulated in the Law of the Republic of Indonesia Number 41 of 2009 concerning the Protection of Sustainable Food Agricultural Land (Setiadi, 2013). This regulation is expected to be able to guarantee the availability of sufficient agricultural land as a foundation to strengthen food independence, security, and sovereignty in Ngawi Regency. The objectives of Law Number 41 of 2009 are to;

1. Protecting food agricultural areas and lands sustainably
2. Ensuring the availability of sustainable food agricultural land
3. Realizing food independence, resilience and sovereignty
4. Protecting ownership of agricultural land owned by farmers
5. Increasing prosperity and welfare of farmers and society
6. Improving farmer protection and empowerment
7. Increasing the provision of employment opportunities for a decent life
8. Maintaining ecological balance, and
9. Realizing agricultural revitalization

Both the central and regional governments implement development initiatives to achieve public welfare, as mandated by law. This development is directed in an integrated, phased, and sustainable manner, in line with each region's vision and mission, outlined in annual, medium-term, and long-term development planning documents. In this development process, the need for land is an integral element in almost all sectors (Afandi et al., 2022).

In an effort to realize sustainable development, particularly in terms of increasing food production and availability, policies regarding food independence, resilience, and sovereignty in Ngawi Regency are strategic pillars in maintaining food security in Indonesia. To support this

policy, Law Number 41 of 2009 concerning the Protection of Sustainable Food Agricultural Land has been issued, which was then strengthened by Government Regulation Number 1 of 2011 concerning the Determination and Conversion of Sustainable Food Agricultural Land (Setiadi, 2013). These two regulations regulate in detail the efforts to protect agricultural land and establish provisions and mechanisms for land conversion, particularly in the context of implementing public interests and disaster management.

## CONCLUSION

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The legal review of legal protection for the designation of sustainable agricultural land in Ngawi Regency shows that the massive conversion of agricultural land poses a serious threat to local food security, independence, and sovereignty. This issue is mainly driven by population growth, development demands, and weak land-use regulation and enforcement. Although Law Number 41 of 2009 on the Protection of Sustainable Food Agricultural Land provides a solid legal foundation, its implementation in Ngawi Regency remains suboptimal, particularly in the determination of permanent agricultural zones in the RT/RW and the application of sanctions against violations. Strengthened coordination between the central and regional governments is essential through policy harmonization, regional regulation formulation, and the provision of incentives and legal support for farmers. Future research could focus on evaluating the effectiveness of local policy instruments and community participation mechanisms in ensuring sustainable land governance and food security in rural regions like Ngawi.

## REFERENCES

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- Afandi, M. N., Anomsari, E. T., & Novira, A. (2022). *Pembangunan daerah: Tinjauan model konseptual pembangunan berkelanjutan atau sustainable development goals (SDGs) dalam penyelenggaraan pemerintahan daerah*. Deepublish.
- Agustiwi, A. (2019). *Hukum dan kebijakan hukum agraria di Indonesia*. Fakultas Hukum, Universitas Surakarta, 5, 63–65.
- Al Mamun, M. A., Nihad, S. A. I., Sarkar, M. A. R., Aziz, M. A., Qayum, M. A., Ahmed, R., Rahman, N. M. F., Hossain, M. I., & Kabir, M. S. (2021). Growth and trend analysis of area, production and yield of rice: A scenario of rice security in Bangladesh. *PLOS ONE*, 16(12), e0261128.
- Angraini, F., Selpiyanti, S., & Walid, A. (2020). Dampak alih fungsi lahan terhadap degradasi lingkungan: Studi kasus lahan pertanian sawah menjadi lahan nonpertanian. *Jurnal Swarnabhumi*, 5(2).
- Armaya, I. (2025). Kajian dampak alih fungsi lahan pertanian terhadap ketahanan pangan daerah. *Circle Archive*, 1(7).
- Budhijana, R. B. (2023). *Pengaruh unsur institusional terhadap produktivitas petani beras dalam analisa ekonomi syariah di Karawang dan Indramayu*. Indonesia Banking School.
- de Carvalho, P., & Reynolds, B. (2016). Food sovereignty, food security and sustainable development: Environmental and economic challenges. *Problems of Agricultural Economics*, 2, 2016.
- Erasu Tufa, D., & Lika Megento, T. (2022). Conversion of farmland to non-agricultural land uses in peri-urban areas of Addis Ababa metropolitan city, Central Ethiopia. *GeoJournal*, 87(6), 5101–5115.
- Fadillah, M. H. (2021). *Analisis spasial ketersediaan lahan untuk penggunaan lahan berkelanjutan di Kabupaten Muaro Jambi*. Sekolah Tinggi Pertanahan Nasional.

