

## Legal Implications of Agricultural Land Conversion on Food Security: A Business Law Comparison of Indonesia and India

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### Abstract

The conversion of agricultural land has significant legal implications for food security policies, as it can threaten the availability of productive land, which is the main source of national food production. This research aims to analyze the legal implications of the conversion of agricultural land on food security, linked to a comparison of laws in the Indonesian Omnibus Law and the Indian Land Acquisition Act from the perspective of business law. This research is a normative legal study using comparative, conceptual, historical, and legislative approaches. Legal implications related to the conversion of agricultural land have the potential to reduce the availability of productive land, which is the main source of national food production. In addition to imposing sanctions, strengthening consistent supervision and law enforcement, as well as implementing sustainable agricultural land protection policies, are essential to ensure optimal and sustainable food security. Regulating the conversion of agricultural land in Indonesia and India has the same goal, which is to maintain national food security amid development pressures. Both countries implement regulations for official permits, protection of productive land, as well as compensation and sanction mechanisms. Although facing similar challenges such as bureaucracy and weak oversight, the main difference lies in the legal approach and the firmness of enforcement. In general, both countries strive to balance development with land protection to maintain food security.

## 1. Introduction

Business private law is a branch of private law that governs legal relationships between legal subjects engaged in economic activities, including contracts, obligations, property rights, and commercial transactions. As a field emerging from the intersection of civil law and market demands, business private law provides a normative framework for regulating private relationships within economic transactions, encompassing land sales, leasehold agreements, investment contracts, and liability for breach of contract. Within this context, business private law serves as an analytical lens for examining agrarian transactions, particularly when land – as an economic commodity – is transferred through private legal mechanisms such as sale, lease, or compensation agreements between the state and landowners.

Land conversion is the process of changing the function of some or all of a land area from its original function to a different one. This often occurs to meet human needs as the population grows and times change.<sup>1</sup> For example, forest land previously serving as a protected area can be converted into agricultural land, plantations such as palm oil, mining areas, roads, or residential areas. In addition, agricultural land is often converted into

<sup>1</sup> Obroma O. Agumagu, Robert Marchant, and Lindsay C. Stringer, "Land Use and Land Cover Change Dynamics in the Niger Delta Region of Nigeria from 1986 to 2024," *Land* 14, no. 4 (April 3, 2025): 765, <https://doi.org/10.3390/land14040765>.

industrial areas, housing, or infrastructure such as toll roads.<sup>2</sup> This phenomenon leads to a reduction in land available for its original function, such as food production and environmental conservation. Land conversion is strongly linked to the development of global modernization, which drives significant changes in land use.<sup>3</sup> Modernization, characterized by economic growth, urbanization, and industrialization, increases the demand for land for housing, infrastructure, industrial areas, and public facilities.<sup>4</sup> As a result, much agricultural land and forest are converted into non-agricultural land to support this development. Globalization accelerates this process by promoting economic liberalization and foreign investment, often resulting in the concentration of land ownership in large corporations and a massive increase in land conversion.<sup>5</sup> This has resulted in a decrease in productive agricultural land, threatening national food security and changing the social structure of society, particularly young farmers who are increasingly finding it difficult to continue their agricultural profession. Furthermore, land conversion due to modernization also has environmental impacts such as ecosystem damage, reduced water absorption areas, and an increased risk of flooding and erosion.<sup>6</sup> The resulting social changes include a decrease in agricultural jobs and a shift in lifestyles, with people becoming increasingly dependent on the non-agricultural sector.<sup>7</sup>

Discussions about land conversion are inherently linked to a nation's efforts to achieve food security. Food security is the condition where everyone, from the national level to the individual, has sufficient access to safe, nutritious, equitable, and affordable food that meets their needs and respects their religious, cultural, and societal beliefs, allowing them to live healthy, active, and productive lives sustainably.<sup>8</sup> Food security encompasses the sufficient availability of food, both domestically produced and imported, the economic and physical ability of the population to access food, and the appropriate utilization of food to meet

<sup>2</sup> Haojun Xie, Quan Sun, and Wei Song, "Exploring the Ecological Effects of Rural Land Use Changes: A Bibliometric Overview," *Land* 13, no. 3 (February 28, 2024): 303, <https://doi.org/10.3390/land13030303>.

<sup>3</sup> Aliya Abbasi, "Politics of Development in Pakistan: From the Post-Independence Modernization Project to 'Vision 2025,'" *Journal of South Asian Development* 16, no. 2 (August 9, 2021): 220-43, <https://doi.org/10.1177/09731741211034018>.

<sup>4</sup> Phan Thi Thanh Huyen and Pham Quy Giang, "Agricultural Land Use in Vietnam in the Context of Urbanization: Status and Policy Implications," *Environmental & Socio-Economic Studies* 12, no. 1 (March 1, 2024): 51-62, <https://doi.org/10.2478/enviro-2024-0005>.

<sup>5</sup> Nadia Zahoor et al., "De-Globalization, International Trade Protectionism, and the Reconfigurations of Global Value Chains," *Management International Review* 63, no. 5 (October 2023): 823-59, <https://doi.org/10.1007/s11575-023-00522-4>.

<sup>6</sup> Mastur, P. Lestari, and M. Sabran, "Needs, Opportunities and Challenges for Crop Improvement in Indonesia," *IOP Conference Series: Earth and Environmental Science* 482, no. 1 (2020): 1-7, <https://doi.org/10.1088/1755-1315/482/1/012001>.

<sup>7</sup> Ruetaitip Chansrakaeo Ermanto Fahamsyah, "Ius Constituendum Of Sustainable Agricultural Policy: The Aftermath Of Job Creation Act," *IUS Kajian Hukum Dan Keadilan* 10, no. 3 (2022): 513.

<sup>8</sup> Enas Mohammed Al-Qodsi, Iyad Mohammad Jadalhaq, and Mohammed El Hadi El-Maknouzi, "The Place of UAE's Food Security in the National Legislation and Its Role in Supporting Global Food Security," *Cogent Social Sciences* 10, no. 1 (December 31, 2024): 3-4, <https://doi.org/10.1080/23311886.2024.2319379>.

nutritional needs.<sup>9</sup> Furthermore, food security demands the long-term stability of food supplies to prevent shortages caused by factors such as natural disasters, economic disruptions, or conflict.<sup>10</sup> Efforts to achieve food security involve the government's role in ensuring the availability, distribution, safety, and sustainability of diverse food resources according to local potential, thus supporting national food self-reliance and sovereignty.

