

**ISLAMIC LAW ANALYSIS OF *SADD ADZ-DZARI'AH* ON THE CONVERSION OF
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Mj122@ums.ac.id**ABSTRACT**

This article reviews in depth the aspects of Islamic law related to the conversion of agricultural land, focusing on the principle of *Sadd Adz-Dzari'ah*. This principle is the main foundation of this research, playing an important role in regulating the process of land transformation and setting legal boundaries that must be obeyed. Through a case study conducted in Karanganyar Regency, this research aims to evaluate the application of the *Sadd Adz-Dzari'ah* principle in the context of agricultural land conversion and provide an in-depth understanding of the principles, to assess its implementation in agricultural land conversion in Karanganyar Regency, to analyze the social, economic and environmental impacts of land use change and propose policies to the local government to improve justice and sustainability, taking into account Islamic values. The research method is based on a qualitative approach with in-depth interviews and document analysis. The collected data were analyzed using content analysis techniques to identify patterns and main themes related to the application of *Sadd Adz-Dzari'ah* principles in agricultural land conversion. The results showed that the *Sadd Adz-Dzari'ah* rule has a central role in regulating and guiding the process of conversion of agricultural land into housing within the framework of Islamic law. This research highlights that the conversion of agricultural land to housing is not just a physical change, but also involves significant social, economic and environmental aspects. Social impacts include changes in the lifestyle of rural communities, while economic impacts include aspects of increased land value and changes in livelihoods. Environmental impacts include vulnerability to land degradation and loss of biodiversity. This research is expected to make a significant contribution to the understanding of the relevance and implementation of the *Sadd Adz-Dzari'ah* principle in the context of rural land use change. It also aims to provide a foundation for better policies that are in line with Islamic values.

Keywords: Agrarian; Land Conversion; *Sadd Adz-Dzariyat***INTRODUCTION**

As the economy grows and the population increases, the need for land increases(1).

Land is closely related to human needs such as being used to build houses, to grow rice, to establish plantations and other economic and non-economic activities, even when a died human he still needs a plot of land. This encourages people to give their own assessment of how important land is for human life. (1)

According to G. Kartasapoetra, explains that:

1. Humans will use stable soil conditions as a springboard for rapid annual growth.
2. Land capability will become unstable due to land use and natural factors.

The imbalance between the rapidly growing needs of humans and the fixed amount of land availability will lead to the transfer of the function of the land itself, as a result of which the land was originally used to meet food needs, especially rice farming, which was converted into residential and industrial areas to meet human needs that continue to increase with the times.(2)

Land conversion has an adverse impact on the agricultural sector, reducing the production of staple foods such as rice, which is a basic necessity for communities. This can result in significant losses for farmers, threatening the stability of the ecosystem, increasing rice prices, and creating unused agricultural infrastructure. Furthermore, it presents challenges for central and regional governments seeking to achieve food independence, security, and sovereignty.

Seeing the shortcomings experienced above, the government issued a policy contained in Law No. 41 of 2009 concerning the protection of sustainable agricultural land. Agricultural land conversion cannot be carried out arbitrarily, for the public interest, a strategic feasibility study is needed first as stipulated in Article 44 paragraph (3) of Law No. 41 of 2009 in the article states that in addition to conducting a strategic study, a land conversion plan must also be prepared and replacement land for sustainable food land must be provided.

The conversion of rice farming land in Karanganyar Regency is rampant lately, land that was once a productive land in the form of rice fields that produce rice is now starting to change functions into several buildings ranging from housing, industrial complexes and other economic and non-economic activities, thus underlying this scientific work to find out whether the influence of the conversion of agricultural land and how its impact on society is reviewed from an Islamic perspective.

Based on the description above, it is necessary to conduct a study in the form of research by looking at reliable data sources to find whether the Effect of Agricultural Land Use Change on Food Security in Karanganyar Regency. Islam teaches moral and ethical principles to guide the behavior of its people in all aspects of life, including land management and land use change. Land ownership in Islam is accompanied by moral responsibility. Landowners must consider the social and environmental impacts of land use change. Shariah principles regulate the rights and obligations of land ownership so as not to cause harm to society or the environment. Justice and equitable access to natural resources, including land, are values affirmed in Islam. (1)

