

POLICY STRATEGY FOR CONTROLLING PADDY FIELD CONVERSION IN JATILUWIH WORLD HERITAGE

I Gede Pt. Jong Satria Putrajaya¹, I Made Suwitra², I Wayan Kartika Jaya Utama³

^{1,2,3} Master of Law Program, Postgraduate Faculty, Universitas Warmadewa, Denpasar, Indonesia

Corresponding author: I Gede Pt. Jong Satria Putrajaya

E-mail: jongsatria20@gmail.com

Article Info:

Submitted: 2026-03-27

Revised: 2026 -06-23

Accepted: 2026-07-14

Vol: 5

Number: 1

Page: 258 - 265

Keywords:

Sustainable Food
Agricultural Land;
Paddy Field
Conversion; Subak;
Monitoring and Law
Enforcement; Jatiluwih

Abstract:

The paddy fields of Jatiluwih Village, Tabanan Regency, carry layered legal protection as Sustainable Food Agricultural Land (LP2B) under Law Number 41 of 2009, as Protected Paddy Field (LSD), and as a UNESCO World Heritage Site, yet conversion into kiosks, villas, and livestock land continues. This study aims to examine the control of paddy field conversion under Law Number 41 of 2009 in Jatiluwih Village and to formulate an ideal monitoring and law enforcement model for its violations. The study uses an empirical legal method with statutory, analytical, and sociology-of-law approaches, through structured interviews with six key informants, non-participant observation, and document study, analyzed qualitatively and descriptively. The results show that the legal substance of control is comprehensive and layered, but implementation remains ineffective due to weaknesses in a centralized and reactive authority structure and a legal culture pressured by tourism economic interests, so that conversion continues in a creeping pattern. This study formulates an integrated monitoring and law enforcement model based on synergy between the state, the village, and the Subak with a preventive paradigm, covering the strengthening of the Subak's and village's juridical standing, one-stop licensing, an integrated monitoring channel, a customary-state enforcement ladder, and a farmer welfare foundation, as a policy strategy aligned with the Tri Hita Karana philosophy.

INTRODUCTION

Indonesian land law places food agricultural land in a strategic position as an instrument for achieving the state's objectives as mandated by Article 33 paragraph (3) of the 1945 Constitution of the Republic of Indonesia, namely state control of the earth, water, and natural resources therein for the greatest prosperity of the people. To realize this mandate, Law Number 41 of 2009 concerning the Protection of Sustainable Food Agricultural Land was enacted, prohibiting the conversion of land designated as Sustainable Food Agricultural Land (LP2B) and threatening violators with criminal sanctions of up to five years' imprisonment and fines of up to one billion rupiah for individuals and seven billion rupiah for corporations. Nevertheless, the national rate of paddy field conversion remains at 90,000-100,000 hectares per year, while in Bali Province the rate reaches 550-700 hectares per year out of a remaining 58,000 hectares of paddy fields, with Tabanan Regency, known as Bali's rice granary, experiencing the sharpest decline (Agricultural Standardization Instrument Agency, 2024; Bali Provincial Agriculture and Food Security Office & Bali Provincial Statistics Agency, 2024). This pressure has also reached Subak Jatiluwih, a terraced paddy landscape of approximately 303-338.7 hectares that forms part of the Cultural Landscape of Bali Province: the Subak System as a Manifestation of the Tri Hita Karana Philosophy, inscribed by UNESCO as a



This open access article is distributed under a
Creative Commons Attribution (CC-BY-NC) 4.0 licence

World Heritage Site since 2012 (UNESCO, 2012), and later recognized as a Best Tourism Village by UN Tourism (2024). This area is protected in layers: as LP2B under Law Number 41 of 2009 and Tabanan Regency Regulation Number 3 of 2014, as Protected Paddy Field (LSD) under the national spatial planning regime, and as a World Heritage Site. Yet in practice, a number of paddy plots have been converted into kiosks, stalls, villas, cafes, and livestock land, to the point that Jatiluwih's status as a UNESCO World Heritage Site has reportedly been at risk of review should conversion continue unchecked (Kompas.com, 2025; NusaBali.com, 2024). It is this gap between the layered norms (*das sollen*) and the ongoing reality of conversion (*das sein*) that forms the starting point of this study.

