

# The Principle of Legal Balance and the Degradation of Incentive Rights in Protected Rice Field Policies

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## ABSTRACT

The increasing conversion of paddy fields to non-agricultural uses poses a significant threat to national food security, prompting the Indonesian Government to enact Presidential Regulation Number 4 of 2026 concerning the Control of Paddy Field Conversion. This regulation introduces a protection mechanism through the designation of Protected Paddy Fields (LSD) and imposes restrictions on landowners' rights to convert their agricultural land. As a balancing instrument, the regulation also provides incentives for individuals who maintain the agricultural function of their land. However, the incentive provisions contained in Articles 20 and 21 raise normative concerns, particularly due to the phrase "subject to the State's financial capacity," which creates legal uncertainty. This study aims to analyze the juridical implications of the ambiguity of the incentive provisions on the legal certainty of Protected Paddy Field owners and to assess their conformity with the principles of balance and proportionality in administrative law. The research employs a normative legal method using statutory, conceptual, and analytical approaches. The findings reveal that the phrase constitutes a vague norm because it fails to specify the parameters of the State's fiscal capacity, the mechanism for granting incentives, or the legal consequences of the State's failure to provide them. As a result, the public's right to receive incentives becomes uncertain, while the restrictions on land conversion rights apply directly and are legally binding. This situation creates an asymmetric legal relationship between the State and landowners, indicating that the incentive provisions under Presidential Regulation Number 4 of 2026 do not fully satisfy the principles of legal certainty, balance, and proportionality. Therefore, a normative reconstruction is necessary to ensure the certainty of incentive implementation as a form of legal protection for landowners affected by controlling policies the conversion of paddy fields.

**Keywords:** Protected Paddy Fields (LSD), incentives, legal certainty, principle of balance, principle of proportionality.

## 1. INTRODUCTION

Land is a strategic resource with multidimensional functions in the life of the nation and state. In addition to serving as a means of economic production, land also has social, ecological, political, and cultural dimensions that are crucial to the sustainability of national development. In the context of an agrarian country like Indonesia, the existence of agricultural land, particularly rice paddies, is not only related to the interests of individual landowners but also closely linked to efforts to achieve national food security and sovereignty. Therefore, the state has a constitutional obligation to ensure the availability of adequate agricultural land to ensure the sustainable fulfillment of the community's food needs (Janti et al., 2016). (The 1945 Constitution of the Republic of Indonesia; Harsono, 1999; Janti et al., 2016).

The constitutional basis for the control and management of agrarian resources in Indonesia is stated in Article 33 paragraph (3) of the 1945 Constitution of the Republic of Indonesia, which states that the land, water, and natural resources contained therein are controlled by the state and used for the greatest prosperity of the people. This provision is then further elaborated in Article 2 paragraph (2) of Law Number 5 of 1960 concerning Basic Agrarian Regulations (UUPA), which gives the state the authority to regulate and organize the allocation, use, supply, and maintenance of land, water, and space; determine and regulate the legal relationship between people and land, water, and space; and determine and regulate the legal relationship between people and legal acts related to land, water, and space. (The 1945 Constitution of the Republic of Indonesia; Law Number 5 of 1960).

The concept of the State's Right to Control serves as the legitimate basis for the state to undertake various forms of intervention in land use as long as it is aimed at realizing the people's prosperity. However, the State's Right to Control cannot be interpreted as the state's right to ownership of all land in Indonesia. As stated by Boedi Harsono, the State's Right to Control is a public authority that mandates the state to regulate and manage agrarian resources for the public interest, not to negate citizens' civil rights over their land. Thus, the implementation of state authority in the agrarian sector must continue to pay attention to the principle of protecting community rights and must not result in arbitrary actions (Harsono, 1999).

The principle of protecting community rights is reflected in Article 6 of the UUPA, which states that all land rights have a social function. This norm emphasizes that land rights cannot be used solely for individual interests without regard for the interests of the wider community. Furthermore, the social function of land rights cannot be interpreted as legitimizing the state to disproportionately eliminate or reduce the economic benefits of land without providing adequate legal protection to rights holders. Therefore, in every policy controlling the use of space and land, the state is required to maintain a balance between the public interest and the protection of individual citizens' rights. (Law Number 5 of 1960; Ismaya, 2025).