Karanganyar Regency is currently facing significant challenges with regard to land conversion, particularly in rural areas where paddy fields represent a larger proportion of the total land area than dry land. This challenge can be attributed to uncontrolled population growth and the concomitant increase in housing needs. One of the contributing factors to this phenomenon is the dearth of information and legal education in rural communities, which has resulted in a decline in interest in agriculture among the younger generation, particularly the next generation. (2) This triggers the conversion of land into settlements without a permit, even though it is prohibited by law. In the context of national food security, a decrease in rice production in Karanganyar Regency could jeopardize the government's efforts to achieve rice self-sufficiency because land conversion could result in a reduction in the area of agricultural land and the production of agricultural products, potentially resulting in a decrease in rice production. negative impact. Impact on regional and national food security. (3)

The government and local governments are responsible for supervising resettlement areas in accordance with the resettlement area plan, including land conversions that are important to the resettlement area and may result in changes to the area plan. (3) Koordinasi yang efektif diperlukan untuk memastikan konversi lahan sejalan dengan perencanaan lokal dan mendukung pembangunan berkelanjutan. Memprediksi dampak konversi lahan merupakan hal yang penting untuk menjaga ketahanan pangan, terutama dalam konteks Islam. Langkah-langkah strategis yang sejalan dengan nilai-nilai Islam diperlukan untuk menjaga produktivitas lahan pertanian melalui penegakan peraturan dan pengawasan yang adil dan berkelanjutan.(4) Sustainability of the agricultural sector must be prioritized to maintain food self-sufficiency that emphasizes conservation of natural resources and equitable distribution. (5)

RESEARCH METHOD

This research uses a descriptive qualitative approach to provide an in-depth description of the phenomena that can be the target of legal violations. This approach allows researchers to explore the complexity of situations and characteristics that can trigger administrators who violate legal norms. A sociological approach was chosen to understand the role of law in social interaction and its impact on society as a whole. This research is not constrained by the formal legal framework; rather, it delves into how individuals interpret, apply, and comprehend legal norms that emerge from the analysis of data gathered from primary, secondary, and tertiary legal and non-legal sources. The following sources were consulted in the preparation of this study: This approach offers a more comprehensive and sophisticated analysis of how society responds to legal norms. By integrating qualitative and sociological methodologies, this research aims to offer a comprehensive and contextualized understanding of the legal phenomenon under investigation. The results of the research are expected to provide a detailed description and deep insight into the research problem, so that the prevention efforts of “*sadd adh-dharā’I*” can be more focused and relevant to the problem of agricultural land conversion. For housing in Karanganyar Regency.

RESULTS AND DISCUSSION

Application Of Agricultural to Non-Agricultural Land Conversion in Karanganyar Regency

The implementation of the conversion of agricultural land to non-agricultural land in Karanganyar Regency refers to regional regulations. This is regulated in Karanganyar Regency Regional Regulation Number 19 of 2019 concerning amendments to Karanganyar Regency Regional Regulation Number 1 of 2013 concerning the Karanganyar Regency Regional Spatial Plan 2011-2032. In addition, other related regulations are Karanganyar Regency Regional Regulation Number 6 of 2020 concerning Regional agricultural administration and Karanganyar Regent Regulation number 50 of 2016 concerning space utilization permits (4) (5). With these provisions, it is expected that the process of land conversion can be carried out in accordance with the spatial plan and still pay attention to the protection of sustainable food agricultural land.

In Article 1 point 9 of Karanganyar Regency Regional Regulation Number 19 of 2019 concerning amendments to Karanganyar Regency Regional Regulation Number 1 of 2013 concerning the Regional Spatial Plan for Karanganyar Regency for 2011-2032, what is meant by “spatial planning” is a system of spatial planning processes, spatial utilization and control of spatial utilization, this aims to realize Karanganyar Regency as a regional growth center that is directed in land use in the Karanganyar Regency area, especially agricultural land. (6)

Utilization of agricultural land for non-agricultural purposes in Karanganyar Regency must follow the provisions of Karanganyar Regency Regent Regulation Number 50 of 2016 concerning Space Utilization Permits. This process includes a space utilization permit (IPR), location permit, land utilization permit (IPT), land use change permit (IPPT) and building construction permit, as well as additional requirements such as Environmental Management Efforts and Environmental Monitoring Efforts (UKL/UPL) or Environmental Impact Analysis (AMDAL). (6) It is a requirement that all principal permits be submitted for prior approval by the Regent. Furthermore, all permits must be processed through the relevant authorized agencies and officials. The objective of a space utilization permit is to guarantee compliance with spatial plans, zoning regulations, and minimum service standards, thereby preventing adverse effects and safeguarding the public interest and the broader community. This is crucial to ensure that the permit is legally valid.

