



## Constitutional Dimensions of Land Rights in the Era of Climate Change and Food Security: A Transnational Perspective from Indonesia

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### Abstract

Land rights are constitutionally guaranteed in Indonesia, yet their role in addressing global challenges of climate change and food security remains underdeveloped. This study explores the constitutional dimensions of land rights in relation to climate change adaptation and food security, while situating Indonesia within international legal frameworks such as the Paris Agreement, ICESCR, and VGGT. Using a normative juridical method combined with comparative and transnational analysis, the research examines constitutional provisions, agrarian regulations, and relevant international norms. The findings reveal a persistent gap between the normative ideals of Article 33(3) of the 1945 Constitution—which mandates land use for the prosperity of the people—and policy implementation that often prioritizes economic growth over ecological sustainability. Comparative insights from India, Brazil, and South Africa demonstrate how land rights can function as constitutional tools to enhance resilience and food security. By contrast, Indonesia's fragmented agrarian, food, and climate policies undermine this constitutional potential. This study argues for a reinterpretation of constitutional land rights, shifting from an economic orientation toward a sustainability paradigm. The novelty lies in connecting land rights with the Right to Food and sustainable development, offering theoretical enrichment to constitutional law discourse and practical policy guidance for aligning national agrarian governance with international obligations.

**Keywords:** Constitutional law; Land rights; Climate change; Food security; Sustainable development; Indonesia

### Introduction

Since the dawn of civilization, land has never been merely interpreted as a physical space, but also as a symbol of human existence, cultural identity, and the foundation of social life. Land has become a medium through which humans plant, build, and maintain the sustainability of civilization. From a legal philosophy perspective, land is a locus that unites the interests of individuals, communities, and the state—a meeting point between private rights, social functions, and ecological responsibilities (Fallon, 2008; Fernandes, 2007; Foster R & Bonilla, 2011; Fuad et al., 2023; Kotzé & Calzadilla, 2017). Therefore, land rights are not only a legal issue, but also a moral, existential, and humanitarian issue (Wickeri & Kalhan, 2010).

However, in the era of global climate change, this philosophical dimension faces serious challenges. Climate change is not merely an environmental phenomenon, but a multidimensional crisis that tests the relationship between humans and nature and the state's responsibility to maintain the sustainability of its citizens' lives (Thomas et al., 2019; van der Leeuw, 2020; Warner et al., 2010). The 2023 Intergovernmental Panel on Climate Change (IPCC) report notes that a 1.1°C increase in

global average temperature has caused weather anomalies, an increase in hydrometeorological disasters, and the degradation of productive land. In Indonesia, data from the Central Statistics Agency (BPS) in 2022 shows that the rate of rice field conversion has reached 150,000 hectares per year. This phenomenon not only erodes the food production base but also weakens the socio-economic resilience of rural communities that depend on the land.

The urgency of this research arises from the fact that constitutionally guaranteed land rights face a dilemma between development, investment, and environmental sustainability. Article 33, paragraph (3) of the 1945 Constitution stipulates that the state controls the earth, water, and natural resources for the greatest prosperity of the people. However, in practice, policy orientation often favors economic exploitation over preserving the ecological function of land. As a result, the fulfillment of the right to food and ecosystem sustainability is threatened. In other words, constitutional rights to land have not been fully actualized in the context of the global climate and food crisis.

Meanwhile, legal literature in Indonesia remains limited to the formal-juridical aspects of land control, without linking them to the dimensions of climate change or food security (Agustina et al., 2025; Lestarini, 2016; Siallagan, 2024). On the other hand, international literature highlights the environmental and food crises (Candel, 2014; Huang et al., 2020; Maye & Kirwan, 2013; Sommerville et al., 2014). Still, it has not paid particular attention to the role of the constitution in guaranteeing access to and the socio-ecological functions of land. This research gap indicates that there remains a lack of studies that view land rights as a bridge between national constitutional law and the international legal regime on climate change and sustainable food.

