



Regulation of Indonesian Minister of Agriculture Number 81/2013 on Technical Guidance Procedures for the Conversion of Sustainable Agricultural Land

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Background

The Law number 41/2009 has been set to govern the protection of sustainable food crops farmland in Indonesia. It is not only regulating the protection of agricultural land but also administering the mechanism of agricultural land conversion. Thus, it is necessary to set up the Regulation of Indonesian Ministry of Agriculture issued on Technical Guidance Procedures for the Conversion of Sustainable Agricultural Land for all stakeholders including central and local governments, corporations, communities, and farmers to which they are able to well-recognize clearly as public information. In this context, the conversion of sustainable agricultural land is referred to as the functional changes of sustainable agricultural land into non-sustainable agricultural land either temporarily or permanently.

Objectives

This regulation is intended as a reference for the implementation of services for central, provincial, regency/city governments with regard to “Technical Guidance Procedures for the Conversion of Sustainable Agricultural Land” which is fairly and legal certainty for all parties. The objectives of this regulation are: (1) realizing and ensuring the availability of sustainable agricultural land; and (2) controlling the conversion of sustainable agricultural land.

The substances and provisions of the Regulation

This regulation includes several scopes, namely (1) land conversion requirements; (2) land conversion criteria; and (3) land conversion procedures.

Land conversion requirements

The conversion of the sustainable agricultural land in order to procure land for the public interest can only be carried out with certain requirements. They are: (1) has a strategic feasibility study recommendation; (2) has a land conversion plan; (3) has the released rights

of land ownership; (4) has the availability of replacement land to sustainable agricultural land; and (5) has a land conversion requirement.

First, the strategic feasibility study must consider the aspects of: (1) the land to be converted; (2) the potential loss of production due to land conversion; (3) the risk value as a result of land conversion; (4) the impact of decreasing agricultural employment; (5) the estimation of socio-cultural changes in society such as kinship, residential, and so on.

Second, the land conversion plan for the development of public interest, among others, the preparation of annual plan regarding its magnitude, location, and designation should be included in the master plan in a manner order that would not disrupt the continuity of the utilization of existing infrastructure. For instance, the development of construction of drinking water or clean water supplies must be covered in the annual plan of the Regional Water Company.

Third, the released rights of land ownership are implemented within the provision of legislation through compensation provision.

Fifth, the replacement of the sustainable agricultural land is regulated in accordance with legislation. The fulfillment of replacement land includes land which has been ready for planting as well as the rehabilitation of damaged infrastructure and other supporting facilities.

Sixth, the conversion of land can only be conducted by the central and local governments with the purpose of procuring land for public purposes or disaster mitigations.

Land conversion criteria

Apart from public purposes or disaster mitigations, the conversion of agricultural land can be conducted for public facility developments in accordance with the provisions of the legislation. The criteria of land conversion for public purposes comprise public roads, reservoirs, dams, irrigations, drinking or clean water supplies, drainage and sanitations, ports, airports, railway stations, terminals, public safety facilities, natural reservation, and/or electricity power plants.

Land conversion procedures

The procedure of the conversion of sustainable agricultural land can be implemented after fulfilling all requirements and criteria. It is illustrated in Fig. 1.

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Figure 1
The procedure of the conversion of sustainable agricultural land

