

Implementation Of Presidential Regulation Number 59 Of 2019 Concerning Control Of Transfer Of Function Of Rice Land (Study At The Jombang Regency Land Office)

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Abstract : Controlling the conversion of paddy fields is one of the strategies to increase domestic rice production, so it is necessary to accelerate the determination of the Map of Protected Paddy Fields (PLSD). So far, Law no. 41 of 2009 concerning Protection of Sustainable Food Agricultural Land, along with Government Regulation (PP) No. 1 of 2011 concerning the Determination and Transfer of Functions of Sustainable Agricultural Land and Presidential Regulation Number 59 of 2019 concerning control of the conversion of paddy fields. The narrowing of agricultural land in Jombang Regency is due to the construction of housing which is increasing every year. The formulation of the problem 1) How is the implementation of Presidential Regulation Number 59 of 2019 regarding the conversion of paddy fields as a form of government prevention of the conversion of paddy fields at the Land Office of Jombang Regency 2) What are the obstacles and efforts to overcome obstacles to implementing Presidential Regulation Number 59 of 2019 regarding the conversion of paddy fields in managing land at the Jombang District Land Office, 3) What is the legal protection for paddy fields that have been protected since the enactment of Presidential Decree Number 59 of 2019 concerning the conversion of paddy fields in Jombang Regency. By using empirical research methods with research locations Jombang district land office. The results of the research on the implementation of Presidential Decree No. 59 of 2019 concerning the conversion of paddy fields as a preventive form for the government regarding the conversion of paddy fields at the Jombang Regency Land Office, in theory have not gone smoothly, but for signs for developers not to free up paddy fields as comfortably as possible used for housing or settlements. However, on the other hand, it creates a new problem for individual applicants because for individual applicants who wish to apply for separation of rights to inherited or non-inherited land, if the RTR block map includes the LSD map. Obstacles and efforts to overcome obstacles to the implementation of Presidential Regulation Number 59 of 2019 concerning the conversion of paddy fields in land management at the Jombang Regency Land Office, the form of settlement includes 1) Completion in the context of Completing Map Data of Protected Paddy Fields 2) Completion of Protected Paddy Fields in Accordance with Areas/Zones of Food Crops in the Spatial Plan 3) Settlement of Protected Paddy Fields that are Not In Accordance with the Areas/Zones of Food Crops in the Spatial Plan. Legal protection for paddy fields that have been protected since the enactment of Presidential Decree No. 59 of 2019 concerning the conversion of paddy fields in Jombang Regency. Food security will be maintained and to maintain protected paddy fields so they don't become residential land.

Keywords: LSD, BPN, Rice fields, housing

1. Introduction

This authority task is carried out by the state based on the right to control the state which is formulated in Article 2 UUPA which is an authentic interpretation of the meaning of being controlled by the state in Article 33 Paragraph (3) of the 1945 Constitution. 9 Earth, water and natural resources contained in the earth are fundamental -the basis of people's prosperity so that it must be controlled by the state and used for the greatest prosperity of the people.

State control over land throughout the territory of the Republic of Indonesia also originates from the Rights of the Indonesian Nation which includes state authority in Article 2 Paragraph (2) of the UUPA, namely:

- a. Regulate and administer the allocation, use, supply and maintenance of earth, water and space;
- b. Determine and regulate legal relationships between people and earth, water and space;
- c. Determine and regulate legal relationships between people and legal actions concerning earth, water and space.

Controlling the conversion of paddy fields is one of the strategies to increase domestic rice production, so it is necessary to accelerate the establishment of the Protected Rice Land Map (PLSD) and controlling the conversion of paddy fields as a national strategic program. So far there has been Law no. 41 of 2009 concerning Protection of Sustainable Food Agricultural Land, along with Government Regulation (PP) no. 1 of 2011 concerning Determination and Conversion of Sustainable Agricultural Land and Presidential Decree Number 59 of 2019 concerning control of conversion of rice fields. This set of regulations is expected to control the conversion of existing rice fields.

The map of rice fields is contained in Presidential Decree Number 59 of 2019 concerning controlling the conversion of rice fields. Chapter IV Determination of Maps of Protected Rice Fields Article 6 which reads:

Determination of the map of protected Rice Fields is carried out through:

- a. Rice Field Verification;
- b. Synchronization of Rice Land verification results; And
- c. Implementation of the determination of protected rice field maps.

With the issuance and establishment of a map of protected rice fields through the government's Presidential Decree Number 59 of 2019 concerning controlling the conversion of rice fields, this has had an impact in Jombang Regency with limited agricultural or rice field areas and an increasing need for residential space, apart from that this regulation has been implemented in the Office Jombang Regency Land Affairs has had a huge impact on both developers and individuals who want to manage the land or split the land, and the land is included in the map of protected rice fields so that the land cannot be converted even though the land management of developers and individuals in the certificate states that it is not rice fields, but it says yard land and it says residential or the land has been declared yellow by another KKPR agency as a permit, it is ready for plots ready to be built, when registered at the Jombang Regency Land Office it is said to be included in the map of protected rice fields, this makes the Regency REI Jombang and PPAT, which

have received mandates from Klein, individuals feel disadvantaged by this regulation.

The problem formulation in writing this thesis so as not to expand the discussion is arranged as follows:

1. How is the implementation of Presidential Decree Number 59 of 2019 concerning the conversion of rice fields as a form of government preventive efforts against the conversion of rice fields at the Jombang Regency Land Office?
2. What are the obstacles and efforts to overcome obstacles to the implementation of Presidential Decree Number 59 of 2019 concerning the conversion of rice fields in land management at the Jombang Regency Land Office?
3. How is the legal protection for rice fields protected since the enactment of Presidential Decree Number 59 of 2019 concerning the conversion of rice fields in Jombang Regency?