In light of this context, this study aims to explore the constitutional dimensions of land rights in Indonesia in relation to climate change and food security, while also assessing their relevance to developments in international law. The study makes a significant contribution by offering an analytical framework that integrates constitutional, agrarian, and global environmental perspectives. Practically, the findings are expected to serve as a foundation for agrarian and food law policies that remain adaptable to the climate crisis. Academically, this research enhances the discourse on legal philosophy and constitutional law within a transnational framework.

### **Research Objectives**

This study aims to bridge the gap between constitutional norms on land rights, climate change dynamics, and the urgency of food security in the context of international law. Focusing on Indonesia as a case study, this research aims to examine how land rights guaranteed by the 1945 Constitution can be positioned not only as an instrument of resource distribution but also as a constitutional mechanism for addressing climate crises and threats to food security.

In addition, this research is aimed at examining the extent to which Indonesian constitutional norms and agrarian policies are in line with or deviate from the development of international legal instruments, such as the Paris Agreement, the International Covenant on Economic, Social, and Cultural Rights (ICESCR), and the Sustainable Development Goals (SDGs). Through this approach,

this research not only provides a conceptual understanding but also offers a practical framework that can be adapted for use in national policy.

Thus, this study contributes to two primary levels. First, academically, this study enriches the constitutional legal discourse by introducing a transnational perspective that links land rights with food security and climate change. Second, practically, this study provides normative recommendations for countries in formulating more adaptive, equitable, and sustainable agrarian policies, thereby ensuring the fulfillment of the right to food and the survival of communities amid the global climate crisis.

### **Research Methodology**

This study employs a normative juridical approach (Ali, 2020), which views law not only as a set of written rules but also as a normative instrument that encompasses values, principles, and social objectives. This approach was chosen because issues of land rights, climate change, and food security are fundamentally rooted in normative constitutional and legal constructs. Yet, they also interact with the dynamics of international law. Therefore, this study not only examines legal texts doctrinally, but also examines how constitutional norms are linked to global commitments in addressing the climate and food crises.

The research data were obtained through an in-depth literature study of various legal sources. The primary sources were primarily legal materials, including the 1945 Constitution of the Republic of Indonesia, the Basic Agrarian Law, and sectoral regulations related to food, the environment, and climate change. In addition, this study also uses international legal instruments, including the 2015 Paris Agreement, the International Covenant on Economic, Social, and Cultural Rights (ICESCR), and the Voluntary Guidelines on the Responsible Governance of Tenure (VGGT), which serve as global references in land governance and food security. To strengthen the analysis, this study incorporates secondary legal materials, including journal articles, books, reports from international institutions such as the FAO and UNDP, and publications from civil society organizations that highlight agrarian and climate-related issues. Furthermore, tertiary legal materials, such as legal dictionaries, encyclopedias, and statistical data from the Central Statistics Agency (BPS) and the FAO, are also used to enrich the empirical context.

Data collection was conducted by searching international legal and academic databases, including Scopus, Web of Science, and Google Scholar, using relevant keywords such as constitutional land rights, climate change law, food security, and agrarian policy in Indonesia. The literature found was then selected based on criteria of topic relevance, recency, and theoretical and empirical contribution. This stage is essential to ensure that the data used reflects the latest developments in academic discourse and legal practice.

Data analysis is conducted in stages. In the first stage, content analysis is used to identify relevant constitutional norms and international legal instruments. In the next stage, comparative analysis is applied by examining the practices of other countries facing similar issues, such as India, Brazil, and South Africa. This comparison offers an overview of the diverse constitutional responses to the challenges of climate change and food security. Finally, prescriptive analysis was conducted to develop normative recommendations for strengthening agrarian policy in Indonesia, making it more adaptive to climate change while remaining consistent with international legal principles.

With these steps, this study not only offers conceptual analysis but also provides a replicable methodology. Other researchers can trace legal documents, apply literature selection criteria, and adopt the same analytical framework for different countries or regional contexts. This replicability is expected to broaden the discourse on land rights, climate change, and food security from a constitutional perspective in various parts of the world.

