Consistency Regulations Implementing Rules and Regulation of Food Derived Specifically Sustainable Agricultural Land in West Java Province

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Abstract: The enactment of law No. 41/2009 on the Protection of Agricultural Land Sustainable Food, is a manual for the Ministry of Agriculture and the provincial government in making policy operations. Implementation Law. No.41/ 2009 on farmland protection is implemented in 4 PP (Government Regulation) and one of them is PP.No.1/2011, which is crucial to the conversion of agricultural land. This paper aims to review how the application of Law No. 41/2009 and Government Regulation derivatives in the province of West Java, how wetland conversion impacts the determination of sustainable land and recommended policies to address the impact of the conversion of paddy fields to support the Sustainable Food self-sufficiency. Implementation of the division of agricultural land in the UUPA was perfected back in the Law No. 41/2009. One article UUPA is land acquisition provisions governing the replacement land for agricultural land converted for the provision of land for public purposes, and should be protected and developed consistently to produce staple food for self-sufficiency and national food security. West Java implementation legislation specifically referring to the Law. No.41/ 2009, in order to more implementative in the field and supported by the Government regency. / Cities in West Java. Concrete steps farmland protection policy is that land in West Java were diverted functioned enacted rules specified in the requirements and an obligation for stakeholders. In the approach to spatial planning laws need to be improved further, and soon established a more detailed zoning related to control of agricultural land conversion. Legislation that has been made and is not conducive needs to be revitalized and law enforcement (law enforcement), and should be strengthened through public advocacy consistently. Spatial structuring restyled the region in their respective areas, to ensure the conservation of soil and water as well as the establishment of regional food security, and in line with the spirit of regional autonomy.

Keywords: Consistency. Implementation. Protection of Agricultural Land Food. West Java

1. Introduction

The condition of agricultural land have often heard that development tends to decline, eroded even with the change of land use. Changes inland use in Indonesia has been known to happen a lot, one of them a change of use of agricultural land to non-agricultural sector as a result of land conversion continues to increase each year (B. Barus. Dkk.2012).

With the enactment of Law No.41of 2009 on the Protection of Agricultural Land Sustainable Food, with serious consequences for the fate of agricultural land in Indonesia. As long as there is a wide range of pressures, particularly related to the increasing number of population and economic attractiveness of non-agricultural land values, which lead to more agricultural lands witched function. Fahriza. F.(2010).

Changes in agricultural land use (lawyer's conversion of land) has been stipulated in LawNo.41of 2009, (Article 44paragraph3) that "Land's Diversion function that has been designated as Agricultural Land Sustainable Food for thepublic interest referred to in paragraph(2) can only bedone on condition":

- 1) Conducted a feasibility study strategic;
- 2) Prepared land use plans;
- 3) Waived its right of ownership of the owner, and
- 4) Provided replacement land to the Agricultural Land Sustainable Food converted.

The existence of legislation that set the tone for the Ministry of Agriculture and provincial and local governments in making operational policy. The other hand one of the crucial chapter in the law is the problem of conversion of agricultural land, which has been regulated in a government regulation (PP. 1 of 2011) on the Determination of Transfer Function and Sustainable Food Agriculture land.

If agricultural land is not used in accordance with its function or event of a transfer of land out of agricultural interests, then the perpetrators will be subject to sanctions. Conversely, if the land still run according to the function (contained will have the incentive inPP.12thin 2012onfarmland protection Sustainable incentives). But in practice still found problems, which have never made or forwarded in the form of spatial planning policy more established. (Ernan Rustiadietal. 2012). While the document on spatial planning, spatial planning process, especially regarding land use conversion, so far has not been able to fully meet the expectations of the realization of spatial comfortable, productive, and sustainable (Dardak. H.2005). It required the systematic steps and is expected to streamline the implementation of the layout, including the regulation of land use.

Land conversion has occurred with the start of a massive allotment of agricultural land to non-agricultural land such as the creation of toll roads, markets, housing, and others. One of the converted land is forest and one of the negative aspects of the conversion of the soil nutrient is a reduction in

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the enzyme-producing organisms that can fertilize the land. Kadir et al. (1998).

The behavior of agricultural land conversion would continuously cause a negative impact on the agricultural sector and in particular in the food supply. Conversion of agricultural land will be big losers if that is converted wet land. It is necessary to print a wetland and land prospects of fund. Pantura particular region of West Java province is one of the areas with high wetland conversion in Indonesia (Word 1997). In aWord(2000) also indicates that the dynamics of changes in agricultural land is heavily influenced by policy BPN (National Land Agency), especially in a land concession permits.

The impact of land conversion are also closely related with the ever increasing population density, as expressed in the articles Rush AstutiDIrnalia. (2011) that with increasing population, the ratio between humans and the land becomes increasingly large, seklipun use of every inch of land greatly influenced the standard of living and cultural development of a society.

In West Java have very many varieties or forms of agricultural land use change, this needs to be a concern for stakeholders, because the quality and potential productivity of rice fields in West Java is relatively much better than in other areas, and this should be maintained. But the unavoidable wetland conversion due to rapid economic growth and infrastructure are less well ordered. (Rahmat, 2011). Irawan,B.(2012) also argues that efforts to control the conversion of paddy fields had been impressed neglected and is addressed by increasing the conversion of irrigated rice land although technically not in accordance with the applicable regulations.