The conversion of agricultural land to non-agricultural land in Karanganyar Regency must also follow a series of procedures that also require a permit as previously mentioned and cannot be done unilaterally according to Karanganyar Regent Regulation number 50 of 2016. The procedures are:

1. Apply for a certificate of spatial suitability to the One-Stop Investment and Integrated Services Agency (DPMPTSP) and fill in the application form for a certificate of spatial suitability.
2. Apply for land technical considerations to obtain a land use change permit to the Ministry of Agrarian Affairs and Spatial Planning or Grobogan Regency National Land Agency.
3. Submit an application for land use accompanied by technical land considerations and fill out the form and complete the required documents.

4. Submitting an application for a building establishment permit (IMB) attached with technical considerations for land use change. After the land use change permit is completed, the next step is to apply for an IMB (Building Establishment Permit) to One-Stop Investment and Integrated Services Agency Karanganyar Regency by filling out the Building Construction Permit (IMB) form.

After ensuring that all requirements are met, the One-Stop Investment and Integrated Services Agency will start the paperwork, and the Building Construction Permit (IMB) will be issued. The Building Construction Permit as the final permit signifies that the conversion of land from agricultural to non-agricultural for residential purposes is official and legal, thus allowing development as desired. Without a Building Permit, development on agricultural land is considered administrative and will be subject to administrative sanctions in accordance with Karanganyar Regent Regulation number 50 of 2016. The sanctions given are in the form of written warnings, temporary suspension of activities, site closure, cancellation and revocation of permits. Communities that do not apply for a permit risk facing consequences such as closure or forced demolition by the Civil Service Police Unit. In contrast, the existence of a building permit provides legitimacy and legal certainty to the owner, creates order, and supports sustainable development.

Impact On Food Security Due to Conversion of Agriculture To Non-Agriculture

As the main pillar of Indonesia's economy, agriculture has great potential in driving the country's economic recovery, especially in the context of food security. Policies to support the agricultural sector require great attention. (6) Every year there is a change in the function of agricultural land, especially changes from rice fields to non-fields, which has a significant impact on social and economic aspects. The impacts include a decrease in the share and income of the agricultural sector, while the income of the non-agricultural sector, especially processors, increases. (7) Given the dependence of Indonesians on natural resources, conversion of agricultural land has significant implications for food security. If this trend continues, it could destabilize national food security. The challenge of food security is a serious issue that needs to be addressed comprehensively, given the important role of food as a basic need. (7)

The conversion of agricultural land will result in a reduction in overall food production

and an increase in dependence on imports, which may lead to price hikes and the creation of food shortages. In light of the intricate nature of these challenges, it is imperative that Indonesia reinvigorate its agricultural policies through comprehensive structural reforms to effectively address food security concerns and facilitate the advancement of the agricultural sector. (8) The increasing trend of land conversion from agricultural to non-agricultural sectors such as housing, trade, industry and infrastructure has a significant impact on the agricultural sector. (8)

The reduction in agricultural land area has a dual impact on the agricultural sector. On the one hand, it affects agricultural activities directly. On the other hand, it has a positive impact on the level of labor deficit in the sector, which can increase the unemployment rate when agricultural sector actors switch to other sectors. (9) The process of converting agricultural land to non-agricultural uses, while unavoidable, has implications beyond just reduced production of rice and agricultural products. (9) These changes include risks to political stability caused by food insecurity, adverse social changes and environmental degradation. The importance of soil and water conservation functions of rice paddies are crucial for the future livelihoods of communities, and the loss of productive agricultural land can destabilize overall food security. (10) Although Indonesia is known as an agricultural country, there are still gaps in the agricultural sector that pose a serious challenge to future food security. To address this issue and maintain food security, measures focusing on farmland protection and sustainable land use practices are needed. (10) The aim is to maintain land fertility and support sufficient food production capacity to meet the needs of a growing population.

The conversion of agricultural land to non-agricultural use can have a significant impact on the food security of a region. The following is a discussion of these impacts:

1. Decline in Food Production
2. Dependence on External Supply
3. Reduction of Employment in the Agricultural Sector
4. Changes in Socio-Economic Structure
5. Ecosystem Imbalance
6. Increased Urbanization Pressure
7. Long-term Food Security Risks
8. Changes in Lifestyle and Consumption Patterns

9. Uncertainty of Food Security

Karanganyar Regency Regional Regulation Number 4 of 2022 is a guideline for the Karanganyar Regency Government through the Karanganyar Regency Agriculture, Food and Fisheries Service in the field of food security. Reporting from the website of the Karanganyar Regency Agriculture, Food and Fisheries Service with the following functions: (11)

1. Preparation of policy formulation materials in the field of Food Security,
2. Preparation of materials for implementing policies in the field of Food Security
3. Preparation of evaluation and reporting materials in the field of Food Security
4. Implementation of other tasks in accordance with their functional duties.

