

Islamic Law in the Rule of Sadd Adz-Dzari'ah on the Transfer of Agricultural Land Function to Housing in Grobogan

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ABSTRACT

This research provides an in-depth exploration of Islamic legal aspects related to the conversion of agricultural land into residential areas, with a focus on the principle of Sadd Adz-Dzari'ah. This principle serves as the primary foundation for the research, playing a crucial role in regulating the land transformation process and establishing legal boundaries that must be adhered to. Through a case study conducted in the Grobogan Regency, this research aims to evaluate the application of the Sadd Adz-Dzari'ah principle in the context of agricultural land conversion. The research methodology employs a qualitative approach, utilizing in-depth interviews and document analysis. The collected data is analyzed using content analysis techniques to identify patterns and key themes related to the implementation of the Sadd Adz-Dzari'ah principle in land conversion. The main objectives of this study include gaining a profound understanding of the principle, evaluating its implementation in the conversion of agricultural land to residential areas in Grobogan Regency, analyzing the social, economic, and environmental impacts of the land-use changes, and presenting policy recommendations to enhance justice and sustainability, considering Islamic values. The research found that Islam with its sadd adz-dzariyat concept does not prohibit the conversion of agricultural land into housing as long as it provides maslahat for the community and is carried out based on existing statutory provisions and instead encourages the utilization of agricultural land for various purposes so that the land is not neglected and eventually dies without being utilized. Thus, this research is expected to significantly contribute to understanding the relevance and implementation of the Sadd Adz-Dzari'ah principle in the context of changing land use in rural communities. It also aims to provide a foundation for better policies aligned with Islamic values.

Keywords: Islamic Law; Land; Land Conversion; Law; Sadd Adz-Dzariyat

1. INTRODUCTION

Land is considered an important gift of God in the life of the nation, especially in Indonesia with its growing population, becoming a key element in the development and improvement of people's welfare. As the main foundation in realizing the vision of a just and prosperous society in accordance with the values of Pancasila and the 1945 Constitution, land has important symbolic and cultural meanings (Sutedi, 2020). The importance of land in national development requires wise policies in its management and utilization. Land is not only a natural resource, but also a catalyst in achieving sustainable development goals (Jumario & Marianus, 2023). Land, as the primary basis of life and the site of many human activities, has significant ecosystem, social and economic impacts (Soeprobowati, 2011).

The relationship between humans and land is one of mutual dependence. Apart from being a place to live, land is also a determining factor for human survival, which in turn requires human protection to maintain its natural functions. In the context of agrarian, the meaning of land has a significant normative dimension, emphasizing the importance of sustainable management and utilization of land as an integral asset of the community's social and economic life, which is key in achieving environmental sustainability and welfare (Wahidin, 2017).

Article 33 paragraph (3) of the 1945 Constitution of the Republic of Indonesia states that "The land and water and the natural resources contained therein shall be under the control of the state and shall be used for the greatest prosperity of the people." The implementation of this provision is described in Law No. 5/1960 on Basic Agrarian Principles (UUPA). One of the main objectives of the UUPA is to be the means used to achieve this goal by regulating the ownership and utilization of land and other natural resources, so as to provide maximum benefits for the prosperity of the community (Supriadi, 2007). This law covers economic, social, and environmental aspects in its attempt to wisely regulate the use of land in Indonesia (Supriadi, 2016)

One of the problems that arise from the land sector is the conversion of agricultural land into housing (Ardani, 2020). In order to prevent the conversion of agricultural land, Law No. 41/2009 on the Protection of Sustainable Food Agricultural Land was issued. This law was formed with the intent and purpose of preventing and prohibiting land conversion or conversion of agricultural land so that agricultural land in Indonesia will not run out in the future.

This law states that Agricultural Land Conversion for Residential is prohibited, in accordance with the provisions listed in Article 44, unless it is done in the public interest. One thing that needs to be carefully considered is sustainability in maintaining the balance and achieving the preservation of Sustainable Food Agricultural Land. Accurate mapping and wise spatial policies are essential so that technological development and economic growth do not threaten the existence of Sustainable Food Agricultural Land.

