

## Legal Politics in Food Estate Program for Community Welfare

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### Abstract

*The need for food is a basic human need that must be met. The Food Estate is an idea for food security implemented through agriculture or plantations. There are various aspects of food security interrelated, including self-reliance, sovereignty, and food security. This study aims to analyze the food estate of view of legal politics. The research method used is a qualitative research method using a normative legal approach. The study results indicate that the Food estate has an unfair impact on the community due to the unavailability of opportunities given to local communities in making decisions. Therefore, in food estate necessary to pay attention to various aspects and understand the characteristics of the land and local communities.*

### Keywords

legal politics; food estate;  
food security



## I. Introduction

Food needs are the primary needs of every human being that cannot be replaced. The primary need for food impacts human life in various economic, social, political, and cultural sectors (Mukti, 2020). Therefore, to meet food needs, the Government has tried to create various breakthroughs in expanding food land, one of which is through the development of a large-scale food estate (Santosa, 2014). Initially, the central Government launched this food estate in the territory of Indonesia, precisely in Merauke Regency, Papua Province.

The Food Estate is an idea for food security implemented through agriculture or plantations. There are interrelated aspects of food security, including self-reliance, sovereignty, and food security (Baringbing, 2021). Since Indonesia's independence until now, food is still considered a strategic issue. Nevertheless, scheduling food issues has become a different security issue in each period of the Indonesian president's administration, considering that Indonesia adheres to a presidential system (Mukti, 2020). In 2020, as part of the Food Estate, the land will be developed in Merauke and Central Kalimantan (180,000 ha). To make Central Kalimantan a National Food Barn, the Government has implemented the Food Development Program or Food Heritage extensively since 2018. Bringing food production centers closer to consumers makes food needs more affordable (Yestati & Noor, 2021).

In essence, Food Estate is a program with noble ideals because the goal is to maintain food security in Indonesia, especially in the Covid-19 pandemic, which has not subsided. This program was also launched as a form of warning, including by the Food and Agriculture Organization (FAO) as one of the UN agencies in the food sector, which projects that in the future, if the Covid 19 outbreak does not subside, a potential food crisis will occur (Yestati & Noor, 2021). This is because world cereal reserves, including rice, the Indonesian people's staple food, reached 850 million tons in the first quarter of 2020. FAO has determined these reserves as a contingency plan in bad weather or natural disasters in 2020 (Harper et al., 2009).

As of now, four food estates have been declared nationally, namely Peatland Development (PLG) of 1 million hectares in Central Kalimantan, Merauke Integrated Food and Energy Estate (MIFEE) in Merauke Regency, Papua covering an area of 1.2 million hectares, Delta Kayan Food The estate in Bulungan Regency, East Kalimantan covers an area of about 0.5 million hectares, and the Jungkat Agri Complex in Kuburaya Regency, West Kalimantan with an area of 0.25 million hectares. However, the food estate has not been able to run as expected due to complex obstacles (Santosa, 2014). Seeing the urgency and relevance of food estate in Indonesia, the authors aim to analyze the Legal Politics of the Food Estate.

## **II. Research Method**

Research with normative law (legal research) studies legal research (Sonata et al., 2014). This study uses a qualitative research method using a normative legal approach. Furthermore, the socio-legal is an interdisciplinary method in legal studies where normative legal analysis (legal norms, juridical) is combined with a non-legal science approach, in this case, Social Sciences, to enrich the legal, methodological approach.

## **III. Results and Discussion**

### **3.1 Discussion of the Juridical Analysis of the Food Estate in Indonesia**

During the administration of President Susilo Bambang Yudhoyono, the idea emerged to build a food estate which was discussed through the Merauke Integrated Food and Energy Estate (MIFEE) program, which was ratified on August 11, 2010, by the Ministry of Agriculture. Through a grand design by the Government at that time, it was hoped that this development would target the production of food products and biofuels, both for the domestic and international markets, as a form of comprehensive economic development. The development of MIFEE has also drawn criticism from non-governmental organizations, academics, and research institutions because the Government is considered to ignore negative externalities such as deforestation, loss of biodiversity, social conflicts, and pressure on the lives of local communities (Ito et al., 2014).