With this function, the Karanganyar Regency Agriculture, Food and Fisheries Service can design sustainable and solutive policies to overcome the challenges of increasing agricultural yields and maintaining food security in Karanganyar Regency. To manage food security, Karanganyar Regency takes strategic steps. First, it cooperates with the National Food Agency and the Provincial Food Office to formulate effective strategies and accurately measure regional food accumulation. The involvement of related institutions such as the offices of agriculture, livestock, fisheries, industry, trade, statistics and Bulog is also important to provide comprehensive information. The process of calculating food supply and demand is ongoing, with monthly reporting to the National Food Agency through a web-based system that reflects transparency and accountability. The final step is to conduct a thorough evaluation of the data report so that it becomes the basis for continuous improvement of food security management in Karanganyar Regency.

Analysis Of *Sadd Adz-Dzari'ah* On The Conversion Of Agricultural Land Into Non-Agricultural Land

What is meant by "*Sadd Adz-Dzari'ah*" is an expression (idhafah) consisting of two words, namely "*sadd*" (سَدّ) and "*adz-dzari'ah*" (الدَّرِيْعَة). Etymologically, the word *as-sadd* (السَّد) is an abstract noun (*mashdar*) from the word سَدَّ يَسُدُّ سَدًّا which means to cover something that is defective or damaged and to fill a hole. (12) While "*adz-dzari'ah*" (الدَّرِيْعَة) is a singular noun (*isim*) that refers to the way, means (*wasilah*), and cause of an event. In the plural, the word becomes "*adz-zara'i*" (الدَّرَائِع). Therefore, in some books of *ushul fiqh* such as *al-Qarafi's*

“*Tanqih al-Fushul fi Ulum al-Ushul*”, the term used is “*sadd adz-dzara’i*”.

Originally, the term “*adz-dzari’ah*” was used to describe the practice of camel hunting in Arabia. In this context, camels were released by hunters to approach the wild animal being hunted. The hunter would hide beside the camel so as not to be seen by the target animal. Once the camel has successfully approached the animal, the hunter releases his arrow to hunt. According to Ibn al-A’rabi, this is the reason why the word “*adz-dzari’ah*” came to be used as a metaphor for anything that brings a goal or desired outcome closer. (13)

According to al-Qarafi, *Sadd Adz-Dzari’ah* refers to the act of cutting the path of damage (mafsadah) as a step to avoid bad effects. Whereas an act is free from in a similar context, ash-Shukani (14) explains that *adz-dzari’ah* is a situation where a problem or case is basically permitted, but can lead to prohibited actions (*al-mahzhur*).

In al-Muwafat Ash-Syatibi explains that *Sadd Adz-Dzari’ah* is rejecting something that is basically permissible (*jai’z*) to prevent the occurrence of something that is prohibited (*mamnu’*). According to Mukhtar Yahya and Fatchurrahman (15), *Sadd Adz-Dzar’ah* can be interpreted as the act of eliminating or closing the path that leads to prohibited acts. Meanwhile, according to Ibn al-Qayyim al-Jauziyyah, the path or intermediary in question can be something that is prohibited or allowed.

From some of the concepts above, it can be seen that some scholars such as ash-Syatibi and ash-Shayukani tend to narrow the definition of *adz-dzari’ah* as something that is initially permitted. On the other hand, al-Qarafi and Mukhtar Yahya define *adz-dzari’ah* in general without narrowing it to something that is permitted. In addition, Ibn al-Qayyim also suggested the existence of *adz-dzari’ah* which was initially prohibited. According to Abdul Hamid (2007), *Sadd Adz-Dzari’ah* is stipulating the prohibition of a certain act that can basically be allowed or prohibited, with the aim of preventing other prohibited acts from occurring. From these various perspectives, *Sadd Adz-Dzari’ah* is defined as a preventive measure or prevention to prevent the occurrence of something undesirable (worse things).

