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# IMPLEMENTATION OF RAWLS THEORY OF JUSTICE IN THE DEVELOPMENT OF FOOD ESTATE IN CENTRAL KALIMANTAN

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#### **ABSTRACT**

#### ARTICLE HISTORY

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The rapid increase in the world's human population and the threat of a global economic crisis have also led to the threat of a food crisis, which requires action from the government to anticipate the threat of a food crisis and ensure sufficient food availability for the entire community. The food estate program is a national food development program that integrates the agriculture, plantation and livestock sectors in one area, so to implement this program the government needs to provide sufficient land. Forest areas in Central Kalimantan are one of the locations used for the Food Estate program and the land use for the program is guaranteed by Peraturan Menteri Lingkungan Hidup dan Kehutanan No. 24 Tahun 2020 about Provision of Forest Area for Food Estate Development. The results of the study found that the implementation of the program in Central Kalimantan did not run smoothly because it only planted crops according to market demand and changed local commodities that were already running in the area. In addition, the food estate program is also detrimental to indigenous peoples living in Central Kalimantan because of land conversion so that their livelihoods are reduced and even lost. This food estate program cannot meet the criteria of justice such as Rawls' theory of justice, because the program that was created to ensure the welfare of the people at large has instead caused harm to indigenous peoples living in the Central Kalimantan forest area.

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## INTRODUCTION

Global food crisis threat is expected to hit the world within the next 50 years. The Food and Agriculture Organization of the United Nations (FAO) states that the threat of a food crisis is the result of various events such as the Covid-19 Pandemic that has hit since the end of 2019, climate change due to global warming and the impact of war between Russia and Ukraine as they hold an important position in the world's food and energy supply cycle. In addition, high population growth also threatens food availability. The United Nations Population Fund (UNFPA) in its Population Data Portal estimates that the world population will reach 8.5 billion in 2030, 9.7 billion in 2050 and will reach 11.2 billion by the end of the 21st century. In "The State of Food Security and Nutrition in the World 2021" released by FAO, it is stated that there is a scenario to prevent a prolonged global food crisis by changing the food system for food security of a country so that it does not depend entirely on the supply of other countries. This is done to avoid a sustainable crisis caused by conflicts between countries that hold important positions such as Russia and Ukraine. FAO states that conflict has a negative impact on almost every aspect of the food system from production, harvesting, processing, financing to marketing, which has a direct impact on food availability and prices.

Far before FAO conducted a study related to the transformation of the food system, namely since the era of President Soeharto in the 1980s, the government of the Republic of Indonesia had planned to transform the food system in order to prevent a sustainable food crisis with the Mega Rice Project. The program was planned to be carried out by converting peat swamp areas in Central Kalimantan into rice production land, but the program failed due to a lack of research which then caused the peatlands to dry out and burn out during the dry season. (WALHI, 2021) The failure of past programs did not stop the Indonesian government from creating similar programs because during the era of president Susilo Bambang Yudhoyono (SBY) in 2010 the Merauke Integrated Food and Energy Estate (MIFEE) program was launched which aims to ensure food and energy independence. However, the program was not able to produce great results, instead it left a bad impact due to the conversion of sago land into oil palm plantations, which damaged the food supply of the surrounding community and local commodities. (Sefriani, et.al, 2023)

During the era of President Joko Widodo, the food security system transformation program was continued with a new form, namely the Food Estate. Food Estate is a broad food development program that integrates the agricultural, plantation and livestock sectors in the same area. (Santosa, 2015). The National Food Supply Improvement Program through Food Estate Area Development is included in the 2020-2024 Program Strategis Nasional (PSN).

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To support the national strategic program, the government passed the Minister of Environment and Agriculture Regulation (Peraturan Menteri Lingkungan Hidup dan Kehutanan) No. 24 of 2020 about the Provision of Forest Areas for Food Estate Development as a regulation governing the provision of forest areas for food estate development. This food estate program is expected to meet most of the food needs in Indonesia as an anticipation of the threat of an impending food crisis and can also meet global market demand for food. (Mukaromah, 2020).

