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LEGAL ASPECTS OF THE ELIMINATION OF AGRICULTURAL LAND USE IN REGIONAL SPATIAL PLANNING

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ABSTRACT

Spatial planning is crucial in regulating land use and utilization for sustainable development. However, in practice, there are still discrepancies between spatial planning and development implementation in various regions, which result in regional development imbalances, environmental degradation, and resource constraints. This research analyzes the factors causing the mismatch between spatial planning and actual development, particularly in the context of the removal of agricultural land use in the spatial planning of Surakarta City, and examines the impact of these issues. The method used in this research is normative legal research with a conceptual approach and analysis of the applicable laws and regulations. The research results indicate that inconsistencies in satial planning occur due to overlapping policies, inconsistent planning revisions, and weak supervision in implementing regulations. The conversion of agricultural land into non-agricultural areas threatens food security and negatively impacts ecosystem balance and environmental carrying capacity. Therefore, synergy between the government, society, and the private sector is needed in formulating and implementing spatial planning based on sustainability principles. Strengthening regulations, providing incentives for the preservation of agricultural land, and utilizing digital mapping technology can address this issue to achieve development that is in harmony with environmental carrying capacity.

Keywords— *development; land; plan; spatial planning; sustainable..*

INTRODUCTION

Spatial planning is important in regulating land use and utilization to achieve sustainable development goals. Good spatial planning is crucial for balancing economic development needs, public interests, and

environmental preservation. Spatial planning guides central and regional governments in designing regional zoning, including residential zones, industrial areas, agricultural land, conservation areas, and other areas. With the help of appropriate spatial planning guidelines, Indonesia can manage its territorial space more effectively, reduce land conflicts, and ensure the wise use of natural resources [1]. Land use has been widely recognized as an important factor influencing an area's ecosystem [2]. However, the accelerated pace of urbanization and industrialization in a region has caused drastic changes in land use. These changes often occur on an unprecedented scale [3]. Unplanned industrialization and urbanization have triggered excessive land use intensity and imbalances in its utilization structure. As a result, conflicts of interest and contradictions related to land use have increased, especially in efforts to balance the needs of sustainable development and environmental preservation [4].

In the context of sustainable development, spatial planning is one of the things that needs to be considered in land use [5]. The state is responsible for policy formulation and task execution regarding spatial planning. The direction of the state is determined by policymaking, and tasks are carried out by implementing duties in the direction set by the state. Planning, utilization, and control are three interrelated tasks in spatial planning [6]. Spatial planning is important in regulating land use and utilization to remain in harmony with environmental carrying capacity. This planning serves as an instrument for regional management and a guideline for creating a balance between development and environmental protection [7]. Therefore, before establishing spatial planning documents, local governments need to identify the physical conditions of their regions. This identification plays a crucial role in assessing the land's carrying capacity and the available resources so that the Provincial Spatial Planning and the District/City Spatial Planning can be formulated according to its capabilities, ensuring its utilization proceeds optimally and sustainably. Each region, whether province or district/city, has different potential natural resources, so spatial planning must be based on sustainable principles and adjusted to its physical environmental conditions. This planning aims to support the optimal development of the region [8].

In practice, development in an area does not always align with the RTRW guidelines. The rapid population growth and the increasing demand for land for housing, industry, and infrastructure often result in conflicts of interest over land use and discrepancies between land use and its intended purpose [9]. This can lead to uncontrolled land use changes, including converting productive agricultural land into residential or industrial areas, ultimately threatening food security and ecological balance [10]. For example, development in Surakarta still faces challenges in alignment with spatial planning. The implementation of development policies in this city has not been effective because medium-term, long-term, and annual planning often does not fully adhere to the established spatial planning. Moreover, the lack of transparency and openness of information to the public limits community participation in monitoring and planning development, potentially causing imbalances in land use and uncontrolled environmental impacts. The city of Surakarta is one of the areas designated as having 63.62 hectares of protected rice fields. That area is equivalent to 1.36% of the total area of Surakarta City. However, the contents of the protected rice field map contradict the Spatial Planning of Surakarta City 2021-2041, which no longer regulates agricultural areas in Surakarta City. This uncertainty poses significant challenges for economic stakeholders, including developers and various business entities, who often neglect the principles of sustainable development in their operational activities. To address this issue, it is necessary to harmonize the concepts and technical aspects of land use plans to align with spatial planning at both the central and regional levels [11].