Islam teaches moral and ethical principles embedded in religion to guide the behavior of its people in various aspects of life, including in land management and land use change (Khaeron, 2023). Property rights to land in Islam come with moral responsibilities. Landowners are required to consider the social and environmental impacts of their land use changes. Shariah principles regulate rights and obligations in land ownership to avoid harm to society or the environment. Justice and equitable access to natural resources, including land, are values emphasized in Islam (Shohibuddin, 2019).

Grobogan Regency is experiencing land conversion problems, especially in rural areas that have more paddy fields than dry land. This challenge arises from uncontrolled population growth and increasing housing needs. One of the main contributing factors is the lack of interest of the



next generation, especially young people, in agriculture, due to the lack of information and legal education in rural communities (Endah, 2020). This triggers the conversion of land to residential use without permission, even though it is prohibited by law. In the context of national food security, the decline in rice production in Grobogan Regency could jeopardize the government's efforts to achieve rice self-sufficiency, as land conversion could result in a reduction in agricultural land area and a decline in agricultural commodity production, potentially negatively impacting regional and even national food security (Apriyanto, 2022).

The Government and Local Governments are responsible for overseeing settlements in accordance with the Settlement Area Plan, including land conversion, which is crucial in settlements and may result in changes to the area plan. Effective coordination is needed to ensure that land conversion complies with the area plan and supports sustainable development. Anticipating the impact of land conversion is important to maintain food security, especially in an Islamic context. Strategic measures in line with Islamic values are needed to maintain agricultural land productivity, with fair and sustainable enforcement of regulations and supervision. Sustainability of the agricultural sector should be prioritized, maintaining food self-sufficiency in an Islamic perspective that emphasizes preservation of natural resources and fair distribution.

2. RESEARCH METHOD

This research uses a descriptive qualitative approach to provide an in-depth description of the phenomena that can be the subject of legal violations. This approach allows researchers to explore the complexity of situations and characteristics that may trigger actions that violate legal norms. The sociological approach method was chosen to understand the role of law in social interaction and its impact on society as a whole. This research does not only limit itself to the formal legal framework, but also explores how legal norms are interpreted, implemented, and understood by the community, the results of which are processed data obtained from primary, secondary, and tertiary legal and non-legal sources. This approach provides a richer and more nuanced analysis in understanding how society deals with legal norms. By combining qualitative and sociological approaches, this research is expected to provide a holistic and contextual understanding related to the legal phenomenon under study. The results of the research are expected to provide a detailed picture and in-depth insight related to the research problem, so that the prevention efforts of "sadd adh-dharā'i" can be more focused and relevant to the problem of agricultural land conversion to housing in Grobogan Regency.

3. RESULTS AND DISCUSSION

Implementation of Agricultural to Non-Agricultural Land Conversion in Grobogan Regency

The application of conversion of agricultural land to non-agricultural land for housing purposes in Grobogan Regency refers to local regulations. This is regulated in Grobogan District Regional Regulation Number 7 of 2012 concerning the Regional Spatial Plan of Grobogan District (Year 2011-2031), commonly known as the RTRW. In addition, other relevant regulations involve Grobogan District Regulation No. 14/2013 on Space Utilization Permits, as well as Grobogan District Regent Regulation No. 15/2014 that addresses the Protection Plan for Sustainable Food Agricultural Land. With these provisions in place, it is expected that the process of land conversion is carried out in accordance with the spatial plan and still pays attention to the protection of sustainable food agricultural land.

