

Farming Justice on Economic Regulations in Indonesia and France



Zainal Said ^{a, *}, Sih Natalia Sukmi ^b, Rustam Magun Pikahulan ^a, Syafa'at Anugrah Pradana ^a

^a Institut Agama Islam Negeri Parepare, Indonesia.

^b Muséum National d'Histoire Naturelle-Sorbonne Alliance, Paris, France.

* Corresponding Author: zainalsaid@iainpare.ac.id

ARTICLE INFO

Article history

Received: January 23, 2025

Revised: September 2, 2025

Accepted: September 7, 2025

Keywords

Agrarian Reform;
Agricultural Policy;
Economic Law;
Justice;

ABSTRACT

This research addresses a significant issue in Indonesia, where 68% of agricultural land is controlled by just 1% of the population, leading to over 3,200 agrarian conflicts in the last decade and impacting approximately 1.8 million farming households. Only 32% of farmers have access to capital, despite being certified landowners, highlighting a stark inequality in land ownership and farmer's sovereignty compared to modern and institutionalised agricultural system in France. This research explores how France agricultural models can inspire improvements in agrarian governance in Indonesia by analysing the paradigm of agricultural justice through the lens of economic law. This study employs comparative legal methods to examine and differentiate the regulatory frameworks and institutional mechanisms governing land distribution, market control, and peasant protection in both countries. This study finds that, France actively intervenes in its agricultural sector through SAFER, which regulates land transactions, provides CAP, and allocates 50% of SAFER to smallholder farmers, ensuring fair access and preventing corporate dominance. In contrast, 60% of Indonesian agricultural land is controlled by large corporations, with 6 million hectares in dispute. Agrarian reform is hampered by bureaucracy, overlapping regulations, and corruption. KUR programs and fertilizer subsidies often fail to reach intended target. This study recommends adopting the French model to strengthen institutions, transparency, smallholder support, and oversee monopolies.



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1. Introduction

In recent decades, the discourse on agricultural justice has significantly shifted from a purely distributive approach to a more holistic and structural one. The concept of "*Transformative Agricultural Justice*" emerged from the need to reform the agrarian system, addressing not only *legally formal* but also the structural and historical inequalities that shackle marginalised groups, especially smallholders. The transformative approach emphasises systemic changes in land ownership

structures, production relations, and agrarian policies that have tended to favour corporations and agrarian elites.¹

Land tenure inequality remains a critical issue in developing countries like Indonesia, leading to chronic agrarian conflicts and reducing the production capacity of local farmers.² Meanwhile, in developed countries like France, agricultural systems are more modern and institutionalised. However, challenges in realising agricultural justice manifest in different ways, including dependence on global food systems, free market pressures, and farmers' vulnerability to price dynamics. Transformative approaches to agricultural justice are essential for addressing structural problems and creating inclusive and sustainable agricultural models.³

An example of agrarian conflict is in Central Tapanuli Regency, North Sumatra, where hundreds of hectares of land, traditionally cultivated by indigenous peoples, were certified to plantation companies without local community involvement.⁴ This reflects the weak legal protection of customary rights and the dominance of corporate interests in land policy. Farmers have lost not only their source of livelihood but also their living space, which is tied to their cultural identity. In 2023, there were 241 agrarian conflicts affecting 638,188 hectares and approximately 135,608 families. Meanwhile, in 2024, there were 295 cases, including 1,113,577.47 hectares and impacting 67,436 families of 349 villages.⁵

Table 1: The Problem of Farmers' Injustice in Indonesia

| Region | Problems | Data/Figures | Impact on Farmers |
|--------------|--|---|---|
| West Java | Land conversion for industry and housing | ±102,000 hectares of agricultural land change function every year | Urbanization is increasing, industrial expansion is expanding, and productive land is being degraded. |
| Central Java | Fragmentation of land ownership | ±40% of agricultural land is <0.5 hectares in size | Farmers have difficulty accessing technology and are limited in expanding production. |
| East Java | Conversion of land to non-agricultural use | ±80,000 hectares per year | Infrastructure and housing are developing, but farmers are losing their livelihoods without adequate |

¹ Leonard Frank et al., 'Assessing Regime Destabilisation through Policy Change: An Analysis of Agricultural Policy in the United Kingdom during Brexit', *Environmental Innovation and Societal Transitions* 50 (March 2024): 100810, <https://doi.org/10.1016/J.EIST.2024.100810>.

² Carol E. Ramos-Gerena, 'Regulating Belonging: Contradictions in Puerto Rico's Agricultural Land-Use Policies', *Land Use Policy* 145 (October 2024): 107279, <https://doi.org/10.1016/J.LANDUSEPOL.2024.107279>.

³ Moslem Savari et al., 'Social Capital and Behavioral Response to Water Scarcity: Sustainable Agriculture Policies Pathways for Adopting Dry Direct-Seeded Rice', *Agricultural Water Management* 313 (May 2025): 109478, <https://doi.org/10.1016/J.AGWAT.2025.109478>.

⁴ Tanaya Sarmah et al., 'Usability of Agricultural Drought Vulnerability and Resilience Indicators in Planning Strategies for Small Farms: A Principal Component Approach', *Climate Services* 38 (April 2025): 100569, <https://doi.org/10.1016/J.CLISER.2025.100569>.

⁵ Saana Hokkanen, 'Soil Extractivism: Political Ontology of Soil Erasure in the European Union's Agricultural Politics', *Journal of Rural Studies* 108 (May 2024): 103298, <https://doi.org/10.1016/J.JRURSTUD.2024.103298>.

| | | | compensation. |
|--------------------|--|---|--|
| North Sumatra | Conversion of forests into plantations | ±100,000 hectares of forest have been turned into plantations | Loss of biodiversity and soil degradation reduce farmer welfare. |
| South Sumatra | Large-scale oil palm plantation expansion | ±1 million hectares | Small farmers are being displaced by large companies due to global pro-commodity policies. |
| Bengkulu | Erosion and land conversion | ±60% of land is affected by severe erosion | Land loses fertility so that agricultural yields decline |
| Riau islands | Agricultural land is converted to industry/tourism | ±40% | Farmers lose access to fertile land due to the dominance of the non-agricultural sector. |
| Lampung | Monoculture (oil palm and rubber) | ±50% of the land is controlled by oil palm plantations | Agricultural diversification is lost, farmers depend on one commodity |
| Bali | Agricultural land shrinks due to tourism | ±10,000 hectares in the last 5 years | The rapid development of hotels/housing is displacing farmers from productive land. |
| West Nusa Tenggara | Minimal irrigation and land degradation | ±30% of land without irrigation system | Farmers are at risk of crop failure due to limited water supply. |
| NTT | Drought and land degradation | ±60% of the area is affected every dry season | Farmers have difficulty obtaining clean water and adequate irrigation. |
| South Sulawesi | Fragmentation of land ownership | ±25% of farmers manage <0.5 hectares | The small scale of the business makes it difficult to increase production. |
| Central Sulawesi | Conversion of land to plantations | ±15,000 hectares | Farmers lose productive land and lose out to large companies in competition. |
| North Sulawesi | Declining soil fertility & industrialization | ±10% of land is converted to industry in 5 years | Farmers' access to fertile land and technology is limited |
| Gorontalo | Small and limited land | ±45% of farmers have land <0.5 hectares | Productivity is difficult to develop with limited land |
| West Kalimantan | Expansion of oil palm plantations | ±300,000 hectares | Farmers' land is decreasing due to the dominance of oil palm and forest conversion. |
| Central Kalimantan | Land fires & degradation | ±5,000 hectares burn every year | Fires reduce soil fertility and harm farmers. |
| East Kalimantan | Mining & plantations | ±200,000 hectares are used for mining | Farmers lose land because mining is prioritized |
| Papua | Limited fertile land & infrastructure | – | Geographical conditions and minimal infrastructure make it difficult for farmers to access markets and technology. |

