



Reformulation of Law Enforcement for the Transfer of LP2B Functions Based on a Community Empowerment Participation Model

Reformulasi Penegakan Hukum Alih Fungsi LP2B Berbasis Model Partisipasi Pemberdayaan Masyarakat

Rani Nurin Anjes Shinestri¹, Rachmad Safa'at², Herlindah³

¹Corresponding author: raninurinanjes@student.ub.ac.id

¹²³Faculty of Law, Brawijaya University, Malang
East Java, Indonesia – 65145

Abstract: The Protection of Sustainable Food Agricultural Land (LP2B) faces significant challenges due to the expansion of commercial tourism, such as the illegal conversion of land into tourist attractions in Pandesari Village, Malang Regency. This socio-legal study, employing a sociological-legal approach, aims to analyze the effectiveness of law enforcement, the resulting implications, and to formulate an ideal model for future law enforcement. The research findings indicate that administrative law enforcement stalls at the stage of written warnings, while the criminal justice pathway is completely paralyzed due to the inactivity of the National Police's Specialized Unit (PPNS). The legal implications of this land-use conversion result in all commercial permits issued within the rice field protection zone being null and void by operation of law (*nietigheid van rechtswege*). Non-legally, there has been a massive decline in horticultural production (cabbage down 35.8% and carrots 44.8%) and a breakdown in farmer regeneration, although on the other hand, it has increased local revenue, triggering a fiscal dilemma for the bureaucracy. This study concludes that conventional repressive law enforcement mechanisms have failed to stem the gradual conversion of land. Therefore, it is recommended that law enforcement be reformed through the "Empowerment Participation or *Citizen Control Model*." This model integrates legal sanctions with five responsive community elements as active monitors to shift the public's position from a non-participatory manipulative level toward a pure partnership framework within the LP2B.

Keywords: Empowerment Participation, Land Conversion, LP2B, Law Enforcement, Socio-Legal.

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INTRODUCTION

Sustainable Food Agricultural Land Protection (LP2B) is the legal manifestation of the constitutional mandate of Article 33, paragraph (3) of the 1945 Constitution of the Republic of Indonesia (UU NRI 1945), which mandates state control over agrarian affairs for the greatest possible prosperity of the people through the realization of food security (Delicia, 2025, p. 7). Normatively, Law No. 41 of 2009 on the Protection of Sustainable Food Agricultural Land (PLP2B Law) has established strict sanctions and an absolute prohibition against the conversion of agricultural land designated as food production areas, except for limited public interest (Sitanggang & Rahayu, 2022, p. 245). However, at the empirical level (*das sein*), a sharp sociological contradiction exists where the expansion of the local tourism sector triggers massive commercial conversion of productive land, as has actually occurred in Pandesari Village, Pujon Subdistrict, Malang Regency. This phenomenon of the conversion of LP2B into a tourist attraction indicates a gap in law enforcement (*law enforcement violation*) as well as a misalignment between LP2B protection policies and the orientation toward increasing Local Own-Source Revenue (PAD) through the tourism sector at the local level.

Philosophically, the existence of land as an agrarian resource is multidimensional and serves as the primary foundation for the realization of public welfare and national food sovereignty, which derives its constitutional legitimacy from Article 33, paragraph (3) of the 1945 Constitution of the Republic of Indonesia (Damayanti et al., 2025, p. 4025). The state's moral obligation to manage the earth, water, and natural resources for the greatest prosperity of the people is operationalized through State Control Rights (HMN) and the principle of the social function of land rights as stipulated in Articles 2 and 6 of Law No. 5 of 1960 on the Basic Provisions of Agrarian Law (UUPA) (Yusran & Koswara, 2022, p. 219). Legally, this commitment is reinforced by the absolute prohibition on converting LP2B land to non-agricultural use under Article 44(1) of the LP2B Regulation (Chaterina, 2024, p. 28). However, sociologically, there is a stark disparity (*das sein*) in Malang Regency, where over a five-year period there has been a reduction of 8,490 hectares in active agricultural land, driven in part by the conversion of LP2B into a commercial tourist attraction in Pandesari Village, Pujon Subdistrict, which has been underway since 2019 without a valid land-use conversion permit and in violation of the regional spatial plan (Mahmudan, 2025).

Research on rice field conversion and agrarian resource management has been extensive; however, *the state of the art* in the existing literature reveals a sharp divergence in focus between empirical-economic and normative-constitutional approaches. In the first line

