



## Food Estate Development: Political-Economic and Legal Perspectives

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### Abstract

The Indonesian Government is trying to overcome the threat of a food crisis, one of which is through a food estate program. This study was conducted to answer the political-economic and legal perspectives of food estate development in Kalimantan. Researchers collected data by visiting three food estate locations in the Gunung Mas, Pulang Pisau, and Kapuas Regencies. In the field, researchers conducted observations, in-depth interviews, and focus-group discussions with many informants. After the data were collected, researchers conducted multidisciplinary analyses and studies. The results of this study showed that the Government's plan to increase food production through food estates in Central Kalimantan was not achieved. The Government's

economic and political goals violate applicable laws. In this context, the law follows the wishes of political actors and economic interests. Food estates positively impact infrastructure development at food estate locations, especially in the Kapuas and Pulang Pisau Regencies. This has a positive impact on the economy. However, residents did not feel these benefits at the food estate location in the Gunung Mas Regency. The development of a food estate in Gunung Mas violates the law. Land clearing by cutting down trees in a 600-hectare forest can violate the Forestry and Forest Protection Laws. To avoid any legal violations, a breakthrough is needed in the form of a Government Regulation in place of Law (*Peraturan Pemerintah Pengganti Undang-Undang/PERPUU*). This program cannot be implemented without a legal framework, such as a law that regulates the entire process from upstream to downstream. Therefore, food estates are being developed throughout rural areas in Indonesia.

## Keywords

*Food Estate, Deforestation in Indonesia, Legal Services*

## A. Introduction

Many countries, such as Sub-Saharan Africa and several countries in Central Asia, face the threat of a food crisis<sup>1</sup>. Many poor countries in Africa are vulnerable to the threat of a food crisis<sup>2</sup>, and low- and middle-income countries are vulnerable to the threat of a food crisis<sup>3</sup>. The food crisis is also a threat in developing countries<sup>4</sup>; Syria and Morocco are

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<sup>1</sup> Agnieszka Baer-Nawrocka and Arkadiusz Sadowski, 'Food Security and Food Self-Sufficiency around the World: A Typology of Countries', *PLoS ONE* 14, no. 3 (2019): 1, <https://doi.org/https://doi.org/10.1371/journal.pone.0213448>.

<sup>2</sup> Rami Zurayk, 'Pandemic and Food Security: A View from the Global South', *Journal of Agriculture, Food Systems, and Community Development* 9, no. 3 (2020): 17, <https://doi.org/10.5304/jafscd.2020.093.014>.

<sup>3</sup> Theresa Falkendal et al., 'Grain Export Restrictions during COVID-19 Risk Food Insecurity in Many Low- and Middle-Income Countries', *Nature Food* 2, no. 1 (2021): 11, <https://doi.org/10.1038/s43016-020-00211-7>.

<sup>4</sup> Karolina Pawlak and Małgorzata Kołodziejczak, 'The Role of Agriculture in Ensuring Food Security in Developing Countries: Considerations in the Context

two countries facing the threat of a food crisis<sup>5</sup>. The COVID-19 pandemic has exacerbated the global food crisis in several countries<sup>6</sup>. The war between the two countries of Russia and Ukraine, known as agricultural countries, has also impacted the increasing vulnerability to the threat of a food crisis in North African countries and the East<sup>7</sup>. Poor countries, developed countries, and cities worldwide are on the verge of food shortages<sup>8</sup>. Canada is also prone to food crises<sup>9</sup>. Globally, countries are vulnerable to food crisis shocks<sup>10</sup>, those with high population growth rates, which have high levels of need for food<sup>11</sup>.

As one of the countries with a large population and the fourth largest population in the world, Indonesia is also threatened by a food crisis<sup>12</sup>. The threat of a food crisis in Indonesia is triggered by high

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of the Problem of Sustainable Food Production', *Sustainability (Switzerland)* 12, no. 13 (2020): 1, <https://doi.org/10.3390/su12135488>.

- <sup>5</sup> Giulia Soffiantini, 'Food Insecurity and Political Instability during the Arab Spring', *Global Food Security* 26 (2020): 1, <https://doi.org/https://doi.org/10.1016/j.gfs.2020.100400>.
- <sup>6</sup> Hojatollah Kakaei et al., 'Chapter One - Effect of COVID-19 on Food Security, Hunger, and Food Crisis', in *COVID-19 and the Sustainable Development Goals* (Elsevier, 2022), 443, <https://doi.org/https://doi.org/10.1016/C2021-0-00555-1>.
- <sup>7</sup> Tarek Ben Hassen and Hamid El Bilali, 'Impacts of the Russia-Ukraine War on Global Food Security: Towards More Sustainable and Resilient Food Systems?', *Foods* 11, no. 15 (2022): 1, <https://doi.org/10.3390/foods11152301>.
- <sup>8</sup> Rosalia Filippini, Chiara Mazzocchi, and Stefano Corsi, 'The Contribution of Urban Food Policies toward Food Security in Developing and Developed Countries: A Network Analysis Approach', *Sustainable Cities and Society* 47 (2019): 1, <https://doi.org/https://doi.org/10.1016/j.scs.2019.101506>.
- <sup>9</sup> B. James Deaton and Brady J Deaton, 'Food Security and Canada's Agricultural System Challenged by COVID-19', *The Canadian Journal of Agricultural Economics*, 2020, 1, <https://doi.org/https://doi.org/10.1111/cjag.12227>.
- <sup>10</sup> Rai S. Kookana et al., 'Urbanisation and Emerging Economies: Issues and Potential Solutions for Water and Food Security', *Science of the Total Environment* 732 (2020): 1, <https://doi.org/10.1016/j.scitotenv.2020.139057>.
- <sup>11</sup> Amy Molotoks, Pete Smith, and Terence P. Dawson, 'Impacts of Land Use, Population, and Climate Change on Global Food Security', *Food and Energy Security* 10, no. 1 (2021): 1, <https://doi.org/10.1002/fes3.261>.
- <sup>12</sup> John F. McCarthy, 'The Paradox of Progressing Sideways: Food Poverty and Livelihood Change in the Rice Lands of Outer Island Indonesia', *The Journal of Peasant Studies*, vol. 47, 2020, <https://doi.org/https://doi.org/10.1080/03066150.2019.1628021>.

urbanization and the abandonment of the agricultural sector<sup>13</sup>. Food insecurity in rural areas is evident in Kalimantan<sup>14</sup>. The demand and need for food in Indonesia continues to increase<sup>15</sup>. However, implementing the food estate program is not easy; many aspects are related to the development of the food estate. As a democratic country based on law and regulations, the implementation of the food estate needs to receive a comprehensive legal review. In addition, the location of the food estate is in a very large area, including remote areas, and the indigenous communities' environment has social, political, and economic consequences. The food estate program was initiated during the Old Order era in the 1950s, but was never implemented<sup>16</sup>. The New Order government also launched a food estate program, especially in Papua<sup>17</sup>. President Susilo Bambang Yudhoyono then continued the idea of developing a food estate in Indonesia, but it was never implemented<sup>18</sup>.

President Jokowi then revived the idea and food estate program, as stated in the 2020-2024 National Medium-Term Development Plan. To overcome the threat of a food crisis, the Indonesian government

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<sup>13</sup> Andi Syah Putra, Guangji Tong, and Didit Okta Pribadi, 'Food Security Challenges in Rapidly Urbanizing Developing Countries: Insight from Indonesia', *Sustainability* 12, no. 22 (2 November 2020): 1, <https://doi.org/10.3390/su12229550>.

<sup>14</sup> Jajat Sudrajat, Adi Suyatno, and Shenny Oktoriana, 'Land-Use Changes and Food Insecurity around Oil Palm Plantations: Evidence at the Village Level', *Forest and Society* 5, no. 2 (2021): 352, <https://doi.org/10.24259/fs.v5i2.11376>.

<sup>15</sup> Bustanul Arifin et al., 'The Future of Indonesian Food Consumption', *Jurnal Ekonomi Indonesia* 8, no. 1 (2019): 71, <https://doi.org/10.52813/jei.v8i1.13>.