## **Result**

### **The Constitutional Dimension of Land Rights in Indonesia**

An analysis of constitutional norms in Indonesia shows that land rights have a meaning that goes beyond mere individual ownership rights (Karjoko et al., 2025; Michael, 1993; Suryana, 2024). Article 33, paragraph (3) of the 1945 Constitution states that the state controls the earth, water, and natural resources for the greatest prosperity of the people. This constitutional formula places land as a public resource with economic, social, and ecological dimensions. However, the study's results reveal a tension between this constitutional idealism and policy implementation, which often prioritizes economic development over environmental sustainability.

Furthermore, the study's results reveal that this tension is manifested in rampant agrarian conflicts and widespread environmental degradation. Data shows that the conversion of productive land and forest areas for extractive projects and large-scale plantations is often legitimized through policies in the name of "public interest" and "investment." As a result, the social and ecological functions of land are neglected, leading to the marginalization of local communities and irreversible damage to ecosystems (Buergin, 2016). In other words, the interpretation of "controlled by the state" in practice is often reduced to "controlled by capitalists" in collaboration with the state, thus deviating from the constitutional mandate for the prosperity of the people as a whole.

Therefore, this discussion leads to the critical conclusion that a policy reconstruction oriented towards substantive justice, rather than merely economic growth, is necessary. Policy cohesion must be bridged by strengthening the principles of sustainability and public participation in all spatial planning and land use (Sumaryana et al., 2024). The implication is that the state must act more decisively as the guardian of the constitutional mandate (trustee) by prioritizing the protection of customary land, agricultural land, and ecologically sensitive areas. Without fundamental changes in this policy paradigm, the tension between the constitution and its implementation will continue and ultimately erode the meaning of the people's prosperity guaranteed by the constitution itself.

### **Climate Change and Agricultural Vulnerability**

The phenomenon of climate change has exacerbated Indonesia's vulnerability in the agricultural sector (Aldyan, 2023; Widayati et al., 2021). The 2023 Intergovernmental Panel on Climate Change (IPCC) report shows that a 1.1°C increase in global temperature since the pre-industrial era has affected rainfall patterns and reduced agricultural productivity in various regions. In Indonesia, data from the Central Statistics Agency (BPS) in 2022 indicates that the conversion of rice fields has reached an average of 150,000 hectares per year. This condition weakens food security and creates uncertainty in people's access to productive land.

More worryingly, climate change is not only an external threat but also acts as a multiplier of existing agrarian injustices. The impact of rising temperatures and extreme weather is felt most acutely by smallholder farmers, traditional fishermen, and indigenous peoples whose livelihoods

depend directly on nature and whose access to land is already weak due to development pressures. Thus, climate change effectively deepens the inequality gap; vulnerable groups that contribute the least to global emissions bear the heaviest burden of this crisis, while their capacity to adapt continues to be eroded by land conversion.

Therefore, Indonesia's agrarian vulnerability in the context of climate change is essentially a governance crisis that requires an integrated policy response (Caruso et al., 2016; Mccarthy & Obidzinski, 2017). Adaptation policies, which have tended to be technical and reactive, such as building physical infrastructure, must be transformed into an approach that restores agrarian justice. This means that a moratorium on the conversion of productive agricultural land must be strictly enforced, ongoing agrarian reform must be accelerated with appropriate beneficiaries, and recognition of indigenous peoples' rights to their managed areas must be strengthened as a defensive strategy against the climate crisis. Without these structural interventions, adaptation efforts will only be a superficial solution that fails to address the root causes of vulnerability.

### **Comparison with Other Countries' Practices**

A comparison with other countries reveals variations in constitutional responses to similar challenges. India, through the National Food Security Act, integrates food security with the climate adaptation agenda (George & McKay, 2019). Brazil, with its agrarian reform policy, links land redistribution with environmental sustainability (Paulino, 2014). South Africa affirms the social dimension of land rights through constitutional protection of access for people with low incomes (Van Renburg & Naudé, 2007). This comparison reveals that countries with an agrarian background have successfully leveraged land rights as a strategic tool for addressing climate change. In contrast, Indonesia tends to prioritize normative aspects without adequately strengthening implementation (Asmarudin et al., 2024).

