

Food Estate Program Law Politics: Towards Fulfillment of the Rights of Central Kalimantan Dayak Indigenous Peoples

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Abstract

This study aims to determine the implications of the food estate program on the fulfillment of the rights of the Dayak people of Central Kalimantan and the legal policy of the preparation and implementation of the National Economic Recovery Program (NERP) through the Food Estate in Central Kalimantan in line with the principles of human rights and traditional values of the Central Kalimantan Dayak. The type of research used in compiling this research is empirical normative juridical research. This research is descriptive. The types of data used are primary data and secondary data. Primary data collection techniques through interviews while secondary data obtained through library research. Primary and secondary data were analyzed qualitatively. The results of the study show that: First, the Food Estate Program in Central Kalimantan, which is one of the national economic recovery programs (NERP) has had a significant impact on the indigenous Dayak people of Central Kalimantan who have ties to forests, land and rivers as well as causing vertical and horizontal conflicts in their lives' implementation. Second: the Central Government and Local Governments in formulating regulations and policies, on the one hand, have the enthusiasm to pay attention to the customary values and traditions of the Dayak indigenous people of Central Kalimantan but are weak at the implementation stage, causing conflicts due to the issuance of Law of the Republic of Indonesia No. 11 of 2020 concerning Job Creation and its derivative regulations that put forward the principle of omnibus law which aims to create a quality business and investment climate without paying attention to the principles of human rights, ecological justice and the customary values and traditions of the Dayak people of Central Kalimantan.

Keywords: Legal policy, Human Rights, Ecological Justice.



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HOW TO CITE:

Wisnu, D. (2022). Food Estate Program Law Politics. Journal Of Contemporary Sociological Issues, 2(1), 76-91. doi:10.19184/csi.v2i1.28051

Submitted :November 29, 2021

Revised :December 22, 2021

Accepted :February 2, 2022

Publish :February 28, 2022

I. INTRODUCTION

In recent weeks the dark story of the past has been repeated through the government's National Economic Recovery (NERP) program through the food estate program and the people are again presented with the hope of fulfilling food and economic welfare through the rice field printing program on peat lands and agroforestry in the name of a pandemic, even though it is reversed. It is indicated that the conversion of land and forest functions for food and investment purposes through government regulations and policies has led to agrarian conflicts and criminalization of farmers and communities.

The government then used the issue of the food crisis as an excuse to accelerate development through investment based on rice field printing and agro-forestry projects in Central Kalimantan in the former million-hectare peat land Project which is a milestone in the history of irreversible peat damage and a source of environmental disaster and a major source of fires. Peat land forest for the last two decades. Recovery efforts so far have never been effective and continue to fail because there is no government policy that implements recovery and takes lessons from the failure of ex PLG. Currently, the Government is building a food estate project covering an area of +300,000 hectares and including it as one of the National Strategic Projects, with a lack of scientific studies and community participation and a legal basis that ignores human rights, environmental justice and traditional knowledge of indigenous peoples.

Based on discussions that have been carried out by a number of civil society organizations with community leaders, farmer groups, the Government of the Village, Regency and Province, so far based on the information collected, the community has not been fully involved in the planning and implementation of the program and there is no clarity on the food program. The estate is for the community in the target location of the food estate program, so that residents are concerned about the negative impact that has the potential to trigger agrarian conflicts and tensions between residents and newly arrived trans-migrant workers, as well as project failure. Based on this, the study was conducted to determine the legal implications and political implications of the national economic recovery program (PEN) through the food estate program in Central Kalimantan on the fulfillment of the rights of the Central Kalimantan Dayak indigenous peoples and the principles of human rights and customary values (living law) of the Central Kalimantan Dayak. From the background, the problems arise are: what are the implications of the National Economic Recovery Program (NERP) through the Food Estate in Central Kalimantan on the Fulfillment of the Rights of the Central Kalimantan Dayak Indigenous Peoples? How is the legal policy of the National Economic Recovery Program (NERP) through the Food Estate in Central Kalimantan based on principles of human rights and the traditional values of the Central Kalimantan Dayak?