Land conversion is very closely related to food security policies because the change of agricultural land use to non-agricultural land, such as industrial areas, housing, and infrastructure, directly reduces the area of productive land available for food production. This phenomenon threatens national food security by decreasing the availability of food, especially staple commodities such as rice, impacting food production and farmers' welfare.<sup>11</sup> Food security policies must respond to this challenge by regulating and controlling land conversion through strict spatial planning, designating sustainable food agricultural land zones, and providing incentives for farmers who maintain agricultural land.<sup>12</sup>

In the context of business transactions, land transfers entail not merely issues of ownership but generate a complex set of legal consequences that must be analyzed systematically. The involvement of private investors in land conversion processes necessitates legal certainty, both in terms of safeguarding investor rights and ensuring the economic rights of farmers relinquishing their land. When the conversion of land is conducted without due regard to core contractual principles of private law—such as consensualism, balanced obligations, and good faith—there is a significant risk of breach of contract and violations of lawful agreements. Therefore, land-use conversion should not be viewed solely through administrative or regulatory lenses, but rather evaluated for its impact on the structure of private rights and obligations between the involved parties. This is especially crucial in cases involving large-scale land acquisition for development projects, where imbalances in bargaining power, unilateral agreements, and inadequate compensation frequently emerge. Such dynamics highlight the essential role of business private law in bridging the private dimensions of agrarian transactions with the underlying public policy frameworks. Accordingly, a normative approach that integrates contract analysis, legal liability, and the distribution of economic entitlements is necessary to fully understand the legal implications of land conversion in a market-driven development context.

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<sup>9</sup> Charis M. Galanakis et al., "Landscape of Policies, Standards, Approaches, and Projects for EU Food Security: An Overview," *Discover Food* 5, no. 1 (April 28, 2025): 117, <https://doi.org/10.1007/s44187-025-00387-6>.

<sup>10</sup> Pratishttha Pandey, Rani Augustine, and Ishmeet Sodhi, "Study of Policies and Effects of the Government on Food Security," in *Anticipating Future Business Trends: Navigating Artificial Intelligence Innovations. Studies in Systems, Decision and Control*, 2024, 1-11, [https://doi.org/10.1007/978-3-031-63402-4\\_1](https://doi.org/10.1007/978-3-031-63402-4_1).

<sup>11</sup> Lisa Murken and Christoph Gornott, "The Importance of Different Land Tenure Systems for Farmers' Response to Climate Change: A Systematic Review," *Climate Risk Management* 35, no. February (2022): 100419, <https://doi.org/10.1016/j.crm.2022.100419>.

<sup>12</sup> Siqi Luo, Yanji Ma, and Tianli Wang, "What Determinants Will Enhance or Constrain the Spatiality of Agricultural Products with Geographical Indications in Northeast China? An Interpretable Learning Approach," *ISPRS International Journal of Geo-Information* 12, no. 11 (2023): 9, <https://doi.org/10.3390/ijgi12110442>.

The selection of India as a comparative jurisdiction is based on several significant academic considerations. First, both Indonesia and India are agrarian countries facing similar pressures from globalization and industrialization that threaten agricultural land use. Second, both countries adhere to dualistic legal systems with strong colonial legacies, resulting in a regulatory framework that combines elements of public and private law in the governance of land. Third, India's land conversion regime has undergone comprehensive legal reform through the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act (2013), which embodies a participatory and transparent model of land governance. In contrast, Indonesia has adopted a more market-oriented and deregulatory approach through the Omnibus Law on Job Creation. This divergence in legal strategies forms a strong basis for comparative legal analysis to understand how each country balances economic development and food security through legal instruments spanning both public and private dimensions.

Due to its wide-ranging impacts, the conversion of agricultural land requires a strong legal framework to ensure comprehensive regulation and the successful implementation of food security policies. This research aims to analyze the legal implications of agricultural land conversion on food security, employing a comparative legal study of Indonesia's Omnibus Law and India's Land Acquisition Act from a business law perspective. Two key legal issues will be addressed: (i) the implications of agricultural land conversion on food security from a business law perspective; and (ii) a comparative legal analysis of the regulation of agricultural land conversion and its impact on food security in Indonesia and India.

Similar research examining land use conversion has been conducted in various previous studies, namely: first, the research by Harjiyatni et al. which discusses the analysis of regulations prohibiting farmers from converting agricultural land to non-agricultural use in Sleman Regency, and its impact on the fulfillment of farmers' rights to prosperity.<sup>13</sup> Second, the research conducted by Mariane et al. identifies the issues that arise related to the conversion of agricultural land functions to non-agricultural uses in Indonesia, especially after the enactment of the Job Creation Law.<sup>14</sup> Third, the research conducted by Hasrianti, et al. focuses on mapping and analyzing the conversion of agricultural land into residential land in Sidodadi Village. This study uses a quantitative approach to measure changes in the area of agricultural land and residential land from 2005 to 2022, as well as to identify the factors influencing the conversion of that land, such as high housing demand, strategic land location, economic factors of the community, rapid population growth, and inadequate infrastructure.<sup>15</sup> From the three previous studies mentioned above, this research differs from the three earlier studies because it is oriented towards novelty, covering the legal implications of agricultural

<sup>13</sup> Francisca Romana Harjiyatni et al., "Prohibition of Transfer of Agricultural Land and Its Impact on Farmers' Welfare in Sleman Regency, Indonesia," *Pakistan Journal of Life and Social Sciences (PJLSS)* 22, no. 1 (2024): 3–5, <https://doi.org/10.57239/PJLSS-2024-22.1.00370>.