A number of previous studies have examined land conversion issues in Bali and elsewhere, though with different focuses. Nurhayati (2007) examined the conversion of customary land into tourism objects in Sukawati Village through a customary law approach; Sampouw (2022) highlighted spatial planning in the Likupang Special Economic Zone through a spatial approach; Dharmawan (2007) studied customary land acquisition for public interest in Dawan Subdistrict; Rianingsih (2023) analyzed agricultural land conversion in Sidoarjo using a quantitative agribusiness approach; Hasdar (2020) evaluated the implementation of paddy field conversion control across 24 regencies/cities in South Sulawesi; and Taraningrum (2022) examined the protection of farmers' rights in Kintamani Subdistrict under Law Number 19 of 2013. Distinct from these six studies, this research combines four elements of novelty at once: strategy and policy (legal politics) as the analytical framework for control; a single locus in the form of the UNESCO World Heritage area of Jatiluwih with its dual LP2B and LSD status; an empirical/socio-legal approach linking the norms of Law Number 41 of 2009 with field realities; and an output aimed at a control and monitoring model based on the institutions of the customary village, the administrative village, and the Subak.

Based on the foregoing, this study formulates two problems: first, how is paddy field conversion controlled under Law Number 41 of 2009 in the area of Jatiluwih Village, Tabanan; and second, what monitoring and law enforcement model should be built against violations of Law Number 41 of 2009 in controlling paddy field conversion in Jatiluwih Village. This study aims to examine and analyze the control of paddy field conversion under Law Number 41 of 2009, while formulating an ideal monitoring and law enforcement model, as an academic contribution to agrarian law and spatial planning law and as a policy evaluation resource for the Tabanan Regency Government, Jatiluwih Village officials, Subak leaders, and local farmers.

METHODS

This study uses an empirical legal research method to examine the gap between the norms of Law Number 41 of 2009 (*das sollen*) and their implementation in Jatiluwih Village, Penebel Subdistrict, Tabanan Regency (*das sein*), combining a statute approach, an analytical approach, and a sociology-of-law approach. Primary data were collected through structured interviews with six key informants selected through purposive sampling (Table 1) and non-participant observation of land conditions, while secondary data were gathered through a literature study of primary and secondary legal materials. Data validity was maintained through source and technique triangulation, while data analysis was conducted qualitatively through data reduction, data display, and conclusion drawing, presented in a descriptive-analytical manner.

Table 1. Key Informants

No.	Informant / Position	Code
1.	Village Head (Perbekel) of Jatiluwih	KI-01



This open access article is distributed under a
Creative Commons Attribution (CC-BY-NC) 4.0 licence

No.	Informant / Position	Code
2.	Subak Head (Pekaseh) of Jatiluwih	KI-02
3.	Paddy Field Owner Farmer (Subak Member)	KI-03
4.	Tenant Farmer (Nyakap/Profit-Sharing System)	KI-04
5.	Community Leader/Local Customary Village Head (Bendesa Adat)	KI-05
6.	Tourism Business Operator (Cafe/Homestay Owner)	KI-06
7.	Note: data validity maintained through source and technique triangulation	-
	Total Informants	6
	Informant Selection Technique	Purposive Sampling

RESULT AND DISCUSSION

The results are presented in two main parts corresponding to the research problems. The first part outlines the normative framework for controlling paddy field conversion under Law Number 41 of 2009 together with empirical findings on the role of institutions and the factors affecting its effectiveness in Jatiluwih Village. The second part formulates an ideal monitoring and law enforcement model for violations of the law, based on an analysis of the monitoring and enforcement practices operating in the field.

