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Agricultural Land Control Based on the Regulation of the Minister of Agrarian and Spatial Planning/ Head of the National Land Agency of the Republic of Indonesia Number 18 of 2016 Concerning Control of Agricultural Land Tenure

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Abstract: The goal of managing Agricultural Land Tenure is to regulate the utilization of agricultural land for purposes other than agriculture, such as housing or other activities. This is a problem, what if a citizen has land with agricultural status, then there are many things that have to go through until it can be divided and sold to other parties. The problem of dividing agricultural land is approached through compliance with the Regulation of the Minister of Agrarian Affairs and Spatial Planning/Head of the National Land Agency of Indonesia Number 18 of 2016, which dictates the legal repercussions of not following the Site Plan provided by local governments. This research takes a normative perspective, concentrating on the process of agricultural land disappearing based on the mentioned rule. The goal is to stop the transformation of agricultural land into housing developments. The rule also requires that any changes be sent to the local RT RW district/city and then forwarded to the Ministry of Land and Spatial Planning. This rule is based on the Minister of Agrarian Affairs and Spatial Planning/Head of BPN Decree Number 1589/SK-HK.02.01/XII/2021, which deals with the Mapping of Protected Rice Fields (LSD) in Regencies/Cities. If the separation of agricultural land does not follow the site plan provided by the local governments, there may be legal consequences. Based on an analysis of the theory of authority, this violation would likely be rejected as the use of the set plan is compulsory for dividing land plots exceeding 5 plots and agricultural land.

Keyword: Control, Regulations, Agricultural Land.

INTRODUCTION

The Basic Agrarian Law, through Article 17, sets boundaries for the use, ownership, and management of agricultural land, in order to promote a more equitable distribution of land ownership and enhance equality in agricultural production results, limits will be set on the quantity of land that individuals or families are allowed to possess or manage, both at the highest and lowest levels, whether through ownership or other legal means (Anitasari, 2019). It is also

hoped that this action will encourage increased agricultural production and increase the enthusiasm of sharecroppers to own their own agricultural land (Harsono, 2008).

This is the context in which restrictions on land ownership and control were put in place, as agricultural land became scarce, particularly in densely populated regions. As a result, many farmers found it challenging to acquire their own land, leading to approximately 60% of farmers not cultivating their own land at that time. Those without land of their own resorted to working as agricultural labourers or on leased land through a rental or profit-sharing arrangement. On the other hand, people who own a lot of land get more and more land over time. These lands were obtained from small farmers who were experiencing financial difficulties (Harsono, 2008).

Through the reference to Article 17 of the UUPA, the government enacted Law Number 56 (Prp) of 1960 concerning the Determination of Agricultural Land Area, which lays the groundwork for implementing land reform in Indonesia. According to Article 9 paragraph (1) of this legislation, transferring ownership of agricultural land, apart from dividing inheritance, is not allowed if it leads to the establishment or maintenance of land ownership under 2 hectares. However, this rule does not apply if the seller only owns a plot of land less than 2 hectares and sells it as a whole.

Today, the law still stands as it was without any modifications or revisions, even though it is no longer applicable given the current status of land ownership in Indonesia (Ansori, 2024). The government allows District/City Land Offices to create policies for proper land administration to adhere to the rule against transferring rights as stated in Article 9 (1).

Furthermore, within the context of Law number 56 Prp of 1960, Articles 8 and 9 contain regulations that are designed to safeguard against the fragmentation of agricultural land ownership into parcels of land smaller than 2 hectares by imposing limitations on the conveyance of ownership rights to agricultural land. Based on the information provided earlier, the author presents the issue in the following manner:

1. What is the Process for Dissolving Agricultural Land Based on the Regulation of the Minister of Agrarian Affairs and Spatial Planning/Head of the National Land Agency of the Republic of Indonesia Number 18 of 2016 concerning Control of Agricultural Land Tenure?
2. What are the legal consequences if the solution does not use the site plan issued by the district and city governments?.

