



## Legal Protection of Agricultural Land Against Land-Use Changes in Tangerang Regency

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### ABSTRACT

*This research aims to determine the legal regulations that provide legal protection for agricultural land. In addition, this research also aims to determine the protection of sustainable food agricultural land in Tangerang Regency. This research uses a normative legal method with a statutory approach, whose data is obtained through literature study. The results show that the legal regulations for the protection of sustainable food agricultural land have been integrated from the national level to the regional level, especially in Tangerang Regency. However, at the implementation level, there are still shortcomings because many agricultural lands are still converted to housing and national and regional development. Especially in Tangerang Regency, it is necessary to implement an integrated information system for sustainable food agricultural land in each region.*

**Keywords:** Rule of Law; Tangerang Regency; Sustainable Food Agricultural Land; Legal Protection

### ABSTRAK

Penelitian ini bertujuan untuk mengetahui aturan hukum yang memberikan perlindungan hukum lahan pertanian. Selain itu, penelitian ini juga bertujuan untuk mengetahui perlindungan lahan pertanian pangan berkelanjutan di Kabupaten Tangerang. Penelitian ini menggunakan metode yuridis normative dengan pendekatan perundang-undangan yang datanya didapatkan melalui studi kepustakaan. Hasil penelitian menunjukkan, aturan hukum perlindungan lahan pertanian pangan berkelanjutan telah terintegrasi dari tataran nasional hingga ke daerah khususnya Kabupaten Tangerang. Hanya saja, pada tataran implementasi masih terdapat kekurangan karena wilayah pertanian masih banyak yang dialihfungsikan menjadi perumahan maupun pembangunan nasional dan daerah. Terkhusus di Kabupaten Tangerang, diperlukan penerapan sistem informasi lahan pertanian pangan berkelanjutan secara terintegrasi di setiap daerah.

**Kata Kunci:** Aturan Hukum; Kabupaten Tangerang; Lahan Pertanian Pangan Berkelanjutan; Perlindungan Hukum

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## INTRODUCTION

Indonesia is unique in that it is an agrarian country, with highly fertile soil suitable for growing a wide variety of agricultural products. This unique characteristic faces the challenge of rapid population growth, which threatens land previously used for agriculture. One such challenge is the conversion of agricultural land into residential areas (Ayunita et al., 2021). Competition for land use is quite intense, especially in areas surrounding the capital, such as Tangerang Regency. The growing population is accompanied by a decreasing amount of available agricultural land (Rozci & Roidah, 2023)..

According to Rozci & Roidah (2023), agricultural land is highly vulnerable to land conversion for development or residential use. This is because agricultural areas are generally located in flat regions with topography that supports the construction of infrastructure and public facilities (Rozci & Roidah, 2023). According to Rahmanto, et.al (2022), there are four key issues that require particular attention, especially given the widespread conversion of agricultural land into non-agricultural land. First, economic pressures that lead to the sale and conversion of agricultural land by its buyers. Second, social conditions within the community related to changes in behavior and attitudes toward the farming profession. Third, conversion due to inheritance is also a serious issue because heirs may not necessarily



wish to continue working as farmers. Fourth, the implementation of Regional Spatial Plans that do not sufficiently prioritize agriculture (Rahmanto et al., 2022).

According to Abdurrozzaq Hasibuan et al. (2022), agriculture is a vital sector that sustains rural life. Land conversion often occurs because the agricultural sector fails to develop and improve farmers' well-being. According to Irawan (2005), the conversion of agricultural land into residential, industrial, or public infrastructure areas can have broader negative social, economic, and environmental impacts. The tangible consequence is that national food security will become an ongoing issue stemming from each negative impact that occurs. Irawan (2005) also outlines that the negative impacts of agricultural land conversion are permanent, cumulative, and progressive. Therefore, legal regulations are needed as a legal foundation at various levels, along with strong commitment and willingness from both the government and the public to ensure that agricultural land remains preserved and utilized to its fullest potential

Based on this, this research aims to identify the legal provisions that provide legal protection for agricultural land. Legal provisions are crucial as a legal foundation and provide legal certainty for the public. This study also aims to examine the protection of sustainable food-producing agricultural land in Tangerang Regency. Tangerang Regency is one of the regions serving as a buffer zone for the capital. Food security is an aspect that must be addressed in the legal protection of agricultural land.

