

ATR/BPN Regulation Policy Number 2 of 2024 Concerning the Moratorium on Protected Rice Field Land Reviewed from the Perspective of Legal Objectives (Benefit)

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Abstract

Introduction to the Problem: The main problem in this study is the urgency of the moratorium policy for the establishment of the Regulation of the Ministry of Agrarian and Spatial Planning/National Land Agency (ATR/BPN) Number 2 of 2024 concerning Protected Rice Fields (LSD) and the moratorium policy is reviewed from the perspective of Utilization.

Purpose/Study Objectives: This study aims to analyze the urgency of the moratorium policy for the stipulation of the Regulation of the Ministry of Agrarian and Spatial Planning/National Land Agency (ATR/BPN) Number 2 of 2024 concerning Protected Rice Fields (LSD) and the moratorium policy from the perspective of Utilization.

Design/Methodology/Approach: This study uses normative legal research methods with a statutory approach (Statue approach) and a conceptual approach (Conceptual approach). Legal materials consist of primary legal materials, secondary and tertiary legal materials and qualitative descriptive analysis is carried out.

Findings: The urgency of the moratorium policy on Protected Rice Fields (LSD) as stipulated in the Regulation of the Minister of Agrarian and Spatial Planning/Head of the National Land Agency Number 2 of 2024 is not just an administrative instrument, but a manifestation of progressive legal policies that also provide preventive legal protection against the threat of land degradation, which in turn makes a real contribution to national food sovereignty. From the point of view of legal benefits, the policy of suspending Protected Agricultural Land can be seen as an action of state intervention to achieve a balance between development interests and the protection of agrarian resources.

Paper Type: Research Article

Keywords: Protected rice fields, Moratorium Legal benefits, Protection of agrarian resources..

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Introduction

Land is one of the natural resources that has an important role for human life, especially in helping basic needs such as food, board and social welfare. In the context of an agrarian country like Indonesia, the existence of agricultural land, especially rice fields, has an important function as a support for national food security. In the view of national agrarian law, land is not just an economic object that can be traded, but also part of the basic rights of the people that are regulated and protected by the state. This is in line with article 33 Paragraph (3) of the 1945 Constitution of the Republic of Indonesia, which states that, "The earth, water, and natural resources contained therein are owned by the state and used for the greatest possible prosperity of the people."

Indonesia is known as an agrarian country, where most of the population makes the agricultural sector as the main livelihood. This is driven by the geographical conditions of Indonesia which has fertile land, a supportive tropical climate, and the availability of abundant natural resources. The agricultural sector has an important role in the national economy, both as a food provider, a source of community income, and the largest absorber of labor (Nugroho, 2024). It is not surprising that the Indonesian population makes it their main livelihood, because not only to continue their lives, but agricultural land, especially rice fields, also plays a very important role in maintaining national food security (Yasa et al., 2023).

In recent times, Indonesia has faced serious problems, namely in the form of widespread conversion of agricultural land to non-agricultural land. This phenomenon is caused by the increasing need for land for housing, infrastructure, industry and other commercial areas. Agricultural conversion not only reduces national food productivity, but also has an impact on ecosystem sustainability and farmers' welfare. Based on data from the Ministry of Agriculture (Kementan), Indonesia loses an average of 150,000 hectares of productive rice fields every year, especially on the island of Java (Ilhami et al., 2024). If this continues without adequate control, it will threaten national food security and increase dependence on food imports. This condition shows that the existing legal policy has not been fully able to balance the interests of development and the protection of agrarian resources.

As an effort to overcome this problem, the government through the Ministry of Agrarian Affairs and Spatial Planning/National Land Agency (ATR/BPN) issued a Protected Rice Field (LSD) policy. This policy aims to protect productive rice fields from being recklessly and excessively. One of the important steps to be taken is the

issuance of the Regulation of the Minister of ATR/Head of BPN Number 2 of 2024, which contains provisions regarding the moratorium on land use changes in areas that have been identified.

Moratorium terminology means the temporary suspension of an activity or policy for the purpose of evaluation, control and adjustment so that its implementation is more on target (Asmara, 2019). In the context of land, this moratorium is implemented in response to the increasing conversion of agricultural land to other uses that are considered to threaten food security and environmental sustainability. Thus, the moratorium on the determination of the Regulation of the Ministry of Agrarian and Spatial Planning/National Land Agency (ATR/BPN) Number 2 of 2024 concerning Protected Rice Fields (LSD) is a strategic legal policy that aims to ensure that changes in land functions are not carried out freely without considering the benefits to the community, environmental sustainability and the fulfillment of food needs for the Jagka Panjang (Robby, et al, 2024)

The policy of moratorium on protected paddy fields (LSD) has a strong legal basis. Normatively, this policy is in line with Law Number 5 of 1960 concerning the Basic Agrarian Principles (UUPA) which emphasizes that every land use must provide the greatest benefits for the welfare of the people. In addition, administratively, this policy is a follow-up to Government Regulation Number 21 of 2021 concerning the Implementation of Spatial Planning, as an implementing regulation of Law Number 11 of 2020 concerning job creation. The entire legal basis shows that the LSD moratorium policy has strong legitimacy in the national legal system, as well as being an important means to maintain a balance between development and agrarian sustainability in Indonesia.

