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Controlling the Conversion of Rice Fields Through the Designation of Protected Rice Fields (LSD)

Pengendalian Konversi Sawah Melalui Penetapan Sawah Lindung (LSD)

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Abstract

Law creates justice and benefits in people's lives, its existence is actually realized by the existence of legal certainty so that people can always obey and comply with the law. For example, the legal existence of controlling the conversion of paddy fields through Protected Paddy Lands (LSD) is very important in maintaining and maintaining the availability of paddy fields, this stems from the phenomenon of high levels of conversion of paddy fields causing the area of paddy fields to shrink, reducing the availability of basic necessities. food in the form of rice. With this phenomenon, control over the conversion of LSD rice fields is questionable, especially in the face of discrepancies in LSD determination with the Regional Spatial Planning (RTRW). So this journal was created with the aim of knowing the control over the conversion of paddy fields through LSD and also legal certainty. The results and conclusions in this research study can basically be explained that controlling the conversion of paddy fields through LSD by doing 2 things, namely, 1) LSD conversion and 2) LSD incentives. However, regarding the legal certainty of controlling the conversion of paddy fields through LSD, it is stated that it does not fully contain legal certainty, this is due to an error in

determining the LSD in Ministerial Decree No. 1589/SK-HK.02.01/XII/2021. Therefore, it is undeniable that LSD needs to reform and perfect its legal policies so that the goal of controlling the conversion of paddy fields through LSD can be achieved and realized.

Keywords Control over conversion of rice fields, Legal certainty, and protected rice fields

Hukum menciptakan keadilan dan kemaslahatan dalam kehidupan masyarakat, keberadaannya diwujudkan dengan adanya kepastian hukum agar masyarakat selalu taat dan patuh pada hukum. Misalnya saja, keberadaan hukum pengendalian alih fungsi lahan sawah melalui Lahan Sawah Lindung (LSD) sangat penting dalam menjaga dan menjaga ketersediaan lahan sawah, hal ini bermula dari fenomena tingginya konversi lahan sawah yang menyebabkan luasnya lahan sawah terlindung. lahan sawah menyusut sehingga mengurangi ketersediaan kebutuhan pokok. makanan berupa nasi. Dengan fenomena tersebut, pengendalian alih fungsi lahan sawah LSD patut dipertanyakan, apalagi menghadapi ketidaksesuaian penetapan LSD dengan Rencana Tata Ruang Wilayah (RTRW). Maka jurnal ini dibuat dengan tujuan untuk mengetahui pengendalian alih fungsi lahan sawah melalui LSD dan juga kepastian hukum. Hasil dan kesimpulan dalam kajian penelitian ini pada dasarnya dapat dijelaskan bahwa pengendalian konversi lahan sawah melalui LSD dengan melakukan 2 hal yaitu, 1) Konversi LSD dan 2) Insentif LSD. Namun mengenai kepastian hukum penertiban alih fungsi lahan sawah melalui LSD disebutkan belum sepenuhnya memuat kepastian hukum, hal ini disebabkan adanya kesalahan penetapan LSD pada Keputusan Menteri Nomor 1589/SK-HK.02.01 /XII/2021. Oleh karena itu, tidak dapat dipungkiri bahwa LSD perlu melakukan pembenahan dan penyempurnaan kebijakan hukumnya agar tujuan pengendalian konversi lahan sawah melalui LSD dapat tercapai dan terwujud.

Kata Kunci Pengendalian alih fungsi lahan sawah, Kepastian hukum, dan perlindungan lahan sawah.

Introduction

Rice fields are a part of agricultural land that plays an important role in human survival, especially in a country where the majority of people depend on the agricultural sector to live their lives (Erwahyuningrum, Kuswanto, & Adjie, 2023). One of these countries is Indonesia, a country which is dubbed an agricultural country on the basis that the majority of its population works in the agricultural sector, especially rice fields. This is supported by natural capabilities and seasonal conditions, making Indonesia have the potential to produce large amounts of rice production every year (Masitoh, Habibah,

Widiyani, & Azizah, 2022). This makes rice itself part of the staple food in the form of rice to be processed into rice, which can then be consumed by every individual human in order to meet food or basic needs. However, the availability of paddy fields is currently continuing to shrink due to the large number of conversions of paddy fields to non-rice fields.