II. METHOD

This research focuses on the study and analysis of the legal policy of the food estate program on the fulfillment of the rights of the Dayak indigenous people of Central

Kalimantan during the Covid-19 pandemic. The type of research used is using the empirical normative juridical method, which is a combination of normative legal approaches with empirical elements to see the implementation of legal principles or norms based on applicable laws and regulations and Dayak customs in Central Kalimantan. This research is a qualitative research using participatory methods and empowerment efforts (PAR) aims to present a complete picture of the social situation that combines the dual functions of data collection and the formation of dialogue between the parties who take part and not only researchers and development workers but also the community as other parties who feel either directly or indirectly.¹

In this study, the location chosen by the researchers was Central Kalimantan Province, especially in Kapuas Regency and Gunung Mas Regency. This location was deliberately chosen because the area is the target of implementing the food estate program in Central Kalimantan and still adheres to the traditional values/customs of the Dayak indigenous people who are still living (living law) as a guide for the community in their daily life to the preparation of regulations and policies. food estate in Central Kalimantan Province. Thus, from the research location, researchers can obtain the data needed to answer the problems raised in this study. In this study, the data obtained from the study of documents and literature on secondary data, both primary, secondary and tertiary legal materials, were analyzed using qualitative methods by compiling and categorizing data to look for patterns or themes with the intention of understanding their meaning by analyzing the data and facts obtained from the field combined with data obtained from literature/library materials. In analyzing the data, the researcher uses theory as a frame to see the ideal/should be. Then the writer builds a theory to analyze the adoption of traditional and cultural values from data and facts in the field from interviews and library materials as well as legislation related to marriage registration matters. In this type of research there are three categories' data source, namely:

1. *Non-Judicial Case Study* is a legal case study approach that is without conflict so that there is no interference with the court.
2. *Judicial Case Study* is a legal case study approach due to conflict that involves court intervention to provide settlement decisions (jurisprudence).
3. *Live Case Study* is an approach to a legal event whose process is still ongoing and has not ended.²

This research is included in the life case study category because the legal event being studied is still ongoing and has not ended, namely the food estate program. The data needed in this study is in accordance with the problems and research objectives, divided into two types of data, namely: primary data and secondary data. Meanwhile, data analysis is the process of data processing and systematization by classifying

¹ Britha Mikkelsen, *Participatory Research Methods and Empowerment Efforts: A Guide for Field Practitioners (Metode Penelitian Partisipatoris Dan Upaya Pemberdayaan: Panduan Bagi Praktisi Lapangan)* (Jakarta: Yayasan Pustaka Obor Indonesia, 1995), 10.

² Johnny Ibrahim, *Normative Law Theory, Methods and Research (Teori, Metode Dan Penelitian Hukum Normatif)* (Malang: Bayumedia Publising, 2007), 300.

existing data to make it easier to analyze. Lexy J. Moelong in the book "Qualitative Research Methods" says that data analysis is a process of organizing and sorting data into patterns, categories, and basic units of description so that themes can be found and working hypotheses can be formulated as suggested by the data.³

III. FINDINGS AND DISCUSSION

Implications of the Food Estate Program for the Fulfillment of the Rights of the Central Kalimantan Dayak Indigenous Peoples

*Manugal*⁴ in Dayak Ngaju language means planting rice, this *manugal* is usually done by traditional Dayak cultivators/farmers who still hold fast to their closeness to nature. This activity is usually carried out during the rice planting period according to the Ngaju Dayak community, namely in *nyelu tugal* (year of planting rice seeds) and cosmologically if there is very hot natural weather for approximately 4 months but still accompanied by rain in certain periods in certain periods, *danum sungei nampara* teah (the river water is starting to recede), there is *Bintang Patendu* (there are several stars lined up with very bright light), *Uru Kaluy Batue* (there is a type of grass that is getting old and reddish in color) and the children play a traditional game in the form of a spinning top made of Ulin wood. If in the Gregorian calendar it is around July to November. The planting of rice seedlings is carried out after several activities such as *meneweng* (cutting down trees and grass around the area that will be used as land to plant rice) and *manyeha* (burning tree trunks that have been cut down and grass that has been cut down and then preparing land that has been burned) and sometimes the cultivators/farmers also have to *mangakal* (cleaning the fields by re-burning the fields). If the land that has been burned during *manyeha* no longer leaves large trees that interfere with the rice planting area, then manual activities can be carried out by paying attention to weather factors and wind direction first. Some of the sequences of the *manugal* procession are: determining the *upun benyi* (seedlings that are considered idols by the land owner), *arah tekap* (*manugal* direction), *Hajamuk* (playing with charcoal), eating and drinking.

The basis for carrying out the *manugal* tradition of the Dayak people of Central Kalimantan comes from the habits of previous ancestors by way of being passed down from generation to generation by ancient people until now still being maintained. The inclusion of government programs since 1995 through the PLG program to the food estate program which entered in 2020 as an effort to respond to the pandemic which became a national disaster, caused a shift and change in the customs and traditions of the Central Kalimantan Dayak community.

³ Lexy J. Moleong, *Qualitative Research Methodology (Metodologi Penelitian Kualitatif)* (Bandung: PT. Remaja Rosdakarya, 2002), 103.

⁴ Tjilik Riwut, *Maneser panatau tatu hiang: Dayak manners and customs in Kalimantan, Indonesia.* (Pusakalima, 2003), 63.