Four years earlier in Kompas (17/11/2008) has also been reported that the conversion of paddy fields in West Java such as the construction of the trans-Java toll road, (West Java to Surabaya, EastJava,take4, 264ha) of land outside the plantation and forestry most of which is wetland. Whereas the Java land area is only6.5per cent of Indonesia's landsupply43percent of national food needs. Land conversion (conversion) happens when this occurs basically due to political development that's obscure and not integrated so that development policies tend to be pragmatic. In West Java, the rate of conversion of irrigated fields an average of 5,000-7,000 hectares per year. It happened in Karawang, Bandung, Garut, and Cianjur. While about 8,000 hectares of irrigated rice in Calcutta turned into industrial and residential areas. (Yeni AgustienHarahap., 2011).

From the description above, this paper aims to determine how the application of Law no. 41of 2009 on the protection of Food Sustainable Agriculture Land (LP2B) and other derivatives of Government Regulation in West Java Province, as well as the impact of wetland conversion to sustainable land and the determination of the recommended policies to address the impact of the conversion of paddy fields to support the Sustainable Food self-sufficiency. **Regulation Number 5 of 1960 (Agrarian Law)** Land policy that is better known as the Basic Agrarian Lawor abbreviated UUPA is a further elaborationofArticle33 UUD 1945which reads: "The earth, water and the natural riches contained there in shall be controlled by the State and used for the prosperity of the people." inNo.5 UUPA of 1960, section 15alsomentioned"that anyone should preserve and prevent damage to the land". That is, any of the rights holders, bound to the land by taking into account the ability of the land.Article15has also been promulgated in the Government Regulation No. 16Year2004 on Land Stewardship, so have answered the command of Article14in conjunction with Article15of Law No.5 principal agrarian 1960 that the regulation of government liability for the use of planning, control, and ownership of land in a government regulation and missed after a period of44 years. (Rico Septia.P. 2010).

According to (A.P.Parlindungan, 1987:4), that the explanation of theUUPAandchapter1 to chapter 19UUPA, conversion provisions concerning the determination of land reform in Indonesia is as follow up to the provisions of article 17 of the UUPA on the maximum-minimum limit land ownership has been issued in law No.56Prp/1960on the Determination of Agricultural Land, and is known as the Land Reform law.Then towards the provision of compensation to the former owners of the land set by Government Regulation224of 1961on the Implementation of Land Distribution and Compensation Provision.

Linkages UUPA (Basic Agrarian Law) with agricultural land that the explanation is a requirement for the use of land as the support of human life, as well as explaining that the land use is common and should happen, (Munir. M. 2008), so the presence of conversion of agricultural land because it is supported by an institutional failure, in which the implementation of the above sources of agrarian legislation is still weak, and lack of clear land use restrictions. Conversion of agricultural land to non-agricultural under the provisions of the UUPA No. 5 of 1960 is justified if it occurs at the same time printing of new agricultural land that is tailored to the quality of the land.

Similarly, the acquisition of land for public interest in Indonesia has been implemented by Presidential Regulation No. 36 of 2005 in conjunction with Presidential Regulation No. 65 of 2006 which refers to the provision of Article 18 of the UUPA, which reads "*For the public interest, including the interests of the nation and the State as well as the common interests of the people, the rights may be revoked, by giving proper compensation and in the manner provided for by law*".

With the acquisition of land as well as a replacement for the common ground, since it appears the new lawNo.41of 2009with regard to the provisions governing the land acquisition for the absence of replacement land converted agricultural land for land acquisition for public purposes. It is an object of protection in order to land acquisition of agricultural land is not depleted or misused, because agricultural land is essential for human survival. In particular wetland function has a very strategic, because the

wetland serves as the main provider of food, especially rice for the Indonesian people.

Agricultural Land Sustainable Food (LP2B)

Determination of Agricultural Land Sustainable Food is a reference to the LawNo.41of 2009in Section5, stated "*that the food land specified in the form of agricultural land is irrigated land, land reclamation of tidal marsh and non-tidal, and the land is not irrigated*". As well as referred to inArticle10wherethe need to formulate predictions amount of production, raw vast land, the location and distribution of land in the District / City each province, that takes into account the tendency of the rate of consumption consideration the population of the paddy (rice needs) as well as the adequacy of food needs.

Law no.41of 2009thatmandatedthe issuance of four PP(Government Regulation) are implemented in the

protection of agricultural land, the PP Determination of Land and Sustainable Agricultural Land Transfer Function(PP. 1 of 2011), Incentives and Disincentives PP Agricultural Land (PP. 122012), PP Agricultural Land Information System(PP.No.25Tahun 2012), and PP Financing Agricultural Land(PP.No. 30in 2012).

A review of land and water legislation by Rachmat. M, etal(2012) which concluded in the articles of Law number41of 2009 which is interlinked with the enactment of the ProtectionLP2B, which includes agricultural land and food reserve land inside or outside the agri-food area which includes sustainable agricultural land irrigated land, land reclamationtid a land non-tidal (swampy areas) or non-irrigated land(article 5). Summarized in detail in the staple grain of Law.41in 2009asshowninTable1.