## METHOD

This research employs a normative legal approach based on applicable legal provisions and generally accepted social norms (Soekanto & Mamuji, 2013: 105). The approach used is a legal approach, focusing on the concept of legal protection, particularly regarding agricultural land facing land-use conversion. The data used consists of secondary data obtained through a literature review. This data consists of primary legal materials (laws and regulations), secondary legal materials (books and scientific journals), and tertiary legal materials (sources obtained online via the internet) (Soekanto & Mamuji, 2013: 33-37). The data collected was then analyzed using qualitative data analysis to gain an understanding of and provide a descriptive overview of the issues discussed (Amiruddin & Asikin, 2016: 167).

## RESULTS

### Forms of Agricultural Land-Use Change in Indonesia

In general, land conversion has become a national concern, particularly with the enactment of Law No. 41 of 2009 on the Protection of Sustainable Food Agricultural Land (Law No. 41/2009). One of the key considerations behind the enactment of this law was to ensure that agricultural land serves as a source of prosperity and well-being for the community. As an agrarian country, there is a critical need for legal safeguards and/or a legal framework to ensure the sustainable provision of agricultural land for food production. The state plays a crucial role in fulfilling its obligation to ensure national food self-sufficiency and security. The challenges that must be addressed include land degradation, land conversion, and land fragmentation resulting from population growth as well as economic and industrial demands (N.Lobo et al., 2024). Therefore, sustainable land management must be implemented by both the central and local governments to achieve sustainable agricultural land.

Article 44(1) of Law No. 41/2009 stipulates that land designated as Sustainable Food Agricultural Land (LP2B) may not be converted for other uses. However, considerations of public interest may allow for exceptions to the conversion of LP2B. This is as mandated by Article 44(2) of Law No. 41/2009. There are several requirements for converting LP2B for the public interest, including: a) a strategic feasibility study has been conducted; b) a land conversion plan has been prepared; c) the land has been acquired from the owner; and d) replacement land has been provided.

The exemption for the conversion of agricultural land can also be interpreted to mean that LP2B is not fully protected (Rico Husen Permana, 2022). There are two opposing sides: development for the public good, which plays a crucial role in development, and LP2B, which plays a role in ensuring food security. Furthermore, agricultural land is often converted by the community into residential areas (Pujiwati & Rubiati, 2017; Sari & Yuliani, 2022). The



practical needs of the community remain an obstacle for the government in ensuring that agricultural land is preserved and not haphazardly converted for other uses in the real world within the community.

### **Land-Use Conversion of Agricultural Land in Tangerang Regency**

Tangerang Regency is one of the districts in Banten Province and is located near Jakarta. Tangerang Regency is the only district in the Greater Tangerang area with a significant amount of agricultural land (Ismail, 2011). The Banten Provincial Government has sought to preserve the extent of agricultural land from land conversion based on Regional Regulation No. 5 of 2014 on the Protection of Sustainable Food Agricultural Land (Banten Regional Regulation No. 5/2014). Additionally, the Tangerang Regency Government has enacted Tangerang Regency Regulation No. 13 of 2011 on the Spatial Planning of Tangerang Regency for the Years 2011–2031 (Tangerang Regency Regulation No. 13/2011). This regulation mandates the protection of agricultural land to ensure sustainable food sovereignty

Tangerang Regency is facing challenges related to the conversion of agricultural land. As one of the capital's buffer zones, Tangerang Regency's strategic geographical location presents opportunities for economic growth and development (Ismail, 2011). Agriculture is a sector significantly affected by land requirements in Tangerang Regency. On the other hand, the strategic location of Tangerang Regency can be fully leveraged to serve as a food buffer and to support the development of the agricultural sector (Suhaedah et al., 2023). This is due in part to the significant demand for agricultural products.

To preserve agricultural land, public awareness campaigns must be a mandatory part of the local government's agenda (Zakaria & Rachman, 2013). Outreach efforts must be targeted at communities within the agricultural sector in the region to prevent agricultural land from being converted into developed land (Sari & Yuliani, 2022). In addition, public awareness campaigns must be stepped up so that the public is aware of the legal regulations regarding the protection of agricultural land. In addition to these campaigns, the government must also implement disincentive mechanisms and administrative sanctions to curb changes in the use of agricultural land. Integrated cooperation is needed between governors, regents, mayors, and the public to prevent the conversion of agricultural land that has been designated as sustainable agricultural land.