<sup>14</sup> Irene Mariane et al., "Problems of Converting Agricultural Land and the Need to Anticipate Its Control After the Enactment of the Job Creation Law," *Volksgeist: Jurnal Ilmu Hukum Dan Konstitusi* 7, no. 1 (June 30, 2024): 177–98, <https://doi.org/10.24090/volksgeist.v7i1.10473>.

<sup>15</sup> Hasriyanti et al., "Mapping of the Function Conversion of Agricultural Land Into Settlements in Sidodadi Village Wonomulyo District Polewali Mandar District 2005-2022," *Jurnal Multidisiplin Madani* 5, no. 4 (April 30, 2025): 356–68, <https://doi.org/10.55927/mudima.v5i4.184>.

land conversion on food security, employing a comparative legal study of Indonesia's Omnibus Law and India's Land Acquisition Act from a business law perspective.

This study is distinctive in its application of a business private law approach to the analysis of agricultural land conversion – an approach that remains relatively underexplored in Indonesian legal scholarship. By employing this perspective, the research examines the structure of rights and obligations within land acquisition contracts, the private legal relationships between farmers and investors, and the legal accountability arising from agreements that may lead to social harm or threaten food security. Moreover, the study stands out for its comparative legal analysis of land conversion regulations in Indonesia and India, not merely as a cross-jurisdictional comparison, but as a means to explore how each legal system integrates principles of justice, development, and agrarian protection within a contractual framework.

## 2. Methods

This study is a normative legal research project that examines the legal implications of agricultural land conversion on food security through a comparative analysis of Indonesia's Omnibus Law and India's Land Acquisition Act. The research employs two approaches: the comparative approach, to analyze the similarities and differences between the two legal systems; and the statutory (legislative) approach, to examine the applicable laws and regulations in both jurisdictions. Primary legal materials include Indonesia's *Law No. 5 of 1960 on Basic Agrarian Principles*, *Law No. 6 of 2023 on the ratification of Government Regulation in Lieu of Law No. 2 of 2022 on Job Creation (Omnibus Law)*, and its implementing regulations, as well as India's *Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013*. Secondary legal materials consist of legal journals, textbooks, legal dictionaries, and other scholarly writings. The data is processed through legal interpretation and systematic classification, guided by legal reasoning. The analysis applies a qualitative-prescriptive method to identify normative gaps, evaluate legal coherence, and propose legal recommendations aimed at harmonizing land use governance with the objective of sustainable food security.

## 3. Results and Discussion

### 3.1. Legal Implications of Agricultural Land Conversion on Food Security from a Business Law Perspective

Land conversion is the process of changing land use from its original function, such as agricultural land or forest, to another function such as residential areas, industrial zones, or infrastructure.<sup>16</sup> This process is closely related to various aspects of life, including social, economic, and environmental aspects. From an environmental perspective, land conversion often causes environmental degradation, such as reduced water absorption areas leading to floods, loss of biodiversity, and decreased air quality due to the reduction of green plants such as rice paddies that absorb carbon dioxide and produce oxygen.<sup>17</sup>

<sup>16</sup> Zhihui Zhang et al., "Socio-Economic Impacts of Agricultural Land Conversion: A Meta-Analysis," *Land Use Policy* 132, no. 1 (September 2023): 106831, <https://doi.org/10.1016/j.landusepol.2023.106831>.

<sup>17</sup> Rury Febrina et al., "Collaborative Governance in Recognizing Customary Law Communities And Customary Communal Land Rights in Kampar Regency," *Journal of Governance and Public Policy* 8, no. 2 (June 2021): PROOFREAD, <https://doi.org/10.18196/jgpp.v8i2.11104>.

Socially, land conversion can alter community structures, displace farmers, and create conflicts due to changes in traditions and social interaction patterns that previously depended on that land.<sup>18</sup> Economically, the conversion of agricultural land often results in reduced food production, decreased food security, and suboptimal investment in the agricultural sector due to shrinking remaining land.<sup>19</sup> Furthermore, land conversion also impacts cultural aspects, such as the loss of inherited agricultural knowledge and traditions.<sup>20</sup>

Uncontrolled land conversion can exacerbate environmental and socio-economic problems. Therefore, strict spatial planning policies, public education, and clear incentives and sanctions are needed to balance development with the preservation of productive land. Thus, land conversion is not merely a matter of physical land change, but also involves various interconnected aspects that affect the sustainability of human life and the environment.<sup>21</sup>

Land conversion is also relevant when viewed from the perspective of business law. This is because land conversion is related to land ownership, an individual's property right that is the focus of civil law. This clarifies that land conversion is related to business law because it concerns ownership rights over land related to the purpose of implementing specific policies with business dimensions.<sup>22</sup> Business law is essentially a branch of law that governs the legal relationships between individuals or business entities in business and commercial activities.<sup>23</sup> In general, civil law governs individual interests and relationships between people, including aspects of family, property, and contracts.<sup>24</sup> Business law is a subset of civil law that focuses on the rules and norms governing commercial, industrial, and financial activities related to the production and exchange of goods and services for profit.<sup>25</sup>

Business law encompasses various aspects such as business contracts, the rights and obligations of business actors, business dispute resolution, investment, corporate law, and

<sup>18</sup> Dicky Eko Prasetyo, "Perlindungan Dan Pengakuan Hak Ulayat Masyarakat Adat Biak Papua," *Realism: Law Review* 2, no. 1 (2024): 54–82.

<sup>19</sup> Tity Wahyu Setiawati, Mardjo Mardjo, and Tutut Ferdiana Mahita Paksi, "Politik Hukum Pertanian Indonesia Dalam Menghadapi Tantangan Global," *Jurnal Hukum Ius Quia Iustum* 26, no. 3 (2019): 585–608, <https://doi.org/10.20885/iustum.vol26.iss3.art8>.

<sup>20</sup> L. Marfungah et al., "Consolidating Mining Areas Legal Policy for Sustainable Spatial Planning," *Russian Journal of Agricultural and Socio-Economic Sciences* 143, no. 11 (2023): 90–103, <https://doi.org/10.18551/rjoas.2023-11.11>.

<sup>21</sup> Loïc Henry, "Adapting the Designated Area of Geographical Indications to Climate Change," *American Journal of Agricultural Economics* 105, no. 4 (2023): 1088–1115, <https://doi.org/10.1111/ajae.12358>.