- Fitria, E. A., Utama, A. D., Suhendra, D., Harahap, E. J., Karina, I., Aisyah, S., Mustamu, N. E., & Rahman, A. (2024). *Pertanian berkelanjutan*. Yayasan Tri Edukasi Ilmiah.
- Hasddin, I., Hut, S., Sari Octavia, S. T., Sutrisno, I. A., Gani, P. J. A., Uda, N., & PWK, S. P. M. (2025). *Dinamika rencana tata ruang wilayah (RTRW): Sejarah, teori, & peninjauan ulang RTRW*. Madani Kreatif Publisher.
- Iman, M. (2021). *Perubahan alih fungsi lahan*. Deepublish.
- Kambu, W. M. (2021). Tinjauan yuridis tentang hak asasi manusia berdasarkan Pasal 28D ayat (3) Undang-Undang Dasar 1945. *Lex Et Societatis*, 9(1).
- Lasminingrat, L., & Efriza, E. (2020). Pembangunan lumbung pangan nasional: Strategi antisipasi krisis pangan Indonesia. *Jurnal Pertahanan dan Bela Negara*, 10(3), 243–260.
- Mukhlis, I., & Gürçam, Ö. S. (2022). The role of agricultural sector in food security and poverty alleviation in Indonesia and Turkey. *Asian Journal of Agricultural Extension, Economics & Sociology*, 40(11), 430–436.
- Pinto, M. (2022). *International covenant on economic, social and cultural rights*. United Nations Audiovisual Library of International Law. [https://legal.un.org/avl/pdf/ha/icescr/icescr\\_e.pdf](https://legal.un.org/avl/pdf/ha/icescr/icescr_e.pdf)
- Press, U. G. M. (2018). *Pertanian terpadu untuk mendukung kedaulatan pangan nasional*. UGM Press.
- Prihatin, R. B. (2015). Alih fungsi lahan di perkotaan (Studi kasus di Kota Bandung dan Yogyakarta). *Jurnal Aspirasi*, 6(2), 105–118.
- Ramdani, R. (2016). *Dasar-dasar hukum agraria*.
- Rozaki, Z. (2020). COVID-19, agriculture, and food security in Indonesia. *Reviews in Agricultural Science*, 8, 243–260.
- Salasa, A. R. (2021). Paradigma dan dimensi strategi ketahanan pangan Indonesia. *Jejaring Administrasi Publik*, 13(1), 35–48.
- Sanjesti, W., & Silviana, A. (2025). Dampak alih fungsi lahan pertanian menjadi lahan kering. *Legal Standing: Jurnal Ilmu Hukum*, 9(2), 420–435.
- Savary, S., Akter, S., Almekinders, C., Harris, J., Korsten, L., Rötter, R., Waddington, S., & Watson, D. (2020). Mapping disruption and resilience mechanisms in food systems. *Food Security*, 12(4), 695–717.
- Subekti, R. (2019). *Politik hukum pengendalian alih fungsi tanah pertanian dalam mewujudkan ketahanan pangan* [Tesis]. Universitas Sebelas Maret.
- Syuaib, M. F. (2016). Sustainable agriculture in Indonesia: Facts and challenges to keep growing in harmony with environment. *Agricultural Engineering International: CIGR Journal*, 18(2), 170–184.
- Wibowo, F. S., Hendro Wibowo, G. D., & Dwi Putro, W. (2022). Implementasi pembaruan agraria dan pengelolaan sumber daya alam terhadap access reform. *Kertha Semaya: Journal Ilmu Hukum*, 10(9), 2027. <https://doi.org/10.24843/ks.2022.v10.i09.p06>
- Yusriadi, Y., & Cahaya, A. (2022). Food security systems in rural communities: A qualitative study. *Frontiers in Sustainable Food Systems*, 6, 987853.

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