In recent years, many scholars have also conducted relevant research studies. For example, research conducted by Yansui Liu and Yang Zhou shows that there are issues caused by the lack of an integrated

spatial planning system and superior regulations, such as overlapping conflicts, complex approval processes, frequent planning revisions, and difficulties in plan implementation, which have led to spatial development imbalances in the region, ecological environmental damage, tightening resource constraints, and regional development imbalances [7]. Furthermore, research conducted by Dimitros Kalfas shows that urban sustainability and proper land use require structural changes and significant fundamental changes at all levels of society [12]. Research relevant to this study was also conducted by Changchun Fen, who identified patterns of land use status and optimized land resource allocation by implementing a spatial planning system [13]. Furthermore, the research by Maria Luiza Petroni emphasizes that in determining conversion targets for protected area management decisions, it is necessary to consider the impact of land use and land cover changes on ecosystem sustainability [14]. Research conducted by Fatia Kalsum emphasizes that the preparation of spatial planning is based on various principles, one of which is the principle of sustainability. The principle of sustainability in spatial planning means that spatial planning is conducted by ensuring the preservation, carrying capacity, and environmental load capacity while considering future generations [15]. Based on these studies, the author will conduct a deeper analysis and seek solutions to the issues presented in this article, namely the factors of spatial planning discrepancies that conflict with sustainable development and the impacts and efforts related to these issues.

LITERATURE REVIEW

A. Understanding of Spatial Planning

In Indonesia, the concept of spatial planning is closely related to the concept of urban area development. Ruslan Siwiryo introduced the concept of polar money and spatial structure up to the latest development era at the beginning of the millennium. He directed the concept of urban regional development as a tool to achieve national integration. Furthermore, spatial planning plays an important role in the implementation of development aimed at achieving sustainable development, which is manifested in providing tangible contributions to the sustainable development of regions and cities, thereby ensuring justice and welfare for the Indonesian people. The preparation of urban spatial planning refers to the National Spatial Planning and Provincial Spatial Planning, guidelines and implementation instructions in spatial planning, and the Long-Term Regional Development Plan. The preparation of the city's spatial planning must take into account the development of urban issues and the results of the study on the implications of urban spatial planning, efforts to equalize development and urban economic growth, the alignment of urban development aspirations, the carrying capacity and resilience of the environment, the regional long-term development plan, the spatial planning of neighboring city areas, and the spatial planning of the city's strategic areas.[16]

The city spatial planning includes the goals, policies, and strategies for the spatial arrangement of the city area, the spatial structure plan of the city area, which encompasses the urban system in areas related to rural areas and the urban infrastructure network system, the spatial pattern plan of the city area which includes the city's protected areas and cultivation areas, the designation of strategic city areas, the direction for the utilization of the city area's space which contains indications of the main medium-term five-year programs, and the regulations for controlling the utilization of the city area's space which includes general zoning regulations, licensing regulations, incentive, and disincentive regulations, as well as sanction directions. The city spatial planning serves as a guideline for the preparation of long-term regional development plans, the preparation of medium-term regional development plans, land use and control of land use in the city area, achieving integration, interconnection, and balance between sectors,

the determination of locations and spatial functions for investment, and the spatial planning of strategic city areas. In spatial planning, the current constraint is the limited land in the urban area. There is no balance between the demand for land from the community and the availability of land.[17]