<sup>22</sup> Cristiane Dias Carneiro, Yann Duzert, and Rafael Alves de Almeida, "The Economic Benefits of Business Mediation in the Brazilian Scenario," *RAE Revista de Administracao de Empresas* 64, no. 3 (2024): 1–22, <https://doi.org/10.1590/S0034-759020240304>.

<sup>23</sup> Sebastian Teupe Louis Pahlow, "Introduction: Business and the Law," *Management & Organizational History* 14, no. 4 (2019): 312.

<sup>24</sup> Munawar Kholil Btarifia Filza Zahra, "Perlindungan Hukum Hak Cipta Karya Lagu Terhadap Komersialisasi Dengan Cara Menyanyikan Ulang Yang Diunggah Di Media Youtube (Studi Kasus Lagu Akad Milik Payung Teduh)," *Privat Law* 9, no. 2 (2021): 459–71.

<sup>25</sup> Varial Ashari Djafar, "Competition Law Perspective on The Assessment of Conglomerate Merger in Indonesia (Case Study: PT. Aplikasi Karya Anak Bangsa (Gojek) with PT. Tokopedia)," *Legal Brief* 11, no. 5 (2022): 3444–55, <https://doi.org/10.35335/legal.xx.xx>.

intellectual property protection.<sup>26</sup> The primary functions of business law are to provide legal certainty, protect the rights of business actors, and create a fair and orderly governance system for conducting business.<sup>27</sup> Business law allows business actors to conduct their activities safely and orderly, in accordance with applicable regulations. Business law also manages the risks faced by entrepreneurs in their pursuit of profit.<sup>28</sup> Therefore, business law is a crucial foundation for creating a conducive and sustainable business climate.

The relationship between business law and land conversion is vital in regulating ownership, the transfer of rights, and land use for business and development purposes. In business law, land sales transactions and the transfer of land rights must comply with existing laws, including registration and the creation of deeds by authorized land deed officials (PPAT). However, if the land is designated as sustainable food agricultural land (LP2B), the transfer of rights cannot change the land's function without proper authorization according to existing regulations.<sup>29</sup>

Unauthorized land conversion carries significant legal consequences, both administrative and criminal. Laws such as Law Number 41 of 2009 on the Protection of Sustainable Food Agricultural Land (LP2B) and the Omnibus Law stipulate that unauthorized conversion of agricultural land can result in substantial fines and imprisonment. This highlights that business law not only governs ownership transfer and business transactions but must also align with agrarian and land protection laws to avoid harming public interests and food security. The regulation of land conversion in business law also ensures legal certainty for businesses and investors, crucial for smooth transactions and preventing future disputes. Checking land status, such as verifying LP2B status at land offices, is essential to ensure compliance and prevent damage to designated agricultural land. In short, business law and land conversion are intertwined, regulating land rights transfer and usage to comply with agrarian and land protection regulations, ensuring legal certainty in business transactions and sustainable development without sacrificing agricultural land.

Land conversion intended to support food security must be viewed through the lens of business law as a mechanism for regulating land rights transfer while preserving the function of sustainable food agricultural land. Law Number 41 of 2009 mandates the protection of LP2B and prohibits conversion without authorization, except for public interest, with strict procedures, including strategic studies and provision of replacement land. From a business law perspective, land sales or transfers must comply with these regulations to avoid harming national food security. Legal certainty is crucial to protect businesses and landowners while ensuring the preservation of agricultural land. Transfer of LP2B ownership is permissible as

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<sup>26</sup> Christine Dowuona-Hammond, Richard Adjei Kyeremateng, and Ama F. Hammond, "Product Liability and E-Commerce in Ghana: Focusing Ghana's Regulatory Framework on Consumer Protection," *Business Law Review* 45, no. 6 (December 2024): 154-67, <https://doi.org/10.54648/BULA2024020>.

<sup>27</sup> Ega Prabandari Kusuma and Siti Anisah, "The Urgency of RCEP in the Development of Indonesia Investment Law," *Journal of Law and Legal Reform* 3, no. 2 (2022): 151-84, <https://doi.org/10.15294/jllr.v3i2.55169>.

<sup>28</sup> Felix Reichenbach and Martin Walther, "Signals in Equity-Based Crowdfunding and Risk of Failure," *Financial Innovation* 7, no. 1 (2021): 1-30, <https://doi.org/10.1186/s40854-021-00270-0>.

<sup>29</sup> Prakash Shrestha, "Assessing Legal Provisions and Policies for Improving Decent Work Conditions in Nepal," *The Batuk* 9, no. 1 (January 2023): 44-57, <https://doi.org/10.3126/batuk.v9i1.51899>.

long as the land's function remains unchanged, supporting sustainable food production. Business law also governs contracts that must adhere to legal certainty and justice principles. Violations can result in administrative or criminal penalties, including fines and imprisonment, as stipulated in Law Number 41 of 2009 and the Omnibus Law. Therefore, land conversion for food security must be conducted through a strict business law mechanism integrated with agricultural land protection policies. This balances development needs with land preservation and provides legal certainty for all parties involved in land transactions.

In the framework of business private law, land use conversion cannot be separated from the private legal relationships formed between landowners and the parties seeking to repurpose such land, such as private investors or even the state. This process typically involves land acquisition agreements, sale and purchase contracts, lease agreements, or other forms of contractual arrangements that establish specific rights and obligations. When a breach of contract occurs—such as delayed compensation, failure to fulfill protection clauses for landowners, or unauthorized land conversion—injured parties may file a civil lawsuit on the grounds of contractual breach, as regulated under Article 1243 of the Indonesian Civil Code.

Moreover, when land conversion is conducted through unlawful means—for example, by falsifying documents, bribing officials, or exerting undue pressure to force land relinquishment—such acts may constitute tortious conduct (*onrechtmatige daad*) under Article 1365 of the Civil Code. In such cases, injured parties—including farmers or landowners whose rights have been violated—may claim compensation for both material and immaterial damages. It is important to note that breaches of contract and tortious acts in the context of land conversion may overlap: a contractual breach with far-reaching environmental or social consequences may simultaneously be considered a violation of public interest and legal norms.