One of the provinces chosen as the location for the development of this food estate is Central Kalimantan Province. Central Kalimantan was chosen because it had previously been the location of the implementation of the Mega Rice Project in the era of President Soeharto, so the land was already available, saving a lot of costs. The first commodity to be planted at the food estate location is cassava due to the large market demand for instant noodle production. So, to realize the food estate program, 632,465 ha of forest areas will be converted into plantations including rainforests and pristine peatlands. Central Kalimantan is one of the areas that has many indigenous peoples, where these indigenous peoples in their daily lives to meet their food needs and livelihoods depend on forests as the main economic source. So, the clearing and conversion of land functions that they used to be a source of income is reduced and even lost. The Aliansi Masyarakat Adat Nusantara (AMAN) Central Kalimantan rejects the food estate program project because it is considered to have the potential to add new social problems due to fears of massive exploitation in their surrounding environment, besides that local indigenous peoples are not involved in the planning of the food estate program in Central Kalimantan.

The government is considered to have failed again because it did not heed the rights of local communities and indigenous peoples when converting their sacred land into "food estates". Therefore, the impact of the food estate program will be related to the Theory of Justice proposed by John Rawls. In Theory of Justice, John Rawls states that justice is basically a rational and comprehensive policy principle that applies to the welfare of all groups in society. To achieve justice, it is rational for someone to impose his wishes based on the principle of utility because it increases the net benefits in the form of satisfaction that will be obtained by members of society. (Rawls, 1971) This phenomenon needs to be studied from the point of view of legal theory so that we can see the practical problems that arise from the implementation of this food estate program whether it indicates a system failure or whether the impact is certain to occur as a result of the transformation of the traditional system to modern.

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## RESEARCH METHODS

This research was conducted with a qualitative descriptive method, where this research utilizes qualitative data and the results of the research are described in descriptive form. The purpose of qualitative descriptive research is to describe, explain, explain and answer more comprehensively the problems to be studied by identifying a group or an event to the maximum extent. (Taylor, Bogdan, & DeVault (2015); and Sugiyono, (2016);)).

## Method of Collecting Data

The descriptive qualitative research approach collects data obtained from interviews, field notes, photographs, video tapes, personal documentation, notes, or memos and other documentation in the form of words or images. (Moleong, (2005); Leeuw, & Schmeets, (2016); and Hennink, Hutter, & Bailey (2020)). The data source that this research will use is secondary data, data sources obtained from print and electronic media such as books, journal, procedding and online newspaper to support the discussion and from the results of other studies.

### RESULTS AND DISCUSSION

# Rawl's Theory of Justice

Justice is one of the objectives of law and has the essence of equality so that the assertion of justice is very important to be able to lead to equal conditions. (Radbruch, 1950). One of the theories of justice that is often used is John Rawls' Theory of Justice. Rawls is an American philosopher who put forward the theory of justice as equality with the background of the theory describing every citizen with the same basic rights and working together in an equal economic system as well. This theory tries to collaborate the liberal concept of political obligation with the redistribution concept of social justice which has two basic elements, namely the social contract and the original position. The social contract serves to build a hypothesis to determine justice in a country's justice goals and the original position as an idea that justice is formed from social conditions related to the rationality of a social order that is accepted by everyone (Mochtar & Hiariej, 2021). The original position means that each citizen is represented as a free and equal individual in a fair situation and each representation of this citizen only wants what the represented citizen wants. Thus, this initial position element shows the idea of freedom, equality, and justice. (Wenar, 2021) An example of this justice and equality is that in an international forum, there are no representatives of countries that threaten the interests of other representatives so that various processes are taken so that the interests of all parties can be accommodated properly. sThe original position in

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the basic elements of this theory according to Rawls is based on the main principles of justice such as the principle of equality of everyone's universal, essential and compatible freedoms and the inequality of the social and economic needs of every citizen (Nur, 2018). Rawls constructs justice with the idea that citizens are free and equal so that citizen relations in this social order are not based on hierarchical levels (Wenar, 2021).

John Rawls states that justice is basically a rational and comprehensive policy principle that applies to the welfare of all groups in society. To achieve justice, it is rational for someone to impose his wishes based on the principle of utility because it increases the net benefits in the form of satisfaction that will be obtained by members of society. (Rawls, 1971). The notion of justice then requires that any inequality must benefit all citizens, and in particular must benefit those citizens who have received the least justice. By making equality the basis so that any inequality must be able to improve everyone's situation, especially the most disadvantaged citizens, it becomes the hallmark of John Rawls' Theory of Justice.

