

Protection of Sustainable Food Agricultural Land in the Lens of Regional Autonomy: Realizing Food Sovereignty From-Below

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Abstract

This research examines the legal discrepancies between *das sollen* (what ought to be) and *das sein* (what is) in the protection of Sustainable Food Agricultural Land (Perlindungan Lahan Pertanian Pangan Berkelanjutan, PLP2B). Following the enactment of Law No. 41 of 2009 in conjunction with Article 124 of Law No. 6 of 2023, the protection of PLP2B involves the establishment of: (1) Sustainable Food Agricultural Areas (Kawasan Pertanian Pangan Berkelanjutan, KP2B); (2) Sustainable Food Agricultural Land (Lahan Pertanian Pangan Berkelanjutan, LP2B), both within and outside KP2B; and (3) Sustainable Food Agricultural Reserve Land (Lahan Cadangan Pertanian Pangan Berkelanjutan, LCP2B), also within and outside KP2B, as stipulated in Article 18 of Law No. 41 of 2009. Despite the enactment of Law No. 41 of 2009, which mandates that regions designate KP2B, LP2B, and LCP2B in their Regional Spatial Planning

Regulations, data indicates that many districts and cities have yet to comply. This demonstrates that regional governments have not prioritized the implementation of PLP2B as a matter requiring urgent follow-up. The objective of this study is to examine and analyze the protection of sustainable food agricultural land using the lens of regional autonomy and food sovereignty from-below (region). This study employs normative legal research[1.1][1.2], this study concludes that the protection of Sustainable Food Agricultural Land is a shared responsibility of the government, both at the central and regional levels. If food sovereignty and/or food sufficiency can be effectively achieved at the local level, then national food sovereignty will also be automatically realized.

Keywords

Protection of Sustainable Food Agricultural Land, Regional Autonomy, Food Sovereignty, Region

A. Introduction

The conception of the Indonesian state governed by law, as articulated in the Preamble to its Constitution, embodies an aspiration to establish a nation that is independent, unified, sovereign, just, and prosperous.¹ One important articulation of this sovereign aspiration is reflected in the discourse on food sovereignty, which in the Indonesian context often takes the form of *swasembada pangan* (food self-sufficiency). Efforts to realize this dimension of national aspiration may be pursued through, among other measures, the protection of sustainable agricultural land for food production. Within the framework of positive law, such protection is principally governed by Law No. 41 of 2009 on the Protection of Sustainable Food Agricultural Land. This legal framework has subsequently been partially amended through Article 124 of Law No. 6 of 2023 on the Stipulation of Government Regulation in Lieu of Law No. 2 of 2022 on Job Creation into Law (hereinafter referred to as Law No. 6 of 2023).

The background of this legal research is grounded in an examination of normative legal problems and the gap between *das sollen* (what ought to be) and *das sein* (what is in practice) in the context of protecting sustainable food agricultural land. Following the enactment

¹ This was taken from the second paragraph of the Preamble to the 1945 Constitution of the Republic of Indonesia, which has been acknowledged as the *Rechtsidee* of the nation-state.

of the legal framework on the Protection of Sustainable Food Agricultural Land, as stipulated in Law No. 41 of 2009 in conjunction with Article 124 of Law No. 6 of 2023, the regime of Perlindungan Lahan Pertanian Pangan Berkelanjutan (PLP2B) is, in principle, implemented through the designation of: first, Sustainable Food Agricultural Areas (*Kawasan Pertanian Pangan Berkelanjutan*, KP2B); second, Sustainable Food Agricultural Land (*Laban Pertanian Pangan Berkelanjutan*, LP2B), both within and outside KP2B; and third, Sustainable Food Agricultural Reserve Land (*Laban Cadangan Pertanian Pangan Berkelanjutan*, LCP2B), also within and outside KP2B. These classifications are explicitly provided for in Article 18 of Law No. 41 of 2009.

The designation of LP2B is of particular significance, as land that has been formally designated as Sustainable Food Agricultural Land is afforded legal protection and is, in principle, prohibited from being converted, as stipulated in Article 44 paragraph (1) of Law No. 41 of 2009 in conjunction with Article 124 of Law No. 6 of 2023. Consequently, the establishment of LP2B serves as a legal mechanism to restrict and control the conversion of agricultural land, thereby reinforcing the broader objective of safeguarding sustainable food production.

Furthermore, CHAPTER XVII Transitional Provisions Article 75 of Law No. 41 of 2009 essentially mandates that: *first*, Regional Spatial Plan of Regency / City that have not established KP2B, LP2B and LCP2B as referred to in Article 18 are adjusted within a maximum of 2 (two) years from the enactment of Law No. 41 of 2009 (October 14, 2009). This means that the latest stipulation is October 14, 2011; *second*, when Law No. 41 of 2009 comes into force, while the Regional Spatial Plan of Regency / City has been stipulated, the determination of KP2B, LP2B, and LCP2B as referred to in Article 18 is carried out by the regent / mayor until an amendment is made to the Regional Spatial Plan of Regency / City Regional Regulation.

Although it has been clearly mandated as referred to in Article 75 of Law No. 41 of 2009, data as reported by the agroindonesia website entitled “30 Provinsi Terbitkan Perda LP2B dan RTRW²” (30 Provinces Publish LP2B and Regional Spatial Plan Regulations) published on July 06, 2020 shows that regents/mayors in Indonesia have not fully implemented this mandate. In fact, local governments basically have an important role in preventing the conversion of food agricultural land as referred to in Law No. 41 of 2009. Agro Indonesia data noted that in November 2019, the results of the LP2B recapitulation determined that

² The Regional Spatial Plan (Rencana Tata Ruang Wilayah, RTRW).

there were 481 regencies/cities that had obtained RTRW regulations. The stipulation is in accordance with Law No. 41 of 2009, which can basically restrain the rate of conversion of land that has been designated as Sustainable Food Agricultural Land. Of the 481 districts/municipalities, only 221 districts/municipalities stipulated LP2B in their RTRW regulations and 260 districts/municipalities did not stipulate LP2B in their RTRW regulations.³ This shows that there are still many districts/municipalities that do not stipulate LP2B in their RTRW regulations, even though Law No. 41 of 2009 has been enacted since 2009 and contains a mandate to the regions as referred to in Article 75 of Law No. 41 of 2009 (ideally no later than October 14, 2011).