of research, the empirical-economic approach represented by Nurpita, Wihastuti, and Andjani (2018) specifically examines the micro-level impacts of land conversion on household food security among farming families using descriptive statistical analysis and tests for differences in means (Nurpita et al., 2018, p. 104). In the second line of research, a normative-doctrinal approach, as outlined by Novemyanto (2024), focuses on conceptualizing Article 33, paragraph (3) of the 1945 Constitution of the Republic of Indonesia through the lens of distributive justice to strengthen the state's authority in the redistribution of natural resource proceeds to reduce economic inequality (Novemyanto, 2024, p. 43). This is where the fundamental gap analysis lies: previous empirical studies on land conversion tend to overlook public law enforcement instruments (administrative and criminal) in controlling spatial planning, while normative studies on the State's Right of Control (HMN) often stop at macro-constitutional formulations without addressing the problem of enforcing actual legal sanctions against corporations or commercial tourism at the local level. As a novelty statement, this research shares common ground with prior literature in its use of the philosophical basis of Article 33(3) of the 1945 Constitution of the Republic of Indonesia and its material focus on restricting the conversion of productive rice fields. However, the fundamental difference and novelty of this study lies in its focus on reconstructing a legal enforcement model for the prohibition of LP2B land conversion by synchronizing legal sanctions with the theory of community participation, aiming to transform the status of rural communities from mere affected parties into active oversight agents in curbing the expansion of commercial tourism.

The urgency of this research is grounded in the massive and systemic impacts of rice field conversion, which threaten food security as an integral part of Human Rights. According to national data, the degradation of food production areas reaching 100,000 to 150,000 hectares per year triggers food insecurity and threatens national interests (Edwin Dwi Putranto, 2025). At the local level, the case of Pandesari Village has caused tangible losses, including the disruption of irrigation networks, traffic congestion, and a decline in horticultural production capacity which serves as the livelihood of rural communities. Therefore, the reconstruction of this law enforcement model is urgently needed from the perspective of *ius constituendum* to establish legal certainty capable of harmonizing tourism sector growth with strict protection of LP2B zoning to prevent the permanent loss of the region's agrarian base.

The legal focus of this study is directed at the effectiveness and implementation of the prohibition on land conversion, formulated into three interrelated questions. First, how is the law enforced regarding the prohibition on converting LP2B into a tourist attraction in

Pandesari Village, Pujon Subdistrict, Malang Regency? Second, what are the legal implications arising from the conversion of LP2B into tourist attractions in Pandesari Village, Pujon Subdistrict, Malang Regency? Third, what is the appropriate legal enforcement model to prevent future conversions of LP2B? These issues operationally depict a comprehensive picture of legal enforcement regarding the prohibition on converting sustainable food agricultural land into tourist attractions.

This study aims to comprehensively analyze the implementation of law enforcement and identify all legal implications both administrative and criminal arising from the illegal conversion of LP2B into a tourist destination in Pandesari Village. Furthermore, the analysis in this study is directed toward formulating an ideal, preventive, and public-control-based model of law enforcement to prevent the conversion of sustainable food-producing agricultural land in the future. By achieving these objectives, this study is expected to provide both doctrinal and practical contributions to maintaining the sustainability of LP2B areas amidst regional development dynamics.

This study employs an empirical legal research methodology conceptualized as socio-legal *research* (Waluyo, 2002, p. 15). The approach used is a sociological-legal approach to examine law within a social context and to assess the effectiveness and actual enforceability of the prohibition against converting LP2B into a tourist attraction in Pandesari Village, Pujon Subdistrict, Malang Regency. The types of data used include primary data as the main data obtained directly in the field and secondary data sourced from literature (Wiwik Sri Widiarty, 2024, p. 120). Primary data includes the attitudes, actions, statements, and perceptions of the parties regarding the enforcement of the ban on land-use conversion (Soerjono Soekanto, 2014, p. 51). Meanwhile, secondary data includes normative legal materials in the form of various articles in laws and regulations related to land, spatial planning, and the protection of productive agricultural land (Soekanto & Mamudji, 2010, p. 13).

Primary data collection was conducted through *guided* interviews using a structured questionnaire that remained flexible in its implementation (Ridwan & tungka, 2024, p. 43). Interviews were conducted with local policymakers (Department of Food Crops, Horticulture, and Plantations; Department of Housing, Settlement Areas, and Public Works; Department of Public Works and Water Resources (PU SDA); Land Office (BPN); Department of Investment and One-Stop Integrated Services (DPMPTSP); Regional Development Planning Agency (Bappeda); Civil Service Police Unit (Satpol PP); Regional People's Representative Council (DPRD); and the Malang Regency Tourism and Culture Agency (Disparbud) of Malang

Regency) as well as local actors (village officials, farmer groups, and community leaders of Pandesari Village). This primary data collection was supplemented with documentation techniques, including activity reports, local regulations, and visual documentation to complement the field data. For secondary data, collection was conducted through document analysis by identifying, reading, and studying relevant legal literature. All collected data were analyzed using qualitative descriptive techniques (Abdurrahman, 2009, p. 121). This socio-legal data analysis process took place interactively and systematically from the data collection stage through three main phases: *data reduction*, *data display*, and *conclusion drawing/verification*.