Coordinating Minister for the Economy, Airlangga Hartato, held a press conference on April 28, 2020 and said that President Joko Widodo had asked BUMN, regional and Ministry of Agriculture to open new land for rice fields, namely wetlands and peat. President Jokowi reminded that the risk of a food crisis conveyed by the World Food Organization (FAO) may occur as a result of the Covid-19 pandemic. In an effort to quickly respond to FAO's warning, the government issued a plan to build a food estate on the land of the former Peat-land Development (PLG) Project in Central Kalimantan. The rice field printing program aims to maintain the fulfillment of national food stock needs, especially rice with priority activities of land intensification and extensification. The development of this food estate is included in the National Strategic Project (PSN) based on Presidential Regulation of the Republic of Indonesia No. 109 of 2020 concerning the Third Amendment to Presidential Regulation Number 3 of 2016 concerning the Acceleration of the Implementation of National Strategic Projects.

The government's plan to re-open the ex-PLG land to be used as a location for new rice fields has raised fears of repeated fires on peat-lands. The results of Pantau Gambut's analysis of the burned area show that the ex-PLG area is still subject to fires every year. In 2019, it was recorded that the burned area on the ex-PLG land reached 167,000 hectares.⁵

In 2020, the food estate program in Central Kalimantan, in the first phase, has carried out the opening and preparation of 18,920 hectares of agricultural land located in Kapuas Regency. The first phase of the Food Estate program in Kapuas Regency, Central Kalimantan was carried out in Bataguh District, Kapuas Murung District and Dadahup District. Currently, the activities carried out by the government are land preparation and canal cleaning or rehabilitation of water systems (irrigation) in several villages, such as:

1. Bina Jaya Village (Block A5), Dadahup Kecamatan District
2. Rawa Subur Village (Block C3), Kapuas Murung District
3. Talekung Punei Village, Kapuas Murung District
4. Sei Tatas Village, Pulau Petak Kecamatan District
5. Balanti Siam Village, Pandih Batu District

In Pulang Pisau Regency, the first stage of rice planting in Belanti Siam Village was carried out by President Joko Widodo on October 8, 2020. The village is included in the Center of Excellence (CoE) area which covers about 2,000 hectares in community-owned rice fields. At that time, the President revealed that the food estate would be expanded to 168,000 hectares, both in the existing rice fields and those that would be opened for new rice fields.⁶

⁵ Pantau Gambut, 'Central Kalimantan Food Estate, Instant Policy Full of Controversy (Food Estate Kalimantan Tengah, Kebijakan Instan Sarat Kontroversi)' (Jakarta, n.d.).

⁶ Dionisius Reynaldo Triwibowo, 'Outdated Promises of the Food Barn (Janji Usang Lumbung Pangan)', KOMPAS, 25 October 2020, <https://www.kompas.id/baca/nusantara/2020/10/25/janji-usang-lumbung-pangan/>.

In 2020, the government targets to build 30,000 hectares, about 20,000 hectares in Kapuas Regency and 10,000 hectares in Pulang Pisau Regency and the remaining 133,000 hectares are built in 2021. According to the Ministry of Agriculture, since April 2020, intensification has been carried out and planting has already begun, although the map has not yet been completed clean and clear. Another thing is the focus on developing cassava with the leading sector of the Ministry of Defense with an allocation of 60,000 hectares of land in Kapuas Regency and Pulang Pisau Regency.⁷

With the food estate program activities that have been carried out in Pulang Pisau Regency, Kapuas Regency and Gunung Mas Regency, several questions and doubts have arisen from the analysis of the facts of implementation in the field, including: with the current condition of agricultural land, can food estate be implemented effectively and do not repeat the failure of ex PLG, because the land is always flooded during the water season and during the dry season there are always fires and the depth and acidity of the peat soil makes it impossible to plant. Local people feel confused about the agricultural pattern applied because they have to plant superior types of rice that the community does not know about and do not know how to manage it and the business process. The pattern of food estate agriculture is very influential with local customs and culture, where in the past the community in managing local rice always worked together or *handep*, land clearing always used traditional tools, with the existence of this food estate local habits such as *handep* will slowly disappear because of the management of this food estate. Using machines and technology that local indigenous peoples do not understand. Why superior rice should be harvested 2-3 times in 1 year, while judging from the facts on the ground, if 2-3 times a year planting of superior rice is carried out this will clash with the local rice planting season. According to local farmers, if all canals are cleaned, then they cannot plant local rice because the water is too deep (up) to enter through the cleaned canals. Land preparation and clearing are coordinated by the TNI AD Village Development Officer (BABINSA) for Alsintan, while tractor operations are carried out by trained farmers with a wage of Rp. 75.000,- per hectare with fuel oil (BBM) of 10 liters per hectare per tractor unit. The assumption is that if the land is dry, the fuel allocation will be sufficient, but if the land is watery or submerged, then 10 liters of fuel will not be enough. The community and farmer groups also asked where the budget for meeting the insufficient fuel needs could be obtained by farmers/GAPOKTAN.