Source: Prepared by the Author

The main problem in realising transformative agricultural justice in Indonesia lies in structural inequities in land ownership and utilisation. In Indonesia, data from the Ministry of ATR/BPN and BPS shows that 68% of agricultural land is controlled by 1% of the population, mainly large corporations and elite groups (ATR/BPN, 2022). *Garem* farmers, farmers with a land area of <0.5 hectares, reach 56.01% of the total agricultural business households, according to BPS Agricultural Census, 2013, with an expected increase in 2023. The legal framework for agrarian reform is outlined in Article 33, paragraph (3) of the 1945 Constitution. This article

affirms the state's control over the land and natural resources for the greatest prosperity of the people. Additionally, this mandate is further defined in Law Number 5 of 1960 concerning the Basic Regulation of Agrarian Principles (UUPA).⁶ The government also issued Presidential Regulation Number 86 of 2018 concerning Agrarian Reform, which sets a target for land redistribution of 9 million hectares. However, its implementation faces serious obstacles. In 2023, the Agrarian Reform Consortium recorded 3,282 agrarian conflicts during the period 2013–2022, involving 1.8 million farming families and 6 million hectares of disputed land. Legal obstacles include overlapping sectoral regulations, such as the Forestry, Plantation, and Mineral Law, which lead to dual authority, weak HGU supervision, and a lack of transparency in verifying agrarian reform beneficiaries.⁷

France serves as a relevant comparator for Indonesian agricultural studies because of its effective agrarian policies. In 2020, France had 389,800 farms averaging 69 hectares each. The country regulates land distribution through SAFER, which has pre-emptive rights in land transactions, supported by strict antitrust regulations by the *Autorité de la Concurrence*.⁸ CAP subsidies, minimum price protections, and risk management schemes are strengthened with a clear legal framework, ensuring that over 50% of SAFER land can be designated for smallholders.⁹

In Indonesia, the implementation of agrarian policy is significantly behind despite using the same civil law tradition. In 2024, the Agrarian Reform Consortium reports that 6 million hectares of land are in dispute, with large corporations controlling 60% of agricultural land.¹⁰ Slow progress in agrarian reform is attributed to overlapping regulations, weak inter-agency coordination, and inadequate law enforcement. Learning from France's experience, strengthening a transparent legal framework and an effective land distribution

⁶ Carlos Parra-López et al., 'Promoting Digital Traceability in Agriculture: A Predictive Approach to Adoption and Policy Design in the Olive Sector', *Technological Forecasting and Social Change* 215 (June 2025): 124077, <https://doi.org/10.1016/J.TECHFORE.2025.124077>.

⁷ Eva Winter et al., 'Modelling Cow Longevity Policies: Impacts on GHG Emissions of the Swiss Agricultural Sector', *Agricultural Systems* 221 (December 2024): 104107, <https://doi.org/10.1016/J.AGSY.2024.104107>.

⁸ Philipp Mennig, 'Who Cares about Agriculture? Analyzing German Parliamentary Debates on Agriculture and Food with Structural Topic Modeling', *Food Policy* 130 (January 2025): 102788, <https://doi.org/10.1016/J.FOODPOL.2024.102788>.

⁹ Mostafa Moridi et al., 'Policy Insights for Drought Adaptation: Farmers' Behavior and Sustainable Agricultural Development', *Environmental and Sustainability Indicators* 26 (June 2025): 100603, <https://doi.org/10.1016/J.INDIC.2025.100603>.

¹⁰ Maria Bielza et al., 'Impacts of Reduced Livestock Density on European Agriculture and the Environment', *Agricultural Systems* 226 (May 2025): 104299, <https://doi.org/10.1016/J.AGSY.2025.104299>.

mechanism is essential for creating a more equitable and sustainable agricultural system. In Indonesia,¹¹

This research is essential and practical, focusing on the technical formulation, a comprehensive and transformative policy framework. This research identifies legal and regulatory gaps that exist between sectoral laws, such as plantation or forestry laws, and basic agrarian laws, which often trigger conflicts and limit farmers' access to resources.¹² Several studies have described agrarian conflicts and land inequality. First, Leon L et al analysed agrarian conflicts in Central Kalimantan, finding that the basic agrarian law has not achieved social justice, with significant ownership inequality between corporations and indigenous peoples fuelling conflicts. Second, Hamda Afsuri Saimar et al. studied land rights in Pasaman Regency, revealing ineffective land distribution due to corporate and elite dominance in the plantation business. Third, Suardin Rasyid highlights land tenure inequality in Dolo District, Sigi Regency, attributing this issue to the shift of land ownership and control from farmers to capital owners, which negatively affects the farmers' welfare. Fourth, Siswanto's study discusses corporate land ownership in Indonesia, revealing that "modern feudalism" arises from the government licensing without adequate consultation with the local community, leading to social injustice and environmental harm. Fifth, research by Rut Agia Aprilliani et al discusses land tenure inequality in Muaro Jambi Regency, showing that unresolved land disputes between corporations and local communities create legal uncertainty for the community.¹³

This study offers recommendations for innovative legal reforms to resolve agrarian conflicts between large corporations and certain elites with farmers.¹⁴ In addition, this study also compares Franc's agrarian policies, which Indonesia could adopt to create fairer agricultural policies that support farmers.¹⁵

¹¹ Miria Nakamya et al., 'An Environmental Tax to Promote and Sustain Biofuels and Climate Policy: The Potential for a Double Dividend in Agriculture-Dependent Economies', *Applied Energy* 388 (June 2025): 125671, <https://doi.org/10.1016/J.APENERGY.2025.125671>.

¹² Zhuang Zhang et al., 'Effects of Agricultural Subsidy Policy Adjustment on Carbon Emissions: A Quasi-Natural Experiment in China', *Journal of Cleaner Production* 487 (January 2025): 144603, <https://doi.org/10.1016/J.JCLEPRO.2024.144603>.

¹³ Shanelle M. Trail and Frank A. Ward, 'Uniting Agricultural Water Management, Economics, and Policy for Climate Adaptation through a New Assessment of Water Markets for Arid Regions', *Agricultural Water Management* 305 (December 2024): 109101, <https://doi.org/10.1016/J.AGWAT.2024.109101>.

¹⁴ Anna Yeritsyan et al., 'Policies Enhancing Agricultural Value Chains in Developing Countries: An Evidence Gap Map', *Journal of Agriculture and Food Research* 18 (December 2024): 101418, <https://doi.org/10.1016/J.JAFR.2024.101418>.

¹⁵ Lihua Hu et al., 'Sustainable Development of Cuban Agricultural Economy: Policy and Practice', *Sustainable Futures* 9 (June 2025): 100523, <https://doi.org/10.1016/J.SFTR.2025.100523>.

