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Realizing Food Self-Sufficiency Based on *Syirkah bi al-Muzāra'ah* Contract in Nusantara Capital City; A Proposal

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Abstract

This research focuses on the situation of food needs in the new National Capital due to the increasing number of population movements. Its purpose is to analyze the role of the government in realizing proposed food self-sufficiency based on *syirkah bi al-muzāra'ah* scheme in the Nusantara Capital City area. It used an empirical juridical method that examines the correlation between the principles of sharia economic law and the place or environment studied, namely the Nusantara Capital City. The results of this study show that the role of the government in realizing proposed food self-sufficiency based on the *syirkah bi al-muzāra'ah* contract in the Nusantara Capital

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City is evident from 3 (three) elements in the theory of the legal system, namely: *First*, the legal structure in which the government plays a role as a provider of capital (*ṣāhib al-māl*) and infrastructure in realizing food self-sufficiency. *Second*, the legal substance requires the role of the government in forming strong regulations to achieve food sufficiency in the Nusantara Capital City area. *Third*, the legal culture so that the concept of *syirkah bi al-muzāra'ah* can be carried out by complying with local customary norms that are harmonized with sharia principles.

Keywords:

Government; Proposed Food Self-Sufficiency;
Syirkah bi al-Muzāra'ah; Nusantara Capital City

Introduction

The agricultural sector in Indonesia plays an important role in the national economy, especially related to meeting food needs.¹ Law Number 18 of 2012 concerning Food (hereinafter referred to as the Food Law) defines food as "everything that comes from biological sources of agricultural products, plantations, forestry, fisheries, livestock, and waters, both treated and untreated for human consumption". The condition of meeting food needs in a country independently without having to depend on imports is a form of food self-sufficiency which has become one of the important goals for Indonesia in the last few decades.

The availability of food, especially rice with high quality and nutrition in sufficient quantities, has a wide impact on the economy and human resources,² especially in the Nusantara Capital City (IKN; *Ibu Kota Nusantara*) area which officially began to be inhabited in 2024.³ The movement of people to the Nusantara Capital City in East

¹ Sostenes Konyep, "Upaya Pencapaian Swasembada Pangan Melalui Membumikan Padi Amfibi Balitbangtan di Provinsi Papua Barat," *Jurnal Triton* 11, no. 2 (2020): 32–41, <https://doi.org/10.47687/jt.v11i2.115>.

² Brigita N. Purukan, Herman Nayoan, and Fanley N. Pangemanan, "Kinerja Penyuluh Pertanian dalam Meningkatkan Swasembada Pangan di Kecamatan Ranoyapo Kabupaten Minahasa Selatan," *Jurnal Governance* 1, no. 2 (2021): 1–8, <https://ejournal.unsrat.ac.id/index.php/governance/article/view/34839>.

³ Shafira Cendra Arini, "Jokowi Berkantor di IKN Mulai Besok Sampai Pensiun, Ini Alasannya," *Detik Bali*, September 9, 2024,

Kalimantan certainly increases the number of food needs in the region. Based on the results of a survey by the Central Statistics Agency from the 2020 Population Census Long Form, it was recorded that for 5 (five) decades until January 2023, Kalimantan became the favorite destination for Indonesian population migration.⁴ The relocation of the State Capital to East Kalimantan is predicted to have a population movement of 1.5 million in the future.⁵ However, the residents of East Kalimantan and the surrounding areas have not yet achieved food self-sufficiency, so they are still experiencing food insecurity conditions and there is a potential shortage of raw water. In the area where the State Capital is currently being built, there are indications of a lack of raw water sources.⁶

Some of the situations that make East Kalimantan unable to achieve food self-sufficiency are: (1) The area in general has geographical and topographic conditions with tropical rain characteristics so it has a type of latosol soil with a low fertility level, so it is necessary to make maximum use of the conditions of the land used to grow rice. (2) The population growth is increasing. (3) Food needs have not been met so this requires food supplies from other regions in an effort to meet the basic needs of food security. (4) It takes efforts from the government and the agriculture and food security office to develop new rice plant varieties that can grow in the East Kalimantan area.⁷

Many studies have attempted to clarify food security in various countries as a vital issue. To pursue fulfilling these expectations, some parts of Africa have adopted agricultural trade

<https://www.detik.com/bali/berita/d-7532026/jokowi-berkantor-di-ikn-mulai-besok-sampai-pensiun-ini-alasannya>.

⁴ Tryanita Berlianty and Trinita Meiliana, "Potensi Deforestasi di Pulau Kalimantan: Pro dan Kontra Migrasi," *Ijd-Demos* 5, no. 2 (2023): 279-90, <https://doi.org/10.37950/ijd.v5i2.426>.

⁵ Berlianty and Meiliana.

⁶ Suryadi Jaya Purnama and Chotib, "Analisis Kebijakan Publik Pemindahan Ibu Kota Negara," *Jurnal Ekonomi dan Kebijakan Publik* 13, no. 1 (2022): 155-68, <https://doi.org/10.22212/jekp.v13i1.2155>.