<sup>16</sup> Alsafana Rasman, Eliza Sinta Theresia, and M Fadel Aginda, 'Analysis of the Implementation of the Food Estate Program as a Solution to Indonesia's Food Security', *Holistic: Journal of Tropical Agriculture Sciences* 1, no. 1 (2023): 36, <https://doi.org/https://doi.org/10.61511/hjtas.v1i1.2023.183>.

<sup>17</sup> Anggalih Bayu Muh. Kamin and Reza Altamaha, 'Modernization without Development of Food Estate Projects in Bulungan and Merauke', *BHUMI: Jurnal Agraria Dan Pertanahan* 5, no. 2 (2019): 163, <https://doi.org/10.31292/jb.v5i2.368>.

<sup>18</sup> Putri Audy Fahira et al., 'Comparative Analysis of President Susilo Bambang Yudhoyono and Joko Widodo's Food Estate Policies as a National Food Securitization Attempts', *Jurnal Sosiologi Dialektika* 17, no. 2 (2022): 195, <https://doi.org/10.20473/jsd.v17i2.2022.195-206>.

initiated a food estate program in 2020. It began implementing it in 2021, through a national strategic program initiated by President Jokowi<sup>19</sup>. This program has a great opportunity to get Indonesia out of the threat of a food crisis, if we look at Indonesia's demographic and geographical potential<sup>20</sup>. One form of the 2020-2024 National Strategic Program is the food estate<sup>21</sup>. The food estates initiated by President Jokowi are spread across several locations in various provinces in Indonesia. Eight provinces and 12 regencies/cities are the locations of the food estates, one of which is in Central Kalimantan Province<sup>22</sup>.

The importance of food estate has attracted the attention of researchers and experts. Evident in various studies conducted by experts and researchers on food estate over the past five years. Imam Mujahidin Fahmid researched food estates in Central Kalimantan, focusing on studies on land services as food estate land, which, on average, has high acidity, so rehabilitation is needed before being used as food estate land<sup>23</sup>. Irma Yeniy and friends also conducted research on food estates in Central Kalimantan, which focused on the negative impacts of the food estate program in Central Kalimantan, because it is located on peat land, which is not friendly to food crops such as those in the food estate

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<sup>19</sup> Lula Lasminigrat and Efriza Efriza, 'The Development of National Food Estate: The Indonesian Food Crisis Anticipation Strategy', *Jurnal Pertahanan & Bela Negara* 10, no. 3 (2020): 229, <https://doi.org/10.33172/jpbh.v10i3.1110>.

<sup>20</sup> Fachrur Rozi et al., 'Indonesian Market Demand Patterns for Food Commodity Sources of Carbohydrates in Facing the Global Food Crisis', *Heliyon* 9, no. 6 (2023): 1, <https://doi.org/10.1016/j.heliyon.2023.e16809>.

<sup>21</sup> Aqil Rizaldi Gaudart and Julian Aldrin Pasha, 'Dynamics between Actors and Interest Groups in an Environmental Politics Perspective: Case Study of Food Estate Development in Kalimantan', *JISIP (Jurnal Ilmu Sosial Dan Pendidikan)* 8, no. 1 (2024): 627, <https://doi.org/10.58258/jisip.v8i1.6476>.

<sup>22</sup> Damiana, 'Heboh Food Estate Jokowi Dicap Gagal, Ini Daftar 12 Lokasinya', *CNBC Indonesia*, 24 January 2024, <https://www.cnbcindonesia.com/news/20240124125358-4-508585/heboh-food-estate-jokowi-dicap-gagal-ini-daftar-12-lokasinya>.

<sup>23</sup> Imam Mujahidin Fahmid et al., 'The Potential Swamp Land Development to Support Food Estates Programmes in Central Kalimantan, Indonesia', *Environment and Urbanization ASIA* 13, no. 1 (2022): 1, <https://doi.org/https://doi.org/10.1177/09754253221078178>.

program<sup>24</sup>. Joko Mulyono also researched food estates in Central Kalimantan, focusing on implementing food estates that faced many technical obstacles in the field, so it was not easy to succeed<sup>25</sup>. Research related to the legal aspects of food estates was conducted by Ariani Yestati and Rico Septian Noor, which focused on legal protection for communities affected by food estates in Central Kalimantan<sup>26</sup>. Multidisciplinary research was conducted by Ditta Wisnu, focusing on economic aspects and legal protection for local indigenous communities<sup>27</sup>. No existing studies have addressed the political, economic, and legal aspects in a single review. This study fills a gap that previous researchers have not explored. It details the political and economic interests of political and economic actors. It provides a perspective on potential legal violations in implementing food estates in Central Kalimantan. At the same time, this study also offers solutions to prevent further violations. Furthermore, this study provides insight into food estate governance, which could be more successful in Indonesia, through comparisons with food estates in other countries.

Therefore, implementing a food estate in Central Kalimantan presents both opportunities and challenges that food estate managers must address. One opportunity is the vast availability of land, covering at least 33 million hectares. However, this land consists of swamps with high acidity levels<sup>28</sup>. The food estate in Central Kalimantan is not only

<sup>24</sup> Irma Yeny et al., 'Examining the Socio-Economic and Natural Resource Risks of Food Estate Development on Peatlands: A Strategy for Economic Recovery and Natural Resource Sustainability', *Sustainability (Switzerland)* 14, no. 7 (2022): 1, <https://doi.org/10.3390/su14073961>.

<sup>25</sup> Joko Mulyono, 'Food Estate Development Program Implementation in Central Kalimantan', *Jurnal Analis Kebijakan* 7, no. 1 (2023): 13, <https://doi.org/10.37145/jak.v7i1.599>.

<sup>26</sup> Ariani Yestati and Rico Septian Noor, 'Food Estate and Protection of Community Rights in Central Kalimantan', *Morality: Jurnal Ilmu Hukum Jurnal Ilmu Hukum* 07, no. 1 (2021): 1, <https://doi.org/http://dx.doi.org/10.52947/morality.v7i1.190>.

<sup>27</sup> Ditta Wisnu, 'Food Estate Program Law Politics', *Journal of Contemporary Sociological Issues* 2, no. 1 (2022): 76, <https://doi.org/10.19184/csi.v2i1.28051>.

<sup>28</sup> Imam Mujahidin Fahmid et al., 'The Potential Swamp Land Development to Support Food Estates Programmes in Central Kalimantan, Indonesia', *Environment and Urbanization ASIA* 13, no. 1 (2022): 44, <https://doi.org/https://doi.org/10.1177/09754253221078178>.

about the technical implementation of rice, corn, and cassava planting; there are many other aspects directly related to the implementation of the food estate. One of these is land ownership within the food estate area. The existence of forests controlled by indigenous communities in Central Kalimantan is recognized in Article 5 of Law Number 41 of 1999 concerning Forestry. The Constitutional Court later reinforced this through Decision Number 35 of 2012, which explicitly states that "customary forests are rights, not state forests"<sup>29</sup>. Therefore, forests controlled by indigenous communities have legal force, equivalent to a law. Furthermore, Law Number 5 of 1950 concerning Basic Agrarian Regulations regulates the social functions of land and forests<sup>30</sup>. In practice, the efforts made by political actors and local governments in Central Kalimantan have become a challenge to the control of forest land by indigenous communities living around the food estate location<sup>31</sup>. Furthermore, there are legal issues, particularly environmental laws, food estate operators in Central Kalimantan must adhere to. Peat lands in Kalimantan are carbon producers that must be protected to preserve the ecosystem and the environment<sup>32</sup>. Changes in peat land function have consequences and become legal issues. This study was conducted to answer the political-economic and legal perspectives of food estate development in Central Kalimantan.

This research is a multidisciplinary study of politics, economics, and law related to the food estate program in Kalimantan. This study

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<sup>29</sup> Ditta Wisnu, 'Food Estate Program Law Politics: Towards Fulfillment of the Rights of Central Kalimantan Dayak Indigenous Peoples', *Journal of Contemporary Sociological Issues* 2, no. 1 (2022): 76, <https://doi.org/doi:10.19184/csi.v2i1.28051>.

