

CONCEPTION OF ACEH GOVERNMENT POLICY IN STRUCTURING THE CONTROL AND USE OF AGRICULTURAL LAND TO REALIZE THE IMPROVEMENT OF FARMERS' LIVING STANDARDS IN ACEH

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Abstract

This paper aims to examine the policy concept of the Aceh Government and Regency/City Governments in Aceh in structuring the control and use of agricultural land to realize an increase in the livelihood of farmers in Aceh. This research uses qualitative methods, secondary data in the form of field and library data, analyzing relevant documents, government reports, case studies and literature. Article 171 and Article 213 paragraph (2) The Aceh Government has the authority to regulate the use and use of agricultural land autonomously in accordance with the geographic conditions and characteristics of the Acehnese people. The conception of the principle of land must be able to prosper the people, especially the peasants as the basis of Law 56 of 1960 and Government Regulation No. 224 of 1961 can be used as a conception in the formulation of regional policies in Aceh in order to realize a prosperous peasant community. The results show that in Aceh there are many farmers who have land below 0.5 ha and farmers who do not have land and *absentee farmers*. The reason is that the Aceh Government has not used this authority and has not had the right conception to regulate the control and use of agricultural land to improve the living standards of farmers, while still paying attention to and maintaining the habits that live and develop in the Acehnese people which are sourced from Islamic religious law and customary law.

Keywords : *Conception, Government Policy, Istructuring The Control, Use Of Agricultural Land, Realize The Improvement Of Farmers' Living Standards*

I. INTRODUCTION

The increase in population resulted in the narrowing of agricultural land. Agricultural land is the only asset for farmers to earn income. One of the purposes of the birth of Law Number 5 of 1960 concerning Basic Regulations on Agrarian Principles is so that land can provide history for the people, especially the peasants.

Farmers are all people who live in the countryside who manage agricultural businesses and what distinguishes them from the community is the factor of land ownership or land they carry. (Wolf, 2018: 18) Native farmers are farmers who own their own land, not interceptors or tenants. (Slamet Margono, 2012:18) The conceptualization of native farmers shows that land is an inseparable part of farmers' lives. It is said that farmers have agricultural land as an effort to improve living standards and improve welfare (Poerwadarminta, 1995: 37).

In the Instruction of the Minister of Agrarian Affairs and Spatial Planning/Head of the National Land Agency Number 5 of 2018, it is stated that in Indonesia many farmers do not have their own land, so farmers who do not have land are forced to become farm laborers, and even with a very small salary. In addition, Indonesian farmers face narrow agricultural land tenure which continues to decrease due to housing and industrial development (*Increasingly Narrow Agricultural Land*

Tenure"<https://www.kompasiana.com/agusfajarsidik/>) Narrow land tenure causes low income and farmer welfare. The existence of Law No. 19 of 2013 concerning the Protection and Empowerment of Farmers, only as a solution to farmers' problems by procuring superior seeds and appropriate technology for agriculture and initiating a rural agro-industry must be built to rationalize (reduce) the number of farmers who have narrow land (<https://kumparan.com/reghan-sabilal/menaik-owned-farmer-land-for-the-welfare-economy-indonesia-lzOzRRNgZit/1>). This means that Law No. 19 of 2013 farmers are only encouraged to change professions. The

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fundamental problem itself is not solved by land tenure. ([https://kumparan.com/reyhan-sabilal/menaik\)kan-ownership-of-farmer-land-for-welfare-economy-indonesia-1zOzRRNgZit/1](https://kumparan.com/reyhan-sabilal/menaik)kan-ownership-of-farmer-land-for-welfare-economy-indonesia-1zOzRRNgZit/1)) This is not in line with the Agrarian Law which regulates the solution of farmers' problems in accordance with Articles 7, 10 and 17 of the UUPA regulating the maximum and/or minimum control of agricultural land, the prohibition of *absentee* and the distribution of land for farmers who do not have land in *land reform*.