2. Research Method

This study uses a juridical-normative approach with a comparative method to analyse agrarian regulations and policies in Indonesia and France. The goal is to identify gaps and explore the adoption of the best practices.¹⁶ The researcher begins by identifying relevant regulations. In Indonesia, this includes the 1960 Basic Agrarian Law (UUPA), Law Number 18 of 2012 on food, and plantation and forestry regulations. In French, the study examines national agriculture policies, land distribution managed by SAFER, and the Common Agricultural Policy (CAP) of the European Union. This process involves tracing the national legal base, legal journals, and official documents from government and international institutions.¹⁷ The second step collects supporting data from secondary sources, including academic literature, scientific articles, and research reports from institutions such as FAO, the European Union, the Agrarian Reform Consortium (KPA), and the Central Statistics Agency (BPS).¹⁸

At this stage, the researcher reviews data on land distribution, farmer protection, and agrarian justice. Agrarian conflict statistics, land inequality data, and policy evaluation from both countries are prioritised for a comprehensive understanding of the issue.¹⁹ The third step is data analysis, conducted through three approaches. First, comparative analysis examines the agrarian law framework in Indonesia and France to identify similarities, differences, and advantages.²⁰ Second, descriptive-qualitative analysis explores trends in agrarian conflicts, land distribution mechanisms, and forms of legal protection for farmers. Lastly, a critical-normative analysis assesses how well the legal norms in both countries address agrarian justice and identifies the gap between written laws and their implementation.²¹ The fourth step is the synthesis of the analysis results. The researcher identified regulatory weaknesses in Indonesia and highlights positive aspects of the French

¹⁶ Elisa Biagetti et al., 'Assessing the Environmental Sustainability of Portuguese Agriculture', *Environmental Development* 55 (July 2025): 101209, <https://doi.org/10.1016/J.ENVDEV.2025.101209>.

¹⁷ 'The Increasing Relevance of Soil Science and Soil Security in a Changing Agricultural Policy Environment', *Soil Security* 19 (June 2025): 100192, <https://doi.org/10.1016/J.SOISEC.2025.100192>.

¹⁸ Ketema Zeleke and David J. Lockett, 'Irrigated Agricultural Production Dynamics in Response to Rainfall Variability and Water Policy Reforms in the Southern Murray-Darling Basin of Australia', *Agricultural Water Management* 315 (June 2025): 109539, <https://doi.org/10.1016/J.AGWAT.2025.109539>.

¹⁹ Lili Gu et al., 'Impacts of Policy-Related Agricultural Insurance on Farmers' Earnings in China's Major Grain-Producing Regions', *Finance Research Letters* 69 (November 2024): 106189, <https://doi.org/10.1016/J.FRL.2024.106189>.

²⁰ Na Li and Shengdong Li, 'Research on the LDA-ECD Based Support Policy for China's Agricultural Cold Chain Logistics', *Sustainable Futures* 9 (June 2025): 100460, <https://doi.org/10.1016/J.SFTR.2025.100460>.

²¹ Erica Chavez Santos et al., '"A Veces No Aguantas Lo Pesado Que Es El Trabajo": A Qualitative Study on Work Conditions, Labor and Social Policies, and Health among Latino Agricultural Workers in Washington State', *SSM - Qualitative Research in Health* 7 (June 2025): 100507, <https://doi.org/10.1016/J.SSMQR.2024.100507>.

system as a reference,²² such as SAFER's protection of farmers' land and CAP's fair subsidy distribution. This synthesis is not a direct copy of foreign practices but is adapted to Indonesia's social, economic, and political context.²³ The fifth step is formulating recommendations based on research findings for specific policy proposals. These include strengthening land distribution institutions, improving transparency in agrarian conflict resolution, and creating regulations that support smallholders.²⁴ Objectivity is maintained by verifying data through multiple sources, while validity is ensured by combining legal documents, statistical data, and academic studies, making results both theoretical and applicable to policy practice.²⁵

3. Results and Discussion

The Paradigm of Agricultural Justice from the Perspective of Economic Law

Agricultural justice in Indonesia is a crucial issue that requires attention, especially in relation to the inequality of land tenure and its use. The UUPA was intended to promote equitable land distribution and empower communities, but its implementation has fallen short.²⁶ A major criticism is of the ineffective land redistribution, which was meant to achieve agricultural justice. As a result, most productivity remains with a few elites and large corporations, leaving small farmers, the intended beneficiaries, marginalised.²⁷ Economic Law Theory is applied in agrarian policy by linking the rule of law with economic incentives that encourage efficient land use and fair distribution.²⁸ In the context of agrarian policy, laws provide certainty in land rights and create an efficient mechanism for

²² K. Anderson et al., 'Agricultural Policy: A Global View', *Reference Module in Food Science*, ahead of print, Elsevier, 1 January 2025, <https://doi.org/10.1016/B978-0-443-15976-3.00005-2>.

²³ Xi Chen et al., 'Same Soybean Policy, Different Responses of Agricultural Systems: Comparing Effectiveness of Cropping Pattern Adjusting in State Farms and Rural Household Farms of Heilongjiang, China', *Geography and Sustainability*, Elsevier, 23 June 2025, 100330, <https://doi.org/10.1016/J.GEOSUS.2025.100330>.

²⁴ Mariola Acosta et al., 'Gender-Responsiveness of Agricultural Policy: An Analysis in Low-and Middle-Income Countries', *Global Food Security* 44 (March 2025): 100837, <https://doi.org/10.1016/J.GFS.2025.100837>.

²⁵ Robert Huber et al., 'Farm Typologies for Understanding Farm Systems and Improving Agricultural Policy', *Agricultural Systems* 213 (January 2024): 103800, <https://doi.org/10.1016/J.AGSY.2023.103800>.

²⁶ Ahmet Bagci et al., 'Policy Support and Agricultural Greenhouse Gas Emissions in BRICS-T Countries: The Role of Financial Development, Markets, and Institutions', *Borsa Istanbul Review*, ahead of print, Elsevier, 10 May 2025, <https://doi.org/10.1016/J.BIR.2025.05.004>.

²⁷ Md Masud Rana et al., 'An Analysis of Factors Affecting Farmers' Capacity Building for Sustainable Rural and Agricultural Development in Bangladesh', *Regional Science Policy & Practice* 17, no. 8 (2025): 100202, <https://doi.org/10.1016/J.RSPP.2025.100202>.

²⁸ Linh Ngoc Ngo and Thi Quyen Tran, 'Gender Equity in Key Agricultural Policy Documents in Cambodia and Vietnam from 2001 to 2021', *Social Sciences & Humanities Open* 9 (January 2024): 100830, <https://doi.org/10.1016/J.SSAHO.2024.100830>.

dispute resolution. In addition, this theory helps develop policies that reduce land management transaction costs, such as clear and affordable land certification.²⁹

This approach presents significant problems in developing countries. When subsidies and protections are removed, local farmers, who often operate on a small scale and use traditional technology, struggle to compete with cheaper imports from subsidised developed countries.³⁰ As a result, many farmers are forced to sell their land to seek secure jobs, worsening economic inequality in rural areas and jeopardising the sustainability of traditional agrarian communities. While neoliberalism may appear efficient in theory, it often ignores the social and ecological dimensions of justice.³¹