The conversion of rice fields occurs due to the encouragement of rapid population growth every year, so that the need for land is increasing in order to meet the needs of people's housing or other development (Wahanisa, Niravita, Mahfud, & Aminah, 2021). For example, the increasing need for land makes people inevitably change the function of land because there is not enough non-rice field land to meet their needs. Under these conditions, the amount of rice production can decrease in line with the decrease in the amount of rice food in order to meet the availability of food needs for the community. In fact, this is currently happening based on data on the amount of rice production in 2023 weighing 26.11 tons of rice, while in 2022 the amount of rice production weighing 26.17 tons of rice, by looking at this data it is known that there is a decrease of 58.56 thousand tons of rice in 2023 (https://patikab.bps.go.id/news/produk-padi-tahun-2023-mengalami-penur unan.html, accessed 15 February). By looking at the existing facts, it provides awareness that the need for food and the need for shelter are actually both basic needs for society, with this same position it does not mean that sufficiency and fulfillment of one need continues to be sought but at the expense of other needs, so in this case rice fields sacrificed to fulfill housing needs. If this happens, the state's goal, which is implicitly contained in Article 28H paragraph 1 of the 1945 Constitution, which means that every individual in society has the right to live in prosperity both physically and mentally, will not be fulfilled properly.

Control over the conversion of paddy fields is needed to control the conversion of paddy fields which is carried out on the basis of meeting the needs and/or interests of the community, so that with this control the availability of paddy fields does not continue to shrink without knowing the limitations due to land conversion (Rusydi & Setyadji, 2024). The government has proven its seriousness in protecting and maintaining rice fields through the establishment of a policy to control the conversion of rice fields. This policy was realized by formulating and establishing the designation of Protected Rice Fields (LSD) on the basis of Presidential Decree No. 59 of 2019 concerning Control of the Conversion of Rice Land. The form of LSD determination can

be in the form of a map determined by the Minister of Agrarian Affairs and Spatial Planning as the holder of the authority for this determination. The existence of the LSD determination has a role in spatial planning to maintain and maintain the availability of rice fields from land conversion activities. The existence of LSD in the spatial planning sector has actually been mentioned in several previous laws and regulations, but with different terms. One of them is in Law No. 41 of 2009 concerning Protection of Sustainable Food Agricultural Land or called LP2B as a system and process for controlling food agricultural land. Therefore, legal regulations have clearly demonstrated their existence in providing control and protection for rice fields, but to date the area of rice fields is still continuing to shrink due to the high level of conversion of rice fields.

Spatial planning is influenced by the determination of the LSD, as well as the existence of this LSD will have an influence on the RTRW as part of Law No. 26 of 2007 concerning Spatial Planning which regulates spatial structure planning, space utilization, control of space utilization and spatial planning. Therefore, LSD and RTRW must be mutually compatible because both are interconnected in carrying out their respective roles in spatial planning. However, problems arise when in reality a discrepancy is found between the determination of LSD and RTRW, with the position of both having a role in spatial planning (Hayuningtyas & Nursadi, 2024). For example, this discrepancy will affect the conversion of paddy fields because looking at the control, use and exploitation of land, it must be in accordance with the RTRW, however, because of the presence of LSD, when changing the function of paddy fields, you should pay attention to whether the position of paddy fields is part of the LSD or not (Wibisono & Widowaty, 2023). This discrepancy arises based on the determination of the LSD through the Decree of the Minister of ATR/BPN No.1589/SK-HK.02.01/XII/2021 concerning the Determination of Maps of Protected Rice Fields and also the position of the central government regarding its intervention in controlling the conversion of rice fields where in addition it has the authority regional autonomy by local governments.

The implementation of the conversion of rice fields is faced with nonconformity LSD with RTRW, as described in the conditions that actually occurred. Where a rice field is requested for permission to change the function of the rice field to non-rice field, for this reason the rice field is checked and the results are that the use and use of the land is compatible with the RTRW.

Meanwhile, on the other hand, the rice fields are included in the LSD so it is not suitable to obtain permission to change the function of the land. This creates uncertainty regarding the implementation and decisions regarding permits to change the function of rice fields. Therefore, the question arises, how can control over conversion of paddy fields be protected through LSD? and what is the legal certainty of controlling the conversion of rice fields through LSD? So that's the explanation of the backgroundbehindThe above is the background for writing a journal with the title Controlling the Conversion of Rice Fields through Protected Rice Fields (LSD).

Methods

The research method used in this legal article is to use a qualitative approach. Qualitative research is a method used in research to produce and present research in descriptive form based on the analysis and study of previously collected research data(Muhaimin, 2020). The use of this qualitative approach provides a clear explanation of the problems raised in this journal article. The normative juridical research method is a research method used to analyze and study phenomena or problems using various library sources, as well as using secondary data sources from journals, books, laws and regulations and various other documents (Soekanto, 2015).

Results & Discussion

A. Controlling the Conversion of Rice Land Through LSD

The conversion of rice fields to non-rice fields continues to increase over time, causing the amount of rice production to decrease in line with the decline in the amount of rice food (Rostini, 2023). The decline in rice production is not balanced with the rapid growth in population, which of course requires food from rice fields to meet food needs. The staple food of the Indonesian people is rice, which is processed from rice which depends on rice, making the existence of rice fields very important and must be considered (Azzahra, Amir, & Hodijah, 2021). Therefore, there is a need for government action to create control over the conversion of rice fields so that the availability of rice fields can be sufficient in order to maintain sufficient rice production for the food needs of the community.