In Aceh Province, of the 4 (four) selected research areas, the potential availability of agricultural land is quite wide. The potential of sufficient agricultural land is 6,770.81 km², has 119 islands, 35 mountains, this potential is a very important capital to support the implementation of development in Aceh towards a prosperous society (Rachman Jaya). In the 2019-2023 period, the area of agricultural land in Aceh Province continues to decrease, due to the transfer of land functions from the agricultural to non-agricultural sectors, such as property. However, the fact is that the people of Aceh have not yet gotten a life commensurate with the size of agricultural land in Aceh (<https://aceh.tribunnews.com/2018/11/28/ini-potensi-kekayaan-aceh-yang-melimpah>). Another fact as a result of the evaluation of the Indonesian Association of Political-Economics (AEPI), Aceh is one of the poor provinces because it has poor access to food.

As a special region in the administration of Government, based on Article 171 and Article 213 paragraph (2) of Law Number 11 of 2006 concerning the Government of Aceh, the Government of Aceh and the regency/city government are authorized to determine land allocations and are authorized to regulate, manage the allocation, utilization and legal relations related to land rights. Qanun Aceh Number 2 of 2022 concerning Sustainable Agricultural Land Protection. However, until now the Aceh Government and district/city governments have not made a policy to implement *land reform* as a basis for overcoming the problem of control and use of agricultural land in Aceh. In the canon, there is no regulation regarding the arrangement of the control and ownership of agricultural land.

This paper is conducted to study the appropriate policy conception model regarding the arrangement of land tenure and use to overcome the narrowing, decreasing and large number of farmers who do not have provincial agricultural land in Aceh as follows: 1) How is the control and use of agricultural land in Aceh; 2) How are the efforts of the Aceh Government to organize the control and use of agricultural land which is getting narrower, decreasing and the number of farmers who do not have land in Aceh; 3) How is the model of the conception of the right policy for the arrangement and use of agricultural land to overcome the narrowing, decreasing and large number of farmers who do not have agricultural land in Aceh.

II. Research Results and Discussion

A. Conceptual Foundations of Agricultural Land Ownership and Use in Aceh

One of the state's goals as stated in the Preamble to the 1945 Constitution is to promote welfare for the entire Indonesian nation. The principle that the State is obliged to realize welfare for the people is the basis in Article 33 paragraph (3) of the 1945 Constitution which reads, "the earth, water, natural resources contained therein are controlled by the state and used for the greatest possible prosperity of the people".

In the field of land, land has a very important position in the life of the Indonesian people. Land is also defined as having a function as a source of prosperity as well as an area of integrity of State Sovereignty that must be managed appropriately (Arie Sukanti: 2005). Regulation, allocation, use, control, and utilization of land, where land is one of the manifestations of the relationship between humans and land as an inseparable relationship that starts from the history of the creation of the first human being (Prophet Adam) (Abdul Shabur Syahin: 2004).

As an implementation of state control over land, Law Number 5 of 1960 concerning the Basic Regulations of Agraria Principles was born which is abbreviated as UUPA. One of the purposes of the UUPA is so that land can provide happiness for the community, especially farmers.

In the matter of use, *tenure* and ownership, of course, it will be related to land use as a portion of the National Land Agency (AP Par lindungan: 1991). Agricultural land is a determinant of the influence of agricultural commodities. In general, it is said that the larger the land planted, the greater the amount of production produced by the land. The size of agricultural land can be expressed in hectares (ha) (Miranda Mandang et al: 2020).

In order to achieve optimal management and use of agricultural land that can bring the welfare of the peasant people, Law Number 56 of 1960 PRP was further issued concerning the Determination of Agricultural Land Area. In essence, Law No. 56 of 1960 regulates the maximum and minimum limits of the

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area of agricultural land that can be owned. Ownership or control of agricultural land that exceeds the limit is not allowed because such control will be detrimental to the public interest. In addition, there is also a prohibition on the ownership of agricultural land outside the residence of the sub-district (*absentee*). The term "*absentee* land " will not be found in laws and regulations, but it can be understood that *absentee* land is the ownership of land that is located outside the area where it is located (Harsono, 2007: 385). The rules regarding *absentee land* are listed in Article 10 paragraph (1) of Law No. 5 of 1960 which states that: Every person and legal entity that has a right to agricultural land is basically obliged to work or cultivate it by itself actively, by preventing extortion methods. Furthermore, in Government Regulation No. 41 of 1964 concerning Amendments and Supplements to Government Regulation 224 of 1960 concerning the Implementation of Land Distribution and Provision of Compensation, violations of the prohibition result in land will become the object of *land reform* (which will be distributed to farming communities that lack agricultural land and who do not have land).

