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The Problematic of Incompatibility of Rice Land Protected by the Jember District Spatial Plan

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Abstract

The discrepancy in the Regional Spatial Plan of Jember Regency related to the regulation of spatial patterns and the direction of zoning regulations with the Presidential Regulation on the conversion of rice fields raises legal issues, namely the difficulty of the community to allocate limited space use for land, causing conflicts of interest, namely causing juridical problems that the government applies LSD regulations with reference to RTRW which is no longer in accordance with spatial use. The theoretical problem is that there is legal uncertainty in having the latest legal legality with existing conditions that have developed. Sociological problems have resulted in a vacuum in legal norms related to spatial pattern rules and zoning directions for the RTRW of Jember Regency in taking policies for

issuing activity permits, obtaining Land Rights, and determining LSD to be hampered. The results of this research include 1) Causes of non-conformity of Protected Rice Fields with the Regional Spatial Plan of Jember Regency, 2) Future arrangements regarding the non-conformity of Protected Rice Fields with the Jember Regency Regional Spatial Planning Plan. These efforts require the establishment and implementation of regional regulations on spatial planning which are carried out with strategic agricultural studies in accordance with the mandate of the Spatial Planning Law, the Basic Agrarian Law, the LP2B Law, the Presidential Regulation on Land Use Transfer, and the Jember Regency RTRW.

Keywords: Non-Conformity, Protected Rice Fields, Regional Spatial Planning

Introduction

Indonesia is an agricultural country whose population is largely dependent on the agricultural sector. So that land use in the agricultural sector is regulated institutionally regarding the use of space for the benefit of society with the aim of a just and prosperous society. Spatial arrangements in land use definitely have an impact, especially for investors in developing their businesses due to the increasing need for land by empowering agricultural land.¹

The position of land is one of the natural resources that plays a role in the development of the Indonesian nation and the prosperity of the people as mandated by the constitution as regulated in Article 33 paragraph (3) of the 1945 Constitution (hereinafter abbreviated to the 1945 Constitution). Apart from that, Law No. 5 of 1960 concerning Basic Agrarian Principles Regulations (hereinafter abbreviated to UUPA) regulates the allocation, use, supply, maintenance of earth, water and the natural resources contained therein.²

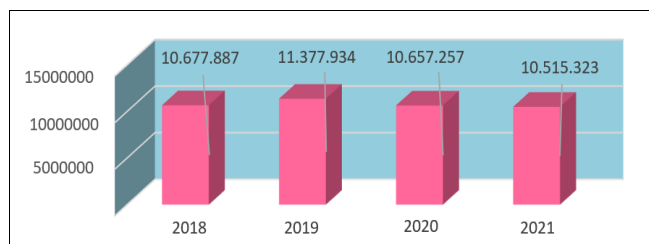
One of the Agrarian and Spatial Planning policies is implementing UUPA to guarantee legal certainty by providing land control rights to the community.³ These rights are given to the community to control, use and utilize land in accordance with the Regional Spatial Planning Plan (hereinafter abbreviated as RTRW) in order to control the conversion of agricultural land,

¹ Yanis Renaldi, *Masalah-masalah Pertanahan dalam Pembangunan* (Kanun No. 16 Th VII April, 1997), h.113

² Hasni, *Hukum Penataan Ruang dan Penatagunaan Tanah Dalam Konteks UUPA-UUPR UUPPLH* (Jakarta: Raja Grafindo Husada, 2016), h.12

³ Pusat Pengembangan Sumber Daya Manusia Kementerian Agraria dan Tata Ruang / Badan Pertanahan Nasional, *Kapita Selekta Pertanahan* (Jakarta: Kementerian Agraria dan Tata Ruang / Badan Pertanahan Nasional, 2022), h.140

because land is increasingly experiencing shrinkage, which has an impact on the area of harvest productivity of 10,515,323 Ha in 2021 compared to 2018.



Source: Department of Food Crops, Horticulture and Plantations, Jember Regency Central Statistics Agency 2022.

Fig 1: Food crop harvest productivity figures in Indonesia

The main cause of the decline is due to the reduction in the area of agricultural land as a result of the conversion of agricultural land to non-agricultural use. Based on these conditions, the government is trying to build food security in order to realize people's welfare, because agricultural land is a natural resource whose nature and quantity is not increasing. So the central government pays special attention to the increasing need for land in agricultural areas by making policies regarding controlling the conversion of agricultural land, despite the pros and cons.