Control over the conversion of paddy fields is determined by the central government through the issuance of Presidential Decree No. 59 of 2019. The

government based the formation of these laws and regulations with the aim of, among other things:

1. Acceleration of the determination of the LSD Map is sought to maintain and maintain the availability of rice fields in order to encourage and support the fulfillment of national food needs;
2. Controlling the rapid conversion of rice fields;
3. Empowerment of farmers to encourage farmers not to change the function of their rice fields to non-rice fields; And
4. Provider of data and information related to rice fields to be used as material for determining LP2B.

Based on the objectives of these statutory regulations, controlling the conversion of paddy fields through LSD has in fact been shown by the government as a form of its seriousness in controlling and protecting paddy fields from land conversion, through the formulation of statutory regulations which contain LSD. These Legislative Regulations are as follows:

1. Presidential Decree No. 59 of 2019 concerning Control of the Conversion of Rice Fields;
2. Minister of Agrarian and Spatial Planning Regulation/Head of BPN No. 12 of 2020;
3. Coordinating Minister for the Economy Decree No. 18 of 2020;
4. Decree of the Minister of Agrarian Affairs and Spatial Planning/Head of BPN No. 1589/SK-HK.02.01/XII/2021; And
5. Technical Instructions No. 5/Juknis-HK.02/VI/2022.

Presidential Decree No. 59 of 2019 is the basis for the formation and stipulation of the LSD by the Minister of ATR/BPN as a result of agreement from the integrated team. Not all rice fields will be included in the LSD section, because the government has determined provisions or categories of rice fields that can be included in its section, namely:

1. Irrigated rice fields; And
   Irrigated rice fields are land that functions as a rice field that has irrigation infrastructure to meet water needs to support the productivity of rice farming activities (JPurwanto, Dewi, & Sutanmarajo, 2023). Irrigated rice fields can be surface irrigated rice fields, underground water irrigation, swamp irrigation and pump irrigation.
2. Paddy fields are not irrigated.

Non-irrigated rice fields can be rice fields with rain-fed irrigation and rice fields without an irrigation system. Rainfed rice fields are land whose water needs are met only from rain(Morina, Hifnalisa, & Jufri, 2023).

Integrated team and implementation teamThe government was formed to develop control over the conversion of rice fields in order to maintain and maintain land availability(Setyawati, Indrawati, Nurjayanti, & Glikoriandi, 2023). The formation of an integrated team and implementation team is carried out by the government through the establishment of policiesCoordinating Minister for the Economy Decree No. 18 of 2020. The duties and roles of the integrated team and implementation team are aimed at establishing and preparing control over the conversion of paddy fields through LSD, where the process to achieve the LSD determination requires several stages, namely:

1. Verification and clarification
   Verification is carried out on the basis of the latest Raw Rice Field Land (LBS) which is corrected with RTRW, RDTR, irrigation area data, printed data on new rice fields and forest areas. Then, clarification of the results of the verification implementation is carried out in order to produce an indicative LSD map and an analysis report on the results of the clarification.
2. Synchronization and Proposing
   Synchronization and proposal are carried out by:
   a. Implementation Team coordination meeting
      The purpose of the meeting is to reach an agreement and resolve the issue of determining the indicative LSD based on the results at the verification and clarification stage. The results of the meeting consisted of an LSD map, minutes of the proposed LSD determination, and material for a report on the agreement to resolve the problem.
   b. Integrated Team coordination meeting
      Carried out based on a letter of proposal for determining LSD from the Implementation Team, this meeting was held to resolve problems that had not been agreed upon by the Implementation Team and obtain agreement from the competent ministry/institution for this. The results of this meeting are in the form of problem resolution, map proposals, and minutes of events.
3. Determination

The proposed LSD map that has been agreed upon in the coordination meeting can be proposed to be designated as an LSD map by the Chief Minister of Agrarian Affairs and Spatial Planning/Head of BPN.

The determination of LSD was realized by the enactment of Decree of the Minister of Agrarian Affairs and Spatial Planning/Head of BPN No. 1589/SK-HK.02.01/XII/2021 on 16 December 2021 which contains the determination of LSD for Regencies/Cities in the Provinces of Banten, East Java, West Java, Central Java, West Sumatra, DI Yogyakarta, Bali and NTB. The existence of the LSD determination will later become a reference material for the central government and regional governments based on their authority in determining LP2B in the RTRW and Detailed Spatial Planning (RRTR). Sustainable Food Agricultural Land (LP2B) has a role in controlling agricultural land conversion through determining agricultural land to be included in LP2B so that later the land is protected and protected from land conversion (Ayunita, Widiati, & Sutama, 2021), the existence of LP2B was confirmed by the government in the formulation and enactment of Law No. 41 of 2009 concerning LP2B Protection.