The conversion of agricultural land into housing can give rise to a number of issues if the interests of the local community are not taken into account. It is not permissible for a landowner to unilaterally change the use of land that was previously used for agricultural purposes and convert it into land that is not used for agriculture. The conversion process is only permissible if it is conducted for the benefit of the community and must adhere to the

stipulations outlined in the pertinent legislation. In the absence of adherence to the prescribed regulations, the process of land conversion has the potential to compromise food security and exert a detrimental impact on the environment. Therefore, land conversion must be done carefully and in accordance with applicable legal aspects. It is important to consider the social, economic and environmental impacts before making decisions regarding agricultural land conversion.

The strict approach taken by Karanganyar Regency towards the conversion of agricultural land to non-agricultural use, especially housing, is reflected in the applicable legal provisions. This can be seen from regulations such as Karanganyar Regency Regional Regulation Number 19 of 2019 concerning amendments to Karanganyar Regency Regional Regulation Number 1 of 2013 concerning the Karanganyar Regency Regional Spatial Plan 2011-2032. Furthermore, additional pertinent regulations, such as Karanganyar Regency Regional Regulation Number 6 of 2020 concerning Regional Agricultural Administration and Karanganyar Regent Regulation Number 50 of 2016 concerning space utilization permits, also reflect the seriousness of the Karanganyar Regency Government in maintaining economic stability. These regulations demonstrate a commitment to preventing the conversion of agricultural land into housing without compromising food security at the regional and national levels.

Based on the explanation above, it appears that land transformation from agriculture to non-agriculture in Karanganyar Regency is considered reasonable as long as it does not sacrifice the public interest and follows applicable regulations. This emphasizes the important role of regulations in managing the land transformation process to keep it in line with community needs. These rules become the main foundation in maintaining a balance between various components of society, so that changes in land functions are not only seen from a legal perspective, but also as closely related to the welfare of local and even national communities. When agriculture is transformed into the non-agricultural sector, there are a number of impacts that need to be considered, such as changes in resource use patterns, environmental impacts, economic and social changes, making it important to establish regulations that not only limit land transformation, but also ensure that such changes provide balanced benefits to society as a whole.

This concept is in line with the principle of *sadd adz-dzariyat* in Islamic law, which

emphasizes prevention of potential losses. Regulations that have been stipulated by the government, such as Karanganyar Regency Regional Regulation Number 19 of 2019 concerning amendments to Karanganyar Regency Regional Regulation Number 1 of 2013 concerning the Regional Spatial Plan of Karanganyar Regency for 2011-2032, Karanganyar Regency Regional Regulation Number 6 of 2020 concerning the Implementation of regional agriculture, and Karanganyar Regent Regulation Number 50 of 2016 concerning space utilization permits, are not merely legal restrictions, but also preventive efforts to anticipate and prevent the negative impacts of the conversion of agricultural land to non-agricultural uses.

The preventive efforts made by the Karanganyar Regency government reflect their commitment to maintaining economic sustainability and community welfare. The emphasis on holistic social, economic and environmental impacts is an integral part of the implementation of this regulation. This reflects that land use change is not only a legal issue, but also requires in-depth consideration of the impacts that may arise, in line with the desired principles of sustainability and balance. The Karanganyar District Government has shown awareness of the importance of paying attention to these aspects in the regulations they implement. The preventive measures taken aim not only to comply with regulations, but also to maintain environmental sustainability, social welfare and economic stability. This is a prudent and responsible step in facing the challenges of land transformation, which should be followed by corresponding thinking and actions at other levels, both regional and national.

CONCLUSION

The results show that the *Sadd Adz-Dzari'ah* rule has a central role in regulating and guiding the process of conversion of agricultural land into housing within the framework of Islamic law. Through a case study conducted in Karanganyar Regency, we can understand the complexity of the application of these rules in the field. The research highlights that the conversion of agricultural land into housing is not just a physical change, but also involves significant social, economic and environmental aspects. Social impacts include changes in the lifestyle of rural communities, while economic impacts include aspects of increased land value and changes in livelihoods. Environmental impacts include vulnerability to soil degradation and loss of biodiversity.

The policy recommendations generated from this research underscore the importance

of creating an appropriate balance between housing development and farmland preservation. This policy should be based on the principles of justice and sustainability, taking into account Islamic values as ethical guidelines. It is essential that the government, the community, and the private sector cooperate in designing policies that provide the best solution for all parties. This research offers a more nuanced understanding of the application of the *Sadd Adz-Dzari'ah* rule, while also contributing to the broader discourse on how to respond to land use change in a manner that considers the multifaceted dimensions of religious, social, economic, and environmental aspects.

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