The Government's efforts to fulfill the people's right to food and the development of the business world/investment of the business world as well as meeting the needs for environmentally sound development, as regulated in Law no. 26 of 2007 concerning Spatial Planning (hereinafter abbreviated to the Spatial Planning Law). Regulations related to the Spatial Planning Law seek to regulate the conversion of agricultural land and land use in general through spatial planning to produce RTRW and Detailed Spatial Planning (hereinafter abbreviated as RDTR).

Controlling the conversion of agricultural land is a strategy to maintain food in the region and is empowered in accordance with the designation stipulated in the Regional Regulation (hereinafter abbreviated as Perda) concerning RTRW as regulated in Law Number 41 of 2009 concerning Protection of Sustainable Food Agricultural Land (hereinafter abbreviated as LP2B). The determination of LP2B is part of the Rural Area Spatial Plan which is the basis for zoning regulations in agricultural areas. This regulation aims to prevent changes in land function to non-agricultural land, which has negative impacts on the environment as a result of economic growth and population growth. Based on these problems, it is necessary to formulate a policy that supports agriculture in the region.⁴

The Spatial Planning Law and LP2B are the regulatory basis for the implementation of spatial planning which needs to be synergized in Government Regulation No. 21 of 2021 concerning the Implementation of Spatial Planning (hereinafter abbreviated as PP 21/2021). The formation of PP 21/2021 aims to integrate various interests that are manifested in the preparation of Spatial Planning Plans,

⁴ Jovi Indo Barus, "Perlindungan Lahan Pertanian Pangan Berkelanjutan Sebagai Langkah Menuju Swasembada Pangan Di Kalimantan Tengah", <https://jdih.kalteng.go.id/berita/baca/perlindungan-lahan-pertanianpangan-berkelanjutan-sebagai-langkah-menuju-swasembada-pangan-di-kalimantan-tengah> Kalteng

harmony between Spatial Structure and Spatial Patterns, the realization of balanced growth and development between regions, as well as the creation of conditions for laws and regulations in the field of Spatial Planning that support the investment climate and convenience try.⁵

In an effort to anticipate the reduction of agricultural land to non-agricultural land, the government issued Presidential Regulation no. 59 of 2019 concerning Control of Transfer of Use of Rice Fields (hereinafter abbreviated to Presidential Decree on Transfer of Land Use). The position of the Presidential Decree on Land Function Transfer is the legal basis for accelerating the establishment of a map of protected rice fields in order to meet the availability of rice fields, support national food needs, control the increasingly rapid conversion of rice fields, empower farmers not to convert rice fields and provide data and information on rice fields for LP2B determination materials.⁶

The implementer in controlling the conversion of rice fields is the Ministry of Agrarian Affairs and Spatial Planning / National Land Agency, which is the basis for the issuance of Decree of the Minister of Agrarian Affairs and Spatial Planning / National Land Agency No. 1589 of 2021 dated 16 December 2021 concerning Determination of Maps of Protected Rice Fields (hereinafter abbreviated to LSD) in 8 (eight) Provinces in Indonesia using data on the size of raw rice fields in 2019 (hereinafter abbreviated to LBS), this regulation is issued with the aim of ensuring that land areas protected agriculture can be developed consistently and sustainably.⁷ The existence of the LSD determination causes many problems, regarding the community's need for housing, development of the housing sector, industry, factories, infrastructure and large-scale economic activities. Development activities regulated in the Regional Regulation (hereinafter abbreviated to Perda) RTRW are expected to act as a guarantee of legal certainty in controlling the conversion of sustainable food agricultural land.⁸

With regard to the application of these regulations, what needs to be taken into account in the use of space is inseparable from the existence of National RTRW, Provincial RTRW and Regency/City RTRW. Apart from that, in efforts to organize and utilize land, other laws and regulations must be taken into account, namely the UUPA, Sustainable Food Agriculture Land Law, Presidential

⁵Suryaden, "PP 21 tahun 2021 tentang Penyelenggaraan Penataan Ruang", <https://www.jogloabang.com/lingkungan/pp-21-2021-penyelenggaraan-penataan-ruang>