The relationship between LSD as part of LP2B in controlling land conversion is based on the fact that both of them have a close relationship in maintaining and maintaining land availability (HK, Yasa, Setyawan, Adiwibowo, & Manggala, 2023). As such, the relationship between the two was formed on the basis of the stipulation of LSD as a complement or improvement to the LP2B policy based on Law No. 41 of 2009 which is considered too broad and it is also seen that most regional governments have not formulated and established regional regulations related to LP2B(NikenSari & Budhianti, 2023). Therefore, to maintain and maintain land availability, LSD was established as part of LP2B in the RTRW. However, it cannot be denied that the close relationship between the two has that they have differences or inequalities regarding their scope in safeguarding and maintaining land availability, where LP2B has a wider scope in the form of agricultural land, while the LSD determination is only applied to rice fields.

Controlling the conversion of paddy fields through the determination of LSD is based on Presidential Decree No. 59 of 2019 which contains 2 ways, namely:

1. The conversion of rice fields is protected

Protected Rice Land (LSD) plays a role in controlling the conversion of rice fields in order to protect and maintain the availability of rice fields(Saputra, Arba, & Putro, 2023), by placing its existence as part of LP2B in the RTRW. If the LSD has not been determined as intended, then the rice field is based on Article 17 of Presidential Decree No. 59 of 2019 cannot be converted into another function before obtaining recommendations for land use changes from the Minister of Agrarian/Spatial Planning and the Head of BPN. For example, the LSD in controlling the conversion of rice fields is based on the prohibition of rice fields that are part of the LSD being converted or used for other functions, be it development or other things (NikenSari & Budhianti, 2023).

2. Incentive for protected rice fields

The existence of LSD containing the word protected is interpreted to be safe, through efforts to improve the welfare of farmers who own rice fields which are part of LSD (Hadel & Samaloisa, 2023). Farmers' welfare is a form of controlling the conversion of paddy fields by providing subsidies to improve farmers' living standards, so that farmers want to maintain their paddy fields so that they are not converted into other functions. The subsidy can be provided in the form of:(Surata, 2024):

1) Providing fertilizer subsidies;
2) Providing subsidies for facilities and infrastructure to support rice field productivity;
3) Increasing the price of rice production;
4) Assist in marketing; And
5) Providing guarantees for farmers' needs.

Meanwhile, the provision of incentives is based on Presidential Decree No. 59 of 2019 is carried out by the central government for farmers who own rice fields who fall under the LSD section in the form of:

1) Providing facilities and infrastructure to support agriculture;
2) Providing facilities and infrastructure for irrigation; And
3) Accelerate land certification;

Providing subsidies is a form of providing LSD incentives in controlling the conversion of paddy fields. The central government provides LSD incentives to local governments and also to the community.

The central government only provides incentives to local governments by meeting the following indicators:

1) Areas with rice fields are part of the LSD; and/or
2) Areas whose regional government has designated rice fields as included in LSD are part of LP2B.

Controlling the conversion of paddy fields through the establishment of LSD is one of the efforts to deal with the problem of the high rate of conversion of paddy fields to housing which threatens the availability of paddy fields. However, facing the fact that there is a land problem regarding the discovery of a discrepancy between the LSD determination and the RTRW, this becomes a big problem when the existence of the RTRW has an important position in the implementation of spatial planning. The inconsistency occurs because in determining the LSD only pays attention or looks at determining the existence of land, while several other important things are not taken into account so that the content in determining the LSD could potentially lead to inconsistencies with the RTRW. The existence of this discrepancy can create uncertainty regarding the control of land conversion through LSD by placing its existence in the decision to permit land conversion.

The permit process for changing the function of paddy fields determines whether or not a paddy field can be converted into land, where this permit is the right time for the elements of control over the conversion of paddy fields to work. For example, the decision to permit the conversion of rice fields is influenced by the provisions of the RTRW in controlling the use of regional space, if a rice field is not in accordance with the spatial use of the RTRW area in order to be converted thenthe permit to change the function of the rice field may not be approved. However, currently the conditions are different when the LSD determination is present with conditions where there is a discrepancy with the RTRW, so that the land conversion permit process experiences slight changes compared to before.