2. Metode

This research is empirical research with the approach method in this research namely using a sociological juridical approach. And a statutory regulatory approach. The research location chosen in this study was in the land office area of Jombang Regency, East Java.

The data sources used are primary data and secondary data as follows:

A. Primary Data

Primary data is a law that has binding legal force. In this case¹, the primary data will be:

- 1) Law Number 5 of 1960 concerning Basic Agrarian provisions;
- 2) Civil Code;
- 3) Republic of Indonesia Government Regulation Number 24 of 1997 concerning Land Registration
- 4) Government Regulation Number 43 of 2021 concerning Settlement of Inconsistencies in Spatial Planning, Forest Areas, Permits and/or Land Rights
- 5) Presidential Regulation Number 48 of 2020 concerning the National Land Agency
- 6) Regulation of the Minister of Agrarian Affairs and Spatial Planning/Head of the National Land Agency Number 12 of 2020 concerning Procedures for Implementing Rice Field Data Verification of Land and Spatial Planning Data, Determining Maps of Protected Rice Fields, and Providing Recommendations for Changes in Land Use on Protected Rice Fields
- 7) Presidential Decree Number 59 of 2019 concerning controlling the conversion of rice fields

B. Secondary data

Secondary data is material that is closely related to primary legal material, and can help analyze and understand primary legal material² Secondary legal

¹ Suratman dan Philips Dillah, *Metode Penelitian Hukum*, Bandung: Alfabeta, 2014, hal. 67

² Suratman dan Philips Dillah, *Metode Penelitian Hukum*, Bandung: Alfabeta, 2014, hal. 67

materials in this research are books, literature, papers, research results, articles and other scientific works related to this research, such as:

- 1) Research results;
- 2) Scientific work of legal experts;
- 3) Law reading books or textbooks;
- 4) Journals;

Data collection techniques use observation, documentation and interviews. This research is descriptive in nature, while this method was chosen because the researcher wanted to study legal issues, facts and phenomena developing in society by creating a picture of the existing situation. Furthermore, after the data has been obtained, the data will be analyzed by researchers using qualitative methods.

3. Discussion

- A. How is the implementation of Presidential Decree Number 59 of 2019 concerning the conversion of rice fields as a form of government preventive efforts against the conversion of rice fields at the Jombang Regency Land Office.

In granting location permits to applicants for land users, housing development companies and clarifying land acquisition/allocation must take into account the interests of the general public and land use must be in accordance with the existing Regional Spatial Plan with the physical capabilities and conditions of the area concerned. Efforts to control space utilization are also taken in other land services, namely:³

- 1) Land Use Change Permit

A Land Use Change Permit (IPPT) is granted to the Head of the Regency/City Land Office in accordance with the Instruction of the Minister of State for Agrarian Affairs/Head of the Land Agency No.3 of 1998 regarding technical instructions for granting land use conversion permits. Permission for conversion of land use in its consideration must take into account the Regional Spatial Plan, suitability of the land and physical capabilities of the land.

- 2) Consideration of Land Use Aspects

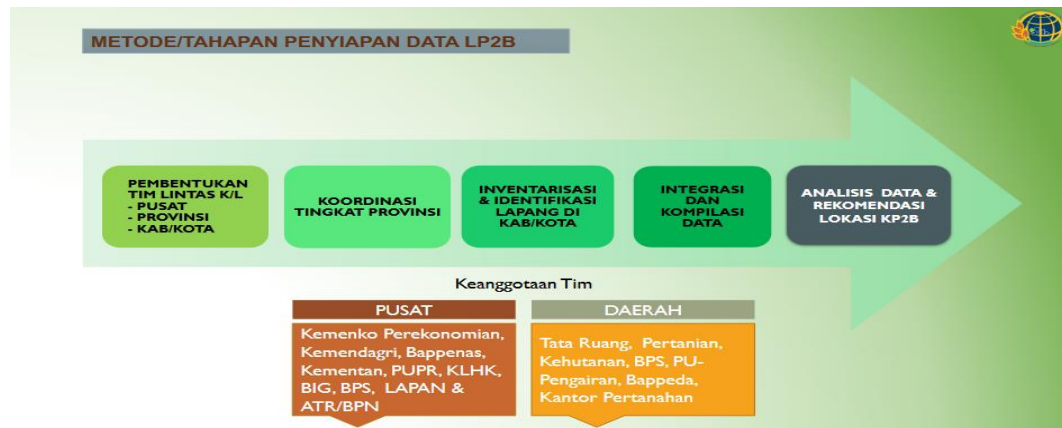
Consideration of land use aspects is an objective technical assessment of land use aspects regarding the granting and extension of land rights, before land rights are granted. These considerations can take the form of rejection or approval accompanied by technical conditions for land use, including conformity with spatial planning.

By considering location permits for housing developments that use agricultural land, it is hoped that developments that violate spatial plans made by the regional government will be avoided.

Figure 4.3

LP2B Data Preparation Methods or Stages

³ Wawancara dengan Rohmadi., S. ST., M. Hum Kasi H2P pada tanggal 9 anuari 2023 pukul 10.15 wib



In Jombang Regency, the raw rice field area (LBS) is 40,668.70 Ha and the area of the protected rice field map (LSD). 42. 493.92 Ha. The current conversion of rice fields is one of the factors causing the reduction in rice food availability. Development activities and high population growth cause the need for land to increase, while the availability and area of rice fields tends to remain unchanged. The conversion of rice fields which reaches 100,000 - 150,000 thousand hectares per year is not comparable to the creation of new rice fields which only reach 60,000 hectares per year.⁴

According to Wasono Gigihlanang Sejati., S., ST. The impact of changing the function of rice fields also involves various broad dimensions of interest, namely:⁵

- 1) Threatening the sustainability of food self-sufficiency;
- 2) Reducing labor absorption;
- 3) Redundancy of government investment, both central and regional;
- 4) Reducing the quality of the living environment and
- 5) Disrupting the stability of the social structure of society.