The Indonesian Political Economy Association (AEPI) said that the food estate had not been able to overcome the threat of a short-term food crisis. This is because the threat of a food crisis due to the Covid-19 pandemic was revealed by FAO some time ago. Reflecting on similar programs such as the "rice estate," which was launched in South Sumatra in 1970, or other similar programs in several regions in the 2012-2014 period are also still not running optimally, so the Government must adjust the agricultural model in each region, and pay attention to the position of the agricultural sector. farmers in the scheme (Dwiguna & Munandar, 2020).

On the other hand, the Center for Agricultural Food Studies and Advocacy (Pataka) expects the Ministry of Agriculture to immediately stop developing food estates due to the absence of a solid foundation and is deemed unable to solve the stagnation of productivity as a fundamental of the agricultural sector. According to analysts, the food estate resembles a concept that existed in the era of President Soeharto to President SBY, so the project is only new rhetoric. It will consume the state budget and lead to failure (Dwiguna & Munandar, 2020).

Regarding the acceleration of MIFEE, three things must be improved, namely investors, the Government, and the community. From the investor side, there are still differences of opinion with the Government, most of which ask the Government to provide

basic infrastructure. However, the Government expects investors to build basic infrastructure such as ports, while roads and bridges are allocated from the state budget. This difference causes some investors to delay their investment. In addition to facing infrastructure constraints, investors face lengthy licensing bureaucracy, program coordination, and complex land issues (Santosa, 2014).

Agricultural land is increasingly narrow due to the shifting of the function of agricultural land into industrial areas, so that hydroponic cultivation is considered appropriate to utilize available land because this cultivation system does not require soil media. The hydroponic system uses a variety of planting media other than soil, among others, with media such as fuel husk, husk, sand, zeolite, rockwool, peat (peat moss) and coconut husk powder (Prihmantoro in Zalilani, M. et al. 2019).

Human Resources (HR) is the most important component in a company or organization to run the business it does. Organization must have a goal to be achieved by the organizational members (Niati et al., 2021). Development is a change towards improvement. Changes towards improvement require the mobilization of all human resources and reason to realize what is aspired (Shah et al, 2020). The development of human resources is a process of changing the human resources who belong to an organization, from one situation to another, which is better to prepare a future responsibility in achieving organizational goals (Werdhiastutie et al, 2020).

Human Resources are professional and technology literate. Meanwhile, in the early days of President Joko Widodo's administration, the food barn project was launched and regulated by the Decree of the Minister of Agriculture of the Republic of Indonesia Number: 05 / KPTS / KN. 130 / K / 02 / 2016 concerning technical guidelines for developing community food barns. The background of the issuance of this decree is that the development of community food barns is a priority in the context of realizing the fulfillment of food needs for the achievement of program targets for increasing diversification and food security. The Food Estate itself was launched to meet food needs, as mandated by Law Number 18 of 2012 and Government Regulation Number 17 of 2015, so that the Government views the need for structural reforms of food security combined with integrated, modern, and sustainable regional development with the support of natural resources.

Based on the Regulation of the Minister of Environment and Forestry (KLHK) No. P.24/MENLHK/SETJEN/KUM.1/10/2020 concerning Provision of Forest Areas for Food Estate, it is stated that the Provision of Forest Areas for Food Estate with the mechanism of determining KHKP (Forest Areas) for Food Security) as referred to in Article 2 letter b, can be carried out in:

- a. Protected Forest Areas; and
- b. Production Forest Area (CNN Indonesia, 2020).

In addition, the provision of forest areas for the Food Estate serves to support food security which can be carried out in areas that meet several requirements. An example is an area that has been burdened with management in the forestry sector by SOEs. In addition, areas that have been granted a forest use permit after being removed from their working areas and areas that have been reserved or have been granted a social forestry permit (CNN Indonesia, 2020).

According to Yestati & Noor (2021), in the Journal of Legal Studies entitled "Food Estate and Protection of Community Rights in Central Kalimantan," it was found that a country's food security is threatened if a food crisis is not addressed immediately. The global food crisis that impacts food prices and supply in the international market ultimately has an impact on the low per capita income of a country. This is due to the percentage of

income for food above 35 percent and the inability of food security policymakers to adapt to global turmoil. An example of the failure of the State in overcoming the global crisis in Egypt. This country does not understand how the economic condition of the people who are vulnerable to global food shocks should adapt. As a result, Egypt failed to take advantage of opportunities for developing food security because of the conflict of interest between agricultural land use and irrigation between urban and rural policy directions, as well as conflicts in the agricultural sector itself between farmers of cash crops such as mango and flowers and farmers of staple foods such as wheat. Thus, the food estate can be one way to increase food security.