The content of land acquisition contracts must also be critically examined, especially in light of the principles of good faith, contractual justice, and equitable bargaining power. In many cases, landowners—often from vulnerable or legally illiterate communities—are compelled to accept one-sided contract terms. As such, these agreements may be subject to judicial review based on the principle of substantive fairness, as reflected in Indonesian jurisprudence and general principles of civil law. Legal disputes of this nature frequently arise in the context of large-scale land acquisition for toll roads, industrial zones, or housing developments, where issues of unfair compensation and lack of recognition of land rights are commonly contested.

Therefore, applying a business private law perspective provides a sharper analytical lens to assess the legal risks associated with land use conversion. This approach not only addresses the administrative validity of land conversion but also clarifies the private legal consequences arising from economic interactions between landowners and business actors. This paper thus calls for a reconfiguration of legal approaches to land conversion by integrating contractual analysis, civil liability, and the potential for private legal claims to ensure justice and legal certainty for all parties involved.

Land conversion's legal implications on food security are significant because converting agricultural land threatens the availability of productive land, the primary source of national food production. Law Number 41 of 2009, as amended by the Omnibus Law, prohibits unauthorized LP2B conversion and imposes penalties of up to five years imprisonment and a

one billion rupiah fine. Failure to restore the land to its original function also incurs criminal and administrative penalties.

Legally, this aims to maintain sustainable food production by protecting agricultural land from uncontrolled conversion, which reduces productive rice paddies and other farmland. Regulations require that land conversion be for public interest, with feasibility studies, conversion plans, ownership release, and proportional replacement land. However, implementation faces challenges such as insufficient accurate data and proactive attitudes from relevant parties, resulting in widespread conversion, especially in urban and developing areas. This potentially disrupts national food security by reducing food production and threatening food self-sufficiency. Therefore, the legal implications extend beyond penalties for violators; they demand strengthened supervision, consistent law enforcement, and policies supporting sustainable agricultural land protection to achieve optimal and sustainable food security.

### 3.2. Comparative Analysis of Legal Frameworks Governing Agricultural Land Conversion and Food Security in Indonesia and India

Land conversion as a means to achieve food security is a global phenomenon prevalent in many countries, particularly in Global South nations like Indonesia and India, and other developing countries. In these nations, pressure on agricultural land is immense due to population growth, urbanization, and the need for infrastructure development, as well as industrial and residential areas.<sup>30</sup> The conversion of agricultural land to non-agricultural uses, while often undertaken to support economic development, poses a serious challenge to food security by reducing the area of productive land that serves as the primary source of national food production.

This phenomenon is clearly visible in Indonesia, where hundreds of thousands of hectares of agricultural land are converted annually, largely into industrial, residential, and infrastructure areas, thus threatening local and national food availability. Similar impacts are experienced by other Global South countries facing the dilemma between economic development and the preservation of agricultural land.<sup>31</sup> Uncontrolled land conversion leads to decreased food production, food insecurity, and increased reliance on food imports, ultimately threatening the sovereignty and food security of these nations. Beyond the direct impact on food production, land conversion disrupts ecosystem balance, reduces biodiversity, and worsens environmental conditions, contributing to global climate change.

Therefore, land conversion must be managed sustainably with firm policies and strict oversight to ensure that development does not compromise food security and environmental sustainability. Thus, land conversion as a global phenomenon in Global South countries demands a holistic and integrated approach, combining social, economic, environmental, and

<sup>30</sup> Kirsten Henderson and Michel Loreau, "A Model of Sustainable Development Goals: Challenges and Opportunities in Promoting Human Well-Being and Environmental Sustainability," *Ecological Modelling* 475, no. 1 (January 2023): 110164, <https://doi.org/10.1016/j.ecolmodel.2022.110164>.

<sup>31</sup> Trung Thanh Nguyen et al., "Security Risks from Climate Change and Environmental Degradation: Implications for Sustainable Land Use Transformation in the Global South," *Current Opinion in Environmental Sustainability* 63, no. 1 (August 2023): 101322, <https://doi.org/10.1016/j.cosust.2023.101322>.

legal aspects to ensure that development and modernization efforts proceed in tandem with the achievement of sustainable food security.<sup>32</sup>

A comparison of land conversion laws affecting food security in Indonesia and India is crucial because both nations share similar socio-economic characteristics. A large portion of their populations depend on the agricultural sector, and both face significant pressure to protect farmland from conversion to non-agricultural uses. A comparative study would provide a deeper understanding of the strengths and weaknesses of each country's land administration systems, particularly regarding ownership, usage, valuation, and land registration. This comparison would also help identify challenges in policy implementation in both countries, such as weak oversight and inaccurate data, which contribute to the massive conversion of agricultural land and threaten food security. Therefore, this comparative study forms an essential basis for Indonesian policymakers to formulate more effective and sustainable land management regulations and strategies to maintain the availability of agricultural land and support national food security amidst the pressures of development and modernization.

In Indonesia, land conversion is closely linked to industrialization efforts. Historically, the first regulation prohibiting land conversion in Indonesia was Article 7 of Law No. 5 of 1960 concerning the Basic Principles of Agrarian Affairs. Its implementing regulation was Law No. 56 prp of 1956.<sup>33</sup> Article 8 stipulates a minimum land ownership of 2 hectares for agricultural purposes. The state aims to achieve this minimum land ownership gradually. Controlling land conversion through prohibitions is a key strategy in achieving this 2-hectare minimum. This prohibition means that land holdings of less than 2 hectares cannot be transferred if such transfer would increase the number of landless farmers. Regulations prohibiting land conversion began even before the 7 of Law No. 5 of 1960 concerning the Basic Principles of Agrarian Affairs enactment in September 1960, starting as early as 1960.<sup>34</sup> Efforts to strengthen Indonesia's position as an agrarian nation have been implemented through various laws and regulations. However, data indicates a decrease in agricultural land of 150,000 hectares in 2024.<sup>35</sup> This decrease is largely attributable to population growth, increasing the demand for land for housing, industry, and infrastructure. Infrastructure development, in particular, requires land, often necessitating the conversion of agricultural land.