In the book Theroy of Justice by Joh Rawls, to be able to analyze whether a situation is fair or not, we can see by linking to The Two Principles of Justice as Fairness in Theory of Justice. The first principle is Each person has the same indefeasible claim to a fully adequate scheme of equal basic liberties, which scheme is compatible with the same scheme of liberties for all; The second principle is Social and economic inequalities are to satisfy two conditions. These conditions include whether they are bound to offices and positions open to all under conditions of fair equality of opportunity or they are to be to the greatest benefit of the least-advantaged members of society (the difference principle). The reason why people's interests are constantly mentioned in considering conceptions of justice is because people are the focus of just conditions, just conditions will be achieved if people who do not have interests put forward conflicting claims regarding the distribution of social benefits in situations of scarcity. Against a condition, the community must also be free from certain personal interests so as not to create new inequalities because certain parties benefit differently from others (Mochtar & Hiariej, 2021).

There are three conceptions of justice according to Rawls, (Mochtar & Hiariej, 2021) ((Said & Nurhayati, 2021), namely: First, The greatest equal liberty principle (equal fulfillment of freedom). Freedom is only subject to restrictions intended to protect freedom itself. This principle recognizes the fundamental rights that everyone must have (Human Rights), such as: the right to free speech and organization, the right to elect and be elected to public office, the right to freedom of thought, the right to own private property, freedom from arbitrary arrest/detention. These rights should not be overridden on the grounds of the interests of society or the state. Second, equality for all. Freedom in social life and in the distribution of social goods, subject only to the

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exception that inequality is permissible if it results in the greatest benefit to the least advantaged in society. It also emphasizes that under equal conditions and opportunities, all positions should be open to all. **Third**, equality of opportunity and the elimination of inequalities in opportunity based on wealth and birth.

Rawl's Theory of Justice theory chosen as the theoretical basis for this paper because Theory of Justice adopts a more realistic concept in structuring social rules in a mutually beneficial manner, which will increase the effectiveness of social cooperation.

## Food Estate Program in Central Kalimantan and It's Pros and Cons

The pandemic caused by the Covid-19 outbreak has made 2020 a year with huge economic losses and losses in human life around the world such as health and livelihoods. However, the physical-distancing policy used to prevent the spread of the virus also disrupted research activities to find out how many food crises actually occurred around the world. This leads to the existing data cannot be confirmed because it is full of uncertainties this year compared to previous years. The Food and Agriculture Organization of the United Nations (FAO), in its 2020 report, estimated that between 720 and 811 million people in the world faced hunger in 2020. Considering the middle of the projection range (768 million), there was an increase of 118 million people facing hunger in 2020 compared to 2019, with estimates ranging from 70 to 161 million. (FAO, 2021). Retrieved from Kementerian Sekretariat Negara RI website, in conjunction with the visit of the location of the food estate development in Central Kalimantan, President Joko Widodo responded to FAO's warning about the threat of a food crisis by assigning the Ministry of Defense to take the lead in strengthening national food reserves through the Food Estate program. The Ministry of Defense will coordinate with the Ministry of Agriculture and the Ministry of Public Works and Housing in carrying out its duties. Food Estate is one of the National Strategic Projects 2020-2024, which is an integrated project prepared to make the National Medium-Term Development Plan (RPJMN) more concrete and detailed, starting from project targets, locations and implementing agencies. The government hopes that this strategic project can meet food needs and anticipate the threat of a food crisis in the next few years so that the community can feel the benefits directly.

Based on the general provisions of the Minister of Environment and Forestry Regulation (Permen LHK) Number 24 of 2020 concerning the Provision of Forest Areas for Food Estate Development, Food Estate is a large-scale food business which is a series of activities carried out to utilize natural resources through human efforts by utilizing capital, technology, and other resources to produce food products to meet human needs in an integrated

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manner including food crops, horticulture, plantations, livestock, and fisheries in a Forest Area. Forest Area for Food Security, hereinafter abbreviated as KHKP, is a Forest Area specifically designated for food security purposes with the development of a Food Estate. As explained in the introduction of this paper, the global food crisis will have a huge impact on a country if it does not have self-sufficient food security reserves due to low supply from the international market and rising food prices. Thus, the food estate program reactivated by President Joko Widodo can be one way to ensure food security. Furthermore, the food estate program will use modern and digital technology and is expected to be a government program that absorbs a lot of labor and increases large migration flows to Central Kalimantan (Lasminingrat & Efriza, 2020).

The government's quick response in planning the food estate program represented by President Jokowi in the midst of the Covid-19 pandemic shows the government's commitment and good intentions in guaranteeing the basic rights of its citizens as a policy maker. the government should guarantee food security and availability for all its people. Supported by the inclusion of the program as a national strategic program also makes citizens feel safe because the government's commitment to ensuring food security is really being done. Through this food estate program, the state is not only striving to be independent from the global market, but it is also a good start for Indonesia's future role in meeting global market demand. However, what now needs to be considered is the implementation of the food estate resolution at the time of writing.