In Article 1 point 9 of the Regional Regulation of Grobogan Regency Number 7 of 2012 concerning the Regional Spatial Plan of Grobogan Regency (Year 2011 - 2031), "spatial planning" is defined as a series of processes for planning, utilizing, and controlling space. This Regional Spatial Plan (RTRW) aims to realize Grobogan Regency as a productive, competitive, and sustainable regional growth center, especially in the agricultural sector. The district, with a primary focus on agriculture covering an area of 197,586 hectares of farmland, implements a spatial planning policy that details several strategic initiatives to advance development in various sectors. Below are some of the key points in Grobogan Regency's spatial planning policy:

- a. Development of Service Center System
- b. Improving the Quality and Range of Infrastructure Services
- c. Development of Industrial and Agropolitan Designated Areas
- d. Development of Leading Commodity Marketing Centers
- e. Sustainable Management of Area Functions
- f. Development of Sustainable Food Agriculture Areas.
- g. Improvement of Area Functions for Defense and Security

The District implements spatial planning policies with a primary focus on the development of sustainable food agricultural areas, including strategic measures such as the designation of 71,948 hectares of Sustainable Food Agricultural Land (LP2B) in various regions. This measure aims to achieve a balance between economic development and environmental preservation, and make a positive contribution to national food security. In the use of space, the District emphasizes controlling the utilization of regional space to conform to the District's Regional Spatial Plan (RTRW). This approach involves zoning regulations, licensing requirements, incentives, disincentives, and sanction guidelines to ensure regularity and sustainability of space utilization. The directives provided highlight the urgency of law enforcement and spatial planning as crucial steps in maintaining the sustainability of the region's spatial utilization. The focus on the application of sanctions aims to prevent changes in the function of agricultural land that are not in



accordance with the characteristics of the area and the provisions of the applicable permit, with this effort being made to ensure legal certainty and maintain administrative order in regional space management (Listyawati, 2010).

The use of agricultural land for non-agricultural purposes in Grobogan Regency must follow the provisions of Grobogan Regency Regional Regulation No. 14/2013 on Space Utilization Permits. This process includes principle permits, location permits, land utilization permits, and building construction permits, as well as additional requirements such as UKL/UPL or AMDAL. Principle permits require prior approval from the Regent, and all permits must be processed through authorized agencies and officials. The purpose of a space utilization permit is to ensure conformity with spatial plans, zoning regulations, and minimum service standards to prevent negative impacts and protect the public interest and the community at large. This is important so that the permit is considered valid in the eyes of the law.

Land conversion to housing in Grobogan Regency must also follow a series of procedures that also require permits as previously mentioned and cannot be done unilaterally. The procedures are:

- a. Submit an application for a spatial suitability certificate to the DPMPTSP (One-Stop Investment and Integrated Services Agency) and fill in the application form for a spatial suitability certificate.
- b. Submit an application for land technical considerations to obtain a land use change permit to the Ministry of Agrarian Affairs and Spatial Planning or the National Land Agency of Grobogan Regency.
- c. Submit an application for land use attached with land technical considerations and fill out a form and complete the required documents.
- d. Submitting an application for a building establishment permit (IMB) attached to the technical considerations of the land use change. After the land use change permit is completed, the next step is to apply for an IMB (building establishment permit) to the DPMPTSP (One Stop Integrated Investment and Service Office) of Grobogan Regency by filling out the Building Establishment Permit (IMB) form.

After ensuring all requirements are met, the One-Stop Investment and Integrated Services Agency (DPMPTSP) will initiate document processing, and the Building Construction Permit (IMB) will be issued. The IMB, as the final permit, signifies that the conversion of land from agricultural to non-agricultural use for residential purposes is official and legal, allowing construction as desired. Without an IMB, development on agricultural land is considered illegal with consequent administrative sanctions as per Grobogan District Regional Regulation No. 7/2012. The sanctions include written warnings, cessation of activities, site closure, license revocation, building demolition, and administrative fines. Communities that do not apply for a



permit risk facing consequences such as shutdown or forced demolition by the Pamong Praja Police Unit. In contrast, having an IMB provides legal legitimacy and certainty to the owner, creates order and supports sustainable development.