The study on the Protection of Sustainable Food Agricultural Land basically has a strong correlation with the regions, because the implementation of PLP2B is very much related to the important role of local governments and communities to be able to realize it. Therefore, efforts to protect sustainable food agricultural land are not only the responsibility of the central government, but also of local governments. Local governments have an important role to play in realizing Indonesia's goal of food sovereignty.

There have been many studies on the protection of sustainable food agricultural land, but none have specifically addressed the Protection of Sustainable Food Agricultural Land in the Lens of Regional Autonomy and the Idea of Realizing Food Sovereignty From-Below. Some of these studies represent the state of the art in this context and provide recent contributions.

Erfian Nur Dirman's research in the form of a dissertation (2018) entitled “Perlindungan Hukum Terhadap Tanah Pertanian Pangan yang Berkelanjutan dalam Perspektif Otonomi Daerah” (Legal Protection of Sustainable Food Agricultural Land in the Perspective of Regional Autonomy) shows that legal protection of agricultural land in a sustainable manner is important to ensure food availability and job availability. However, the legal protection has not been running optimally due to the conversion of food agricultural land. Preventive means of legal protection are carried out through controlling the conversion of functions and protecting food agricultural land, while repressive means are through the enforcement of rules in the form of sanctions. Local governments are authorized to formulate regulations and are responsible for controlling the conversion of food agricultural

³ Agroindonesia.co.id. “30 Provinsi Terbitkan Perda LP2B dan RTRW”. <https://agroindonesia.co.id/30-provinsi-terbitkan-perda-lp2b-dan-rtrw/> Accessed 06/03/2025.

land as well as carrying out law enforcement originating from the authority of attribution and implemented based on the authority of delegation and implemented through the authority of mandate.⁴

Meanwhile, M. Rendi Aridhayandi's research in the form of a journal (2019) on "Optimalisasi Peran Pemerintah Daerah dalam Perlindungan Hukum Terhadap Beras Berdasarkan Konsep Kedaulatan Pangan di Indonesia" (Optimizing the Role of the Local Government in Legal Protection of Rice Based on the Concept of Food Sovereignty in Indonesia) shows that the role of local governments in optimizing legal protection of rice based on the concept of food sovereignty in Indonesia is very important when natural resources are abundant, but management is not well managed. Rice, which is the staple food in Indonesia, must continue to be a priority scale. This is in accordance with the definition of food sovereignty in Law No. 18 of 2012 on Food, namely the right of the state and nation to independently (sufficiency) determine food policies that guarantee the right to food for the people and that provide the right for the community to determine the food system in accordance with the potential of local resources.⁵

Research by Fikri Gali Fernando Holqi, et al. in the form of a journal (2024) on "Optimalisasi Asas *Decentralisatie Wet*: Studi Ratifikasi Undang-Undang Perlindungan Lahan Pertanian dan Pangan Berkelanjutan (PLP2B) di Banyuwangi" (Optimizing the *Decentralisatie Wet* Principle: A Study of the Ratification of the Law on the Protection of Agricultural Land and Sustainable Food (PLP2B) in Banyuwangi) shows that the optimization of PLP2B can be done with synergy between the Central Government and the Regional Government. In this case, the Banyuwangi local government has the authority to form local regulations that refer to the function of regional autonomy. However in collecting data that required n, the formation of the PLP2B Banyuwangi Regional Regulation experienced obstacles, such as the difficulty of the Special Committee ames based on addresses. The enactment stage of the draft local regulation (Raperda) has several problems, namely related to the difficulty of the Special Committee (Pansus) in collecting data on LSD (protected rice fields) which will later be taxed because it requires by name by address. The PLP2B regulation

⁴ Erfian Nur Dirman. "Perlindungan Hukum Terhadap Tanah Pertanian Pangan yang Berkelanjutan dalam Perspektif Otonomi Daerah". Disertasi thesis, Universitas Hasanuddin. Lihat juga: [repository.unhas.ac.id. https://repository.unhas.ac.id/id/eprint/3868/](https://repository.unhas.ac.id/id/eprint/3868/). Accessed 10/03/2025.

⁵ M. Rendi Aridhayandi. "Optimalisasi Peran Pemerintah Daerah dalam Perlindungan Hukum terhadap Beras Berdasarkan Konsep Kedaulatan Pangan di Indonesia." *Jurnal Hukum Mimbar Justitia* 5, no. 1 (June 2019): 49-72. <https://jurnal.unsur.ac.id/jhmj/article/view/1103>.

that has been approved by the Banyuwangi local government needs to be optimized by making it a regional development priority.⁶

This research certainly has novelty compared to previous research that has been conducted by Erfian Nur Dirman in the form of a dissertation (2018), M. Rendi Aridhayandi in the form of a journal (2019), and Fikri Gali Fernando Holqi, et al. in the form of a journal (2024) as described above. The novelty of this research compared to previous studies is that it focuses on the protection of sustainable food agricultural land in the lens of regional autonomy and the idea of realizing food sovereignty from-below (region).

The benefits of this research can be a guideline for stakeholders, especially for local governments to protect sustainable food agricultural land in the perspective of regional autonomy and efforts to realize food sovereignty from-below (region). In addition, this research can be useful for the development of legal science and the welfare of the community in a sustainable manner by seeing PLP2B as an urgent matter that must be followed up seriously not only by the government, but also serious efforts from the wider community. Meanwhile, the objective of this study is to examine and analyze the protection of sustainable food agricultural land using the lens of regional autonomy and food sovereignty from-below (region).