Specifically in Tangerang Regency, the area of agricultural land has been shrinking every year. From 2013 to the present, land-use conversion has occurred on a massive scale. When compared to the spatial pattern in 2013, the current spatial pattern of Tangerang Regency has eroded thousands of green and conservation areas, converting them into residential, industrial, and warehouse zones. Many companies in Tangerang Regency have built on productive agricultural land without providing land replacement, as mandated by Law No. 41/2009. Permitting issues also pose a problem, as the process is often merely ceremonial, requiring applicants to submit a declaration of sustainable agricultural land replacement for the land they are using. If land conversion proceeds unchecked without firm action from the government, food needs cannot be met. This issue must be resolved immediately in practice to align with the already well-established normative standards.

### **Land-Use Conversion of Agricultural Land in Tangerang Regency**

One of the basic needs of society is food. Indonesia faces the threat of a food crisis due to declining soil fertility and a shrinking area of farmland resulting from the conversion of rice paddies into non-food crops (Tono et al., 2023). Legally, Tangerang Regency has enacted Tangerang Regency Regulation No. 13/2011, which mandates the protection of agricultural land to achieve sustainable food sovereignty. In practice, the Tangerang Regency government has designated areas for LP2B in several subdistricts, categorizing them into wetland and dryland zones.

The success of LP2B protection efforts depends heavily on the availability of both spatial data and survey data. Given the volume of data, manual data collection and management would be extremely difficult. An integrated database management system is needed to ensure that information extraction is faster and more accurate, thereby minimizing errors (P4W, 2020). At the national level, Government Regulation No. 25 of 2012 on the Sustainable Food Crop Land Information System has been formulated and enacted. Specifically in Tangerang Regency, the LP2B Information System has not yet been fully implemented to date. Yet the LP2B Information System constitutes an integrated framework for data provision, standardization, storage and security, processing, dissemination, and utilization of information products, as well as the implementation of LP2B protection mechanisms.



Rapid population growth has led to an increasingly widespread conversion of agricultural land into residential areas. As for the rice fields that remain, they are no longer cultivated by their owners but by tenant farmers (P4W, 2020). This problem arises because many rice fields are controlled by people from outside the region, leaving local residents as mere tenant farmers rather than landowners. The various problems mentioned above can be minimized if an integrated information system is fully implemented at the village and sub-district levels. The collected data can be used to slow the rate of agricultural land conversion and preserve its ecological functions (P4W, 2020).

There are several reasons why the implementation of the LP2B information system is urgent in Tangerang Regency (P4W, 2023). First, to safeguard data and information that can be used for analysis and evaluation. Second, to serve as a tool for decision-making, planning, management, and the improvement of performance targets. Third, to make it easier for the public to access data quickly and accurately. Fourth, to provide support for a range of alternative actions, implementing choices, and monitoring the results of activities. Fifth, to promote agricultural data management and farmer welfare, as well as to serve as a tool for monitoring and evaluating government policies. The aforementioned priorities can be addressed through three implementation phases: inventorying data and information from LP2B mapping, integrating the LP2B database into a mobile application framework, and designing a mobile application-based program (P4W, 2023).

## DISCUSSION

The Discussion section analyzes and interprets the results in relation to the research questions and existing literature. This section explains the legal implications of the findings, compares them with previous studies or legal doctrines, and discusses their theoretical and practical significance. Any inconsistencies, limitations, or unexpected findings should also be addressed. The discussion should demonstrate critical legal reasoning and reflect the responsive nature of law in addressing societal needs.

The results presented above highlight a critical disparity in how law is experienced across different demographics. The high efficiency in urban centers confirms the theory of (Friedman, 2024), who stated that legal culture is heavily influenced by the speed of information flow. However, the low scores in rural areas suggest that a "one-size-fits-all" approach to responsive law is inherently flawed. As noted by (Tan, 2021), for a law to be truly responsive, it must account for local wisdom and regional limitations, rather than merely imposing centralized standards.

## CONCLUSION

To date, legal regulations on the protection of agricultural land have been integrated from the national law level down to local regulations. This is also the case in Tangerang Regency, which has aligned its legal regulations with those of higher hierarchical levels. However, Law No. 41/2009 still has a shortcoming: LP2B areas can be rezoned for development in the public interest. Similarly, at the regional level, Tangerang Regency still has a shortcoming in that the LP2B information system has not yet been integrated across all subdistricts in the regency. Further adjustments (revisions) to Law No. 41/2009 are needed so that the legal provisions provide maximum legal protection for LP2B. Likewise, the implementation of the LP2B information system must be integrated throughout the entire territory of Tangerang Regency.

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