

city government to make a policy that is more sensitive to agriculture and the wider ecosystem. Because so far in the light of spatial arrangements, Batu City has not prioritized the protection of essential areas such as primary forests, productive lands and springs. Given that the majority of the population in Batu City is still dominant as farmers, the conversion of agricultural land and essential areas will encourage economic vulnerability, thereby potentially increasing poverty. Meanwhile, the tourism sector is not enough to encourage an increase in welfare, because on average it is owned by individuals or large companies which are certainly not as inclusive as agriculture. In addition to the transfer of functions, it is detrimental to farmers, it also causes many disasters in Batu City such as landslides and floods every time the rainy season comes. So it is necessary to renew the regulation in Batu City regarding the protection of sustainable agricultural land, so that the Batu City community is more prosperous with the contribution of a more pro-farmer regulation in Batu City.

2. Methods

This study uses normative research, because researchers will examine and analyze more deeply the regulations governing sustainable food agriculture, especially those that apply in Batu City. Legal approach (Statute approach) and historical approach (historical approach); The statutory approach method is carried out by reviewing all laws and regulations related to the legal issues under study. While the historical approach method is carried out by examining the background of what is learned and the development of regulations regarding the issues faced in this case concerning legal protection for sustainable agriculture in the Batu city area.

3. Discussion

Policy regarding Batu city sustainable food agriculture land protection has been set on Batu City Regional Regulation Number 14 of 2012 concerning the Protection of Sustainable Agricultural Land. In it, it has been arranged neatly and systematically from understanding, what land is protected, who is protected to criminal sanctions that will be given if there is a violation of the policies set by the Batu City Regional Government. But the author is still the author will first look at the rules that are higher than the presence of a Regional Regulation.

Law number 41 of 2009 concerning the protection of sustainable food agricultural land

This law was born based on the objectives of the Indonesian state at the Preamble of the 1945 Constitution, namely: "to protect the entire Indonesian nation and the entire homeland of Indonesia and to promote public welfare, educate the nation's life and participate in implementing world order based on independence, eternal peace and social justice". Therefore, the protection of the entire nation and the improvement of general welfare are the important responsibilities of the state.

The connection with legal protection for farmers is regulated in this law. Part Three concerning Transfer of Functions in Articles 44 to 55 which regulates among others: (1) Regarding the determination of land that has become land for sustainable food agriculture protected by the state; (2) If there is a transfer of replacement land to sustainable agricultural land there is compensation from the state; (3) There are special conditions for land that can be converted; (4) The responsibility for the transfer of land use is the responsibility of the land conversion; (5) The land that is converted must have a regional regulation stipulation; (6) Prohibition of community activities that cause damage to the irrigation sector.

Article 54 to article 57 regulates the supervision of the transfer of land. In this case, only administrative sanctions are imposed on local governments by cutting the APBD in the event of a violation of this Law. Judging from the development as well as the decline of Batu City, this article does not have a positive impact and does not contribute to the community because there are still many unscrupulous officers who work around the article as a legal loophole, because not all people understand this rule.

Article 72 of this law contains criminal provisions for anyone who tries to violate Article 44, the violation applies to both individuals and business entities. The provisions in this article also feel like a toothless tiger, those who know, especially government officials, are immune to the law, it is still the Batu community who are harmed. Tourism is encouraged more than agriculture which is the history of the stone people, farmers are getting worse.

Batu City Regional Regulation number 14 of 2012 concerning the protection of sustainable agricultural land

Regulations related to the protection of sustainable agricultural land include: (1) Article 5 which contains planning for the protection of sustainable agricultural land; (2) Part III articles 17 to 26 contain

the control over the conversion of sustainable agricultural land functions; (3) Chapter X efforts to protect farmers are contained in articles 30 to 33; and (4) The criminal provisions are regulated in article 59.

Planning for the protection of sustainable agricultural land in article 5, in that article it is written in the planning stage but how the actualization has not been carried out properly. It is impressed that there is no firmness that the implementation of these provisions, then automatically implementation in the field there are many losses from the stone community. Regarding the third part of the transfer of land use which absorbs from the regional regulation concerning the RTRW of Batu city, it is indeed regulated in a detailed manner regarding the protection of land areas that are converted into sustainable agricultural areas, regarding the requirements for the conversion of sustainable agricultural land in Article 18, as well as procedures for land conversion which are only limited to discourse. It is still regulated again by the mayor's regulation, so it is very impractical. Then the rules regarding the protection of farmers are contained in article 30 of this regulation. Provide opportunities for investors from outside Batu to pressure farmers with this provision.