Table 2: Indonesian Agriculture between Neoliberalism and Social Justice Approaches

| Perspective | Neoliberalism | Social Justice |
|-----------------------|---|---|
| Basic Principles | Emphasizes free markets, efficiency, and global competition | Prioritizing equality, protection of vulnerable groups, and land rights |
| General Policy | Trade liberalization, reduction of subsidies, privatization of land and agricultural facilities | Land redistribution, provision of equitable subsidies, and strengthening the rights of small farmers and indigenous communities |
| Beneficiary Party | Large companies, investors, exporters and large-scale business actors | Small farmers, indigenous peoples and local communities |
| Impact on Farmers | Smallholder farmers are marginalized, land ownership gaps are widening, and dependence on global markets is increasing. | Wider land access, guaranteed social protection, and stronger local food sovereignty |
| Practice in Indonesia | Liberalization of food imports, industrialization of palm oil, reduction of fertilizer subsidies | Agrarian reform, social forestry programs, subsidies and food price stabilization |
| Main Challenges | Widening social disparities and threatening domestic food security | Implementation is slow, prone to land conflicts, and faces resistance from elites and large corporations. |

Source: prepared by the author

The neoliberal approach emphasises principles of the free market, efficiency, and global competition, promoting trade liberalisation, subsidy reductions, and

²⁹ Junyu Zhang and Matt Drury, 'Sustainable Agriculture in the EU and China: A Comparative Critical Policy Analysis Approach', *Environmental Science & Policy* 157 (July 2024): 103789, <https://doi.org/10.1016/j.ENVSCI.2024.103789>.

³⁰ Alba Gutiérrez Domínguez et al., 'Natural Language Processing of Social Network Data for the Evaluation of Agricultural and Rural Policies', *Journal of Rural Studies* 109 (July 2024): 103341, <https://doi.org/10.1016/j.JRURSTUD.2024.103341>.

³¹ Aleksandra Martinovska Stojcheska et al., 'Western Balkans Agriculture and Rural Development Policy in the Context of EU Integration - The Case of Albania and North Macedonia', *Regional Science Policy & Practice* 16, no. 8 (2024): 100049, <https://doi.org/10.1016/J.RSPP.2024.100049>.

the privatisation of agricultural resources.³² While large corporations and investors benefit, smallholder farmers often face marginalisation, land tenure inequality, and dependence on global markets. In Indonesia, this is evident in the liberalisation of food imports, the corporatisation of palm oil, and reduced fertiliser subsidies.³³

In contrast, the social justice approach prioritises equity, protecting vulnerable groups, and recognising land rights. Key policies include land redistribution, fair subsidies, and strengthening the rights of smallholders and indigenous peoples.³⁴ The benefits include improved land access, social protection, and local food sovereignty. In Indonesia, examples include agrarian reform, social forestry, and grain subsidies with price protection. However, challenges include slow implementation, land conflicts, and resistance from elites and large corporations.³⁵

Since the end of the 20th century, neoliberalism has impacted France's agricultural sector, in line with EU policies promoting market liberalisation and reduced domestic subsidies.³⁶ This has prompted French farmers to compete at the international level, leading to various adjustment policies such as the reduction of direct subsidies, the flexibility of the agricultural workforce, and the encouragement to make French agriculture more oriented towards exports and industrialisation. The agribusiness model is starting to replace the traditional family farming model, where economies of scale and efficiency serve as the measures of success.³⁷

³² Mascha Gugganig, 'Fixing Sustainability through Technoscience and Diversity: The Case of EU Agriculture Policy', *Environmental Science & Policy* 171 (September 2025): 104121, <https://doi.org/10.1016/j.ENVSCI.2025.104121>.

³³ Sergio Colombo et al., 'Analysis of the Environmental and Economic Performance of Common Agricultural Policy Eco-Schemes in Soil Organic Carbon Sequestration', *Ecological Economics* 220 (June 2024): 108183, <https://doi.org/10.1016/j.ECOLECON.2024.108183>.

³⁴ Sonia Gómez Quiroga et al., 'Do Common Agricultural Policy Subsidies Matter for the Market-Environment Trade off? An Evaluation of R&D Objectives and Decisions across Farmers', *Journal of Agriculture and Food Research* 15 (March 2024): 101047, <https://doi.org/10.1016/j.JAFR.2024.101047>.

³⁵ Norbert Röder et al., 'What Is the Environmental Potential of the Post-2022 Common Agricultural Policy?', *Land Use Policy* 144 (September 2024): 107219, <https://doi.org/10.1016/j.LANDUSEPOL.2024.107219>.

³⁶ Pascal Grohmann and Peter H. Feindt, 'Realigning State-Farmer Relations in Agricultural Post-Exceptionalism: Direct Payment Implementation in the Common Agricultural Policy Post-2022 in Germany', *Journal of Rural Studies* 110 (August 2024): 103363, <https://doi.org/10.1016/j.JRURSTUD.2024.103363>.

³⁷ Adriana Hološková et al., 'Using the EU's Common Agricultural Policy to Improve the Habitat for Farmland Birds in Landscapes with Excessively Large Arable Fields: Buffer Strips in Slovakia', *Agriculture, Ecosystems & Environment* 381 (April 2025): 109461, <https://doi.org/10.1016/j.AGEE.2024.109461>.

Table 3: The Application of Neoliberalism and Social Justice in France Agriculture

| Sector | Neoliberalism Approach | Social Justice Approach |
|-------------------------------------|--|---|
| Market and Trade | Liberalization of food exports and imports in accordance with European Union and WTO regulations | Setting a floor price to maintain the value of local products |
| Ownership and Business Structure | Large companies like InVivo and Limagrain dominate the supply chain. | Support for family farming through access to credit and regeneration of young farmers |
| Subsidies and Assistance | CAP reform reduces volume-based subsidies, favoring large landowners | Green payment scheme for smallholder farmers who implement environmentally friendly practices |
| Access to Land | Land market is open to investment and speculation | SAFER regulates land transactions to keep them affordable for small farmers. |
| Crisis Response and Social Security | Subsidies are adjusted to global market mechanisms | Direct assistance and social protection during price crises or crop failures |

Source: prepared by the author

In the neoliberal system, the food market operates under the rules of the European Union or WTO, allowing for liberalised exports and imports. Business structures are dominated by large corporations such as InVivo and Limagrain, which control the supply chain.³⁸ The Common Agricultural Policy (CAP) reform reduces production-based subsidies, favouring large landowners, and aligns subsidy adjustments with global market mechanisms. While social protection responds to price crises or crop failures, it retains a market-oriented focus. In contrast, a social justice approach protects the price of local products through base prices for vital commodities and strongly supports family farms through credit and the regeneration of young farmers. The subsidy is directed toward a "green payment" scheme for smallholders practising sustainable farming. access SAFER strictly regulates to keep it affordable for small farmers and prevent speculation. During a crisis, direct assistance and social security help support the survival of farmers.³⁹

An evaluation of agrarian reform policies in Indonesia shows that, despite their noble goals, implementation continues to encounter numerous challenges. Inequality in land tenure, agrarian conflicts, and lack of legal protection for farmers are the main obstacles to realising social justice.⁴⁰ On the contrary, France shows that with strong legal protections and consistent government support, agrarian reform can improve farmers' welfare and stabilise the agricultural sector. Indonesia can learn from this by strengthening legal protections and effectively implementing agrarian reform. To achieve justice for farmers, Indonesia should

³⁸ Bernadetta Ortyl et al., 'Trends and Drivers of Land Abandonment in Poland under Common Agricultural Policy', *Land Use Policy* 147 (December 2024): 107353, <https://doi.org/10.1016/J.LANDUSEPOL.2024.107353>.