RESULTS AND DISCUSSION

Law Enforcement Regarding the Prohibition on the Conversion of Sustainable Food Agricultural Land (LP2B) into Tourism Sites

The right to food is a fundamental human right (*inalienable rights*) and holds a strategic position in the Indonesian Constitution (Hadrian, 2022, p. 15816). This guarantee is progressively articulated through Article 27(2), Article 28A, Article 28C(1), Article 28H(1), and Article 34(1) of the 1945 Constitution of the Republic of Indonesia (Saifulloh, 2021, p. 227). At the international level, after Indonesia ratified *the International Covenant on Economic, Social and Cultural Rights* (ICESCR) through Law No. 11 of 2005, the state assumed a legal responsibility to ensure the availability and sustainability of food supplies (Shinestri et al., 2024, p. 56). The causal relationship between the right to food and the protection of smallholder agricultural land is absolutely essential, given that the smallholder agricultural sector supports more than 99 percent of domestic food needs.

However, the pace of urbanization, industrialization, and commercial economic expansion has triggered a development paradox in the form of a massive reduction in national agricultural land (Muhammad Safaat Gunawan & Eki Furqon, 2026, p. 4). In response, the PLP2B Law was enacted as an instrument to control the rate of conversion of fertile land (Indonesia, Pemerintahan Pusat, 2009). This policy was reinforced in stages by Government Regulation No. 1 of 2011 on the Designation and Conversion of LP2B (PP PALP), as well as the latest instrument, Presidential Regulation No. 4 of 2026 on the Control of Rice Field Land-Use Conversion, which designates approximately 6.3 million hectares of Protected Rice Fields (LSD) across 20 provinces (Maharani et al., 2025).

At the local level, the Malang Regency Government responded to the crisis of shrinking productive land which recorded a loss of 8,490 hectares of agricultural area over the past five years by enacting Regional Regulation No. 6 of 2015 on the Regional Spatial Planning

Regulation for PLP2B. Based on *the aforementioned Regional Regulation*, which is aligned with Article 33 of Malang Regency Regional Regulation No. 1 of 2024 on the Regional Spatial Plan (RTRW), the area of legally protected food agricultural land is set at 45,888.23 hectares. The Pujon Subdistrict occupies a strategic position with a KP2B area of 1,893 hectares and an LSD reaching 2,589 hectares, making it one of the largest horticultural centers as well as an area with the highest pressure for tourism conversion.

Spatial evidence identified through an overlay of satellite imagery on the Malang Regency spatial planning information portal (Epora system) visually confirms that the commercial tourist attraction (*florawisata*) in Pandesari Village is illegally situated on food crop land with the KP2B zoning code: K02A and LSD status. The expansion of entertainment facilities, cafes, and permanent parking areas is carried out through a pattern of *gradual land conversion*.

A critical policy inconsistency arises from the designation of the Florawisata site as the Pujon District Strategic Tourism Area (KSPK) in Malang Regency Regulation No. 9 of 2022 on the Master Plan for Tourism Development. This creates normative ambiguity. However, based on the legal principle of *lex superior derogat legi inferiori*, the absolute prohibition on land conversion in the PLP2B Law (the higher-ranking norm) automatically nullifies and supersedes the administrative legality of sectoral tourism planning at the local level. The specific instances of the florawisata's non-compliance with the local agricultural zoning instruments are detailed in the following table:

Table 1. Special Provisions of KP2B (Article 125(2) of Malang Regency Regulation No. 1/2024) vs. Actual Field Conditions.

No	Provision Category	Description of Article 125(2)	Actual Conditions of Florawisata	Compliance
1	Permitted Activities [Article 125(2)(a)]	Consolidation and improvement of rice field productivity that ensures soil and water conservation.	Rice fields have been converted into commercial tourist attractions, thereby failing to maintain agricultural productivity	Not compliant
		Maintenance and improvement of agricultural infrastructure on rice fields	Irrigation networks and agricultural infrastructure have been disrupted due to the physical construction of tourist attractions and land hardening	Not applicable
		Research and other activities that	The activities taking place are commercial, tourism and	Not compliant

		support agriculture and the protection of KP2B	entertainment-oriented, featuring numerous permanent attractions. Only a few sections showcase plant-based tourism, such as hydroponics, so not all tourism activities support agricultural functions or the protection of KP2B	
		Activities that do not damage irrigation channels, do not reduce the area, and do not impair the land's function or the quality of KP2B soil	Alterations and construction along irrigation channels, land hardening for parking areas, foundations for permanent buildings, and the construction of tourist attractions have degraded soil quality and reduced the area of active agricultural land	Non-compliant
2	Activities Permitted with Conditions [Article 125(2)(b)]	Existing activities that were already in place before the RTRW Regional Regulation was enacted, are not on productive rice fields, and/or have non-agricultural permits or at least a Land Use Permit (KKPR) issued before the RTRW Regional Regulation	<ul style="list-style-type: none"> - Florawisata was built on land that was not originally designated as KP2B or LSD (construction began in 2019, and a KKPR was issued for only a portion of the land in 2024, covering an area of 4,814 square meters). - Conducting tourism development up to 3.6 hectares by 2025 on land with KP2B and LP2B status, but failing to complete the necessary permits for tourism development including a valid LP2B land-use conversion permit before commencing construction 	Not met
		Buildings for public use, national strategic areas, and temporary disaster evacuation/shelter sites	Florawisata is a <i>private</i> commercial tourist attraction that does not fall under the categories of public interest, disaster-prone areas, or national strategic areas	Not relevant
3	Prohibited Activities [Article 125, paragraph (2), letter c]	Activities in developed or undeveloped areas that disrupt irrigation networks	The physical construction of tourist facilities and land hardening has severed part of the irrigation network that supplies water to rice fields in the area	Proven violation