The land conversion permit process has undergone slight changes in the face of the emergence of conversion of protected rice fields. Change of function of protected rice fields is intended as a condition where the rice fields are assessed in accordance with the RTRW to be able to be converted, but because the existence of the rice fields is included in the LSD determination, the rice fields need to submit an application for a recommendation for

changes in land use (Wandari, Yuniansari, & Arba, 2022). Likewise, the implementation of permits to change the function of protected rice fields is inconsistent with the RTRW, where the implementation of permits is the same as carrying out conversion of functions of protected rice fields, but the difference is only in the application for the exclusion of rice fields from the LSD (Prabowo, Kamil, & Mauludin, 2023). The application for the release of rice fields is an answer to the existence of the position of determining LSD in controlling the conversion of rice fields when there is this discrepancy, because if there is a request then the existence of controlling the conversion of rice fields through LSD is questioned.

The government has the authority to determine LSD to deal with discrepancies in determining LSD with RTRW. The government is acting by improving and updating data, in order to create compatibility between LSD and RTRW regarding their position in spatial planning. Correction and updating of data in determining LSD is based on the LP2B or KP2B provisions in the RTRW. As, LP2B or KP2B consists of wetland and dry land agricultural areas contained in the RTRW, the existence of agricultural areas in the LP2B is an indicator of the suitability of LSD determination with RTRW (https://bekikab.go.id/pemkab-bekasi-tetangkat- proposed-protected-rice-field-area-35341-hectares., accessed 16 February 2024, at 12.41).

Updating or updating LSD data by revising the LSD map by the central government, involving the synergy of the Provincial BPN Regional Office/Land Office through its role in identifying data on buildings and non-paddy land rights included in the LSD map section, so that it can be proposed for updating or updating LSD data at the Provincial BPN Regional Office. The role of the land office is not only in the scope of updating or updating LSD data but there is a synergy carried out by the Provincial BPN Regional Office/Land Office, namely(NikenSari & Budhianti, 2023):

1. Carrying out examination of applications for proposals to release rice fields or non-rice fields from LSD based on predetermined criteria;
2. Encourage Regional Governments according to their authority to be able to formulate and establish regional regulations regarding land conversion in the form of control and regulation of land conversion by regional governments;

3. Encourage Regional Governments in accordance with their authority to immediately formulate and determine KP2B or LP2B with the existence of LSD in the RTRW to maintain national food security; And
4. Encourage local governments to realize the provision of incentives and disincentives to communities whose land is included in the LSD.

Based on the explanation of controlling the conversion of paddy fields through LSD above, along with the findings of problems that arise therein. As with the current condition of the LSD in protecting and maintaining rice fields through controlling the conversion of rice fields, it can be said that it is not working as it should, due to problems resulting from the incompatibility of the LSD with the RTRW. So in trying to make the LSD work effectively as a control over land conversion in order to protect and maintain rice fields and also in dealing with these problems, it will require time and energy from stakeholders.

B. Legal Certainty Controlling The Transfer Of Function Of Rice Land Through LSD

Controlling the conversion of paddy fields through LSD is realized in order to protect and maintain paddy fields facing problems resulting from the incompatibility of LSD determination with RTRW(Graha, Putri, & Dharmayasa, 2023). Therefore, in dealing with LSD discrepancies with the RTRW, the Ministry of ATR/BPN established Technical Guidelines No. 5/Juknis-HK.02/VI/2022 concerning Settlement of LSD Non-Conformities. These technical guidelines are needed in the work of LSD in the process of converting paddy fields to serve as guidelines and references for the government. This is based on the role of LSD in protecting and maintaining rice fields, so the existence of LSD is important to maintain. So facing LSD in the process of permitting conversion of protected rice fields can be submitted to be excluded from LSD but with certain conditions, namely:

1. If the land is part of the LSD with conditions surrounding it that have premium irrigation and/or the position of the land within which can reach premium irrigation, the land is still included in the LSD;
2. If the land is part of the LSD with technical irrigated conditions, but the land has been built and/or filled before the LSD was determined, the land can be exempted from being part of the LSD, but with the following conditions:

a. Carry out delineation of the land and land outside the delineation remains part of the LSD;
b. It is prohibited to expand buildings and fill land on the land;
c. Applying technical engineering to maintain the function of irrigation channels;
d. Obligated to maintain the sustainability of the LSD ecosystem.

3. If the land is part of the LSD with technical irrigation conditions, with a land area of ≤ 5,000 m^2, and its existence is enclosed on three sides by buildings that existed before the LSD was established, then the land can be exempted from the LSD section with the following conditions:
   a. Carry out delineation of the land and land outside the delineation remains part of the LSD;
   b. Applying technical engineering to maintain the function of irrigation channels;
   c. Obligated to maintain the sustainability of the LSD ecosystem.
4. If the land is part of the LSD with technical irrigation conditions, however, on that land there islocation determination or a valid location permit/KKPR PSN or the existence of an infrastructure network, then the land can be exempted from the LSD section with the following conditions:
   a. Carry out delineation of the land and land outside the delineation remains part of the LSD;
   b. Applying technical engineering to maintain the function of irrigation channels;
   c. Obligated to maintain the sustainability of the LSD ecosystem.
5. If the land is part of the LSD with technically irrigated conditions, but on the land there is an industrial area at the initiative or initiative of the government through permits that have been issued before the LSD was determined, then the land can be exempted from being part of the LSD with the following conditions:
   a. Carry out delineation of the land and land outside the delineation remains part of the LSD;
   b. Applying technical engineering to maintain the function of irrigation channels;
   c. Obligated to maintain the sustainability of the LSD ecosystem.
6. If the land is part of the LSD with technical irrigated conditions, but on which a Permit, KKPR, Concession, and/or Non-agricultural Land Rights