### **3.2 Socio-Political Analysis of the Food Estate**

If analyzed from a socio-political perspective, the Food estate has an unfair impact on the community because of the unavailability of opportunities given to local communities in making decisions. This violates the law, in Article 7 paragraph 2 letter f of Law no. 30 of 2014 concerning Government Administration where it is necessary to "provide opportunities for the public to have their opinions heard before making decisions by statutory regulations." This condition can be proven through the results of a study conducted by Hartono (2021), where the conditions in the villages of Gunung Mas and Pulang Pisau when the food estate was planned to be built on the PLG land, the Government did not ask the opinion of the local community and the transmigration community. The community is a resident who directly knows and understands the characteristics of the land. For decades, they have even adapted and survived from agriculture on peatlands. However, in reality, the letter submitted by the Governor of Central Kalimantan No. 522/102/Dishut regarding the Proposal for Reserve Areas for the Development of Food Estates in Central Kalimantan Province on February 20, 2017, was not a genuine initiative from the Regional Government. However, the letter was sent directly from Central Government.

Furthermore, other conditions are clarified in the article entitled "The Political Economy of Access to Land Contest for the State in the Merauke Integrated Food and Energy Estate (MIFEE) Mega Project" in the Polgov Journal (Nurshafira, 2019). Based on the results of Nurshafira's research, it was found that efforts to obtain the flow of profits from natural resources and land through MIFEE at the same time were also used as efforts to fight over the "state." These efforts are influenced by certain access mechanisms with mechanisms that are understood as configurations of ways, relationships, and processes that allow or do not allow actors to benefit from MIFEE. Some experts argue that the conflicts in MIFEE are caused by the State's efforts to seize and appropriate community lands along with the methods taken by the State. Thus, this conflict is characterized by the efforts of the people who try to fight against the State (Nurshafira, 2019).

Not only that, but the MIFEE project also has the potential to threaten the existence of community rights, where large companies have a significant role in encouraging the conversion of community land into large-scale agriculture. According to Suryani, the MIFEE conflict is caused by the failure of the State to carry out its obligations to the community and fulfill the rights of its citizens (Suryani, 2016). The reality that occurs even with the entry of various companies with investment names, but always ends in conflicts between communities and companies, related to land conflicts and indigenous peoples that have occurred so far are judged to be due to natural resource policies developed by peat that have not recovered and become a source of disaster. According to Walhi Central Kalimantan, peat forest fires have been the main cause of peat forest fires in the last two decades (Yestati & Noor, 2021).

In order to fulfill national food security, things that can be done in food estate in facing future challenges need to pay attention to various aspects and understand the characteristics of the land and local communities. As Presidential Instruction No. 8/2018 regulates the Suspension and Evaluation of Permits and Increased Productivity of Oil Palm Plantations, it is explained that the management of food security land on oil palm plantations can be used as cassava and agricultural rice land, which is mandatory for rehabilitation (Baringbing, 2021).

Furthermore, the concept of food security is also regulated in PP no. 68 of 2002 concerning Food Security which has the meaning by the Food Law. This can be interpreted that the philosophy of food security for a country can also be interpreted as an effort to meet food needs without questioning the origin of the source of the food supply. Thus, food estate is an option to ensure food security at the national level because it is the development of a food production concept that is integrated through the agricultural, plantation, and animal husbandry activities in a very large area (Baringbing, 2021).

From the analysis results in several scientific journal studies, it can be concluded that the existence of a food estate is very unfair to the community. This injustice can be felt from the very beginning of the entry of this program which was not preceded by socialization and openness of coordinate points related to food estate. In addition, indigenous peoples or local communities do not get a salary that matches the high cost of living, and they are not even given agricultural technology training. To overcome this problem, the Government should review this program and immediately improve its governance in to hope that operating companies will continue to comply with environmentally sound principles. The company should provide facilities to the community in a technology-based modern agricultural program.

#### **IV. Conclusion**

Modern and sustainable. Based on the analysis of the results of the analysis related to the problems of the food estate program, it can be concluded that the food estate is an idea of food security that is implemented through agriculture or plantations. There are various aspects of food security interrelated, including self-reliance, sovereignty, and food security. At the beginning of the administration of President Joko Widodo, the Food Estate was launched to meet food needs, as mandated by Law No. 18 of 2012 and Government Regulation No. 17 of 2015, so that the Government sees the need for structural reform of food security combined with integrated regional development. However, in its implementation, the food estate brings injustice to the community due to the unavailability of opportunities given to local communities to be involved in decision-making.