		Activities that disrupt agricultural functions and the conversion of agricultural land designated as KP2B	The entire operation of the flora tourism site disrupts agricultural functions and constitutes a conversion of KP2B and LSD land carried out without the procedures required by law	Proven violation
4	Other Provisions [Article 125(2)(f)(2)]	KP2B areas may be supplemented with tourism activities as agrotourism using non-permanent structures, with a very low scale of land use, and without disrupting the primary agricultural function	<ul style="list-style-type: none"> - The agrotourism area in Pandesari Village does not entirely utilize non-permanent structures. - The tourism facilities operating in that area utilize large-scale permanent structures and continue to undergo physical expansion. - The permanent and continuously expanding development has, in fact, permanently eliminated the land's primary function as a KP2B and cannot be restored. 	Not fully met

Source: Secondary Data, processed in 2026

The legal enforcement regime for agricultural zoning violations is carried out through two parallel enforcement channels: Administrative Law (HAN) and Criminal Law. In the doctrine of HAN, external law enforcement (*Eenzijdige Handhaving Recht door Overheid*) is the manifestation of the government's authority to restore legal order without requiring a prior court ruling ((Tjandra, 2021, p. 217). Article 70(2) of the PLP2B Law provides for ten escalating levels of coercive administrative sanctions, ranging from written warnings, cessation of activities, demolition of structures, to restoration of land function and administrative fines (Indonesia, Pemerintahan Pusat, 2009).

Empirical findings gathered through in-depth interviews with the Satpol PP, Bappeda, and the Malang Regency DPRD reveal a significant gap (*das sein*). The administrative sanctions imposed on the eco-tourism site in Pandesari Village stopped at the earliest and lightest stage namely, a summons and the issuance of a written warning after the case went viral in the public sphere in 2025. Local law enforcement authorities did not escalate coercive sanctions (such as sealing off the site or demolishing permanent structures) even though the business operators were proven to be uncooperative and continued their commercial activities without a valid land-use conversion permit. This paralysis is exacerbated by structural

normative weaknesses: Malang Regency Regulation No. 6 of 2015 does not include any independent administrative sanction clauses, and a Government Regulation implementing the technical procedures for administrative fines under Article 70(4) of the PLP2B Law has not yet been issued.

On the other hand, criminal law enforcement, which should function as an instrument to strengthen *the deterrent effect* and as a last resort (*ultimum remedium*), has suffered a total paralysis (Yoserwan, 2021, p. 49). Based on Wirjono Projodikoro’s doctrine, criminal sanctions are only activated when administrative and civil sanctions are no longer sufficient. In the case of the Pandesari eco-tourism site, all the material elements of the criminal act of land conversion without a permit as prohibited under Article 72 of the PLP2B Law have in fact been objectively fulfilled. Nevertheless, confirmations from the Regional Development Planning Agency (Bappeda), the Public Works and Natural Resources Department, and the Malang Regency Public Order Agency (Satpol PP) affirm that no criminal investigation or inquiry has ever been initiated. The authority of Civil Servant Investigators (PPNS), guaranteed by Article 71 of Malang Regency Regulation No. 6 of 2015, has been left dormant without any legally justifiable grounds. Local regulatory factors have also contributed to the failure of criminal law enforcement due to a significant disparity in the severity of penalties between national laws and local regulations:

Table 2. Comparison of Criminal Regimes for Land Conversion Between the PLP2B Law and Malang Regency Regulation No. 6/2015.

No	Legal Basis PLP2B Law	Article Description	Legal Basis for Malang Regency Regulation No. 6/2015
1	Article 71 of the PLP2B Law	In addition to Investigating Officers of the Indonesian National Police, PPNS within government agencies whose scope of duties and responsibilities are in the field of LP2B Protection are granted special authority as investigators to assist Investigating Officers of the Indonesian National Police as referred to in the Criminal Procedure Code.	Article 71 of Malang Regency Regulation No. 6/2015 (substance identical to the PLP2B Law) PPNS within the local government have the authority to investigate violations of this Regional Regulation.
2	Criminal Provisions Article 72 of the PLP2B Law	(1) Any individual who changes the function of an LP2B as referred to in Article 44(1) shall be punished with imprisonment for a maximum of 5 (five) years and a fine of up to Rp1,000,000,000.00 (one billion rupiah). (2) Any individual who fails to fulfill the	Article 72 of Malang Regency Regulation No. 6/2015 (substance differs from the PLP2B Law) (1) Any individual or legal entity who, intentionally and/or through negligence,