The PLP2B and food sovereignty have not been fully realized because both appear to be the sole responsibility of the central government, even though local governments play a strategic role in protecting food-producing agricultural land in their regions. When such agricultural land is properly protected, it supports the achievement of national food sovereignty. This indicates that the implementation of PLP2B has not been in line with the spirit of regional autonomy and efforts to achieve food sovereignty. Given the clear urgency as explained in the introduction of this research, it is necessary to study the Protection of Sustainable Food Agricultural Land in the Lens of Regional Autonomy: Realizing Food Sovereignty From-Below. Thus, based on these existing conditions, the problem formulation in this research is How is the Protection of Sustainable Food Agricultural Land in the Lens of Regional Autonomy and the Idea of Realizing Food Sovereignty From-Below?

⁶ Fikri Gali Fernando Holqi, Irfany Thoriquel Widiyanto, Tria Nindy Kurnia, Tiara Wahyu Meyda Wulandari, Yudhistira Ananta. "Optimalisasi Asas *Decentralisatie Wet*: Studi Ratifikasi Undang-Undang Perlindungan Lahan Pertanian dan Pangan Berkelanjutan (PLP2B) di Banyuwangi." *Amnesti: Jurnal Hukum* 6, no. 2 (2024): 284-297. <https://doi.org/10.37729/amnesti.v6i2.5211>.

B. Methods

This study employs a normative legal research method, which is fundamentally a form of document-based inquiry relying on legal sources such as statutory regulations, judicial decisions, legal doctrines, and scholarly opinions. As such, this method is often referred to as library research or document study.⁷ Within this framework, the research is doctrinal in nature and primarily utilizes secondary data.

In conducting the analysis, this study adopts the statute approach, as outlined by Marzuki, who identifies five principal approaches in legal research: the statute, case, historical, comparative, and conceptual approaches.⁸ The statute approach is particularly relevant to this study, as it focuses on examining the hierarchy, consistency, and substance of laws and regulations governing the protection of sustainable food agricultural land.

Normative legal research recognizes several techniques for collecting secondary data, including literature study, document study, and file or record study.⁹ This research primarily relies on a literature study, involving a systematic examination of written legal materials derived from widely published and authoritative sources. The research procedure consists of identifying relevant legal sources, cataloguing legal materials, recording and citing pertinent provisions and arguments, and subsequently analyzing these materials in accordance with the research problems and objectives.¹⁰ This process consists of several stages: (1) identifying relevant legal sources based on the research issues; (2) collecting and inventorying legal materials from authoritative and widely published sources; (3) classifying the materials into primary, secondary, and tertiary legal materials; (4) recording and organizing relevant legal provisions, doctrines, and arguments; and (5) citing selected materials in accordance with academic standards.¹¹

Data analysis is carried out qualitatively through legal reasoning. This involves interpreting statutory provisions, examining their coherence within the legal system, and evaluating their application in relation to the identified legal issues. The analysis is conducted in a systematic manner to address the gap between *das sollen* and *das sein*, and to ensure that the findings directly respond to the research objectives.

⁷ Bambang Waluyo. *Penelitian Hukum dalam Praktek*. (Jakarta: Sinar Grafika, 1996): 13.

⁸ Peter Mahmud Marzuki. *Penelitian Hukum*. (Jakarta: Prenada Media, 2005): 93.

⁹ Abdulkadir Muhammad. *Hukum dan Penelitian Hukum*. (Bandung: Citra Aditya Bakti, 2004): 81-84.

¹⁰ Muhaimin. *Metode Penelitian Hukum*. (Mataram: Mataram University Press, 2020): 65-66.

¹¹ Muhaimin. *Ibid*. 62-63.

C. Main Heading of the Discussion (Second)

1. *Protection of Sustainable Food Agricultural Land in the Lens of Regional Autonomy*

Following The fundamental problem with the existence of PLP2B is the shrinking of agricultural land due to land conversion. After the enactment of Law No. 41 of 2009, there are efforts to restrain the rate of conversion or conversion of food agricultural land so as to encourage efforts to realize national food sovereignty of Indonesia.

Prior to this research, PLP2B was studied from the perspective of land conversion by Masrukhin (2019).¹² The research shows that PLP2B in Cirebon Regency is still not running optimally and land use change has not heeded the applicable regulations. In addition, sanctions against violations have also not been applied optimally. Therefore, basically the local government also has an important role to ensure PLP2B, land use change in accordance with the provisions of laws and regulations, and make efforts for violations related to PLP2B.

In addition to research on PLP2B from the perspective of land use change, research related to PLP2B has also been conducted by Ulfa Nur Oktiana, Waluyo, and Asianto Nugroho (2020), who examined the implementation of PLP2B based on spatial planning regulations. This study examined the implementation of PLP2B in Sleman Regency based on Sleman Regency Regulation No. 12 of 2012 concerning the Spatial Planning Plan for Sleman Regency for the years 2011-2031, as well as the challenges faced. The results of the study indicate that in its implementation, spatial planning policies are not yet sufficient to control the rate of land use conversion. Additionally, there are several challenges faced by the Sleman Regency Government, such as the limited availability of agricultural land, changes in the number of PLP2B areas in the revision of the DIY Province Spatial Planning Regulation, the designation of LP2B by name and address, public support and opposition, and the ambiguity of policies related to incentives.¹³

The PLP2B policy in the political dimension of spatial planning law has been studied by Endang Dyah Ayu Pitaloka (2020), who concluded that the PLP2B policy cannot stand alone because it is highly

¹² Masrukhin. "Perlindungan Lahan Pertanian Pangan Berkelanjutan dalam Perspektif Alih Fungsi Lahan di Kabupaten Cirebon." *Hermeneutika: Jurnal Ilmu Hukum* 3, no. 2 (August 2019): 369-373. <https://doi.org/10.33603/hermeneutika.v3i2.2598>.