After the failure of the one million hectare PLG project, the people of Central Kalimantan experienced past trauma with the failure of the project which since it stopped in 1998, the handling of PLG was neglected and disaster occurred there until new permits were issued for oil palm plantations. This causes the loss of community livelihoods, the impact of floods that can last up to four months, forest and land fires,

⁷ Indra Nugraha, 'Involvement of Farmers in Food Estate Projects in Central Kalimantan Unclear (Pelibatan Petani Dalam Proyek Food Estate Di Kalteng Tak Jelas)', *Mongabay*, 24 September 2020, <https://www.mongabay.co.id/2020/09/24/pelibatan-petani-dalam-proyek-food-estate-di-kalteng-tak-jelas/>.

damage to the peat ecosystem due to development and canalization on peat-lands. The PLG project also eliminates community management rights over their land where functional or existing land is managed by the community from generation to generation until now. This means that the community's management rights over their land and living space are threatened, including local seeds that are threatened with being lost and replaced by artificial seeds. In addition, there is a lack of understanding about commercial plantations that refer to the export market by relying on corporations and what about the position of farmers and the technology used.⁸

The media coverage and the findings of Save Our Borneo in early 2021, regarding crop failure in Belanti Siam Village can be seen as a harsh reality for the Government, that boosting agricultural productivity by changing the cropping pattern from two to three times a year and changing the planting period not in line with the traditions and knowledge of the community, in the end almost 90 percent of the farmers lose money, not getting satisfactory harvests. From 1000 hectares, farmers in Belanti Siam Village, for example, only get 1.5 tons of grain per hectare of rice fields. The same thing happened in other villages.⁹

Surrendering food fulfillment to industrial schemes actually makes farmers dependent on agricultural production facilities controlled by investors and up to now 90% of the seed market is only controlled by 5 multinational companies. In the discourse of space and capitalism, the Master Plan for the Acceleration and Expansion of Indonesian Economic Development (MP3EI) is a form of political space for the creation and arrangement of economic space in order to remove the spatial barrier so that the circulation of capital, goods and services, labor, control over land and natural wealth which in the end is the accumulation of capital.¹⁰

The development of this food estate program is not only limited to rice fields but also agro forestry where corn, cassava and other food commodities are one of the targets in this program including oil palm plantations, such as in the Gunung Mas Regency area, precisely in Tangkahan Village, Banama Tingang District, right on the edge of the main road which is a district cross road is used as a place for planting cassava which is actually the location of a rubber plantation owned by the community. Meanwhile in Sepang Kota Village it has not been able to run because there is still resistance from the community towards this program, but the cassava factory has reportedly been inaugurated in the Sepang City area around 2020 based on information from the surrounding community. However, in the area of Tewai Baru Village, Sepang City District, cassava planting and forest area clearing have been carried out.

The Ministry of Defense has neglected to open a forest area in Gunung Mas Regency for cassava plantations by taking into account local wisdom, the living space and livelihoods of the indigenous Dayak people of Central Kalimantan who depend on

⁸ Nugraha.

⁹ WALHI Kalimantan Tengah and Pantau Gambut, 'Food Estate: Measuring Indonesia's Food Politics (Food Estate: Menakar Politik Pangan Indonesia)' (Kalimantan Tengah, 2021), 44–50.

¹⁰ WALHI Kalimantan Tengah and Pantau Gambut, 'Food Estate: Measuring Indonesia's Food Politics (Food Estate: Menakar Politik Pangan Indonesia)'.

forests, land and rivers. The clearing of the forest area has implications for local indigenous peoples who make the forest a "market and source of livelihood and living space" to meet the needs of clothing, food, shelter as well as traditional medicines and livelihoods, since the implementation of this food estate program the community is not allowed to access the forest area. In addition, indigenous peoples who own land in the forest area and/or adjacent to the forest area are no longer able to access their lands either individually or communally, the flooding is getting worse, cutting off road access and submerging settlements even though the rainfall is low. Do not have a proper and safe place to evacuate.

