

Legal Certainty in Housing Development on Protected Rice Paddy Land: A Case Study of the Pendawa Housing Estate, Lebaksiu, Tegal Regency

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Abstract

The designation of Protected Rice Paddy Land (LSD) is a national policy aimed at controlling the conversion of agricultural land to ensure long-term food security. In practice, however, this policy often conflicts with factual conditions on the ground, particularly when residential housing projects have already been constructed and sold before the spatial utilization permits were fully obtained. This study aims to analyze the legal certainty of housing developments built on land that was later designated as LSD, and to identify appropriate legal protection mechanisms for good-faith purchasers. The Pendawa Housing Estate in Tegal Regency is used as a case study, and the research applies a normative juridical method based on statutory and case approaches. The findings reveal that LSD serves as an administrative instrument within the spatial planning system and should not be treated as an absolute prohibition on land use. Its implementation must be proportional and respect the principles of legal certainty and fairness, particularly concerning buyers who have acquired property lawfully. Legal responsibility for spatial violations lies with the developer, while local governments play a strategic role in resolving these issues through adaptive and equitable administrative law mechanisms. This study concludes that harmonization between LSD policies and regional spatial planning systems is essential, alongside the protection of good-faith stakeholders' rights in the context of residential development.

Keywords: administrative law, developer, housing, legal certainty, protected rice paddy land.

Abstrak

Penetapan Lahan Sawah Dilindungi (LSD) merupakan kebijakan nasional yang bertujuan untuk mengendalikan alih fungsi lahan sawah guna menjaga ketahanan pangan nasional. Namun dalam praktiknya, kebijakan ini sering kali bersinggungan dengan fakta lapangan berupa pembangunan perumahan yang telah terbangun dan diperjualbelikan sebelum seluruh proses perizinan pemanfaatan ruang dipenuhi. Penelitian ini bertujuan untuk menganalisis kepastian hukum dari perumahan yang terlanjur dibangun di atas lahan yang kemudian ditetapkan sebagai LSD serta untuk

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mengidentifikasi bentuk perlindungan hukum yang layak diberikan kepada pembeli beritikad baik. Studi kasus dilakukan terhadap Perumahan Pendawa di Kabupaten Tegal, dengan menggunakan metode penelitian hukum yuridis normatif melalui pendekatan peraturan perundang-undangan dan pendekatan kasus. Hasil penelitian menunjukkan bahwa LSD merupakan instrumen administratif dalam sistem penataan ruang dan tidak dapat diposisikan sebagai larangan absolut terhadap pemanfaatan ruang yang telah terjadi. Kebijakan ini perlu diterapkan secara proporsional dengan tetap mengedepankan asas kepastian hukum dan keadilan, terutama bagi masyarakat yang telah melakukan transaksi secara sah. Tanggung jawab hukum atas pelanggaran pemanfaatan ruang terletak pada pengembang, sementara pemerintah daerah memegang peran penting dalam menyelesaikan persoalan ini melalui pendekatan hukum administrasi yang adaptif dan berkeadilan. Kesimpulan dari penelitian ini menegaskan pentingnya harmonisasi antara kebijakan LSD dan sistem penataan ruang daerah, serta perlindungan terhadap hak-hak pihak yang beritikad baik dalam proses pembangunan perumahan.

Kata kunci: *developer, hukum administrasi, kepastian hukum, lahan sawah dilindungi, perumahan.*

1. INTRODUCTION

The ongoing conversion of agricultural land, particularly rice paddy fields, into non-agricultural uses continues to raise significant legal and environmental concerns in Indonesia. This shift is strongly influenced by a combination of urban expansion, demographic growth, and economic transformation, which have collectively increased the demand for residential and industrial land. Peri-urban areas are especially vulnerable, where the expansion of housing estates often overrides existing agricultural designations. At the household level, landowners face declining agricultural profitability and limited incentives to retain land for farming, which accelerates conversion trends. The cumulative effect of these pressures contributes to the erosion of productive farmland, threatening national food security and long-term environmental sustainability.¹ As a consequence, public authorities are compelled to adopt stricter legal frameworks in an effort to control and prevent unregulated land-use change. The resulting challenge lies in balancing developmental needs with the legal imperative to protect vital agricultural resources.