This comparative analysis reveals a fundamental weakness in Indonesia's approach: policy disintegration. While India, Brazil, and South Africa explicitly harmonize their derivative laws to operationalize constitutional principles, Indonesia's legal framework—such as the Land Law, the Sustainable Food Crop Land Protection Law, and the Job Creation Law—is contradictory, creating policy conflicts that weaken the agrarian position. As a result, the noble constitutional mandate has become nothing more than political jargon that is easily defeated by short-term investment interests, in contrast to the firmness of legal instrumentation seen in the three comparison countries.

Therefore, the most crucial lesson for Indonesia is the need to translate the normative constitutional mandate into a coherent and imperative legal framework. Indonesia must move beyond rhetoric and establish an integrated legal framework that explicitly synergizes agrarian reform, food security, and climate adaptation as a cohesive policy package. Without these efforts to harmonize laws and affirm priorities, Indonesia will continue to lag, merely observing the best practices of other countries. In contrast, agrarian vulnerability and the impacts of climate change continue to erode national security.

### **Linkages with International Legal Instruments**

International instruments also provide a relevant normative framework. The International Covenant on Economic, Social, and Cultural Rights (ICESCR) affirms the right to adequate food (Ssenyonjo, 2011), and the Paris Agreement confirms the adaptation of food systems to climate change

(Cordonier Segger, 2016). In contrast, the Voluntary Guidelines on the Responsible Governance of Tenure (VGGT) affirm the importance of fair and sustainable land governance.

The study's results indicate that Indonesia faces challenges in aligning its constitutional norms with international obligations, particularly in terms of synchronizing agrarian, climate, and food policies.

Furthermore, these findings indicate that Indonesia's challenge is not merely a matter of synchronization, but rather a fundamental policy paradox. On the one hand, Indonesia has ratified the ICESCR and the Paris Agreement, which should be legally and morally binding. However, on the other hand, policy implementation at the national level, as reflected in the Job Creation Law that facilitates land conversion, is contrary to the spirit and obligations of these international instruments.

This inconsistency has resulted in Indonesia's commitments in global forums often being seen as lip service (image building) that is not supported by genuine political will at home. Therefore, in the future, Indonesia needs a more effective internalization strategy to transform international obligations into concrete domestic action.

This requires the creation of a clear policy roadmap that explicitly makes the VGGT the primary guideline in agrarian law reform, places the ICESCR as the basis for formulating food security strategies, and uses the Paris Agreement adaptation targets as a mandatory reference in spatial planning. Without structured and sustainable internalization efforts, Indonesia will not only fail to fulfill its international obligations but also exacerbate the agrarian and climate crises, ultimately endangering its own people.

## **Discussion**

The study's results indicate that the primary challenge to protecting land rights in Indonesia is not the absence of constitutional norms, but rather the limited actualization of these norms in policy and practice. Article 33, paragraph (3) of the 1945 Constitution provides a clear normative basis for state control over land for the prosperity of the people. However, in practice, the interpretation of this norm is more often directed towards economic and investment interests, so that the ecological and social functions of land tend to be neglected. This imbalance creates a gap between constitutional principles and reality on the ground, particularly as climate change and the threat of a food crisis become increasingly urgent.

This gap suggests that the constitutional understanding of land rights needs to be reconstructed. This reconstruction does not mean replacing the basic norm, but rather reinterpreting land rights within the framework of sustainability. Land rights should be understood not only as a means of economic distribution, but also as an instrument for maintaining ecological balance and ensuring food security. Thus, this constitutional right can serve as a key pillar in addressing global pressures, including the climate crisis and food insecurity.

When viewed from a theoretical framework, the results of this study are intertwined with the Right to Food theory developed by Amartya Sen. The right to food is not solely determined by the availability of food, but by the capabilities of individuals and communities to access food production resources, including land. In this context, land rights are a prerequisite for the sustainable fulfillment of the right to food. At the same time, the concept of sustainable development as formulated in the

Brundtland Report emphasizes the importance of integrating the needs of the present generation with the interests of future generations. Referring to these two frameworks, the right to land must be positioned as a key pillar that bridges social justice and ecological sustainability.