Impact on Food Security Due to Agricultural to Non-Agricultural Conversion

The agricultural sector, as the main pillar of the Indonesian economy, has great potential as a driver of national economic recovery, especially in the context of food security. High priority is needed in policies that support the agricultural sector (Arifin, 2005) Every year, there is a change in the function of agricultural land, especially from paddy fields to non-rice fields, which has a significant impact on social and economic aspects. The implications include a decrease in the share and income of the agricultural sector, while income from the non-agricultural sector, especially for the perpetrators of the conversion, increases (Hasanah, 2022).

Agricultural land conversion has a significant impact on food security, given the dependence of Indonesian society on natural resources. If this trend continues, it could be detrimental to the stability of national food security. The challenge of food security is a serious issue that requires comprehensive handling, given the crucial role of food as a basic need. Conversion of agricultural land can reduce overall food production, increase dependence on imports, potentially increasing prices and creating food scarcity. Faced with the complexity of this issue, Indonesia needs to revitalize agricultural policy with deep restructuring to address food security challenges and advance the agricultural sector (Prayitno et al., 2022). The increasing trend of land conversion from agriculture to non-agricultural sectors, such as settlement, trade, industry and infrastructure, has a significant impact on the agricultural sector. The reduction in agricultural land area not only affects agricultural activities, but also contributes positively to the level of labor deficit in this sector, which can increase the unemployment rate as agricultural sector actors shift to other sectors (Sahban & Se, 2018).

The process of conversion of agricultural land to non-agricultural use, while inevitable, has impacts that go beyond the decline in rice and agricultural commodity production. These changes include risks to political stability due to food insecurity, adverse social changes, and environmental degradation. The importance of the function of paddy fields in soil and water conservation is critical to support people's lives in the future, and the loss of productive agricultural land can threaten the overall stability of food security (Darma & Irawan, 2023). Indonesia, despite being known as an agricultural country, faces gaps in its agricultural sector, posing serious challenges to future food security. To address this and maintain food security, measures that focus on farmland preservation and sustainable land use practices need to be implemented. This aims to maintain arable land that supports adequate food production capacity to meet the needs of a growing population.

The conversion of agricultural land to non-agricultural uses can have significant impacts on food security in a region. The following is a discussion of these impacts:

1. Decline in Food Production
2. Dependence on External Supply
3. Reduction of Employment in the Agricultural Sector
4. Changes in Socio-Economic Structure
5. Ecosystem Imbalance
6. Increased Urbanization Pressure
7. Long-term Food Security Risks
8. Changes in Lifestyle and Consumption Patterns
9. Uncertainty of Food Security

Regent Regulation (Perbup) No. 57/2016 serves as a guideline for the Grobogan District Food Security Office (DKPD), providing direction regarding the main tasks and functions as well as position descriptions of this institution. DKPD of Grobogan District, according to the regulation, has the main role in implementing regional government affairs with the principle of regional autonomy. With a focus on food, DKPD is a strategic institution to ensure food security in the region. Nevertheless, DKPD Grobogan District is faced with various agricultural dynamics that require special attention and handling: (Pemerintah Kabupaten Grobogan, 2021)

1. Reduction in Agricultural Land Area
2. Decrease in the number of workers in the agricultural sector
3. Limited Ability and Skills of Farmers
4. Climate Conditions that Impact Harvest Failure

With an in-depth understanding of these factors, DKPD Grobogan District can design sustainable and solutive policies to overcome the challenges of increasing agricultural yields and maintaining food security in the region. In an effort to manage Grobogan District's food security, strategic steps were taken. First, close coordination with the National Food Agency and the Provincial Food Service to formulate effective strategies and accurately calculate the regional food accumulation. The involvement of related agencies, such as the Departments of Agriculture, Livestock, Fisheries, Industry, Trade, Statistics, and Bulog, is also important in providing comprehensive information. The process of calculating food availability and demand is conducted on an ongoing basis, with monthly reporting to the National Food Agency through a web-based system, reflecting transparency and accountability. The final step involves a thorough evaluation of the data reports, becoming the basis for continuous improvement in Grobogan District's food security management.