¹ Chabibah Kusuma Dewi and Harvini Wulansari, "Agricultural Land Protection for Food Security: Policy Integration of Protected Rice Field Map in Spatial Planning in Demak Regency," *Marcapada: Jurnal Kebijakan Pertanahan* 3, no. 2 (August 20, 2024): 81–94, <https://doi.org/10.31292/mj.v3i2.52>.

Efforts by the Indonesian government to regulate land-use conversion have produced a number of legal instruments focused on preserving critical rice-producing areas. One of the most significant is Presidential Regulation No. 59 of 2019 concerning the Control of Conversion of Rice Paddy Fields, which establishes the legal category of Protected Rice Paddy Land, known locally as *Lahan Sawah Dilindungi* (LSD). This regulation mandates the spatial mapping of existing rice fields at the national level, which is conducted by the Ministry of Agrarian Affairs and Spatial Planning/National Land Agency. The LSD designation is intended to serve as a thematic layer in spatial planning and provides a binding reference for land-use control and permitting processes. In contrast to Sustainable Food Agricultural Land (*Lahan Pertanian Pangan Berkelanjutan*, or LP2B), which is regulated through regional spatial plans, LSD is established centrally and carries direct national authority.² The aim is to ensure the long-term availability of agricultural land as a foundation for national food resilience. However, in practice, challenges have emerged in harmonizing this designation with existing land-use permits and development plans at the regional and municipal levels.

Inconsistencies between national land protection policies and local development practices have contributed to increasing legal uncertainty. In some cases, housing projects were developed and legally permitted prior to the finalization or dissemination of LSD maps. As a result, these developments were later found to be located within newly classified protected areas, creating legal ambiguity concerning their compliance status. This situation highlights structural weaknesses in intergovernmental coordination, particularly in terms of synchronizing spatial data and administrative procedures. Homeowners and developers who acted in good faith based on the legal framework at the time of construction now face the risk of invalidated permits or legal disputes.³ Moreover,

² Try Widiyono and Md Zubair Kasem Khan, "Legal Certainty in Land Rights Acquisition in Indonesia's National Land Law," *Law Reform* 19, no. 1 (August 9, 2023): 128–47, <https://doi.org/10.14710/lr.v19i1.48393>.

³ Ni Putu Eka Darmayanti, Ni Ketut Wiratny, and Erikson Sihotang, "Legal Certainty On Building Distribution And Conformity With The Detailed Spating Plan In The Wildland Of Mengwi Specifically In The Green Open Space Zone And The Agricultural Zone (Analysis Of Legal Certainty For Buildings That Violate Spatial Planning)," *International Journal of Social Service and Research* 4, no. 7 (July 30, 2024), <https://doi.org/10.46799/ijssr.v4i7.853>.

such inconsistencies undermine the principle of legal certainty, which is a core element of the rule of law and good governance.⁴ Addressing this issue requires an evaluation of not only the content of the regulations but also the institutional mechanisms responsible for their implementation and enforcement.

A representative case of this legal conflict can be observed in the Pendawa Housing Estate located in Lebaksu Lor Village, Tegal Regency, Central Java. This residential development was planned, constructed, and partially sold before it was discovered that portions of the estate fall within land areas classified as LSD based on updated spatial data. This discovery has raised pressing legal questions regarding the validity of building permits, the enforceability of land-use restrictions, and the legal protection available for homeowners who relied on what appeared to be lawful procedures. Furthermore, the case exposes gaps in communication between central authorities and local governments, particularly concerning the timely dissemination of LSD designations. It also reveals the difficulties involved in reconciling national strategic priorities with local-level development realities. The Pendawa case therefore offers a concrete lens through which to analyze the legal and institutional challenges associated with the implementation of protected land policies.

Fundamental legal principles are at stake in this scenario, especially the doctrine of legal certainty, which ensures that laws are applied predictably and fairly. The retroactive application of spatial regulations has the potential to create legal vulnerability for parties who acted in accordance with the law as it stood at the time. This raises the question of whether such parties should be subjected to new legal obligations or penalties resulting from subsequent regulatory changes. In the absence of transitional provisions or compensatory mechanisms, affected individuals may suffer material losses or face protracted legal disputes.⁵ These risks are amplified in Indonesia's decentralized

⁴ Suhadi Suhadi et al., "The Development of Agricultural Land Conversion: Legal Culture and Comparative Law in Indonesia and Nigeria," *Lex Scientia Law Review* 8, no. 2 (December 15, 2024): 1029–66, <https://doi.org/10.15294/lslr.v8i2.13999>.