<sup>30</sup> Rubby Aditya Panglima and Gunardi Lie, 'Utilization of Abandoned Land Based on Regulation of the Minister of Environment and Forestry Number 07 of 2021 for Food Estate', *Journal of Social Research* 3, no. 1 (2023): 13, <https://doi.org/https://doi.org/10.55324/josr.v3i1.1642>.

<sup>31</sup> Nanang Indra Kurniawan and Ståle Angen Rye, 'The Relational State and Local Struggles in the Mapping of Land in Central Kalimantan, Indonesia', *The Journal of Peasant Studies* 52, no. 2 (2025): 343, <https://doi.org/https://doi.org/10.1080/03066150.2024.2366329>.

<sup>32</sup> Tessa D. Toumbourou et al., 'Principles for Equitable and Resilient Tropical Peatland Restoration in Central Kalimantan, Indonesia', *Restoration Ecology* 32, no. 7 (2024): 1, <https://doi.org/https://doi.org/10.1111/rec.14221>.



presents a comprehensive explanation of the positive and negative aspects of the food estate in Central Kalimantan. Among the positive and negative impacts, violations of positive law were found in food estate activities in Kalimantan, especially in the Gunung Mas area in Central Kalimantan. The legal products that are the basis for implementing the food estate are based only on the Presidential Regulation of the National Strategic Program and the Regulation of the Minister of Environment on the Use of Forests as Food Estate Land. These regulations contradict the legal provisions above them, namely the Law on Forestry and Forest Protection.

The exposure in this study is presented in a descriptive qualitative study, which is produced from objective data collection directly carried out in the field, namely, in three food estate locations in Central Kalimantan, especially in Kapuas Regency, Pulang Pisau Regency, and Gunung Mas Regency. Data collected in the field were obtained using observational techniques, in-depth interviews, and focus group discussions with informants. Using three data collection techniques simultaneously is intended as a cross-checking technique for the data obtained, or technical triangulation. The techniques were cross-checked, and the data sources were cross-checked or triangulated. Data were collected from many informants from different groups. There are workers, farmers, village governments, community leaders, environmental activists, and the public.

Data collection was conducted in the following stages. First, the researcher searched for news related to food estate programs in Indonesia's online news media. Second, the researcher chose one food estate research area in Indonesia: Central Kalimantan. Central Kalimantan's selection was based on the fact that the area was the first area for the implementation of the food estate carried out by the government in 2021. Central Kalimantan is a food estate area that has received government attention; several times, the president and ministers have inaugurated and visited the food estate in Central Kalimantan. The researcher then searched for food estate location points in Central Kalimantan. Third, after finding the location points, the researcher then came to the location of the land, which is located in Bentuk Jaya Village, Dadahup District, Kapuas Regency, Belanti Siam Village, Pandih Batu District, Pulang Pisau Regency, and Tewai Baru



Village, Sepang District, Gunung Mas Regency, Central Kalimantan. The researcher conducted observations, in-depth interviews, and focus-group discussions in these three locations.

## B. Political-Economic Context

The Indonesian government strives to maintain independence and avoid long-term dependence on other countries for food supplies. Excessive and long-term dependence on other countries weakens Indonesia's position in geopolitical affairs. Therefore, the Indonesian government seeks alternative policies that can maintain the stability of domestic food supplies without relying on imports from other countries. The Indonesian government will also export food to other countries to demonstrate Indonesia's ability to return to being an agricultural nation. Evident during the New Order era, when Indonesia achieved food self-sufficiency, particularly in 1974. Afterward, Indonesia continued to import food, including rice. The government has placed the agricultural sector in strategic national development through the food estate program.

The food estate program policy was then formulated as a Presidential Regulation of the Republic of Indonesia, Presidential Regulation Number 109 of 2020 concerning "Acceleration of the Implementation of National Strategic Projects". The food estate program is program number eight of the national strategic program regulated in the Presidential Regulation, specifically concerning the "National Food Supply Improvement Program (food sector)"<sup>33</sup>. Ministerial Regulation is another legal standing created to legalize food estates. The Ministry of Environment and Forestry of the Republic of Indonesia issued Ministerial Regulation Number 24 of 2020 concerning the Provision of Forest Areas for Food Estate Development. Article 2 of the policy states that "forest areas can be converted into land for planting food crops, such as rice fields or fields"<sup>34</sup>. In addition, the

<sup>33</sup> Triswidodo and Muhammad Faisal, 'Juridical Overview of Food Estate in Gunung Mas Regency, Central Kalimantan Province', *Jurnal Pendidikan Tambusai* 8, no. 1 (2024): 8552–57, <https://doi.org/https://doi.org/10.31004/jptam.v8i1.13678>.

<sup>34</sup> Katriani Puspita Ayu, 'Land Change Policy in Food Estate Development in Central Kalimantan', *JISPAR: Jurnal Ilmu Sosial, Politik Dan Pemerintahan* 11, no. 1 (2022): 26, <https://doi.org/https://doi.org/10.37304/jispar.v11i1.4203>.

Minister of Environment issued Ministerial Regulation Number 7 of 2021 concerning Forestry Planning, Changes in Forest Area Designation and Changes in Forest Area Functions and Use of Forest Areas, where Provision of Forest Areas for Food Estate Development<sup>35</sup>.

After five years, the food estate in Central Kalimantan, planned by the Indonesian government to become a food hub outside Java, has failed to achieve its intended goal. Management of the food estate has not been as expected, failing to increase food production, particularly in rice, corn, and cassava. In Dadahup District, Kapuas Regency, food estate activities are handled by only a few people working in the rice fields where the food estate is located. The conditions of the rice fields are also unsuitable for growing rice, with the water being red and highly acidic. Similarly, the food estate in Sepang District, Gunung Mas Regency, which planted cassava, has not grown well. Of the 600 hectares of land cleared, only a few hectares have been planted with cassava. The cassava grown is also unfit for consumption because its stems and leaves differ from those of regular cassava.

Despite this, the food estate program continues to have an economic impact on communities surrounding the food estate locations, as seen in the food estate in Pandih Batu District, Pulang Pisau Regency, Central Kalimantan. Before the food estate program arrived in this area, the farmers, mostly transmigrants, had been cultivating since 1983. Each family in the area received two hectares of land from the government for agricultural purposes. Transmigrant farming practices continue to this day. The food estate program arrived in this area in 2020, with a program to expand agricultural land. Before the food estate program arrived, farmers here only grew rice. The food estate program was launched with an expansion program to grow oranges and chilies. This program was successful, increasing farmers' incomes from the profits from selling oranges and chilies.

As explained by M-J, a farmer in Pandih Batu District, Pulang Pisau Regency, Central Kalimantan, he has benefited from the

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<sup>35</sup> An Nissa Ayu Mutia, Ida Nurlinda, and Nadia Astriani, 'Food Estate Development Regulations in Forest Areas to Achieve Food Security in Indonesia', *Bina Hukum Lingkungan* 6, no. 2 (20 March 2022): 224, <https://doi.org/10.24970/bhl.v6i2.259>.

agricultural land intensification program implemented by the food estate management. In fact, the profits from selling oranges and chilies are greater than those from the rice harvest.

"The price of oranges here is around 6,000 rupiah per kilo, and once reached over 8,000 rupiah per kilo. This can be calculated based on a four-month harvest. A single harvest can yield 400 kilograms." (Interview with M-J, a farmer in Pandaih Batu District, Pulang Pisau Regency, Central Kalimantan at M-J's agricultural land location, June 3, 2024).

However, the rice intensification program planned for the food estate program failed. The plan to increase rice production from two to three harvests per year was thwarted by rats and birds. M-J explained this. According to him, the three-times-a-year rice planting and harvesting program, part of the food estate program, was unsuccessful. Half of the farmers participating in the three-times-a-year planting program failed, failing to harvest.