¹³ Ulfa Nur Oktiana, Waluyo, dan Asianto Nugroho. "Pelaksanaan Perlindungan Lahan Pertanian Pangan Berkelanjutan Berdasarkan Regulasi Rencana Tata Ruang." *Jurnal Discretie: Jurnal Bagian Hukum Administrasi Negara* 1, no. 1 (April 2020): 16-24. <https://doi.org/10.20961/jd.v1i1.50201>.

dependent on supporting regulations in the field of spatial planning. Furthermore, the implementation of the PLP2B policy in Indonesia, which is contained in regional regulations (Perda) on spatial planning, remains very low due to various factors, particularly the political indifference of local authorities toward this policy.¹⁴ Thus, it is clear that local governments have an important role, especially in terms of political will, in implementing the PLP2B policy and supporting regulations to ensure that the PLP2B is implemented properly.

Research by Gesthi Ika Janti, Edhi Martono, and Subejo (2016) examined PLP2B to strengthen regional food security (study in Bantul Regency, Yogyakarta Special Region).¹⁵ This research shows that the Bantul Regency Government has not been serious in preparing PLP2B policy regulations. In order to strengthen regional food security, the Bantul Regency Government reviewed spatial planning policies, enforced spatial planning regulations, allocated budgets, established PLP2B regulations, provided incentives, land optimization activities, certified farmers' land, and synchronized agricultural land data. This research basically also shows that in order to strengthen food security in a region, political will¹⁶ from the local government is needed.

This study examines PLP2B from the perspective of regional autonomy. Regional autonomy is a form of freedom for regions to engage in designing political and governmental activities at the local level in order to strengthen the power of the central government at the

¹⁴ Endang Dyah Ayu Pitaloka. "Kebijakan Perlindungan Lahan Pertanian Pangan Berkelanjutan dalam Dimensi Politik Hukum Penataan Ruang." *Jurnal IUS Kajian Hukum dan Keadilan* 8, no. 1 (April 2020): 49-78. <https://doi.org/10.29303/ius.v8i1.718>.

¹⁵ Gesthi Ika Janti, Edhi Martono, dan Subejo. "Perlindungan Lahan Pertanian Pangan Berkelanjutan Guna Memperkokoh Ketahanan Pangan Wilayah (Studi di Kabupaten Bantul, Daerah Istimewa Yogyakarta)." *Jurnal Ketahanan Nasional* 22, no. 1 (April 2016): 1-21. <https://doi.org/10.22146/jkn.16666>.

¹⁶ *Political will* in theoretical terms, refers to the willingness and commitment of political leaders to take action to achieve a set of goals accompanied by ongoing efforts. See: Derick W. Brinkerhoff. "Unpacking the Concept of Political Will to Confront Corruption." *U4 Anti-Corruption Resource Centre*, no. 1 (May 2010). <https://www.u4.no/publications/unpacking-the-concept-of-political-will-to-confront-corruption> dalam Achmad Fauzy. "*Political Will* Pemerintah Kabupaten Pelawan Terhadap Pelestarian Satwa di Taman Nasional Tesso Nilo Tahun 2011-2012." *JOM FISIP* 2, no. 2 (October 2015): 1-13. <https://media.neliti.com/media/publications/32833-ID-political-will-pemerintah-kabupaten-pelawan-terhadap-pelestarian-satwa-di-tama.pdf> dan Wafiq Ima Azizah, Zuhriatu Mahmudah, dan Arimurti Kriswibowo. "*Political Will* Pemerintah Kabupaten Jombang terhadap Penanggulangan Kemiskinan di Masyarakat Desa." *Jurnal Sosial Ekonomi dan Politik* 1, no. 1 (April 2020): 52. <https://www.jsep.sasanti.or.id/index.php/jsep/article/view/6>.

national level.¹⁷ The protection of sustainable agricultural land from a regional autonomy perspective emphasizes that PLP2B is not only the responsibility of the central government, but also of regional governments. The implementation of PLP2B, accompanied by government responsibility, will certainly be in line with efforts to realize one of Indonesia's national goals, namely sovereignty, including food sovereignty.

Regional autonomy as referred to in Article 1 point 6 of Law Number 23 of 2014 concerning Regional Government (Law No. 23 of 2014) is the right, authority, and obligation of autonomous regions to regulate and manage their own Government Affairs and the interests of local communities within the system of the Unitary State of the Republic of Indonesia. Meanwhile, Government Affairs are governmental powers that fall under the authority of the President, the implementation of which is carried out by state ministries and Regional Government administrators to protect, serve, empower, and improve the welfare of the community (Article 1 point 5 of Law No. 23 of 2014).

Government Affairs in Law No. 23 of 2014 is contained in CHAPTER IV Government Affairs, especially Article 9-Article 26. When examined through Law No. 23 of 2014, Government Affairs can basically be classified into 3 (three), namely consisting of: *first*, absolute government affairs (Government Affairs that are fully under the authority of the Central Government); *second*, concurrent government affairs (Government Affairs that are shared between the Central Government and the provincial and district / city Regions, where concurrent government affairs submitted to the Regions become the basis for the implementation of Regional Autonomy); and *third*, general government affairs (government affairs that are under the authority of the President as head of government).

The protection of sustainable food agricultural land when studied in the perspective of regional autonomy is basically closely related to concurrent government affairs. This can be shown by analyzing that concurrent government affairs which are the authority of the Region basically consist of 2 (two) government affairs: *first*, Mandatory Government Affairs (relating to Government Affairs related to Basic Services and Government Affairs not related to Basic Services); and *second*, Elective Government Affairs. PLP2B in the context of the classification of government affairs is included in concurrent

¹⁷ M. Rendi Aridhayandi. "Optimalisasi Peran Pemerintah Daerah dalam Perlindungan Hukum terhadap Beras Berdasarkan Konsep Kedaulatan Pangan di Indonesia." *Jurnal Hukum Mimbar Justitia* 5, no. 1, (June 2019): 49-72. <https://jurnal.unsur.ac.id/jhmi/article/view/1103>.

government affairs relating to Mandatory Government Affairs that are not related to Basic Services, especially as referred to in Article 12 paragraph (2) letter c. “food” and d. “land” and Elective Government Affairs, especially as referred to in Article 12 paragraph (3) letter c. “agriculture”. Thus, PLP2B is clearly a government matter shared between the central government and provincial and district/city governments, whereby concurrent government matters delegated to the regions form the basis for the implementation of regional autonomy.