⁷ Emilda Kuspraningrum et al., "Meningkatkan Ketahanan Pangan Provinsi Kalimantan Timur Melalui Haki Atas Varietas Tanaman Padi," *Risalah Hukum* 20, no. 2 (2023): 112-34, <https://doi.org/10.30872/risalah.v19i2.1176>.

liberalization policies as a strategy to achieve food security,⁸ so that the fulfillment of needs relies on the circulation of goods in and out of the trading area. In contrast, Pakistan has taken the initiative to provide land on the outskirts of the city for agricultural graduates with the aim of promoting agricultural development and increasing food production.⁹ All of this is a way that leads to food self-sufficiency even though in the field, it must face the constraints of limited fertile land that makes some countries dependent on food imports in the long term.¹⁰ The authority of the Nusantara Capital City and its surroundings can indeed adopt agricultural processing cooperation by involving the community. This cooperation can be packaged in the form of *syirkah* with the object of agricultural land (*muzāra'ah*) as successfully carried out on Ingu Island, Riau Province.¹¹ This is very realistic given that the availability of land as an important capital¹² to optimistically realize a large harvest of foodstuffs.

This research elaborates proposals to realize the Nusantara Capital City which is self-sufficient in food so as to avoid food insecurity. In previous studies, it is known that although many countries strive for food stability, no one has realized it in synergy between the government and the community, especially farmers. So far, the relationship between the two is only limited to assistance (counseling) putting the community as the object of assistance. In this

⁸ Krishna Chikhuri, "Impact of Alternative Agricultural Trade Liberalization Strategies on Food Security in the Sub-Saharan Africa Region," *International Journal of Social Economics* 40, no. 3 (2013): 188–206, <https://doi.org/10.1108/03068291311291491>.

⁹ Abid Hussain and Jayant Kumar Routray, "Status and Factors of Food Security in Pakistan," *International Journal of Development Issues* 11, no. 2 (2012): 164–85, <https://doi.org/10.1108/14468951211241146>.

¹⁰ Jennifer Clapp, "Food Self-Sufficiency: Making Sense of It, and When It Makes Sense," *Food Policy* 66 (2017): 88–96, <https://doi.org/10.1016/j.foodpol.2016.12.001>.

¹¹ Meri Andani, "Implementasi Kerjasama dalam Bidang Pertanian (Padi) Berdasarkan Prinsip Muzara'ah dan Mukhabarah di Desa Pulau Ingu Kecamatan Benai," *Juhanperak* 2, no. 1 (2021): 750–64, <https://ejournal.uniks.ac.id/index.php/PERAK/article/view/1487>.

¹² Farah Hanim Abdul Rahim, Nurul Nazihah Hawari, and Norhaslinda Zainal Abidin, "Supply and Demand of Rice in Malaysia: A System Dynamics Approach," *International Journal of Supply Chain Management* 6, no. 4 (2017): 234–40, <https://doi.org/10.59160/ijscm.v6i4.1945>.

study, the capital of the government and the community's potential is mapped out under *syirkah bi al-muzāra'ah* contract.

For that purpose, we offer a new concept in the form of cooperation based on the *syirkah bi al-muzāra'ah* contract. This contract is a merger of 2 (two), namely *syirkah*, which is a business cooperation in the form of a capital partnership with a profit-sharing system according to the capital participation of each party,¹³ and *muzāra'ah*, which is agricultural cooperation based on sharia principles between land owners and cultivators where capital and plant seeds come from land owners.¹⁴ *Syirkah bi al-muzāra'ah* is deemed as the right choice because it is a combination of government intervention in the form of capital policies and guidance in farming and the community as the executor of agricultural land so that this combination realizes satisfactory and safe farming results in an Islamic-based transaction.

This research elaborates on efforts to realize the Nusantara Capital City, which is a new area, as an area that is self-sufficient in food by paying attention to land construction & utilization and proposals by collaborating government policies with the efforts of farming communities around the Nusantara Capital City using the *syirkah bi al-muzāra'ah* contract. As is known, the Nusantara Capital City is a pilot city and is projected to be the administrative center of the country occupied by many migrants either as state apparatus or others. Balancing population growth with food availability certainly requires real food security planning.

Methods

This research uses an empirical juridical method, which is to examine the applicable legal provisions and what actually happens in

¹³ Zahra Aulia Mufidah and Rachmad Risqy Kurniawan, "Syirkah dalam Bisnis Islam," *Ulumul Qur'an: Jurnal Ilmu Al-Qur'an dan Tafsir Volume 10*, no. 1 (2022): 1-15, <https://doi.org/10.31219/osf.io/rvmw4>.

¹⁴ Dinda Dwi Nursaputri, Eka Wahyu Hestya Budianto, and Nindi Dwi Tetria Dewi, "Akad Muzara'ah pada Inklusi Keuangan Syariah: Studi Pustaka (Library Research) dan Bibliometrik VOSviewer," *Bait Syariah Indonesia*, 2016, <https://doi.org/10.5281/ZENODO.10117767>; Erie Hariyanto and Moh. Hamzah, "Bibliometric Analysis of the Development of Islamic Economic Dispute Resolution Research in Indonesia," *Juris: Jurnal Ilmiah Syariah* 21, no. 2 (2022): 221-33, <https://doi.org/10.31958/juris.v21i2.6997>.

society.¹⁵ In this regard, it examines the correlation between the principles of sharia economic law and the place or environment being studied.¹⁶ The approach used in this research is qualitative, resulting in descriptive data in the form of written or spoken words from people or institutions and observable behavior that is directed at the context and individuals holistically.¹⁷

Data was obtained from the field, namely through interviews with the agriculture officer of Penajam Paser Utara district as a representative of the government, people of the Sepaku area who act as policy executors, and farmers who cultivate agricultural land. The data obtained is then analyzed thoroughly by involving literature relevant to the object of research.¹⁸ This is deemed relevant to reach the objective of this research, namely to propose how the government might realize food self-sufficiency in the Nusantara Capital City through *syirkah bi al-muzāra'ah* scheme by combining 2 (two) laws, namely Islamic law and civil law applicable in Indonesia.