METHOD

The researcher conducted a study on diverse topics using normative legal research methodologies. The procedures implemented in this investigation included the legislative approach and abstract approach. Different types of legal sources, including primary, secondary, and tertiary legal materials, were used during the investigation. The author provided descriptions of each type of legal material (Waluyo, 2008):

- a. Primary legal materials (Suratman & Dillah, 2013):

Primary legal materials are considered to have significant legal influence. The key factor in recognizing primary legal materials would be:

- 1) Civil Code (KUHPerdata).
- 2) Law Number 2 of 2014 concerning Amendments to Law Number 30 of 2004 concerning Notary Positions.
- 3) Republic of Indonesia Government Regulation Number 12 of 2021 concerning Amendments to Government Regulation Number 14 of 2016 concerning the Implementation of Housing and Settlement Areas.
- 4) Law Number 56 Prp of 1960 concerning Government Regulations in Lieu of Laws (Perpu) concerning Determination of Agricultural Land Area

- 5) Regulation of the Minister of Agrarian Affairs and Spatial Planning/Head of the National Land Agency of the Republic of Indonesia Number 18 of 2016 concerning Control of Agricultural Land Tenure.
- a. Secondary legal resources are items that are linked to primary legal materials and can help in comprehending and dissecting primary legal sources (Suratman & Dillah, 2013). In this study, supplementary legal sources like books, literature, papers, research findings, articles, and other scholarly works are essential. These may include research findings, legal experts' scholarly works, legal reading materials, journals, and online resources that are pertinent to the topic being examined in the legal study (Sloan & Sloan, 2009).
 - b. Tertiary legal materials in this research involve and provide guidance such as legal dictionaries, or encyclopedias and large Indonesian dictionaries which provide limits on the etymology/meaning of words or grammatically for terms, especially those related to the issues raised (Ibrahim, 2006).

RESULTS AND DISCUSSION

As per the 2016 Regulation 18 issued by the Minister of Agrarian Affairs and Spatial Planning/Head of the National Land Agency of Indonesia, the BPN holds the responsibility of deciding how agricultural land plots are divided, having the power to either accept or reject any proposals submitted for approval, so that if the applicant does not heed According to this regulation, the certificate cannot be split without using a set plan and permits such as KRK, IMB, will be rejected so that the implementation of splitting agricultural land never occurs. Even though Article 48 of the Land Registration Law, the individual is entitled to seek a division of the property, and the state can reject the request unless it is related to inheritance.

Regional governments have the power to oversee and manage spatial planning within their jurisdiction, which involves setting rules and monitoring the implementation of spatial planning in specific areas. This also includes managing the spatial planning of strategic areas within those areas. Additionally, regional governments are responsible for collaborating on spatial planning initiatives between different areas within their jurisdiction.

Division of Agricultural Land Based on Regulation of the Minister of Agrarian Affairs and Spatial Planning/Head of the National Land Agency of the Republic of Indonesia Number 18 of 2016 concerning Control of Agricultural Land Tenure.

Indonesia is a nation with a variety of natural resources. The different regions within Indonesia have the power to oversee their own natural resources. Agrarian law is one of the rules that govern the natural resources of Indonesia. This law, known as Basic Agrarian Law Number 5 of 1960, covers rights to the use of water, space, and land for social purposes. According to this law, land is ultimately under the control of the State. Article 33, Paragraph (3) of the 1945 Constitution of Indonesia asserts that the State has authority over the earth, water, space, and natural resources found within its borders, with the primary goal of benefiting the people's welfare.

PP no. 24 of 1997 and PMNA/KBPN No. 3 of 1997 do not clearly define the process of dividing land parcels. However, Article 48 paragraph (1) of PP no. 24 of 1997 suggests that it involves dividing a titled piece of land into different sections as requested by the owner. In PP No. 24 of 1997, Article 1 number 2 defines a land plot as a distinct and restricted portion of land on the Earth's surface. If a land plot is divided, each new section will have individual legal status equivalent to the original plot. Article 133, subsection 5 of PMNA/KBPN No. 3 of 1997 declares that the certificate of origin loses its validity when the land is divided into smaller plots (Sinaga et al., 2019).

Hence, dividing agricultural land poses more challenges compared to dividing non-agricultural land as it requires adherence to regulations and the issuance of Technical

Considerations Minutes during the splitting process. Compliance with various rules, such as those related to Splitting Agricultural Land Certificates, is essential.