⁵ Deni Santo et al., "Optimization of Participatory and Collaborative Planning Methods for Accelerating the Preparation of Detailed Spatial Plans," *BHUMI: Jurnal Agraria Dan Pertanahan* 9, no. 1 (August 2, 2024): 63–82, <https://doi.org/10.31292/bhumi.v9i1.767>.

governance system, where local governments exercise substantial authority over permitting but must simultaneously adhere to national policy directives. As a result, it becomes necessary to critically examine how legal protections can be extended to those who are adversely impacted by administrative changes made without adequate notice or procedural safeguards.

Recent studies have attempted to explore these tensions between national land policies and regional implementation. Yogya Firman⁶ in 2024, entitled "*Legal Aspect of Protected Rice Field Land and Spatial Planning*" analyzed the conflicts arising from the lack of integration between LSD spatial data and regional development permits, noting that unclear legal communication exacerbates institutional confusion. Mitha Asyita Rahmawaty⁷ in 2024 examined the operational challenges of embedding LSD data into existing land-use administration systems, highlighting the absence of technical readiness at the regional level. Naufal Zain Khairullah⁸ in 2025, in their study "*Inconsistency of Protected Rice Fields with Spatial Planning in Purworejo Regency*" focused on the absence of legal remedies for property owners affected by retroactive classification, arguing that regulatory reforms must include transitional legal frameworks to avoid conflict escalation. Collectively, these studies confirm the need for improved regulatory coherence and inter-institutional collaboration. However, few have provided an in-depth legal analysis of cases where completed residential developments intersect with newly protected land.

This study seeks to analyze the extent to which legal certainty can be ensured in cases where housing developments are constructed on land that is later designated as Protected Rice Paddy Land. By focusing on the Pendawa Housing Estate case in Tegal Regency, the research investigates three interrelated aspects: the legal status of the

⁶ Yogya Firman Nur Robbi, Sadino, and Suartini, "Aspek Hukum Lahan Sawah Dilindungi Dan Tata Ruang," *Fundamental: Jurnal Ilmiah Hukum* 13, no. 2 (December 12, 2024): 90–116, <https://doi.org/10.34304/jf.v13i2.278>.

⁷ Mitha Asyita Rahmawaty et al., "Mapping LSD Locations by Integrating Land Documents and Spatial Planning in Cepu District," *IOP Conference Series: Earth and Environmental Science* 1418, no. 1 (December 1, 2024): 012017, <https://doi.org/10.1088/1755-1315/1418/1/012017>.

⁸ Naufal Zain Khairullah, Agustyarsyah Agustyarsyah, and Setiowati Setiowati, "Inconsistency of Protected Rice Fields with Spatial Planning in Purworejo Regency," *Marcapada: Jurnal Kebijakan Pertanahan* 5, no. 1 (November 13, 2025): 63–84, <https://doi.org/10.31292/mj.v5i1.176>.

housing estate in the context of LSD designation, the role and authority of LSD policy within Indonesia's spatial law regime, and the availability of legal protections for stakeholders who acted in good faith. Through a normative juridical approach, the study aims to contribute to the discourse on land governance by offering a legal framework that respects both the imperatives of environmental protection and the rights of individuals affected by post-construction land designation conflicts.

2. RESEARCH METHODS

This research employs a normative juridical legal method, which is primarily doctrinal in nature and aims to examine the legal certainty of residential development constructed on land designated as Protected Rice Paddy Fields (*Lahan Sawah Dilindungi*).⁹ The normative juridical method is based on the study of legal norms found in statutory regulations, legal doctrines, and authoritative legal sources. The research focuses on the interpretation and systematization of positive law using a combination of legislative, conceptual, and case approaches.¹⁰ The legislative approach is applied to assess the legal foundation and status of the LSD policy within Indonesia's legal system, while the conceptual approach is used to analyze the theoretical dimensions of legal certainty and legal protection. Additionally, the case approach is applied illustratively through the case study of the Pendawa Housing Estate in Lebaksiu, Tegal Regency, which serves as a contextual example for examining the implications of regulatory conflict in spatial planning.