Result and Discussion

Strategic Role of Government in Realizing Food Self-Sufficiency in the Nusantara Capital City

Food self-sufficiency supports food security where countries are able to produce their own food needs so that the risk of imports/dependence on other countries can be reduced. This makes the country better prepared to deal with global food supply disruptions or international price fluctuations. The fulfillment of stable and sufficient food production makes people's access to food also more guaranteed.

In this context, the movement of hundreds of thousands of residents as the ministry's civil servants to the Nusantara Capital City in 2024 and will still increase in the following years does matter. It

¹⁵ Suharsimi Arikunto, *Prosedur Penelitian Suatu Pendekatan Praktek* (Jakarta: Bumi Aksara, 2012).

¹⁶ Mhd Arif, Sri Kasnelly, and Okviera Andaresta, "Pelaksanaan Jual (Al Ba'i) Berakad Salam," *Al-Mizan: Jurnal Ekonomi Syariah* 4, no. 2 (2021): 1-10, <https://doi.org/10.54459/almizan.v4i11.306>.

¹⁷ Arif, Kasnelly, and Andaresta.

¹⁸ Faizi, "Are Cryptocurrencies Haram? A Critical Analysis toward MUI's *Fatwā*," *Al-Ihkam: Jurnal Hukum dan Pranata Sosial* 18, no. 2 (2023): 420-42, <https://doi.org/10.19105/al-lhkam.v18i2.8290>.

will certainly increase the number of food needs, especially rice, in the region.¹⁹ The impact of the relocation of the National Capital is projected to increase the population to the East Kalimantan region in 2022-2023 by 0.11% every year. Related to this, the number of rice food consumption is also increasing, so it can cause a rice deficit condition that will also increase by up to 60% in 2023-2032 with an average of -528,826.11 tons/year.²⁰

Meanwhile, the results of the observations carried out found that the problem with agriculture in the Nusantara Capital City is that so far, more land has been planted with oil palm than rice, corn, and other staple foods. This is what also affects rice production. Anticipating the occurrence of a rice deficit in the Nusantara Capital City, the government has a very crucial role, considering the importance of food security for social and economic stability in the region. The government has the authority to make policies in the agricultural sector.²¹ As stated in Article 17 of the Food Law, the government and local governments are obliged to protect and empower farmers, fishermen, fish farmers, and food business actors as food producers.²² The goal is to prosper the community and increase food production. Related to this, we use legal system theory as a benchmark for the government's role in realizing food self-sufficiency in the Nusantara Capital City.

The legal system, according to Sudikno Mertokusumo, is an order or unity that is intact in the form of rules or statements about what should be, so that the legal system becomes a normative system.²³ Meanwhile, Faisal Burlian in his book "The Legal System in

¹⁹ Laode Muh Asdiq Hamsin Ramadan, Nurmaranti Alim, and Muhammad Tahrir, "Analisis Ketahanan Pangan Beras Provinsi Kalimantan Timur Tahun 2023-2032," *Nusantara Innovation Journal* 1, no. 2 (2023): 34-46, <https://doi.org/10.70260/nij.v1i2.20>.

²⁰ Ramadan, Alim, and Tahrir.

²¹ Abdul Aziz, "Impor Pangan dan Perburuan Rente Perspektif Ekonomi Politik," *Journal of Politics and Policy* 4, no. 1 (2022): 65-83, <https://doi.org/10.21776/ub.jppol.2022.004.01.05>.

²² Fabian Pratama Kusumah, "Ekonomi Politik dalam Kebijakan Impor Beras: Membaca Arah Kebijakan Pemerintah 2014-2019," *Politika: Jurnal Ilmu Politik* 10, no. 2 (2019): 137, <https://doi.org/10.14710/politika.10.2.2019.135-156>.

²³ Suyatno Suyatno Suyatno, "Kelemahan Teori Sistem Hukum Menurut Lawrence M. Friedman dalam Hukum Indonesia," *IUS FACTI: Jurnal Berkala Fakultas Hukum Universitas Bung Karno* 2, no. 1 (2023): 197-205, <https://www.ejurnal.ubk.ac.id/index.php/iusfacti/article/view/447>.

Indonesia" said that the legal system is a unity of various legal components that are interrelated and work together to achieve legal goals, namely justice, order, and benefits for the life of the community.²⁴

In an effort to realize food security, we tend to rely on Friedman's opinion which reveals that there are 4 (four) functions of the legal system²⁵ which can be broken down into three main points below:

First, the legal structure which includes law enforcement officials/institutions.²⁶ Regarding the food self-sufficiency policy, the legal structure does not only concern active law enforcement but also all related elements, namely the government and legislators who are interrelated in formulating policies in the legal system.²⁷ The government plays a role in ensuring that agricultural land and natural resources related to food production are managed optimally for the welfare of the people, including efforts to maintain the availability of agricultural land so that it is not diverted uncontrollably. The government through food laws has an obligation to provide protection to the domestic agricultural sector and encourage innovation and technology to increase food productivity. This is aimed at creating an efficient food distribution system and maintaining price stability so that it can develop local food production to achieve food self-sufficiency.