		<p>obligation to restore the LP2B to its original condition as referred to in Article 50(2) and Article 51 shall be punished by imprisonment for a maximum of 3 (three) years and a fine of up to Rp3,000,000,000.00 (three billion rupiah).</p> <p>(3) In the event that the acts referred to in paragraphs (1) and (2) are committed by a government official, the penalty shall be increased by one-third (1/3) of the prescribed penalty.</p>	<p>unlawfully violates the provisions of Article 44 paragraph (1), Article 50 paragraph (2), and Article 51 shall be subject to imprisonment for a maximum of 3 (three) months or a fine of up to Rp. 50,000,000.00 (fifty million rupiah).</p> <p>(2) In addition to the sanctions referred to in paragraph (1), the violator is required to restore the situation to its original condition.</p> <p>(3) The criminal offense referred to in paragraph (1) is a misdemeanor.</p>
3	Article 73 of the PLP2B Law	<p>Any government official authorized to issue a permit for the conversion of LP2B land that does not comply with the provisions referred to in Article 44 paragraph (1) shall be punished with imprisonment for a minimum of 1 (one) year and a maximum of 5 (five) years and/or a fine of at least Rp1,000,000,000.00 (one billion rupiah) and a maximum of Rp5,000,000,000.00 (five billion rupiah).</p>	<p>Article 73 of Malang Regency Regulation No. 6/2015 (substance differs from the PLP2B Law)</p> <p>(1) In addition to the criminal penalties referred to in Article 72 paragraph (1), criminal penalties may be imposed in accordance with applicable laws and regulations;</p> <p>(2) The criminal offense referred to in paragraph (1) is a felony.</p>
4	Article 74 of the PLP2B Law	<p>(1) In the event that the criminal offense referred to in Article 72, paragraphs (1) and (2), is committed by a corporation, its officers shall be punished with imprisonment for a minimum of 2 (two) years and a maximum of 7 (seven) years and a fine of at least Rp2,000,000,000.00 (two billion rupiah) and a maximum of Rp7,000,000,000.00 (seven billion rupiah)</p> <p>a. (2) In addition to the fine referred to in paragraph (1), a corporation may be sentenced to:</p> <p>a. forfeiture of assets derived from the criminal act;</p> <p>b. termination of employment contracts with the government;</p>	

		c. dismissal of officers; and/or d. a prohibition on directors from establishing a corporation in the same field of business. (3) In the event that the acts as regulated in this chapter result in losses, the penalty imposed may be supplemented by payment for such losses.	
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Source: *Secondary Data, processed in 2026*

Referring to Soerjono Soekanto's views on law enforcement, the effectiveness of law enforcement is determined by five interdependent factors that function as a unified system. Multi-layered weaknesses in these five factors are the primary cause of the paralysis in enforcing the ban on land-use conversion at the Pandesari Village florawisata site. The structural ineffectiveness of law enforcement regarding the prohibition on converting LP2B land into a tourist attraction in Pandesari Village is influenced by legal factors, law enforcement officials, and supporting facilities that mutually weaken one another. Based on the legal factors alone, the failure stems from normative inconsistencies between the Tourism Regulation No. 9 of 2022 and the LP2B Law, the absence of a Government Regulation implementing administrative fines, the lack of an administrative sanction clause in the Malang Regency LP2B Regional Regulation, and the absence of a Regional Regulation on the Detailed Spatial Plan (RDTR) for Pujon Subdistrict containing detailed zoning maps down to the individual land parcel level. These substantive obstacles have implications for law enforcement agencies, which suffer from acute sectoral fragmentation among eleven local agencies, where the Public Order Agency (Satpol PP) and the Public Works and Natural Resources Agency (Dinas PU SDA) tend to pass the buck regarding technical enforcement responsibilities. This institutional paralysis is exacerbated by the non-implementation of investigative authority by Civil Servant Investigators (PPNS), limited Satpol PP personnel, and inconsistencies among other technical agencies that adopt a more lenient stance in facilitating regional development permits. These weak institutional conditions are further exacerbated by the failure of supporting infrastructure, particularly the lack of a geospatial land data information center for the LP2B and LSD that is openly accessible to *the public*, as well as the minimal allocation of operational budgets for field supervision.

In the social and cultural dimensions, the failure of law enforcement is largely driven by social and cultural factors that perpetuate gradual land conversion on the ground. From a societal perspective, there is severe information asymmetry and legal ignorance at the grassroots level, where the Head of Pandesari Village, along with farmer group representatives, consistently acknowledge the absence of outreach, guidance, or spatial

planning oversight regarding the spatial boundaries of the LP2B and LSD green zones. As a result, farmers do not understand regulatory boundaries or their rights to the promised economic incentives for land protection, leaving their bargaining position highly vulnerable against tourism investors. This sociological weakness aligns with the cultural shift in rural communities toward economic pragmatism, driven by the declining profitability of traditional agriculture and the reluctance of younger generations to continue farming as a profession. This pragmatic culture of the community ultimately aligns with the local bureaucratic culture, which tends to be permissive toward spatial planning violations and prefers to avoid legal enforcement conflicts in pursuit of fiscal calculations namely, the high tax contributions from the commercial tourism sector.