The breakthrough in the central government's policy to overcome the high rate of conversion of rice fields is by issuing Presidential Regulation Number 59 of 2019 concerning Controlling the Conversion of Rice Fields and Determining Protected Rice Fields. The objectives of this Presidential Regulation are:

- 1) Accelerate the establishment of a map of protected rice fields in order to fulfill and maintain the availability of rice fields to support national food needs;
- 2) Controlling the increasingly rapid conversion of rice fields;
- 3) Empowering farmers not to convert rice fields;
- 4) Providing data and information on rice fields for determining sustainable food agricultural land.

⁴ Wawancara dengan Rocma Perwitasari, SH Kasubsi penetapan dan pengelolaan tanah pemerintah pada tanggal 3 januari 2023 pukul 09.14 wib

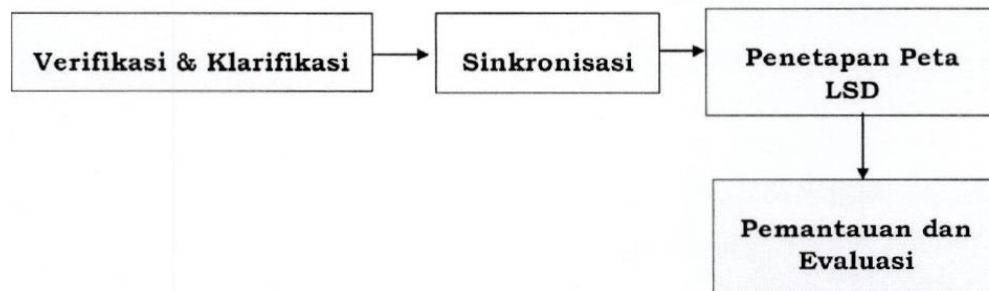
⁵ Wawancara dengan Wasono Gigihlanang Sejati., S., ST Kasi survei dan pemetaan pada tanggal 12 januari 2023 pukul 11.15 wib.

Determination of the Protected Rice Field Map is carried out through several stages, starting from verification of rice fields, synchronization of the results of verification of rice fields and implementation of the determination of the Protected Rice Field Map.

Table 4. 2

Process flow for determining protected rice fields (LSD)

Alur Proses Penetapan Lahan Sawah Dilindungi (LSD)



1. Procedures for Implementing Verification in the Context of Changing the Map of Protected Rice Fields

According to Wasib Susanto, verification in the context of changes to the LSD Map refers to the completion guidelines as referred to in Chapter II and is carried out through identification activities, analysis of identification results and clarification. Verification is carried out by the Regional Government (through regional apparatus in charge of spatial planning affairs) involving the Land Office, related agencies, and the Jombang Regency Regional Spatial Planning Forum.

Wasib Susanto added that the detailed procedures for carrying out verification in the context of changing the LSD Map can be described as follows:⁶

- a) Identification Procedures
- b) Procedures for Analysis of Identification Results
- c) Clarification Procedures

With the following explanation:

- 1) Identification Procedures
 - a) Identification is carried out by regional officials in charge of spatial planning affairs.
 - b) In carrying out identification, regional officials in charge of spatial planning affairs can coordinate with relevant regional officials/agencies.
 - c) In carrying out identification related to land data, regional officials in charge of spatial planning matters coordinate with the Land Office.
 - d) Identification consists of:
 - 1) Identification of KKPR, Permits, Concessions, PTP, Location Determination, and/or Land Rights above LSD;
 - 2) Identify the transfer of LSD function; And
 - 3) Identify food crop areas/zones in the RTR.

⁶ Wawancara dengan Wasib Susanto, S., ST Kasubsi pengukuran dan pemetaan kadastral pada tanggal 3 januari 2023 pukul 11.00 wib

- e) Identification aims to determine factors that are considered as reducing or increasing the area of LSD.
- f) Factors reducing LSD area include:
 - 1) PTP issued before the LSD was established;
 - 2) Non-agricultural land rights issued before the LSD was established;
 - 3) KKPR issued before the LSD was established;
 - 2) Permits or Concessions issued before the LSD was established;
 - 3) buildings and/or fill that existed before the LSD was established;
 - 4) LSD area $\leq 5,000 \text{ m}^2$ and its existence is confined to buildings on 3 (three) sides;
 - 5) Determination of location/valid location permit/KKPR PSN;
 - 6) Infrastructure Network Development;
 - 7) Industrial Areas initiated by the Central Government or Regional Government whose permits have been issued before the LSD is stipulated;
 - 8) Determination of relocation areas due to natural disasters;
 - 9) Functionally LSD can no longer be maintained as LSD based on the results of studies and recommendations from the Regional Spatial Planning Forum;
 - 10) Regional development plans that prioritize development or realization within a maximum period of 3 (three) years; And
 - 11) LSD Map database error.
- g) Factors increasing LSD area include:
 - 1) Rice fields with a productivity of ≥ 3 (three) tonnes per hectare per harvest that has not been delineated;
 - 2) Print new rice fields; And
 - 3) Construction of new irrigation networks/canals.
- h) Identification is carried out through:
 - 1) Data collection; And
 - 2) Field survey.
- i) Data collection is carried out by collecting data related to proposed changes to the LSD Map, including:
 - 1) High Resolution Satellite Image Data (CSRT)/regency/city aerial photography;
 - 2) Regency/city LSD spatial and textual data;
 - 3) RTR spatial and textual data;
 - 4) Spatial and/or textual data on forest areas;
 - 5) Spatial and/or textual data on KKPR, Permits and/or Concessions issued on LSD;
 - 6) PTP spatial and/or textual data published on LSD;
 - 7) Spatial and/or textual data on Land Rights issued on the LSD;
 - 8) Spatial and/or textual data for PSN Location Determination;
 - 9) Infrastructure Network spatial and/or textual data;
 - 10) Spatial and/or textual data on irrigation areas;
 - 11) Spatial and/or textual data on Premium Irrigation Channels;