Table 1: GrainsRules InLaw41/2009Relating to Assessment Sustainable Land Protection
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Section/clause	Rule		
Section 1of	Sustainable food agriculture land is a field of agricultural land that is determined to be protected and developed		
clause 3	consistently to produce staple food for independence, resilience and national food sovereignty.		
Section 3	agricultural food land to realize food independence, resilience and sovereignty, as well as protecting the owner		
	farmland food crops.		
Section 5	n 5 Sustainable food agriculture land includes: irrigated land, tidal swamp reclamation land and non-tidal (or non		
	land.		
Section 6			
	of agricultural food areas.		
Section 7	Sustainable agricultural land in rural and / or urban areas in the district / city.		
Section 9 of	Sustainable food agriculture planning is carried out on: (a) sustainable food agriculture areas, (b) sustainable food		
clause 2	agriculture land, and (c) sustainable food agriculture reserve land.		
Section 9 of	Planning sustainable food agriculture land is based on: population growth and population food consumption needs,		
clause 3	productivity growth, national food needs, land needs and availability of agricultural food and science and technology		
	development and farmers' deliberations.		
	Sustainable agricultural food planning is prepared at the national, provincial and district / city level (national planning is		
clause 1	a reference for provinces and districts / cities).		
Section 18	Sustainable food agricultural land protection is carried out by stipulation: sustainable food agriculture area, sustainable		
	food agriculture land inside and outside the sustainable food agriculture area, sustainable food agriculture reserve land.		
Section 19	Determination of sustainable food agriculture areas is part of the establishment of a spatial plan for rural areas in the		
	district in the district layout plan.		
Section 25	Determination of sustainable food agriculture land in urban areas is determined by regional regulations.		
Section 27 of	Development of sustainable food agriculture and sustainable food agriculture includes intensification and extensification		
clause 1	of land.		
Section 27 of	The development of sustainable food agriculture areas is carried out by the government, provincial governments, and		
clause 2	district / city governments, communities and or corporations whose main activities are food security.		
Section 27 of	The corporation that can be used is in the form of a cooperative, and / or a plasma core company with a majority of its		
clause 3	shares controlled by Indonesian citizens.		
Section 29 of	Extensification of sustainable food agriculture areas is carried out by: (a) printing agricultural food land, (b) establishing		
clause 1	food agriculture land into sustainable food agriculture, (c) transferring the function of non-agricultural food land into		
	sustainable food agriculture.		
Section 29 of	The transfer of the function of non-agricultural food land into sustainable agricultural land is mainly carried out on		
clause 3	abandoned land and former forest land that has not been granted land rights in accordance with the provisions of the		
	laws and regulations.		
	Sustainable food agriculture control is carried out by the government and regional governments through giving: (a)		
	incentives, (b) disincentives, (c) licensing mechanisms, (d) protection and (e) counseling.		
	Land that has been designated as sustainable food agriculture is protected and prohibited from being converted.		

Meaning of Law.41in 2009, according IriantoGatotS.(2012) that in substance the lawNo. 41In 2009, Agricultural land is defined field to be protected and developed consistently to produce staple food for the independence, national food security and sovereignty. Agricultural land covers; irrigated land, land reclamation tidal marsh, swampy areas(non-tidal land) andnon-irrigated land.

In Law 41/2009 also contained rules relating to agricultural land development as contained in Article 29 (paragraph 1) that "extending the area of agriculture made farming sustainable food sustainable food: (a) printing agricultural land, (b) the determination of agricultural land food to agriculture sustainable food, (c) the transfer of non-

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agricultural land conversion to agriculture food sustainable food ".

Irawan (2005) in Akbar(2008) also suggested that greater land conversion occurs in paddy fields compared to dry land, because it is influenced by three factors, namely, **first**, the development of non-agricultural activities such as housing, shops, offices, and industrial areas easier to do in paddy fields because it is more flat compared to the dry land. **Second**, as a result of past development efforts are focused on increasing rice production, the economic infrastructure available in the rice fields than dry land areas. **Third**, the rice fields are generally much closer to local consumers.

Linking the articles of the Law.41of 2009

One of the strengths and weaknesses of the Act as well. No.41/2009is the linkage and dependence with other regulatory laws in other sectors as well as both the provincial and regional regulation PERDA district/city. In Act. No. 41it is stated that the determination of planning, implementation to monitoring sustainable agricultural land in accordance with the Act and other relevant legislation is also part of the district/city. Positive aspect of this condition is the implementation of the Act. No.41/2009will be a joint commitment of all actors involved, especially the central and local governments.

However, heavy reliance on the rules of other institutions (laws and regulations) led to the establishment of implementation accommodate every interest of the institution concerned, often not fully have the alignments of the importance of sustainable agricultural land protection. The grain of the Act. No. 41/2009 relating to the linkage of Law. No. 41/2009 with other regulations are summarized in the points in the article Law. 41 in 2009. (Table 2.)

Table 2: Grains Rules in Law41/2009 Relating to the articles

	Table 2. Granis Rules in Law 1/2009 Relating to the articles		
Section/	Aturan		
clause			
	Sustainable agricultural food land planning is prepared at the national, provincial and district / city level (national planning is		
of clause 1	a reference for provinces and districts / cities).		
Section 19			
	in the district layout plan.		
Section 25	Determination of sustainable food agriculture land in urban areas is determined by regional regulations.		
	The transfer of the function of non-agricultural food land into sustainable agricultural land is mainly carried out on abandoned		
of clause 3	land and former forest land that has not been granted land rights in accordance with the provisions of the laws and regulations.		
Section 44	In the case of public interest, sustainable food agriculture can be converted and carried out in accordance with the provisions		
of clause 2	of laws and regulations.		
Section 46	Provision of replacement food land must be included in the preparation of the annual program plan, RPJM and RPJP of the		
of clause 2	relevant agencies when the planned transfer of functions.		
Section 46	Provision of replacement land is done with the assurance that replacement land will be used by transmigration and non-		
of clause 4	transmigration farmers, with priority for farmers whose land is converted.		
Section 49			
	Government Regulations.		
Sectikn 50	All forms of permits that result in the conversion of sustainable agricultural food land are null and void except for the public		
of clause 1	interest.		
Section 54	Supervision of agricultural land protection is carried out tiered by the government, provincial government, district / city		
of clause 2	government.		
	In the case of the district head / mayor making irregularities and not completing the results of monitoring and evaluation, the		
of clause 5	governor cuts the provincial APBD allocation and the government cuts the APBN for the district / city in connection with the		
	costs incurred in implementing the settlement.		
Section 57	In the event that the governor commits a deviation and does not complete the results of monitoring and evaluation, the		
of clause 6	government deducts the APBN for the province and district / city concerned in the amount of the costs incurred in carrying		
	out the settlement.		
Section 58	Government, Provincial and Regency / City Governments Organize Sustainable Food Agricultural Land Information Systems		
	That Can Be Accessed by the Community.		
Section 62	Social protection for small farmers is part of the national social security system in accordance with the law.		
of clause 2			
Section 65	The establishment of banks for farmers is formed by micro-finance institutions in the field of agriculture both conventional and sharia.		
Section 66	The financing of agricultural land protection is charged to the state budget, provincial budget and district / city budget.		
of clause 1			
Section 66	Financing can also come from social and environmental responsibility funds from business entities.		
of clause 2			
Section 75	Transition: District / city RTRW that has not yet determined agricultural areas and agricultural land reserves to be adjusted at		
	the latest within 2 years from the promulgation of the Law.		