Law Number 6 of 2023, which enacts the Omnibus Law, regulates various aspects of ease of doing business, including land acquisition. This plays a significant role in managing land

<sup>32</sup> Jiakun Duan et al., "Consolidation of Agricultural Land Can Contribute to Agricultural Sustainability in China," *Nature Food* 2, no. 12 (December 16, 2021): 1014–22, <https://doi.org/10.1038/s43016-021-00415-5>.

<sup>33</sup> Lucius Andik Rahmanto, Dedy Muharman, and Novellita Sicillia Anggraini, "Pengendalian Alih Fungsi Lahan Pertanian Menjadi Lahan Non Pertanian Berdasarkan Undang-Undang Nomor 41 Tahun 2009," *AL-MANHAJ: Jurnal Hukum Dan Pranata Sosial Islam* 4, no. 2 (December 14, 2022): 545–54, <https://doi.org/10.37680/almanhaj.v4i2.1908>.

<sup>34</sup> Herawan Sauni Dian Putri Lestari, "Perlindungan Hukum Bagi Petani Pemilik Tanah : Dinamika Uupa Dan Uu Cipta Kerja Dalam Konteks Agraria Indonesia," *Causa: Jurnal Hukum Dan Kewarganegaraan* 12, no. 7 (2025): 71–80, <https://doi.org/https://doi.org/10.6679/ce37tt58>.

<sup>35</sup> Alifian Asmaaysi, "150.000 Ha Sawah Beralih Fungsi Tiap Tahun, Bagaimana Nasib Swasembada Pangan?," 2024, <https://ekonomi.bisnis.com/read/20241205/12/1822008/150000-ha-sawah-beralih-fungsi-tiap-tahun-bagaimana-nasib-swasembada-pangan>.

conversion to support food security in Indonesia. The Omnibus Law, Law Number 6 of 2023, is a comprehensive piece of legislation addressing numerous issues simultaneously. Literally, an omnibus law encompasses various types of different material or substantive rules within a single legal product, simplifying and harmonizing previously scattered and overlapping regulations.<sup>36</sup>

The omnibus law approach aims to streamline complex bureaucracy and address regulatory issues that hinder investment and economic growth.<sup>37</sup> The omnibus law replaced or amended numerous rigid and obstructive regulations with a single new law, aiming to improve the investment climate, create jobs, and boost national competitiveness.<sup>38</sup> The term "omnibus law" originates from the Latin word "omnis," meaning "all" or "many." Therefore, this type of law is comprehensive, addressing numerous issues simultaneously rather than focusing on a single specific aspect.<sup>39</sup> Indonesia's best-known example of an omnibus law is the Job Creation Law, which combines various regulatory clusters, including labor, investment, licensing, and others, into a single piece of legislation. This law aims to streamline business licensing and investment processes while considering efficient and integrated land acquisition within economic zones. While emphasizing ease of doing business and investment acceleration, land conversion regulations must align with provisions protecting sustainable food agricultural land, as stipulated in other sectoral regulations, such as Law Number 41 of 2009 and its implementing regulations. The Job Creation Law provides a legal framework for simplifying licensing and land acquisition, but mandates feasibility studies and regulations to ensure that land conversion does not compromise national food security.

This law promotes synergy between central and regional governments in spatial planning and land acquisition to ensure transparency, accountability, and sustainability in land conversion processes. Therefore, land conversion regulations within Law Number 6 of 2023 serve as a legal instrument supporting a conducive investment ecosystem while preserving the sustainability of agricultural land to support Indonesian food security.

However, challenges remain. Issues related to Law Number 6 of 2023 and sustainable agricultural laws are closely linked to agricultural land conversion, impacting food security. While Law Number 6 of 2023 (enacting Government Regulation in Lieu of Law Number 2 of 2022 on Job Creation) regulates various aspects, including land and economic zone management, it still faces challenges in controlling sustainable agricultural land conversion. The conversion of sustainable food agricultural land to non-agricultural uses poses a serious threat to food security and sovereignty by reducing productive agricultural land, potentially decreasing national food production. Although regulations exist to protect sustainable food agricultural land—including mandatory strategic feasibility studies, land conversion plans,

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<sup>36</sup> Bayu Dwi Anggono, "Peluang Adopsi Dan Tantangannya Dalam Sistem Perundang-Undangan Indonesia," *RechtsVinding* 9, no. 1 (2020): 17-37.

<sup>37</sup> Ahmad Redi and Ibnu Sina Chandranegara, *OMNIBUS LAW: Diskursus Pengadopsiannya Ke Dalam Sistem Perundang- Undangan Nasional*, 1st ed. (Depok: Rajawali Pers, 2020).

<sup>38</sup> Irfa Nugroho, Arinto, Ronaboyd, Emmilia Rusdiana, and Sonny Zulhuda Prasetio, Dicky Eko, "The Impact of Labor Law Reform on Indonesian Workers : A Comparative Study After the Job Creation Law," *Lex Scientia Law Review* 8, no. 1 (2024): 67-108.

<sup>39</sup> Dicky Eko Prasetio, "Politik Hukum Omnibus Law Terkait Cybercrime Di Indonesia Dalam Perspektif Hukum Progresif," *Indonesian Journal Of Law Studies* 3, no. 1 (2024): 27-41.

land acquisition with compensation, and the provision of replacement land of a minimum size – implementation faces significant obstacles.

Another problem is the lack of commensurate development of new potential agricultural land to offset conversions, leading to a decrease in rice paddies and other productive land that is difficult to restore to its original agricultural function. This not only threatens national food security but also the welfare of farmers and communities dependent on the agricultural sector. Therefore, controlling the rate of agricultural land conversion through the protection of sustainable food agricultural land is crucial for ensuring sufficient, safe, equitable, and affordable food for the population.