Based on the results of research obtained from the Agriculture Office of Bener Meriah Regency and Aceh Besar Regency, there is no data on agricultural land ownership that is controlled by Absentee. It is also at the Land Office and the land office of Bener Meriah Regency and Aceh Besar Regency. This shows that the prohibition of land ownership as an absentee has not become a problem that must be supervised by the local government. However, from the results of the excavation of the opinions of farmers who do not have land, data is obtained that the land being worked on is land owned by oaring who does not live in the village concerned. In addition, there is also a rejection of the registration of farmers' agricultural land because the farmers who apply for the registration of their land in Prona are not local villagers. Thus, it can be concluded that absentee land ownership exists in Aceh, although the Land Office does not legally explain the reason for the refusal to register agricultural land that is not a resident in the village where the land is located.

In general, agricultural land is all land that belongs to people, in addition to land for housing and companies. If on a large piece of land stands a house where one person lives, then the local opinion determines how much area is considered the yard of the house and how much is agricultural land" (Harsono, 2007: 372).

The development of the agricultural sector in the next five years (2021-2024) will refer to the *Agriculture for Development* Paradigm which positions the agricultural sector as a driver of balanced and comprehensive development transformation including demographic, economic, intersectoral, spatial, institutional, and development governance transformations (Annual Report of the Directorate General of Agricultural Infrastructure and Facilities Budget for 2023) This conception directed that the agricultural sector includes various interests that are not only to meet the interests of providing food for the community but also how farmers can live prosperously.

The explanation of Article 17 of Law No. 5 of 1960 states that in order to prevent further versplintering of the land, the minimum ownership of agricultural land is regulated. The minimum area ownership limit of agricultural land is 2 hectares, with the minimum limit of ownership it is hoped that farmers can still live properly from the results of the agricultural land. Efforts to prosper farmers are by holding other programs, for example: transmigration, large-scale land clearing outside Java and industrialization.

Aceh in the administration of government, specifically based on Law Number 11 of 2006 concerning the Government of Aceh. In Article 171 and Article 213 paragraph (2) of Law Number 11 of 2006 concerning the Government of Aceh, the Government of Aceh and the regency/city government are authorized to determine land allocation and are authorized to regulate, manage the allocation, utilization and legal relations related to land rights. Qanun Aceh Number 2 of 2022 concerning the Protection of Sustainable Food Agricultural Land.

Based on Article 171 and Article 213 of Law No. 6 of 2011, the Aceh Government and Regency/City Governments can regulate the use of agricultural land in accordance with the geographic conditions and characteristics of the Acehnese community. In addition, the Aceh government can also give the status of a legal relationship regarding the right to agricultural land in Aceh.

According to Uswatun Hasanah, Head of Horticultural Crops Division of the Bener Meriah Agriculture Office, he did not know about the regulations that regulate the control and use of agricultural land, maximum and drinking, as well as the prohibition of controlling agricultural land outside the residence of his sub-district. Violations of prohibitions that result in land becoming the object of land reform by receiving compensation. The Agriculture Service has also never submitted a budget plan for compensation

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funds for agricultural land affected by land reform objects. The same thing was also conveyed by M. Hasan Kasi LP2B of Aceh Besar regency, the conception of agriculture is directed at increasing sustainable food production, without worrying about the area of agricultural land owned by farmers.

In Aceh Besar Regency, there is a policy in the form of a Decree of the Head of the Land Office of Aceh Besar Regency number 151/11.06- NT.02.03/1/2023 concerning the Determination of the Location of Category III Land Levy Activities in Aceh Besar Regency for the 2023 Fiscal Year. In the attachment to the Decree, there are 10 sub-districts, villages, targets and land sources. However, there is no stipulation regarding the arrangement of the control and use of agricultural land. All the land distributed comes from state land. This determination has not explicitly explained the status of the land to be distributed.

Based on the results of the research, the Aceh Government has not specifically regulated the *land reform program* regarding the control and use of agricultural land whose authority lies with the Aceh government and the Regency/City Government in order to improve the living standards of farmers as stipulated in Law No. 56 PRP of 1960 and Government Regulation No. 224 of 1961. Qanun PLP2B only regulates the increase of agricultural production in the application of fertilizers and the use of appropriate technology.