Implementation of Law No. constraints. 41of 2009

According Irianto . Billy S. (2012) . There are several factors uu no obstacle in the application 41 of 2009 are:

1) Regions not been determined by the National Sustainable Agriculture for Food Government Regulation (PP) RTRWN (National Spatial Plan) was enacted before the Law. 41 of 2009 which is the year 2008 .

• It is difficult for the Food Agricultural Land protection arrangements at the provincial and district / city because there is no reference at a national level.

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- The Ministry of Agriculture made a breakthrough with the determination escorting Region Sustainable Agriculture Food (KP2B) at the provincial and district / city at the time of approval of the substance in BKPRN (National Spatial Planning Coordinating Board).
- Vision is intended that the Ministry of Agriculture in 2013 is RTRWN RTRWN overarching Sustainable Food Agricultural Land Protection (LP2B) national level in the form of determination KP2B.
- 2) Spatial completion protracted
- 3) Wetland Spatial data are not well established.
- 4) Incentives are great needs.
- 5) The absence of investigators (Civil Servant) LP2B.

Of Law Spatial (Spatial) Nomor. 26Tahun 2007. Problems and solutions completion

The concept of spatial planning legislation is related to all aspects of life that people need to have access in the spatial planning process. The basic concept of spatial planning law contained in the preamble-1945(aliniea to-4), which states "Protecting the entire Indonesian nation and the entire country of Indonesia and to promote the general welfare, the intellectual life of the nation, and participate establishment of world order".

Furthermore, in Article 33 paragraph (3) of Law1945also states "Earth and water and the natural riches contained therein shall be controlled by the State and used as much as possible for the prosperity of the people". Butin its application to spatial regulations of tensee many collisions, especially in managing the appropriate space allocation.

In the law No. 26 of 2007 which reads farmland protected in article 48, which contains the spatial arrangement if done in rural areas, it will be directed to, among others: Defence land area of perennial food agriculture for food security, and agricultural land is needed to support the production of food food in Indonesia and is a strategic effort. Sustainable food farming areas can be directed into strategic areas in the countryside or greater levels, so that the issue of food security, self-sufficiency and food sovereignty can be implemented.

So the term adopted by Law No.41, 2009 was agricultural land or areas of sustainable food (KP2B). In a more detailed spatial planning documents or structured strategic areas to do with the various stages of the process and specific; are ultimately expected to support the welfare of the community. KP2B shape is easily translated on the field, only the consequences that must be taken into account such as incentives and disincentives associated with the retained land, or other conversion or (Rustiadi et al, 2008).

Currently the biggest challenge in maintaining food land is land conversion. Because a few years ago before the advent of Law. 26 In 2007 there were about 30 percent conversion of paddy fields caused by space plan is not perfect, with the publication of Law layout space is not expected to happen again.

Problems RTRW (Spatial Planning)

The slow Completion By law Spatial Plan (RTRW) Provincial and Regency/City should be encouraged settlement solutions. As stipulated by the Law on Spatial Planning, which is actually3yearsisthe maximum time limit for the area to be and still use the Regulation on Spatial old or earlier.

In general, there are some problems in the implementation of spatial planning, namely:

First. there is still sectoral implementation of synchronization in the utilization of space is causing conflicts between sectors of space utilization, such as the forestry, mining, agriculture, and the environment, where it can inhibit the settlement of regional RTRW. One of the major issues which have been considered as a barrier to the completion of localRTRW planning legislation is the forestry sector, which has changed its function due to the utilization of space in the forest. This becomes a problem because of the many development activities are located in forest areas, particularly forest areas which have been designated as protected forests. An example is the conflict space utilization for mining activities that are common in forests, or agricultural activities that are prone to change the function of the protected area into a farm area.

Secondly, there are still technical issues such as limitations of the data and information about maps and spatial data on population, and the limited human resources (HR) RTRW constituent regions, and less optimal role BKPRD (Regional Space Planning Coordinating Board) in the process that led to the preparation of regional spatial plan preparation and completion of regional spatial planning is still hampered.

Third, the lack of synchronization of sectoral legislation related to the field of spatial planning, which led to the spatial plan has not been fully used as a reference in the implementation of development activities in each sector.