Law Number 5 of 1960 concerning Basic Agrarian Principles Regulations

The legislation is the basis of regulations for agriculture at a national level and is the main point of reference for technical talks about transferring land rights when dividing agricultural land certificates. This legislation explicitly prohibits the selling or transferring of land rights if the amount exceeds the minimum limit outlined in article 7. Owning and managing land beyond certain boundaries can have negative consequences for the general welfare, emphasizing a key principle. This particular clause is commonly referred to as the anti-landlord provision, which addresses the restriction of land ownership above certain thresholds (*groot grondbezit*). On the other hand, article 17 imposes restrictions on the quantity of land that can be possessed by an individual family, whether through ownership or other rights, specifying both the maximum and minimum sizes allowed.

This law has the function and aim of building a just and prosperous society as envisioned by the Indonesian nation and people. This law is designed to provide legal certainty to all rights holders involved, ensuring that everyone can access their rights. Land registration is done through the submission of documents to the Land Office in the Regency/City. It is mandatory for legal entities to register their land in order to achieve this objective.

As described in sections 7 and 17 of the UUPA, there are specific regulations governing the amount of land that a single family can possess without negatively impacting the public good, to achieve this goal in its implementation every legal subject does not transfer land rights below the minimum limit, especially agricultural land, whether in the form of rice fields, gardens or other things, is a source of life for the Indonesian people.

Law Number 56 (Prp) of 1960 concerning Determination of Agricultural Land Area

In 1960, the Indonesian government implemented Law Number 56 (Prp) with the aim of setting guidelines for the allocation of agricultural land, laying the groundwork for land reform in the country. Land reform aims to ensure an equitable distribution of farming resources, specifically land, in order to promote social justice by restructuring the land ownership system. To achieve this goal, various land reform initiatives were introduced, this involves placing restrictions on the largest allowable land holdings and specifying the smallest allowable size for agricultural plots, as well as preventing any actions that would divide agricultural land into smaller pieces. These programs were later detailed in Law Number 56 (Prp) of 1960.

At the starting point, this minimal requirement seeks to avoid the constant division of farmland, so that it will increasingly distance the Indonesian people from a decent standard of living, especially for farmers in Indonesia and this does not mean because of the prohibition in accordance with Article 9 paragraph (1). People who already own agricultural land below the minimum limit will be forced to relinquish their rights, except for certain reasons and circumstances. In accordance with the rules set forth in section 9, paragraph (1) which states that it is not allowed to transfer agricultural land rights, except for inheritance purposes, if the transfer results in the ownership of less than 2 hectares. Nevertheless, this restriction is not applicable if the seller possesses just one parcel of land that is under 2 hectares and sells the entire property.

Law Number 26 of 2007 concerning Spatial Planning.

The law was officially put into effect on April 26 2007 (LN.2007/NO.68, TLN NO.4725). The provincial spatial plan identifies areas of significance for protection and cultivation. This law defines space as land, sea, and air - encompassing the earth where humans

and animals coexist. It highlights the importance of preserving and safeguarding the spaces where life thrives.

Regional governments have the power to oversee and enforce regional spatial planning within Regency/City limits, including strategic areas. This oversight includes coordinating the execution of spatial planning initiatives in these areas and working together to ensure effective spatial planning practices are followed.

Furthermore, as per the guidelines outlined in Article 5 of the Regulation issued by the Minister of Agrarian Affairs and Spatial Planning/Head of the National Land Agency of Indonesia under Number 18 of 2016, it is mentioned that if there are any modifications made to the Local Spatial Plan, the allocation and exploitation of farmland as outlined in Article 4 and Article 5 must adhere to the updated Local Spatial Plan.

Regulation of the Minister of Agrarian Affairs and Spatial Planning/Head of BPN Number 16 of 2021 Third amendment to Regulation of the Minister of State for Agrarian Affairs/Head of BPN Number 3 of 1997 concerning Provisions for Implementing Government Regulation Number 24 of 1997 concerning Land Registration

This guideline plays a significant role in the land management procedures at the Regency/City Land Office, especially during the review of technical assessments for the transfer of agricultural land rights. The focus of our conversation is on the implementation of Government Regulation Number 24 dating back to 1997, which pertains to the process of registering land. Changes have been made to various articles, one portion that should be taken into consideration is Article 99, paragraph (1), which currently mentions that with regards to the exchange of land ownership for farming purposes, prior to finalizing the transfer of land rights, the intended recipient needs to provide a written declaration stating:

- 1) The person participating in the transfer of rights is not allowed to possess ownership rights to a piece of land that exceed the maximum limit set by the law.
- 2) The person transferring the rights does not have the legal authority to own the vacant land according to the law.
- 3) The individual should be aware that if the statement is found to be false, then the additional land or land belonging to an absent owner will be subject to land redistribution
- 4) The individual in question is prepared to accept full responsibility for any legal repercussions in the event that the claim is found to be false

In the meantime, according to article 99 paragraph (2), it is required for the Land Deed Drafting Officer (PPAT) to clarify to the potential recipient of the rights the intention and details of the declaration. Hence, according to this rule, particularly in article 99 paragraph (1), which has been revised to reflect the above, the technical assessment report produced by the City Land Office is compliant and has been included as requirements in the procedure of transferring land rights. The division of certificates/fragmentation of agricultural land can be done by the applicant, the rights holder, or the designated representative at the Land Office. Meanwhile, this regulation also explains the flow chart code for the Indonesian National Land Agency (BPN). II. 9 for splitting/merging/ separating rights in the case of splitting/separating individual land plots, splitting or separating legal entity land plots, merging individual land plots and merging legal entity land plots.

Regulation of the Minister of Agrarian Affairs and Spatial Planning/Head of BPN Number 18 of 2016 concerning Control of Agricultural Land Tenure

Researchers have the ability to demonstrate this issue by uncovering numerous permits for dividing agricultural land that fall below the prescribed minimum set by the Regency/City Land Office. The Land Office has implemented limitations on the conveyance of rights to farmland that do not comply with the designated requirements, leading to the issuance of

technical guidelines on land use to ensure the effective enforcement of land administration measures.

As per the guidelines outlined in Reference 18 of 2016, which is under the jurisdiction of the Ministry of Agrarian Affairs and Spatial Planning/Head of the National Land Agency of Indonesia, in article 2, paragraph 3:

(3) Limitations on the ownership of agricultural land by individuals as outlined in paragraph (2) section a with the subsequent stipulations:

- a. Not dense, maximum area of 20 (twenty) hectares;
- b. Less dense, maximum area of 12 (twelve) hectares;
- c. Quite dense, the maximum area is 9 (nine) hectares; or
- d. Very dense, the maximum area is 6 (six) hectares.

Regulation of the Minister of Agrarian Affairs and Spatial Planning/Head of BPN Number 12 of 2021 concerning Technical Considerations for Land Ministerial Regulation ATR/BPN 12 of 2021 concerning Technical Considerations for Land regulates:

- 1) that in order to ensure fair and sustainable control over land ownership, use, and development, it is essential to revise the technical aspects of land regulations.
- 2) that the 2019 Ministerial Regulation on Land Technical Considerations, issued by the Minister of Agrarian Affairs and Spatial Planning/Head of the National Land Agency, needs to be adjusted to the needs and developments in land technical considerations so that it needs to be replaced.
- 3) that to put into effect Article 108 paragraph (3), Article 124 paragraph (3), and Article 140 paragraph (3) of Government Regulation Number 21 of 2021 relating to Spatial Planning, it is essential to establish a Ministerial Regulation or National Land Agency decree regarding Land Technical Considerations, based on various factors.

Decree of the Minister of Agrarian Affairs and Spatial Planning/Head of BPN Number 1589/SK-HK.02.01/XII/2021 concerning Determination of Protected Rice Land Maps (LSD) in Regency/City

Protected rice field maps are utilized by the Central Government and Regional Governments to establish sustainable food agricultural land in regional and detailed spatial plans based on their respective powers and responsibilities. The map of protected rice fields is verified and synchronized data on rice fields by the Implementation Team as the implementer of the integrated team's duties. Rice fields included in the protected rice fields map can be excluded if functionally they can no longer be maintained as protected rice fields after receiving a study from a team consisting of government, academic and organizational elements. In the meantime, rice fields that are marked as protected on the map but are not classified as sustainable agricultural land in spatial planning cannot be converted without approval from the Ministry of Agrarian Affairs and Spatial Planning/National Land Agency.

This verdict will come into force starting from the day it was approved, which is December 16, 2021. This ruling is rooted in the resolutions made by a group of seven Ministers, including the Minister responsible for Economic Affairs, the Minister overseeing National Development Planning or Head of the National Development Planning Agency, the Minister of Agriculture, the Minister in charge of Public Works and Public Housing, the Minister handling Finance, the Minister for Home Affairs, and the Minister overseeing Environment and Forestry.