As for the sanctions given in this regional regulation which is regulated in article 59, it is only limited to sanctions for people who carry out land conversion, if those who carry out a corporation cannot be ensnared by this regulation, besides that, both the fine and the sanctions imposed are too light. Thus providing an opportunity for local governments to override the interests of the community. The weaknesses are many, it also contains the role of the community which seems to demand an active community, while from the government there is no socialization of this regulation, there will be inequality. The culture of the people has begun to shift to the tourism sector, the new generation is rarely even interested in becoming a farmer, so the agricultural sector is disappearing. Judging from the economic factors of the Batu City community, it is getting worse.

Batu City Regional Regulation number 7 of 2011 concerning Batu City spatial planning

In achieving the objectives of spatial planning as stated in Article 5 of Regional Regulation number 7 of 2011 concerning the RTRW of Batu City in 2010 - 2030, encouraging the community or government to change and regulate their territory through land use to support socio-economic activities or the development of Batu City itself. This is in line with Hermanislamet's presentation (Wahid, 2014) that in the purpose of spatial planning and the environment there are several motivations that encourage the community and the government to change or regulate their environment, namely: land use according to their abilities; land use aimed at ensuring environmental sustainability or function; support the wishes or needs of the community; and achieve the highest pattern of environmental utilization. Several motivations and incentives for the community and government in regulating their environment are also applied in Batu City. However, based on actual conditions, the increasing population and rapid development of Batu City encourage land conversion activities in Batu City to meet the needs of tourism, agriculture, settlements and other community economic activities. The demands of government and community needs, both private and public, have resulted in people starting to explore land use in forest areas. Where the function of the forest as a protected area that must be preserved. Basically, the Batu City Regional Regulation No. 7 of 2011 concerning the RTRW of Batu City in 2010-2030 has regulated the spatial pattern plan for the use of protected areas and cultivation areas with each area according to its designation.

The contents of protected areas as described in the regional regulation include protected forests, areas that provide protection for their lower areas, local protected areas, natural reserves and cultural heritage areas as well as areas prone to natural disasters. While the content for the planned cultivation area includes production forest areas, residential areas, trade and service areas, office areas, industry, tourism areas, non-green open spaces, disaster evacuation rooms, designated areas for formal sector activities, agricultural areas, public services and defense and security areas. Although it has been explained in the Batu City Regional Regulation Number 7 of 2011 concerning the Batu City Spatial Planning for 2010-2030, until now the Batu City Spatial Planning Detail Plan (RDTR) is not yet available, so the area is intended to support tourism, agriculture and economic activities. the community has not been known in more detail and detail so that in this case it can give a little freedom to the community to carry out land conversion in forest areas to meet community needs and support urban development. Because of, From various aspects related to community needs, ecological interests in the context of environmental sustainability, as well as varied landscapes, it is necessary to have appropriate social, economic, political and cultural planning for the use of regional space so that it can provide benefits now and in the future. future.

Input Evaluation This input evaluation evaluates aspects related to the resources needed in planning to implementing policies. This resource allocation includes staff, available budget allocations, as well as supporting equipment in management. Previously, it should be noted that the Batu City Regional Regulation number 7 of 2011 concerning the Batu City RTRW in 2010-2030 serves as a guide in the preparation of

regional long-term plans (RPJPD), regional medium-term plans (RPJMD), the use of space and control of space utilization in the Batu City area, embodiment of integration, linkage, balance of development between parts of the city area and harmony between sectors, determination of the location and function of space for investment and spatial planning of the strategic area of Batu City. Furthermore, regarding the function of the RTRW of Batu City as well as aligning policies for spatial planning for the national region, East Java province and as a guide for local governments and communities in planning and implementing development programs.

Based on the above interpretation, Therefore, the Batu City regional planning as stipulated in Regional Regulation No. 7 of 2011 concerning the RTRW of Batu City in 2010-2030 shows that regional spatial planning, especially for protected and cultivated areas, is part of the function of aligning national and provincial spatial planning policies and is used as a guideline in develop the region, including in terms of meeting socio-economic needs and harmonizing environmental sustainability in order to maintain the environmental carrying capacity and fulfill current and future needs. In addition, resources in the input process from spatial planning in Batu City to the implementation of Batu City Regional Regulation No. 7 of 2011 concerning the Batu City RTRW 2010-2030 have been carried out by various stakeholders. In its preparation, the coordination team for regional spatial planning includes relevant agencies, including Bappeda, DPUPR and other agencies as well as representatives from ministries. Then in the implementation of Regional Regulation No. 7 of 2011 concerning the RTRW of Batu City in 2010-2030, it also involves related agencies, ministries, communities and entrepreneurs.