"According to the version of the farmers here who have implemented it, there are obstacles in the form of a drastic decline, so it can't be called a failure, because in reality there are some who have harvested, please interpret it yourself, but there has been a decrease in production from the usual 50 percent." (Interview with M-J, a farmer in Pandaih Batu District, Pulang Pisau Regency, Central Kalimantan, at M-J's agricultural land, June 3, 2024).

A-A, the village head of Pandaih Batu District, Pulang Pisau Regency, Central Kalimantan, confirmed m-J's statement. He stated that changing the farming patterns that have been in place for decades in his village is not easy. Many factors influence this.

"However, the three-time planting period was unsuccessful. I believe it's not easy to change the existing planting period." (Interview A-A with the Village Head in Pandaih Batu District, Pulang Pisau Regency, Central Kalimantan, at the village hall, June 3, 2024).

The food estate program implemented by the government in Kalimantan has had indirect economic impacts. One example is infrastructure development at the food estate sites; however, the direct economic impact of the food estate in Central Kalimantan is not discussed. The economic aspect can be seen from the infrastructure in two food estate locations, in Dadahup District, Kapuas Regency, and

Pandih Batu District, Pulang Pisau Regency, in the form of road and irrigation infrastructure development. In both areas, roads were built along the location leading to the food estate land and along the side of the road of the food estate land. The concrete roads built in the two areas facilitate economic activities and the mobility of residents for various needs. Traders and distributors of goods freely enter and exit the food estate area to conduct economic transactions. This causes the price of necessities cheaper because of the many suppliers of goods coming. Collectors are also free to enter and buy the farmers' produce.

M-I, the Village Head in Dadahup District, Kapuas Regency, Central Kalimantan, conveyed this. According to him, there has been much progress in his village since the food estate program.

*"The roads are now better, so it's easier for people to go to town to shop. Many people also come selling things now. It's different from before when it was destroyed, where people had to cross the river to get to town; motorbikes couldn't get through by boat. Likewise, electricity has started to come back on, which has never been here before. Another thing that has been built is the water irrigation network, which is now very good."* (Interview with M-I, Village Head in Dadahup District, Kapuas Regency, Central Kalimantan at the Village Head's House, June 1, 2024).

R-M, a resident of Bentuk Jaya Village, Dadahup District, Kapuas Regency, Central Kalimantan, confirmed this. He said that the roads have improved since the food estate was established in his area. This has made it easier for residents to travel to the city for various needs, including medical treatment and government administration.

*"Yes, the roads are good, making it easy to travel to town and get around. Unlike before, we had to take a boat during the rainy season, when the roads were muddy. Traders also easily come here, making it easy to buy basic necessities."* (Interview with R-M, a resident of Bentuk Jaya Village, Dadahup District, Kapuas Regency, Central Kalimantan, at his home, June 1, 2024).

The opposite is true for the food estate in Gunung Mas Regency, Central Kalimantan. The infrastructure development undertaken at the food estate sites in Kapuas and Pulang Pisau Regencies is absent from the Gunung Mas food estate in Central Kalimantan. Instead, environmental destruction is taking place, with trees being cut down from the forest, which has long been a source of livelihood and food for residents.

A food estate in Sepang District, Gunung Mas Regency, cut down millions of trees covering an area of 600 hectares. The forest has been a place for residents to find food by tapping rubber and looking for sources of living needs. When the food estate was operating, people around the location were prohibited from entering the forest area or the area that was still around the food estate because the area was under government control. The location was previously used as land to meet residents' needs, creating an inharmonious relationship between residents and the food estate manager. Third, many trees falling at the food estate land location caused flooding during the rainy season.

Residents in Gunung Mas Regency, Central Kalimantan, claim to have been disadvantaged by the food estate development in their area. As explained by S-G, the village head of Sepang District, Gunung Mas, Central Kalimantan.

*"After the opening until 2022, then the climate changed like the rainy season, there was flooding immediately, sir, even though the forest provides everything for us, that's what's unfortunate in my opinion. Well, after that flooding happened, there was a community reaction due to the land clearing of that large area, which was still 600 hectares, what would happen if it was opened to 3,000 or 6,000 hectares like the government's plan that we heard. The reason the community disagreed is usually because we Dayak people, what does that mean, looking for a place to eat, what is it that usually gets from there from wood, bark, and from house posts." (Interview with S-G, Village Head in Sepang District, Gunung Mas, at the Tewai Baru Village Hall, June 4, 2024).*

I-Y, a community leader in Sepang District, Gunung Mas, Central Kalimantan, expressed a similar sentiment. He explained that he and other residents had been clearing land and cultivating it since 1986, harvesting sap from trees. When the food estate program arrived, the cleared land was immediately encroached upon with heavy equipment, without any notification to him or the village. As a result, he and other villagers could no longer use the site to meet their daily needs and those of their families.

*"We used to gather wood, fish, and animals; no one forbade us. After the food estate program, we faced limitations. I often heard from the community, who told me directly that if they wanted to enter or clear land, or engage in activities in the forest, which was previously community property, it would be managed by the community. It's quite good now that people are allowed to pass through that area, but many of the trees have been cut down."* (Statement by I-Y, community leader, during an FGD in Tewai Baru Village, Sepang District, Gunung Mas, at the Tewai Baru Village Hall, June 5, 2024).

I-B-P actually acknowledged this from the Central Kalimantan Provincial Environmental Agency. According to him, the food estate should be able to empower local communities, not bring harm.

*"There must be legal compliance, because this country is a country of law. So, this also requires synchronization between the central government, then the provinces and regions, including villages, for example, which are the targets. This includes the need for socialization down to the RT (neighborhood unit) and RW (community unit) level. During this socialization, of course, there is synchronization that strengthens the program and efforts to develop the food estate. The aspect of community empowerment and sustainability, which is really the point for us, the budget managed by the central and regional governments for this program, still requires efforts to empower the community."* (Statement by I-B-P, from the Central Kalimantan Provincial

Environmental Agency during the FGD at Aman Coffee Palangkaraya, August 22, 2024).

The strong political influence of the central government in implementing the food estate program in Central Kalimantan is clearly felt by the government at the provincial and village levels. A-B-A emphasized this from the Central Kalimantan Provincial Development Planning Agency (Bappeda Litbang). According to him, as a national strategic program, the region must participate in the food estate, whether they like it or not, even though it is considered very difficult. Furthermore, the activity sometimes has a stronger political element.

*"Every project, every strategic activity should be based on studies. The activities should be based on research. So, it shouldn't just happen suddenly. So, it shouldn't be project-oriented, but rather focused on the welfare of the people."* (A-B-A statement from the Regional Development Planning Agency (Bappeda Litbang), Central Kalimantan Province, during a focus group discussion at Aman Coffee, Palangkaraya, August 22, 2024).

A-A, the village head in Pandih Batu District, Pulang Pisau Regency, also explained this. As an extension of the central government and part of the village government, he admitted he did not want to denigrate the food estate program implemented by the central government. However, the village government felt it was not fully involved in the program's implementation.

*"We're affected by the impact. Sometimes the program is like that, and we're not even invited to communicate when it's about to be implemented. The village government's position and involvement is limited to just helping, sir. Basically, there are activities, and only when we're invited do we become active. Everything comes from the central government."* (Interview with A-A, Village Head in Pandih Batu District, Pulang Pisau, Central Kalimantan, at the village hall, June 3, 2024).



The comments from residents and local officials indicate that residents living near the food estate sites strongly feel the political-economic aspects and interests of officials and businesspeople at the central level in Central Kalimantan. Although residents benefit economically through infrastructure development and other means, particularly in two areas, Kapuas and Pulang Pisau Regencies, their involvement in formulating and creating political policies is minimal. Furthermore, residents receive no economic benefits from the food estate in Gunung Mas Regency. Instead, residents are disadvantaged by being unable to access the forest that has now been converted into a food estate. Before the food estate, the forest served as a food source and livelihood for residents. Infrastructure that could support the economy and provide services to residents, such as roads and irrigation, was also not built. At the same time, timber harvested from 600 hectares of the food estate was taken out of the area, where the food estate managers used it.