The legal materials used in this study include primary legal materials such as statutory regulations and ministerial decrees related to LSD, secondary legal materials including academic literature, legal journals, and expert commentaries, as well as tertiary legal materials such as legal dictionaries and encyclopedias.¹¹ Legal material collection

⁹ I Wayan Rideng, *Metode Penelitian Hukum Normatif*, Kertha Widya, vol. 1 (Jakarta: Rieneka Cipta, 2013).

¹⁰ Jonaedi Efendi and Prasetijo Rijadi, *Metode Penelitian Hukum Normatif Dan Empiris: Edisi Kedua* (Depok: Prenadamedia Group, 2022), <https://books.google.co.id/books?id=j1W6EAAAQBAJ>.

¹¹ Kornelius Benuf and Muhamad Azhar, "Metodologi Penelitian Hukum Sebagai Instrumen Mengurai Permasalahan Hukum Kontemporer," *Gema Keadilan* 7, no. 1 (2020): 20–33, <https://doi.org/10.14710/gk.2020.7504>.

was conducted through literature study by identifying, organizing, and categorizing relevant legal sources based on the formulated research problems. The analysis was carried out qualitatively using deductive reasoning, moving from general legal norms to specific applications regarding the validity and legal strength of housing permits on protected agricultural land. This method enables a critical evaluation of the coherence between land-use regulations and their implementation, particularly in cases where legal protection is sought by parties acting in good faith.

3. RESULTS AND DISCUSSION

3.1. Legal Standing of Protected Rice Paddy Land in the Spatial Planning System

Protected Rice Paddy Land, referred to as *Lahan Sawah Dilindungi* (LSD), is designated by the Minister of Agrarian Affairs and Spatial Planning/National Land Agency through coordination with the Integrated Team for the Control of Paddy Field Conversion. The regulatory foundation for this designation is provided by the Regulation of the Coordinating Minister for Economic Affairs Number 18 of 2020 concerning the Determination of Protected Rice Paddy Land. LSD is a national thematic spatial policy that operates as a preventive administrative instrument to control the use of land resources. Rather than assigning land-use functions in the way statutory spatial plans do, LSD serves as a guiding reference in evaluating development proposals in strategic agricultural areas.¹² The classification under LSD does not alter the existing legal land-use designation but instead provides an added layer of administrative oversight. The objective is to support sustainable land management by maintaining agricultural productivity in areas critical for national food security. Its preventive function is activated through permit evaluation processes rather than through direct regulatory zoning authority.¹³

¹² Jihan Nurfajrina Radhwa and Waluyo Waluyo, "Spatial Conflicts Between Protected Rice Fields and Regional Spatial Planning in the Context of Sustainable Agricultural Land Protection," *JHKK* 7, no. 2 (August 17, 2025): 705–20, <https://doi.org/10.46924/jihk.v7i2.331>.

¹³ Meireza Aditya Chandra and Suhadi Suhadi, "Analisis Hukum Faktor Penyebab Ketidaksesuaian Peta Lahan Sawah Dilindungi Dengan Peta Tata Ruang," *Nomos : Jurnal Penelitian Ilmu Hukum* 5, no. 2 (May 29, 2025): 309–20, <https://doi.org/10.56393/nomos.v5i2.3191>.

The legal authority for LSD is anchored in Presidential Regulation Number 59 of 2019 on the Control of Conversion of Rice Paddy Fields. This regulation reinforces the state's role in ensuring the protection of rice-producing land through national-level policy integration. Procedural implementation of the LSD framework is supported by the Coordinating Minister's Regulation and operationalized through the Ministerial Decree Number 1589 of 2021, which establishes the official national LSD map. This spatial mapping instrument provides formal guidance for ministries, regional governments, and regulatory agencies in reviewing land-use activities.¹⁴ Although it possesses administrative legitimacy, LSD remains distinct from statutory spatial planning instruments that derive authority directly from legislative acts. The administrative nature of LSD limits its ability to impose legally binding consequences unless its provisions are integrated into zoning regulations. Its normative function operates within the administrative domain and does not substitute formal land-use allocation under existing law.