Law Number 41 of 2009 offers safeguarding for agricultural land in both urban and rural settings. According to Article 8, if there is agricultural land for food production in a city, it can be classified as Sustainable Food Agricultural Land to ensure its protection. Furthermore, Articles 18 to 20 also explain that:

Preserving farmland for sustainable food production involves identifying and enacting Article 18:

- a. Sustainable Food Agriculture Area;
- b. Sustainable Food Farming Land inside and outside the Sustainable Food Farming Area; And
- c. Sustainable Food Agriculture Reserve Land inside and outside the Sustainable Food Agriculture Area.

Next in Article 19

- (2) Determination of Sustainable Food Agriculture Areas as intended in Article 18 letter a is part of the determination of Rural Area spatial plans in regency areas in the regency spatial plan in accordance with the provisions of statutory regulations.
- (3) Determination of Sustainable Food Agriculture Areas as intended in paragraph (1) is the basis for zoning regulations.

Next in Article 20

- (4) Determination of Sustainable Food Farming Land as intended in Article 18 letter b is part of the determination in the form of a detailed spatial plan for regency/city areas in accordance with the provisions of statutory regulations.
- (5) Determination of Sustainable Food Farming Land as intended in paragraph (1) is the basis for drafting zoning regulations.

Government Regulation Number 16 of 2004 concerning Land Use This regulation was implemented on May 10 2004 (LN. 2004 No. 45, TLN No. 4385).

This land use management strategy aims to oversee the control, utilization, and development of land in line with Regional Spatial Planning guidelines. It is governed by principles of efficiency, transparency, fairness, and legal protection as outlined in article 2 of the regulation.

This regulation focuses on the types of activities allowed in protected and cultivation areas, ensuring they align with the spatial plan of the region. The local government sets out guidelines, standards, and technical criteria to determine the appropriate use of land for regional planning purposes. If the utilization and organization of land do not align with local spatial planning, then its use cannot be expanded or developed, its use cannot be increased, either by the community or other parties with an interest in the land.

Government Regulation Number 41 of 1964 concerning Amendments and Supplements to Government Regulation Number 224 of 1961 concerning Implementation of Land Distribution and Provision of Compensation

This regulation regulates restrictions on ownership of agricultural land located outside the subdistrict of the right holder. However, the implementation shows that these provisions are still deemed necessary to be refined, considering that this issue is an implementation of land reform. If this provision is not implemented properly it will certainly have a negative influence both on efforts to increase production and on the goals of land reform itself. Hence, it is considered essential to impose more stringent measures to prevent any violations of the aforementioned principles. In 1964, Government Regulation Number 41 was introduced to establish the guidelines for the distribution of land after the passing of Law No. 56 (Prp) in 1960, which focused on determining the size of agricultural land.

Operational Basics for the Implementation of the Publication of Minutes of Technical Considerations (pertek) (Wandari et al., 2022):

- 1) Letter of application for permission to split agricultural land rights (regarding the applicant and the land requested)
- 2) Statement of control/ownership of agricultural land
- 3) A statement written by the person selling or purchasing/giving land (whether through sale, inheritance, gift, donation, or shared ownership) declaring their intention to maintain the land for agricultural purposes.

- 4) Attachment to a notarial deed of Sale and Purchase Agreement (if the requested land object has been sold first) either in whole or in lots
- 5) Attachment of a private sale and purchase letter if done privately or a receipt as proof of the transaction
- 6) Minutes of site inspection by the field officer of the City Land Office licensing section
- 7) Location map
- 8) Table plan for the requested land plot
- 9) Original certificate of land rights

The practical foundation for releasing minutes detailing the technical assessment of land usage in order to finalize land management, specifically in regard to dividing certificates or dividing agricultural land by the land office to fulfill the community's wishes or requirements for transferring their rights.

It has been recognized that Law Number 56 (Prp) of 1960 is no longer feasible due to the current land conditions in society, making it challenging to meet the minimum agricultural land threshold specified in the regulation. As a result, the Land Management Section of the district/city Land Office has been granted the authority to formulate a new policy. However, despite the implementation of this policy, not all partitioning requests are approved by the Land Management Section; some are accepted while others are denied, taking into account the size of the land requested and the urgency of the applicant. So for splitting it is also seen which land can still be tolerated in order to be given a split permit or usually it is conveyed to the applicant to wait for changes to the district/city spatial plan first. They say that because in reality we can no longer be guided by these regulations, the government has also given each Land Office the authority to be able to help the community.