have been issued before the LSD is determined, then the land can be exempted from being part of the LSD with the following conditions:

a. Carry out delineation of the land and land outside the delineation remains part of the LSD;
b. Applying technical engineering to maintain the function of irrigation channels;
c. Obligated to maintain the sustainability of the LSD ecosystem.

7. If the land is part of the LSD with technical irrigation conditions, but the land already has agricultural land rights before the LSD is determined, then the land is still included in the LSD.
8. If the land is part of the LSD with technical irrigation conditions, but the land has been legally owned and controlled by the business actor before the LSD was determined, then the land can be exempted from being part of the LSD with the following provisions:
   a. Carry out delineation of the land and land outside the delineation remains part of the LSD;
   b. Applying technical engineering to maintain the function of irrigation channels;
   c. Obligated to maintain the sustainability of the LSD ecosystem.
9. If the land is part of the LSD with technical irrigation conditions, but the land has been determined to relocate as a result of a natural disaster, then the land can be exempted from being part of the LSD with the following provisions:
   a. Carry out delineation of the land and land outside the delineation remains part of the LSD;
   b. Applying technical engineering to maintain the function of irrigation channels;
   c. Obligated to maintain the sustainability of the LSD ecosystem.
10. If the land is part of the LSD in a condition that is not technically irrigated and with a productivity of ≥ 6 Tons/Ha/Harvest, but the land has been developed and/or filled before the LSD was determined, then this land can be exempted from the LSD section with the following conditions:
    a. Carry out delineation of the land and land outside the delineation remains part of the LSD;
    b. It is prohibited to expand buildings and/or fill land on the land;
    c. Obligated to implement technical engineering to maintain the sustainability of the LSD ecosystem.

11. If the land is part of the LSD in a condition that is not technically irrigated, with a land area of ≤ 5,000 m2, and its existence is enclosed on three sides by buildings that have an LSD designation, then the land can be exempted from being part of the LSD.
12. If the land is part of the LSD in a condition that is not technically irrigated, with a productivity of ≥ 6 tons/ha/harvest, but on that land there arelocation determination or a valid location permit/KKPR PSN or the existence of an infrastructure network, then the land can be exempted from the LSD section with the following conditions:
    a. Carry out delineation of the land and land outside the delineation remains part of the LSD;
    b. Obligated to implement technical engineering to maintain the sustainability of the LSD ecosystem.
13. If the land is part of the LSD in a condition that is not technically irrigated, with a productivity of ≥ 6 Tons/Ha/Harvest, but on the land there is an industrial area at the initiative or initiative of the government through permits that have been issued before the LSD was determined, then the land can be exempt from the LSD section with the following conditions:
    a. Carry out delineation of the land and land outside the delineation remains part of the LSD;
    b. Obligated to implement technical engineering to maintain the sustainability of the LSD ecosystem.
14. If the land is part of the LSD in a technically non-irrigated condition, with a productivity of ≥ 6 Tons/Ha/Harvest, but on which a Permit, KKPR, Concession, and/or Non-agricultural Land Rights have been issued before the LSD was determined, then the land is can be exempted from the LSD section with the following conditions:
    a. Carry out delineation of the land and land outside the delineation remains part of the LSD;
    b. Obligated to implement technical engineering to maintain the sustainability of the LSD ecosystem.
15. If the land is part of the LSD in a condition that is not technically irrigated, with a productivity of ≥ 6 Tons/Ha/Harvest, but the land has been determined to be relocated as a result of a natural disaster, then the land can be exempted from being part of the LSD with the following conditions:

a. Carry out delineation of the land and land outside the delineation remains part of the LSD;
b. Obligated to implement technical engineering to maintain the sustainability of the LSD ecosystem.