Agricultural land conversion in Indonesia has been ongoing for decades due to the development of settlements, industry, trade, and infrastructure. This situation raises concerns about the sustainability of national food production due to the continued reduction in paddy fields, the primary basis for rice production. To address this issue, the government issued Law Number 41 of 2009 concerning the Protection of Sustainable Food Agricultural Land (LP2B), which was then followed by various implementing regulations at the central and regional levels, including the establishment of LP2B in regional regulations. Despite the establishment of a regulatory framework for agricultural land protection, land conversion continues. According to data from the



Minister of ATR/BPN, during the 2019–2025 period, land conversion covered 554,615 hectares, with 144,255.1 hectares of this area located within the LP2B area. Furthermore, data from the Central Statistics Agency (BPS) shows that the national rice harvest area in 2022 will only reach around 10.45 million hectares, reflecting pressure on the sustainability of national food production (Central Statistics Agency [BPS], 2023). (Law Number 41 of 2009; Central Statistics Agency, 2023).

As an effort to strengthen control over the conversion of rice fields, the government then issued Presidential Regulation Number 4 of 2026 concerning Control over Conversion of Rice Fields, which replaced Presidential Regulation Number 59 of 2019. Through this policy, the government targets the designation of approximately 6.39 million hectares of unused rice fields as Protected Rice Fields (LSD) and LP2B to strengthen agricultural land protection and support national food security. (Presidential Regulation Number 4 of 2026; Presidential Regulation Number 59 of 2019).

One of the main policies introduced in Presidential Regulation Number 4 of 2026 is the establishment of the Protected Rice Field Map (LSD). Based on Article 15 paragraph (1), the Coordinating Minister for Food as the Head of the Integrated Team submits a proposal for a Protected Rice Field map to the Minister of Agrarian Affairs and Spatial Planning/Head of the National Land Agency to be designated as a Protected Rice Field map. Furthermore, based on Article 16 paragraph (1), the map is integrated into the designation of sustainable food agricultural areas or land in spatial plans by the Central Government and Regional Governments according to their authority. The legal consequences arising from the designation of the Protected Rice Field map are regulated in Article 17 paragraph (1) of Presidential Regulation Number 4 of 2026 which stipulates that rice fields included in the Protected Rice Field map but not yet designated as part of a sustainable food agricultural area or land in spatial plans, cannot be converted before obtaining a recommendation for a change in land use from the Minister of Agrarian Affairs and Spatial Planning/Head of the National Land Agency. This provision demonstrates that the state is actively restricting the freedom of land rights holders to determine the use and utilization of their land. These restrictions are justified because they aim to protect the public interest in the form of national food security. In fact, such restrictions are a manifestation of the social function of land rights, as stipulated in Article 6 of the UUPA. However, legal issues arise when these rights restrictions are not accompanied by certainty regarding the form of protection or compensation provided to communities affected by these control policies.

As a balancing instrument, Article 18 of Presidential Regulation Number 4 of 2026 stipulates that the Central Government provides incentives to regional governments and the



community. Furthermore, Article 20 paragraph (2) stipulates that incentives for the community can be in the form of fiscal and non-fiscal incentives. Fiscal incentives as regulated in Article 20 paragraph (3) include the provision of agricultural facilities and infrastructure, the provision of irrigation facilities and infrastructure, financial assistance, facilitation of people's business credit, relief of social security payments, and the provision of agricultural insurance. Meanwhile, non-fiscal incentives as regulated in Article 20 paragraph (4) include accelerating land certification, facilitating the marketing of unhusked rice or rice, providing awards, and other forms in accordance with statutory provisions.