However, the LSD moratorium policy has also caused various debates among academics and legal practitioners. On the one hand, this step is seen as important as an effort to maintain national food security and protect the interests of the wider community from the threat of reducing productive agricultural land. Based on this description, it can be understood that the Protected Rice Field (LSD) moratorium policy is an important step by the government in maintaining the sustainability of agricultural land functions and realizing a balance between development needs and environmental protection. However, the effectiveness of the policy still needs to be studied further, especially in relation to the extent to which this moratorium can provide legal benefits for the community and be able to answer the increasing problem of land conversion. Based on the description above, the following problems can be formulated: (1) What is the urgency of a moratorium policy for the stipulation of the Regulation of the Ministry of Agrarian and Spatial Planning/National Land Agency (ATR/BPN) Number 2 of 2024 concerning Protected Rice Fields (LSD)? and (2) how is the moratorium policy reviewed from a Benefit perspective?

Methodology

This research is normative legal research, which is research focused on the study of laws and regulations and relevant legal doctrines. (Marzuki, 2021) Normative legal research aims to examine the applicable positive legal norms, in this case the Regulation of the Minister of Agrarian and Spatial Planning/Head of the National Land Agency Number 2 of 2024 concerning the Moratorium on Protected Rice Fields (LSD). The approaches in this study are the Statue approach and the conceptual approach. Legal materials consist of primary legal materials, secondary and tertiary legal materials and qualitative descriptive analysis is carried out.

Results and Discussion

The Urgency of the Moratorium Policy Stipulating the Regulation of the Ministry of Agrarian and Spatial Planning/National Land Agency (ATR/BPN) Number 2 of 2024 concerning Protected Rice Fields (LSD)

The Protected Rice Fields (LSD) policy has a strong legal foundation in the agrarian legislation, spatial planning, and food protection systems in Indonesia. Philosophically, Law Number 5 of 1960 concerning the Basic Regulation of Agrarian Principles (UUPA) emphasizes that the entire earth, water, and space are controlled by the state and used for the greatest prosperity of the people. Thus, land use must provide real benefits for the welfare of the community, including in the context of sustainable food supply. Furthermore, the protection of agricultural land is regulated in more detail in Law Number 41 of 2009 concerning the Protection of Sustainable Food Agricultural Land (PLP2B). This law emphasizes the state's obligation to control the conversion of agricultural land, ensure the sustainable availability of food land, and provide legal certainty for farmers (Erwahyuningrum, 2023).

The urgency of the Protected Rice Land (LSD) moratorium policy as a step by the government to prevent the conversion of productive rice fields. This urgency is motivated by the increase in development in various regions which has resulted in a reduction in agricultural land area, thus threatening food security and farmers' welfare. This can be proven by looking at the empirical condition of Indonesia, which in recent years has experienced a decline in the area of agricultural land due to the rapid development of infrastructure, industry, and residential areas (Nugroho, 2025).

Nationally, Indonesia is still in a range position against food security threats. Data shows that in 2022 the area of Indonesia's rice fields will reach around 7.1 million hectares, of which 6.8 million hectares have been designated as protected rice fields based on the criteria of productivity, irrigation, and ecological function. However, development pressure has caused the protected rice fields to decrease at an alarming rate, which is an average of 150,000 hectares per year in the 2018-2022 time period. One of the factors that can worsen this situation is the increasing demand for land for housing development, industrial estates, and national strategic projects (PSN). That way, the decrease in the area of rice fields has a direct effect on the food sector. Until

2023, Indonesia still needs to import 2.5 million tons of rice to meet domestic needs, which reach around 32 million tons per year (Yunitasari, 2025).

A number of academic studies reinforce the urgency of protecting agricultural land. A study conducted in an agrarian journal shows that land conversion has an impact on reducing agricultural productivity by up to 20%, especially in rice production center areas (Sanjesti, and Silviana, 2025). This decline not only reduces national production capacity, but also affects the welfare of farmers who have lost arable land. In addition, several studies have found that the Moratorium and spatial control policy can reduce the rate of land conversion by 15-25% if implemented consistently by the regional central government (Septyaningsih, 2024)

From a socio-economic perspective, land conversion causes farmers to experience economic pressure due to reduced productive assets. Rice fields are a source of livelihood for millions of farming families, so the loss of land directly reduces income, narrows jobs, and has the potential to increase poverty rates in rural areas. In this context, the LSD moratorium policy is a strategic instrument to provide real protection to farmers and maintain the sustainability of the agricultural sector.