B. Principles of Sustainability in Agricultural Land Use

Article 2 of Law Number 26 of 2007 on Spatial Planning regulates the principles underlying spatial planning policies, and one of the main principles regulated is the principle of sustainability. The principle of sustainability emphasizes the importance of spatial planning implementation that considers the balance and continuity of environmental support capacity and the environmental carrying capacity in meeting human needs, both for the present and the future. This means that every decision in spatial planning must consider the long-term impact on environmental sustainability so that the needs of the present generation do not compromise the ability of future generations to meet their own needs. This principle of sustainability, which is regulated by the law, is also explicitly applied in managing food and agricultural land. In this context, the principle of sustainability encompasses efforts to maintain environmental preservation in general and focuses on the continuous and consistent protection and utilization of food agricultural land. This protection aims to maintain the function of agricultural land so that food remains productive by ensuring that the quality of soil and natural resources supporting the agricultural sector is preserved over time. Therefore, the principle of sustainability about agricultural land for food demands more careful management, such as regulating agricultural land use without degrading its quality and avoiding excessive utilization, as well as preventing the conversion of agricultural land into non-agricultural land use that does not align with sustainability principles.[18]

This principle aims to ensure the realization of food self-sufficiency, food security, and national food sovereignty [19]. Food independence refers to the ability of a country or community to meet its food needs through domestic production, which can be achieved by utilizing agricultural land sustainably without relying on food imports from abroad. Food security means ensuring the community has sufficient access to nutritious and affordable food. In contrast, food sovereignty emphasizes the country's ability to manage its food system independently, without relying on the influence of other countries. In practice, this principle of sustainability focuses on environmental aspects and must consider social and economic aspects. Sustainable agricultural land management must create welfare for farmers and communities who depend on the agricultural sector for their livelihoods. Moreover, in the context of regional and urban development, sustainability in spatial planning necessitates wise policies in land allocation and use to prevent shifts in land functions that could harm future generations. However, the biggest challenge in implementing sustainability principles in food agricultural land management is the economic pressure that often drives the conversion of agricultural land into non-agricultural land that is more financially profitable, such as for housing development, industrial areas, or infrastructure. Therefore, the government needs to strictly supervise spatial planning policies, especially in protecting agricultural land with significant potential for national food security. One way to do this is by establishing agricultural land protection areas, such as the Sustainable Food Agricultural Land (LP2B) policy, which regulates that productive agricultural land is maintained and not arbitrarily converted to other uses [20].

METHOD

This research uses normative legal research. This research method uses legislative techniques related to the review of all relevant legal guidelines and policies. In addition, this research uses a conceptual approach. This research also uses legal system theory to discuss and examine issues related to the factors

causing the mismatch between spatial planning and sustainable development. Primary and secondary data are the types of data used. The technique for collecting legal materials includes literature studies of documents, archives, books, and proven scientific research. The analysis techniques used are systematic and prescriptive. Systematic analysis deconstructs relevant legal components, while prescriptive analysis provides recommendations for improving spatial planning policies. This method enhances the validity of research findings and provides a strong basis for drawing conclusions that align with the context of sustainable development and the environment.

RESULT AND DISCUSSION

A. Incompatibility of Spatial Planning with Sustainable Development

Urban spatial planning is a key element in urban development that serves as a tool to coordinate sustainable development. Law No. 26 of 2007 on Spatial Planning in Indonesia aims to regulate land use wisely, balanced, and sustainably by considering public interests, environmental preservation, and economic development. This law establishes basic principles such as integration, sustainability, openness, and public participation in efforts to reduce land conflicts and ensure its management. Furthermore, to operationalize spatial planning further, it is necessary to follow up by drafting a Regional Regulation on the Detailed Spatial Plan (RDTR) for urban/strategic areas. In addition, Law Number 23 of 2014 concerning Regional Government (State Gazette of the Republic of Indonesia Year 2014 Number 244, Supplement to the State Gazette of the Republic of Indonesia Number 5587), as amended several times, most recently by Law of the Republic of Indonesia Number 9 of 2015 concerning the Second Amendment to Law Number 23 of 2014 concerning Regional Government (State Gazette of the Republic of Indonesia Year 2015 Number 58, Supplement to the State Gazette of the Republic of Indonesia Number 5679), also mandates that regional spatial planning affairs be appropriately managed as matters that are the responsibility of each region. Thus, from the perspective of its legal basis, spatial planning in the region is one of the forms of affairs entrusted to each region. However, in reality, until now, after the enactment of the law, several regencies/cities still have Regional Spatial Plans and their derivatives facing several implementation issues [21].