Within the context of Indonesia's legal and spatial planning framework, LSD holds a complementary rather than substitutive position. Statutory spatial plans, regulated by Law Number 26 of 2007 on Spatial Planning, allocate legal land-use designations and establish zoning obligations through binding instruments such as the Regional Spatial Plan (*Rencana Tata Ruang Wilayah*, or RTRW).¹⁵ LSD enhances these instruments by introducing a thematic layer focused on the protection of agricultural land. Its classification aims to reinforce national food security objectives by restricting non-agricultural development in vital areas. However, this thematic designation operates independently from the statutory planning process and may not always align with the zoning categories set forth in existing RTRW documents. Conflicts may arise when an area designated for settlement in the RTRW is later classified as LSD, leading to potential

¹⁴ Ferdi Rifanda Hambali, Sutaryono Sutaryono, and Sukmo Pinuji, "Kesesuaian Kawasan Lahan Pertanian Pangan Berkelanjutan Dengan Rencana Tata Ruang Wilayah Di Kabupaten Sumenep," *Tunas Agraria* 4, no. 3 (September 29, 2021): 276–92, <https://doi.org/10.31292/jta.v4i3.164>.

¹⁵ Harun All Rosit and Nuraini Aisiyah, "Evaluasi Dampak Ketidaksesuaian LSD Dengan RTRW Terhadap Pembangunan Dan Pertanian Di Karanganyar," *Widya Bhumi* 4, no. 2 (October 31, 2024): 159–75, <https://doi.org/10.31292/wb.v4i2.109>.

legal inconsistencies. These inconsistencies highlight the regulatory challenges in synchronizing thematic policy instruments with statutory zoning frameworks.

Institutional coordination between central and regional governments has often failed to resolve such inconsistencies. LSD maps are formulated at the national level and may be issued without being fully integrated into local spatial databases or regional permitting systems. Local governments may continue to approve development permits based on the prevailing RTRW without awareness of updated LSD classifications. This temporal and procedural gap creates significant legal risks for developments that have already received valid approval. Stakeholders operating in accordance with legally recognized spatial plans may find themselves in conflict with administrative classifications introduced after construction has commenced.¹⁶ This situation reflects a structural weakness in the spatial governance system, particularly in the absence of transitional legal mechanisms for integrating thematic policies into formal planning structures. The resulting legal uncertainty demonstrates the need for clearer regulatory procedures and intergovernmental alignment.

LSD plays a strategic role in guiding administrative discretion in the land-use permitting process. It functions as an evaluative tool to support sustainable development objectives, particularly in relation to food security. When used as a reference in spatial decision-making, LSD encourages regulatory prudence in areas vulnerable to agricultural land conversion. Although the policy aims to enhance environmental and agricultural protection, its normative application raises legal concerns when it disrupts existing development rights. Landowners and developers acting under previously approved permits face the possibility of legal disputes if LSD is applied without due consideration of their acquired rights. Retroactive enforcement of administrative classifications without legal safeguards can undermine the principle of legal certainty. Implementation of LSD

¹⁶ Subur Subur, Muhammad Guzali Tafalas, and Adianto Adianto, "Implementation of Regional Regulation No. 5 of 2015 on The Protection of Sustainable Food Agricultural Land in Sorong Regency," *SEED: Journal of Scientific Research* 2, no. 1 (August 25, 2025): 19–27, <https://doi.org/10.70716/seed.v2i1.231>.

must therefore be undertaken within a legal framework that respects established zoning authority and protects stakeholders who acted in good faith under existing legal norms.

Doctrinal analysis reveals that LSD occupies an ambiguous position between administrative policy and regulatory enforcement. Unlike statutory spatial plans created through legislative authority, LSD emerges from executive regulation and relies on administrative procedures for implementation. This study offers a novel contribution by identifying LSD as a potential source of regulatory conflict when introduced into legal contexts without integration into statutory planning mechanisms. Previous studies have largely focused on LSD's policy merit in preserving agricultural land, while overlooking its potential to create legal uncertainty in land development. The case of the Pendawa Housing Estate illustrates how administrative policies introduced after permit approval may disrupt legal stability. Evidence from this case indicates the necessity for a harmonized regulatory mechanism that ensures thematic policies such as LSD are aligned with formal zoning law. Through this legal and institutional perspective, the research underscores the importance of regulatory coherence, procedural transparency, and legal safeguards in spatial planning policy implementation.