## **Deforestation and Environmental Damage**

Food estate is not a brand new program in Indonesia. As noted in the discussion above, in Central Kalimantan, where the food estate project will be implemented, a similar project was previously carried out during President Soeharto's administration by developing peatlands for food crop agriculture, which was implemented under Presidential Decree No. 82 of 1995 concerning the Development of Peatlands for Food Crop Agriculture in Central Kalimantan. 82 of 1995 concerning the Development of Peatlands for Food Crop Agriculture in Central Kalimantan. According to research conducted by Greenpeace, in order to convert peatlands into rice fields, the natural peat swamp forests that are the habitat of the Bornean orangutan and several other native species must be cleared. The converted peatlands were drained by deep peat drainage canals, but the dryness of the former peatlands triggered an even greater drought when hit by El Nino during the years 1997-1998 (Greenpeace, 2022). After the fires, the transmigrant community tried to replant the dry peatland with rice, but it was found that the peat soil was of such low fertility that it could not be cultivated as food.

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Borneo's forests are the habitat of a diversity of flora and fauna, according to World Wildlife Fund data there are more than 3000 species of trees, 2000 species of orchids and 1000 species of ferns. In addition, it is also common knowledge that Kalimantan is the original habitat of the orangutan, which is on the verge of extinction. The conversion of land use from peat forests to rice paddies is of course indirectly driving away and even eliminating the habitat of these flora and fauna. This leads to environmental and food chain imbalances and reduced water absorption, which is exacerbated by drought. Launching news from Tempo.co on September 29, 2023, Greenpeace through Greenpece Forest Campaigner, Arie Rompas found that the Food Estate Project in Central Kalimantan failed because the cassava planting carried out as the beginning of the food estate program did not grow. Even though local plant commodities have been removed to plant cassava according to market demand. Thus, the community and community organizations regret that the environmental damage that has occurred is not comparable to the results of the food estate which is considered a failure. So that this program is considered not to bring benefits to the community as a priority beneficiary.

# Threat Of Conflict between Indigenous Peoples And Corporations

The solution provided through this food estate is market-based, so that local commodities are sidelined for the benefit of corporations and only seek the productivity of certain commodities. The project removes the local food system that already exists in the community and replaces it with a global food system according to the wishes of the market. The farming habits of the Dayak people in Central Kalimantan are already very diverse with a wealth of nutrients in the food they consume. so, with the conversion of land functions, the Dayak people in Central Kalimantan also lost food sources and livelihoods. (WALHI, 2021) This can open up the threat of conflict over the rejection of food estate projects by indigenous peoples because those who should benefit as local residents are the first to suffer losses from food estate projects.

## CONCLUSIONS AND POLICY IMPLICATIONS

#### **Conclusions**

Seeing whether the government's policy in terms of food security through this food estate fulfills a sense of justice or not, the author will look at it from the point of view of the theory of justice. The first element is the greatest equal liberty principle, second is equality for all, and the third is equality of opportunity and the elimination of inequalitis in opportunity based on wealth and brith. Conceptually, citizens are a priority to receive benefits from the food estate program as a fulfillment of the basic human right to live with a guarantee

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of food availability. However, the community around the project also does not get freedom from the benefits of the program, because in fact their freedom is sabotaged because they can no longer use the forest to meet food and economic needs, while the state and corporations have the freedom to exploit the forest because it has been guaranteed by the state's regulation, namely the Minister of Environment and Forestry Regulation (Peraturan Menteri Lingkungan Hidup dan Kehutanan) Number 24 of 2020 about Provision of Forest Areas for Food Estate Development. Thus, the food estate program has not fulfilled the greatest equal liberty principle. Communities around food estate locations in Central Kalimantan actually get injustice caused by environmental damage due to the impact of massive exploitation in land conversion. The community, instead of getting benefits, actually gets losses for the environmental damage that occurs. Therefore, this food estate program has not fulfilled the sense of justice as what Rawl stated about the theory of justice.

# Suggestion

The Government of the Republic of Indonesia is expected to conduct more comprehensive research in advance and not rush to implement this food estate program. In addition, the government should first reflect on previous similar programs, namely the Mega Rice Project and MIIFE, so as not to repeat the same mistakes so that the community does not experience repeated adverse impacts. The most important thing to note is that the power of the state in utilizing natural resources must be maximized for the prosperity of the people, not some people.

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