The food logistics reserve program or known as the Food Estate program utilizes forest areas to plant cassava for about 600 hectares in Gunung Mas Regency. Land clearing in a production forest area in Tewai Baru Village, Gunung Mas Regency, Central Kalimantan, with one unpaved entrance through the PT Borneo Agri Prima plantation. Some of the varieties of cassava used include red Crystal cassava, iding, carvita 25, revita R1, poor 4, UK2 R&D, darul hidayah, UJ5, and adira 4. About 1 kilometer from the workers, there are at least six heavy equipment preparing the land. Before planting and trimmed round logs of various diameters in a row. The Head of the Social Forestry Division of the Central Kalimantan Provincial Forestry Service, explained that the Food Estate program with cassava commodities is a central government program through the Ministry of Defense with a target land area of 31,000 hectares and not in social forestry areas and the status of the area is a borrow-to-use area permit.¹¹

AoI (Area of Interest) Food Estate in Central Kalimantan covers an area of 311 thousand hectares or equivalent to the area of the Special Region of Yogyakarta, of which 52% of AoI Food Estate Central Kalimantan is natural forest which reaches 1.5 million hectares and 97% natural forest in AoI Food Estate Central Kalimantan is in the APL area of 143 thousand hectares. The volume of timber with a diameter of more than 20 centimeters from natural forest in AoI for Food Estate is estimated at 243 million cubic meters (m³) with an estimated 243 million cubic meters with an estimated value of Rp. 209.36 trillion or \$14.8 billion. The process of structuring forest areas for strategic areas including the Food Estate does not include the stages of inventorying and settling the rights of third parties along the route of forest area boundaries which are at risk of increasing conflict with the community.¹²

Agustin Teras Narang, in April 2021 asked the Government to stop clearing or releasing forest areas that have cleared approximately 700-800 hectares of forest area in Sepang District, Gunung Mas Regency, Central Kalimantan by writing to the Ministry of Defense. This program is a supporting activity of the National Strategic Program (PSN) Food Estate managed by the Ministry of Defense through the Strategic Logistics Reserve Agency (BCLS). During the verification process in the field, Teras Narang saw

¹¹ Dionisius Reynaldo Triwibowo, '600 Hectares of Cassava Farm at Mount Mas (Kebun Singkong 600 Hektar Di Gunung Mas)', *KOMPAS*, 7 March 2021, <https://www.kompas.id/baca/nusantara/2021/03/07/kebum-singkong-600-hektar-di-gunung-mas>.

¹² Anggalia Putri, 'Karpas Merah Kebijakan Food Estate' (Madani Berkelanjutan, 23 February 2021), 3-4.

firsthand the signboards for the cassava plantation activities that will be opened in 2,000 hectares of forest area in four villages, namely Tewai Baru Village, Sepang Kota Village, Tampelas Village, and Pematang Limau Village, the area of which is included in the community's management area or community gardens.¹³

In recent weeks, this old story has been repeated in the plan for “printing rice fields on peat-lands”, the people are again presented with empty promises of fulfilling food by printing rice fields on peatlands in the midst of allowing land conversion for food purposes, criminalization of farmers and agrarian conflicts which displaces the people's food sovereignty continues to occur in this part of the country even during the pandemic.

The food estate development plan on peatlands again shows the state's indifference to the protection of the peat swamp ecosystem which will have serious impacts and consequences by building a fragile and catastrophic future that is deliberately planned and presented by the government itself. The former PLG area which is now a disaster has eliminated and threatened the high and endemic biodiversity in peat areas, the loss of native habitats such as orangutans, the flora and fauna typical of Central Kalimantan and left hundreds of thousands of kilometers of primary and secondary canal monuments that are the cause of peat drought and a source of disaster fires and smoke and floods in Central Kalimantan.

In fact, land tenure inequality is getting higher and land conflicts continue to increase in this region because most of the ex-PLGs have been granted permits for oil palm plantations and have destroyed traditional farming and fisheries systems such as the *beje* and *handil* systems as well as customary systems and other local wisdom as the form of collective farming that has developed in the Dayak indigenous peoples so far. The placement of transmigration has also changed the social structure and model of land ownership in some areas by contradicting between land titles and customary lands which has also become one of the triggers of land conflicts in this region.

Local and national governments should conduct socialization, provide information on the Central Kalimantan national food barn development project openly and in deliberation involving the widest possible number of indigenous peoples and local communities who are directly and indirectly affected by the project.

Food estate mega-projects are not new for the people of Central Kalimantan, a quarter of a century ago, similar projects were made in the same location, namely in Kapuas District and Pulang Pisau District, which at that time President Soeharto chose to open an area of 1.4 million hectares as the Peatland Development Project (PLG) name. In 1995, the wilderness of peat forest was turned into rice fields. The government created a 1,000-hectare trial area in Mampai Village, Kapuas Murung District, Kapuas Regency. In less than a year the project was threatened with failure and disaster came

¹³ Dionisius Reynaldo Triwibowo, ‘Members of the Central Kalimantan DPD RI Ask for Land Clearing for Cassava Gardens to Be Stopped (Anggota DPD RI Kalteng Minta Pembukaan Lahan Untuk Kebun Singkong Dihentikan)’, *KOMPAS*, 29 April 2021, <https://www.kompas.id/baca/nusantara/2021/04/29/anggota-dpd-ri-kalteng-minta-pembukaan-lahan-untuk-kebun-singkong-dihentikan/>.