Spatial planning must consider the physical environmental quality to be maintained and even improved, including anticipating the development of the area's economic orientation after the depletion of non-renewable natural resources. In order to improve the quality of spatial planning based on sustainable principles, at least in the spatial planning process, it is no longer seen as management of growth or management of changes but rather as management of conflict, development control mechanisms, total, comprehensive, and integrated spatial planning with participatory planning models and over-the-board planning or cross-sectoral planning have been consistently and continuously implemented; sensitivity to the socio-cultural aspects of policymakers and experts in the field of spatial planning; spatial planning must consider the surrounding natural environment; and community participation. Considering that each region, whether province or district/city, has different natural resource potentials and the explicit goal of regional development, spatial planning based on sustainable principles must be grounded in the physical environmental conditions and adjusted according to its designated use [15].

Recent facts indicate the presence of several strategic issues in the implementation of spatial planning in the region, particularly in the city of Surakarta. The city of Surakarta has an area of Protected Rice Fields (LSD) that has been established based on the Decree of the Minister of Agrarian Affairs and Spatial Planning/Head of the National Land Agency (Decree ATR/Head of BPN) Number 1589/SK-HK.02.01/XII/2021 with a total area of 63.62 hectares. That area is equivalent to 1.36% of the total area

of the City of Surakarta. However, the content of the protected rice field map contradicts the Spatial Planning of Surakarta City 2021-2041, which no longer regulates agricultural areas in Surakarta City. However, the verification results indicate a correction to the LSD, which is not rice fields but consists of thorny plants, shrubs, and open land covering an area of 29.85 hectares, resulting in a change in the corrected LSD area. Based on the Regional Regulation of Surakarta City Number 4 of 2021 regarding the Regional Spatial Plan, the designated area for food crops does not include Protected Rice Fields. The actual verification results found that the area of LSD that corresponds to the food crop area is 0 hectares, while the area of LSD that does not correspond to the food crop area reaches 33.78 hectares.

Nevertheless, Surakarta City still has existing productive agricultural land. Data from the Central Java Provincial Agriculture and Plantation Office (2022) indicates that Surakarta City has rice fields covering an area of 42.5 hectares. Through the Central Statistics Agency, the Surakarta City Agriculture Office published the rice harvest area per sub-district in 2023, amounting to 88 hectares. However, the current agricultural area planning only focuses on spatial structure and land use. This illustrates the general condition of spatial planning that prioritizes the physical aspects of land. Several factors cause the change in land use. First, land use changes. Some LSD areas have undergone a change in function to non-agricultural areas before December 16, 2021. Factors that caused this change include:

a. LSD with buildings: 1.09 hectares. Buildings constructed before the specified deadline changed the land use from agricultural to residential or commercial.
b. LSD that has undergone land reclamation: 4.51 hectares. This land reclamation is carried out in preparation for development or changes in land use.
c. LSD with a relatively small area (<5000 m2) and surrounded by buildings: 15.31 hectares. The area that is too small and surrounded by other buildings is challenging to utilize as productive agricultural land.
d. LSD that has been issued Non-Agricultural Land Rights (HAT): 1.34 hectares. Land with legal status as non-agricultural land can no longer be used for agricultural activities.
e. LSD that has obtained land use and other space permits (PTP, IPPT, or other permits): 2.87 hectares. The change in land status allows for land conversion to uses other than agriculture, such as housing or public facilities.