Legal Implications of the Conversion of LP2B into a Tourist Attraction in Pandesari Village, Pujon Subdistrict, Malang Regency

The conversion of Sustainable Food Agricultural Land (LP2B) into a commercial tourist attraction in the form of a floral tourism site in Pandesari Village, Pujon Subdistrict, Malang Regency gives rise to a series of multi-layered legal implications that are conceptually divided into juridical and non-juridical dimensions. The first legal implication is marked by the automatic and absolute nullification of all permits underpinning the conversion, as mandated by Article 50(1) of the LP2B Law in conjunction with Article 50(1) of Malang Regency Regulation No. 6 of 2015 on LP2B (Werdiono, 2018). Borrowing from the doctrine of Administrative Law from Utrecht, this nature of nullity constitutes "*nietigheid van rechtswege*" (nullity by operation of law), meaning that the administrative action is deemed to have never existed from the outset (*retroactively*) without requiring a judicial ruling or other administrative decision to declare it so (Utrecht, 1988, p. 182). As a legal consequence, all florawisata business activities on land designated as KP2B and LSD zones have lacked legal basis from the very outset of their designation; thus, based on *the principle of ex injuria jus non oritur*, the operators cannot claim legal protection for the physical investments made on such illegal land.

The subsequent legal implication imposes an imperative obligation to restore productive agricultural land to its original condition pursuant to Article 50(2) of the PLP2B Law in conjunction with Article 72(2) of Malang Regency Regulation No. 6 of 2015 on PLP2B. Operationally, this provision mandates the demolition of all permanent physical structures that have been erected, including entertainment facilities, commercial cafes, and paved roads

that cover the KP2B and LSD areas, in order to restore the land's agricultural function. Technical obstacles arising from the permanence of concrete and cement materials cannot nullify the legal force of this order, as the regulations do not provide for exemptions on the grounds of technical difficulties or sectoral economic considerations. If this obligation to restore the land's condition is ignored, cumulative liability applies in the form of layered administrative sanctions up to the stage of material fines under Article 70 of the PLP2B Law, as well as the threat of further criminal penalties for business operators. Unfortunately, the coercive enforcement actions by the Malang Regency Satpol PP have so far been paralyzed and stalled at the initial persuasive sanction of a written warning letter.

The legal dimension of law enforcement is further reinforced by the simultaneous imposition of criminal liability under Articles 72 through 74 of the PLP2B Law. If the business operator is classified as an individual offender, Article 72(1) imposes a maximum prison sentence of 5 years and a fine of 1 billion rupiah. However, if the business entity is a corporation, Article 74(1) imposes far harsher penalties on its directors, including imprisonment for 2 to 7 years and a fine of up to 7 billion rupiah, followed by additional sanctions such as the forfeiture of assets derived from criminal acts and the termination of employment contracts. In addition to targeting business operators, this criminal scope strictly targets public officials who abuse their authority by issuing licensing recommendations such as PKKPR or PBG that do not align with the designated use of LP2B, carrying a penalty of a minimum of 1 year in prison and a maximum fine of 5 billion rupiah under Article 73 of the PLP2B Law (Indonesia, Pemerintahan Pusat, 2009).

Beyond the legal consequences, this illegal land conversion triggers negative non-legal implications in the form of ecological degradation and the permanent loss of productive land in Pandesari Village. *Gradual land conversion* for the expansion of tourist attractions and commercial cafes has damaged the village's irrigation network because structures were built directly over the main irrigation channels. The measurable impacts of the blocked irrigation system and the shrinking of productive space are evident in the sharp decline in the productivity of key horticultural crops in Pujon Subdistrict during the 2024–2025 period, where cabbage production dropped by 35.8 percent and carrot production plummeted by 44.8 percent. Additionally, the intensity of rice cultivation in the area has drastically decreased from six times a year in 2023 to just three times a year in 2025.

These functional changes in the LP2B area have also led to structural sociological impacts, including a breakdown in the regeneration of the farming profession and the impoverishment of local farm laborers. The instability of agricultural commodity prices, the

length of the harvest cycle, and the scarcity of subsidized fertilizer have caused the farming profession to lose its competitive edge. As a result, the younger generation in Pandesari Village is reluctant to continue their parents' farming businesses, triggering a massive wave of land sales to tourism investors. Ironically, since the majority of local farmers in Pandesari Village are *landless laborers*, this commercial conversion unilaterally cuts off their access to income, triggers socio-economic disintegration, and eliminates traditional jobs in rural areas.

Paradoxically, the conversion of LP2B has positive non-legal implications, including increased employment of local workers at the regional minimum wage (UMR) and the stimulation of community-based entrepreneurship around tourist attractions. The presence of this floral tourism attraction is also noted as one of the largest contributors to local revenue (PAD) from the tourism sector for Malang Regency. It is these fiscal contributions and economic multiplier effects that trigger the classic bureaucratic policy dilemma between meeting short-term regional financial targets and the imperative legal obligation to protect long-term food security. This conflict of interest should be bridged through the restructuring of the tourism model based on sustainable tourism and pure agrotourism, as recommended by the Tourism Office, so that PAD contributions remain optimal without sacrificing green zones protected by regulations.