Thus, the urgency of the moratorium policy is not only related to the issue of food security, but also concerns the protection of people's constitutional rights to food and a decent livelihood. The LSD moratorium as stipulated in the Regulation of the Minister of ATR/BPN Number 2 of 2024 is present as a response to this critical situation, as well as a serious step by the government in ensuring a balance between development and agrarian protection.

The policy of protecting agricultural land through the moratorium on Protected Rice Fields (LSD) is a strategic step to reduce dependence on food imports and strengthen national food independence. By maintaining the continuity of agricultural land, the country has the opportunity to increase domestic production, stabilize farmers' grain prices, and strengthen Indonesia's position in international food trade. The LSD moratorium is not only related to the agricultural aspect, but is also closely related to the state's interests in maintaining food sovereignty.

The moratorium policy is reviewed from the perspective of Utilities

From the point of view of legal benefits, the policy of suspending Protected Agricultural Land can be seen as an action of state intervention to achieve a balance between development interests and the protection of agrarian resources. The law plays a role not only as a regulator, but also as a platform for social engineering to protect the interests of society as a whole, especially vulnerable groups such as farmers.

A major factor that reinforces the importance of this policy is the fact that agricultural land is a finite resource and cannot be expanded naturally. On the other hand, the

demand for land for non-agricultural activities tends to increase every year. Under these conditions, if the state does not take action through restrictive policies, market mechanisms will tend to encourage large-scale changes in land use without taking into account the social impacts that may arise in the long run. Therefore, through a benefit perspective, the policy of suspending Protected Agricultural Land can be seen as a corrective step against market failure. (Armaya, 2025)

Another obstacle is pressure coming from the private sector and investors with interests in land tenure for non-agricultural purposes. The economic value of land for the industrial and property sectors is often much higher than the economic value of agriculture. This creates a temptation for landowners to give up their land, even if the land has been designated as part of Protected Rice Fields (LSD).

With these obstacles, the implementation of the moratorium on Protected Rice Fields (LSD) requires strengthening cross-sector coordination, increasing the capacity of supervisory officials, and the active involvement of communities and farmers in the decision-making process. Without strengthening these aspects, the goal of the Protected Rice Field (LSD) moratorium policy to provide real benefits for farmers and maintain agricultural sustainability has the potential to not be achieved optimally.

The perspective of the moratorium policy side must be analyzed in depth. Some argue that restrictions on land use change can hinder economic development in the region, especially in areas that depend on the property and industrial sectors. Without a clear alternative policy, this moratorium has the potential to cause a decrease in investment and create a conflict of interest between the local government and the central government. In this context, the effectiveness of the law must be assessed not only on the normative objectives of the policy, but also on its real impact on the ground.

From a farmer's perspective, the LSD moratorium policy theoretically offers considerable protection. Farmers are assured that the land they manage is not easily taken over. However, in its implementation, this protection has not always been accompanied by an increase in welfare. Many farmers still face classic problems such as low grain prices, high costs of production tools, and limited access to capital. This suggests that the benefits of LSD policies are indirect and require support from other policies in order for the results to be realized.

Several studies on the effectiveness of the moratorium as a legal tool. Some academics argue that the moratorium is temporary and does not touch on the main structural issues, such as a lack of consistency in spatial planning and unopen licensing practices (Efata and Retno Mawarini, 2025) From this perspective, the LSD policy risks only becoming symbolic if it is not balanced with strict administrative and law enforcement reforms. However, in general, LSD moratoriums are considered to have higher benefits compared to the possible harms. This is due to the main focus of this policy which aims to protect long-term interests, such as food sustainability and the

protection of agricultural resources. From the perspective of utilitarianism, law is considered good if it can provide benefits for a greater number of people (the greatest good for the greatest number). Based on this principle, the LSD moratorium policy can be assessed in accordance with the legal objectives because it provides protection for the public interest at large.

The importance of the LSD moratorium lies not only in the normative aspect, but also in the rational consideration of the risks if the policy is not implemented. Without a moratorium, the possibility of losing agricultural land would be greater, dependence on imports would increase, and the position of farmers would be further marginalized. Therefore, from the point of view of legal utility, this policy has a strong basis as a tool to protect the interests of the community.

Conclusion

The urgency of the moratorium policy on Protected Rice Fields (LSD) as stipulated in the Regulation of the Minister of Agrarian and Spatial Planning/Head of the National Land Agency Number 2 of 2024 is not just an administrative instrument, but a manifestation of progressive legal policies that also provide preventive legal protection against the threat of land degradation, which in turn makes a real contribution to national food sovereignty.

From the point of view of legal benefits, the policy of suspending Protected Agricultural Land can be seen as an action of state intervention to achieve a balance between development interests and the protection of agrarian resources. The law plays a role not only as a regulator, but also as a platform for social engineering to protect the interests of society as a whole, especially vulnerable groups such as farmers.

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