



Legal Problems in the Conversion of Agricultural Land to Housing (Case Study of Pringgabaya District)

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Abstract: The conversion of agricultural land into housing has become commonplace among business actors. This condition has prompted the government to issue regulations through the Coordinating Ministry for Economic Affairs of the Republic of Indonesia, which addresses the control of the conversion of protected rice fields, known as Protected Rice Fields (LSD). The LSD regulation is a new policy issued in 2020, referring to Presidential Regulation Number 59 of 2019 concerning the Control of Rice Field Conversion. The purpose of this regulation is to minimize the use of rice fields for residential and industrial areas, which is one of the causes of the decline in the availability of rice raw materials. This study aims to analyze the dynamics of agricultural land conversion in the context of the LSD regulation and its impact on regional development, particularly in the housing sector. The research method used is a descriptive qualitative approach by collecting data through literature studies, regulations, and policy analysis. The results of the study show that although the LSD regulation aims to maintain national food security, its implementation in the field faces various challenges, including limited coordination between institutions, local economic interests, and the growing need for infrastructure and public housing development. This policy also creates a dilemma between protecting agricultural land and accelerating regional development. Therefore, synergy between the central government, regional governments, and business actors is needed so that land conversion control can be carried out sustainably without hampering economic growth and regional development.

Keyword: Land Conversion, Legal Issues, Agricultural Land, Housing Area.

INTRODUCTION

Land conversion is a change in the function of part or all of a land area from its planned function to another function that has an impact on the environment and the potential of the land itself. Therefore, the realization of land conversion in the use and utilization of land to be optimal must be in accordance with the Regional Spatial Planning and land use, so that in order to meet the need for land (Peraturan Pemerintah (PP) Nomor 16 Tahun 2004 Tentang Penatagunaan Tanah, 2004; Undang-Undang (UU) Nomor 26 Tahun 2007 Tentang Penataan Ruang, 2007). Land conversion continues to occur and increases from year to year. The

increasing number of land conversions to other uses is a fairly serious problem related to the existence of land in Indonesia.

The conversion of agricultural land is actually not something new, with the increase in population and economic growth causing the need for land to increase. Along with the development of the times, the rapid growth of a city and the high rate of population growth make the need for land increasingly high. The demand for land from year to year continues to increase while the availability of land in general is relatively constant. Land prices are closely related to land use, and in general are related to location. Land use arrangements in cities today are indeed a very difficult and complicated problem considering the growth and development of land values that are so high and the density of buildings is also very high. In addition, there are social values in relation to land use, which can be related to habits, moral attitudes, taboos, government regulations, cultural heritage, traditional patterns (Manihuruk & Setiawati, 2024).

Indonesia as an agricultural country needs to ensure the provision of sustainable agricultural land as a source of employment and decent living for humanity by prioritizing the principles of togetherness, efficiency, justice, sustainability, environmental awareness, and independence, as well as by maintaining balance, progress and national economic unity. This is in accordance with the formulation of Article 1 Paragraph (1) of the (Undang-Undang (UU) Nomor 5 Tahun 1960 Tentang Peraturan Dasar Pokok-Pokok Agraria, 1960) which states that the entire territory of Indonesia is a unified homeland and all Indonesian people are united as the Indonesian nation. This means that land throughout Indonesia is a common right of the Indonesian nation (with aspects of Regional Regulations) and is eternal, namely like customary rights in customary law communities. The state also regulates land throughout the territory of the Republic of Indonesia, this is public. This authority task is carried out by the state based on the state's right to control formulated in Article 2 of the (Undang-Undang (UU) Nomor 5 Tahun 1960 Tentang Peraturan Dasar Pokok-Pokok Agraria, 1960) which is an authentic interpretation of the definition of being controlled by the state in Article 33 Paragraph (3) of the 1945 Constitution. The earth, water and natural resources contained in the earth are the mainstays of the people's prosperity so they must be controlled by the state and used for the greatest prosperity of the people. Land has an important role in people's lives, such as housing and livelihoods. The function of land also varies depending on the party that uses it. For example, farmers use land as a source of food production for survival. The private sector uses land for investment or capital. So that interests in land vary (Erwahyuningrum et al., 2023).