The Appropriate Law Enforcement Model to Prevent Future Land-Use Conversion of LP2B

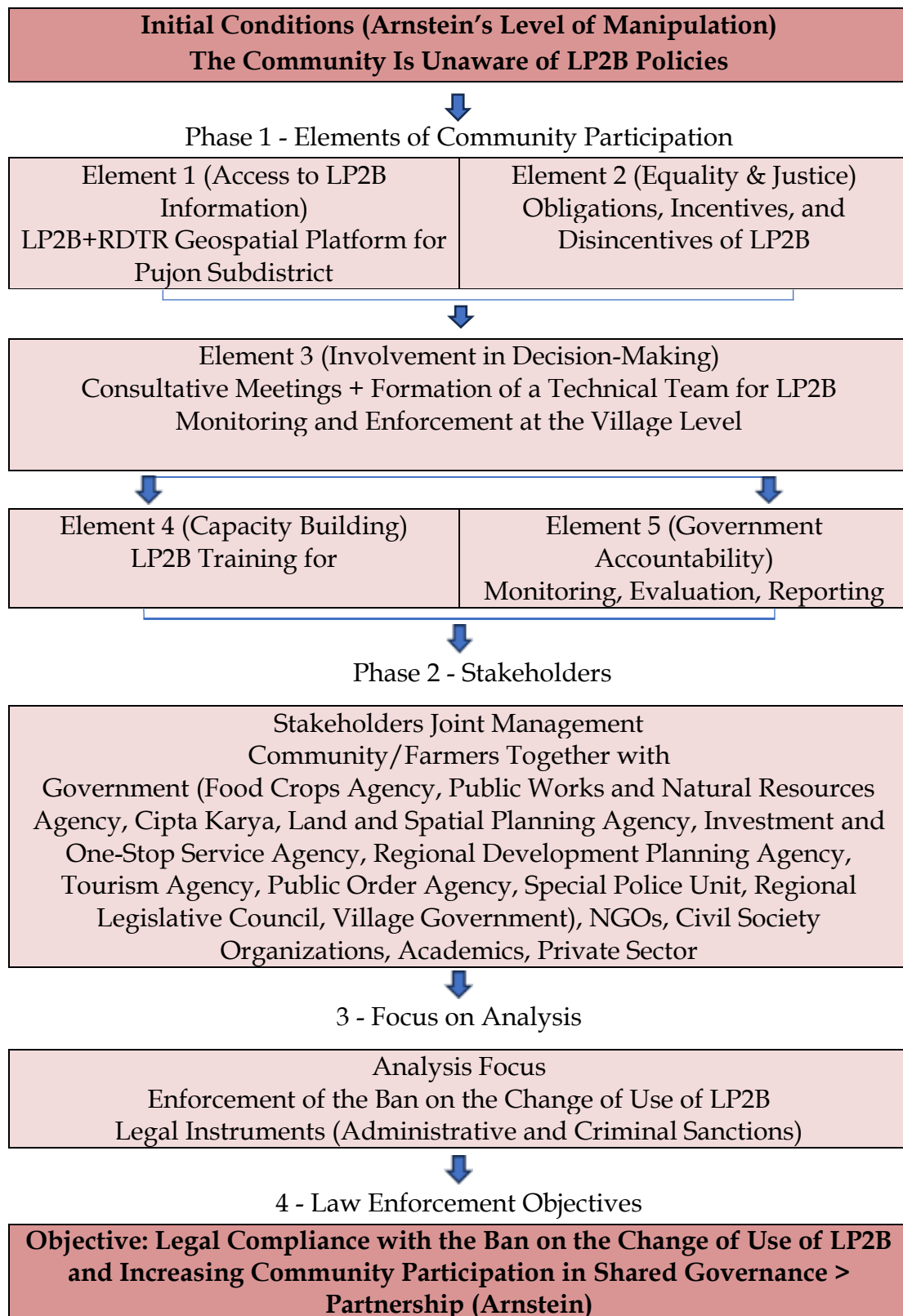
Doctrinally, the right of ownership over land is a hereditary, absolute, and fully vested property right that grants the holder the freedom to utilize the land for personal interests (Sahnan, 2018, p. 82). However, Articles 20 and 6 of the Basic Agrarian Law (UUPA) affirm that property rights are not absolute but are limited by the fundamental principle of social function (Musyafa et al., 2026, p. 674). This functional nature requires a proportional balance between individual interests and the public good, which is constitutionally rooted in the State's Right of Control (HMN) under Article 33(3) of the 1945 Constitution of the Republic of Indonesia. Through this public authority, the state is mandated by Article 14(1) of the Land Use Planning Law (UUPA) to formulate a general land use plan, including establishing LP2B zoning to ensure national food sovereignty (Listyawati, 2012, p. 41). The designation of LP2B through the PLP2B Law and Malang Regency Regulation No. 6 of 2015 constitutes a legitimate form of public law restriction on the civil rights of landowners to bear the burden of food security.