In relation to efforts to realize food self-sufficiency in the Nusantara Capital City, the government needs to ensure the development of adequate agricultural infrastructure around the Nusantara Capital City, including irrigation networks, road access, and food storage facilities, to support rice production in the Kalimantan region. In this regard, the government in Kukar Regency and North Penajam Paser Regency has prepared land acquisition for the construction of dams and lake irrigation networks that has been

²⁴ Farida Pahlevi, "Pemberantasan Korupsi di Indonesia Perspektif Legal System Lawrence M. Friedman," *El-Dusturie* 1, no. 1 (2022), <https://doi.org/10.21154/eldusturie.v1i1.4097>.

²⁵ Suyatno, "Kelemahan Teori Sistem Hukum Menurut Lawrence M. Friedman dalam Hukum Indonesia."

²⁶ Suyatno.

²⁷ Azmi Fendri, "Perbaikan Sistem Hukum dalam Pembangunan Hukum di Indonesia," *Jurnal Ilmu Hukum* 1, no. 2 (2013): 96-107, <https://doi.org/10.30652/jih.v1i02.1157>.

carried out since 2020 and is one of the National Strategic Projects (PSN) whose construction costs are taken from the State Budget of around 1.7 trillion.²⁸ The construction of this dam and irrigation network is expected to be able to become a source of water that will irrigate rice fields in the district which will be a supporter for food self-sufficiency in the Nusantara Capital City.²⁹

Furthermore, the National Food Agency through the Deputy for Food Insecurity and Nutrition also made a working visit to Balikpapan City and North Penajam Paser Regency on November 24-25, 2023. This was done in order to strengthen the availability of strategic food in the Nusantara Capital City. Besides that, the local government can also collaborate with BULOG Public Corporation.³⁰ As stated in Law Number 23 of 2014 concerning Regional Government, local governments have the authority to implement food self-sufficiency policies at the local level.

Another effort that has been made by the government in carrying out its role to realize food self-sufficiency in the Nusantara Capital City is by preparing fertilizer subsidies for local farmers so that they can increase agricultural productivity. As emphasized by former President Joko Widodo, the budget allocation for subsidized fertilizers will increase by IDR 14 trillion in 2024.³¹ Nevertheless, the government is also trying to maintain strategic food reserves both through local production and measurable rice import policies, to maintain supply stability. This is done by preparing areas around the Nusantara Capital City to become a food buffer for the Nusantara Capital City.

²⁸ M. Ghofar, "Asa Swasembada Pangan di Calon Ibu Kota Negara," *Antara News*, January 31, 2021, <https://www.antaranews.com/berita/1976046/asa-swasembada-pangan-di-calon-ibu-kota-negara>.

²⁹ Andi Rachman Salasa, "Paradigma dan Dimensi Strategi Ketahanan Pangan Indonesia," *Jejaring Administrasi Publik* 13, no. 1 (2021): 35-48, <https://doi.org/10.20473/jap.v13i1.29357>.

³⁰ Badan Pangan Nasional, "NFA Perkuat Koordinasi Ketahanan Pangan Daerah Penyangga IKN," *Badan Pangan Nasional*, November 27, 2023, <https://badanpangan.go.id/blog/post/nfa-perkuat-koordinasi-ketahanan-pangan-daerah-penyangga-ikn>.

³¹ Anisa Indraini, "Sri Mulyani Sudah Kucurkan Rp 32 T Buat Bangun IKN, Ini Rinciannya," *Detik Finance*, January 3, 2024, <https://finance.detik.com/infrastruktur/d-7121517/sri-mulyani-sudah-kucurkan-rp-32-t-buat-bangun-ikn-ini-rinciannya>.

The government around the Nusantara Capital City has also made efforts to support local farmers to carry out agricultural land intensification by utilizing agricultural technology.³² This was also said that:

“So far, although Kalimantan is synonymous with oil palm plantations, there has been a lot of rice planting that has resulted in harvests continuing to increase from year to year. In this case, the local government of Penajam Paser Utara always emphasizes increasing yields.”
(Interview, 10 March 2025-translated)³³

SB explained that so far, the area around the Nusantara Capital City has not only been planted with oil palm but also rice which produces qualified rice so if later agricultural land is projected for food security by planting rice, it is very likely to run without obstacles.

It should be noted that in addition to being the urban area of the Nusantara Capital City (KPIKN), Penajam Paser Utara district is also a support area for food security in the Nusantara Capital City as confirmed in Article 2, Article 73, and Article 117 in the Presidential Regulation of the Republic of Indonesia Number 64 of 2022 concerning the Spatial Plan for the National Strategic Area of the Nusantara Capital City Year 2022-2042. As a consequence, some sub-districts in Penajam Paser Utara district, such as the Sepaku sub-district, are included in the environmental buffer area and support food security. On the other hand, the local government in the North Penajam Paser Regency area has also made efforts to regulate and tighten the regional spatial plan, so that the area can be used as one of the supports for food security in the Nusantara Capital City.