The problem arises because the existence of these incentives is not accompanied by a guarantee of definite implementation. Article 21 of Presidential Regulation Number 4 of 2026 stipulates that the provision of incentives as referred to in Article 18 is implemented in accordance with the state's financial capacity. The phrase "in accordance with the state's financial capacity" is an open-ended norm and does not provide clear parameters regarding the measure of state financial capacity, the assessment mechanism, or the legal consequences if the state does not have the fiscal capacity to implement the incentives. The existence of this norm raises legal certainty issues because it places the community's right to receive incentives in an uncertain position. On the one hand, the restrictions on land conversion rights as stipulated in Article 17 paragraph (1) apply directly and are binding. On the other hand, the fulfillment of the community's right to receive incentives depends on the state's fiscal condition, which does not have a clear normative measure in the Presidential Regulation. This condition has the potential to create an unbalanced legal relationship between the state and the community because the community's obligations are definite, while the community's rights are conditional. This condition has the potential to conflict with the principle of proportionality, which requires a balance between restrictions on rights and protection of citizens' rights. Robert Alexy positions proportionality as an instrument to assess whether restrictions on rights are still justifiable in a state based on the rule of law. In line with this, Faiq Tobroni explained that the principle of proportionality serves to compromise conflicting interests through a reasonable balance, preventing excessive dominance of one interest (Hidayat & Arifin, 2019). Therefore, any definite restrictions on land use rights should be accompanied by guarantees of protection that also offer a sufficient level of certainty.

Based on the description, it can be found that there are normative issues regarding the relationship between restrictions on the rights to convert rice fields and the uncertainty of incentive arrangements in Presidential Regulation Number 4 of 2026. Therefore, this research is important to analyze the legal implications of the unclear incentive arrangements in Article 20 and Article 21 of Presidential Regulation Number 4 of 2026 on the legal certainty of Protected Rice Field owners, as



well as to examine whether the construction of the relationship between restrictions on land conversion rights and the provision of incentives in the regulation is in accordance with the principles of balance and proportionality in state administrative law.

## **2. RESEARCH METHODS**

This research is a normative legal research with a statutory approach, a conceptual approach, and an analytical approach. The statutory approach is used to examine the suitability of the incentive arrangements in Presidential Regulation Number 4 of 2026 concerning Control of Rice Field Land Conversion with higher laws and regulations, specifically the 1945 Constitution of the Republic of Indonesia, Law Number 5 of 1960 concerning Basic Agrarian Principles, Law Number 41 of 2009 concerning Protection of Sustainable Food Agricultural Land, and Law Number 30 of 2014 concerning Government Administration. The conceptual approach is used to analyze the theory of state control rights, the social function of land rights, the principle of legal certainty, the principle of balance, and the principle of proportionality, while the analytical approach is used to examine the normative meaning of incentive arrangements, specifically the phrase "in accordance with the state's financial capacity" in Article 21 of Presidential Regulation Number 4 of 2026. The legal materials used consist of primary, secondary, and tertiary legal materials obtained through literature studies. The legal materials were analyzed qualitatively using prescriptive methods to assess the conformity of incentive regulatory norms with the principles of legal certainty, balance, and proportionality, and to formulate regulatory recommendations capable of guaranteeing the protection of community rights in policies controlling the conversion of rice fields.

## **3. RESULTS AND DISCUSSION**

### **Legal Implications of the Ambiguity of Incentive Regulations in Article 20 and Article 21 of Presidential Regulation Number 4 of 2026 on Legal Certainty for Owners of Protected Rice Fields**

#### **1. Restrictions on Land Rights as a Consequence of the State's Right to Control**

Constitutionally, the state has the authority to regulate the utilization and use of land in order to realize the greatest prosperity of the people. This authority is derived from Article 33 paragraph (3) of the 1945 Constitution of the Republic of Indonesia, which states that the land, water, and natural resources contained therein are controlled by the state and used for the greatest prosperity of the people. This provision is then further elaborated in Article 2 paragraph (2) of Law Number 5 of 1960 concerning Basic Agrarian Principles, which gives the state the authority to



regulate the allocation, use, supply, and maintenance of land. (The 1945 Constitution of the Republic of Indonesia; Law Number 5 of 1960).

Based on this concept, restrictions on land use are essentially a legally valid measure as long as they are intended to protect the public interest. In the context of Presidential Regulation No. 4 of 2026, these restrictions are implemented through the establishment of a Protected Rice Field Map as an instrument for controlling the conversion of rice fields to maintain national food security.