In order to meet national food security, things that can be done in food estate in facing future challenges need to pay attention to various aspects and understand the characteristics of the land and local communities as well as the Government to evaluate first the good and the bad caused by the food estate project.

## References

- Baringbing, M. S. (2021). *Problematika Lingkungan Terhadap Regulasi Food Estate Sebagai Program Strategis Nasional di Desa Gunung Mas & Pulang Pisau Kalimantan Tengah*. 7(1).
- Basundoro, A. F., & Sulaeman, F. . (2020). Meninjau Pengembangan Food Estate Sebagai Strategi Ketahanan Nasional Pada Era Pandemi Covid-19. *Jurnal Kajian Lemhanas RI*, 8(2).
- Dwiguna, A. R., & Munandar, A. I. (2020). Analisis Naratif Kebijakan Pangan Nasional Melalui Program Food Estate Narrative. *Jurnal Administrasi Pembangunan Dan Kebijakan Publik*, 11(2), 273–284.
- Harper, L. ., Deaton, B. ., & Driskel, J. . (2009). *Pangan, Gizi dan Pertanian*. Universitas Indonesia.
- Hartono, D. N. (2021). *Food Estate , Menakar Politik Pangan Indonesia Kajian atas Proyek Food Estate Kalimantan Tengah*.
- Ito, T., Rachman, N. F., & Savitri, L. A. (2014). Power to make land dispossession acceptable: a policy discourse analysis of the Merauke Integrated Food and Energy Estate (MIFEE), Papua, Indonesia. *The Journal of Peasant Studies*, 41(1), 29–30.
- Mukti, A. (2020). *Pemberdayaan Pertanian Lokal Dalam Menopang Keberhasilan Program Food Estate Di Kalimantan Tengah Abdul Mukti*. 15(2), 97–107.
- Niati, D. R., Siregar, Z. M. E., & Prayoga, Y. (2021). The Effect of Training on Work Performance and Career Development: The Role of Motivation as Intervening Variable. *Budapest International Research and Critics Institute (BIRCI-Journal): Humanities and Social Sciences*, 4(2), 2385–2393. <https://doi.org/10.33258/birci.v4i2.1940>
- Nurshafira, T. (2019). *Ekonomi Politik Akses atas Lahan: Kontestasi atas “Negara” dalam Mega Proyek*. 1(1), 263–297.
- Peraturan Menteri LHK: Hutan Lindung Bisa Jadi Food Estate. (2020). *CNN Indonesia*. <https://www.cnnindonesia.com/nasional/20201114172741-12-569806/peraturan-menteri-lhk-hutan-lindung-bisa-jadi-food-estate>
- Santosa, E. (2014). Percepatan Pengembangan Food Estate Untuk Meningkatkan Ketahanan Dan Kemandirian Pangan Nasional. *Risalah Kebijakan Pertanian Dan Lingkungan: Rumusan Kajian Strategis Bidang Pertanian Dan Lingkungan*, 1(2), 80. <https://doi.org/10.20957/jkebijakan.v1i2.10290>
- Shah, M. M., et al. (2020). The Development Impact of PT. Medco E & P Malaka on Economic Aspects in East Aceh Regency. *Budapest International Research and Critics Institute-Journal (BIRCI-Journal)* Volume 3, No 1, Page: 276-286.
- Sonata, D. L., Hukum, F., & Lampung, U. (2014). *Metode penelitian hukum normatif dan empiris : karakteristik khas dari metode*. 8(1), 15–35.
- Suryani, D. (2016). Structural Violation of Indigenous Human Rights in Indonesia: A Case Study of Merauke Integrated Food and Energy Estate (MIFEE) in Papua. *Jurnal Masyarakat & Budaya*, 18(1), 97–108.
- Werdhiastutie, A. et al. (2020). Achievement Motivation as Antecedents of Quality Improvement of Organizational Human Resources. *Budapest International Research and Critics Institute-Journal (BIRCI-Journal)* Volume 3, No 2, Page: 747-752.
- Zalilani, M. et al. (2019). Growth Response and Crop Production (Brassica Juncea L.) Against Watering Time Interval at Various Hydroponics Media. *Budapest International Research in Exact Sciences (BirEx) Journal*.P. 9-22.