So far, the Penajam Paser Utara area has been planted with oil palm, rice, and a few secondary crops with the dominance of oil palm. Therefore, if the government makes movements and policies to plant staple foods such as rice, it is not difficult because the land is still

³² Ana, “Dorong Kemandirian Petani, Pemkab PPU Libatkan BP dan Generasi Milenial,” *Jurnal Borneo*, June 7, 2025, <https://jurnalborneo.com/dorong-kemandirian-petani-pemkab-ppu-libatkan-bp-dan-generasi-milenial/>.

³³ SB, agricultural extension workers and assistants of Penajam Paser Utara district, *Interview*, 2025

quite supportive of self-sufficiency.³⁴ This policy proposal is also welcomed if it is later realized. One of the communities around the Nusantara capital city (Sepaku) expressed readiness and excitement. For one member of this community, this policy will reduce the dependence on rice supplies from outside Kalimantan as has been the case so far. In addition, this policy will erase the stigma that the government's agricultural policies only pay more attention to development in Java.³⁵

The Nusantara Capital City buffer zones extend from districts in Sulawesi Province to North Penajam Paser Regency and East Kotawaringin Regency (Kotim) in Central Kalimantan.³⁶ One of them is the Mamuju Regency, West Sulawesi.³⁷ Due to this large scope, the government must have a fast and equitable food distribution mechanism, so that it can ensure that the supply of rice to the Nusantara Capital City is maintained and food prices are stable.

Regarding the application of the concept of agricultural cooperation based on the *syirkah bi al-muzāra'ah* contract, the government can take part as a financier (*ṣāhib al-māl*) in the management of agricultural businesses so that it can mitigate the risk of rice deficit and ensure food security as well as create a strong foundation for the sustainability of development in the new capital city. A strong foundation means that in the legal structure, the government plays a fundamental role in shaping policies and regulations that support the government's role in realizing food self-sufficiency.

Second, the substance of the law which comprises all legal rules, encompassing both written and unwritten aspects, that serve as a framework for the community and the government, emerging from

³⁴ SB, Agricultural extension workers and assistants of Penajam Paser Utara district, *Interview*, 2025

³⁵ AS, One of the residents of Sepaku subdistrict, *Interview*, 2025

³⁶ Muhammad Fauzan, "Peran Pemerintah Provinsi Sulawesi Tengah Sebagai Penyangga Ibu Kota Negara (IKN) Baru: Perspektif Distribusi Logistik Untuk Kebutuhan Pangan Ibu Kota Negara Baru," *Jurnal Pembangunan Daerah* 2, no. 2 (2022): 78–87, <https://jurnalbrida.sultengprov.go.id/index.php/bomba/article/view/43>.

³⁷ Subhan, Junaedi, and Darmawan, "Potensi Ketersediaan dan Kebutuhan Beras dalam Kaitannya dengan Ketahanan Pangan di Kabupaten Mamuju," *Proper: Jurnal Penelitian Pertanian Terapan* 1, no. 2 (2023): 2023, <https://doi.org/10.61119/prp.v1i2.462>.

the legal system.³⁸ Regarding efforts to realize food self-sufficiency in the Nusantara Capital City, it must be accompanied by policies in the form of rules that support increasing food productivity. In essence, it is found in Government Regulation No. 17 of 2015 about Nutrition and Food Security, which further governs how food security policies are implemented in compliance with the Food Law. The government, through the regulation, is tasked with providing production facilities, access to capital, as well as research and development to increase productivity and food independence, including subsidies and technical assistance to farmers which are also regulated in this regulation.

In this regard, in terms of legal substance in realizing food self-sufficiency in the Nusantara Capital City, it has been listed in general in the Food Law and Law Number 41 of 2009 concerning the Protection of the Sustainable Food Agricultural Land as amended by Law Number 6 of 2023 concerning the Stipulation of Government Regulations in Lieu of Law Number 2 of 2022 concerning Job Creation into Law, which is the legal basis to protect agricultural land from the transfer of Nusantara Capital City land and ensure that the land used for crop production remains protected and productive. According to Law Number 22 of 2019 concerning Sustainable Agricultural Cultivation System as explained in Article 21 of the law, to achieve food independence in the Nusantara Capital City area, land for agricultural cultivation is carried out by considering the type of plant commodity or livestock population according to geographical conditions and agroclimate, availability of capital, management capacity and technology, and suitability of the function of the room.³⁹

Other regulations that are more specific regarding food in the Nusantara Capital City area are contained in Government Regulations and Regional Regulations of the Nusantara Capital City such as Government Regulation Number 12 of 2023 concerning Business Licensing, Business Ease and Investment Facilities for Business Actors

³⁸ Pahlevi, "Pemberantasan Korupsi di Indonesia Perspektif Legal System Lawrence M. Freidmen."