The main challenge lies in effectively regulating and overseeing agricultural land conversion to avoid threatening food security. This requires thorough feasibility studies, fair compensation, and adequate provision of replacement land, adhering to principles of sustainability and ecological balance. In contrast, India generally has regulations limiting agricultural land ownership to farmers, imposing strict penalties for unauthorized land conversion, and offering fairer compensation schemes to farmers than Indonesia.<sup>40</sup> In India, agricultural land conversion is strictly regulated through various laws, including the Land Acquisition Act and state-specific agricultural land conversion laws. Under the Land Acquisition Act of 1894 and related regulations, any change in land use from agricultural to non-agricultural purposes requires permission from the competent authority and typically involves a conversion tax as compensation.<sup>41</sup> This process aims to control land conversion to protect national food security, which heavily depends on the availability of productive agricultural land.

In states like Andhra Pradesh and Telangana, converting agricultural land for non-agricultural purposes requires a formal procedure involving application submission, payment of a conversion tax, and approval from the relevant authorities.<sup>42</sup> Unauthorized land conversion without the appropriate payments results in fines; however, the land conversion is legally considered valid once the fine is paid. This policy aims to balance development needs with the preservation of agricultural land to support food security. However, in some regions like Karnataka, the government is easing agricultural land conversion regulations to attract industrial investment. This involves allowing non-farmers to purchase and convert agricultural land through a simpler, more transparent, one-stop-shop system. This approach represents a shift towards potentially prioritizing economic development over strict agricultural land protection.<sup>43</sup> This move aims to boost economic growth, though it presents ongoing challenges in maintaining sufficient agricultural land for food production.

<sup>40</sup> A. Amarender Reddy, Meghana Reddy, and Vartika Mathur, "Pesticide Use, Regulation, and Policies in Indian Agriculture," *Sustainability* 16, no. 17 (September 9, 2024): 7839, <https://doi.org/10.3390/su16177839>.

<sup>41</sup> Isha Tiwari Shreemanshu Kumar Dash, "An Analysis of Land Acquisition Policy in India: Balancing Property Rights and Land Laws," *Justice and Law Bulletin* 3, no. 1 (2024): 47–58.

<sup>42</sup> Shivani A. Mehta et al., "A Characterization of Land-Use Changes in the Proximity of Mining Sites in India," *ACM Journal on Computing and Sustainable Societies* 2, no. 1 (March 31, 2024): 1–23, <https://doi.org/10.1145/3624774>.

<sup>43</sup> T. V. Ramachandra et al., "Ecosystem Extent Account for Karnataka State, India," in *Natural Capital Accounting and Valuation of Ecosystem Services, Karnataka State, India* (Singapore: Springer Nature Singapore, 2024), 1–42, [https://doi.org/10.1007/978-981-97-2405-5\\_1](https://doi.org/10.1007/978-981-97-2405-5_1).

India's agricultural land conversion regulations attempt to balance development needs with food security. This is achieved through licensing mechanisms, conversion taxes, and strict oversight to prevent significant reductions in productive agricultural land, thus safeguarding national food security. However, challenges remain. Problems related to agricultural land conversion in India, based on the Land Acquisition Act and related regulations, are closely tied to their impact on national food security. While unauthorized agricultural land use for non-agricultural purposes is illegal and punishable, conversion continues, primarily due to increasing development and industrialization needs. The conversion process requires a complex bureaucratic application and conversion fees, but this process is often slow and doesn't always effectively protect agricultural land. Furthermore, the Land Acquisition Act empowers the government to acquire agricultural land for public interest with compensation to landowners. However, problems arise when compensation is unfair or isn't accompanied by adequate replacement land, leading to a reduction in productive agricultural land. This potentially threatens food security by reducing planting areas that contribute to national food production.

In some states, regulations restrict non-agricultural land purchases and use, but inconsistent implementation and weak oversight lead to significant land conversion. Government policies permitting land conversion under certain conditions without strict management create risks to the sustainable availability of agricultural land. The main problem is the imbalance between development needs and agricultural land protection, complex bureaucratic licensing processes, unfair compensation and land replacement, and weak oversight, potentially threatening national food security.

Both Indonesia and India share the same goal regarding agricultural land conversion: maintaining national food security amidst developmental pressures and population growth. Both countries implement regulations restricting the conversion of agricultural land to non-agricultural uses, requiring official permits, and emphasizing the protection of productive agricultural land to prevent significant reductions. Both nations consider agricultural land a strategic asset requiring sustainable management. Both employ land conversion licensing mechanisms, require compensation or conversion taxes, and impose penalties for violations. Furthermore, both face similar challenges: complex bureaucracy, weak field oversight, and the pressure of land needs for infrastructure, housing, and industry, all of which threaten food security.

The main differences lie in legal approaches and policy implementation. In Indonesia, land conversion regulation began with the 1960 Basic Agrarian Law and was strengthened by Law Number 41 of 2009 on the Protection of Sustainable Food Agricultural Land and Law Number 6 of 2023 (the Job Creation Omnibus Law). Indonesia emphasizes minimum agricultural land ownership protection, prohibiting conversions that leave farmers landless, and control through spatial planning and central-regional synergy. However, land conversion remains high due to development needs and weak implementation. In India, land conversion is regulated through the Land Acquisition Act and various state laws restricting agricultural land ownership to farmers and requiring permits and conversion tax payments. India also imposes strict penalties, including fines and imprisonment. In some states, land conversion processes are stricter, and compensation for farmers tends to be fairer than in Indonesia.

However, in other areas, the government is easing regulations to encourage industrial investment, making oversight and policy consistency a challenge. In general, both Indonesia and India face the dilemma of balancing development needs with agricultural land protection for food security. The differences lie in legal systems, compensation mechanisms, and the strictness of oversight, while the commonality lies in the primary goal of maintaining productive agricultural land to safeguard national food security.

The process of land conversion involves legal transactions—primarily contracts—between private actors such as landowners, investors, developers, or the state acting as a purchaser. Such transactions are subject to contractual provisions under the Indonesian Civil Code (*Kitab Undang-Undang Hukum Perdata* or *KUHPerdata*), as well as the foundational principles of agrarian law. The parties involved are bound by the legal requirements for a valid agreement as stipulated in Article 1320 of the Civil Code, including mutual consent, lawful cause, and a permissible object. These elements form the juridical basis for the transfer of land rights.