Completion Solutions RTRW (Spatial Planning)

The cause of unresolved regional RTRW regulation is not due to the inability of the central government in coordinating and facilitating the implementation of spatial planning in the area, or the inability of the local government in organizing the arrangement of space, but rather the problems are quite complicated in the field, one of which is the conflict space utilization for the sector forestry, as disclosed in the problems in the implementation of RTRW.

There are several alternative efforts that need to be done in the field of spatial planning, especially in order toexpeditethe completion of said regional spatial plan (Aswicaksana. 2010) include the following.

The cause of unresolved regional RTRWRegulation of the area due to the inability of the central government is not in coordinating and facilitating the implementation of RTRWin the area, or the inability of the local government in organizing the arrangement of space, but rather the problems are quite complicated in the field, one of which is the conflict for space utilization forestry sector, as disclosed in the problems in the implementation of spatial planning.

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There are several alternative efforts that need to be done in the field of RTRW, especially in order to expedite the completion of said regional spatial plan (Aswicaksana. 2010) include the following.

First, do the policies related to the implementation of spatial planning in the next five years as follows: (1) IncorporatingRTRWsettlement as one of the focus are as to be completed by the end of 2010throughPresidential Instruction (Instruction) No.1Year 2010on Accelerating the Implementation of Priority National Development 2010; (2) In corporating Spatial acceleration of the settlement area as one of the new initiatives in the preparation of the Government Work Plan(RKP) in 2011, and (3) Incorporate Spatial settlement area as one of the priority activities in the Plan National Medium Term Development(RPJMN 2010-2014); one form of RTRWefforts to accelerate the completion of this area is the provision of assistance to local governments in the form of technical assistance or technical assistance and preparation RTRWPRTRWK/K, and strengthening institutional capacity in the area BKPRD.

Second, to synchronize the relevant legislation of the layout, especially the sectors user space. With so many user sectors, each room has a Constitution the lawt as a reference implementation, the legislation would require an inventory of each of the sectors and inventory data and information about the conflicts between the sectors. We have recorded some sectoral legislation related to spatial planning include the Law. 41 of 1999 on Forestry, Law no. 27 of 2007 on the Management of Coastal Areas and Small Islands, Law no. 4 of 2009 on Mineral and Coal Law. 32 of 2009 on the Protection and Environmental Management, and Law.

Third, accelerate the formulation of the implementing rules mandated by the Law no.26 of 2007, which at the moment there are only 2 (two) PPisPP.26Year2008 onRTRWNandPP.15of 2010 on the Implementation of Spatial Planning. Some of the Draft Regulation(RPP) which must be resolved include the RPP on Procedures and Forms of Public Participation in Spatial Planning, RPP on Accuracy Rate Maps Spatial Plan, RPP on Natural Resources, and RPP on Spatial Planning Zone Defense

Fourth, carry out the implementation of PP.15 of 2010 on the Implementation of Spatial Planning, especially with regard toArticle31, is expected to be smooth (debottle necking) forestry issues.

The existence of alternative spatial planning efforts are expected to follow-up efforts in the settlement legislation in the area of spatial planning can be expedited, so the area has a legal reference in carrying out the implementation of spatial planning for the sake of building a better and sustainable.

The completion status of the Spatial Plan (RTRW) national to a September 2012 which has been published(Table 3) areas:

uble 5. Status Spatial I fail (RTROV) hattona					
Dagion	local regulationsRTRW				
Region	already	yet	Total		
Province	14	19	33		
regency	145	253	398		
city	45	48	93		

Source:	Dirjen	Penataan	Ruang	Kementerian	P.U
(Indonesi	ian Minist	try of Public	Works).	2012	

In West Javain Spatial completion by the end of 2012have not all districts publish it, even if already completed is still in draft conditions, meaning that the document has been completed in Spatial Bapped a level but not yet approved by the Regional Parliament, and the document does not yet have a license number regulations.

The data obtained from the director general of the Ministry of Public Works of spatial planning in 2012as follows (Table 4.)

 Table 4: Register recapitulation Spatial regulation

 completion status of district/city Province of West Javain

2012		
Commentary	Regency	City
Total district	17	9
local regulations	14	6
I've Got a part Subsminister P.U	3	3
Already BKPRN	0	0
recommendation of the Governor	0	0
The process of revision	0	0

Source : Dirjen Penataan Ruang Kementerian P.U (Indonesian Ministry of Public Works). 2012

Results Assessment of Land and Water Legislation by Rachmat.M el. (2012) Evaluation of RTRW constraints on districts / cities in West Java until the month of November 2012 has approved legislation RTRW provincial and district / city, as follows:

- a) Almost the entire area of the city government (City Spatial regulation) does not allocate farm land protected for sustainable food,
- b) Agricultural land protected food rice area is smaller than the existing technical irrigation (Bekasi district),
- c) Agricultural land covers all food protected farmland irrigated fields of technical and non-technical portion of wetland (kab.Bogor, kab. Cirebon, Kab. Indramayu, Kab. Majalengka, district. Brass)
- d) Agricultural land protected food includes rice farmland (kab.Cianjur and Kab. Bandung)
- e) Agricultural land covers all food protected farmland irrigated rice and non-rice landportion (Kab. Sukabumi and districts. Garut).

Not allocating agricultural land protected for sustainable food land in the city area(Regulation Spatial City area) based on the terms/definitions are listed in Law26of 2007on Spatial Planning, which stated that the region with the main agricultural activity is only carried out in areas rural areas, while urban areas are defined as areas having maj or nonagricultural activities (chapter 1).