### C. Legal Analysis

Implementing the food estate in Central Kalimantan, particularly in Gunung Mas Regency, faces numerous potential violations of existing laws and regulations. Y-K, a member of the Village Representative Body in Sepang District, Gunung Mas Regency, Central Kalimantan, conveyed this. According to him, the community is in a very weak position to sue violations committed by food estate implementers in the field. During meetings with residents, no agreement documents were held by the residents, as all minutes were brought by the officers who initially met with the residents.

*"The community is in a weak position, not holding the document of the agreement that had been made previously, so there is no basis for raising objections and protests." (Interview with Y-K, a member of the Village Representative Body in Sepang District, Gunung Mas Regency, Central Kalimantan, at the village hall, on June 4, 2024).*

Furthermore, social and environmental activists believe that implementing the food estate in Central Kalimantan, particularly in Gunung Mas Regency, violates numerous applicable regulations and provisions. As noted by T-O, an activist with the Indonesian Forum for the Environment (WALHI), he believes the technical studies for the food estate are minimal, resulting in negative impacts.

*"There's also no environmental assessment, so once the land is cleared and it doesn't meet expectations, they're left confused. Irrigation is also a problem. Peatlands are also prone to fires..."* (Interview with T-O, WALHI Central Kalimantan activist at the WALHI Office, Palangkaraya City, Central Kalimantan, June 6, 2024).

According to T-O, the food estate violates many regulations and policies that are higher in the legal hierarchy.

*"In fact, as we know, many legal procedures do not comply with applicable regulations. First, like the Environmental Impact Assessment (EIA), the land conversion and adjustment process is done in just one day. As far as we know, the preparation process at the hotel is not carried out in the field, so it's finished and then it's clear."* (Interview with T-O, WALHI Central Kalimantan activist at the WALHI Office, Palangkaraya City, Central Kalimantan, June 6, 2024).

J-F, another WALHI Central Kalimantan activist, confirmed this. According to J-F, the food estate management violated numerous laws and regulations, such as the Forestry and Forest Protection Law.

*"Many regulations have been violated regarding the forestry law and laws related to the basic agrarian law. The most important one is related to the land law because it is still classified as a forest."* (Interview with J-F, WALHI Central Kalimantan activist at the WALHI Office, Palangkaraya City, June 6, 2024).

Food estates damage the forest area by cutting down millions of trees in the Gunung Mas forest in Central Kalimantan. Currently, trees are cut down over an area of 600 ha. The plan covers a large area of 6,000 ha. At the same time, the implementers of the food estate have not made any effort to replace the trees that have been cut down. Tree felling or deforestation is an act that is prohibited and not justified by the laws and regulations. At least four laws and regulations explicitly regulate and prohibit tree felling. This article is deliberately explained in sequence according to the issuance of the laws and regulations. *First*, Government Regulation Number 28 of 1985 concerning Forest Protection provides four protections for forests, including protection of forests from damage and protection of forest land. Article 9, paragraph 2 states, "Everyone is prohibited from cutting down trees in the forest without permission from the authorized official"<sup>36</sup>. This Government Regulation protects forests from the threat of destruction by individuals, companies, or any institution.

*Second*, Law Number 41 of 1999 concerning Forestry. This law prohibits actions that damage forests, while also providing strict sanctions for confiscating all property that damages forests. Article 78 paragraph 15 states, "All forest products from crimes and violations and or tools including transportation tools used to commit crimes and or violations as referred to in this article are confiscated for the State"<sup>37</sup>. Violations of acts that damage forests will not be forgiven, because all things obtained by destroying forests will be confiscated or taken by force by the state.

*Third*, Law Number 32 of 2009 concerning Environmental Protection and Management. Article 69, paragraph 1 states, "*Everyone is prohibited from carrying out acts that result in environmental pollution and/ or destruction; clearing land by burning*". Article 69, paragraph 2 states, "*The provisions as referred to in paragraph 1 truly demonstrate local*

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<sup>36</sup> Clearestha Nakita and Fatma Ulfatun Najicha, 'The Influence of Deforestation and Efforts to Preserve Forests in Indonesia', *Jurnal Ius Civile* 6, no. 1 (2022): 100, <https://doi.org/https://doi.org/10.35308/jic.v6i1.4656>.

<sup>37</sup> Suslianto and Ismet Hadi, 'Application of the Principle of No Crime without Error in the Provisions of Article 78 Paragraph (15) of Law Number 41 of 1999 Concerning Forestry', *At-Tanwir: Law Review* 2, no. 2 (2022): 164, <https://doi.org/http://dx.doi.org/10.31314/atlarev.v2i2.2028>.

*wisdom in each region*"<sup>38</sup>. Article 69 clearly and explicitly prohibits all acts that result in environmental damage. When viewed with the naked eye, the felling of trees is an act that damages the environment. Moreover, when viewed from the 600 hectares cut down, the environmental damage caused is extensive, as proven by conditions in the field that damage the soil structure. In addition, around the land where the trees were cut down, flooding has occurred when it rains.

*Fourth*, Law Number 18 of 2013 concerning the Prevention and Eradication of Forest Destruction prohibits illegal logging. Illegal logging is defined clearly and explicitly, whether done individually, together, or in an organized manner. Article 1, paragraph 4 states, "*Illegal logging is all activities of illegal utilization of forest wood products that are organized*"<sup>39</sup>. Illegal logging is an activity that does not have a permit or permission from the applicable laws and regulations. So, every logging activity needs to have a legal basis that allows it.

Any attempt to carry out illegal logging in the forest is an unlawful act. Logging will always be considered illegal until a law allows it. To change the prohibition on environmental destruction, including burning, logging, and other activities, a legal regulation is needed that is at least at the same level or has a higher legal standing. The prohibition on destroying forests was most recently regulated in Law Number 18 of 2013 concerning the Prevention and Eradication of Forest Destruction. So, to obtain permission, including permission to cut down trees for certain interests, a law is also needed that allows it.

All laws by the government related to the food estate program that uses land or forest areas as food estate locations are not in line with laws and regulations that prohibit forest destruction and illegal logging. The legal basis for food estates in forest areas is in the form of Presidential

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<sup>38</sup> Putu Ayu Irma Wirmayanti, Ida Ayu Putu Widiati, and I Wayan Arthanaya, 'Legal Consequences of Illegal Logging', *Jurnal Preferensi Hukum* 2, no. 1 (19 March 2021): 199, <https://doi.org/10.22225/jph.2.1.3067.197-201>.

<sup>39</sup> Ramsi Meifati Barus et al., 'Criminal Liability for Illegal Logging as a Forestry Crime Based on Law No. 41 of 1999 Concerning Forestry and Law No. 18 of 2013 Concerning Prevention and Eradication of Forest Destruction' 3, no. 2 (2015): 107, <https://talenta.usu.ac.id/index/login?source=%2Findex.php%2Flaw%2Farticle%2Fview%2F10829>.

and Ministerial Regulations, under the hierarchy of state administrative law. Law Number 18 of 2013 concerning the Prevention and Eradication of Forest Destruction. Therefore, the government's actions to use forests as locations and land for food estates violate the law and are not legally valid. If the government wants to legalize the food estate program in forest areas, it must create a law that revises the provisions in Law Number 18 of 2013. If not, the program will forever violate the law and be vulnerable to being sued in court.

#### **D. Case Study Findings**

This research shows that the prevailing positive law, in the form of a law, was violated for the political-economic interests of central government policymakers, seeking to project an image as a government responsible for a self-sufficient food supply when other countries around the world were facing food shortages. Although this goal was not achieved, the government received a positive public impression and response. In this case, the law followed the wishes of political actors who made policies for economic interests. In public rhetoric, the government often justified this procedural neglect with the excuse of a food crisis or national urgency, including infrastructure development in the regions. Demonstrates that the law is subordinated to short-term political interests. The government uses the law merely as a symbol of legitimacy without substantial implementation, weakening the law's function as a regulatory and protective instrument. This approach contradicts the principle of the rule of law, which requires all government actions to be subject to a fair and transparent legal framework.