In addition, it should be understood that Article 13 of Law No. 23 of 2014 stipulates that the division of concurrent government affairs between the central government and provincial and district/city governments is based on the principles of accountability, efficiency, externalities, and national strategic interests. In the context of PLP2B, the division of government affairs between the central government and local governments (provincial and district/city) is also based on these four principles. PLP2B in the perspective of regional autonomy is also understood based on the four principles as shown in the following table:¹⁸

Table 1. Principles in the Division of Government Affairs between the Central Government and Local Governments

No	Principle	Explanation
1.	Accountability	The person responsible for administering a government affair is determined based on their proximity to the scope, magnitude, and reach of the impact caused by the administration of a government affair.
2.	Efficiency	The organizer of a government affair is determined based on the comparison of the highest level of efficiency that can be obtained.
3.	Externalities	The organizer of a government affair is determined based on the scope, magnitude, and extent of the impact arising from the implementation of a government affair.

¹⁸ See: Explanation of Article 13 paragraph (1) of Law No. 23 of 2014.

4.	National Strategic Interests	The organizer of a government affair is determined based on considerations in order to maintain the integrity and unity of the nation, maintain the sovereignty of the state, implement foreign relations, achieve national strategic programs, and other considerations as stipulated in the provisions of laws and regulations.
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Source: Explanation of Article 13 paragraph (1) of Law No. 23 of 2014

Based on the table above (Table 1), the division of concurrent government affairs between the Central Government and Provincial and District/Municipal Governments in the context of PLP2B is also closely related to the responsibilities of the administrators, effectiveness, attention to the impacts caused, and considerations for maintaining the integrity, unity, and sovereignty of the state, including food sovereignty. Therefore, ideally, the central government and local governments should share moral and legal obligations, striving to ensure that policies are effective, impactful, and grounded in the principles of national strategic interests, particularly in efforts to realize the nation's vision of achieving food sovereignty.

2. The Idea of Realizing Food Sovereignty From-Below (Region)

The existence of sustainable agricultural land is one of the important aspects in achieving food sovereignty. The concept of food sovereignty serves as both the goal and the approach in national food development. Food sovereignty can be understood as a fundamental strategy to complement food security as the ultimate goal of food development (two concepts that are aligned and mutually reinforcing), particularly regarding farmers' rights and access to all agricultural resources.¹⁹

The concept of food sovereignty certainly has many variations, but in this paper it will be examined with reference to the concept of food sovereignty as contained in Law No. 18 of 2012 concerning Food (Law No. 18 of 2012), some of whose provisions have been amended by Article 64 of Law Law No. 6 of 2023 on the Enactment of

¹⁹ Syahyuti, Sunarsih, Sri Wahyuni, Wahyuning K. Sejati, dan Miftahul Aziz. "Kedaulatan Pangan sebagai Basis untuk Mewujudkan Ketahanan Pangan Nasional." *Forum Penelitian Agro Ekonomi* 33, no. 2 (2015): 95-109. <https://epublikasi.pertanian.go.id/berkala/index.php/fae/article/view/3547>.

Government Regulation in Lieu of Law No. 2 of 2022 on Job Creation into Law (Article 64 of Law No. 6 of 2023), it is known that: “*Kedaulatan Pangan adalah hak negara dan bangsa yang secara mandiri menentukan kebijakan Pangan yang menjamin hak atas Pangan bagi rakyat dan yang memberikan hak bagi masyarakat untuk menentukan sistem Pangan yang sesuai dengan potensi sumber daya lokal*” (Food sovereignty is the right of countries and nations to independently (sufficiency) determine food policies that guarantee the right to food for its citizens and give communities the right to determine food systems that are appropriate to local resource potential).

Based on the above explanation, the concept of food sovereignty in food legislation contains several important elements: *first*, food sovereignty is the right of the state and the nation; *second*, independently (sufficiency) determining food policies that guarantee the right to food for the people; and *third*, giving the community the right to determine a food system that is in line with the potential of local resources. Thus, ideal food policies should guarantee the right to food for the people and give the community the right to determine a food system that is in line with the potential of local resources, where each region has different potentials.

In line with the potential of local resources, local governments should ideally play an important role and act as catalysts²⁰ in realizing food sovereignty. Moreover, each region basically has its own local food. Regarding food sovereignty, Professor Andreas Santosa of the Faculty of Agriculture, Institut Pertanian Bogor, emphasized that local food is the answer for Indonesia in building food sovereignty.²¹ This means that local food consumption should not be treated as a snack, but rather promoted as a staple food in line with local resources in order to achieve food sovereignty. Therefore, political will is needed from policymakers to encourage the use of local food as a staple food.

Building food sovereignty also means building national sovereignty. The concept and paradigm of agricultural development, including efforts to protect sustainable agricultural land to achieve food sovereignty, are certainly not easy to realize, but depend on how the grand vision of national sovereignty is formulated. Food sovereignty must not be reduced to merely an academic study or discussed in theory, but must be fought for because it is an absolute necessity for the nation's sovereignty. Therefore, there must be a collective will and awareness

²⁰ A catalyst, according to the Kamus Besar Bahasa Indonesia (KBBI) dictionary, is something that causes change and brings about new events or accelerates a process. kbbi.web.id. <https://kbbi.web.id/katalisator> Accessed 22/07/2025.