While the mandate of law26 of 2007which regulates rural areas in providing sustainable food land under Article 48

paragraph 1 Innot syncronisasion not set out the mandate stems from the Law41/2009, namely:

- a) Law 41/2009 authorizes setting is too loose and the determination of the land to be protected to the RTRW region. Given the tendency of many interests are protected agricultural land only land remaining after deducting the need for non-agricultural,
- b) In such conditions, with the Law 41/2009 and subsequently set forth in rule RTRW become driveway and foundation / strong justification for the conversion of agricultural land is determined in accordance regulations, and
- c) LawNo.41/2009 supposed to be more assertive to protect and conserve agricultural land, with a set of rules that must be conserved land. By the term means not only conserve agricultural land is protected, but also maintain the infrastructure supporting the existence of agricultural land until whenever.

Implementation of Agricultural Land Legislation (Law no. 41of 2009andother laws) in West Java

West Java is the province of the State Capital buffer , meaning that West Java is often used as a barometer of the situation and the macro conditions in Indonesia . Starting from the condition of strategic policies taken by the Government of West Java province can affect to accelerate growth spurt dominant sectors in West Java. In the period of 2013-2014 future economic growth of West Java is targeted to grow by 6.5 to 7.2 % (Bappeda Jabar, 2012) . To realize the economic growth , the development of West Java prioritize the seed sector is a major driver of economic growth in West Java , and stimulating investment and trade , which in recent years the trend is more conducive to economic growth .

The agricultural sector is one of the leading sectors in West Java because they are supported by sufficient land resources and diverse leading commodity with a fairly large number of farmers. Thus, in the five-year development plan running self-sufficiency sector ranks fourth in priority West Java development.

The other side with the many legal basis should be referred to(especially the direction of the Presidential Decree MP3I) and based on the condition of strategic areas, Rakorbang West Javain 2012 resulted in an agreement priority medium-term development of West Java, namely the construction of three metropolitan and two growth centers, namely: (1) Metropolitan Bodebek Karpur, (2) Metropolitan Bandung Raya, (3) Metropolitan Cirebon Kingdom, (4) the growthcenterof Pelabuhan Ratuand (5) the growth center of Pangandaran (West Java Bappeda, 2012).

- Metropolitan Bodebekkarpur which covers an area of town-districts of Bogor, Depok, Bekasi, Karawang, Purwakarta, an independent metropolitan city development with leading sectors of manufacturing industry, trade and services.
- Metropolitan Bandung Raya-district includes the city of Bandung, West Bandung, Cimahi, Sumedang. As a modern metropolis with excellent tourist urban sector, the creative industries and science and technology,

- 3) Metropolitan Cirebon Kingdom which includes the city of Cirebon-kab, Brass, Majalengka, Indramayu. As metropolitan culture and history with a leading tourist and craft industry,
- 4) Pelabuhan Ratu Development Center as a center of growth with excellent fishing and tourism sectors, and
- 5) Center Pangandaran growth as central to the growth of the tourism sector base

Impact of Implementation of Government Regulation (PP wetland conversion) in WestJava

With the adoption of Regulation RTRW area districts / cities of West Java (Regulation No. 22 Year 2010 About Spatial Java West 2009 -2029), the provisions on the amount of land protected as a reference for land protection and land conversion activities in each region. So the implementation of regional spatial planning regulations provide legal certainty on the one hand the existence of land for food, on the other hand also means justify conversion speed.

According to Law No. 41 Year 2009, the conversion of agricultural land is a function of changes in agricultural land into agricultural land not either permanently or temporarily. Conversion of land into two, namely : (1) land use systematic and planned, occurred on a stretch of a consolidated area for construction or industrial, urban, residential, highway, office complexes etc., and (2) sporadic land conversion, ie land use by households because land assessed, the perpetrator of economic necessity, urgency needs land for non-agricultural households, unproductive land area scattered with deliberately narrow and a new purpose by their owners.

West Java provincial department of agriculture (2006) points out, until 2005 happened over the wetland function area of 11207 ha, with the technical details of 349 ha irrigated, irrigated fields and the technical half 3969 ha irrigated rice modest 6,889 ha respectively. (Table 5) With the planned development of urban areas (metropolitan) and infrastructure will accelerate the incidence of conversion of agricultural land, especially land conversion systematic and planned. As planned, construction of 455.57 km of toll roads will use (convert land) area of 3875 ha, and the construction of the West Java International Airport (BIJB) using an area of 5000 ha. Conversion of land does not include follow-up conversion (indirectly) as a result of the construction of Toll and the International Airport.

The existence of toll roads that pass in the area, as well as several other areas such as Subang district, Sumedang, Majalengka, Indramayu and Cirebon has launched the construction of industrial estates. The plan has been set out in the RTRW district / city years 2011-2035 which has been approved in the form of local regulations. Besides the construction of industrial estates have also been designed and prepared for the construction of residential areas and the construction of facilities of public interest.

On the other hand the development of an area into urban areas and the establishment of infrastructure will contribute positively to the overall regional development including agricultural development. The growing urban and industrial areas will foster demand for farm products either for direct

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consumption or demand for agricultural raw materials for the processing industry in the field of agriculture .as well as infrastructure improvements will have an impact on the ease of access and the growing interest of investment including investment in agribusiness. This is an opportunity in order to optimize the existing agricultural resources in West Java. Increased demand for land will increase in value of land will lead to the development of high-value agriculture, technology-intensive and capital-intensive. It is possible the transfer of the business of farming communities to horticultural crops (vegetables, ornamental plants) and the high economic value of farm business.