³⁹ Daniel van der Velden et al., 'Governance by Satellite: Remote Sensing, Bureaucrats and Agency in the Common Agricultural Policy of the European Union', *Journal of Rural Studies* 114 (February 2025): 103558, <https://doi.org/10.1016/J.JRURSTUD.2024.103558>.

⁴⁰ Ralf Nordbeck et al., 'The Integration of Peatlands into the EU Common Agricultural Policy: Recent Progress and Remaining Challenges', *Environmental Science & Policy* 169 (July 2025): 104077, <https://doi.org/10.1016/J.ENVSCI.2025.104077>.

simplify bureaucracy, increase legal protection, and empower farmers comprehensively.⁴¹

Table 4: Comparison of Agrarian Reform in Indonesia and France

| Dimensions | Indonesia | France |
|--------------------|--|---|
| Main Objective | Land redistribution and farmer empowerment | Providing legal protection for farmers and maintaining the stability of the agricultural sector |
| Implementation | Often hampered by bureaucracy and agrarian conflicts | Supported by consistent legal policies and subsidy systems |
| Legal basis | Weak; many farmers do not have land ownership certificates | Land rental contracts are strong and protected by law |
| Potential Conflict | The high number of recurring land disputes | Conflict is relatively low because the legal system guarantees farmers' rights better. |
| Role of Government | Limited; more emphasis on infrastructure development | Very strong; realized through subsidies and clear legal protection |

Source: Prepared by the Author

In Indonesia, the main goal is land redistribution and farmer empowerment. However, its implementation is often hampered by bureaucracy, agrarian conflicts, and weak coordination between agencies.⁴² Farmers face legal protection and often lack land certificates, making them vulnerable to losing their land access. Agrarian conflicts frequently arise from land disputes between large companies and local communities, with government support mainly directed toward infrastructure development rather than strengthening farmers' positions directly. In contrast, in France, agricultural policy aims to provide legal protection for farmers and ensure the stability of the agricultural sector. Policy implementation is consistent and supported by a clear legal framework along with subsidy programs. Strong legal protections, including regulated land lease contracts, ensure that farmers' rights remain protected. The rate of agrarian conflict is low because the legal system is effective in resolving disputes. Government support is significant, including subsidies, price protection, and policies that ensure the sustainability of farming.⁴³

Agrarian reform in Indonesia primarily concentrates on asset management, especially land redistribution and certification. However, it has not fully addressed the access arrangement. Farmers who receive land often do not receive assistance, business capital, market access, or modern agricultural technology. As

⁴¹ Maheshwaran Govender et al., 'Toward Blue Justice in Blue Growth: Insights from Local Discourses on Coastal Megaprojects in Bangladesh', *Ocean & Coastal Management* 269 (October 2025): 107766, <https://doi.org/10.1016/J.OCECOAMAN.2025.107766>.

⁴² Hannah Byrne O'Morain and David Robbins, 'Policy and Politics: How Specialist Farming Media Frame Climate Action', *Journal of Rural Studies* 111 (October 2024): 103396, <https://doi.org/10.1016/J.JRURSTUD.2024.103396>.

⁴³ Moritz Albrecht et al., 'Imagines of Blue Transformations: Just Seaweed Narratives in European Union and Indonesian Seaweed Farming Policies', *Marine Policy* 178 (August 2025): 106728, <https://doi.org/10.1016/J.MARPOL.2025.106728>.

a result, their low productivity hinders their escape from poverty. Dewi Kartika, Secretary General of the Agrarian Reform Consortium (KPA), highlighted the state's insufficiency for small farmers. In various cases, the state intends to protect large-scale investments over farmers. He emphasised that agrarian reform should return to its original spirit, realising social justice for farmers and small communities.⁴⁴

UUPA No. 5 of 1960 is the main legal framework for agrarian regulation in Indonesia, realising the principle of "land for the greatest prosperity of the people," but it has yet to provide adequate justice for smallholders.⁴⁵ Derivative regulations, including government regulations and technical policies, often favour large business actors and large-scale investments. This creates a gap between the ideals of the UUPA and the reality on the ground, where smallholders struggle to access land due to national strategic projects or long-term concessions to corporations.⁴⁶

Legal protection for smallholders is also inadequate, especially in preventing land grabbing and the massive conversion of productive agricultural land. Government Regulation Number 1 of 2011 concerning the Determination and Conversion of Sustainable Food Crop Land aims to maintain the sustainability of agriculture land, but its enforcement is frequently compromised non-agricultural investment interests.⁴⁷ Similarly, Law Number 22 of 2019 concerning Sustainable Agricultural Cultivation Systems provides a framework for sustainability agricultural ecosystems, but its effectiveness is limited by weak supervision and insufficient protection for smallholders in the agribusiness value chain.⁴⁸

Richard Posner's legal economic theory highlights an imbalance between efficiency and justice. Posner emphasised that fair distribution is both a moral issue and an instrument to maximize economic efficiency.⁴⁹ In the agrarian

⁴⁴ Sébastien Bainville et al., 'Workload and Remuneration on Farms in the South of France: The Uncertain Future of Agroecology', *Journal of Rural Studies* 116 (May 2025): 103588, <https://doi.org/10.1016/J.JRURSTUD.2025.103588>.

⁴⁵ Olga De Cos et al., 'GIS Multi-Threat Models for Agricultural Land in the Nouvelle-Aquitaine Region (France). A Methodology of Composite Indicators to Support Targeted Policies', *Land Use Policy* 155 (August 2025): 107589, <https://doi.org/10.1016/J.LANDUSEPOL.2025.107589>.

⁴⁶ Beatrice Schüpbach and Sonja Kay, 'Validation of a Visual Landscape Quality Indicator for Agrarian Landscapes Using Public Participatory GIS Data', *Landscape and Urban Planning* 241 (January 2024): 104906, <https://doi.org/10.1016/J.LANDURBPLAN.2023.104906>.

⁴⁷ Rolf Derpsch et al., 'Nature's Laws of Declining Soil Productivity and Conservation Agriculture', *Soil Security* 14 (March 2024): 100127, <https://doi.org/10.1016/J.SOISEC.2024.100127>.

⁴⁸ Salman Ijaz et al., 'Robust Adaptive Control Law Design for Enhanced Stability of Agriculture UAV Used for Pesticide Spraying', *Aerospace Science and Technology* 155 (December 2024): 109676, <https://doi.org/10.1016/J.AST.2024.109676>.

⁴⁹ Nikolay Anguelov and William Ash, 'How the GATT Agreement on Agriculture Shifted Pollution from Its Richer to Poorer Members: Implications for Sustainability Mandates of Trade

context, government efforts to increase the economic value of land through large projects often overlook the effects on small communities. Distribution injustice can reduce long-term productivity, weaken incentives, and cause social instability.⁵⁰

Therefore, there is a need for policy reforms that prioritise land distribution, food land protection, and access to resources. By balancing efficiency and justice, as Posner intended, Indonesia's agrarian law could serve as a powerful tool to foster inclusive and sustainable economic growth.⁵¹ To address this issue, it needs a firmer agrarian law reform that ensures fair and transparent law enforcement. The government should enhance access to financing for smallholders through inclusive and affordable schemes, as only 35% of smallholders have such access.⁵² Additionally, consistent land redistribution is essential to ensure that agrarian reform policies truly reach smallholders and indigenous communities. By applying the principles of Posner's theory, these reforms can create a more efficient and equitable agrarian system and promote the welfare of smallholder farmers and the sustainability of Indonesia's agricultural economy.⁵³

Comparative Analysis of Economic Law Policy Between Indonesia and France

Economic law policy in Indonesia aims to foster a healthy, fair, and competitive economic environment through a legal framework that supports economic growth and stability.⁵⁴ Indonesia has several branches of power, including the legislature, executive, judiciary, and independent institutions, each of which plays a crucial role in overseeing economic law policies.⁵⁵ Meanwhile, economic law policy in France is characterised by a strong *civil law* system, an active state role in the

Agreements', *World Development Sustainability* 4 (June 2024): 100151, <https://doi.org/10.1016/J.WDS.2024.100151>.