later, but peat-lands that were already open and prone to fire became the source of the haze disaster in 1997, 2015 and until now. Even now, the former PLG area has not fully recovered, but has been reopened for the same program, printing rice fields. Since the implementation of the food estate program and the National Strategic Program, during this pandemic, villages in Central Kalimantan, especially in the areas where the program was carried out, experienced prolonged and frequent flooding, one of which was due to the clearing of forest areas and the lack of absorption areas and river silting due to damage environment. The impacts of damage to the environment and the living space and livelihoods of indigenous peoples are increasingly being felt by indigenous peoples and local communities, but again the community cannot refuse government programs and is not ready to mitigate the effects of environmental destruction, living spaces and people's livelihoods.

With the Food Estate program activities that have been carried out, questions and doubts arise from the community with analysis and implementation facts in the field including: land conditions that are prone to flooding and forest and land fires, agricultural patterns, irrigation channels/irrigation/canalization, profit sharing, land ownership, military involvement, and so on.

The food estate program, which is expected by the government through regulations and policies, can become part of the national economic recovery (PEN), in fact, in its implementation, it has re-created ecological, climatic and customary damage and local wisdom which has a more severe impact on indigenous peoples who are vulnerable to losing their living space, livelihoods and livelihoods Identity.

Legal Policy of National Recovery Program (PEN) through Food Estate in Central Kalimantan Based on Human Rights Principles and the Traditional Values of Dayak Central Kalimantan

Land is a non-renewable natural (agrarian) resource, including its relative area which cannot be added or changed, while the number of living things, especially humans, continues to grow with the tendency to control the land as much as possible. This in the end led to land conflicts that never ended, even though it was rare for land conflict cases to get a win-win solution in this country. Throughout 2020 the Consortium for Agrarian Reform (KPA) in its annual record noted that there had been 241 agrarian conflicts in 359 villages/villages on a land area of 624,272,711 hectares. Compared to 2019, there were 279 conflicts. This reduction in the number of conflicts is not significant considering that Indonesia is in the middle of a drastic decline in economic growth. For comparison, the Indonesian economy in the April-September 2019 period recorded growth of 5.01% and the eruption of agrarian conflicts in that period recorded 133 conflict eruptions. Meanwhile, in the same period in 2020, Indonesia's economic growth reached minus 4.4% with conflict eruptions reaching 138 cases. Even though

the crisis hit and the PSBB took place, agrarian-based investment and business activities continued to work massively but remained repressive.¹⁴

It is no secret that agrarian conflicts are caused by public policies and the issuance of concessions that are not in favor of the people. Apart from the legacy of massive land grabbing during the New Order era, expropriation continues to this day through the legal policy of land and natural resource management that is not in favor of the community and perpetuates these practices through regulations and policies as well as the legal framework for resolving agrarian conflicts as part of the agrarian reform agenda is still far from.¹⁵

The definition of legal policy according to Padmo Wahjono is the basic policy that determines the direction, form and content of the law that is formed. Meanwhile, Mahfud MD defines legal policy as legal policy or official line (policy) regarding law that will be enforced either by making new laws or replacing old laws, in order to achieve the goals of the state.¹⁶

Mahfud MD in his book *Political Law in Indonesia* states that law is a political product, as the actual fact is not only law in the sense of law which is a political product but can also include law in other meanings, including the constitution. This is based on constitutional expert K.C. Wheare who emphasized that the constitution is a resultant in accordance with the political, economic and social situation at the time it was made, so that the political, social, economic and cultural configuration is very influential or determines the product of the constitution and legislation.¹⁷

Customary law divides legal subjects into human beings and legal entities, similar to civil and HAN. The discussion of legal subjects in customary law takes place when people are competent as persons with rights and the basic pattern of community organizations.¹⁸ Various legal options to determine legal subjects to determine the legal subjects of customary law communities¹⁹:

1. Legislation that gives recognition at the village level to carry out all very broad public authorities within the scope of village jurisdiction provides the advantage of this system that the government can channel its programs easily through official structures from the center to the village. But this system does not address the

¹⁴ Konsorsium Pembaruan Agraria, 'End of Year Notes 2020 Consortium for Agrarian Reform (Catatan Akhir Tahun 2020 Konsorsium Pembaruan Agraria: PandemiCovid-19 Dan PerampasanTanah Berskala Besar Edisi Peluncuran I: Laporan Konflik Agraria Di Masa Pandemi Dan Krisis Ekonomi)' (Jakarta, 2020).