Conversion of agricultural land to non-agricultural sectors poses a serious threat to food security and sovereignty, as evidenced by the decline in food production, physical environment, and farmer welfare.

Conversion of agricultural land is certainly the main cause of the narrowing of land area needed by farmers, where this situation is contrary to the reality that people who make a living as farmers depend on agricultural land. In addition, if not planned properly, conversion of agricultural land can disrupt the ecosystem and can cause natural disasters. Land conversion activities cannot be carried out immediately, regional economic stability must remain a consideration that must be considered carefully.

Apart from these positive impacts, it is still good to limit agricultural land conversion activities so that they do not pose a serious threat to national food security. The factors causing the conversion of agricultural land are divided into external factors such as demographics, regional growth and economy. The second is internal factors such as the economic conditions of farmers who own the land, policy factors regarding the strictness of laws and regulations and the implementation of these regulations. Indonesia has legal regulations that are a way out of the increasingly narrowing area of agricultural land, namely (Undang-Undang (UU) Nomor 41 Tahun 2009 Tentang Perlindungan Lahan Pertanian Pangan Berkelanjutan, 2009) concerning the Protection of Sustainable Food Agricultural Land which is expected to anticipate and maintain the stability of national food security (HK et al., 2023).

METHOD

The method used by the author in compiling this journal is normative empirical with a qualitative approach that uses methods through field studies, by combining and analyzing laws and regulations. Where data is collected from various elements and related agencies. In terms of the field, the author conducts more interviews and discussions which of course are to obtain information related to the data needed.

In addition, the author also made an investment in a research center in Pringgabaya sub-district to combine data obtained from both the local government and related agencies so that the existing data is in line with what is needed when compiling the journal. The information obtained is then processed into primary data which will later become the basis for compiling this journal, not only that, the author also uses secondary data obtained from several references such as recognized journals and basic laws and regulations issued by the local government so that there are no deviations and offenses to other parties

RESULTS AND DISCUSSION

Rural land is land that has been categorized as horticultural land or ideal for growing livestock or agricultural products. The main resource in the agricultural sector is agricultural land. Agricultural land is divided into many categories by FAO, including arable land and permanent agricultural land. it can be called "planted land or cultivated land" One of the main capital in improving human welfare is agricultural land.

Dry land, rice fields, plantations, production and protected forests, grasslands, and livestock and fishery land are examples of types of land used for agricultural activities. The distribution pattern of land use boundaries in a geographical setting is explained by a number of ideas. (Peraturan Bupati Lombok Timur Nomor 16 Tahun 2023 Tentang Rencana Detail Tata Ruang (RDTR) Kawasan Perkotaan Pringgabaya Tahun 2023–2042, 2023), where the district government has seen the potential in the Pringgabaya sub-district through the arrangement of urban areas based on the RTRW which has been reviewed and determined.

However, the district government through the Public Works and Housing Agency (PUPR) of East Lombok Regency has obstacles in developing the regulation, the Public Works and Housing Agency has not been fully supported by the East Lombok Regency government regarding the budget that will be used in developing East Lombok Regency area data into the RDTR (detailed spatial plan) in East Lombok Regency. Especially those in Pringgabaya District itself have been included in the RDTR itself. So that public access to dig up information related to the area in Pringgabaya District is getting easier.

In the development of regional spatial planning, of course, we also look at the potential in the area, starting from the tourism, agriculture, livestock and housing sectors. In Pringgabaya District itself, it has a fairly large agricultural area so that it is necessary to map the areas that must be protected as productive agricultural land to support the needs of the local community, both in daily consumption and the sale and purchase of agricultural products themselves. It can be seen that the scope of food agricultural land is so wide that it is necessary to get protection regarding the system and process in planning, developing, fostering, and supervising food agricultural land in a sustainable manner.

Based on (Undang-Undang (UU) Nomor 41 Tahun 2009 Tentang Perlindungan Lahan Pertanian Pangan Berkelanjutan, 2009) it is stated that "land that has been designated as sustainable food agricultural land is protected and prohibited from being converted, but is exempted if there is a public interest, in other words, land conversion can be carried out but has conditions that must be met, including: 1. A strategic feasibility study is carried out, 2. A land conversion plan is prepared, 3. Ownership rights are released from the owner, and 4. Replacement land is provided for sustainable food agricultural land that is converted". Control

of land use functions is mandated to regional or city governments first through spatial planning (Wibisono & Widowaty, 2023).