⁶ Direktorat Jenderal Pengendalian dan Penertiban Tanah dan Ruang, *Petunjuk Teknis Pengendalian Alih Fungsi Lahan*, (Jakarta: Kementerian Agraria dan Tata Ruang/Badan Pertanahan Nasional, 2021), h.1

⁷ Rico Husni Permana, *Penerapan Pidana terhadap Alih Fungsi Lahan Pertanian Pangan Berkelanjutan di Kabupaten Banjar*, Jurnal Ilmu Hukum "The Juris" Vol. VI. No.2, Desember 2022 ISSN 2580-0299 (Banjarmasin: Universitas Fakultas Hukum Lambung Mangkurat, 2022), h.558

⁸ Kementerian Koordinator Bidang Perekonomian Republik Indonesia, "Penetapan LSD Bukti Keseriusan Pemerintah Menjaga Lahan Sawah", <https://www.ekon.go.id/publikasi/detail/2565/penetapan-bsd-bukti-keseriusan-pemerintah-menjaga-lahan-sawah> Diakses pada 12 September 2022

Regulation on Control of Land Conversion, Minister of Agrarian and Spatial Planning Regulations regarding the implementation of space utilization activities and RTRW Regional Regulations.

Various spatial planning problems in the region along with economic and development potential cause many problems. In particular, the determination of LSD has attracted national attention and has been going on continuously since the end of 2021. One of them occurred in Jember Regency, which started with the determination of LSD for irrigated and non-irrigated rice fields according to agricultural and food crop designations in the Jember Regency RTRW No. 1 of 2015 amounting to 80,123 Ha. Over a period of 5 years since 2015, there has been a problem of function change in land use because land use patterns are still sectoral, delineation between areas is not clear, area criteria are not clear and coordination of use is still weak. Thus, land conversion occurred on 2,153 Ha of raw rice fields which were designated as LSD of 77,970 Ha. This stipulation is intended so that the use and utilization of land in protected and cultivation areas must be in accordance with the function of the area that has been determined in the RTRW, so that it continues to guarantee legal certainty for people who have a legal relationship with land that land rights cannot be separated from one another.

Based on these problems, it creates a juridical problem that the government is implementing LSD regulations by referring to the Regional RTRW Regulations which are no longer in accordance with space utilization. The theoretical problem is that there is legal uncertainty, namely the absence of the latest legal basis while existing conditions have developed. Sociological problems result in a vacuum in legal norms related to spatial pattern regulations and zoning directions for Jember Regency's RTRW in making policies for issuing activity permits, obtaining land rights, and determining LSD to be hampered so that they do not provide benefits to the community. Based on these problems, researchers will study further in research with legal issues, namely: 1). What is the cause of the discrepancy between Protected Rice Fields and the Regional Spatial Plan of Jember Regency? And What will be the future arrangements for the non-conformity of Protected Rice Fields with the Jember Regency Regional Spatial Plan?

Methodology

Methodology is used to help find legal truth in carrying out an action to get concrete results. This research uses a normative juridical research type (legal research). The approach methods used in this research are the Statute Approach, Conceptual Approach and Historical Approach.

Discussion

I. Causes of Non-Conformity of Protected Rice Fields with the Jember Regency Regional Spatial Planning Plan

In 2018, the Ministry of Agrarian Affairs and Spatial Planning / National Land Agency found that the national standard area figure used for rice fields was around 7.10 million hectares. Based on the results of this calculation, Decree of the Minister of Agrarian Affairs and Spatial Planning / Head of the National Land Agency of the Republic of Indonesia No. 339/2018 dated 8 October 2018. Furthermore, on 26 September 2019 Presidential Regulation no. 59 of 2019 with the consideration that: "The area of conversion of rice fields to non-rice fields is increasing

rapidly from year to year, thus affecting national food crop production."

The stipulation of the Presidential Decree on land conversion is expected to produce accurate figures for the area of rice fields, therefore a recalculation was carried out in 2019 and there were differences in figures which were considered inaccurate compared to 2018. The inaccurate calculation in 2018 was due to the surface of the rice fields being flooded due to flooding. In several locations, rice fields in Indonesia are included in the results of land area calculations so they must be recalculated again.⁹ Finally, the Ministry of Agrarian and Spatial Planning / National Land Agency released a standard area for raw rice fields in Indonesia of 7.46 million hectares or 7,463 948 hectares and was stipulated in the Decree of the Minister of Agrarian and Spatial Planning / Head of the National Land Agency of the Republic of Indonesia No. 686/SK-PG.03.03/XII/2019 Dated 17 December 2019 concerning Determination of the Area of National Rice Fields for 2019.