Conditions in West Java is a complex case in the struggle for land use between the interests of maintaining food production with the need for non- agricultural activities is rapidly increasing. The economic value of the business for rice production is relatively lower than for non- agricultural uses (industry, services), it is often agricultural activities be defeated. In this regard, the position of the head of the region as a ruler who directs policy development and implementation is very important.

Table 5: Area of Use and Change in Agricultural Land
According to land type during 2007 and 2009

in West Java.					
	Extensive land		Change in	(%) Change	
Land type	use (Ha)		Land Area		
	2007	2009	(Ha)	Change	
Technical Irrigation	374850	374156	-694	-0,1	
Half Technical Irrigation	128465	131674	3209	1,2	
Simple Irrigation/Villages	108583	104077	-4506	-2,1	
Irrigation non Ministry of Public Works	149126	154488	5362	1,8	
Rainfed	174744	183691	8947	2,5	
Lowland	33	6	-27	-69,2	
Tidal	471	246	-225	-31,4	
Polder and others	2956	1576	-1380	-30,5	
Jumlah	941235	951923	10688	0,6	

Source: West Java in Numbers of 2009

The development of an area into urban areas and the establishment of infrastructure will contribute positively to the overall regional development including agricultural development. The growing urban and industrial areas will foster demand for farm products either for direct consumption or demand for agricultural raw materials for the processing industry in the field of agriculture.

Improvements in infrastructure will impact the ease of access and the growing interest of investment including investment in agribusiness. This is an opportunity in order to optimize the existing agricultural resources in West Java. Increased demand for land will increase in value of land resulting in the development of high-value agriculture, technology-intensive and capital-intensive. It is possible the transfer of the business of farming communities to horticultural crops (vegetables, ornamental plants) and the high economic value of farm business.

Conditions in West Java is a complex case in the struggle for land use between the interests of maintaining food production with the need for non- agricultural activities continue to increase. With the economic value of the business for rice production is relatively lower than for nonagricultural uses (industry, services), it is often agricultural activities be defeated. In this regard, the position of the head of the region as a ruler who directs policy development and implementation is very important.

Dissemination and Implementation Constraints implementation of Agricultural Land Legislation on Food In West Java

Data on sustainable agricultural area obtained from the identification of locations that have been done Bappeda . The identification is performed Bappeda West Java province in 2012 include the identification of potential and general land issues throughout the district are taken from the data of the Ministry of Agriculture sustainable paddy , paddy field distribution of the National Land Agency , the Regional Spatial Regulation No. 2 of 2010 On the Spatial Plan region of West Java Province from 2009 to 2029.

From the identification of the location undertaken Bappeda on 2012 .produce a document Spatial Planning Sustainable Agricultural Land Protection, but until now has not been fully confirmed in the form of local regulations. So for the next activity also cannot be implemented optimally, such as control and surveillance activities because there is no rule of law is strong.

Constraints that affect the implementation of the Protection of Agricultural Land Policy Implementation Sustainable Food in West Java that affect sustainable farmland protection policy showed no significant results. This is due to the implementation of Law No. 41 of 2009 national force while in the area (district / city) implementation of sustainable agricultural land protection policy was at the stage of identifying a location and there are no local regulations governing such things although Law No. 41 of 2009 on the protection of agricultural land has been ongoing there since 2009.

The result of the discussion that has been done by Bappeda shows that sustainable farmland protection should be implemented to control land use, food security and environmental sustainability. Because the conversion of potential preventive During rice cultivation willpower constrained land owners, who are tempted by the high prices of the sale, so that when they turn around to accuse the government prevented preclude the use of community ownership.

Dissemination and Implementation Constraints implementation of Agricultural Land Legislation on Food In West Java

In its implementation, according to team member IPPT (Land Use Change Permit) from Bappeda, BPN, Distanbunhut, DPU - EMR, Legal and Governance, which is directly related to personnel protection sustainable agricultural land, so there should be clear rules and firmly set on protected farmland , the penalty in the event of conversion of the protected land, and incentives that will be accepted by society if protecting agricultural land .

The absence of local rules regarding the protection of agricultural land is causing ongoing implementation of Law No. 41 of 2009 on the protection of sustainable agricultural land in the district / city had not been effective. The results of field interviews showed that people only find out that the conversion of agricultural land is now banned but what sanctions will be accepted if people break them had never been there , so that land conversion practices are still found . Stakeholders themselves cannot provide sanctions because there is no rule of law which governs it .

With the enactment of land that has been identified as a protected area can then be implemented next event which is the scope of protection of a sustainable agricultural land as in Law No. 41 of 2009, concerning sustainable protection of agricultural land. The follow-up activities include the development, research, utilization, management, control and supervision.

Socialization application of Law no. 41 In 2009

Socialization of sustainable agricultural land protection (Act 41 of 2009) activities specifically organized within the framework of sustainable farmland protection has never been held. But according to stakeholders that sustainable agricultural land protection issues have often presented to the public in outreach events in the villages. But at the specific socialization has never been held on every occasion meeting held by Bappeda and other related agencies.

Not maximal dissemination of sustainable agricultural land protection is due to the absence of local laws governing it . The absence of local regulations become obstacles in socialization , as protected agricultural land has not been established , so that there is no clear legal protection in case of violation . Similarly, the information conveyed lands where the land used protected by smooth implementation of activities for the public at least know about farmland protection sustainable. So that to sensitize the public to no longer convert agricultural land.

Development of community awareness and responsibility, especially the owners of agricultural land can be done through counseling, guidance, education and training. With that all expected the public to know that efforts should be made to maintain the farm if there are parties who want to buy agricultural land to be converted into the form of a specific use.