B. The Aceh Government's efforts to organize the control and use of agricultural land which is getting narrower, decreasing and the number of farmers do not have land in Aceh;

The Aceh government's efforts to make the agricultural sector a support for the economy also continue to be carried out through the formation of production values produced by production factors. The available production factors can actually be used as a driver of productivity in agricultural business activities. The main cause of poverty of rural residents, most of whom earn the main income as farmers, is because most farmers are classified as small farmers with an average land ownership area of less than 0.5 hectares and even do not have agricultural land (Sri Hery Susilowati and Mohamad Maulana: 2012).

Agricultural Land Area Data Percentage of Agricultural Land Area in Darrah Research 2019-2023

It	Regency/ City	Year 2019	Year 2020	Year 2021	Year 2022	Year 2023
1	Aceh Besar	43069	57.84	57.05	54.8	59.34
2	Really Festive	857 57.42	57.42	55.44	54	46.31
3	South Aceh	13558.5	62.32	51.1	54	50.41
4	Aceh Tamian	28053.2	52.11	48.11	46.75	49.79

Source: BPS 2024 Data

Based on the results of the research that has been carried out, the area of agricultural land is more resistant to increased agricultural production. Of the seven efforts to strengthen agricultural development for food sovereignty of the Ministry of Agriculture, increasing land availability and agricultural land use is the main priority for Strengthening Agricultural Development.

According to Irfan, Head of the PUPR Office of Aceh Besar Regency, the area of agricultural land in Aceh Besar Regency has data differences, this is due to several regulatory references. In the Qanun of Aceh Besar Regency Number 4 of 2013 concerning the Spatial Plan of Aceh Besar Regency for 2012-2032, the area of agricultural land is 25,000 hectares, and there is no regulation on Sustainable Food Agricultural Land. Qanun No. 5 of 2013 concerning the Protection of Sustainable Food Agricultural Land is an area of 33,685 hectares, while the PUPR Office calculates based on field data. This gap occurred because of a different way of taking maps, in Qanun 4/2013 using the image 1:50,000 (RTRW), the PUPR Office using the image 1:5000 of the Detailed Spatial Plan (RDTR), while Qanun 5/2013 did not have a map. In addition to the difference in the area of agricultural land that is included in the category of Sustainable Food Agricultural Land, agricultural lands that are customarily controlled have not been regulated in the Aceh Besar Spatial Plan.

Regarding the extent of agricultural land in Aceh, in reality there are still farmers who have land above 2 ha, farmers who have land below 0.5 ha (gurem farmers) and farmers who do not have land (farm laborers). The criteria used for the area of agricultural land are based on the narrowing of the available agricultural land, while according to Law No. 56 of 1960 is a maximum of 20 ha for one farmer family and a minimum of 2 ha for one farmer family. Based on the results of the research, the causative factors are:

a. Farmers Who Only Have Agricultural Land Below 0.5 Ha (Smallholder Farmers)

1. Inheritance of agricultural land

Inheritance is a common thing that happens around us, but it will be very important if the inheritance is about the inheritance of agricultural land. The area of agricultural land that is the object of inheritance will be transferred to experts which results in agricultural land being divided into small agricultural land.

Based on the results of the study, agricultural land controlled by farmers under 0.5 ha comes from the distribution of inheritance that was previously more extensive belonging to parents. Coffee farmers in Bener Meriah Regency have an average of 0.5 ha of agricultural land, because it comes from heritage land. Coffee farmers carry out their profession as farmers from hereditary. Some farmers still control their agricultural land only based on an agreement between the families of the heirs with a certificate of inheritance distribution (*faraid*) issued by the village head. In addition to working on agricultural land, farmers who have less than 0.5 ha of agricultural land work on agricultural land owned by others. This is done because the production of the land owned is insufficient for the needs of the family, the cost of education for school children and health costs, and is insufficient for the economic needs of the family.

The continuity of the area of agricultural land due to this inheritance will continue to be smaller if it will continue to become an object of inherited land. In Aceh Besar district, agricultural land owned by farmers under 0.5 ha is also an object of inheritance that is passed on to heirs. It is a custom that is carried out in the division of agricultural land as an object of inheritance, where agricultural land that is part of the heirs of girls is managed by male heirs. Female heirs only get a share of the agricultural land production. This habit has an impact on the division of agricultural land into small parts which results in shrinking agricultural land.