³⁹ Siti Farisyah Yana, "Pembangunan dan Penguatan Ketahanan Pangan di Wilayah IKN dalam Rangka Memperkokoh Ketahanan Nasional" (Lembaga Pertahanan Nasional Republik Indonesia, 2023), 1-93, <http://lib.lemhannas.go.id/public/media/catalog/0010-112300000000095/swf/7339/PPRA LXV 83 - 2023.pdf>.

in the Nusantara Capital City; Presidential Regulation Number 63 of 2022 concerning the Details of the Master Plan of the Nusantara Capital City; and Presidential Regulation Number 64 of 2022 concerning the Spatial Plan of the Strategic Area of the Nusantara Capital City for 2022-2024.⁴⁰ Related to this, although there are no special rules regarding efforts to realize food self-sufficiency in the Nusantara Capital City, this has been covered in various existing legal rules so that in substance, this has been fulfilled.

Regarding the concept of cooperation based on the *syirkah bi al-muzāra'ah* contract in realizing food self-sufficiency in the Nusantara Capital City, there are several things that need to be taken into consideration in this self-sufficiency proposal. We tend to think that although there is no specific regulation, it can be supported by the implementation of the *syirkah bi al-muzāra'ah* contract as a model of agricultural partnership based on justice and mutual benefit. The government, through its policies, can regulate and facilitate this cooperation, so that it can increase food productivity while empowering and prospering local farmers. In this regard, there is a need for strong regulations regarding land protection, food distribution, agricultural subsidies, the management of food reserves, as well as infrastructure support, so that the *syirkah bi al-muzāra'ah* contract can contribute significantly to the achievement of food self-sufficiency in the Nusantara Capital City area.

Third, legal culture encompasses the beliefs, principles, perceptions, and actions of a community regarding the application of law, focusing on public knowledge, comprehension, and acceptance of the relevant legal framework.⁴¹ The legal culture of the community in realizing food self-sufficiency is based on involving norms, values, and legal customs that support the sustainability of food production. This certainly plays an important role where most of the Indonesian population depends on the agricultural sector for their livelihood or

⁴⁰ Yana, "Pembangunan dan Penguatan Ketahanan Pangan di Wilayah IKN dalam Rangka Memperkokoh Ketahanan Nasional"; Harry Setya Nugraha, M. Yasin Al Arif, and Mhd Zakiul Fikri, "Examining the Legal Standing of IKN Authority Regulations within Indonesian's Legislation System," *Volksgeist: Jurnal Ilmu Hukum dan Konstitusi* 6, no. 2 (2023): 261-80, <https://doi.org/10.24090/volksgeist.v6i2.9394>.

⁴¹ Pahlevi, "Pemberantasan Korupsi di Indonesia Perspektif Legal System Lawrence M. Freidmen."

work.⁴²

However, the people of East Kalimantan are currently still experiencing the problem of limited farmer resources, so the role of the younger generation is needed to work in the agricultural sector.⁴³ Based on data from the Central Statistics Agency in 2021, in 2020, the population in East Kalimantan reached 3.8 million people, but until 2022, there are only 10,407 members or networks of millennial farmers (aged 19-39 years) spreading across 10 districts/cities.⁴⁴

The increase in knowledge and expertise of the local community still needs to be prepared to hone mature skills and creativity for the local community so that it can improve the quality of human resources.⁴⁵ In line with that, the development of becoming a modern farmer requires support involving the government, the business world, and banking institutions to develop farmer institutions in order to develop businesses in the agricultural sector.⁴⁶ In this regard, people in the Nusantara Capital City area in the agricultural sector are currently in a transition phase. It is especially in overcoming the challenges of limited land and ensuring food land, one of which is through the concept of urban farming which has begun to be introduced by the government.

Above all, related to the legal culture of the community in realizing food self-sufficiency in the Nusantara Capital City, *syirkah bi al-muzāra'ah* contract can be a form of sharia-based agrarian

⁴² Nursaputri, Budianto, and Dewi, "Akad Muzara'ah pada Inklusi Keuangan Syariah: Studi Pustaka (Library Research) dan Bibliometrik VOSviewer"; Andani, "Implementasi Kerjasama dalam Bidang Pertanian (Padi) Berdasarkan Prinsip Muzara'ah dan Mukhabarah di Desa Pulau Ingu Kecamatan Benai."

⁴³ Muhamad Hidayanto, "Peningkatan Peran Generasi Milenial Untuk Mendukung Pengembangan Pertanian di Kawasan Penyangga Pangan Ibu Kota Negara (IKN)," in *Prosiding Forum Ilmiah Nusantara* (Prosiding Forum Ilmiah Nusantara: Badan Penelitian Pengembangan Daerah Provinsi Kalimantan Timur, 2022), <https://www.forumilmiah.kaltimprov.go.id/index.php/FIN/article/view/14>.

⁴⁴ Hidayanto.

⁴⁵ Arfriani Maifizar, Sopar, and Riki Yulianda, "Pembangunan Sumber Daya Manusia Masyarakat Lokal Terhadap Daya Saing Aktivitas Ekonomi di Ibu Kota Baru," *Konferensi Nasional Sosiologi IX APSSI* 1, no. 1 (2022): 161-66, <https://pkns.portalapssi.id/index.php/pkns/article/view/31>.