- 12) Spatial and/or textual data on Technical Irrigation Channels;
 - 13) Spatial and/or textual data on rice field productivity; And
 - 14) Other supporting data required.
- j) Field surveys are carried out to determine the correctness of the data that has been collected, the physical condition of the actual LSD, and the actual use of LSD which can be considered as a reducing or increasing factor in the area of LSD.
- k) Field surveys are carried out by carrying out monitoring or field inspection (ground check survey). In the field survey, several activities were carried out, including:
- 1) Check the location and area of LSD (both those that are in accordance with the food crop areas/zones in the RTR and those that are not in accordance with the food crop areas/zones in the RTR);
 - 2) Checking the location and condition of the LSD irrigation network/channels;
 - 3) Checking LSD productivity per hectare per harvest;
 - 4) Checking the LSD planting index;
 - 5) Checking the physical condition of LSD;
 - 6) Checking PSN location;
 - 7) Checking the location of the Infrastructure Network;
 - 8) Checking the location of rice fields with a productivity of ≥ 3 (three) tonnes per hectare per harvest that has not been delineated (if any); and/or
 - 9) Checking the location for printing new rice fields (if any).

According to the author's analysis in point f (14) and point i (1), point K in determining LSD land does not conduct surveys in the field, uses old RTR and uses satellites, this is a mess and has an impact on developers and individuals who want to breaking up the land, or separating the land into several plots of land. Sometimes there is land that used to be upland which on the yellow KKPR map becomes green land so that the land cannot be used as land for housing or settlement. Many applicants, both legal entities and individual applicants, complain about this.

Thus, according to the author's analysis, the implementation of Presidential Decree Number 59 of 2019 concerning the Conversion of Rice Fields as a Form of Government Preventive Against the Conversion of Rice Fields at the Jombang Regency Land Office, in theory is running smoothly because developers will not simply free up rice fields for use. residential or residential land but on the other hand it creates a new problem for individual applicants because for individual applicants who want to request separation of rights to inherited or non-inherited land, if the RTR block map includes the LSD map, then it cannot be processed because it still requires IPPT and KRK so that the impression is that it hampers the process for the heirs as applicants. For developers, the impact is very big, namely land that has been acquired and purchased before 2021 and in the process in 2022 will be subject to new regulations even though the previous land was yellow land and the LSD land plot was included in it, so automatically

the land must be removed from the land. LSD and submitted to the central Agrarian Ministry in Jakarta via the Jombang Regency KKPR. This costs developers a lot of time and money.

- B. Obstacles and efforts to overcome obstacles to the implementation of Presidential Decree Number 59 of 2019 concerning the conversion of rice fields in land management at the Jombang Regency Land Office.

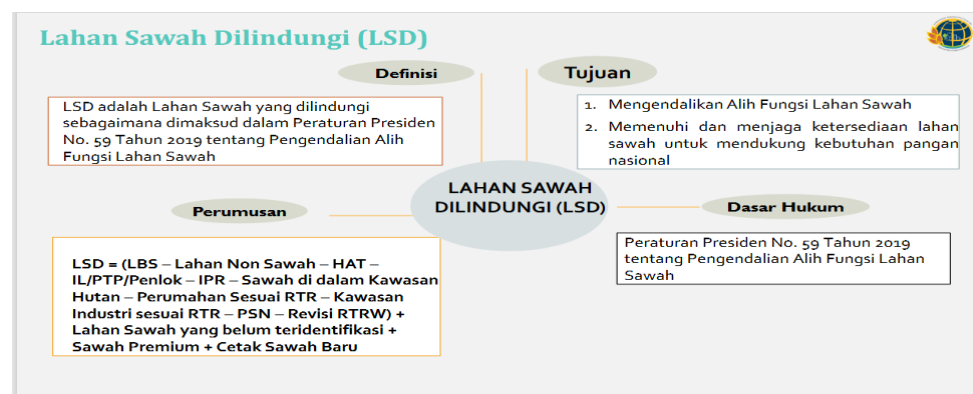
Since December 2021, the Ministry of Agrarian Affairs and Spatial Planning/National Land Agency (ATR/BPN) has released maps of protected rice fields in a number of provinces. At the same time, BPN also released a number of criteria for land that will be maintained as protected rice fields (LSD).

One of the criteria is that there are buildings or fill before the Decree of the Minister of ATR/BPN Number: 1589/SK-HK.02.01/XII/2021 concerning Determination of LSD Maps in Regencies/Cities in West Sumatra Province, Banten Province, West Java Province, Central Java Province, Yogyakarta Special Region Province, East Java Province, Bali Province and West Nusa Tenggara Province published.

"Then, there is PSN (national strategic project on LSD land). There are rights to non-rice fields, narrow and confined, then there is relocation due to natural disasters on irrigated LSD. That can be issued," explained Budi to Alinea.id in Jakarta, recently. Decree Number: 1589/SK-HK.02.01/XII/2021 was signed by Sofyan Djalil, Minister of ATR/BPN at that time, on December 16 2021. In this decree, it was stipulated that around 3.8 million hectares of rice fields in districts/cities in eight provinces as LSD.