Hence, as per the writer's assessment of the terms and conditions, in order to acquire a permit for dividing certificates/splitting of farmland in line with the restriction on the transfer of rights stated in article 9 (1) of Law Number 56 (Prp) of 1960, the individual applying must fulfil the necessary criteria to secure a meeting for evaluation, technical land use management in the land arrangement section (kasi permits for splitting agricultural land) after which the applicant will obtain permission for splitting certificates/splitting agricultural land by the Head of the Land Office.

Agricultural land can still be divided if the size is over 5 hectares and the owner does not alter its use, but if the area of land to be split is too small then it will be considered again with the approval of the Head of Office first. Because if agricultural land has been broken down into small pieces, it is predicted that buildings will be built on the fragments of land and the agricultural land will no longer be productive according to its function. Most people also do not understand which zones are permitted to build buildings and which zones are not allowed to be built. Because most people see the building standing on the left side, there is a highway for access in and out, the land is considered strategic so people want to break up agricultural land and sell it in lots. Despite this, Land Management (agricultural land licensing) also publishes a treatise on technical considerations for the process of dividing agricultural land under 5 hectares.

To convert farmland for non-agricultural purposes, interested parties need to apply for a license. This license process offers two options: a location permit or a permit for changing land use from agricultural to non-agricultural. The key distinction between the two routes is the size of the land in question. If the agricultural plot seeking conversion is under 10,000 m², then a permit for changing land use is needed, whereas plots exceeding 10,000 m² require a location permit.

The guidelines for approving location permits outlined in Regulation 5 of 2015 by the Minister of State for Agrarian Affairs / Head of the National Land Agency are outlined below:

- a. Permits for location are given after taking into account various factors related to land ownership and technical aspects of land usage, such as the rights and control over the land

- in question, an evaluation of the physical characteristics of the area, as well as the land's potential for use and capacity.
- b. The authorization letter for location permits is endorsed by the Regent/Mayor or by the Governor for the Special Capital Region of Jakarta following a coordination meeting among relevant authorities.
 - c. The materials needed for the approval of location permits are compiled by the Land Office's leader.
 - d. A meeting to discuss granting a location permit could be held, including consultations with the community who have land rights in the proposed area.
 - e. Consulting with communities who have rights to land involves sharing details about proposed investments, exploring the potential impacts, discussing strategies for land acquisition, and resolving all issues related to land procurement. Offering land rights holders the chance to receive information about investment plans and explore different solutions to any obstacles.

In the UK, any landowner looking to convert agricultural land for non-agricultural use must secure a drainage permit before proceeding with their plans. This permit is necessary, whether the land is being transformed for residential purposes like a four-bedroom house and garden, or for commercial reasons such as constructing a business or office space.

When submitting an application for splitting land rights, there are several conditions that the applicant must pay attention to first, including (Wandari et al., 2022):

- f. The division of agricultural land plots must be in accordance with the established requirements, namely:
 - 1) Alignment of land use and management with spatial and local planning;
 - 2) Using land in this case includes maintaining the land and the surrounding environment;
 - 3) May not make changes to land use; And
 - 4) The Regional Spatial Planning Plan (RTRW) must be adhered to when it comes to land use and management. The key is ensuring that the way land is utilized aligns with the purpose of the area as outlined in the Regional Spatial Planning (RTRW).
 - 5) Article 13 of Public Policy No. 16 of 2004 outlines the requirements for land use, focusing on the importance of preserving the land and its surroundings while also promoting soil health.
 - 6) Alterations to the land's intended function as outlined in the Regional Spatial Planning (RTRW) are not permitted.
 - 7) Ensure compliance with the specified criteria for the minimal size of agricultural land ownership, unless there is a special case related to inheritance according to Law No. 56 Prp of 1960 on Determining Agricultural Land Area.
 - 8) Requirements for Separating Agricultural Land Sectors in Law no. 56 Prp 1960 determined that the minimum area for splitting results is 2 hectares, otherwise splitting cannot be carried out. Unless the split is due to inheritance.