²¹ antaranews.com. “Guru Besar IPB: Pangan lokal jawaban dalam bangun kedaulatan pangan”. <https://www.antaranews.com/berita/3776283/guru-besar-ipb-pangan-lokal-jawaban-dalam-bangun-kedaulatan-pangan> Accessed 22/07/2025.

that no country can survive without agriculture (as it is a primary necessity).²²

Efforts to achieve food sovereignty are certainly in line with the nation's ideals (particularly sovereignty, justice, and prosperity)²³, the implementation of which requires an important role for local governments, especially in guaranteeing the people's right to food and giving communities the right to determine a food system that is in line with the potential of their respective local resources.²⁴

Referring to Appendix of Law No. 23 of 2014, it can be seen that there is a “Division of Concurrent Government Affairs between the Central Government and Provincial and Regency/City Governments” which is illustrated in a matrix in Appendix I, specifically letter I. The Division of Government Affairs in the Food Sector and letter J. The Division of Government Affairs in the Land Sector. Since this study focuses on the idea of achieving food sovereignty through local governments, Annex I, specifically letter I. The Division of Government Affairs in the Food Sector will be described and analyzed further as follows:²⁵

²² Triwibowo Yuwono, Sri Widodo, Dwidjono H. D., Masyhuri, Didik Indradewa, Susanto S., Sunarru Samsi Hariadi. *Pembangunan Pertanian: Membangun Kedaulatan Pangan*. (Yogyakarta: Gadjah Mada University Press, 2019): 1-7.

²³ The second paragraph of the Preamble to the 1945 Constitution of the Republic of Indonesia (containing the ideals of the Indonesian nation).

²⁴ The role of local governments is undoubtedly crucial, especially when discussing “Food Sovereignty,” which is closely tied to the local resource potential of each region. Furthermore, based on the General Explanation of Law No. 23 of 2014 on Regional Government, specifically “1. Relations Between the Central and Regional Governments,” paragraph 4 also emphasizes that the granting of the broadest possible autonomy must still be carried out in accordance with the principle of a unitary state. Consequently, policies formulated and implemented by regions are fundamentally an “integral” part of national policy. All local wisdom, potential, innovation, competitiveness, and creativity at the local level will support the achievement of national goals as a whole.

²⁵ Appendix I Matrix of Division of Concurrent Government Affairs between the Central Government and Provincial and Regency/City Governments Letter I. Division of Government Affairs in the Food Sector Law No. 23 of 2014.

Table 2. Division of Government Affairs in the Food Sector

No	Sub Affairs	Government	Provincial Regions	Regency/ City Region
1	2	3	4	5
1.	Implementation of Food Based on Sovereignty and sufficiency	a. Formulation of a national food sovereignty strategy. b. Provision of infrastructure and all support for food sufficiency in various sectors in accordance with the authority of the Central Government.	Provision of infrastructure and all support for food sufficiency in various sectors in accordance with the authority of the provincial region.	Provision of infrastructure and all support for food sufficiency in various sectors in accordance with the authority of the Regency / City.
2.	Implementation of Food Security	a. Management of staple food supply and price stabilization. b. Management of the Central Government's staple food reserves. c. Determination of staple food prices purchased by the Central Government from producers. d. Control and restriction of	a. Provision and distribution of staple food or other food in accordance with provincial needs in order to stabilize food supply and prices. b. Management of provincial food reserves and maintaining the balance of provincial food reserves. c. Determinatio	a. Provision and distribution of staple food or other food according to the needs of districts/cities in order to stabilize food supply and prices. b. Management of district/city food

		export and import of staple food. e. Setting targets for achieving food consumption per capita/year in accordance with the nutritional adequacy rate. f. Determination of excess food production for other purposes.	n of regional minimum prices for local food not set by the Central Government. d. Promotion of the achievement of food consumption targets per capita/year in accordance with the nutritional adequacy rate through provincial media.	reserves. c. Determination of regional minimum prices for local food not set by the Central Government and provincial governments. d. Implementation of the achievement of food consumption targets per capita/year in accordance with the nutritional adequacy rate.
3.	Food Insecurity Management	a. Determination of national, provincial and district/city food crisis status. b. Preparation of national food vulnerability and security	a. Preparation of provincial and district/city food vulnerability and security maps. b. Handling of provincial	a. Preparation of sub-district food vulnerability and security maps. b. Handling of

		maps. c. Handling of national food insecurity. d. Procurement, management and distribution of food reserves in food insecurity that covers more than 1 (one) provincial area.	food insecurity. c. Procurement, management and distribution of food reserves in food insecurity that covers more than 1 (one) district/city in 1 (one) provincial area.	district/city food insecurity. c. Procurement, management and distribution of food reserves on food insecurity that covers the district/city area.
4.	Food Security	Implementation of fresh food security supervision for cross-country distribution and distribution across provincial regions.	Implementation of supervision of fresh food security distribution across districts/cities.	Implementation of fresh food security supervision.

Source: Appendix I Matrix of Division of Concurrent Government Affairs between the Central Government and Provincial and Regency/City Governments Letter I. Division of Government Affairs in the Food Sector Law No. 23 of 2014

Based on Appendix I of Law No. 23 of 2014, letter I. Division of Government Affairs in the Food Sector (Table 2), there is a sub-issue of “Food Management Based on Sovereignty and Sufficiency.” Thus, it is understood that the term food sovereignty is juxtaposed with the term food sufficiency. This means that sovereignty is closely related to sufficiency, where the two can be distinguished but reinforce each other. The differences between food sovereignty and food sufficiency are as follows:

Table 3. The Difference Between Food Sovereignty and Food Sufficiency

Food Sovereignty	Food Sufficiency
The right of countries and nations to independently (sufficiency) determine food policies that guarantee the right to food for their people and give communities the right to determine food systems that are appropriate to local resource potential.	the ability of the state and nation to produce a variety of food domestically that can guarantee sufficient food security at the individual level by utilizing natural, human, social, economic, and local wisdom resources in a dignified manner.

Source: Article 64 (1) of Law No. 6 of 2023 amending Article 1 (2) and (3) of Law No. 18 of 2012

Furthermore, Appendix I of Law No. 23 of 2014 letter I. Division of Government Affairs in the Food Sector also provides an understanding that the Central Government is concerned with two important matters: first, the formulation of a national food sovereignty strategy; and second, the provision of infrastructure and all support for food sufficiency in various sectors in accordance with the authority of the Central Government.