However, misuse of land conversion in East Lombok Regency, especially in Pringgabaya District, is rampant, as told by the Head of Planning for the Public Works and Housing Department of the Regency, many people build permanent houses or residences in protected rice fields, which is an obstacle for them, the lack of information obtained by the community regarding protected land that is used as a place to build houses even though the land is designated as protected rice fields.

Even for the action itself against the community, there has been no action, in fact there is none because the community who have already taken action even consider the land to be completely theirs, become indifferent where the community becomes arbitrary to make the land into anything, he said.

So this is an absolute mistake from the local government to the village government because of the lack of socialization and information conveyed to the community directly. In many cases, law enforcement against the misuse of spatial planning and land use is still lacking, so that the legal consequences contained in the laws and regulations do not run as they should. Land conversion can be done as long as it follows the procedure and does not conflict with applicable laws and regulations.

When the land is converted but is not registered or does not comply with the procedure, a violation of the law occurs which gives rise to legal consequences. Legal consequences are the consequences caused by legal events. Legal consequences arise when there is an act, either an act in accordance with the law, or an act that is not in accordance with the law carried out by a legal subject against a legal object or there is a certain consequence of an act, which consequence has been regulated by law (Katiandagho, 2018).

Factors causing land misuse in Pringgabaya District, East Lombok Regency

There are several factors that cause misuse of land conversion which causes narrowing of land areas, including:

Population factors

The increasing human population that continues to increase has resulted in increased development, resulting in a narrowing of residential areas which forces people to turn empty land and agriculture into housing or permanent residences. According to data (BPS Kabupaten Lombok Timur, 2024) the population in Pringgabaya District has increased over the past five years. From the 15 villages in Pringgabaya District, the total population amounts to 117,161 people, as shown in the following table :

Table 1. The Population In Pringgabaya District Has Increased Over The Past Five Years

Village/Kelurahan	Male Population	Female Population	Total Population
Bagik Papan	1,979	2,016	3,995
Apitaik	6,346	6,474	12,820
Kerumut	2,481	2,458	4,939
Pohgading	5,554	5,795	11,349
Batuyang	5,161	5,308	10,469
Pringgabaya	8,491	8,725	17,216
Labuhan Lombok	7,411	7,391	14,802
Teko	2,078	2,064	4,142
Pohgading Timur	3,464	3,646	7,110
Pringgabaya Utara	3,084	3,075	6,159
Tanak Gadang	1,130	1,157	2,287
Anggaraksa	1,756	1,856	3,612
Gunung Malang	3,074	3,066	6,140
Seruni Mumbul	3,265	3,155	6,420

Telaga Waru	2,748	2,926	5,674
TOTAL	58,022	59,139	117,161

Area/land factors

Land requirements for non-agricultural activities include real estate development, industrial areas, trade areas, and other services that require large areas of land, some of which come from agricultural land including rice fields. This is understandable, considering that the location is chosen in such a way that it is close to service users who are concentrated in urban areas and surrounding areas (sub-urban areas).

Locations around the city, which were previously dominated by agricultural land use, are targeted for the development of non-agricultural activities considering their relatively cheap prices and have been equipped with supporting facilities and infrastructure such as highways, electricity, telephone, clean water, and other facilities.

In addition, there is the existence of "squeezed rice fields", namely rice fields that are not too large because the surrounding area has been converted into housing or industrial areas, so that farmers on the land have difficulty in obtaining water, labor, and other means of production, which forces them to transfer or sell their land. In Pringgabaya sub-district itself, many lands are sold and made into housing and densely populated settlements, which results in the narrowing of agricultural rice fields so that the community around the housing feels the impact of the development. The loss of irrigation channels is one of the causes of people becoming restless and having difficulty farming.

Economic factors

Economic factors that significantly influence land conversion are land area and B/C ratio of food crops. Land area has a significant effect with a positive relationship. This explains that the larger the area of land controlled by farmers, the lower the possibility of land conversion. This is related to the production costs incurred by farmers. The smaller the land area, the higher the production costs will be. So, the smaller the agricultural land, the more farmers will think about converting their land.