These restrictions are explicitly regulated in Article 17 paragraph (1) of Presidential Regulation Number 4 of 2026 which stipulates that rice fields that are included in the Protected Rice Field Map but have not been designated as part of a sustainable food agricultural area or land in the spatial planning plan, cannot be converted before obtaining a recommendation for a change in land use from the Minister of Agrarian Affairs and Spatial Planning/Head of the National Land Agency.

These provisions constitute administrative restrictions on the landholder's right to determine its use. Landowners retain rights to their land, but their freedom to change its function is limited by government approval mechanisms. Therefore, conceptually, the state does not revoke land rights, but rather controls the use of those rights for the public interest, specifically protecting agricultural land and national food security. This view aligns with Samun Ismaya's opinion, which explains that the social function of land rights is an instrument for balancing individual interests and the public interest. Land rights remain recognized as individual rights, but their implementation must not conflict with broader social needs. The state's restrictions on land use are a legal consequence of the inherent social function of every land right (Ismaya, 2025; Setiawan et al., 2025). However, the LSD Map classification is often rigid because it also includes land that has actually changed function, thus triggering legal uncertainty for landowners.

Thus, the existence of Article 17 paragraph (1) of Presidential Regulation Number 4 of 2026 is basically not in conflict with the concept of State Control Rights or the social function of land rights as regulated in Article 6 of the UUPA. The legal problem actually arises not from the existence of the restrictions themselves, but from the unclear guarantee of protection provided to the community affected by these restrictions.

## **2. The Legal Character of Incentives as an Instrument to Balance Rights Restrictions**

To offset restrictions on the rights of rice field owners, Presidential Regulation Number 4 of 2026 regulates the mechanism for providing incentives to regional governments and communities. (Sihombing et al., 2021).

Article 18 of Presidential Regulation Number 4 of 2026 states:

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*"Protected Rice Field Land incentives are provided by the Central Government to Regional Governments and the community."*

Furthermore, Article 20 paragraph (1) stipulates that incentives are given to communities who own and/or manage Protected Rice Fields and do not submit applications for recommendations for changes in land use until the determination of sustainable food agricultural areas or land.

The existence of incentives indicates that regulators are aware of the economic consequences that must be borne by the community due to restrictions on land use. Therefore, incentives are positioned as a compensatory instrument to maintain a balance between national food security interests and the economic interests of land rights holders. The forms of incentives regulated in Article 20 paragraphs (3) and (4) include fiscal and non-fiscal incentives, including financial assistance, provision of agricultural facilities and infrastructure, people's business credit facilities, agricultural insurance, accelerated land certification, and facilitation of agricultural product marketing. According to Sihombing, Andryan, and Astuti (2021), the provision of incentives in the Sustainable Food Agricultural Land Protection regime is a policy instrument designed to encourage landowners to maintain agricultural land use and reduce the incentive to convert land. However, legally, problems arise when the right to obtain these incentives is not formulated as a definite right that can be demanded by the community (Sihombing et al., 2021).

### **3. The Ambiguity of Norms in the Phrase "In Accordance with the State's Financial Capacity"**

The main problem in regulating incentives is in Article 21 of Presidential Regulation Number 4 of 2026 which stipulates:

*"The provision of incentives as referred to in Article 18 is implemented in accordance with the state's financial capabilities."*

Grammatically, the phrase "in accordance with the state's financial capacity" is an open-ended norm. This norm does not provide an explanation regarding:

- 1) State Financial Capacity Indicators;
- 2) Fiscal measures used;
- 3) The competent authority determines such capabilities;
- 4) period of time for granting incentives;
- 5) mechanism for submitting incentives by the community; and
- 6) objection mechanism if incentives are not provided.

As a result, the public is uncertain about when incentives will be provided and under what conditions the state can delay or even forgo them altogether. From a technical perspective, legal



norms must meet the requirements of clarity of formulation to be effectively implemented (Law No. 12 of 2011 as amended by Law No. 13 of 2022). This aligns with Jan Michiel Otto's argument that legal certainty requires clear, consistent, and accessible legal regulations, enabling legal subjects to understand their rights and obligations and predict the legal consequences of their actions. When a norm is formulated unclearly and without measurable parameters, legal certainty becomes difficult to achieve, as it opens up room for differing interpretations in its implementation. Norms that are too general and lack clear parameters have the potential to lead to multiple interpretations and open up excessive discretion for the government. Thus, the phrase "in accordance with the state's financial capacity" creates a vague norm because it doesn't provide a legal standard against which to measure the implementation of the state's obligation to provide incentives to the public.