The factor that causes agricultural land to be a small part below 0.5 due to inheritance, according to Irwansyah, is difficult to limit, because it is already a religious law and it is impossible to be intercepted or sanctioned. So far, there has been an appeal not to divide agricultural land that is already very small, but it is impossible to limit the land that is the object of inheritance.

2. Urgent need for money

From data obtained from farmers in Bener Meriah and Aceh Besar districts, they obtained land with an area of less than 0.5 ha from buying and selling. Farmers who sell part of their land at affordable prices because there are urgent needs (children's education fees, medical expenses and paying debts). Farmers who buy are also only able to buy part of the amount of agricultural land.

3. Conversion of agricultural land into house buildings

Land is one of the important resources in human life. Land also has great benefits for human survival. The benefits are not only from the economic sector, but also other sectors such as environmental, biological. Therefore, with the increasing number of land conversion that has occurred so far, it will cause various problems (Mustopa, 2011).

According to Lestari (2009), land conversion or commonly referred to as land conversion is a change in the function of part or all of the land area from its original function (as planned) to land function which has a negative impact (problem) on the environment and the potential of the land itself. Land conversion can also be interpreted as a change for other uses caused by factors that broadly

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include the needs of an increasing population and the increasing demand for a better quality of life (Lestari: 2009).

According to research conducted by Ilham et al in Sepriana (2014), it is known that the factors that cause the transfer of functions from the external and internal sides of farmers are economic pressure during economic crises. This causes many farmers to sell their assets in the form of rice fields to meet their living needs, which has an impact on increasing the conversion of rice fields and increasing land ownership to capital owners. Rainfed rice fields have experienced the most conversion (319 thousand hectares) nationally.

The need for a decent place to live causes farmers to use part of their agricultural land to build houses (Ilham et al.: 2014). According to Sahrud, Head of the PSP (Provision of Infrastructure) Division of the Aceh Besar District Agriculture Office, this personal interest cannot be completely contained by the government because there has been no progressive step from the government to compensate people who are willing not to convert their agricultural land. On the other hand, the economic value of agricultural land is higher when sold to other parties than cultivated by itself (Syahrudin Kabit PSP of the Aceh Besar Regency Agriculture Office).

Normatively, the task of the Directorate General of Agricultural Infrastructure and Facilities is to formulate and implement policies and technical standardization in the field of land management, but until now in carrying out its functions PSP has only issued recommendations for the provision of tertiary irrigation development and rehabilitation, financing facilitation, provision of fertilizers, pesticides and pre-harvest agricultural machinery. To. This recommendation is the basis for Aceh Besar Regency to issue Qanun.

The farmers who became respondents were almost on average unaware of the existence of legal rules that regulate the prohibition of controlling agricultural land with a maximum and minimum amount, keeping the prohibition of owning land outside their residence. Agricultural extension workers only have a mandate to socialize and assist farmers in the management of production products, not included in the land ownership area or farmers' land control (Masniati Penuluh Pertanian Bener Meriah Regency). Farmers who only have agricultural land under 0.5 ha explained that agricultural products are not enough for the daily needs of farmer families, especially for urgent needs such as sending children to college and medical expenses that suddenly require high enough costs that are not covered by BPJS.

Thus, the average agricultural product is not enough to meet the daily needs of farmer families. The prohibition on breaking or selling part of the cultivation land owned by krang from 0.5 has been conveyed by extension workers but there is no sanction from violating the prohibition until the end. Extension workers strongly recommend that the agricultural land owned be registered with the Land Office in order to obtain a certificate of land rights.

Of the 15 farmers who became respondents in Bener Meriah Regency, 3 people experienced land rejection when they submitted registration to the Agriculture office. This is because farmers who apply for agricultural land registration are not residents of the sub-district where the land is located, so the application file must be returned in order to correct it by accompanying a certificate from the village head where the agricultural land is located. Because registration is carried out systematically through prona, land registration is carried out for free, but after the expiration of the Prona enforcement period in the local area, farmers must pay the land registration fee. (absentee land) (Head of the Bener Meriah Land Office).

It can be seen that even though the Land Office does not mention the condition of such farmers who have committed the Absteer prohibition, but by refusing to carry out the registration of agricultural land that the Agriculture Office has implemented regulations regarding the prohibition of absentee land.