Reported from BPS data from East Lombok Regency, the area of Pringgabaya District is 136.2 km² and some of it is divided into land that has been designated for the industrial, residential, tourism and agricultural sectors. From the agricultural land owned by Pringgabaya sub-district, it has quite extensive agricultural land so that many people use the land to meet their needs through farming, but due to the lack of employment opportunities and the increasing density of settlements and increasing human population, many people's lands are sold to meet their living needs or to build businesses by building permanent buildings, shops and housing. So that the land that was previously designated for the agricultural sector has turned into settlements. Not only that, the many ponds and mines opened by businessmen and the development of the East Lombok regional government are also the reasons for the reduction of agricultural land,

The role of local governments in handling and preventing land misuse Improving public welfare is an important responsibility in the nation and state. One form of such protection is ensuring the right to food for all people, which is a very fundamental human right, so it is the responsibility of the state to fulfill it. The government always encourages, maintains, and protects the agricultural sector in Indonesia, especially in the activities of agricultural land function experts. These efforts are made through the implementation of (Peraturan Presiden (Perpres) Nomor 59 Tahun 2019 Tentang Pengendalian Alih Fungsi Lahan Sawah, 2019) to accelerate the determination of protected rice field maps in order to fulfill and maintain the availability of rice field land". The Indonesian government's efforts to curb the rate of land conversion are not only carried out through the determination of Protected Rice Fields but also

require support from the Central Government through incentives to the Regional Government and the community (Wibisono & Widowaty, 2023).

The role of local government in maintaining and increasing public awareness of the importance of protecting land that is indeed designated for agriculture. In accordance with the (Peraturan Bupati Lombok Timur Nomor 16 Tahun 2023 Tentang Rencana Detail Tata Ruang (RDTR) Kawasan Perkotaan Pringgabaya Tahun 2023–2042, 2023) concerning the detailed spatial plan for the Pringgabaya urban planning area for 2023-2042 which refers to the implementation of the provisions of Article 55 paragraph (5) of (Peraturan Pemerintah (PP) Nomor 21 Tahun 2021 Tentang Penyelenggaraan Penataan Ruang, 2021) Article 62 paragraph (1) TPZ growth control zone with code k as referred to in Article 60 paragraph (2) letter b, is an activity to control spatial development through growth factors such as the development of facilities and infrastructure through the provision of necessary infrastructure, managing economic and social factors to politics.

Paragraph (2) TPZ growth control zone with code k as referred to in paragraph (1) is stipulated by the provisions of activities in the basic rules having Provisions for Activities and Land Use permitted (I), conditionally permitted (B), and limited permitted (T) must meet the following provisions: a. control of housing growth and commercial activities in the Agricultural Zone and Fishery Zone; b. land use other than agricultural and fishery activities is not permitted to increase building intensity; c. Space Utilization activities for housing, tourism and public service facilities are limited to a maximum of 50% (fifty percent) or 2 (two) floors of the total floor area of the building.

The efforts that must be made by the local government are to conduct socialization to the general public to increase the capacity of understanding at the community level itself, so that the implementation of the rules can run properly. However, it turns out that the community itself does not know about this, which causes inequality in the rules issued by the East Lombok district government.

CONCLUSION

In some areas, especially in East Lombok Regency, development has certainly become one of the programs that has been intensified by the local government itself, but in both of them there are things that must be sacrificed and eliminated. For example, the development of the urban sector in Pringgabaya District, which of course has an impact on increasing the population and narrowing of residential land in the area, which requires the community to be smart in managing their land assets. In addition, the selling value which of course increases requires the community to adapt to the economic system there.

The dense population and the increasing selling value of the land there are certainly utilized by the community who own land to make their land into residential housing and not many also sell it to other parties to be used as housing or even shops.

Which results in narrowing of land, so that land that was previously designated or has been included in the list of protected land and designated for agriculture has turned into housing. In this case, the role of the government which should maintain and protect the sustainability of agricultural land which can later support the needs of the community and surrounding residents has certainly decreased where the many land conversions that are not in accordance with what they should be, as well as the lack of supervision of the land itself are the main problems.

The absence of action taken by the government against inappropriate land conversions makes business actors arbitrary in running their businesses. Which is where this is the main homework of the local government in developing the progress of its region. So that in the future things like this will not happen again and the government's synergy in developing progress in each sector can run smoothly.

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