LSD status, continued Budi, can also be questioned by residents who are proven to control rice fields, but have not yet built buildings on the land. The condition is that the land must be ensured to be owned by residents before the Decree of the Minister of ATR/BPN is issued. In Jombang district, the raw rice field area (lbs) is 40,668.70 Ha and the map area of protected rice fields (lsd). 42.493.92 Ha.

Figure 4.5
Map of determining protected rice fields



Sumber Data: file:///C:/Users/User/Downloads/Documents/LP2B_BBSDLP_20Nov2020.pdf DI akses pada tanggal 31 Desember 2022 pukul 21.00 wib

Figure 4.6
The criteria for rice fields are protected



Sumber Data: file:///C:/Users/User/Downloads/Documents/LP2B_BBSDLP_20Nov2020.pdf Di akses pada tanggal 31 Desember 2022 pukul 21.00 wib

However, in its implementation at the Jombang Regency BPN Office, there were many obstacles which in its implementation had many conflicts with BPN certificates or products and permits before the LSD was determined, including:

- a) Control and Order of PTP Land issued before the LSD was established;
- b) Non-agricultural Land Rights issued prior to the stipulation of the LSD;
- c) KKPR issued before the LSD was established;
- d) Permits or Concessions issued before the stipulation of the LSD;
- e) buildings and/or fill that existed before the LSD was established;
- f) LSD area $\leq 5,000$ m² and its existence is confined to buildings on 3 (three) sides;
- g) Location Determination/valid location permit/PSN KKPR;
- h) Infrastructure Network Development;
- i) Industrial Areas initiated by the Central Government or Regional Government whose permits have been issued before the LSD is stipulated;
- j) Determination of relocation areas due to natural disasters;
- k) LSD functionally can no longer be maintained as LSD based on the results of studies and recommendations from the Regional Spatial Planning Forum;
- l) Regional development plans with priority development or realization within a maximum period of 3 (three) years; And
- m) LSD Map database error.

n) Factors increasing LSD area include:

- 1) Rice fields with a productivity of ≥ 3 (three) tonnes per hectare per harvest that has not been delineated;
- 2) Print new rice fields; And
- 3) Construction of new irrigation networks/canals

In the context of resolving the LSD Nonconformity which has been determined based on the Decree of the Minister of Agrarian Affairs and Spatial Planning/Head of the National Land Agency Number 1589/SK-HK.02.01/XII/2021 dated 16 December 2021 concerning Determination of Maps of Protected Rice Fields in Regencies/Cities in Sumatra Province West, Banten Province, West Java Province, Central Java Province, Yogyakarta Special Region Province, East Java Province, Bali Province, and West Nusa Tenggara Province with RTR, KKPR, Permits, Concessions, and/or Land Rights, a settlement guide is needed which can be used as a guide or reference for the Central Government and Regional Government. The settlement guide is prepared with basic principles for preserving the LSD Ecosystem so that it can be sustainable. Apart from that, it is also necessary to consider the dynamics of investment and the implementation of national and regional development in order to realize people's welfare. Thus, there is a balance between LSD protection for food security and development investment.

The solution to the above problem is as follows:⁷

- a) Completion in order to improve data on maps of protected rice fields
 - b) Completion of Protected Rice Fields in Accordance with the Food Crop Areas/Zones in the Spatial Planning
 - c) Settlement of protected rice fields that do not match the food crop areas/zones in the spatial planning plan
- 1) Completion in the framework of Improving Protected Rice Field Map Data⁸

The completion guide for improving the LSD Map data is intended to improve the data on the LSD Map which has been determined based on the Decree of the Minister of Agrarian Affairs and Spatial Planning/Head of the National Land Agency Number 1589/SK-HK.02.01/XII/2021 dated 16 December 2021 concerning Determination of Land Maps Protected Rice Fields in Regencies/Cities in West Sumatra Province, Banten Province, West Java Province, Central Java Province, Yogyakarta Special Region Province, East Java Province, Bali Province and West Nusa Tenggara Province. The settlement guide consists of:

- a) If the LSD Map is designated as LSD but the conditions in the field are not rice fields (including: hills, moorland, water bodies, cultural heritage, perennial plantations and salt ponds), then it can be excluded from LSD.

⁷ Wawancara didik prihartono A. Ptnh kasi pengendalian dan penanganan sengketa pada tanggal 17 januari 2023 pukul 10.15 wib

⁸ Wawancara didik prihartono A. Ptnh kasi pengendalian dan penanganan sengketa pada tanggal 17 januari 2023 pukul 10.15 wib