In this case, the state has disregarded the rule of law and distributive justice principles, which should be the foundation of sustainable development policies. The rule of law should be above everyone's interests, including political and economic actors<sup>40</sup>. Enforcing the rule

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<sup>40</sup> Marko Kmezić, 'Rule of Law and Democracy in the Western Balkans: Addressing the Gap between Policies and Practice', in *Illiberal Politics in Southeast Europe* (London: Routledge, 2021), 16, <https://doi.org/https://doi.org/10.4324/9781003208327>.

of law demonstrates a commitment to realizing distributive justice<sup>41</sup>. Violations of this principle are clear evidence that the ruling government seeks to profit economically and politically, placing citizens on an unequal footing with those in power<sup>42</sup>. Legally, political economy must be subject to law<sup>43</sup>. Whatever interests are created by the government or anyone within a legal state must not violate applicable laws and regulations. In fact, if a choice must be made, the law should choose to protect the vulnerable and weak<sup>44</sup>.

The substantial budget allocated for the food estate program in Central Kalimantan, amounting to IDR 1.4 trillion in 2021, allows many parties, both political and economic, to seek to profit from the program, despite the practice of violating applicable laws. For example, in the food estate program in Bentuk Jaya Village, Dadahup District, Kapuas Regency, a private bank, the S-L Group, has entered the area and provided capital to every farmer who wishes to join the food estate program. All production costs required by farmers participating in the food estate are covered and distributed in installments according to need. From the land cultivation stage, capital is provided for seeds; upon completion, capital is provided for maintenance, and so on. Previously, this financing scheme did not involve the private sector; the food estate manager provided capital.

In addition, private parties operate around food estate locations/land, such as the Bentuk Jaya Village food estate in Dadahup District, Kapuas Regency. A national standard road has been built to the location, bordering South Barito Regency, South Kalimantan. Next to the food estate, preparations are underway for planting hundreds of

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<sup>41</sup> Richard Arneson, 'Liberal Egalitarian Critiques', in *The Routledge Companion to Libertarianism*, ed. Matt Zwolinski and Benjamin Ferguson, 1st ed. (London: Routledge, 2022), 14, <https://doi.org/https://doi.org/10.4324/9780367814243>.

<sup>42</sup> Richard Arneson, 'Equality's Demands Are Reasonable', *Social Philosophy and Policy* 39, no. 2 (2022): 34, <https://doi.org/doi:10.1017/S0265052523000201>.

<sup>43</sup> John Rae, 'Statement of Some New Principles on the Subject of Political Economy', in *The Emergence of a National Economy*, ed. William J Barber, Marianne Johnson, and Malcolm Rutherford, 1st ed. (London: Routledge, 2024), 554, <https://doi.org/https://doi.org/10.4324/9781003547686>.

<sup>44</sup> Ronald C. Den Otter, 'Constitutional Reform and the Problem of Distributive Justice', *New Political Science* 46, no. 3 (2024): 328, <https://doi.org/https://doi.org/10.1080/07393148.2024.2384695>.

hectares of oil palm trees by the PT S-A group, one of the largest palm oil companies in South Kalimantan. Access to the company is now easier, separated only by a river that can be crossed by a wooden boat. Another private party benefiting is a company involved in planting and managing rice crops at the Kapuas Regency food estate, which has its office in Jakarta.

Food estate operators, particularly those in Gunung Mas Regency, profit from the felling of 600 hectares of trees, out of a planned 6,000 hectares. The timber from this felling can be sold to paper and timber companies. Furthermore, the sheer volume of timber harvested from 600 hectares of felled forest can yield thousands of cubic meters of wood. The timber harvested has high economic value, such as meranti and other timbers, which are sold to the paper industry and wood processing companies, which operate extensively in Central and South Kalimantan. The substantial profits earned by political and economic actors at the national and local levels are driving the food estate program closer to failure. Importantly, for these actors, government funding has been allocated for the program, and they profit from it. They are unconcerned about its success.

If the government were serious about addressing the legal issues surrounding food estate development in Central Kalimantan, particularly in Gunung Mas Regency, efforts are needed to reform existing laws. One way is to create a Government Regulation instead of a Law (*Peraturan Pemerintah Pengganti Undang-Undang*/ PERPPU) as a first step to address the legal gap surrounding food estate development and as a moderate step to reconcile potential legal conflicts with existing regulations. However, no such government regulation has been enacted, unlike a law. Carrying even more serious legal consequences. Implementing food estate activities, particularly in Gunung Mas Regency, Central Kalimantan, could violate the law and be illegal, despite its well-intentioned goals and ideals.

Another consequence is that the state losses incurred due to the program can result in legal violations and be categorized as corruption. Stipulated in Law Number 31 of 1999 concerning the Eradication of Criminal Acts of Corruption, Article 2, paragraph 1, which states that an act can be categorized as corruption if it harms state finances and



enriches oneself or others, including corporations<sup>45</sup>. Compliance with the law demonstrates a country's seriousness in upholding the rights of its people<sup>46</sup>. Conversely, a country that frequently violates the law disregards its rights<sup>47</sup>. In many cases, countries that uphold democratic principles that respect their people's basic and civil rights can lead their people to a prosperous, progressive, and developed life<sup>48</sup>. Conversely, many authoritarian countries have fallen into failure<sup>49</sup>. In developing food estates, as a political economic policy, Indonesia needs to learn from these two cases if it wants food estate development to succeed and not fail again.

Furthermore, in the formal legal aspect, it is necessary to issue a legal umbrella, in the form of regulations with legal force equal to the law. To prevent ongoing legal violations in the food estate policy in Central Kalimantan and other regions in Indonesia, if the government wishes to continue the program, this legal breakthrough is in the form of a Government Regulation instead of a Law (*Peraturan Pemerintah Pengganti Undang-Undang/ PERPUU*). The creation of PERPUU can be a temporary safeguard measure, until there is a law that specifically serves as a legal umbrella for the implementation of the food estate policy in various regions in Indonesia. Indicates that Indonesia is a country of law that upholds the principle of compliance with applicable laws. Not a power-based state that prioritizes economics and politics.

<sup>45</sup> Ali Imron, 'Stolen Asset Recovery: Recovery of Assets Stolen by Criminal Acts of Corruption', *Res Nullius Law Journal* 6, no. 2 (2024): 111, <https://doi.org/https://doi.org/10.34010/rnlj.v6i2.13013>.

<sup>46</sup> Adam Chilton and Katerina Linos, 'Preferences and Compliance with International Law', *Theoretical Inquiries in Law* 22 (2021): 1, <https://doi.org/https://doi.org/10.1515/til-2021-0023>.

<sup>47</sup> Aliu Oladimeji Shodunke et al., 'Establishing the Nexus among Mob Justice, Human Rights Violations and the State: Evidence from Nigeria', *International Journal of Law, Crime and Justice* 72 (2023): 1, <https://doi.org/https://doi.org/10.1016/j.ijlcj.2022.100573>.

<sup>48</sup> Zahara Nampewo, Jennifer Heaven Mike, and Jonathan Wolff, 'Respecting, Protecting and Fulfilling the Human Right to Health', *International Journal for Equity in Health* 21, no. 36 (2022): 1, <https://doi.org/https://doi.org/10.1186/s12939-022-01634-3>.

<sup>49</sup> Berk Esen and Sebnem Gumuscu, 'Why Did Turkish Democracy Collapse? A Political Economy Account of AKP's Authoritarianism', *Party Politics* 27, no. 6 (2020): 1075, <https://doi.org/https://doi.org/10.1177/1354068820923722>.