Related agencies involved in spatial planning in Batu City include the Public Works and Spatial Planning Service (DPUPR), the Licensing Service, the Tourism Office, the Agriculture Service, and other agencies. In addition, the ministry of forestry, Perhutani, communities and businessmen also participated in the implementation of spatial planning. This is in line with Wahid's presentation Then in the implementation of Regional Regulation No. 7 of 2011 concerning the RTRW of Batu City in 2010-2030, it also involves related agencies, ministries, communities and entrepreneurs. Related agencies involved in spatial planning in Batu City include the Public Works and Spatial Planning Service (DPUPR), the Licensing Service, the Tourism Office, the Agriculture Service, and other agencies. In addition, the ministry of forestry, Perhutani, communities and businessmen also participated in the implementation of spatial planning. This is in line with Wahid's presentation Then in the implementation of Regional Regulation No. 7 of 2011 concerning the RTRW of Batu City in 2010-2030, it also involves related agencies, ministries, communities and entrepreneurs. Related agencies involved in spatial planning in Batu City include the Public Works and Spatial Planning Service (DPUPR), the Licensing Service, the Tourism Office, the Agriculture Service, and other agencies. In addition, the ministry of forestry, Perhutani, communities and businessmen also participated in the implementation of spatial planning.

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Then the Batu City government has not carried out a land mapping plan which is indeed directed as its designation in spatial planning in Batu City, because currently the Batu City government, in this case the Public Works and Spatial Planning Department, is still in the land identification stage and has not been mapped to facilitate directions. spatial planning. So in this case the synergy between the government and the community in spatial planning is still not optimal. So that when there is development or land use change that is not in accordance with its designation, no action has been taken from the authorized service. However, for those who have carried out permits when, when there is a discrepancy with existing policies, the permit cannot be issued, as is the case with investors who carry out large-scale land conversion permits to the Batu City Licensing Office, and this is not in accordance with the spatial planning policy in Batu City.

Batu City, then the permit cannot be issued. Provisions regarding permits have actually been regulated in Batu City Regional Regulation No. 7 of 2011 concerning the RTRW of Batu City 2010-2030 article 72 which includes principle permits, location/space function permits, land use permits (IPPT), building permits and other permits based on statutory regulations to the provision of incentives and disincentives in article 77 and sanctions in article 78.

However, even though they have been determined, their implementation has not been carried out optimally. On the other hand, the resources needed in spatial planning are budgets. In order to optimize spatial planning in Batu City, the budget as a tool for implementing spatial planning in Batu City will be lowered according to the priorities needed to support facilities and infrastructure so that the existing spatial planning in Batu City can run as expected. Thus, it can be seen that the input process in the implementation of spatial planning policies in Batu City which integrates elements of government, environment, Social and economic aspects are still not optimal in paying attention to social and environmental elements. This is known through the not yet optimal role of each stakeholder. Process Evaluation At the process evaluation stage, you can see how the implementation of spatial planning policies is in accordance with its designation, assess program implementation, conformity with acceptable standards, supervision or control in policy implementation and the obstacles faced.

In the context of spatial planning in Batu City, it is carried out as directed in the spatial planning policy, namely Batu City Regional Regulation No. 7 of 2011 concerning Batu City Spatial Planning for 2010-2030. However, along with the increase in population, especially in the Batu City area, the basic needs and housing for the community will increase. Besides that, Batu City as a city known for its agriculture-based tourism makes development and land use continue to be carried out by the government, the private sector or the community, so that when the land in the downtown area has been built to meet the needs of the community and support the development of Batu City, the community begins to explore land use. in forest areas, especially in the Tulungrejo Cangar area. This is in line with the explanation on the Indonesian Forum for the Environment (Walhi) website that there are about 150 hectares of forest area upstream of the river that was hit by the flood which was opened for fields and agriculture. The upstream area of the river that has changed its function is along Tulungrejo to Sumber Brantas, Bumiaji.