The area of raw rice fields was increased after verification between the Ministry of ATR/BPN, the Ministry of Forestry and Environment and the Ministry of Agriculture in a number of regions in Java, Lampung, South Sulawesi, Yogyakarta and Bangka Belitung. Verification and validation of this data using satellite imagery from the Geographic Information Agency (hereinafter abbreviated as BIG) and data on raw rice fields in the future is expected to become a reference for government policy in the field of food crops.

This acceleration was carried out to meet the availability of rice fields in order to support national food, considering that these provinces have very rapid regional development and a very high economic level. Mapping the area of rice fields above uses Geographic Information System Technology (hereinafter abbreviated to GIS) or in Indonesia known as Geographic Information System (hereinafter abbreviated to GIS) which is used by various agricultural, spatial and land planning sectors as basic mapping, aerial photography, thematic mapping and spatial analysis with imagery. satellite. LBS data updating is carried out through technology using mapping methods using remote sensing satellite imagery, aerial photography and a scale of 1:5000 or 1:10,000 so that the accuracy value of the data used at the 1:5000 scale is less than 1.5 m, while for the 1:10,000 scale the accuracy 3-5 meters are used.¹⁰

In the end, from the results of this determination, there was a discrepancy between the Jember Regency RTRW and the Presidential Decree on Land Use Transfer in Agricultural Areas and LSD Areas which caused problems with zoning directions, spatial patterns and satellite image interpretation of rice fields in Agricultural and Non-agricultural Areas. Jember Regency is dominated by fertile agricultural land in Jember making Jember one of the national food barns and plantations, therefore several locations in Jember Regency have been made into one of the regencies designated as protected rice fields areas.

⁹ Yosepha Pusparisa, "Indonesia Miliki Luas Baku Sawah 7,46 Juta Hektare", <https://databoks.katadata.co.id/datapublish/2020/02/05/indonesia-miliki-luas-baku-sawah-746-juta-hektare> Diakses pada 05 Oktober 2020

¹⁰ Pamungkas, "Update Lahan Baku Sawah", <https://www.technogis.co.id/update-lahan-baku-sawah/>

This problem requires special attention to be resolved immediately, because it will disrupt national food security which could ultimately lead to problems with rice fields which have changed function. The existence of control from the central and regional governments in determining protected rice field areas will have an impact on the economic sector including settlements, industry, tourism, mining and trade in services in Jember Regency. The condition of the Jember Regency area at the time of the determination of protected rice fields on December 16 2021 can be seen in the image below that the results of this determination are that many sub-districts in Jember Regency are included in the protected rice fields area.

Efforts to preserve environmental functions by setting aside limited productive spaces in areas, meaning not for residential areas or building buildings on relatively steep slopes.¹¹ The existence of limited space in the Regency reflects the importance of spatial planning in the context of protecting and preserving natural resources oriented towards productive open spaces in agricultural, livestock, plantation, fisheries, cultivation parks, recreation and natural tourism areas. The designation of Protected Rice Fields results in a digitized map which is integrated into the RTRW or RDTR of each region.

The Regency/City RTRW is a development guideline for utilizing space in the region and is the basis for providing recommendations for space utilization, so that development implementation for non-agricultural areas is required to be in accordance with the applicable Regency/City Regional Layout Plan.¹² Land issues related to land conversion have been proven to have a very detrimental impact on society, such as the transition of land use from agriculture to residential use and other uses.¹³ Spatial planning often clashes with development functions and government policies in issuing regulations.