The other side also about the impact of the conversion, both in terms of economic, social and environmental . So as to make people aware that the conversion of agricultural land detrimental both in terms of economic, social as well as from the point of view of the environment .

Government Regulatory Policy On Transfer Function of Food Sustainable Agriculture lands of West Java Province

Rather function farmland in regulation number 26 of 2007 on spatial planning is mentioned in Article 33 (paragraph 3) The administration of land in the area planned for the construction of infrastructure and facilities for the public interest entitles the first priority for the Government and local governments to accept the transfer of land rights from land rights holders . Meaning the meaning of the article mentioned in the PP. 1 in 2011 that the agricultural land conversion in the context of sustainable food procurement of land for public purposes can only be done with the requirement (Article 30): a. have a strategic feasibility studies , b . have a land use plan ;c . liberation of their land ownership ; and d . availability of replacement land to the Agricultural Land Sustainable Food is converted .

Government regulations derivatives contained in Regulation No. West Java . 27 Year 2010 on the Protection of Agricultural Land Sustainable Food in Article 30 (paragraph 1) states " (1) Land that has been designated as a sustainable agricultural land , converted prohibited. (2) sustainable food agriculture land referred to in paragraph (1) may only be converted by the local government or governments to the public interest or in the event of a natural disaster. "Policy In Regional Regulation No. 22 Year 2010 on Spatial Planning Region of West Java province listed in Article 15 (paragraph 3) states that the cultivation area of development policy referred to in paragraph (1) letter b, include: a . maintaining a sustainable wetland and increasing agricultural productivity, farming, forestry, animal husbandry and fishery in order to maintain regional and national food security.

The meaning of the article states that every citizen who perform or change the condition of protected farmland there are limits as set out in article 15 (paragraph 4d) that the restrictions on the development of infrastructure in the area around the protected area to avoid the growth of urban activities that encourage the conversion of protected areas.

In the future, the authors hope that the province of West Java in taking a policy especially regarding conversion of agricultural land into non-agricultural sector must be able to be consistent in implementing what is set out in the Spatial Plan area (Spatial), if the Spatial firmly established agricultural region. Local Government should have power to take a decision that is not to give permission to build nonagricultural sector.

Another solution that can be given to the farmers is to lower the tax burden on the local farms, including easing the issuance of land titles to farmers in order to ensure legal certainty on the farm. Develop incentive scheme from both central government and local governments to the people who volunteer to maintain the function of the agricultural area and not do conversion to other uses. Transparency and fairness need to involve landowners in exchange for a decent conversion.

In the approach to spatial planning laws need to be further refined and immediately set out more detailed zoning space associated with agricultural land use control. Legislation that has been made is not conducive needs to be revitalized and law enforcement (law enforcement) and to be strengthened through public advocacy consistently.

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2. Conclusion

Implementation of Act 41 of 2009 .in the province of West Java Local Regulation No. . 27 In 2010, a derivative of Law. 41 of 2009, which contains among other things:

- Province: West Java has done Outreach and Coordination at the district level / City of West Java, especially those contained in Regulation No. . 27 of 2010 on the Protection of Agricultural Land Sustainable Food.
- Concrete steps of the regulation that farmland in West Java that enable distracted , is an obligation for stakeholders in this spirit and encouragement , especially to farmers / farmer familly by providing the means of production and the improvement of infrastructure such as irrigation and tissue repair activities. The other side is also done so that the farmers / kel .retaining farm land land that is managed in accordance with the commodity.

Regional Regulations (Government) will be implementable in the field if it is supported by the Government of the District. / Town in West Java, especially in spatial planning and regional areas in their respective areas, in line with the spirit of regional autonomy that is the role of society in order to enhance the development done right can actually improve the welfare of the community.

Development policies that made that policy really can answer the problem in society . With appropriate development policies, the welfare of society in West Java will be increased and the number of poor people would be much reduced . Her special on Food Sustainable Agriculture Land Use in the Law no. 41 of 2009 is done by ensuring the conservation of soil and water. This means that when viewed from the perspective of land use plans in the long run , it can be stated that the Province of West Java while maintaining a buffer zone as the area of agricultural production or crop producers , livestock and fisheries. However, in line with the vision of West Java province, the agricultural sector in the broad sense constantly developed and improved , especially in order to support the establishment of regional food security .

One approach is to shift the focus of on-farm agricultural development towards off farm (both upstream and downstream), supported by the availability of a reliable HR agribusiness, and infrastructure and adequate infrastructure. But it does not hamper the development of agriculture in the future.

In realizing continuously coordinating with agencies within the Government , the Regional Development Planning Agency (BAPPEDA), Public Works Department , and other agencies to support the realization of soil and water conservation sustainable, productive and sustainable . In addition, the course through discussion draft Draft Spatial Plan , in particular the Department of Agriculture and Food Security do everything possible so that the problems related to the sustainable use of agricultural land that do guarantee the implementation of land and water conservation , as it is the case that is a priority .

The problem faced by the province of West Java is the magnitude of the rate of conversion of agricultural land to

other uses. The potential loss of productive land in this region is very large when seen from the population . Converted wetland that is usually located near the cities both large cities and growing city, where industrial, commercial and residential growing rapidly and generally productive in paddy fields with good irrigation.

The addition of rice acreage through wastelands optimization were conducted but not yet cover potential wetland loss. The loss of productive agricultural land if not controlled will disrupt the continuity and production that ultimately could lead to threat to food security, both local and national food security. In addition to the supply function of production, agricultural land also has various other functions, namely as providers and opening employment, environment function and the function of the catchment area (water catchment area). The conversion of agricultural land is causing the loss of the other functions.

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