16. If the land that is part of the LSD is impacted by natural conditions (such as: abrasion, land subsidence, and sea water intrusion) which means that it cannot be functionally maintained as an LSD, then the land can be exempted from being part of the LSD.
17. If the land is part of the LSD whose position is in a regional development plan with priority to support development and its realization in the RTRW, then it can be exempted from being part of the LSD with the following provisions:
    a. Carry out delineation of the land and land outside the delineation remains part of the LSD;
    b. Determine regional development plans for a maximum period of 3 years;
    c. The plan in letter b is intended to complete a letter of statement of capability to the regional head in the process of realizing the regional development plan, manifestation of seriousness in investment, name of investor, and development plan; And
    d. Obligated to implement technical engineering to maintain the sustainability of the LSD ecosystem.
18. If the land is part of the LSD and is located in a forest area, it is still included in the LSD in accordance with the laws and regulations concerning the forestry sector.

Resolving LSD discrepancies in Technical Guidelines No. 5/Juknis-HK.02/VI/2022 shows indicators of rice fields that can and cannot be excluded from LSD. In fact, the technical guidelines do not show the process of permitting conversion of protected rice fields as a way out of dealing with LSD discrepancies, but rather in the form of improving the LSD map by re-verifying, synchronizing and re-determining changes to the LSD. Meanwhile, based on its application, LSD in the permit process for changing the function of paddy fields is included as material in the LP2B in the RTRW, if it is not yet included in the RTRW then permits for changing the function of protected paddy fields require recommendations for changes in land use, the process of which is contained inCoordinating Minister for the Economy Decree No. 18 of 2020. However, as previously explained, the incompatibility of the LSD with the RTRW means that the application of LSD in the permit process for

changing the function of paddy fields has changed, not only requiring recommendations in accordance with the provisions of the Coordinating Ministerial Decree but also requiring certainty that paddy fields can be excluded from the LSD or not.

The condition of LSD influences the process of land conversion, making its existence uncertain or not fully suitable for implementation as control over conversion of paddy fields, even though its existence is an urgency in protecting and defending paddy fields from land conversion. For example, the rice fields in the LSD have not been determined with certainty because the authority for making the LSD does not directly see the location of the rice fields, so they cannot know the real condition of the land because the condition of the land is not always in ideal condition (Surata, 2024). Therefore, it is necessary to look again at the existence of the LSD from the perspective of legal certainty regarding the LSD in controlling the conversion of paddy fields in the land conversion permit process. This is done to provide certainty of the existence of the LSD in safeguarding and maintaining paddy fields in accordance with the purpose for which they were created.

Legal certainty regarding controlling the conversion of paddy fields through LSD in the process of permitting conversion of paddy fields to provide certainty to the community regarding the availability of paddy fields. This legal certainty can be based on M. lon Fuller's theory of legal certainty. For example, the existence of LSD determination as a control over the conversion of paddy fields in the process of converting paddy fields is measured by M. lon Fuller's eight principles as a measure of legal certainty. These eight principles underlying legal certainty regarding LSD can be described and explained as follows(Putra, Rato, & Susanti, 2021):

1. There must be statutory regulations, so there is no opportunity for decisions or actions to be taken impulsively. In this case, the determination of the LSD policy in the process of changing the function of rice fields has been contained in Presidential Decree No. 59 of 2019, Minister of Agrarian and Spatial Planning Regulation/Head of BPN No. 12 of 2020, and Technical Guidelines No. 5/Juknis-HK.02/VI/2022.
2. Legislation that has been formulated and established must be announced to the public. In this case, the LSD determination has been properly announced through the Ministerial Decree No. 1589/SK-HK.02.01/XII/2021, so that it is through the enactment of this

Ministerial Decree that the general public and various parties become aware of the presence and whereabouts of the LSD formed by the central government. However, in fact, not many people and/or farmers who own rice fields who have entered LSD know and understand that the existence of this LSD limits the use of rice fields to only paddy fields.

3. Legislation cannot be applied retroactively. In this case, the LSD determination came into effect since the enactment of Ministerial Decree No. 1589/SK-HK.02.01/XII/2021 on 16 December 2021, through this decree the implementation of LSD was only implemented when the Ministerial Decree was issued, and was not applied to the condition of rice fields where there had previously been a change in land use, rice fields were included in the section LSD conditions where there are buildings or land fill before December 16 2021, the land can be removed from the LSD based on Technical Guidelines No. 5/Juknis-HK.02/VI/2022.
4. Legislative Regulations are formulated and prepared clearly and in detail, so that the public and local government officials are able and easy to understand them. In this case, the determination of LSD through Ministerial Decree No. 1589/SK-HK.02.01/XII/2021 was not implemented clearly and in detail, because there was a discrepancy between the determination of the LSD and the RTR which was based on a discrepancy between the Ministerial Decree on the determination and Presidential Decree No. 59 of 2019 as the legal basis for establishing LSD, because the Ministerial Decree on determining LSD contains the determination of rice fields included in LSD which in fact is not based on the criteria for rice fields that can be designated as LSD based on Presidential Decree No. 59 of 2019. With this, the public and the government know that there is ambiguity and inconsistency between the laws and regulations related to LSD.
5. Legislative regulations may not require them to be implemented for things that are impossible. LSD determination continues to be carried out based on Ministerial Decree No. 1589/SK-HK.02.01/XII/2021 even though there is a discrepancy between the LSD and the RTR, so that achieving the objectives of establishing the LSD cannot be achieved as it should be.
6. Legislative Regulations must not conflict with one another. In this case, Technical Guidelines No. 5/Juknis-HK.02/VI/2022 contradicts the Minister of Agrarian and Spatial Planning/Head of BPN Regulation No. 12 of 2020 is based on the fact that rice fields included in the LSD cannot be converted, but because of the technical guidelines, rice fields that were