¹⁵ Yando Zakaria, *Ethnography of Indigenous Lands: Basic Concepts and Guidelines for Field Studies (Etnografi Tanah Adat: Konsep-Konsep Dasar Dan Pedoman Kajian Lapangan)* (Bandung: Agrarian Resources Center (ARC), 2018), 1.

¹⁶ Moh. Mahfud MD, *Legal Politics in Indonesia (Politik Hukum Di Indonesia)* (Jakarta: Raja Grafindo Persada, 2009), 1.

¹⁷ MD, 6.

¹⁸ Rikardo Simarmata and Bernadinus Steni, *Indigenous Law Communities as Legal Subjects: Legal Skills of Indigenous Law Communities in the Field of Private and Public Law (Masyarakat Hukum Adat Sebagai Subjek Hukum: Kecakapan Hukum Masyarakat Hukum Adat Dalam Lapangan Hukum Privat Dan Publik)* (Yogyakarta: Pustaka Sempu, 2017), 21.

¹⁹ Simarmata and Steni, 56–57.

specifics of the cultural and historical identity of indigenous peoples who openly have their own claims to resources at the village level. The mixing of interests and authorities based on government legislation with the internal arrangements of customary law communities is certainly difficult to reconcile with the village system.

2. A system that has the opportunity to make the construction of the subject further into a system of values and norms that see certain areas, objects and certain parts of nature as subjects that have human objective equality. This system can only be applied in the context of a strict separation between migrants and natives, as in Indonesia the boundaries are blurred between natives and immigrants, making it difficult to claim indigenous peoples against other natives. The mention of legal subjects is only a bridge to see and relate the similarities between the two characters of legal subjects so that they can live together.
3. Customary law communities do not always live in one village and have a pluralistic character of legal subjects so that it is difficult to put them together in one form. So that through other entities, customary law communities can carry out civil legal actions quickly without having to wait too long to get government decisions which are usually stated in legislation and administrative policies. This model that borrows the hands of modern legal subjects like this helps streamline legal actions and becomes an opportunity for indigenous and tribal peoples to get greater economic benefits from traditional ownership such as land and other natural resources.

The government then in a pandemic situation used the issue of the food crisis as an excuse to accelerate the national economic recovery through food estate and energy programs, one of which was in Central Kalimantan in the former million hectares peat land Project (ex PLG) which is a milestone in the history of irreversible peat damage and been a source of environmental disasters and a major source of forest and peat land fires for the last two decades. Recovery efforts that have been carried out so far have never been effective and continue to fail because there is no seriousness from the government to do so by taking lessons from cases that have occurred, Instead, the government rebuilt a food estate project covering an area of ± 300,000 hectares and included it as one of the National Strategic Projects, with a lack of scientific studies and public participation. One of them is through the rapid KLHS compiled by the Ministry of Environment and Forestry (KLHK) whose accuracy is doubted by many parties because of the re-exploitation of peat in Central Kalimantan. This food estate project should not repeat the historical tragedy of the past when there was a million hectares peat land project (ex PLG) during the New Order government which began in 1995 through Presidential Decree No. 82/1995 issued by President Soeharto which was finally decided to end and failed. in 1998 through the Presidential Decree No. 33 of 1998 during the reign of President BJ Habibie.

This failure is due to a lack of understanding and lack of socio-ecological studies on the peat ecosystem so that projects that absorb a large amount of budget from the APBN have failed to become food granaries and even some of their areas have been

turned into oil palm plantations to date. After the failure of this project, there were at least two important policies to carry out rehabilitation through Presidential Decree No. 80 of 1999 which had allocated funds for payment of compensation to affected communities and Presidential Instruction No. 2 of 2007 to revitalize and rehabilitate 1 million hectares of peat land. This area has also become a priority area for the Peat Restoration Agency (BRG) with the allocation of government funds that have not had a significant impact on the management and restoration of the area to date.

The Covid-19 pandemic has the potential to have an impact on food shortages and crises in the world, including Indonesia. The economic impact of the Covid-19 outbreak is being felt in Indonesia, therefore the government has taken steps to establish a national economic recovery program (PEN) in the context of handling Covid-19. The program is described through the issuance of Government Regulation Number 23 of 2020 concerning the National Recovery Program for Handling the Covid-19 Pandemic. The main objective of the PEN program is to protect, maintain, and improve the economic capacity of business actors. Structural reform based on modern agriculture (high-tech), restoration of environmental functions (peat ecosystem), forest management that favors the community and sustainability, modernization of transmigration and integration of villages, customs and elements of the community/business world to strengthen social cohesion by involving various parties including investment in the business world (private sector), professional migration (youth/work force), and superior human resources (pioneers). The development of food land will be carried out by the Government of Indonesia in 4 (four) locations, namely Central Kalimantan Province, South Sumatra Province, North Sumatra Province and Mappi Regency, Merauke Regency, and Boven Digoel Regency in Papua Province.