According to the farmers, in order to meet the needs of families properly from agricultural production, it is necessary to have large agricultural land above 0.5 ha. Agricultural facilities and infrastructure must be improved so that agriculture can be carried out properly, such as the availability of water and fertilizers. The role of the government is needed to regulate the price of agricultural commodities that are profitable for farmers.

According to Syahrudin, the increasing prevalence of housing development by developers has

caused companies to often violate rules, such as building housing on land that has been designated as LP2B land. Housing continues to be built without prior permits, resulting in conflicts within the community-company-government.

b. Farmers who do not have agricultural land (Farm labor)

Defisi Farmers are people who work and plant crops on agricultural land and obtain agricultural products. In addition to farmers who are categorized as owning agricultural land, there are also farmers who work and grow crops but do not have their own agricultural land, but work on agricultural land owned by other people or farm workers. Farm workers are people who work in other people's agricultural sectors and get paid for their work. (<https://www.idntimes.com/life/education/dina-fadillah-salma-2/apaitu-petani>). Work as a farmer is carried out by renting other people's agricultural land or sharing profits with the landowner into 4 parts, 1 part for the landowner and 3 parts for the cultivator.

According to farmers who do not have agricultural land, there are several reasons, namely; 1. unable to afford to buy agricultural land, 2. Immigrants from other areas, so they do not have land, 3, because of very urgent needs, they are forced to sell their agricultural land.

Agricultural land that is rented or worked on a profit-sharing basis, in addition to being owned by the entire population, also lives outside the sub-district, even outside Bener Meriah Regency and outside Aceh Province.

Farmers in Bener Meriah Regency whose agricultural land comes from clearing land adjacent to the forest area, are very worried about their land ownership being taken by the government, because currently the Land Office Office does not want to issue land certificates for the agricultural land that they have been working on for many years. The Land Office has not been able to issue a land certificate because the land concerned is included in the protected forest area that has been determined by the central government. This determination was made without coordination with the Agriculture and Plantation Office of Bener Meriah Regency. The government only uses recommendations from the Central Aceh Regency Land Office. This is because the Land Office is a vertical institution that carries out its duties and functions with assistance from the central government (*medebuind*). The conformity of the data on the boundaries of people's agricultural land and the boundaries of protected forest areas was obtained from measurements and mapping carried out by the Land Office without involving the Agriculture Office which has the function and task of maintaining and protecting agricultural land in increasing food production. Thus, the issue of agricultural land control bordering the protected forest area that has been determined by the government is still a problem that must be followed up in the preparation of regional policies on Agricultural Land Protection in Central Aceh Regency.

The same thing was also found by farmers from Aceh Besar Regency who have agricultural land in the border area of the protected forest area until now have not been able to certify their own land to get ownership rights. In addition to the determination of the boundaries of protected forest areas, farmers in Aceh Regency are also worried about various government policies that limit and eliminate control rights over agricultural land, such as the determination of the Tahura area (People's Forest Park). The consequence of this determination is that agricultural land in the Tahura area is prohibited from being used, even though in the area there is people's agricultural land that has not been registered at the land office (customary control), but because the determination of Tahura is only based on the data of the Land Office, agricultural land that is not registered is considered to have no owner. The community did not receive initial information about the determination of Tahura, so when it was going to take care of the ownership status, the Aceh Besar Land Office did not want to do it because it had been designated as a Tahura area.

As a follow-up to the authority given to the Aceh Government and the City Regency Government, it is further regulated by Qanun Aceh Number 2 of 2022 concerning the Protection of Sustainable Food Agricultural Land. In Qanun, the regulation is only following up on Article 156 of the Aceh Government Law. The basic objectives of Sustainable Food Agricultural Land Protection (PLP2B) are: 1. PLP2B is organized with the following objectives: 2. protecting LP2B; 3. guarantee the availability of LP2B; 4. realizing food independence, resilience, and sovereignty; 5. protect LP2B ownership; 6. increasing the prosperity and welfare of Farmers and 4 Communities; improving the protection and empowerment of farmers; 7. increase the provision of jobs for a decent life; 8. ensuring the adequacy of staple food

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commodities; 9. maintain ecological balance; and 10. realizing agricultural revitalization.