According to Gustav Radbruch, one of the fundamental goals of law is to achieve legal certainty (*rechtssicherheit*). Legal certainty requires that legal norms be formulated clearly, understandably, and provide predictability regarding the legal consequences that will arise. Gustav Radbruch explains that legal certainty is supported by four main elements: the existence of positive law in the form of statutory regulations, a basis for legal formation based on social facts, the formulation of clear norms that do not give rise to ambiguous interpretations, and legal stability that is not easily changed. Fencé M. Wantu also explained that legal certainty requires clear, firm, and consistent norms so that they can provide protection against arbitrariness and guarantee predictability in the application of the law. Therefore, legal certainty is seen as one of the main objectives of law which is realized through the existence of rules that are clear, consistent and can be predicted in their application. (Achmad Ali, 2009; Wantu, 2012).

When linked to the provisions in Presidential Regulation Number 4 of 2026, there is a very striking difference in normative character between Article 17 paragraph (1) and Article 21. Article 17 paragraph (1) contains strict and binding obligations. Owners of rice fields included in the Protected Rice Field Map cannot convert their land before obtaining a recommendation to change land use. On the other hand, Article 21 does not provide certainty regarding the implementation of the community's right to obtain incentives. The state's obligations are placed in a conditional position and depend on external factors in the form of state financial capacity that does not have clear legal parameters.

This situation creates legal uncertainty in two aspects. First, uncertainty regarding the sustainability of the economic benefits of the land. Landowners are unable to optimize the use of their land due to limitations imposed by Article 17 paragraph (1), but at the same time receive no guarantee regarding the economic compensation they will receive. Second, uncertainty regarding



legal protection of community rights. There is no legal mechanism that allows communities to demand the implementation of incentives if the government does not allocate funds for this purpose. As a result, incentives, which were originally designed as a balancing instrument, have lost their legal function as a means of protecting community rights.

The unclear incentive regulations in Article 21 ultimately create an asymmetrical legal relationship between the state and the community. In the legal framework established by Presidential Regulation No. 4 of 2026, the community is burdened with definite obligations in the form of restrictions on land use, while the state only bears conditional obligations in providing incentives. In other words, the legal burden borne by the community is concrete and immediately applicable, while the legal benefits promised by the state remain dependent on fiscal capacity, which lacks clear normative measures.

These conditions indicate that the incentive provisions in Articles 20 and 21 have not fully provided legal certainty for owners of Protected Rice Fields. The phrase "in accordance with the state's financial capacity" has shifted the status of incentives from rights that should be expected by the community to merely a policy possibility whose implementation depends on government fiscal discretion. Therefore, it can be legally concluded that the unclear incentive provisions in Articles 20 and 21 of Presidential Regulation Number 4 of 2026 have created normative ambiguity, which has implications for reducing the level of legal certainty for owners of Protected Rice Fields, and has created an unbalanced legal relationship between the restrictions on rights imposed on the community and the protection promised by the state. This asymmetrical relationship emphasizes the centralistic and pragmatic nature of national agrarian regulations, thus giving rise to pathological problems that compromise citizens' civil rights (Qurbani & Rafiqi, 2022).

### **Construction of the Relationship between Restrictions on Land Conversion Rights and the Provision of Incentives in Presidential Regulation Number 4 of 2026 Reviewed from the Principles of Balance and Proportionality**

#### **1. The Social Function of Land Rights as a Basis for Limiting Rights**

The concept of the social function of land rights as outlined in Article 6 of the UUPA is often misinterpreted as absolute justification for the state to curtail individual civil rights for the public interest without adequate compensation. To correct this doctrinal misunderstanding, legal analysis in draft journal articles must strictly refer to the theoretical thinking of Maria SW Sumardjono. Sumardjono formulated three main pillars in interpreting the social function of land rights:



- a. The social function applies to all types of land rights as stated in Article 16 paragraph (1) of the UUPA, which means that there is not a single civil right that is absolute or immune from social interests.
- b. Every rights holder is prohibited from misusing their land, and the land must be used for the personal interests of both the rights holder and the surrounding community in a balanced manner.
- c. The implementation of social functions must ensure a balance between individual interests and the interests of society; Individual interests must continue to be respected and protected in the process of achieving the public interest.