3.2. Legal Status of Residential Developments Constructed on Protected Rice Paddy Land

Spatial utilization within Indonesia's legal system is governed by a framework that requires strict adherence to officially established spatial plans. Law Number 26 of 2007 on Spatial Planning clearly mandates that all land-use activities must conform to designated spatial plans and be implemented through a permitting process that functions as a control mechanism. This legal framework ensures that all development activities, including residential construction, are aligned with land-use functions, public interests, and environmental sustainability principles. Permits for spatial utilization serve as critical legal instruments to validate and legitimize construction activities. Compliance with these instruments is essential to maintaining order and predictability in spatial governance. Failure to secure the appropriate permits compromises the legality of development and

may result in legal consequences.¹⁷ Therefore, the permitting process forms the foundation of lawful and sustainable land development.

Despite this regulatory structure, construction activities often proceed prior to the completion of required permits. Residential developments, in many instances, begin before the full licensing process is finalized, reflecting a practical disconnect between regulation and implementation. These actions represent procedural violations within the administrative domain of spatial planning law. Enforcement typically involves corrective measures such as administrative sanctions or demands for retroactive compliance. In cases where construction has already taken place and involves third parties such as homebuyers, regulatory enforcement must take into account the principle of legal certainty. A legal response that disregards the legitimate interests of good-faith stakeholders risks creating further instability within the regulatory system. Recognition of these complexities is essential for the development of balanced and just enforcement mechanisms.

The legal designation of Protected Rice Paddy Land (LSD) is governed by Presidential Regulation Number 59 of 2019, Coordinating Minister Regulation Number 18 of 2020, and Ministerial Decree Number 1589 of 2021. These regulations create a national policy tool intended to prevent the conversion of productive rice fields by introducing a spatial reference map as a guide for permit issuance. The LSD framework is designed to function as a forward-looking control mechanism that informs future development decisions.¹⁸ In practice, however, LSD maps are sometimes introduced after construction activities have already begun. This timing creates legal ambiguity regarding the applicability of LSD designations to existing developments. When construction predates the enforcement of LSD classifications, a conflict emerges between environmental protection policies and the legal rights of parties acting under previously valid planning assumptions.

¹⁷ Firman Nur Robbi, Sadino, and Suartini, “Aspek Hukum Lahan Sawah Dilindungi Dan Tata Ruang.”

¹⁸ Radhityas Kharisma Nuryasinta and Padhina Pangestika, “Legalitas Aset Dan Manajemen Lahan Sebagai Penguatan Reforma Agraria: Studi Peningkatan Kesejahteraan Petani Gurem,” *Tunas Agraria* 8, no. 2 (May 2, 2025): 236–51, <https://doi.org/10.31292/jta.v8i2.421>.

Application of LSD policies to pre-existing developments must be interpreted within the boundaries of administrative fairness and legal predictability. Structures that are already completed, particularly when they involve the transfer of rights to third parties, cannot be automatically invalidated on the basis of subsequent policy changes. Retroactive application of LSD classifications poses significant risks to legal certainty and may give rise to public resistance or legal disputes. Effective implementation of LSD must consider the principles of proportionality, fairness, and legal protection for those acting in good faith. An adaptive administrative approach is required to reconcile policy objectives with the realities of development that has already occurred.¹⁹ The legal system must accommodate both the need to protect agricultural land and the obligation to uphold rights that were legitimately acquired under prior legal conditions.

The situation observed in the Pendawa Housing Estate in Lebaksiu Village, Tegal Regency, illustrates this legal and regulatory dilemma. Residential construction had already commenced, and property transactions had occurred before the final permitting process was completed. During the subsequent evaluation, portions of the development were found to fall within areas identified in the LSD map. This development reveals a disconnection between actual construction activities and the enforcement timeline of national land-use control instruments. The misalignment between established land-use permits and later-applied thematic classifications exposes structural weaknesses in intergovernmental coordination. Legal complications arise when spatial policy instruments such as LSD are implemented without transitional safeguards or prior integration into local spatial planning databases.