Analysis of Sadd Adz-Dzari'ah on the conversion of agricultural land to non-agricultural land.

The term "sadd adz-dzari'ah" is a phrase (idhafah) consisting of two words, namely "sadd" (سَدًّا) and "adz-dzari'ah" (يَعَّة ِ الذَّر). Etymologically, the word "as-sadd" (السَّد) is an abstract noun (mashdar) from سَدًّا يَسُدُّ سَدًّا, which means covering something that is defective or damaged and filling holes (Al-Mishri, 1982). Meanwhile, "adz-dzari'ah" (يَعَّة ِ الذَّر) is a singular noun (isim) that refers to the way, means (wasilah), and cause of an event. In the plural, the word becomes "adz-dzara'i" (الذَّرَائِع). Therefore, in some books of usul fiqh such as al-Qarafi's "Tanqih al-Fushul fi Ulum al-Ushul", the term used is "sadd adz-dzara'i".

Originally, the term "adz-dzari'ah" was used to describe the Arab practice of camel hunting. In this context, camels were released by hunters to approach the wild animals being hunted. The hunter would hide beside the camel to remain unseen by the targeted animal. Once the camel has successfully approached the animal, the hunter releases his arrow to hunt. According to Ibn al-A'rabi, this is the reason why the word "adz-dzari'ah" came to be used as a metaphor for everything that brings a goal or desired result closer (Takhim, 2020).

According to al-Qarafi, Sadd Adz-Dzari'ah refers to the act of cutting off the path of damage (mafsadah) as a step to avoid the bad impact. Even though an action is free from In a similar context, ash-Shukani (1994) explains that adz-dzari'ah is a situation where a problem or matter is basically permissible, but can lead to prohibited actions (al-mahzhur)

In al-Muwafat, Ash-Syatibi explains that Sadd Adz-Dzari'ah is rejecting something that is basically permissible (jaiz) to prevent the occurrence of something prohibited (mamnu'). According to Mukhtar Yahya and Fatchurrahman (1986), Sadd Adz-Dzari'ah can be interpreted as the act of eliminating or closing the path that leads to prohibited actions. Meanwhile, according to Ibn al-Qayyim al-Jauziyyah, the path or intermediary in question can take the form of something that is prohibited or permitted

From some of the concepts above, it can be seen that some scholars, such as ash-Syatibi and ash-Syaukani, tend to narrow the definition of adz-dzari'ah as something that is initially permitted. On the other hand, al-Qarafi and Mukhtar Yahya specify adz-dzari'ah in general without narrowing it down to something permissible. In addition, Ibn al-Qayyim also suggested the existence of adz-dzari'ah which was initially prohibited. According to Abdul Hamid (2007), Sadd Adz-Dzari'ah is establishing a prohibition against a certain act that can basically be allowed or prohibited, with the aim of preventing other prohibited acts from occurring. From these various perspectives, Sadd Adz-Dzari'ah is defined as a preventive measure or prevention to prevent the occurrence of something undesirable (worse things).

Land in Islam is one of the many evidences of Allah's power. There are at least 6 (six) mechanisms of ownership of land, including through sale, inheritance, grants or gifts, *ih'yaul mawat* (reviving dead land), *tahjir* (making boundaries on land), and *iqtha'* (giving the state to the people). Islam teaches that a person should not waste the wealth and sustenance that he already has. One of them is by reviving the land that is owned so that it does not die and provides benefits, especially for the people. As for reviving the land can be by managing it into agricultural land.

Managing land so that it does not die, such as utilizing it for agriculture, is an obligation for landowners so that the land can move productively. For any landowner who neglects his land, then he has violated religious orders. There are even provisions in Islam when an agricultural landowner has abandoned his land for 3 (three) consecutive years, then his ownership rights will be canceled. So based on the above, it can be understood that Islam does not prohibit the conversion of agricultural land into non-agricultural uses such as housing and instead encourages agricultural land function experts for other purposes that are more useful and can revive the land if the agricultural land is in a state of neglect (Nugraha, 2017).