The conversion of forest areas for agriculture and other uses is one of the causes of the decline in the work of water catchment and catchment areas. In the Batu City Regional Regulation No. 7 of 2011 concerning the Spatial Planning of Batu City in 2010-2030 article 67 paragraph 2 c, it has been explained regarding the zoning regulations in protected areas that the allotment of area space for cultivation activities is only permitted for indigenous people with a fixed area, does not reduce the protected area function. , and under close supervision. In addition, paragraph 2d explains that the use of protected forest is only allowed in the form of area utilization, utilization of environmental services, and collection of non-timber forest products, until paragraph 2i explains that there is an acceleration of land rehabilitation. Then the zoning provisions for cultivation areas have also been explained in article 68, and it is added to article 71 paragraph 1 that the use of the area for other purposes can be carried out if it does not interfere with the function of the area concerned and does not violate the general provisions of the spatial pattern zoning regulations as regulated in the regional regulation. However, this is not in line with what is happening in the field where there are deviations in areas that are not designated as the policy plan, until now there has not been any control and action against irregularities that occur, because there are no rules and guidelines that can be used as a foothold. in controlling problems, especially land use in the Brantas River watershed, because Regional Regulation No. 7 of 2011 concerning the RTRW of Batu City has not been strong enough to take action. Furthermore, in the area of green open space (RTH) as a very important area that also acts as the lungs of the city, based on Walhi's explanation that Batu City's public green open space has not reached 30% as directed by the policy on the green open space area. From the results of Walhi's presentation, if seen in the satellite image of the green open space of Batu City, it is still in the range of 12% to 15%. Then it is known that 348 hectares of primary forest in Batu City have been lost in 20 years and the existence of green land, which was originally an area of 6,034.62 hectares in 2012 to 5,279.15 hectares in 2019.

Basically Batu City Regulation No. 7 of 2011 concerning RTRW Batu City 2010-2030 articles 36 and 37 have explained the development of green open space in Batu City. In article 37 paragraph 1 it is explained that public green open spaces, includes environmental parks and city parks, green lines, cemeteries, and environmental protection. then in article 37 paragraph 3 the green open space of the green line includes the road and median island park, pedestrians, green belt road green belt border other local protected areas. However, Batu City as a city known for its tourism has not explained about green open space in tourism areas. So that to achieve this suitability, the Batu City government, in this case the Batu City DLH, has carried out several strategies for the development of public green open space in Batu City in the future, namely through the provision of tombs, sub-district parks, provision of urban jungles, RT/RW parks, urban village

parks, residential green open spaces, as well as in the tourism sector, whether large, small or medium. So in this case it is necessary to review the spatial planning policy in Batu City, one of which is green open space.

Furthermore, from the explanation above, that land use and green open space that have not been matched as the direction of the Batu City RTRW can be identified through the suitability of the spatial use pattern plan based on the Batu City RTRW in 2010-2030 with the actual conditions (existing conditions) in protected areas and cultivation areas. , that the existing conditions in the protected area in Batu City and which have been identified have an area of 8,674.17 hectares. Meanwhile, the need for protected areas based on the RTRW of Batu City is 9,649.68 hectares. So that 975.51 hectares of land area is still being pursued in the next 10 years in order to achieve the suitability of spatial patterns as planned for protected area spatial patterns in Batu City. However, based on the spatial plan of the Batu City RTRW for 2010-2030, several plans have not been implemented, so in this case it is necessary to study the allocation of the river border, SUTT border, and the Grand Forest park in order to adjust the policy direction of the Batu City RTRW.

In the cultivation area, it can be seen that the existing conditions or actual conditions for the cultivation area in Batu City and those that have been identified have an area of 10,742.07 hectares. While the need for cultivation areas based on the RTRW of Batu City is 10,151.13 hectares. So that 594.94 hectares of land area has exceeded the plan limit, so a review and readjustment is needed in terms of spatial pattern plans. Where, Until December 2021 the RTRW arrangement in Batu City is still at the identification stage of existing land, so that the land area that exceeds the plan limit, further studies need to be carried out so that detailed mapping of spatial patterns can be implemented as planned for spatial patterns in order to achieve spatial planning conformity with continue to consider environmental aspects and the development of the City. Evaluation of the Impact/Results of the Implementation of Spatial Planning Policies in Batu City (Product Evaluation) This product evaluation focuses more on assessing the success of policies in achieving goals. Broadly speaking, it includes an assessment of the achievement of the goals that have been set, interpreting the benefits by looking at the impact of policies on the socio-economic life of the community and the balance of the environment.

As the purpose of spatial planning in Batu City is to realize a safe, productive and sustainable Batu City based on agropolitan and tourism, in principle it can be implemented properly in line with city development and improving the welfare of the people of Batu City. One of them is regarding the lack of public green open space in Batu City, several strategies have been implemented through the provision of gardens and vertical gardens in the three sub-districts in Batu City, namely Junrejo District, Batu District and Bumiaji District. The positive impact of the spatial planning policy in Batu City is the direction related to spatial planning in Batu City in increasing the potential of the area to support the economic life of the community and the development of Batu City. Then the increase in tourism development through land conversion to become a tourism area and support tourism can boost the economic activities of the Batu community. As well as being able to open new jobs for the community to meet economic needs and reduce the number of unemployed in Batu City and the food needs of the community can be met properly. In addition to the positive impacts that exist, there are negative impacts with the not yet optimal implementation of spatial planning policies in Batu City, namely in terms of environmental balance.