As a basis for considering this step, the Indonesian government has previously issued several policies, including Government Regulations instead of Law (*Peraturan Pemerintah Pengganti Undang-Undang/ PERPUU*) while awaiting the issuance of a law specifically regulating the policy. First, Government Regulation instead of Law (PERPUU) Number 1 of 2016 concerning Child Protection, issued in May 2016<sup>50</sup>. The issuance of the PERPUU (Regulation instead of Law) aims to fill a legal vacuum, specifically regulating various forms of sexual violence against children. This legal vacuum is deemed urgent to address the increasing number of violations, including sexual crimes against children. Therefore, a law that also imposes harsher sanctions on perpetrators of sexual crimes is needed. Following the issuance of the PERPUU, Law Number 1 of 2016 concerning Child Protection was enacted. Second, the government issued Government Regulation (PERPUU) Number 2 of 2022 concerning the Omnibus Law<sup>51</sup>. The government issued the PERPUU after the Constitutional Court annulled Law Number 11 of 2020 concerning the Omnibus Law or Job Creation. According to the Constitutional Court's ruling, the law will be permanently annulled if it is not amended by November 2023. To fill the legal vacuum caused by the annulment by the Constitutional Court, the government issued PERPUU Number 2 of 2022 on December 30, 2022. This PERPUU was ratified as Law Number 6 of 2023 on March 21, 2023. Third, the issuance of Government Regulation instead of Law (PERPUU) Number 1 of 2014 concerning Direct Elections of Regional Heads<sup>52</sup>. This regulation was issued to fill

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<sup>50</sup> Reza Wahyu Pratama and Riky Pribadi, 'Criminology and Victimology Perspectives on Cases of Pedophilia Crimes According to Government Regulation in Lieu of Law Number 1 of 2016 Concerning Child Protection', *Journal Presumption of Law* 3, no. 2 (2021): 181, <https://doi.org/https://doi.org/10.31949/jpl.v3i2.1507>.

<sup>51</sup> Fahri Bachmid, 'Formation of a Government Regulation in Lieu of Law Following Constitutional Court Decision Number 91/PUU-XVIII/2020', *Reformasi* 13, no. 2 (2023): 195, <https://doi.org/https://doi.org/10.33366/rfr.v13i2.4479>.

<sup>52</sup> Farida Azzahra and Aloysius Eka Kurnia, 'The Constitutional Basis of Government Regulation in Lieu of Law on Regional General Election and Its Implication on the Postponement of Simultaneous Regional General Election 2020', *Majalah Hukum Nasional* 50, no. 2 (2020): 241, <https://doi.org/10.33331/mhn>.

a legal vacuum. Previously, the Constitutional Court had annulled Law Number 22 of 2014 concerning Regional Head Elections through the Regional People's Representative Council.

These three cases demonstrate that the use of Government Regulations instead of Law (PERPUU) is an alternative to fill the legal vacuum in a policy made by the government that has the force of law, as the law. The legality of the use of Government Regulations instead of Law (PERPUU) is also guaranteed by the Constitution, Article 2 paragraph 1 of the 1945 Constitution, which states that "In cases of urgent necessity, the President has the right to stipulate government regulations in lieu of law"<sup>53</sup>. Likewise, seen from the aspect of legal hierarchy, which places the Government Regulation instead of Law (PERPUU) on a par with the Law<sup>54</sup>. Therefore, using a Government Regulation instead of a Law (PERPUU) to fill the legal vacuum surrounding the government's "*food estate*" policy is legally relevant and constitutional. Based on the principles of jurisprudence in the Indonesian legal system<sup>55</sup>. In addition, the principles of jurisprudence in the legal system in Indonesia can also play a role in providing legal certainty<sup>56</sup>.

Given the similarities in using Government Regulations instead of Law (PERPUU) in several legal cases, a jurisprudential approach can be applied. The use of jurisprudence in law contributes to the

<sup>53</sup> Ofis Rikardo, Syawalludin, and Raka Justitia, 'The Existence of the Use of Government Regulations in Lieu of Laws (Perpu) in the Indonesian Legal System', *Jurnal Hukum SASANA* 9, no. 2 (2023): 339, <https://doi.org/https://doi.org/10.31599/btq65w81>.

<sup>54</sup> Sari Febriyanti and Kosariza, 'Legal Analysis of the Determination of Government Regulation in Lieu of Law (Perppu) by the President Based on the 1945 Constitution of the Republic of Indonesia', *Limbago: Journal of Constitutional Law* 2, no. 1 (2022): 123, <https://doi.org/https://doi.org/10.22437/limbago.v2i1.16896>.

<sup>55</sup> Idamatus Solehah, 'The Relevance of Jurisprudence as an Instrument for Legal Reform in Indonesia', *YUDHISTIRA: Jurnal Yurisprudensi, Hukum Dan Peradilan* 3, no. 2 (2024): 50, <https://doi.org/https://doi.org/10.59966/yudhistira.v2i3.1675>.

<sup>56</sup> Ida Nurlaela Arifin, 'The Role of Jurisprudence in Realizing Legal Certainty in Indonesia: A Study of Supreme Court Decisions', *YUDHISTIRA: Jurnal Yurisprudensi, Hukum Dan Peradilan* 2, no. 3 (2024): 68, <https://doi.org/https://doi.org/10.59966/yudhistira.v2i3.1674>.

consistency of law enforcement in Indonesia<sup>57</sup>. Using jurisprudence in law in Indonesia makes implementing law more lively and developed<sup>58</sup>. Theoretically, legal experts have also widely proposed using jurisprudence in the legal system, as Brian H. Bix stated that legal jurisprudence is a common practice<sup>59</sup>. According to Tarunabh Khaitan and Sandy Steel, jurisprudence can be general and specific<sup>60</sup>. Practically and theoretically, the use of a Government Regulation instead of a Law (PERPUU) as the legal basis for implementing the food estate program, as a policy to achieve food security in Indonesia, must be considered. This way, the food estate program, especially in Gunung Mas Regency, Central Kalimantan, which can potentially violate the Law on Forests and Forest Protection, can be resolved properly, by applicable laws and regulations. Political economic policies are implemented, while policymakers, in this case, the government, uphold the laws applicable in Indonesia. Legal reforms and breakthroughs in the form of the creation of a Government Regulation instead of Law (*Peraturan Pemerintah Pengganti Undang-Undang/ PERPPU*) can be a quick and temporary step, until there is a Law that permanently becomes the legality for the illegal actions in the implementation of the food estate program in Central Kalimantan, especially those that occurred in Gunung Mas Regency, namely the act of cutting down trees in forests covering hundreds to thousands of hectares.

The implementation and governance of food estates in other countries can serve as an example of how food estate programs can be properly implemented in Indonesia, achieving the desired success, realizing domestic food security and self-sufficiency, and providing

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<sup>57</sup> Muhammad Jibril et al., 'Jurisprudence as a Source of Law in Indonesia: Lessons from the Common Law', *Jurnal JURISPRUDENCE* 13, no. 1 (2023): 131, <https://doi.org/https://doi.org/10.23917/jurisprudence.v13i1.1967>.

<sup>58</sup> Sapto Hermawan et al., 'Constitutionality of Indigenous Law Communities in the Perspective of Sociological Jurisprudence Theory', *Jurnal JURISPRUDENCE* 11, no. 2 (2021): 282, <https://doi.org/10.23917/jurisprudence.v11i2.12998>.

<sup>59</sup> Brian H. Bix, 'Jurisprudence and Legal Theory', in *Research Handbook on Modern Legal Realism*, ed. Shaubin Talesh, Elizabeth Mertz, and Heinz Klug, 2021, 479, <https://doi.org/https://doi.org/10.4337/9781788117777.00045>.