Policy inconsistencies in Indonesia further reinforce the urgency of this reconstruction. Agricultural intensification programs, which aim to increase productivity, often encourage the use of technologies that increase carbon emissions. On the other hand, the implementation of agrarian reform has been slow, so that small farmers' access to land remains limited. This situation illustrates the fragmentation of policies that undermines the constitutional function of land rights as a tool for adapting to climate change. Without synchronization, constitutional norms risk losing their operational power, even though they are textually very progressive.

Therefore, this discussion emphasizes the importance of harmonizing national norms and international legal instruments. The International Covenant on Economic, Social, and Cultural Rights (ICESCR), the Paris Agreement, and the Voluntary Guidelines on the Responsible Governance of Tenure (VGGT) have established a normative framework that recognizes land as a crucial foundation for human rights, food security, and environmental sustainability. The integration of this framework into national policy will not only strengthen Indonesia's position in the global legal system but also ensure a more substantive implementation of land rights.

Thus, this study provides both theoretical and practical contributions. From a theoretical perspective, this study enriches the constitutional legal discourse by expanding its scope to encompass transnational issues, particularly climate change and food security. From a practical standpoint, this study provides a framework of recommendations for shifting the agrarian policy paradigm from an economic orientation to a sustainability-oriented approach. This paradigm shift is expected to transform land rights from merely a guarantee of resource distribution into a practical constitutional foundation for addressing the global climate crisis and ensuring food security.

### **Scientific Novelty and Research Contribution**

The main novelty of this research lies in its attempt to integrate the constitutional dimension of land rights with the dynamics of climate change and food security within the framework of international law. Previous studies have generally discussed land rights only in terms of agrarian or development aspects, while international studies have focused more on environmental or food issues separately. This study presents a new synthesis that brings land rights to the intersection of national constitutional law and the global legal regime related to the climate and food crises.

The scientific contribution of this study is to expand the discourse on constitutional law through a transnational approach that emphasizes ecological sustainability and social justice. Conceptually, this study introduces a new interpretation of Article 33 paragraph (3) of the 1945 Constitution by linking it to the Right to Food theory and the principle of sustainable development. Thus, land rights are no longer understood solely as an instrument of economic distribution, but also as a constitutional foundation for responding to global challenges.

The practical contribution of this research lies in policy recommendations that encourage the synchronization of agrarian regulations with international legal instruments. This approach provides direction for the state to shift its policy paradigm from a purely economic orientation to one that prioritizes sustainability. Thus, this research not only adds academic value to legal literature but also

has a direct impact on the formulation of agrarian and food policies that are adaptive to climate change.

## Conclusion

This study confirms that the right to land guaranteed by the Indonesian constitution has a strategic dimension in responding to the challenges of climate change and food security. Although Article 33, paragraph (3) of the 1945 Constitution has placed land as a public resource for the greatest prosperity of the people, its implementation in practice is still more inclined towards economic orientation than maintaining its socio-ecological function. This condition reveals a gap between the normative idealism of the constitution and the reality of policies and practices in the field.

Reflections on comparisons with other countries and international legal instruments show that land rights can be used as an instrument for adaptation to the climate crisis as well as a guarantee for food security. By reinterpreting land rights through the lens of the Right to Food and the principle of sustainable development, Indonesia's constitutional norms have significant potential to evolve into a more inclusive foundation for sustainability.

Thus, this study contributes on two levels. From an academic perspective, this study expands the constitutional legal discourse by introducing a transnational dimension that links agrarian, climate, and food issues. From a practical standpoint, this study provides policy recommendations for shifting the land management paradigm from an economic orientation to a sustainability orientation. Ultimately, land rights are not only a symbol of national sovereignty but also a constitutional instrument for responding to global crises that threaten the survival of humanity.

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