The ideal reconstruction of this normative restriction faces systemic fractures in the empirical reality (*das sein*) of Pandesari Village, Pujon Subdistrict. Field findings indicate that the restriction on property rights over productive agricultural zones was never socially communicated to farmers or local village officials. Testimonies from the Village Head (Mr. Mudawan), farmer group representatives (Mr. Suwaji and Mr. Imam Basori), and a community leader (Mas Yus) consistently confirm the existence of a structural and pervasive legal ignorance regarding the existence of the LP2B and LSD regulations. The failure of the local bureaucracy to conduct proper outreach has triggered severe information asymmetry. As a result, the rural community was unaware that the use of their land was restricted by public law, allowing land sales to commercial tourism investors to proceed unhindered by legal awareness.

When analyzed using *the Ladder of Citizen Participation* theory proposed by Sherry R. Arnstein, the degree of community involvement in Pandesari Village falls at the Manipulation level, which is the lowest rung in the non-participation category (Rasyid & Purbaningrum, 2024, p. 98). This manipulative condition arises because the community is merely positioned as a passive object of policy formalities without ever being substantively involved in the planning, establishment, or oversight of the zoning of their agricultural lands. The implications of this lack of social legitimacy are severe; rather than supporting LP2B protection, local communities collectively support the operation of illegal agritourism because it provides a guarantee of real economic income amidst the fluctuating downturn of the agricultural sector. Legal compliance will never be achieved as long as regulations are enforced unilaterally and repressively without regard for the public's right to participation.

The LP2B Law Enforcement Model Based on Participatory Empowerment or Citizen Control is the most appropriate future framework to prevent land conversion. This model gradually reconstructs the community's role from mere objects of policy manipulation into active oversight partners on equal footing with the government. The operational flowchart for this integrated model is rigidly formulated as follows:

Figure 1. Flowchart of the LP2B Law Enforcement Model Based on Empowerment Participation or Joint Control in Pandesari Village, Pujon Subdistrict, Malang Regency



Source: Secondary Data, processed in 2026

The operationalization of Phase 1 in this model requires fundamental improvements to five key elements. First, public information transparency must be realized through the

provision of an interactive mobile-based geospatial land map synchronized with the Pujon Subdistrict Spatial Plan (RDTR) so that the status of land parcels can be instantly monitored by farmers. Second, the enforcement of the principle of justice through the provision of real economic incentives, such as property tax relief, production assistance, sporadic certification guarantees, and subsidies for high-quality seeds to offset the burden of the land's social functions. Third, institutionalizing social control by forming a Technical Team for LP2B Control and Enforcement at the village level through formal deliberations involving village officials, farmer groups, and youth leaders as the frontline reporters of gradual conversion. This step is reinforced by a fourth element consisting of periodic legal literacy training and a fifth element consisting of tiered participatory evaluations based on the mandate of Article 57 of the PLP2B Law.

In Phases 2 and 3, the law enforcement coordination forum was restructured horizontally to break down inter-institutional sectoral barriers. Farmers act as the primary partners in monitoring field boundaries, while eleven local government agencies, the PPNS, and the Satpol PP are required to work synergistically in responding to public reports by consistently applying escalating administrative sanctions (Article 70) and criminal law as *a last resort* (Articles 72–74). This synergy is strengthened by advocacy support from NGOs, academic research, and corporate social responsibility (CSR) contributions from the private sector. Through this interdependent cycle, the ultimate goal of Phase 4 voluntary legal compliance (*internalized legal awareness*) can be achieved, while simultaneously shifting the public's position toward the top of *Arnstein's* partnership ladder for sustainable LP2B.

CONCLUSION

Law enforcement regarding the prohibition on converting Sustainable Food Agricultural Land (LP2B) into commercial tourist attractions in Pandesari Village, Pujon Subdistrict, Malang Regency has not been effectively implemented. This failure is reflected in the stagnation of administrative law enforcement by the Civil Service Police Unit at the initial stage limited to warning letters without escalation to coercive sanctions as well as the paralysis of criminal law enforcement due to the inactivation of the authority of Civil Servant Investigators (PPNS). This non-compliance gives rise to destructive and multi-layered legal implications, whereby, legally, all commercial tourism permits issued for areas within the KP2B zone and Protected Rice Fields (LSD) are null and void by operation of law (*nietigheid van rechtswege*) and impose an absolute obligation to restore the land. Meanwhile, from a non

legal perspective, this illegal land conversion triggers environmental degradation, including the disruption of irrigation networks, a sharp decline in the productivity of key horticultural crops (cabbage down 35.8% and carrots down 44.8%), a reduction in rice planting frequency from 6 to 3 times a year, and the loss of jobs for landless farm laborers (*landless laborers*). As a novelty and a solution to the urgency of the regional food crisis, this study asserts that an appropriate law enforcement model in the future must shift the position of the community from a non-participatory manipulation level to the pinnacle of partnership through the Law Enforcement Model of LP2B Based on Participatory Empowerment or Citizen Control. This model integrates escalatory administrative sanctions and criminal sanctions in parallel through the strengthening of five responsive elements: opening access to spatial information, implementing distributive justice, institutionalizing village-level technical control teams, building community capacity, and participatory oversight of government accountability to ensure the sustainability of the national LP2B framework.

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