- b) If the LSD is affected by changes in regional boundaries or there is an error in regional boundary delineation, then it will still be maintained as LSD by correcting or adjusting the regional boundary delineation in accordance with:
 - a. Legislation regarding the formation of the region concerned; And
 - b. Map of regional boundaries determined by the ministry that handles domestic government affairs.
- 2) Completion of Protected Rice Fields in Accordance with the Food Crop Areas/Zones in the Spatial Planning
Guidelines for completing LSD in accordance with food crop areas/zones in the RTR are intended to maintain the existence of LSD. The completion guide consists of:⁹
 - a) If the LSD corresponds to the food crop area/zone in the RTR but above it there are buildings and/or fill that were made after the LSD was established, then:
 - a. Still maintained as LSD; And
 - b. Owners of buildings and/or landfill may be subject to administrative sanctions in accordance with statutory provisions.
 - b) If the LSD is in accordance with the food crop area/zone in the RTR but then KKPR, Permits, Concessions, PTP, and/or non-agricultural Land Rights are issued above it after the LSD is stipulated, then it is still maintained as LSD.
 - c) If the LSD is in accordance with the food crop area/zone in the RTR but on it there are buildings and/or fill that do not have a KKPR or permit before the LSD is determined, then:
 - a. Still maintained as LSD; And
 - b. Owners of buildings and/or landfill may be subject to administrative sanctions in accordance with statutory provisions.
 - d) if the LSD is in accordance with the food crop area/zone in the RTR but above it there is a Location Determination/location permit that is still valid/KKPR PSN or Infrastructure Network, then it can be removed from the LSD with the following conditions:¹⁰
 - a. delineation of land containing a valid Location Determination/location permit/KKPR PSN or Infrastructure Network and retaining land outside the delineation as LSD; And
 - b. are subject to the obligation to implement technical engineering to preserve the LSD Ecosystem.
 - e) If the LSD is in accordance with the food crop area/zone in the RTR but there are non-agricultural land rights above it before the LSD is stipulated, then it can be excluded from the LSD with the following conditions:
 - a. Delineation of land containing non-agricultural land rights and maintaining land outside the delineation as LSD; And

⁹ Wawancara didik prihartono A. Ptnh kasi pengendalian dan penanganan sengketa pada tanggal 17 januari 2023 pukul 10.15 wib

¹⁰ Wawancara didik prihartono A. Ptnh kasi pengendalian dan penanganan sengketa pada tanggal 17 januari 2023 pukul 10.15 wib

- b. There is an obligation to implement technical engineering to preserve the LSD Ecosystem. The conditions as stated in numbers 1 and 3 are included in the category of violations of space use which will be followed up with a process for controlling space use in accordance with the provisions of statutory regulations.
- 3) Guidelines for Settlement of Protected Rice Fields that Do Not Comply with Food Crop Areas/Zones in the Spatial Planning
The guidelines for resolving LSD that are not in accordance with food crop areas/zones in the RTR are intended to resolve the factual conditions above the LSD. The completion guide consists of:¹¹
 1. If the LSD is located around the Premium Irrigation Channel and/or is within the service range of the Premium Irrigation Channel, it will still be maintained as an LSD.
 2. If the LSD is technically irrigated but there are already buildings and/or fill on it before the LSD was established, then it can be removed from the LSD with the following conditions:
 - a) Delineation of the land containing the buildings and/or fill and retaining the land outside the delineation as LSD;
 - b) No building expansion and/or filling is carried out on the land;
 - c) Technical engineering is implemented to maintain the function of the Technical Irrigation Channel; And
 - d) subject to the obligation to preserve the LSD Ecosystem.
 3. If the LSD is technically irrigated, its area is $\leq 5,000$ m², and its existence is confined to buildings on 3 (three) sides before the LSD is established, then it can be removed from the LSD with the following conditions:
 - a. The land is delineated and the land outside the delineation is maintained as LSD;
 - b. Implementation of technical engineering to maintain the function of Technical Irrigation Channels; And
 - c. There is an obligation to preserve the LSD Ecosystem.
 4. If the LSD is technically irrigated but has a valid Location Determination/location permit/PSN KKPR or Infrastructure Network on it, then it can be removed from the LSD with the following conditions:
 - a. Delineation of land containing a valid Location Determination/location permit/KKPR PSN or Infrastructure Network and retaining land outside the delineation as LSD;
 - b. Implementation of technical engineering to maintain the function of Technical Irrigation Channels; And
 - c. There is an obligation to preserve the LSD Ecosystem.
 5. If the LSD is technically irrigated but on it there is an Industrial Zone initiated by the Central Government or Regional Government whose permit was issued before the LSD was stipulated, then it can be excluded from the LSD with the following conditions:

¹¹ Wawancara didik prihartono A. Ptnh kasi pengendalian dan penanganan sengketa pada tanggal 17 januari 2023 pukul 10.15 wib

- a. Delineation of the land containing the Industrial Zone and retaining the land outside the delineation as LSD;
 - b. Implementation of technical engineering to maintain the function of Technical Irrigation Channels; And
 - c. There is an obligation to preserve the LSD Ecosystem.
6. If the LSD is technically irrigated but on which a KKPR, Permit, Concession, PTP, and/or non-agricultural Land Rights have been issued before the LSD is stipulated, then it can be excluded from the LSD with the following conditions:
 - a) Delineation of land for which KKPR, permits, concessions, PTP, and/or non-agricultural land rights have been issued and maintaining land outside the delineation as LSD;
 - b) Technical engineering is implemented to maintain the function of the Technical Irrigation Channel; And
 - c) There is an obligation to preserve the LSD Ecosystem.
7. If the LSD is technically irrigated but on which agricultural land rights were issued before the LSD was stipulated, then it is still maintained as LSD.
8. If the LSD is technically irrigated but the land has been legally controlled or owned by the business actor before the LSD was established, then it can be excluded from the LSD with the following conditions:
 - a. Delineation of land that has been legally controlled or owned by the business actor and maintaining land outside the delineation as LSD;
 - b. Implementation of technical engineering to maintain the function of Technical Irrigation Channels; And
 - c. There is an obligation to preserve the LSD Ecosystem.
9. If the LSD is technically irrigated but there is a determination of a relocation area due to natural disasters, then it can be removed from the LSD with the following conditions:
 - a. Delineation of land where relocation areas are determined due to natural disasters and maintaining land outside the delineation as LSD;
 - b. Implementation of technical engineering to maintain the function of Technical Irrigation Channels; And
 - c. There is an obligation to preserve the LSD Ecosystem.
10. If the LSD is not technically irrigated and has a productivity of ≥ 6 (six) tons per hectare per harvest but there are buildings and/or fill on it before the LSD is established, then it can be removed from the LSD with the following conditions:
 - a. Delineation of land containing buildings and/or landfill and retaining land outside the delineation as LSD;
 - b. No building expansion and/or filling will be carried out on the land; And
 - c. There is an obligation to implement technical engineering to preserve the LSD Ecosystem.
11. If the LSD is not technically irrigated, the area is $\leq 5,000$ m², and is enclosed by buildings on 3 (three) sides before the LSD is established, then it can be removed from the LSD.