Regulations and policies that support the implementation of the food estate program have become increasingly complicated after the enactment of Law Number 11 of 2020 concerning Job Creation, one of which has spawned a number of regulations and derivative policies that allow the clearing of forest areas for development outside the forestry sector, procedures for implementing land for development in the public interest, and others.

Politically, the epistemic submission to value relations in the food regime opens the possibility of alternative values. The agrarian crisis in the early 1990s became an important moment for international mobilization to expose power relations and illusions in the jargon of “food security”. After asserting that the neoliberal market is not something natural. The food sovereignty movement develops and grows into practices that carry out, restore and develop values that support positive relations in social and ecological reproduction as a counter to the tendency of reproductive impoverishment under capitalists. Through the current legal policy of the Indonesian government, the corporate food regime creates a contradiction, a tension between abstract lines of thinking in agricultural industrialization and forms of space-based agro-ecological agriculture supported by the politics of food sovereignty as a politics of modernity that emerges from global eco-economy morals.

Referring to the opinion of Mahfud MD who is currently the Coordinating Minister for Political, Legal and Security Affairs, it can be said that the legal policy of the current regulations and policies of the Government of Indonesia is the official line (policy) of laws that will be enacted either by making new laws or replacing them old law, in order to achieve the goals of the State. So it can be said that the birth of the Job Creation Act is a new law that regulates various fields of life that supports national economic recovery to replace the old law which is based on agrarian reform and ecological justice and human rights. Besides that, the legal products that are born are the products of political agreements (resultants) that are adapted to the political, economic, cultural and social situation during the pandemic when the regulations and policies are made, so that the political, social, economic and cultural configuration are very influential or determines the product of the constitution and laws and regulations. Therefore, it can be said that the legal policy of PEN through the food estate program does not use human rights and the traditional values of the Central Kalimantan Dayak as the basis for the preparation and implementation of programs, planning, implementation, budgeting and policies.

IV. CONCLUSION

The food estate program, which is expected by the government through regulations and policies, can become part of the national economic recovery (PEN) in fact, in its implementation, it has implications for ecological, climatic and customary damage and local wisdom, which has a more severe impact on indigenous peoples who are vulnerable to losing their living space, livelihoods and livelihoods identity.

The Ministry of Defense cleared forest areas in Gunung Mas Regency for cassava plantations without paying attention to local wisdom, living space and the livelihoods of the indigenous Dayak people of Central Kalimantan who depend on forests, land and rivers. The clearing of the forest area has implications for local indigenous peoples who use the forest as a “market” to meet their needs for clothing, food, shelter, traditional medicines and livelihoods, since the implementation of the food estate program, the community is not allowed to access the forest area.

In addition, indigenous peoples who own land in the forest area and/or adjacent to the forest area are no longer able to access their lands, either individually or communally, the flooding is getting worse, cutting off road access and submerging settlements even though the rainfall is low do not have a proper and safe place to evacuate. The legal policy of the current regulations and policies of the Government of Indonesia as the official line (policy) of the law that will be enacted either by making new laws or replacing old laws, in order to achieve the goals of the State. So it can be said that the birth of the Job Creation Act is a new law that regulates various fields of life that supports national economic recovery to replace the old law which is based on agrarian reform and ecological justice and human rights. In addition, the legal products that are born are the products of political agreements (resultants) that are adapted to the political, economic, cultural and social situation during the pandemic when the

regulations and policies are made, so that the political, social, economic and cultural configurations are very influential or determine the product of the constitution. and laws and regulations. Therefore, it can be said that the legal policy of PEN through the food estate program does not use human rights and the traditional values of the Central Kalimantan Dayak as the basis for the preparation and implementation of programs, planning, implementation, budgeting, and policies. The results showed that:

1. The Food Estate Program in Central Kalimantan, which is one of the national economic recovery programs (PEN) has had a significant impact on the indigenous Dayak people of Central Kalimantan, who are attached to forests, land and rivers and cause vertical and horizontal conflicts in their implementation.
2. The Central Government and Local Governments in formulating regulations and policies are enthusiastic on the one hand by paying attention to the customary values and traditions of the Dayak people of Central Kalimantan but are weak at the implementation stage, causing conflicts as a result of the issuance of Law of the Republic of Indonesia No. 11 of 2020 concerning Job Creation and its derivative regulations that put forward the principle of omnibus law which aims to create a quality business and investment climate without regard to the principles of human rights, ecological justice and the customary values and traditions of the Dayak people of Central Kalimantan.

ACKNOWLEDGMENT

None

FUNDING

None

CONFLICTING INTEREST

None

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