Analysis from the standpoint of spatial planning law suggests that residential developments in such circumstances should not be categorically classified as unlawful. Physical realization of the structures and the involvement of homebuyers indicate the presence of legitimate legal interests. The administrative nature of LSD does not equate to a statutory zoning instrument and should not serve as the sole basis for invalidating rights acquired under previously approved planning regimes. In the Pendawa case, the

¹⁹ Rosit and Aisiyah, "Evaluasi Dampak Ketidaksesuaian LSD Dengan RTRW Terhadap Pembangunan Dan Pertanian Di Karanganyar."

legal status of the housing development occupies a position between regulatory noncompliance on the part of the developer and the legal entitlement of buyers who acted in good faith. Resolving such cases requires a legal framework that emphasizes legal certainty and equity while still supporting the broader policy goal of protecting strategic agricultural resources.

3.3. Legal Protection and Certainty for Residential Developments on Protected Rice Paddy Land

Legal protection and legal certainty represent core principles within the rule of law and must be embedded in every aspect of spatial governance. In administrative law, legal accountability requires both preventive and repressive protection mechanisms. Preventive protection ensures that affected parties are given the opportunity to present objections or views prior to the issuance of governmental decisions, while repressive protection functions to resolve disputes that have already occurred. These mechanisms aim to ensure that individuals are shielded from arbitrary state actions, including in the domain of spatial planning and land-use control. Legal certainty requires clarity, consistency, and fairness in the formulation and application of legal norms.²⁰ Within the context of residential development, these principles are crucial as they pertain to the protection of housing rights and the legitimacy of property ownership acquired through lawful means.

The implementation of spatial planning policies does not always guarantee legal protection or certainty, particularly when administrative control instruments intersect with factual development on the ground. The designation of Protected Rice Paddy Land (LSD) as a national land-use control policy may lead to legal uncertainty when applied to areas where residential construction has already occurred and legal interests have been established. The enforcement of spatial policy must balance the need to protect agricultural land with the imperative to uphold legal certainty for affected parties. Failure to recognize the existence of built structures and vested property rights may result in

²⁰ Qi Yang and Daojun Zhang, “The Influence of Agricultural Industrial Policy on Non-Grain Production of Cultivated Land: A Case Study of the ‘One Village, One Product’ Strategy Implemented in Guanzhong Plain of China,” *Land Use Policy* 108 (September 2021): 105579, <https://doi.org/10.1016/j.landusepol.2021.105579>.

socially and legally disruptive outcomes.²¹ Policy implementation in such cases requires an equilibrium between environmental objectives and the legal protection of individuals, particularly homebuyers who have relied on the legitimacy of development.

Buyers who acquire residential properties built on LSD-designated land often occupy the legal position of good-faith third parties. Property transactions typically take place based on the presumption that the developer has complied with all legal requirements and that the development is lawfully permitted. From a legal perspective, these buyers deserve protection because they are not directly involved in the permitting or land-use planning processes.²² Their actions are based on legitimate expectations formed through their reliance on market actors and government procedures. Legal protection for good-faith buyers is therefore essential to uphold their right to housing and to prevent harm resulting from the rigid application of spatial policy instruments. Public trust in the legal system is at risk when individuals who act in good faith are penalized for administrative failures outside their control.

Legal protection for good-faith buyers is not absolute and must be contextualized within the broader framework of public interest. Spatial planning law emphasizes that private rights must be exercised within limits established for the common good, including the preservation of agricultural land for national food security. Even in situations where buyers are not at fault, they may still be affected by spatial policy enforcement if the development violates legal land-use designations. Legal certainty for these parties should not negate the need for corrective action; rather, it should guide the form and scope of administrative remedies.²³ Balanced enforcement strategies must ensure that individual rights are not disproportionately compromised, while maintaining accountability for those responsible for the underlying violation.

²¹ Firman Nur Robbi, Sadino, and Suartini, “Aspek Hukum Lahan Sawah Dilindungi Dan Tata Ruang.”

²² Diah NikenSari and Meta Indah Budhianti, “Lahan Sawah Dilindungi Dikaitkan Dengan Rencana Tata Ruang Berdasarkan Peraturan Presiden Nomor 59 Tahun 2019,” *Reformasi Hukum Trisakti* 5, no. 4 (November 3, 2022): 840–51, <https://doi.org/10.25105/refor.v5i4.18366>.

²³ Anita Anita, Rusfandi Rusfandi, and Meidy Triasavira, “Pencegahan Alih Fungsi Lahan Serta Penataan Ruang Dalam Rangka Mewujudkan Pembangunan Berkelanjutan,” *Jurnal Jendela Hukum* 9, no. 1 (July 6, 2022): 93–106, <https://doi.org/10.24929/fh.v9i1.2052>.