12. If the LSD is not technically irrigated and has a productivity of ≥ 6 (six) tons per hectare per harvest but there is a Location Determination/location permit that is still valid/KKPR PSN or Infrastructure Network, then it can be removed from the LSD with the following conditions:
 - a. Delineation of land containing a valid Location Determination/location permit/KKPR PSN or Infrastructure Network and retaining land outside the delineation as LSD; And
 - b. There is an obligation to implement technical engineering to preserve the LSD Ecosystem.
13. If the LSD is not technically irrigated and has a productivity of ≥ 6 (six) tonnes per hectare per harvest but on it there is an Industrial Area initiated by the Central Government or Regional Government whose permit was issued before the LSD was stipulated, then it can be excluded from the LSD with the following conditions:
 - a. Delineation of the land containing the Industrial Zone and retaining the land outside the delineation as LSD; And
 - b. There is an obligation to implement technical engineering to preserve the LSD Ecosystem.
14. If the LSD is not technically irrigated and has a productivity of ≥ 6 (six) tons per hectare per harvest but above which a KKPR, Permit, Concession, PTP, and/or Non-agricultural Land Rights have been issued before the LSD is stipulated, then it can be removed from the LSD by the following provisions:
 - a. Delineation of land for which KKPR, permits, concessions, PTP and/or non-agricultural land rights have been issued and maintaining land outside the delineation as LSD; And
 - b. There is an obligation to implement technical engineering to preserve the LSD Ecosystem.
15. If the LSD is not technically irrigated and has a productivity of ≥ 6 (six) tons per hectare per harvest but above it there is a relocation area determined due to natural disasters, then it can be excluded from the LSD with the following conditions:
 - a. Delineation of land where relocation areas are determined due to natural disasters and maintaining land outside the delineation as LSD; And
 - b. There is an obligation to implement technical engineering to preserve the LSD Ecosystem.
16. If the LSD is affected by natural conditions (including: sea water intrusion, abrasion and land subsidence) so that functionally it can no longer be maintained as an LSD, it can be removed from the LSD.
17. If the LSD is in the regional development plan whose development is prioritized or its embodiment in the RTR, then it can be excluded from the LSD with the following conditions:
 - a. Delineation of land within the regional development plan which is prioritized for development or realization in the RTR and retaining land outside the delineation as LSD;

- b. Establish a regional development plan for a maximum period of 3 (three) years;
 - c. The regional development plan as intended in letter b is accompanied by a statement of capability from the regional head to realize the regional development plan, proof of investment commitment, name of investor, and development plan; And
 - d. There is an obligation to implement technical engineering to preserve the LSD Ecosystem.
18. If an LSD is in a forest area, it can be maintained as an LSD in accordance with the provisions of laws and regulations in the forestry sector. In the event that the LSD can no longer be functionally maintained as an LSD based on the results of studies and recommendations from the Regional Spatial Planning Forum, it can be removed from the LSD.

Table 4. 3
LSD files submitted to BPN Jombang Regency

bulan	Tahun 2022	selesai	Tidak selesai
september	10	0	0
oktober	6	0	0
november	17	0	0
desember	27	0	0

Sumber; bpn kabupaten jombang tahun 2022

The table above shows that none of the applicant files that have been submitted to the Jombang Regency Land Office from September to December 2022 have been completed, this is because the land is subject to the LSD map. In fact, BPN in its technical guidelines has three forms of resolution: 1) Settlement in the framework of Completing Protected Rice Field Map Data, 2) Settlement of Protected Rice Fields that are in accordance with Food Crop Areas/Zones in the Spatial Plan, 3) Settlement of Protected Rice Fields that are not in accordance with Food Crop Areas/Zones in Spatial Planning.

Of the three forms of resolution above, technical guidelines already exist or have been stipulated in regulations, however, both the BPN Jombang Regency and the KKPR Jombang Regency have not been able to implement this solution, this is because the two agencies are waiting for each other to win the release of land status. included in the lsd map. This has caused a lot of harm to both developers as applicants and individuals who have no clue as to whose authority it is to remove from the LSD map because both parties are based on the same LSD block map to create different maps even though the two agencies should be working in synergy with each other. Therefore, according to the author, the two agencies sat together for the greater benefit of society, to determine in whose hands the authority is in the BPN or in the Jombang Regency KKPR.

- C. Legal Protection for Protected Rice Fields Since the Implementation of Presidential Decree Number 59 of 2019 concerning Transfer of Use of Rice Fields in Jombang Regency.