In Article 7 paragraph (5) it is stated that the Regency/City Government based on the PLP2B plan as referred to in paragraph (1) has the authority to regulate the area of LP2B in the Regency/City Qanun. However, until now Bener Meriah Regency and Aceh Besar Regency have not regulated the area of LP2B. According to M. Hasan Kasi LP2B, it is very difficult to determine the feasibility and necessity of the area of maksimum and the minimum sustainable food agricultural land. Because changes in land functions, especially for the minimum limit, are greatly influenced by the customary habits of the local community.

Sustainable food agricultural land (LP2B) in Aceh Besar Regency is approximately 25,951 hectares, this area is far lower than the LP2B area stipulated in article 12 paragraph (4) of Qanun No. 5 of 2013 concerning the Protection of Sustainable Food Agricultural Land, which is 33,685 hectares. Several factors that cause agricultural land to decline significantly are due to the existence of land function experts resulting from the personal interests of land owners, such as selling to developers for house construction, building shop houses (Ruko), etc.

For the maximum limit area, based on data on the average land area owned by farmers, it does not exceed 2 ha, so for now there is no need to limit the maximum limit area. For this condition, according to Uswatun Hasanah, head of the Hortitura Land Division of the Bener Regency Agriculture Office, as an effort to prevent the division of agricultural land below 0.5 ha and divert land to be converted into non-agricultural land, an internal policy is made based on the Regulation of the Minister of Agriculture of the Republic of Indonesia Number 98/Permentan/Ot.140/9/2013 giving awards in the form of free fertilizer assistance and education scholarship assistance for children of farmer families. Making a plan to print new rice fields covering an area of 3000 ha. Irwansyah explained, in order to get subsidized agricultural assistance from the government, farmers must form farmer groups and members of farmer groups only for farmers who have land under 2 ha that can be given assistance. For efforts as has been made by the Agriculture Office of Bener Meriah Regency, the Agriculture Office of Aceh Besar Regency will make it a sustainable agricultural land development plan in the future.

Based on the description of the factors that cause the existence of farmers who have land under 0.5 ha (gurem farmers) and farmers who do not have their own land (labor farmers) and the existence of *absentee land tenure*, it can be concluded that the land of agricultural land will become narrower over time. This will have an impact on the level of farmers' production in meeting the living needs of farmers' households. Arrangements with a policy concept of the Aceh Government and the right Aceh district/city government can overcome the level of agricultural production in Aceh. Conceptions that are built by paying attention to the basic principles of land must be able to prosper the community, especially the peasant community, without having to destroy the order of life that has existed in the habits of the land community (religious law and customary law) should not be neglected.

III. COVER

The Aceh Government and the Regency/City Government, have the authority to determine the allocation of land and have the authority to regulate, manage the allocation, utilization and legal relations related to land rights as contained in Article 171 and Article 213 paragraph (2) of Law Number 11 of 2006 concerning the Government of Aceh. With the existing authority, the Aceh Government can make legal regulations regarding the use and use of agricultural land in accordance with the geographic conditions and characteristics of the community in Aceh. Concern arises in farmers whose agricultural land is adjacent to protected forest areas and state designations of certain areas such as TAHURA (City Forest Park). The conception of land area regulation in the land reform program regulated in Law No. 5 of 1960, Law No. 56 PRP of 1960 and Government Regulation No. 244 is the right conception to be applied in the context of improving the welfare of farmers. However, until now, the Aceh Government and Regency/City Governments in Aceh have not made the conception of lanreform in the arrangement of agricultural land control and use. Qanun Aceh Number 2 of 2022 is only megatur in the context of increasing agricultural production by providing fertilizers and using appropriate technology.

The description of the factors that cause the existence of farmers who have land under 0.5 ha (gurem farmers) and farmers who do not have their own land (labor farmers) and the existence of *absentee land control*, it can be concluded that the land of agricultural land will be narrower over time. This will have an

impact on the level of farmers' production in meeting the living needs of farmers' households. Arrangements with a policy concept of the Aceh Government and the right Aceh district/city government can overcome the level of agricultural production in Aceh. Conceptions that are built by paying attention to the basic principles of land must be able to prosper the community, especially the peasant community, without having to destroy the order of life that has existed in the habits of the land community (religious law and customary law) should not be neglected.

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