From a contractual perspective, when landowners agree to sell or relinquish rights over their land to the state or private investors for development purposes, such transactions are formalized through contracts of sale, lease agreements, or compensation agreements, all of which must adhere to principles of fairness and legal certainty. Failure to perform contractual obligations—such as delayed payment, unreasonable land valuation, or procedural violations—may constitute a breach of contract under Article 1243 of the Indonesian Civil Code (*KUHPerdata*). In certain cases, where coercion, fraud, or a significant imbalance in bargaining positions is evident, the aggrieved party may file a tort claim under Article 1365 of the Civil Code. Large-scale development projects often begin with pre-contractual agreements such as Memoranda of Understanding (MoUs) or option agreements, which, although frequently considered non-binding, still carry legal significance and may give rise to liability if unilaterally terminated without lawful justification. In such circumstances, the principles of good faith, due diligence, and distributive justice in land transactions constitute integral components of the business law framework.

In the comparative context with India, the business law approach is also a critical element in analyzing the structure of land acquisition. India's Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 explicitly emphasizes contractual fairness, procedural transparency, and public participation in the negotiation of land values. The statute mandates consultation with landowners, open negotiation of compensation amounts, and the formulation of rehabilitation plans as integral components of the agreement between the state and affected landowners. This reflects a recognition within India's legal system that land acquisition is not merely an administrative process, but also a civil contractual arrangement involving the balanced economic interests of both parties—an approach consistent with the principles of business private law.

By contrast, in Indonesia, although land acquisition also involves compensation through indemnification mechanisms, the process remains predominantly administrative and often unilateral in nature. In practice, negotiations are minimal, transparency is limited, and compensation determinations frequently fail to reflect fair market value. This results in a structural imbalance between landowners—typically farmers—and investors or the state, who

hold greater bargaining power. Even the more market-oriented approach adopted in the Job Creation Law has yet to be matched by adequate guarantees of contractual fairness within the framework of private business law.

In the context of land conversion, the principle of freedom of contract recognizes that parties are entitled to determine the terms of their agreement according to their own volition. However, in practice in Indonesia, the bargaining power imbalance between investors and farmers often results in land acquisition contracts being unilaterally drafted, with minimal or no equal negotiation. This creates a risk of exclusion for farmers, who are typically the most affected stakeholders. While the principle of contractual freedom is also upheld in India, the protection of farmers is more robustly integrated into the contractual process through the Land Acquisition Act of 2013. This legislation mandates consultative and participatory procedures, allowing landowners to express objections, accept or reject conversion plans, and access legal assistance. India thus applies a model of regulated freedom of contract to ensure substantive justice for the weaker party.

Contractual fairness requires that compensation in land acquisition agreements be proportional to the economic, social, and ecological value of the land. In Indonesia, numerous cases reveal compensation amounts that fall below actual market value, often ignoring the long-term socio-economic impacts suffered by farmers, such as loss of livelihood. In India, this principle is reflected in provisions under the Land Acquisition Act 2013, which mandates compensation up to four times the market value for rural land and twice for urban land. This illustrates a systematic effort to realize contractual justice, particularly for farmers surrendering productive land for development. This approach also acknowledges the loss of cultural value and sustainability considerations, rather than treating compensation merely as a nominal figure.

Transparency is essential to foster legal trust and prevent disputes. In Indonesia, many land acquisition processes remain opaque, especially regarding the intended use of land, the amount of compensation, and the legal status of the property. This lack of transparency often leads to social resistance, legal challenges, and agrarian conflicts. India addresses this through the Social Impact Assessment (SIA) mechanism under the Land Acquisition Act, requiring the government to publicly disclose land conversion plans and engage the community in open discussions. This enhances the accountability of land acquisition authorities and creates a legally documented contractual record, which provides farmers with a solid legal basis to claim their rights in the event of violations.

This principle asserts that all parties to a contract bear reciprocal rights and obligations. In Indonesia, land acquisition agreements frequently lack explicit liability clauses – whether regarding breach of contract, delayed payment, changes in land use purposes, or environmental violations. The absence of such clauses creates legal uncertainty and increases the risk of exploitation of weaker parties. Conversely, India's legal system provides accessible complaint and litigation mechanisms for breaches of land acquisition contracts. In the event of non-performance – such as delayed development, non-payment of compensation, or environmental damage – farmers can initiate civil lawsuits or request the reversal of land transfers. This indicates that India's business law framework is better equipped to regulate and enforce bilateral contractual obligations.

Based on the four analyzed principles of business law, it is evident that India is structurally more integrated in adopting business law principles within its land acquisition regulations. The country employs a balanced approach that reconciles development objectives with the protection of private rights, particularly for weaker parties. In contrast, Indonesia remains in a transitional phase, where investment liberalization and development policies are not yet fully supported by a robust business law framework capable of ensuring contractual justice and accountability. To achieve fairness and sustainability in land conversion, Indonesia must develop a more contract-based, participatory, and commercially standardized land acquisition system, drawing on best practices implemented in India.

#### 4. Conclusions

The legal implications of agricultural land conversion on food security policies can threaten the availability of productive land, the primary source of national food production. Those who convert land without restoring it to its original function face criminal penalties and administrative fines. These legal provisions aim to ensure sustainable food production by protecting agricultural land from uncontrolled conversion, which can reduce the area of rice paddies and other productive agricultural land. Land conversion is only permitted for public interest and requires feasibility studies, conversion plans, property rights acquisition, and the provision of proportional replacement land. Therefore, the legal implications of land conversion not only include penalties for violators but also demand strengthened oversight, consistent law enforcement, and policies supporting sustainable agricultural land protection to ensure optimal and sustainable food security.

Comparing the legal frameworks governing agricultural land conversion in Indonesia and India reveals a shared goal: maintaining national food security amidst developmental pressures and population growth. Both countries implement regulations requiring official permits, protecting productive agricultural land, and employing compensation and penalty mechanisms for violations. While facing similar challenges like complex bureaucracy and weak oversight, the key differences lie in legal approaches, compensation mechanisms, and the strictness of policy implementation. However, both Indonesia and India strive to balance development needs with agricultural land protection to maintain productive land availability for sustainable national food security.

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