This conflict is still hampered by legal aspects, namely the Jember Regency Spatial Planning Plan which has not been completed until 2023, resulting in weak coordination, integration and synchronization between government elements in its implementation. Review and revision need to be carried out because the use of space and the spatial structure of the district requires a change so that there are no deviations in space use.¹⁴ The problem in Jember Regency is increasingly clear regarding the lack of space limitations that arise because the physical condition of the city that can be developed is limited to the suitability of the RTRW budget for Jember Regency No. 1 of 2015 and limited land supply in residential areas for city development. This can be

¹¹ Arba, *Hukum Tata Ruang dan Tata Guna Tanah Prinsip-Prinsip Perencanaan Penataan Ruang dan Penggunaan Tanah*, (Jakarta: Sinar Grafika 2018), h.120

¹² Rizki Erwahyuningrum, Heru Kuswanto, Habib Adjie, *Problematika Hukum Penetapan Lahan Sawah Dilindungi (LSD) Terhadap Pelaku Bisnis Di Indonesia*, Jurnal Bisnis Dan Manajemen vol. 3, No. 2 Februari 2023 (Universitas Narotama Surabaya Indonesia: 2023), h.334

¹³ Ane, "Alih Fungsi Lahan Penyebab Ketidaksesuaian Pemanfaatan Ruang", <https://www.gatra.com/news-455538-ekonomi-alih-fungsi-lahan-penyebab-ketidaksesuaian-pemanfaatan-ruang.html>

¹⁴ Juniarso Ridwan dan Achmad Sodik, *Hukum Tata Ruang dalam Konsep Kebijakan Otonomi Daerah*, (Bandung: Nuansa 2016), h. 157

seen in the direction of Jember Regency RTRW zoning regulations No. 1 of 2015 article 73 and article 77. The current situation of the Jember Regency city is very contradictory to the Jember Regency RTRW No. 1 of 2015, so that control of space use is carried out through zoning regulations, permits, providing incentives and disincentives as well as imposing sanctions.¹⁵

Legal norms are classified as external norms where these norms are how humans interact and legal norms are needed because they protect existing order or are regulated by norms of decency, are needed to provide sanctions for violations, are coercive and are enforced by the government while ethical norms are based on encouragement. in yourself.¹⁶ Norms as the basis of human life essentially recognize property rights as human rights which must be guaranteed and are regulated in Article 19 of the UUPA which states that to guarantee legal certainty of land ownership this can be done through land registration with the stages of measuring, mapping, land bookkeeping, registration of land rights and granting. Letters of proof of title as strong evidence of land control.¹⁷

As a result of the legal vacuum regarding the Jember Regency RTRW which currently has not issued new regional regulations regarding the Jember Regency RTRW, there are many land conflict problems or ownership rights caused by the parties involved, including:

1. Government

The government is one of the causes of conflicts over ownership of land rights due to not having in-depth knowledge of the balance and harmony between individual interests and the public interest. Government policies and legislation that provide proof of land ownership do not look at spatial planning because the existing conditions in the area have developed very rapidly and the government's own policy in determining protected rice fields has become hampered.

2. Private

Current business establishment or development activities are very dependent on the need for land, so that government policies are in conflict with the UUPA. Development is increasingly widespread on agricultural land that is already owned based on sale and purchase, the release of rights by developers is hampered because they cannot obtain permits for these activities and obtain land rights.

3. Society

The majority of land owners do not have a high level of awareness of proof of land ownership, so that when the regulation on controlling land conversion was issued by the Ministry of Agrarian Affairs and Spatial Planning / National Land Agency regarding the determination of LSD, the majority of people were unable to carry out the land

¹⁵ Pemerintah Daerah Kabupaten Jember, *Peraturan Daerah Nomor. 1 Tahun 2015 tentang Rencana Tata Ruang Wilayah Kabupaten Jember 2015-2035*, (Jember: 2015), h. 92

¹⁶ Bayu Dwi Anggono, *Ilmu Perundang-undangan*, (Universitas Jember: Press, 2021), h.21

¹⁷ Suharyono; Khalisah Hayatuddin; Muhamad Sadi Isachmad Ali, *Perlindungan Hukum Hak Asasi Manusia Dalam Memperoleh Hak Atas Tanah Di Indonesia*, Jurnal Hak Asasi Manusia Volume 13 Nomor 1 April 2022, (Sumatera Selatan: niversitas Muhammadiyah Palembang, 2022), h. 18

ownership process because they were in the area. protected rice fields.