⁴⁶ Sidik Rahman Usop and Merrisa Octora, "Fleksibilitas Kultural Petani dalam Pengembangan Food Estate Berbasis Korporasi," *Konferensi Nasional Sosiologi IX APSSI* 1, no. 1 (2022): 370-74, <https://www.pkns.portalapssi.id/index.php/pkns/article/view/60>.

cooperation that emphasizes justice, mutual cooperation, and compliance with customary and sharia laws. Justice can be seen from the equitable distribution of food availability throughout Indonesia, dismissing the notion that rice farming policies are only centered in Java. Mutual cooperation, meanwhile, can be inferred from the involvement of local communities in realizing self-sufficiency simultaneously. Adherence to the law and sharia can be seen from the implementation in the field, which still takes customary considerations into account and collaborates with the government farmers using a platform in sharia economic law. Because the people of Kalimantan are still preserved through the behavior of the Indigenous,⁴⁷ implementing agricultural cooperation based on the *syirkah bi al-muzāra'ah* contract necessitates complying with local customary norms in line with sharia principles, especially in terms of justice, trust, and responsibility. With the support of social norms, customs, and government policies, this contract has the potential to strengthen food security in the Nusantara Capital City, thereby contributing to sustainable food self-sufficiency.

***Syirkah bi al-Muzāra'ah* Contract as an Effort to Increase Food Production**

The increase in agricultural production, in addition to affecting food supply, also has an impact on farmers' income and welfare, where most of the Indonesian population earns their livelihood as farmers.⁴⁸ However, in meeting the needs of the agricultural sector, people use agricultural land as the main capital for cultivation, but not everyone who owns land (rice fields) also has the expertise to farm. On the other hand, farmers who have the expertise or skills to farm do not all have land (rice fields) and capital to manage agricultural businesses.⁴⁹ Based on this, the concept of the *syirkah bi al-muzāra'ah* contract can be used to tackle the problem.

The scholars have slightly different opinions in interpreting *syirkah*, namely: (1) According to the Shafi'i school, *syirkah* is a fixed

⁴⁷ Muhammad Sabiq et al., "Perubahan Sosial Masyarakat Pedalaman (Studi Masyarakat Adat Kalimantan Timur pada Proses Pemindahan Ibu Kota Negara)," *Konferensi Nasional Sosiologi IX APSSI* 1, no. 1 (2022): 80–89.

⁴⁸ Nursaputri, Budianto, and Dewi, "Akad Muzara'ah pada Inklusi Keuangan Syariah: Studi Pustaka (Library Research) dan Bibliometrik VOSviewer."

⁴⁹ Nursaputri, Budianto, and Dewi.

right for two or more people together; (2) The Maliki school defines *syirkah* as permission to utilize the property owned by two people jointly by the two, namely by allowing one of the parties to manage the property, where each party also has the right to manage it; (3) The Hanafi school defines *syirkah* as the mixing of two or more goods that cannot be distinguished between the two once they have been mixed; and (4) the Hambali school interprets *syirkah* as a right of authority for the management of property (*taṣarruf*).⁵⁰ From this description, it can be concluded that *syirkah* is a collaboration between two mutually beneficial parties with equal rights to manage the object of cooperation according to a specific agreement.

Meanwhile, the DSN-MUI Fatwa No: 114/DSN-MUI/IX/2017 explained that *syirkah* is: a “Cooperation agreement between two or more parties for a certain business in which each party contributes funds/business capital (*ra's al-māl*) with the provision that the profits are divided according to the agreed ratio or proportionally, while the losses are borne by the parties proportionally.” In this regard, the amount of capital deposited in *syirkah* may differ, but each party can still participate in the management of the capital so that profits and losses are borne jointly according to the proportion of capital submitted by each party.⁵¹

Meanwhile, according to Idris Achmad, the condition of *syirkah* consists of a statement that the members of *syirkah* allow the managing parties to manage the assets handed over as capital, mutual trust between *syirkah* members, and a mixture of assets so that each person's rights cannot be distinguished in the form of currency or in other forms.⁵² Based on the descriptions above, it can be concluded that a *syirkah* contract is a partnership agreement in which two or more parties cooperate by uniting capital or labor, with profits being shared according to the agreement.⁵³

⁵⁰ Mufidah and Kurniawan, “Syirkah dalam Bisnis Islam.”

⁵¹ Eka Wahyu Hestya Budianto, “Pemetaan Penelitian Seputar Akad Musyarakah pada Lembaga Keuangan Syariah: Studi Bibliometrik VOSviewer dan Literature Review,” *JESI: Jurnal Ekonomi Syariah Indonesia* 12, no. 1 (2022): 25–36, [https://doi.org/10.21927/jesi.2022.12\(1\).25-36](https://doi.org/10.21927/jesi.2022.12(1).25-36).

⁵² Mufidah and Kurniawan, “Syirkah dalam Bisnis Islam.”

⁵³ Mardani, *Fiqh Ekonomi Syaria'ah* (Jakarta: Kencana Prenada Media Group, 2012).

On the other hand, *muzāra'ah* means cooperation in agricultural land management between land owners and cultivators through a profit-sharing system based on mutual agreement between both parties.⁵⁴ The conditions for *muzāra'ah* are: (1) the contracting parties must be aware of the law; (2) cultivators must have skills; (3) plant seedlings must be described in detail at the time of the contract.⁵⁵ (4) Agricultural land is managed, worked, and produced in accordance with local customs; (5) The harvest must be clearly divided.⁵⁶ It is evident that *muzāra'ah* contract is a form of cooperation between land owners (land) and farmers, where the land owner provides land, and farmers manage the land. The harvest is divided between the landowner and the farmer based on an agreed percentage.⁵⁷ Thus, *syirkah muzāra'ah* is a contract in which there is a capital provider (i.e. the government) and a capital manager (i.e. the farming community) in which the capital is used to manage agricultural land and then the harvest is divided according to the percentage agreed upon by both parties.