<sup>60</sup> Tarunabh Khaitan and Sandy Steel, 'Theorizing Areas of Law: A Taxonomy of Special Jurisprudence', *Legal Theory* 28, no. 4 (2022): 325, <https://doi.org/https://doi.org/10.1017/S1352325222000192>.

welfare for residents around food estate locations. One example is China. To maintain food security, China has taken various political, economic, and legal steps. *First*, in terms of law, China has implemented a basic agricultural land protection system. The conversion of agricultural land for purposes other than agriculture is prohibited and done to maintain food availability and create strategic food reserves. Land protection in China applies to land conversion and protecting the land from pollution<sup>61</sup>. One protected area is Zhejiang Province, which is known for having the highest population growth in eastern China<sup>62</sup>. This step is considered successful in realizing food security, even though China has less agricultural land than the global average<sup>63</sup>. Eighty-six percent of China's agricultural land could be consolidated to increase food production while increasing employment and farmer incomes<sup>64</sup>. In Indonesia, land protection policies are still not fully implemented. Although regulations exist, such as Regional Regulations (PERDA) concerning Spatial Planning (RTRW), which regulate and protect agricultural land, these regulations are not effectively enforced. Enforcement remains subordinated to economic interests. As a result, agricultural land is converted into housing and industrial areas, such as factories, offices, and other areas.

*Second*, politically, China has designed a village-based food security policy. This rural-based food security development has enabled

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<sup>61</sup> Lu Feng et al., 'Prevention and Control of Soil Pollution toward Sustainable Agricultural Land Use in China: Analysis from Legislative and Judicial Perspectives', *Land Use Policy* 151 (2025): 1, <https://doi.org/https://doi.org/10.1016/j.landusepol.2025.107497>.

<sup>62</sup> Mark W Skinner, Richard G Kuhn, and Alun E Joseph, 'Agricultural Land Protection in China: A Case Study of Local Governance in Zhejiang Province', *Land Use Policy* 18, no. 4 (2001): 329, [https://doi.org/https://doi.org/10.1016/S0264-8377\(01\)00026-6](https://doi.org/https://doi.org/10.1016/S0264-8377(01)00026-6).

<sup>63</sup> Nan Wang et al., 'Basic Farmland Protection System in China: Changes, Conflicts and Prospects', *Agronomy* 13, no. 3 (2023): 651, <https://doi.org/https://doi.org/10.3390/agronomy13030651>.

<sup>64</sup> Jiakun Duan et al., 'Consolidation of Agricultural Land Can Contribute to Agricultural Sustainability in China', *Nature Food* 2 (2021): 1014, <https://doi.org/https://doi.org/10.1038/s43016-021-00415-5>.

food diversification at the village level<sup>65</sup>. China has implemented a one-village, one-food policy. Considered to achieve food security in China while curbing industrial pressure on agricultural land availability<sup>66</sup>. China's efforts to achieve resilience are considered successful compared to other countries<sup>67</sup>. However, China still faces challenges in maintaining village-based food security, particularly with its growing population requiring food. With its Javanese and non-Javanese approach, Indonesia's food estate policy needs to consider the remoteness of access to food estate locations outside Java and the distribution channels for food production from outside Java to Java. The Indonesian government has designed a food estate policy largely outside Java, such as in Kalimantan. Contrasts with China's village-based policy design.

Third, the economic aspect. China has the largest population in the world. Its food consumption is equivalent to 20 percent of the world's population<sup>68</sup>. Economically, China has a large food market. To achieve significant economic benefits, food security in China has been integrated between rural and urban areas. Urban areas are integrated as markets for food produced in villages<sup>69</sup>. Strategies can strengthen food

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<sup>65</sup> Jianwen Shi and Xiuyun Yang, 'Sustainable Development Levels and Influence Factors in Rural China Based on Rural Revitalization Strategy', *Sustainability* 14, no. 14 (2022): 8908, <https://doi.org/https://doi.org/10.3390/su14148908>.

<sup>66</sup> Qi Yang and Daojun Zhang, 'The Influence of Agricultural Industrial Policy on Non-Grain Production of Cultivated Land: A Case Study of the "One Village, One Product" Strategy Implemented in Guanzhong Plain of China', *Land Use Policy* 108 (2021): 1, <https://doi.org/https://doi.org/10.1016/j.landusepol.2021.105579>.

<sup>67</sup> Yujia Lu et al., 'Experiences and Lessons from Agri-Food System Transformation for Sustainable Food Security: A Review of China's Practices', *Foods* 11, no. 2 (2022): 137, <https://doi.org/https://doi.org/10.3390/foods11020137>.

<sup>68</sup> Yansui Liu and Yang Zhou, 'Reflections on China's Food Security and Land Use Policy under Rapid Urbanization', *Land Use Policy* 109 (2021): 1, <https://doi.org/https://doi.org/10.1016/j.landusepol.2021.105699>.

<sup>69</sup> Xiaofu Chen and Guoxin Yu, 'The Impact of Urban-Rural Integration on Food Security: Evidence from Provincial Panel Data in China', *Sustainability* 16, no. 9 (2024): 3815, <https://doi.org/https://doi.org/10.3390/su16093815>.

security in urban areas<sup>70</sup>. At the same time, it can also improve the economy and welfare of citizens<sup>71</sup>. Integrating villages as the base and center of food production, and urban areas as the main market for local food production, is a relevant strategy<sup>72</sup>. On the one hand, residents are increasingly abandoning rural areas and moving to cities, leaving more agricultural land in rural areas. Meanwhile, urban areas are densely populated, requiring a steady food supply.

## E. Conclusion

Food estates as a government food political policy do not directly impact increasing food production, such as rice, cassava, and corn, as expected from the development of food estates in Central Kalimantan. However, the food estate program indirectly positively impacts two food estate areas in the Kapuas Regency and Pulang Pisau Regency in the form of road infrastructure development. The improvement in road infrastructure has made the economic mobility of residents in the two areas smoother. Traders and distributors of goods can also come directly to Pandih Batu District, Pulang Pisau Regency, Dadahup District, and Kapuas Regency. This causes the prices of goods in these areas to be lower than before. Health and education services have improved. However, the conditions were not better in the Sepang District, Gunung Mas Regency. The development of food estates in Gunung Mas Regency has serious legal consequences. In a positive legal review, food estate activities are not legally adequate because the legal basis is only in the form of a Presidential Regulation on the National Strategic Program and a Ministerial Regulation on Land Utilization for the Food Estate Program, which conflicts with the laws and regulations

<sup>70</sup> Xinyuan Liang et al., 'Exploring China's Food Security Evolution from a Local Perspective', *Applied Geography* 172 (2024): 1, <https://doi.org/https://doi.org/10.1016/j.apgeog.2024.103427>.

<sup>71</sup> Kevin Z. Chen, Rui Mao, and Yunyi Zhou, 'Rurbanomics for Common Prosperity: New Approach to Integrated Urban-Rural Development', *China Agricultural Economic Review* 15, no. 1 (2023): 1, <https://doi.org/https://doi.org/10.1108/CAER-12-2021-0256>.

<sup>72</sup> Chien-Chiang Lee, Mingli Zeng, and Kang Luo, 'The Impact of Urbanization on Food Security in China', *International Review of Economics & Finance* 93 (2024): 1159, <https://doi.org/https://doi.org/10.1016/j.iref.2024.05.037>.



mentioned above, the Law on Forestry, and the Law on Forest Protection. Indicates that policymakers prioritize the political economy of the food estate, neglecting compliance with applicable laws. Therefore, a legal breakthrough is needed as a Government Regulation instead of Law (*Peraturan Pemerintah Pengganti Undang-Undang/ PERPUU*) to address potential legal challenges, particularly the Law on Forests and Forest Protection.

As a practical recommendation, food estate development governance can integrate legal, political, and economic approaches to achieve maximum results. A legal approach can be the primary foundation for successful food crop development. Involves establishing regulations that serve as the basis for providing agricultural land in a specific region or area that do not violate other laws and regulations. It can be integrated with the central government policy that prioritizes villages as the spearhead of development. Evident in the numerous village-based government programs, ranging from Village Funds, Village Fund Allocations, to direct cash assistance in villages. Finally, there is the policy of allocating 20 percent of Village Funds for food security. Economically, the Koperasi Merah Putih in villages, initiated by the government, can also serve as a buffer cooperative, purchasing all agricultural produce from the village. The produce is then sold to the city and processed into food for consumption by both rural and urban residents. This program cannot be implemented without a legal framework, such as a law that regulates the entire process from upstream to downstream. Therefore, food estates are being developed throughout rural areas in Indonesia.

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