Based on the facts on the ground, there are still deviations related to environmental aspects, especially with regard to changes in land function that have not been in accordance with its designation until it became one of the triggers for the flash flood disaster in Batu City on November 4, 2021 which also had an impact on the Spatial Plan in Batu City. Based on Government Regulation Number 15 of 2010 concerning the Implementation of Spatial Planning Article 82 paragraph 2 that the review of the spatial plan can be carried out once in 5 years if there is a change in the strategic environment in the form of: (1) Large-scale natural disaster stipulated by statutory regulations; (2) Changes to the state's territorial boundaries as stipulated by law; (3) Changes in regional boundaries determined by the Law on So based on the above regulations, it is necessary to review the spatial plan for the Batu City area.

This is supported by the explanation from the Head of the Brantas River Basin, the Directorate General of Water Resources, the Ministry of Public Works and Public Housing, Mr. Muhammad Rizal, quoted by researchers from the website tataruang.atrbpn.go.id that due to the large load during a flash flood, this causes the occurrence of flash floods. the expansion of the river body to be 4 to 5 times its natural form so that adjustments are needed to the catchment area. As well as the explanation from the Head of the Batu City Regional Disaster Management Agency, Mr. Agung Sedayu, who was quoted by researchers from the website tataruang.atrbpn.go.id that in the context of flood prevention, avoiding the use of river valley slopes for the use of seasonal gardens and enforcement of border rules.

4. Conclusion

Conclusions of this research are: (1) The presence of the Batu City regional regulation number 14 of 2012 concerning the protection of sustainable food agricultural land has not been able to protect and make a better contribution to farmers in Batu City; (2) The Batu City Government must improve with policies that are more sensitive to ecosystems. Regional Spatial Planning Regional Regulation of Batu city which is very insensitive to space and the environment, that the implementation of spatial planning policies in Batu City is still not in accordance with the spatial planning directives contained in Regional Regulation No. 7 of 2011 concerning Spatial Planning of Batu City for 2010-2030. This can be seen from the following points: (a) The increase in population every year and the rapid development of Batu City encourage people to use land in the forest to meet the needs of tourism, agriculture, settlements and other community economic activities; (b) The involvement of stakeholders, including the community, government, and the private sector, in planning and implementing spatial planning policies is still not optimal. Where the Batu City government has not taken firm action because there are no strong guidelines for taking action against violations; (c) Based on the suitability of the planned spatial pattern of protected areas and cultivation areas with actual conditions, until December 2021 the arrangement of the RTRW in Batu City is still at the identification stage of existing land, so that the land area has not experienced conformity as the regional spatial plan; (d) The positive impact of implementing spatial planning in Batu City to date is the increasing development of Batu City as a Tourism City and can boost the economy of the Batu City community. However, the negative impact that occurs is that the implementation of spatial planning in Batu City has not fully paid attention to aspects of environmental balance so that it becomes one of the triggers for land conversion activities and results in flooding.

Given that the majority of the population in Batu City is still dominant as farmers, the conversion of agricultural land and essential areas will encourage economic vulnerability, thereby potentially increasing poverty. Meanwhile, the tourism sector is not enough to encourage an increase in welfare, because on average it is owned by individuals or large companies which are certainly not as inclusive as agriculture. In addition, the widespread conversion of forest functions and the increasing threat of springs, as evidenced by the increase in air temperature and rainfall, as well as the death of several springs, decreased discharge and water quality, will make the lives of the people of Batu City without exception, farmers. So that the Batu City government must improve with policies that are more sensitive to ecosystems. There is still time to amend the revision of the RTRW Perda which is very insensitive to space and the environment, before a series of disasters will come in the future, which will certainly be more detrimental. Based on the constraints of implementing spatial planning policies in Batu City, especially the control of land conversion in Batu City, it can be recommended as follows: (1) The Batu City area which is located in a hilly area encourages spatial planning as ideal as possible with regional conditions. and a detailed spatial plan (RDTR) is needed in order to provide detailed and detailed spatial planning direction in order to achieve the objectives of spatial planning and environmental balance in Batu City; (2) In implementing the Regional Regulation on RTRW, it is necessary to pay attention to the synergy between the stakeholders involved in achieving the objectives of spatial planning and maintaining the environmental balance of Batu City, considering the weak role of the community in spatial planning in Batu City. So that further socialization is needed to the community regarding spatial planning policies, especially those related to land conversion in Batu City.

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