⁵⁰ Jun He et al., 'Crop Booms at Subtropic Frontiers: Smallholder Coffee Production and Agrarian Change in Southwest China', *Journal of Rural Studies* 118 (August 2025): 103672, <https://doi.org/10.1016/J.JRURSTUD.2025.103672>.

⁵¹ Vaishnavi Tripuraneni and Paul Robbins, 'Credit in Agrarian India: Narrative Policy Struggles over Farmer Surplus', *Geoforum* 155 (October 2024): 104081, <https://doi.org/10.1016/J.GEOFORUM.2024.104081>.

⁵² Maria del Pilar Lopez-Urbe and Fabio Sanchez Torres, 'Ideology and Rifles: The Agrarian Origins of Civil Conflict in Colombia', *World Development* 173 (January 2024): 106387, <https://doi.org/10.1016/J.WORLDDEV.2023.106387>.

⁵³ Chris Seijger and Petra Hellegers, 'How Do Societies Reform Their Agricultural Water Management towards New Priorities for Water, Agriculture, and the Environment?', *Agricultural Water Management* 277 (March 2023): 108104, <https://doi.org/10.1016/J.AGWAT.2022.108104>.

⁵⁴ Jordi Domènech et al., 'Land Reform and Agrarian Socialism in Interwar Europe: Evidence from 1930s Spain before Civil War', *Explorations in Economic History* 94 (October 2024): 101618, <https://doi.org/10.1016/J.EEH.2024.101618>.

⁵⁵ Grasian Mkodzongi and Joseph Mujere, 'Agrarian Transformation and Artisanal and Small-Scale Chrome Mining on Zimbabwe's Great Dyke Geological Formation', *Journal of Rural Studies* 117 (July 2025): 103675, <https://doi.org/10.1016/J.JRURSTUD.2025.103675>.

economy (*économie mixte*), and integration with European Union (EU) law.⁵⁶ Its institutional framework for implementing economic law policies is similar to Indonesia's, featuring legislative institutions, executive institutions, judicial institutions, and independent institutions.⁵⁷

Every year, the French government submits a draft Budget *Bill*, which is reviewed by the finance commission during a plenary meeting process that has a set deadline. If not approved in time, the government can implement it by special decree.⁵⁸ Parliament exercises oversight functions (*contrôle parlementaire*) through oral and written questions to ministers, annual economic policy debates, parliamentary committees of inquiry (*commissions d'enquête*), and audits conducted by the *Cour des comptes* (state audit), which reports to parliament.⁵⁹

Table 5: Comparison of Legislative Institutional Mechanisms between Indonesia and France

| Field | Indonesia (DPR and DPD) | France (Assemblée Nationale and Senate) |
|------------------------------|--|--|
| Regulatory Formation Process | Drafting through the National Legislation Program, joint discussions with the government, then ratified and proclaimed by the President | Bills are submitted by the government (<i>projets de loi</i>) or parliament (<i>propositions de loi</i>), discussed in thematic commissions, and then forwarded to the other chamber. If there are differences, a joint committee mediates before the president approves them. |
| Budgeting | The APBN plan is discussed with the government, determining allocations for infrastructure, MSMEs, subsidies, etc. | The government submits a draft Budget Law, which is discussed by the Finance Commission, and passed within the specified time limit. |
| Supervisory Function | Working meetings with ministers, formation of special/working committees, right of interpellation, right of investigation, and right to express opinions regarding economic policies | Oral/written questions to ministers, annual debate on economic policy, the creation of commissions d'enquête, as well as budget audits by the <i>Cour des comptes</i> which are reported to parliament |

Source: Prepared by the Author

Public Works (PU) has a direct link to justice for farmers, especially in the provision and management of infrastructure that supports the agricultural sector. Theoretically, it operates under state administrative law focusing on *rechtmatigheid*

⁵⁶ Jan W. Arntzen, 'Decadal Data Reveal Declines, Not Species Replacement, of Salamanders under Agrarian Reform', *Global Ecology and Conservation* 59 (June 2025): e03567, <https://doi.org/10.1016/J.GECCO.2025.E03567>.

⁵⁷ Tarik Cuchi et al., 'Contributions to a Global Understanding of Socioenvironmental Justice Related to Urban Forest: Trends from Brazilian Cities in the Southeastern Paraná State', *Urban Forestry & Urban Greening* 95 (May 2024): 128322, <https://doi.org/10.1016/J.UFUG.2024.128322>.

⁵⁸ Thanh Tiep Le et al., 'Circular Economy and Social Life Cycle Assessment: The Role of Corporate Renewable Energy Strategies, Environmental Justice, and Environmental Impacts', *Journal of Cleaner Production* 485 (December 2024): 144387, <https://doi.org/10.1016/J.JCLEPRO.2024.144387>.

⁵⁹ Matthew Grimley et al., 'Processes of Power: Transitions and Justice of Energy Infrastructure in Minnesota', *Energy Research & Social Science* 111 (May 2024): 103458, <https://doi.org/10.1016/J.ERSS.2024.103458>.

(legal compliance) and *doelmatigheid* (utility).⁶⁰ This principle requires that infrastructure projects, such as irrigation, farm roads, dams, and waterways, should be designed not only in accordance with regulation but also to provide tangible benefits to farmers. Good governance theory requires that the process should be transparent, accountable, inclusive of farmers' participation, and effective in addressing the problem of inequality in access to resources.⁶¹

The legal basis for Public Works Law includes Law No. 2 of 2017 on Construction Services and Law No. 38 of 2004 on Roads. Additionally, in the agricultural sector, Government Regulation No. 1 of 2011 on the Determination and Conversion of Sustainable Food Crop Land and Law No. 22 of 2019 on Sustainable Agricultural Cultivation Systems affirm the government's obligation to maintain land sustainability and provide supporting infrastructure. However, implementation often favours a bias towards the interests of large investments, leading to unequal access to and benefits from infrastructure for smallholders.⁶²

The policy formation mechanism for Public Works in the agricultural sector begins from planning in the Prolegnas and RPJMN, followed by budgeting through the State Budget, and concludes with oversight from the DPR and BPK.⁶³ In this stage, justice for farmers can be achieved if budget allocations and project priorities genuinely focus on the infrastructure they require. Without effective oversight, PU projects risk benefiting only a select few and may neglect the rights of smallholders.⁶⁴ Therefore, Public Works Regulations should not only serve as a technical guide but also as an instrument of equitable distribution of benefits. This ensures that farmers receive proper infrastructure support, helping to achieve a balance between economic efficiency and social justice.⁶⁵

The government formulates economic policies based on the President's program, international recommendations (including European Union, IMF, and

⁶⁰ Majid Labbaf Khaneiki et al., 'Groundwater Allocation and the Question of Justice in Iran's Rural Communities', *Journal of Arid Environments* 229 (August 2025): 105370, <https://doi.org/10.1016/J.JARIDENV.2025.105370>.