This combination allows resources such as land, capital, and labor to be managed efficiently, potentially increasing food production as well as advancing the agricultural sector through an alliance that is fair and beneficial for all parties involved. In an effort to realize the Sepaku area (Penajam Paser Utara district) as a food buffer area for the Nusantara Capital City, of course the government legally and formally has a basis for realizing cooperation in this agricultural field. This is to make the Nusantara Capital City an area of food self-sufficiency and stimulation for farmers.

⁵⁴ Ahmad Syaickhu, Nik Haryanti, and Alfin Yuli Dianto, "Analisis Aqad Muzara'ah dan Musaqah," *Jurnal Dinamika Ekonomi Syariah* 7, no. 2 (2020): 149–68, <https://doi.org/10.53429/jdes.v7i2.85>.

⁵⁵ Jaih Mubarak, *Fikih Mu'amalah Maliyyah Akad Syirkah dan Mudharabah* (Bandung: Simbiosis Rekatama Media, 2017); Nufi Mu'tamar Almahmudi, "Analisis Implementasi Pembiayaan Mudharabah dalam Perkembangan Hukum Ekonomi Syariah di Indonesia," *Al-Huquq: Journal of Indonesian Islamic Economic Law* 2, no. 2 (2020): 208–30, <https://doi.org/10.19105/alhuquq.v2i2.3166>.

⁵⁶ Syaickhu, Haryanti, and Dianto, "Analisis Aqad Muzara'ah dan Musaqah."

⁵⁷ Mubarak, *Fikih Mu'amalah Maliyyah Akad Syirkah dan Mudharabah*; Inti Ulfi Sholichah Amelisah, "Implementasi Prudential Banking Principles pada Akad Mudharabah di Perbankan Syariah," *Al-Huquq: Journal of Indonesian Islamic Economic Law* 5, no. 1 (2023): 96–117, <https://doi.org/10.19105/alhuquq.v5i1.7613>.

The use of sharia contracts in agricultural cooperation has various significant benefits to increase crop yields and food production. One of the main benefits is fairness in the distribution of profits between the parties involved, such as landowners, farmers, and capital providers. Due to the principle of transparency and mutual agreement as the basis of sharia contracts, such as the *muzāra'ah* contract (land cooperation) and the *syirkah* contract (partnership), each party gets their rights according to their contribution, thus encouraging motivation to work more efficiently and harder. Related to this, the following are some efforts to realize food self-sufficiency:

First, optimizing agricultural land management by also boosting the use of neglected land. This is certainly based on the presidential regulation which can be made a clear foothold on the takeover in order to expand agricultural areas.

Second, improving the welfare of farmers through a fair distribution of profits according to the percentage agreed at the beginning of the agreement. This will in turn increase motivation among farmers to work, thus maximizing crop yields.

Third, enlarging and opening the bids for financiers or capital owners. The existence of a financier as one of the parties involved in funding the agricultural business can help provide modern agricultural tools, superior seeds, and other facilities needed by farmers. The financier or investor in this contract can also come from sharia financing institutions, local governments, or agricultural offices.

Fourth, involve relevant parties within the cooperation, such as the local Agriculture Office and other institutions. Therefore, training and coaching can be carried out for farmers on the latest agricultural techniques, the use of organic fertilizers, and effective pest control so as to improve the quality and quantity of food production.

Fifth, developing agricultural product marketing and ease of market access. Through the *syirkah bi al-muzāra'ah* contract, the parties can develop crop commodities marketing to increase income and reduce the risk of losses due to crop failure. Capital owners with market connections can help farmers in selling crops at more competitive prices so that they can encourage an increase in crop yields to meet food needs in the region.

Based on several factors above, this contract encourages the principle of mutual help and avoids elements of *ribā* and speculation, which can create economic stability and healthier relationships in the agricultural sector through a fair distribution of profits and risks. The use of sharia contracts can also increase the sustainability of farming, encourage the improvement of agricultural technology, and ultimately produce better and more abundant food production.

Conclusion

The proposed government policy in realizing food self-sufficiency based on the *syirkah bi al-muzāra'ah* contract in the Nusantara Capital City can be viewed from 3 (three) elements in the theory of the legal system, namely: *First*, the legal structure where the government can act as a financier (*ṣāhib al-māl*) in the management of agricultural businesses, namely providing capital in the form of superior seeds, fertilizer subsidies, and infrastructure facilities so as to mitigate the risk of rice deficits and ensure food security in the Nusantara Capital City. *Second*, legal substance where the government plays a role in forming strong regulations and policies to realize food self-sufficiency and food independence in the Nusantara Capital City. *Third*, legal culture where the people of East Kalimantan still experience problems of limited farmer resources so government support, business actors, and banking institutions are needed to develop farmer institutions. With the fact that the Nusantara Capital City is still under massive development, it will certainly be in line with the emergence of dynamics that will continue to develop, so there are opportunities for future researchers to examine many things, especially the dynamics of the government in a further effort to realize the Nusantara Capital City buffer zone as a food buffer.

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