Meanwhile, local governments, both provincial and district/municipal, have a different focus from the Central Government, namely a greater emphasis on the provision of infrastructure and all supporting elements for food sufficiency across various sectors. Upon further examination, both provincial and district/municipal local governments have the authority to provide infrastructure and all supporting elements for food sufficiency across various sectors. However, both contain the wording “in accordance with the authority of the provincial government” and “in accordance with the authority of the district/city government”.

With regard to this authority, the central and regional governments are in fact facing serious food security issues, especially if the government's attention is focused solely on rice as the main food source. The availability of rice is closely related to data on the total area of rice fields in Indonesia. Based on the Agricultural Statistics 2023 Book published by the Center for Agricultural Data and Information

Systems, Ministry of Agriculture of the Republic of Indonesia²⁶ and data obtained based on the Decree of the Minister of Agrarian Affairs and Spatial Planning/Head of the National Land Agency (Decree of the Minister of ATR/Head of BPN) can be illustrated as follows:

Table 4. Data on Rice Field Area in Indonesia

Agricultural Statistics 2023 Book Data (2015-2019)				Latest Data
2016	2017	2018 ¹⁾	2019 ²⁾	2024 ³⁾
8.187.734 ha	8.164.045 ha	7.105.145 ha	7.463.948 ha	7.384.341 ha

Source: Statistics Indonesia (BPS) and Ministry of Agriculture of the Republic of Indonesia

- 1) Figures based on the Decree of the Minister of Agrarian Affairs and Spatial Planning/Head of the National Land Agency No. 399/Kep-23.3/X/2018 concerning the Determination of the Area of National Rice Fields in 2018, dated October 8, 2018
- 2) Figures based on the Decree of the Minister of Agrarian Affairs and Spatial Planning/Head of the National Land Agency No. 686/SK-PG.03.03/XII/2019 concerning the Determination of the Area of National Rice Fields in 2019, dated December 17, 2019
- 3) Figures based on the Decree of the Minister of Agrarian Affairs and Spatial Planning/Head of the National Land Agency No. 446.1/SK-PG.03.03/V/2024 concerning the Determination of the Area of National Rice Fields in 2024, dated May 31, 2024

The table above (Table 4) shows that from 2015 to 2024, the area of rice fields in Indonesia has tended to decline. Additionally, the data also indicates that serious efforts are needed to control the rate of conversion of agricultural land. Productive agricultural land under current legal developments (positive law) is no longer fully protected (agricultural land is highly susceptible to conversion), particularly for public interest and/or National Strategic Projects.²⁷ This is in accordance with Article 124(1) of Law No. 6 of 2023 (the Job Creation

²⁶ Kementerian Pertanian Republik Indonesia. *Statistik Pertanian Agricultural Statistics 2023 Pertanian Gemilang Bangsa Cemerlang*. (Jakarta: Pusat Data dan Sistem Informasi Pertanian, Kementerian Pertanian Republik Indonesia, 2023). Lihat: https://satudata.pertanian.go.id/assets/docs/publikasi/Buku_Statistik_Pertanian_Tahun_2023.pdf.

²⁷ Hendriyo Widi. "Adu Balap Cetak Sawah Vs Konversi Lahan". <https://www.kompas.id/artikel/adu-balap-cetak-vs-konversi-sawah> diakses tanggal 28/07/2025.

Law), which has amended certain provisions of Article 44 of Law No. 41 of 2009, particularly Article 44(2), stating that for the sake of public interest and/or National Strategic Projects, Sustainable Food Agricultural Land may be rezoned and implemented in accordance with applicable laws and regulations. The provision of Article 44(3) actually stipulates that the rezoning of land already designated as LP2B for public interest purposes may only be carried out under certain conditions:

- a. a strategic feasibility study was conducted;
- b. a land conversion plan was drawn up;
- c. the owners' rights to the land were released; and
- d. replacement land was provided for the converted Sustainable Food Farmland.

Thus, local governments play a very important role in protecting agricultural land in their regions, at least by taking the following steps:

- a. designating agricultural land in the region as protected sustainable agricultural land that cannot be converted for other uses;
- b. regulate the Protection of Sustainable Food Agricultural Land in a specific Regional Regulation oriented towards efforts to achieve food sovereignty and/or food sufficiency in the region (not only by determining the area of Sustainable Food Agricultural Land or regulating it in a Regional Regulation on Spatial Planning);
- c. strengthen cooperation and coordination between the central government and local governments to protect sustainable food agricultural land, at least through the optimization of the Agrarian Reform Task Force to prevent the conversion of sustainable food agricultural land.
- d. In the event of conversion of sustainable food agricultural land, the government, particularly local governments, must encourage and ensure that the requirement to provide replacement land for converted sustainable food agricultural land is enforced.

Government affairs are essentially governmental powers that fall under the authority of the President, whose implementation is carried out by state ministries and regional government administrators to protect, serve, empower, and improve the welfare of the community. Therefore, the protection of sustainable agricultural land as a concurrent government matter also essentially involves the important role of the Regional Government as the administrator of government affairs to continue to strive to protect, serve, empower, and improve the welfare of the community.

Efforts to achieve food sovereignty through regional governments are crucial because local governments are technically

better equipped to understand regional issues. Therefore, ideally, in a legal context, they should also understand and implement the law in a progressive manner. Progressive law offers a framework for addressing and utilizing legal texts, where actors or stakeholders must be willing to step outside the status quo to serve human needs and humanity, particularly regarding the primary human need for food.²⁸ The law is not a finite scheme, but rather something that continues to evolve and change in line with the dynamics of human life. Therefore, the law must continue to be dissected and explored through progressive efforts to achieve the light of truth in the pursuit of justice, including in the context of progressive efforts to achieve food sovereignty.²⁹

The interpretation used to understand issues related to progressive law is “deep interpretation.” When discussing “food sovereignty” or sovereignty, these terms are generally associated with national issues or matters directly related to “state governance or national government.” However, a country seeking food sovereignty must be supported by regions that substantively possess local-based autonomy (local regional potential, including the availability of local food in the region). Food sovereignty through the regions in question does not mean negating “central government authority” (by relying solely on the regions), but rather making the regions a strong foundation to support national food sovereignty. Furthermore, it must be understood that the existence of food cannot be separated from the issue of “land,” and regions can ensure that this land remains available for human life (across generations) or is sustainable. The existence of sustainable agricultural land is for humans (to meet basic human needs).