From this interpretation, Sumardjono stressed the important principle that if a plot of land is needed for public interest and rights are restricted or revoked, then the process must be regulated in such a way that the former rights holder does not experience a decline, either in terms of social status or economic level. Civil rights to land are indeed relative and limited, but this relativity does not provide legitimacy for the state to take or limit the economic benefits of land unilaterally without any guarantee of fair and proper restoration of rights.

Protection of private property rights is also recognized as a fundamental human right. Article 36 paragraph (3) of Law Number 39 of 1999 concerning Human Rights explicitly states that property rights have a social function, but at the same time sets limits that these rights may not be arbitrarily taken over by anyone. This constitutional guarantee is reinforced by Article 28H paragraph (4) of the 1945 Constitution, which states that everyone has the right to own private property and that such property rights may not be arbitrarily taken over and must be balanced with compensation. (Law Number 39 of 1999; The 1945 Constitution of the Republic of Indonesia).

In the context of transferring or restricting rights for the public interest, agrarian law principles also require a deliberation process to reach an agreement between the parties requiring the land and the rights holder. As demonstrated in the legal precedent in the Kisaran District Court Decision Number: 95/Pdt.G/2021/PN.Kis, government actions that utilize or restrict community land for development projects without going through an open, honest, and fair deliberation process are categorized as Unlawful Acts by the Authority (*onrechtmatige overheidsdaad*). This decision emphasizes that the existence of social functions over land never eliminates the landowner's procedural right to actively participate in determining the form and amount of compensation.

In line with this, agrarian law experts such as Heri Suherman and Martin Roestamy criticized the use of the term "compensation" which is considered philosophically inappropriate because it places the community in the position of a victim who has suffered a loss.<sup>36</sup> Instead, the term that should be used is "appropriate compensation" or "profit compensation." This compensation must include physical dimensions (the value of land, buildings, and plants) as well



as non-physical dimensions (loss of employment, business credit facilities, job training, and guarantees of economic sustainability) so that landowners can have a better life than before their land was restricted by the state.

## **2. Analysis with the Principle of Balance and the Principle of Proportionality**

Within the framework of State Administrative Law (HAN), the use of government authority in issuing regulations or state administrative decisions is substantially limited by written and unwritten law. Government agencies or officials are often equipped with discretionary power or *freies Ermessen* (discretionary power) to resolve concrete problems in society that are not yet rigidly regulated by law. State administrative officials have freedom of action that encompasses three main aspects: the freedom to interpret legal rules (*interpretatievrijheid*), the freedom to consider factual conditions (*beoordelingsvrijheid*), and the freedom to make policies (*beleidsvrijheid*). To prevent this discretionary authority from devolving into abuse of authority (*detournement de pouvoir*) or arbitrary action (*willekeur*), government actions must be guided by the General Principles of Good Governance (AUPB).

Historically, the concept of AUPB (*algemene beginselen van behoorlijk bestuur*) first appeared in the Dutch parliament in April 1950 as a result of research by the de Monchy Commission which aimed to increase legal protection for the people (*verhoogde rechtsbescherming*) against unilateral actions by the authorities. In its development, AUPB transformed from merely ethical values and general legal principles into written positive legal norms that are strongly binding and function as parameters for testing the validity of government actions by administrative judges. Violations of the AUPB can be used as a basis for citizens to file a lawsuit with the State Administrative Court (PTUN) to annul government decisions that are deemed to be substantially legally flawed. (Lotulung, 1994; Yasin, 2018; Susanto, 2021).