⁶¹ Gisele Milare et al., 'Burned Area Occurrence in Agrarian Reform Settlement Projects in the Matopiba Region, Brazil', *Applied Geography* 166 (May 2024): 103243, <https://doi.org/10.1016/J.APGEOG.2024.103243>.

⁶² Lyn Ossome, 'Gender and Development in the Agrarian South', *World Development* 188 (April 2025): 106876, <https://doi.org/10.1016/J.WORLDDEV.2024.106876>.

⁶³ Virginia Courdin et al., 'Crossed Views on Land Policies in Uruguay and France: What Challenges Do the Current Agrarian Dynamics Pose?', *Journal of Rural Studies* 118 (August 2025): 103690, <https://doi.org/10.1016/J.JRURSTUD.2025.103690>.

⁶⁴ David Brown et al., 'Conceptualising Rural Environmental Justice in Europe in an Age of Climate-Influenced Landscape Transformations', *Journal of Rural Studies* 110 (August 2024): 103371, <https://doi.org/10.1016/J.JRURSTUD.2024.103371>.

⁶⁵ Poonam Pandey et al., 'Bridge-Building Practices for Holistic Vision of Agrarian-Rural Societies in India and Spain', *Journal of Rural Studies* 106 (February 2024): 103196, <https://doi.org/10.1016/J.JRURSTUD.2023.103196>.

OECD), and insights from technical and statistical institutions such as INSEE and the Central Bank.⁶⁶ The draft policy can be a *Bill de loi* submitted to parliament, Government Regulations (*Décrets*) for the technical law implementation, and Ministerial Regulations (*Arrêtés*). Economic law policies is implemented by central administrative authorities and special agencies like ANSSI (digital sector) and DGFIP (fiscal matters). This includes tax withdrawals, budget expenditures, economic incentive programs, trade regulations, labour policies, the financial sector oversight, and foreign investment.⁶⁷

Table 6: Comparison of Executive Institutions between Indonesia and France

| Dimensions | Indonesia (President) | France (President & Prime Minister) |
|-----------------------------------|---|--|
| Implementation of Economic Policy | The Ministry of Finance regulates fiscal and tax matters; the Ministry of Trade manages trade regulations; the Ministry of Investment facilitates investment; the Ministry of State-Owned Enterprises regulates the state's role in state-owned enterprises; and the Ministry of Cooperatives and SMEs supports small businesses. | The Ministry of Economy, Finance, and Recovery (Ministère de l'Économie, des Finances et de la Relance) oversees fiscal, industrial, investment, and business regulation. It includes DGFIP (taxation), INSEE (statistics & macroeconomics), and DGCCRF (financial & consumer regulation). |
| Economic Innovation Development | The Digital Indonesia Vision 2045 and Making Indonesia 4.0 programs focus on digital MSMEs, digital public services, and e-commerce. Supported by the OSS (online licensing) system, e-budgeting, and e-procurement. | The La French Tech program builds a startup ecosystem with funding, accelerators, incubators, and global promotion. France 2030 focuses on digital transformation in the manufacturing, energy, agriculture, mobility, and artificial intelligence industries. |
| Strategic Approach | Focus on digital inclusion and strengthening basic infrastructure (characteristics of developing countries) | Emphasizes cutting-edge technology and digital sovereignty (characteristics of developed countries) |

Source: Prepared by the Author

Based on the table, executive functions in Indonesia significantly influence economic and agricultural policies. The Ministry of Finance regulates fiscal and tax policies, the Ministry of Trade sets trade regulations, the Ministry of Investment promotes investment, the Ministry of SOEs manages state assets for infrastructure projects, and the Ministry of Cooperatives and MSMEs supports small businesses, including farmers.⁶⁸ The government has launched initiatives

⁶⁶ Maribeth Cuevas Jadina et al., 'The Unfinished Implications of "Finished" Land Reform: Local Experiences of the Comprehensive Agrarian Reform Program in Leyte, Philippines', *Land Use Policy* 157 (October 2025): 107658, <https://doi.org/10.1016/J.LANDUSEPOL.2025.107658>.

⁶⁷ Surulola Eke et al., 'Transnational Capital and the Scramble for Land and Profit: Financialization, Agrarian Development, and Resource Conflict in Africa', *World Development* 194 (October 2025): 107076, <https://doi.org/10.1016/J.WORLDDEV.2025.107076>.

⁶⁸ Annemarieke de Bruin et al., 'Perceived Justice of the Dutch Food System Transition', *Journal of Rural Studies* 117 (July 2025): 103669, <https://doi.org/10.1016/J.JRURSTUD.2025.103669>.

like the Online Single Submission (OSS), e-budgeting, and the Making Indonesia 4.0 program. However, data from the Ministry of Communication and Informatics in 2023 shows that internet penetration in rural areas has only reached around 62%, limiting farmers' ability to utilise OSS and e-commerce effectively.⁶⁹

Social welfare law theory argues that the law should benefit the wider community, especially vulnerable groups such as smallholders.⁷⁰ This theory mandates that public policies, including those from executive agencies, ensure a fair distribution of benefits. In the context of agriculture, UUPA No. 5 of 1960 affirms the principle of "land for the greatest prosperity of the people," while Government Regulation No. 1 of 2011 protects Sustainable Food Agricultural Land (LP2B), and Law No. 22 of 2019 regulates sustainable cultivation systems. However, the Ministry of ATR/BPN (2022) reports that over 600,000 hectares of productive agricultural land have been converted for other uses in the past decade, indicating the weak implementation of these legal protections.⁷¹

In line with Aristotle's theory of distributive justice, the distribution of infrastructure, technology, and resources for farmers should be based on their needs and contributions. However, a significant gap remains, as larger businesses often have better access to these resources. Learning from the French model outlined in France 2030, where the digitalisation of the agricultural sector is a national priority, Indonesia should integrate public policy, economy, and digitalisation. This integration is to ensure equal access for smallholders, promoting both efficiency and fairness, as emphasised in Posner's theory of economic law.

Aristotle's theory of distributive justice suggests that the benefits of development and economic policies should be allocated based on community needs. Similarly, Posner's theory of economic law states that fair distribution is both moral and improves long-term efficiency. In Indonesia, over the past decade, data from the Ministry of ATR/BPN (2022) shows more than 600,000 hectares of productive agricultural land have repurposed functions, leading to disputes that are often escalated to PTUN. The absence of a special court makes the resolution process slow and costly, disadvantaging smallholders with limited resources.

⁶⁹ Annika Lonkila et al., 'Just Destabilisation? Considering Justice in the Phase-out of Peat', *Environmental Innovation and Societal Transitions* 52 (September 2024): 100867, <https://doi.org/10.1016/j.eist.2024.100867>.

⁷⁰ Chian Woei Shyu and Tzu I. Yang, 'Socio-Technical Tensions from Community Acceptance, Energy Transition, and Energy Justice: Lessons from Solar Photovoltaic Projects in Taiwan', *Applied Energy* 384 (April 2025): 125415, <https://doi.org/10.1016/j.apenergy.2025.125415>.