Second, the Regional Development Plan. There are areas prioritized for development by the Spatial Planning and equipped with an Integrity Pact, covering an area of 8.66 hectares. From the total area, there are Ownership Rights with an area of less than 0.2 hectares covering 4.44 hectares. The development of this area is driven by the city's need to accommodate population growth, infrastructure improvements, and the development of economic and industrial zones. Therefore, a more strategic evaluation and adjustment of spatial planning policies are needed to ensure a balance between urban development and environmental sustainability.

The inconsistency of the spatial planning in the City of Surakarta with sustainable development due to the elimination of agricultural land also contradicts the mandate of Article 2 of Law No. 6 of 2023 concerning the Enactment of Government Regulation instead of Law No. 2 of 2022 on Job Creation into Law, which mandates that spatial planning must be based on various principles, one of which is the principle of sustainability. This principle emphasizes that spatial planning must ensure the preservation, carrying, and environmental capacity by considering the interests of future generations. This emphasizes the existence of overlapping between national and regional regulations [22]. According to Lon L. Fuller, a sound legal system must meet eight principles of legal morality: consistency and legal certainty. In this context, the removal of agricultural land in the spatial planning of Surakarta City contradicts the principle of sustainability mandated by the Job Creation Law because, first, there is regulatory uncertainty due to

conflicting regulations. Changes in land use that do not align with sustainability principles indicate inconsistencies in regulations that are supposed to maintain environmental balance. Second, there is a discrepancy between the regulations and their implementation. Fuller emphasized that the law must be applied fairly and consistently. However, in this case, the conversion of agricultural land is more based on the needs of urban development than on long-term sustainable environmental and social interests. Third, violation of the principle of justice. According to Fuller, the law must be accessible and understandable to the public. If spatial planning changes are not transparent or do not involve public participation, then the decision does not meet the standards of good legal morality. Therefore, removing agricultural land in the spatial planning of Surakarta City contradicts the principles of sustainability and the legal principles that should be upheld according to Lon L. Fuller's theory. Further evaluation is needed to ensure that spatial planning policies remain aligned with the development and environmental sustainability balance.

B. The Impact of Agricultural Land Elimination in Spatial Planning

Removing agricultural areas in Surakarta from the spatial planning map has given rise to two paradigms related to urban development and agricultural empowerment. As an urban area, spatial planning must still be directed towards sustainable planning for society and the environment. The lack of alignment between regional, provincial, and national spatial planning in Indonesia has caused conflicts in land use planning. This is due to the still numerous sectoral policies based on sectoral interests and the absence of a Bioenvironmental Strategic Study (KLHS). Spatial planning has a minimal level of community involvement [6]. There is no development strategy for comprehensive spatial planning that is not synchronized with spatial planning. One thing that may not be considered when changing land use is the impact caused by that land use change. Considering the impact caused by such extensive land conversion, control efforts are needed to regulate the rate of agricultural land conversion to non-agricultural land by making environmental carrying capacity and land availability aspects one of the considerations [23].

The removal of agricultural land in the city's spatial planning has various impacts that need to be considered from environmental, social, and economic perspectives. In terms of the environment, the removal of agricultural land has impacts such as reducing green space availability. The conversion of agricultural land into residential or industrial areas can reduce green spaces that function as carbon absorbers and temperature regulators. Second, there is an increased risk of flooding. Agricultural land functions as a water absorption area. Agricultural land converted into built-up areas will risk flooding due to reduced water absorption areas—third, soil quality degradation. The loss of agricultural land can cause soil degradation due to increased use of building materials and decreased organic farming activities. Furthermore, the impact of the elimination of agricultural land on social aspects is that, first, the loss of agricultural land also results in a decrease in sources of livelihood for farmers, which can lead to an increase in unemployment in the agricultural sector. Second, the change in land use can alter the social structure of communities that previously depended on agriculture, making them more urban and commercial [24]. The conversion of agricultural land also impacts the economic aspect; first, converting agricultural land into development areas can increase land value, which may benefit landowners but harm farmers who want to survive. Second, reducing agricultural land can decrease local food production, thereby increasing dependence on supplies from other regions and raising food prices. Third, if not balanced with policies that support the agricultural sector, land conversion can cause economic disparities between the agricultural sector and industry [25].