II. Future Arrangements Regarding Non-Conformity of Protected Rice Fields with the Jember Regency Regional Spatial Plan

Article 59 paragraph 3 of the Spatial Planning Law states that procedures for monitoring the regulation, guidance and implementation of spatial planning are regulated by Ministerial regulations. Arrangements for the settlement of protected rice fields in the future in the implementation of spatial planning are carried out through the stipulation of applicable statutory provisions, including the government providing guidance on spatial planning to provincial regional governments, district/city governments and the community.¹⁸

1. Article 13, Guidance related to the settlement of protected rice fields is by coordinating the implementation of spatial planning related to protected rice fields, socializing and disseminating information regarding the existence of regulations for protected rice fields and spatial planning so as to raise public awareness.
2. Article 16, Jember Regency Spatial Planning Plan can be reviewed. The review of the RTRW can result in a recommendation for the release of Protected Rice Fields to the Minister of Agrarian Affairs and Spatial Planning / National Land Agency to be updated into a revised spatial plan so that it continues to respect the rights of other people in accordance with statutory regulations.
3. Settlement of protected rice fields in Jember Regency is carried out in a hierarchical manner consisting of National RTRW, Provincial RTRW and Regency/City RTRW and must immediately create a Detailed Spatial Planning Plan (hereinafter abbreviated as RDTR) as the basis for preparing zoning because the General Spatial Planning Plan cannot yet be used. basic in implementing control, space utilization and spatial planning on a map scale which requires details before being operational.

Spatial planning carried out by the Jember Regency government to obtain legal certainty through supervision. Government supervision in the implementation of public services can be achieved because it has quality apparatus, has the ability to serve, meet needs, respond to public complaints satisfactorily, in accordance with expectations through good service policies and procedures balanced with institutional regulations in carrying out its Main Duties and Functions.

The implementation of regional government is directed at accelerating the realization of community welfare in improving services, empowerment, community participation, as well as increasing regional competitiveness by taking into account the principles of democracy, equality, justice and the uniqueness of a region within the unitary state system of the Republic of Indonesia.¹⁹ The efficiency

and effectiveness of regional government administration needs to be improved by paying more attention to aspects of the relationship between the central government and the regions and between regions, regional potential and diversity, as well as the opportunities and challenges of global competition in a unified State government administration system.

Referring to discussions regarding government policy in terms of business licensing and suitability of space utilization activities as well as the results of site selection studies and research in protected rice field areas. This policy can provide legal certainty to investors in running their business so that environmental impacts can be better controlled. Therefore, business actors need to be really careful in choosing a business area, because it will have an impact on investment and operational costs.²⁰ Several problems can cause legal uncertainty in the implementation of control of Protected Rice Fields and have the potential to hinder the implementation of national development, ultimately harming the interests of society and the state.

In order to resolve LSD non-conformities determined based on the ATR/BPN Ministerial Decree which regulates the determination of protected rice fields, it is necessary to also consider encouraging investment and implementing development in order to realize people's welfare. Verification in the context of changes to the LSD Map can be 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 and related agencies. Implementation of LSD verification in order to make changes to the LSD map can be identified as follows:

- a. Identification of KKPR, Permit, PTP, Location Determination, or Land Rights above LSD;
- b. Identify LSD conversion; and
- c. Identify food crop areas/zones in the RTR.

As time goes by, economic growth increases and investment plays a significant role in national development. This ease of investing factor makes it easy for capital owners to develop their business through business licensing in the OSS-RBA system. Obtaining land rights and permits was issued after the policy of determining rice fields to be protected. So, the government must reconsider, if:

1. If the location on the LSD Map is designated as LSD but the conditions in the field or existing conditions are not rice fields (including hills, moorland, water bodies, cultural heritage, perennial plantation land, and salt ponds), then it can be excluded from LSD.
2. If the LSD is affected by changes in regional boundaries or there is an error in regional boundary delineation, it will still be maintained as LSD by making improvements or adjustments to the regional boundary delineation;

¹⁸ Oswar Mungkasa, *Optimalisasi Peran dan Fungsi Forum Penataan Ruang sebagai Wadah Kolaborasi Pemangku Kepentingan*, Jakarta: Bappenas, 2022 h. 20

¹⁹ Syaumi Dan Habibullah. *Implikasi Undang-Undang Republik Indonesia Nomor 23 Tahun 2014 Tentang Pemerintahan daerah dalam Penyelenggaraan*

Kesejahteraan Sosial, (Jakarta: Kementerian Sosial RI) h.:21

²⁰ Anindita Dinar Susanti, *Kajian Izin Lokasi Dan Kesesuaian Kegiatan Pemanfaatan Ruang Di Daratan Bagi Perizinan Berusaha*, Jurnal Riset Ekonomi Dan Bisnis, vol 14 (3) (2021) 179-191, h. 189

3. 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;
 - b. Owners of buildings and/or landfill may be subject to administrative sanctions in accordance with statutory provisions.