⁷¹ Lisa Darmet and Cécile Barnaud, 'What Is the Future of Pastoral Livestock Farming in the Context of Climate Change? An Environmental Justice Analysis of Contested Discursive Justifications of Pastoralism in the Pyrenees', *Journal of Rural Studies* 117 (July 2025): 103654, <https://doi.org/10.1016/j.jrurstud.2025.103654>.

In France, the European Union's Politique Agricole Communautaire (PAC) allocates around €9 billion annually in subsidies to farmers, prioritising small and medium-sized farmers. These funds are rigorously audited by the *Cour des Comptes* to prevent misuse. This system demonstrates how effective fiscal policy, judiciary, and supervision, with judicial institutions ensuring legal compliance and accountability in budget use. To strengthen justice for farmers in Indonesia, the country should consider institutional reform that establishes a special agrarian court focused on agricultural economics. This approach should be accompanied by a fiscal supervision system similar to the French model. These changes would enhance legal protections and promote a fairer distribution of benefits among farmers.

The influence of EU law in France is significant, as the country must comply with various regulations. These include EU Competition Law on anti-monopoly issues and mergers; EU Internal Market Regulation, which governs the free movement of goods, services, capital, and labour; and EU State Aid Rules, which impose restrictions on subsidies to prevent market distortion. France is constantly adapting national laws to EU regulations and directives. In cases of non-compliance with these regulations, the European Court of Justice (ECJ) has the authority to mandate corrections of national law.

Institutional Transformation and the Challenge of Fair Economic Laws for Farmers

Indonesia already has a solid legal foundation with the Basic Agrarian Law (UUPA) No. 5 of 1960, which regulates the principles of the social function of land, and Law No. 18 of 2012 on Food, which guarantees food availability and access. However, as Roscoe Pound explains in the concept of law in action, having legal norms is insufficient if implementation is hindered by institutional weaknesses. Data from the Agrarian Reform Consortium (KPA) for 2023–2024 reveal significant land ownership disparities: about 60% of agricultural land is controlled by large corporations, and 9 million hectares of abandoned land have not been distributed to smallholder farmers. In one extreme case, a single family holds 1.8 million hectares of land. This situation contradicts the principle of the social function of land regulated in Article 6 of the UUPA, which mandates that land be utilised for the benefit of the people.

The Ministry of Agrarian and Spatial Planning/National Land Agency (ATR/BPN) faces significant challenges in implementing the Agrarian Reform program. The presence of layered bureaucracy, overlapping regulations, inaccurate land data, and low transparency significantly slows down the process of land redistribution. This situation reflects the implementation gap described by Pressman and Wildavsky, which highlights the gap between policy objectives and actual outcomes on the ground. In addition, the issue of elite capture, as described

by Platteau, is evident; those with political and economic power can manipulate redistribution programs to serve their personal or group interests.

Problems arise not only in land distribution but also in access to financing. The People's Business Credit (KUR) program, intended to help small farmers, often benefits large farmers or those with existing capital. Banks tend to prioritise debtors, financially secure borrowers, leaving smallholders struggling with complex administrative requirements and challenging collateral demands. This shows the banking sector's inadequate support for financial inclusion among smallholders. In comparison, France has more effective institutional mechanisms for managing agrarian policies. One example is SAFER (*Société d'Aménagement Foncier et d'Établissement Rural*), an institution that has the pre-emptive right to purchase agricultural land. This land is then allocated to smallholders in need. Over 50% of the land managed by SAFER has been successfully redistributed to smallholders. This policy aligns with the principle of agrarian justice, which emphasises equal access to production resources.

France implements the European Union's Common Agricultural Policy (CAP) to distribute agricultural subsidies in a transparent, accountable, and targeted manner. Oversight by independent institutions such as the *Autorité de la Concurrence* prevents monopolistic or cartel practices in the agricultural sector. From the perspective of good governance theory, the system in France reflects good governance due to its transparency in distribution, accountability in implementation, solid cross-agency coordination, and consistent law enforcement. This difference highlights that Indonesia's main weakness is not a lack of legal norms, but rather weak institutional governance. In contrast, France shows that the success of economic law policies is largely determined by strong institutions, effective coordination between agencies, the existence of independent supervisory bodies, and the simplified procedures that facilitate for smallholder farmers.

Responsive law theory, as proposed by Nonet and Selznick, suggests that Indonesia's legal system is largely at the stage of autonomous law or repressive law, characterised by formalistic political implementation that struggles to meet community needs. Meanwhile, France operates at the stage of responsive law, prioritising social justice and equitable distribution of policy benefits. This gap can also be analysed through the welfare state theory, which holds that the state has a responsibility to uphold positive obligations that ensure the economic rights of its citizens, including smallholder access to land, capital, and markets. In practice, Indonesia has not fully met this obligation due to institutional weaknesses that allow for abuse of authority, corruption, and exclusion of vulnerable groups.

Institutional transformation in Indonesia is essential for achieving agrarian justice. Recommended reforms include restructuring the land bureaucracy to streamline excessive procedures and establishing independent supervisory bodies with powers similar to SAFER to secure land for smallholders. Additionally

digitizing land data can help prevent disputes and manipulation. Furthermore, reforming access to finance is necessary to make KUR requirements more inclusive, and there should be strict enforcement of agrarian laws to prevent land tenure that violates the principles of social function.

Without these reforms, economic law policies that already have strong legal legitimacy will only exist as norms on paper. In the context of development law theory, institutional reform is not just an option; it is essential for the law to effectively serve as an instrument of social change. According to the theory of good governance, establishing transparent, accountable, and participatory governance is crucial to ensure that policies truly support smallholders. The lessons learned from France show that the success of economic law policies depends not only on the content of the rules but also on the quality of the institutions that implement them. The four essential pillars for effective policies are inter-agency coordination, independent oversight, transparency, and straightforward procedures. These elements help ensure that policies support those who have been marginalised. For Indonesia, transforming institutions is a path to achieving real agrarian justice, rather than merely relying on policy rhetoric.

4. Conclusion

This study concludes that Indonesia's agrarian sector still faces serious problems such as land vacancy, policy overlap, and weak legal regulations. The concentration of land among large corporations and elites leads to agrarian conflicts and marginalises small farmers. Agrarian reform is hindered by bureaucratic complexities, lack of coordination, and insufficient supervision, with legal protections being inadequate. In contrast, France demonstrates effective agrarian governance through its structured institutions, strict oversight, and transparent subsidy distribution via CAP and the SAFER institution. These practices help regulate the land market, protect smallholders' rights, and ensure equitable resource distribution. To emulate this success, Indonesia should strengthen its institutions, improve land market regulation, and enhance farmers' access to capital, technology, and markets. The recommendations of this study include simplifying licensing, enforcing laws rigorously, and designing subsidy policies that favour smallholders. Reforms should aim for land redistribution, while ensuring access to the production means, funding, and markets. These steps are expected to promote fair and sustainable development in the agrarian sector while benefiting smallholders and indigenous peoples, aligning with the initial goals of agrarian reform.

Acknowledgement

The author expresses his deepest appreciation and gratitude to the Rector of the State Islamic Institute (IAIN) Parepare for their moral support throughout this research process. Appreciation is also conveyed to the Chairman of the Institute for Research and Community Service (LP2M), IAIN Parepare for providing research funding. Special thanks are given to fellow lecturers their valuable input, suggestions, and constructive criticism, all of which were essential to the completion of this research.

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