According to the explanation provided earlier, the division of agricultural land is governed by the Minister of Agrarian Affairs and Spatial Planning/Head of the National Land Agency of the Republic of Indonesia Regulation Number 18 of 2016 on Agricultural Land Tenure Control. From a legal system theory perspective, this regulation aims to monitor the transformation of farmland into residential zones, ensuring it complies with the set regulations. In terms of authority, BPN is the designated institution responsible for overseeing land conversion, in collaboration with local agencies in each district and city.

This involves identifying RT RW in the city or regency to determine the eligibility of agricultural land for division, as per BPN's authority. To proceed with land division, applicants must submit a PERTEK to BPN, which is then assessed based on whether the land in the RT RW area is classified as green land or not. If the land is not green, it can be split, but if it is considered green, the application will be rejected until changes are made to the district or city's

RT RW classification, following submission to the central BPN ministry. This aligns with the guidelines set out in the Minister of Agrarian Affairs and Spatial Planning/Head of BPN Decree Number 1589/SK-HK.02.01/XII/2021 on the Identification of Maps for Protected Rice Fields (LSD) in various regions.

The maps indicating protected rice fields serve as a reference for both Central Government and Local Governments in identifying sustainable farming areas for the cultivation of crops in their respective spatial and detailed planning schemes. These maps undergo verification and data synchronization by the Implementation Team, who are responsible for executing the duties of the integrated team.

Rice fields classified in the protected rice fields map may be excluded if they can no longer function as such, following a review conducted by a team comprised of governmental, academic, and organizational representatives. Furthermore, the rice fields that are marked on the protected map cannot be converted without approval from the Minister of Agrarian Affairs and Spatial Planning, even if they are not designated for sustainable agricultural use in the spatial planning.

Legal consequences if the settlement of agricultural land does not use the site plan issued by the district and city governments.

In order to maintain legal transparency and protect property rights, it is essential to officially register the land with the Land Office in the appropriate location, such as a Regency or City, to obtain a certificate. Both uncertified land and land that has undergone ownership change require a certificate to prove legal ownership and control according to the law.

As stated in Article 48, section (1) of the Land Registration Regulation, a landowner can divide a registered plot into several sections with equal legal rights upon request. It is further explained that any division of land plots must adhere to the relevant spatial plan and should not violate any laws or regulations. Any subdivisions must also align with the guidelines issued by the district and city licensing authorities, such as those related to land reform provisions (Sudradjat, 2024).

The definition of a site plan is a two-dimensional scale drawing that shows the entire development at a location in detail. If developers and individuals want to apply for site plan approval, according to the SIPP Kemenpan RB there are several requirements that must be met as follows.

1. Application letter.
2. Photocopy of the applicant's identity.
3. Photocopy of proof of land ownership or legality.
4. Photocopy of flood burden certificate.
5. Photocopy of location permit.
6. Business overview (photocopies of the company's founding documents, latest modifications to the founding documents (if applicable), copies of tax identification documents).
7. Photocopy of environmental permit or SPPL.
8. Site plan drawing.
9. Residential building design drawing.
10. PLN recommendations.
11. PDAM recommendations.
12. There are also different requirements depending on the purpose of the building. If the requirements are complete, here are the next steps that must be taken.
13. A pre-site plan is submitted by the applicant to the mayor of the place where the development is being built, through the Head of the City Planning and Settlement Service with an application letter accompanied by complete requirements. Applicants can also apply for registration online by creating a registration account, filling out the form, and sending the required documents.

14. If the application meets the administrative requirements, the application is granted. Meanwhile, if it does not meet the requirements, it can be rejected for clear reasons. If the requirements are incomplete, they will be returned to the applicant to be completed. If you take care of it online, the applicant will get an approval SMS and can print proof of registration. If the file is rejected, the applicant will receive a rejection notification via SMS.
15. For requests that are granted, the department will then carry out research and inspections, then carry out an administrative process to ratify the site plan. The applicant will receive an SMS notification of the location inspection schedule. After the review is complete, the applicant is asked to provide approval for the minutes.
16. For applications that require only advice planning (fatwa or location direction plan) without a location permit or are part of a master plan, the approval of the site plan can be ratified by the Head of the City Planning and Settlement Service, if it meets the applicable terms and conditions.
17. Next, the site plan technical team will verify the results of the review.
18. If the results are worth continuing, the next process is checking the concept of the decision letter.
19. The applicant will receive an email or SMS informing them that the service process has been completed.
20. The next stage is the issuance and submission of the site plan approval letter. The service period is no later than 14 working days, starting from receipt of complete requirements.
21. Splitting the land certificate can be done when you intend to sell part of the land. There are various methods for resolving land plot certificates. Among these are solutions carried out on behalf of individual companies or developers based on site plans that have been agreed upon by the relevant agencies.