An appropriate model of protection for good-faith buyers can be developed through administrative mechanisms that prioritize non-repressive measures. Spatial law enforcement should primarily target developers, who bear legal responsibility for ensuring compliance with zoning regulations and permit requirements. Governmental authorities also carry a duty to implement LSD policies in a manner that does not retroactively harm individuals who acted based on reasonable and legitimate assumptions.²⁴ Within this framework, legal protection becomes a manifestation of fairness, proportionality, and legal certainty in spatial governance. Authorities must ensure that spatial control instruments are applied in a manner that upholds the rights of affected citizens without undermining the integrity of land-use regulation.

Developers, as private actors engaged in residential construction, bear the principal legal responsibility for complying with land-use and permitting requirements. Spatial planning law imposes a clear obligation on developers to secure all necessary approvals prior to initiating construction activities. Failure to do so constitutes an administrative violation for which the developer must be held accountable. In cases where development occurs on land later classified as LSD, the responsibility remains with the developer, particularly when the construction predates the policy enforcement but was initiated without the required permits. The legal system must differentiate between those who acted in good faith and those who failed to comply with existing regulations, assigning responsibility accordingly.

Developer liability extends beyond administrative violations and includes obligations to compensate for harm suffered by buyers affected by unlawful development. Legal redress may take the form of administrative penalties, obligations to regularize permits, or direct compensation to property owners. Effective enforcement requires that developers fulfill their obligations under the applicable regulatory framework and take active steps to resolve legal disputes resulting from unauthorized development. Options available to developers include applying for permit adjustments through administrative

²⁴ F. H. Chandra, H., & Ridwan, "Development of Regulations and Problems in the Conversion of Agricultural/Paddy Land Functions and Their Resolving With Land Incompatibility in Indonesia," *DE LEGA LATA: Jurnal Ilmu Hukum* 8, no. 1 (January 2, 2023), <https://doi.org/10.30596/dll.v8i1.11732>.

review, complying with zoning corrections mandated by local authorities, and offering restitution or compensation to affected buyers. In certain cases, technical or spatial adjustments to the development plan may be required to align with LSD regulations. This approach supports a responsive legal framework that emphasizes corrective measures and sustainable compliance rather than punitive sanctions alone.

CONCLUSION AND SUGGESTION

This study finds that the legal framework surrounding Protected Rice Paddy Land (LSD) in Indonesia reflects a complex interplay between national administrative policy instruments and the normative demands of legal certainty in spatial planning. While the designation of LSD under Presidential Regulation No. 59/2019 and subsequent implementing regulations serves as a preventive measure against the uncontrolled conversion of agricultural land, it does not inherently override existing spatial plans or negate lawful constructions. The case of the Pendawa Housing Estate in Tegal Regency illustrates a regulatory dissonance where housing development preceded or coincided with shifting land status. This discrepancy exposes a critical legal ambiguity regarding the status of residential structures built on land retroactively categorized as LSD. The findings demonstrate that the application of LSD must not be treated as an absolute prohibition but rather as a dynamic legal mechanism that must be interpreted proportionally. In this context, developers who fail to comply with spatial licensing requirements bear primary legal responsibility. However, good-faith purchasers of residential property must be afforded legal protection through fair and predictable administrative procedures. The novelty of this study lies in its doctrinal framing of LSD as an evolving legal instrument that requires institutional coordination, responsive administrative discretion, and harmonization with spatial governance norms to avoid generating new layers of legal uncertainty and social conflict.

Effective resolution of land-use conflicts involving Protected Rice Paddy Land demands firm regulatory alignment between national LSD policy and regional spatial planning instruments. Local governments must be mandated to harmonize licensing procedures with LSD maps at the earliest stages of land development, thereby preventing

retrospective legal complications. Developers who disregard spatial provisions should face structured administrative enforcement, including permit revocation, fines, or site adjustments. Simultaneously, legal protection must be formally codified for good-faith buyers through clear administrative remedies and transitional clauses. Strengthening institutional coordination and enforcing compliance frameworks are essential policy directions to ensure legal certainty, equitable treatment, and sustainable land governance.

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