Deputy Minister of Agrarian Affairs and Spatial Planning/Deputy Head of the National Land Agency (ATR/BPN) Raja Juli Antoni said that permits for

housing construction on Protected Rice Land (LSD) could still be valid. Provided that the construction permit has been issued before Ministerial Decree (Kepmen) ATR/Head of BPN Number 1589/Sk-Hk 02.01/XII/2021 is formalized.¹²The ATR Ministerial Decree/Head of BPN regulates the Determination of LSD in Regencies/Cities in West Sumatra Province, Banten Province, West Java Province, Central Java Province, DI Yogyakarta Province, East Java Province, Bali Province and West Nusa Tenggara Province. "Basically, those who already have the rights, already have permits, are part of the PSN, there is the term confined space, there are 5 categories that will be a relaxation," said Raja Juli at the National Working Meeting (Rakernas) of the Central Management Board (DPP) of Indonesian Real Estate (REI), Tuesday (13/12/2022). This means that developers who already have permission to build housing before the new regulations are issued can still continue development on the land that becomes LSD.¹³

Previously, ATR/BPN Ministry spokesperson Teguh Hari Prihatono emphasized that the local Land Office (Kantah) could not issue certificates for green land controlled by developers. The determination of LSD is expected to control the conversion of rice fields and fulfill their availability to support national food security. That way, developers cannot immediately build housing or industrial areas because they have to pay attention to these new regulations. "That then became the basis for not issuing a certificate at the Kantah level," explained Hari during a doorstep at the ATR/BPN Ministry Office, Jakarta, Wednesday (31/8/2022). Hari explained that this problem could not be resolved at the Kantah level, but was conveyed to the center, which is the Ministry of ATR/BPN because it concerns spatial planning policy. Apart from that, the Minister of ATR/Head of BPN¹⁴ Hadi Tjahjanto also needs to discuss this issue with the ministry related to the regulation of green land. the. For example, Karawang has an LSD with a total area of 95,667.45 hectares. Meanwhile, 10-20 percent of the LSD there is controlled by developers. Meanwhile, from the developer side, quite a few of them object to this policy.

Housing observer Anton Sitorus in a discussion at the Public Housing Journalists Forum (Forwapera) on Tuesday (20/9/2022) said that this could hamper the provision of public housing. "We in the housing sector continue to be surrounded by recurring problems, especially in terms of licensing. Only the names are different. Like PBG and LSD, these are classic problems in the latest version," said Anton. In fact, according to him, the housing problem is a fundamental matter and a human need. Moreover, considering that the housing

¹² <https://www.kompas.com/properti/read/2022/12/13/152753521/izin-pembangunan-perumahan-di-lahan-sawah-dilindungi-tetap-berlaku?page=all>.

¹³ <https://www.kompas.com/properti/read/2022/12/13/152753521/izin-pembangunan-perumahan-di-lahan-sawah-dilindungi-tetap-berlaku?page=all>. Diakses pada tanggal 22 januari 2023 pukul 19.45 wib

¹⁴ <https://www.kompas.com/properti/read/2022/12/13/152753521/izin-pembangunan-perumahan-di-lahan-sawah-dilindungi-tetap-berlaku?page=all>. Diakses pada tanggal 22 januari 2023 pukul 19.45 wib

ownership backlog figure reached 12.75 million, referring to data from the 2020 National Socio-Economic Survey (Susenas).

Thus, according to the author, legal protection for protected rice fields since the enactment of Presidential Decree Number 59 of 2019 concerning the transfer of use of rice fields in Jombang Regency will be maintained in terms of food security and to maintain the protected rice fields so that they do not become residential land, but on the other hand others cause difficulties for individual applicants who want to sell part of their land which is included in the LSD category.¹⁵

4. Conclusion

- A. mplementation of Presidential Decree Number 59 of 2019 concerning the conversion of rice fields as a form of government prevention against the conversion of rice fields at the Jombang Regency Land Office. In theory, it has not gone smoothly, but the signs are that developers will not be happy to free up rice fields to be used as housing or settlement land. However, on the other hand, it creates a new problem for individual applicants because for individual applicants who want to request separation of rights to inherited or non-inherited land, if the RTR block map includes the LSD map, then it cannot be processed because it still requires IPPT and KRK so the impression is hampering the process for heirs as applicants. For developers, the impact is very big, namely land that has been acquired and purchased before 2021 and in the process in 2022 will be subject to new regulations even though the previous land was yellow land and the LSD land plot was included in it, so automatically the land must be removed from the land. LSD and submitted to the central Agrarian Ministry in Jakarta via the Jombang Regency KKPR. This costs developers a lot of time and costs.
- B. Obstacles and efforts to overcome obstacles to the implementation of Presidential Decree Number 59 of 2019 concerning the conversion of paddy field functions in land management at the Jombang Regency Land Office. Forms of resolution include 1) Completion in the context of Completing Protected Rice Field Map Data 2) Completion of Protected Rice Field Land which In accordance with the Food Crop Area/Zone in the Spatial Plan. 3) Completion of Protected Rice Fields that are Not in Accordance with the Food Crop Area/Zone in the Spatial Plan. Even though there are already technical guidelines or have been stipulated in regulations, neither the Jombang Regency BPN nor the Jombang Regency KKPR have been able to implement this solution, this is because the two agencies are waiting for each other to win the release of land status which is included in the LSD map. This has caused a lot of harm to both developers as applicants and individuals who have no clue as to whose authority it is to remove from the LSD map because both parties are based on the same LSD block map to create different maps even though the two agencies should be working in synergy with each other. Therefore, according to the author, the two

¹⁵ Wawancara dengan Wasib Susanto, S., ST Kasubsi pengukuran dan pemetaan kadastral pada tanggal 3 januari 2023 pukul 11.00 wib

agencies sat down together for the greater benefit of society, to determine in whose hands the authority is in the BPN or in the Jombang Regency KKPR.

- C. Legal protection for rice fields which have been protected since the enactment of Presidential Decree Number 59 of 2019 concerning the conversion of rice fields in Jombang Regency. This will ensure food security and maintain protected rice fields so that they do not become residential land, but on the other hand, it will cause difficulties for individual applicants who want to sell their land, some of which is included in the LSD category.

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