In examining the draft of Presidential Regulation No. 4 of 2026, two principles in the AUPB are highly relevant for in-depth examination: the principle of balance (*evenwicht*) and the principle of proportionality (*evenredigheidsbeginsel*). According to Crince Le Roy, the principle of balance requires that when the government imposes a burden, limitation, or sanction on citizens, there must be a reasonable balance between the sanction or limitation and the gravity of the action or the citizen's interests sacrificed. From the perspective of Indonesian contract law, as formulated by Herlien Budiono, the principle of balance has both ethical and legal dimensions. Ethically, this principle emphasizes the equal distribution of burdens between both parties. Legally, the principle of balance serves as the basis for fair legal obligations to prevent abuse of the situation (*misbruik van omstandigheden*). Abuse of circumstances in public-private legal relations occurs when one



party (the government) takes advantage of its dominant economic and political bargaining position to impose unilateral clauses that are detrimental to the weaker party (the community or farmers).

The principle of proportionality requires that government action not exceed the limits necessary to achieve policy objectives. The doctrinal proportionality test is tested through three cumulative stages:

- a. **Legitimate Aim:** Is the restriction intended to protect a constitutionally legitimate public interest? In the case of controlling the conversion of rice fields to maintain food sovereignty, this element has been met because food is a basic right of citizens. However, the concept of "public interest" cannot be unilaterally defined by the central government without providing equal legal standing to local or village authorities (Wardana et al., 2025).
- b. **Suitability:** Does the administrative restriction instrument used have a rational correlation to achieving the objectives? The establishment of the LSD map and the prohibition on land conversion are considered logical for maintaining the area of productive rice fields.
- c. **Proportionality in the Narrow Sense (Proportionality Stricto Sensu):** Are the public benefits received by the state commensurate with the economic burdens borne by individuals? It is at this stage that Presidential Regulation No. 4 of 2026 experiences normative failure. This unilaterally imposed ecological spatial planning policy without certain incentives ignores the principle of ecological justice and limits public access to justice (Qurbani et al., 2025).

The public's obligations are imperative and immediately binding based on the principle of *praesumptio iustae causa*, where every government legal action must always be considered valid and immediately binding until proven otherwise by a court. In contrast, the state's obligation to provide compensation or incentives is positioned as a conditional norm dependent on the state's fiscal capacity. This asymmetrical legal relationship violates the principle of balance because it places the public's civil rights in extreme uncertainty. Furthermore, this government action ignores the principle of trust or the protection of reasonable expectations (*vertrouwensbeginsel*). This principle requires every government action to maintain the expectations that have been legitimately raised in citizens; if a promise or expectation of incentives has been made to maintain agricultural land, the government may not retract or hang that promise on uncertain conditional terms.

#### 4. CONCLUSION

Based on the research results, it can be concluded that the unclear incentive regulations in Article 20 and Article 21 of Presidential Regulation Number 4 of 2026 concerning Control of Conversion of Paddy Fields have legal implications in the form of a reduced level of legal certainty for owners of Protected Paddy Fields (LSD). Although the restrictions on land conversion rights



regulated in Article 17 paragraph (1) constitute a form of implementation of the State's Right to Control and the social function of land rights that are legally valid, their implementation is not balanced with guarantees of rights protection that have equivalent normative certainty. The phrase "in accordance with the state's financial capacity" in Article 21 contains normative ambiguity because it does not provide clear parameters regarding the size of the state's fiscal capacity, the mechanism for providing incentives, or the legal consequences if incentives are not provided. As a result, the community's right to obtain incentives changes from a right that can be expected to merely a policy possibility that depends on government discretion..

The construction of the relationship between restrictions on land conversion rights and the provision of incentives in Presidential Regulation Number 4 of 2026 does not fully meet the principles of balance and proportionality in state administrative law. Restrictions on land use rights are strictly and bindingly enforced, while the state's obligation to provide incentives is placed in a conditional position. This condition creates an asymmetrical legal relationship between the state and society because the legal burden borne by the community is certain, while the legal benefits promised by the state have no certainty of implementation. Therefore, the incentive provisions in Presidential Regulation Number 4 of 2026 have not been able to achieve a proportional balance between the interests of national food security and the protection of the rights of rice field owners affected by land conversion control policies..

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