The legal justification for dividing certificates of land plots can be found in Appendix II of the Regulation issued by the Head of the National Land Agency in 2010, which outlines the standards for land services and regulations (known as Perka BPN No. 1/2010).

The regulation explains that the period for splitting/separating one plot of land owned by an individual is 15 (fifteen) days.

Requirements for splitting land certificates, namely:

20. Submission of an application along with justification for the division.
21. Details of the person applying or their representative (copy of valid and legally authorized identification documents).
22. Authenticity of the land title certificate verified.
23. Plot layout required for residential development locations.
24. Approval for change in land usage must be obtained if applicable.
25. The PPAT deed, if there is a transfer involved, must be submitted along with evidence of income tax payment and fees for purchasing land and building rights that have been approved by the Tax Service Office.
26. Confirm that there are no disagreements regarding the ownership of the rights mentioned on the certificate.
27. Assert that the land is being actively managed by the rightful owner stated on the certificate.

According to Article 6 of the Regulation issued by the Minister of Agrarian Affairs and Spatial Planning/Head of the National Land Agency of Indonesia (Number 18 of 2016), it is specified that failure to comply with the rules outlined in Article 4 and Article 5 will prevent land rights from being recorded at the Land Office.

Next is Article 12

- (6) The Head of the Land Office supervises the provisions in this Ministerial Regulation.
- (7) Every six months, the findings from the monitoring outlined in section (1) are presented to the Minister of Agriculture and Urban Development, as well as the Director of the National Land Agency.

Hence, legal issues could come up if the splitting of farmland does not follow the blueprint given by the local government. When considering authority, BPN has the ability to allocate land, but this decision is influenced by the Minister of Agrarian Affairs and Spatial Planning/Head of BPN according to document number 1589/SK-HK.02.01/XII/2021, which focuses on mapping protected rice fields in different areas.

Additionally, as per the regulations outlined in Regulation number 18 of 2016 by the Minister of Agrarian Affairs and Spatial Planning/Head of the National Land Agency of Indonesia concerning the management of agricultural land tenure, if a Pertek proposal for agricultural land is rejected by BPN, the site plan cannot proceed as it is in line with these regulations. Sections 6 and 12 of the regulations also grant BPN the authority to approve or deny the division of agricultural land parcels.

Not adhering to these rules will lead to the invalidation of land division certificates if the required permits are missing, such as KRK or IMB, preventing any further splitting of agricultural land. In article 48 of the land registration law, the individual has permission to seek a split of a piece of land, however, the government retains the authority to turn down such appeals unless it involves inheriting the property.

CONCLUSION

As per the rules outlined in Regulation Number 18 of 2016 by the Minister of Agrarian Affairs and Spatial Planning/Head of the National Land Agency of Indonesia, the regulations governing the conversion of agricultural land must be strictly adhered to.

If the map indicating protected paddy/agricultural land is verified and synchronized with paddy land data by the integrated team, the land can be excluded from protection if it is no longer sustainable.

A team made up of government, academic, and organizational representatives will review and make decisions on such cases. Rice fields that are located within the protected area, but are not specifically identified as sustainable agricultural land in spatial planning, are not allowed to be converted without first obtaining permission from the Minister of Agrarian Affairs and Spatial Planning/Head of the National Land Agency.

Consequences can arise if the development of agricultural land does not follow the approved site plan from local authorities. If the proposed development on agricultural land is not approved by the relevant authority, the site plan will not be processed automatically. This is outlined in articles 6 and 12 of the Regulation by the Minister of Agrarian Affairs and Spatial Planning/Head of the National Land Agency of the Republic of Indonesia Number 18 of 2016, which gives the BPN the responsibility to approve or reject the division of agricultural land plots. Applicants must adhere to these rules for their application to be considered.

According to this regulation, the certificate cannot be split without using a set plan and permits such as KRK, IMB, will be rejected so that the implementation of splitting agricultural land never occurs. Even though Article 48 of the Land Registration Law, the applicant has the right to apply for a division of the land plot, the state, based on these regulations, has the right to refuse, except for inheritance.

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