Although the idea of achieving food sovereignty through the regions is important to pursue, it is necessary to understand that there is a relationship between the central government and the regions. Based on the General Explanation of Law No. 23 of 2014, specifically 1. The Relationship between the Central Government and the Regions, paragraph four states that:

“Pemberian otonomi yang seluas-seluasnya kepada Daerah dilaksanakan berdasarkan prinsip negara kesatuan. Dalam negara kesatuan kedaulatan hanya ada pada pemerintahan negara atau pemerintahan nasional dan tidak ada kedaulatan pada Daerah. Oleh karena itu, seluas apa pun otonomi yang diberikan kepada Daerah, tanggung jawab akhir

²⁸ M. Zulfa Aulia. “Hukum Progresif dari Satjipto Rahardjo: Riwayat, Urgensi, dan Relevansi.” *Undang: Jurnal Hukum* 1, no. 1, (2018): 178. <https://doi.org/10.22437/ujh.1.1.159-185>.

²⁹ Satjipto Rahardjo. *Penegakan Hukum Progresif*. (Jakarta: PT Kompas Media Nusantara, 2010).

penyelenggaraan Pemerintahan Daerah akan tetap ada ditangan Pemerintah Pusat. Untuk itu Pemerintahan Daerah pada negara kesatuan merupakan satu kesatuan dengan Pemerintahan Nasional. Sejalan dengan itu, kebijakan yang dibuat dan dilaksanakan oleh Daerah merupakan bagian integral dari kebijakan nasional. Pembedanya adalah terletak pada bagaimana memanfaatkan kearifan, potensi, inovasi, daya saing, dan kreativitas Daerah untuk mencapai tujuan nasional tersebut di tingkat lokal yang pada gilirannya akan mendukung pencapaian tujuan nasional secara keseluruhan.”

(The granting of maximum autonomy to the regions is carried out based on the principle of a unitary state. In a unitary state, sovereignty lies solely with the state or national government and not with the regions. Therefore, no matter how much autonomy is granted to the regions, the ultimate responsibility for regional government administration remains with the central government. For this reason, the regional government in a unitary state is an integral part of the national government. In line with this, policies made and implemented by the regions are an integral part of national policy. The difference lies in how to utilize the wisdom, potential, innovation, competitiveness, and creativity of the regions to achieve these national goals at the local level, which in turn will support the achievement of national goals as a whole)

The explanation above underscores that no matter how extensive the autonomy granted to local governments may be, the ultimate responsibility for the administration of local government remains with the central government. It is important to understand that local government in a unitary state is an integral part of the national government, and local policies are an “integral” part of national policy. Regions need to focus on how to leverage local wisdom, potential, innovation, competitiveness, and creativity to support the realization of food sovereignty at the local level, which will ultimately support the achievement of national food sovereignty as a whole.

Realizing food sovereignty through the regions is urgent and needs to be understood progressively. Local governments have an important role because the implementation of PLP2B, including ensuring that food agricultural land is not converted into non-agricultural land, is also in the regions. The conversion of food-producing farmland will impact food availability, including “local

food”³⁰ which is essentially the foundation of food sovereignty. Therefore, food-producing farmland is also the fundamental basis for ensuring the availability of such local food. Food sovereignty means meeting food needs through local production, not merely food security that relies on imports.

Thus, local governments must be able to utilize the wisdom, potential, innovation, competitiveness, and creativity of the region to achieve national goals at the local level. Local food is certainly one of the best alternatives for achieving food sovereignty (not only focusing on rice). If food sovereignty and/or food sufficiency can be effectively realized at the local level, then national food sovereignty will automatically be achieved. This is because: *first*, local governments in a unitary state are an integral part of the national government; and *second*, policies formulated and implemented by local governments are an integral part of national policies.

D. Conclusion

The protection of Sustainable Food Agricultural Land, when viewed through the lens of regional autonomy, constitutes a concurrent governmental function shared between the central, provincial, and regency/municipal governments. As such, it forms a fundamental basis for the implementation of regional autonomy, where the distribution of authority enables subnational governments to actively participate in achieving national objectives. Within this framework, the realization of food sovereignty can be understood not only as a top-down national agenda but also as a bottom-up process originating at the regional level. Food governance, as a local government affair, is inherently interconnected with land use and agricultural policy. Therefore, the implementation of Sustainable Food Agricultural Land Protection requires coordinated action across different levels of government, in which local governments play a strategic and substantive role.

Local governments are thus not merely implementers of central policies but are expected to develop context-sensitive approaches by leveraging regional potential, including local wisdom, resource capacity, innovation, and competitiveness. In this regard, the development of

³⁰ Local food, as defined in Article 1, Point 17 of Law No. 18 of 2012, as amended by Article 64, Point 1 of Article 1 of Law No. 6 of 2023, refers to food consumed by local communities in accordance with local potential and traditional knowledge. Naturally, this local food is also found in the regions (among local communities in accordance with their local potential and wisdom). Thus, local governments, through their authority, can effectively protect agricultural land while strengthening the presence of local food in line with regional potential and supporting the realization of food sovereignty.

local food systems presents a viable pathway toward achieving food sovereignty, particularly by moving beyond an overreliance on rice and embracing food diversification. Ultimately, the effective realization of food sovereignty at the local level contributes directly to the attainment of national food sovereignty. This suggests that national food resilience is, to a significant extent, contingent upon the capacity of local governments to manage, protect, and optimize sustainable food agricultural land within their respective jurisdictions.

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