originally included in the LSD can be converted because they are excluded from the LSD. Therefore, the laws and regulations related to LSD conflict with each other on the basis of cause and effect due to the discrepancy in determining LSD.

7. Existing laws and regulations must be consistent or not easily changed. Based on the application of LSD which is carried out on the basis of Ministerial Decree No. 1589/SK-HK.02.01/XII/2021 and with Technical Guidelines No. 5/Juknis-HK.02/VI/2022, where both do not have the same power as law and also the existence of both can be changed in accordance with the Regional Regulations of each region.
8. There must be conformity and harmony between statutory regulations and the actions taken by legal officials. In this case, it is based on the many parties who play the role of LSD in controlling the conversion of rice fields based on Presidential Decree No. 59 of 2019, Minister of Agrarian and Spatial Planning Regulation/Head of BPN No. 12 of 2020, andCoordinating Minister for the Economy Decree No. 18 of 2020. Likewise, in dealing with the problem of non-compliance, there are roles for regional governments and related agencies in dealing with these problems based onTechnical Guidelines No. 5/Juknis-HK.02/VI/2022. However, the central government's intervention in controlling the conversion of paddy fields actually collides with the role of regional governments in their role in safeguarding and maintaining land conversion. This is again shown by the incompatibility of LSD as central government policy with RTRW as regional government policy.

Legal certainty is determined through the existence of statutory regulations that must be obeyed, but their existence is not only based on the implementation of these regulations, but also on how the norms or content in these regulations contain the principles of the law itself (Halilah & Arif, 2021). Likewise, legal certainty exists to create clarity regarding a norm in legal regulations which is used as a guide for the community or various parties regarding the implementation of these regulations. Therefore, LSD is an element that is present in people's lives and has an influence on society, with legal certainty regarding LSD to provide clarity in its work or application. This cannot be separated from the existence of the LSD itself in carrying out its role as controlling the conversion of paddy fields in the land conversion permit process.

Therefore, on the basis of the 8 principles in Fuller's theory of legal certainty, it can be concluded that controlling the conversion of paddy fields

through LSD does not fully provide legal certainty. This is in line with the actual conditions that occur due to the LSD inconsistency with the RTRW, which occurs because there is a discrepancy in the creation and/or preparation of the LSD based on statutory regulations. For this reason, there are many things that must be addressed or updated regarding the laws and regulations related to LSD and its application in society. However, seeing the urgency of having LSD to protect and maintain rice fields, in order to accelerate repair and renewal, cooperation between stakeholders is needed so that what should be realized and achieved can happen through the legal certainty of LSD.

Conclusion

Protected Rice Land (LSD) is essentially a form of effort to control the conversion of rice fields to a rice field whose existence is determined to be protected and maintained. The presence of LSD is a form of the government's seriousness in suppressing or dealing with the problem of conversion of rice fields which is increasing every time, especially due to rapid population growth. In fact, the existence of LSD has been regulated in legal regulations, so when viewed from a legal perspective, paddy fields can be described as raw paddy fields through the synchronization of an integrated team which can then be determined by the competent minister. Controlling the conversion of paddy fields through LSD in order to protect and defend paddy fields from land conversion can be done by doing 2 things, namely, 1)conversion of protected rice fields and 2) incentives for protected rice fields. However, in carrying out its role the LSD was hampered by a discrepancy between its determination and the RTRW, with this an assessment was then carried out based on the theory of legal certainty on M. Fuller's 8 principles by directing control over the conversion of paddy fields through the LSD. Based on the content of the theoretical indicators of legal certainty, the statutory regulations related to controlling the conversion of paddy fields through LSD can be said to not fully contain legal certainty because there are several things in the legal certainty indicators that are not fulfilled. The most important thing about the indicators that causes legal certainty not to be met, in this case, is based on errors or discrepancies in the determination of the LSD in Ministerial Decree No. 1589/SK-HK.02.01/XII/2021 stipulated by the central government with RTRW determined by the regional government. Therefore, there are various things in the LSD that must be addressed and adjusted so that the role of

controlling the conversion of paddy fields through LSD in protecting and maintaining paddy fields can be realized as it should.

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