The UUPA states that for the greatest prosperity of the people in the sense of happiness and well-being of the community, the Government makes a plan regarding the supply, allocation and use of land which has a general plan for the entire territory of Indonesia and is then detailed into a specific plan to form a series of activities for structuring the allocation, use and supply land in a planned and regular manner, so that sustainable, optimal, balanced and harmonious benefits are obtained for the greatest prosperity of the people. In positive law, the meaning of land use management or land stewardship is contained in the Elucidation to Article 33 paragraph (1) of Law no. 26 of 2007.

Article 1 number 1 Government Regulation no. 16 of 2004, namely land stewardship is the same as land use management which includes control, use and utilization of land in the form of consolidation of land use through institutional arrangements related to the use of land as a unit for the benefit of the community in a fair manner. Based on the explanation above, rice field verification activities against land and spatial planning data are a joint task between the Center (Directorate General of Spatial Planning, Directorate General of Agrarian Planning, and Directorate General of Land and Spatial Control and Order), Regional Office of the National Land Agency (Land Planning Division), and the Control and Dispute Handling Sector), and the Land Office.

One of the targets is to provide legal certainty in terms of space utilization so as to encourage investment interest in the business community to increase the usability and results of services which are an effort to utilize space optimally. Space utilization is carried out through the implementation of space utilization programs and their financing and refers to the spatial functions specified in the spatial planning plan, implemented by developing land use, water use, air use and other natural resource management in current conditions. Regional development should be carried out through more integrated and targeted spatial planning, so that limited resources can be utilized effectively and efficiently. One effort to achieve this is through integrated and harmonious development in a well-organized spatial dimension.

For this reason, spatial planning is needed, both in the planning, utilization and control of space utilization as an inseparable system, and implemented in an integrated, synergistic and sustainable manner. Space utilization is a form of operationalization of spatial planning through land use management, while control of space utilization is reflected in space utilization control documents which regulate mechanisms for monitoring and controlling space utilization based on licensing mechanisms, providing incentives and disincentives, providing compensation, reporting mechanisms, monitoring mechanisms, evaluation and mechanism for imposing sanctions.

Consistency in space use can be seen from the compatibility between space use activities and RTRW. Meanwhile, regional development is influenced by the forces for change identified as being caused by differences in the physical

characteristics of regions and the spatial configuration of basic city infrastructure. Basic city infrastructure is the lifeblood of a region/city and its existence is very necessary to spur regional growth and encourage optimal regional growth, so it plays a very important role in determining the development performance of a region.

As an illustration, an isolated area, with government policies to build basic infrastructure (clean water, roads, electricity and telephone), will automatically grow and develop various activities in that area, both residential and commercial activities that can be built by the private sector and the community. Supports the importance of managing the available space which is limited and needed by many parties so that arrangements are needed to prevent conflicts between parties using the space. Benefits of suitability of Protected Rice Fields which are adjusted to the Jember Regency Regional Spatial Plan.

Conclusion

1. That the cause of the non-conformity of protected paddy fields with Jember Regency's RTRW is contained in Article 9 paragraph 2 of the Presidential Decree regarding land conversion regarding the determination of LSD in spatial planning plans which carry out mapping using satellite image technology Article 73 and Article 77 which regulate the zoning directions for Jember Regency's RTRW so that included in the determination of the map of protected rice fields. Apart from that, the Jember Regency RTRW is still in the process of changing due to the existing conditions of the Regency/City whose regional development spatial plans have changed, and which do not yet have an RDTR, resulting in a legal vacuum related to spatial structure rules, money patterns and zoning directions in making policies for issuing activity location permits., land rights and the designation of rice fields are protected.
2. LSD is considered a source of problems throughout Indonesia, so in the tenth dictum it is necessary to add after ownership of land rights and development progress after 2021 that investors and other developers can have permission first and can process the proposal process for releasing LSD to the Minister of ATR/BPN, there needs to be conformity of the Regional Regulations on RTRW and RDTR with the regulations above them so that there is no overlap between zoning regulations and other regulations.