Based on these impacts, there is a need for control efforts to minimize the reduction or even elimination of agricultural land. If not addressed promptly, the massive conversion of agricultural land

can threaten national food security, reduce ecosystem balance, and increase the risk of environmental disasters such as landslides and floods due to the loss of water catchment areas. Therefore, some steps that can be taken include strict enforcement of regulations by ensuring that spatial planning policies adhere to sustainability principles by the Job Creation Law. The government must closely monitor the implementation of this policy by strictly enforcing violations of land use changes that do not comply with their designated purposes. In addition, technology-based monitoring mechanisms such as digital mapping and geographic information systems are needed to monitor land use changes periodically. Second, subsidies or tax incentives should be provided for landowners who maintain agricultural functions and promote sustainable farming practices. This assistance can take the form of land tax relief, agricultural production aid, and technical support to encourage farmers to continue their agricultural activities. The government can also build more modern and efficient agricultural infrastructure to optimize the remaining land for higher production yields. Third, spatial planning should be adjusted to continue considering the balance between development and environmental sustainability. Regional planning must consider ecological and social aspects while maintaining green open spaces and implementing mandatory green zones around urban areas. This aims to maintain the availability of agricultural land while simultaneously reducing the negative impacts of uncontrolled urbanization.

In addition to these efforts, collaboration between the government, society, and the private sector is crucial in ensuring that economic growth continues without sacrificing environmental sustainability and the agricultural sector. The government can play a role in providing clear regulations and supportive facilities. At the same time, the private sector can contribute through investments in sustainable agricultural technology and the development of environmentally friendly infrastructure. On the other hand, active community participation in maintaining and managing agricultural land, including the implementation of agricultural practices based on local wisdom, is also a key factor in the efforts to preserve agricultural land. With these measures in place, the rate of agricultural land conversion can be controlled, thereby maintaining food security, environmental balance, and the sustainability of the agricultural sector amidst rapid development. Moreover, with strong synergy between various parties, the agricultural sector can continue to develop and adapt to the challenges of the times while also providing long-term benefits for the economy, environment, and community welfare.

CONCLUSION

The discussion shows that there is a discrepancy between spatial planning in the City of Surakarta and sustainable development due to the removal of agricultural land from the regional spatial plan. The removal of agricultural land in the spatial planning of Surakarta City contradicts the principle of sustainability mandated by the Job Creation Law due to regulatory uncertainty caused by conflicting regulations. Changes in land use that do not align with sustainability principles indicate inconsistencies in regulations that are supposed to maintain environmental balance. Moreover, there is a discrepancy between the regulations and their implementation. Furthermore, there is a violation of the principle of justice. The law must be accessible and understandable to the public. If spatial planning changes are not transparent or do not involve public participation, then the decision does not meet the standards of good legal morality. Second, removing agricultural land in the city's spatial planning has various impacts that need to be considered from environmental, social, and economic perspectives. Regarding the

environment, eliminating agricultural land has impacts such as reducing green space availability, increased flood risk, and soil quality degradation. Based on these impacts, there is a need for control efforts to minimize the reduction or even elimination of agricultural land. Therefore, several steps can be taken, including enforcing strict regulations by ensuring that spatial planning policies adhere to sustainability principles by the Job Creation Law. Second, subsidies or tax incentives should be provided for landowners who maintain agricultural functions and encourage sustainable farming practices. Third, spatial planning should be adjusted to continue considering the balance between development and environmental sustainability. Based on this, synergy and ideal spatial planning regulations must be needed to avoid overlaps and create uncertainty.

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