The conversion of agricultural land into housing can cause problems if it does not consider the interests of the community. Land that was previously agricultural land cannot be unilaterally changed and converted into non-agricultural land. The process of conversion can only be accepted if it is done for the interests and benefits of the community, and must follow the provisions set out in the Laws and Regulations. Without complying with regulations, land conversion can harm food security and have a negative impact on the environment. Therefore, land conversion must be done carefully and in accordance with applicable legal aspects. It is important to consider the social, economic and environmental impacts before making decisions regarding the conversion of agricultural land.

Grobogan Regency's strict approach to the conversion of agricultural land to non-agricultural use, especially housing, is reflected in the legal provisions that are in place. This can be seen from regulations such as Grobogan District Regional Regulation No. 7/2012 on the Regional Spatial Plan of Grobogan District (Year 2011-2031), commonly referred to as the RTRW. In addition, Grobogan District Regulation No. 14/2013 on Space Utilization Permits and Grobogan District Regent Regulation No. 15/2014 on Sustainable Food Agricultural Land Protection Plan also reflect the seriousness of the Grobogan District Government in maintaining economic stability. These regulations show a commitment to preventing the conversion of agricultural land into housing without affecting food security, both at the regional and national levels.

Based on the explanation above, it appears that the conversion of agricultural land to non-agricultural land in Grobogan Regency is considered legal as long as it does not harm the public interest and complies with applicable regulations. This indicates the important role of regulations

in managing land transformation to remain in line with the interests of society. These rules become the main pillar in maintaining balance between components of society, so that land conversion from agriculture to non-agriculture is not only seen from a regulatory perspective, but also as an aspect that is closely related to the welfare of the local community, even to the national level.

This concept is in line with the principle of *sadd adz-dzariyat* in Islamic law, where prevention of any potential harm is prioritized. Thus, the regulations that have been established by the government, such as the Regional Regulation of Grobogan District No. 7/2012 on the Regional Spatial Plan (RTRW), the Regional Regulation of Grobogan District No. 14/2013 on Space Utilization Permits, and the Regent Regulation of Grobogan District No. 15/2014 on the Protection Plan for Sustainable Food Agricultural Land, are not just legal restrictions, but also preventive measures to respond to and prevent the negative impacts of the conversion of agricultural land to non-agricultural use.

In this context, the preventive measures taken by the Grobogan District government reflect a commitment to maintaining economic sustainability and community welfare. The emphasis on holistic social, economic and environmental impacts is an integral part of the implementation of these regulations. The existence of Islamic law and national law has an important and crucial role in the conversion of agricultural land into housing. The involvement of both has a positive impact in suppressing and preventing the adverse effects of the conversion of agricultural land into housing which is full of problems. Therefore, land conversion is not only a legal issue, but also requires in-depth consideration of the possible impacts, in line with the desired principles of sustainability and balance and not at odds with what has been desired by religious law.

4. CONCLUSIONS

The results show that the *Sadd Adz-Dzari'ah* rule has a central role in regulating and guiding the process of changing the function of agricultural land to housing within the framework of Islamic law. Through a case study conducted in Grobogan Regency, we can understand the complexity of the implementation of this rule in the field. The research highlights that the conversion of agricultural land to housing is not just a physical change, but also involves significant social, economic and environmental aspects. Social impacts include changes in the lifestyle of rural communities, while economic impacts involve aspects of increased land value and changes in livelihoods. Meanwhile, environmental impacts include vulnerability to soil degradation and biodiversity loss.

The policy recommendations generated from this research underscore the importance of creating an appropriate balance between housing development and farmland preservation. This policy should be based on the principles of justice and sustainability, taking into account Islamic values as an ethical guide. There is a need for cooperation between the government, the community



and the private sector in designing policies that provide the best solution for all parties. Thus, this research not only provides a better understanding of the implementation of Sadd Adz-Dzari'ah rules, but also contributes to the broader debate on how to respond to land use change while considering religious, social, economic, and environmental aspects.

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