Law Number 41 of 2009 establishes controls on paddy field conversion through four regulatory pillars. The first pillar is the designation of Sustainable Food Agricultural Land (LP2B) status, carried out in stages from the national, provincial, to regency/city levels as an inseparable part of the regional spatial plan (Article 1 point 3 and Articles 18-25 of Law Number 41 of 2009). The second pillar is the prohibition of conversion of land designated as LP2B (Article 44 paragraph (1)), which was originally exempted only under strict cumulative requirements, but was loosened by Article 124 point 1 of the Job Creation Law, which added National Strategic Projects as a further ground for exemption while removing some of the previously strict requirements (Sumarja et al., 2021). In Tabanan Regency, both pillars are operationalized through Regional Regulation Number 3 of 2014 on the Protection of LP2B, which is interwoven with Bali Provincial Regulation Number 16 of 2009 on the Regional Spatial Plan, Tabanan Regency Regulation Number 6 of 2014 on Green Corridor Areas, and the Protected Paddy Field (LSD) regime under Presidential Regulation Number 59 of 2019, so that the Jatiluwih paddy landscape is covered by mutually reinforcing dual protection.

The third pillar is the provision of incentives for farmers under Article 38 of Law Number 41 of 2009, which theoretically represents an application of the theory of utility and Rawls's difference principle (2005): farmers, as the party least advantaged within the food land protection scheme, are entitled to compensation commensurate with the burden they bear. The fourth pillar is tiered monitoring and sanctions, with criminal penalties of up to five years' imprisonment and fines of up to one billion rupiah for individuals, one to five years' imprisonment and fines of up to five billion rupiah for officials, and fines of up to seven billion rupiah for corporations (Articles 64-75 of Law Number 41 of 2009). Viewed through Friedman's (1975) theory of the legal system, these four pillars show that the legal substance component of paddy field conversion control in Jatiluwih is comprehensive and layered; thus, if conversion nonetheless continues in the field, the explanation must be sought in the components of legal structure and legal culture.

Field findings reveal two institutional paradoxes. First, the village government, as the actor closest to the paddy landscape, holds only the authority to issue letters of information or



recommendations, whereas the authority to issue Spatial Utilization Activity Conformity and Building Approval is an attributive authority of the Regent (Ridwan HR, 2003). The Head of Jatiluwih Village stated that the village's refusal to recommend a building application on productive paddy land often fails to prevent the regency from issuing a permit, and that buildings are not infrequently erected before permits are processed, such that "the village only finds out after construction has already taken place" (I Nengah Kartika, interview, 7 July 2026). Second, the Subak carries out communal control through the *paruman* (customary assembly), inherent monitoring based on the irrigation network, and a tiered system of customary sanctions up to *kasepekan* (customary ostracism) under the *awig-awig* and *pararem*, yet the binding force of the *awig-awig* is personal in nature and reaches only *krama subak* (Subak members), leaving it powerless against outside investors who are not members. The Pekaseh (Subak head) of Jatiluwih stated, "Sometimes I feel the Subak is treated merely as an object, Sir, not a subject, even though I am the one who best knows the conditions in the field" (I Wayan Mustira, interview, 3 July 2026). Both of these frontline guardians of the paddy landscape, within Friedman's (1975) framework, constitute local legal-structure components that are equally weak, since no norm binds their considerations to the regency's licensing decisions.

Using Soekanto's (2008) five-factor framework for law enforcement, this study finds that the legal factor is relatively not the main obstacle, while the law-enforcement factor is marked by a reactive character: enforcement action is only taken after a building has been erected, leading a local community figure to conclude that "the rules are strong, but the enforcement is soft" (I Wayan Yasa, interview, 3 July 2026). The facilities factor points to inadequate legal socialization; one farmer acknowledged understanding the area's UNESCO World Heritage status but not the term or the detailed provisions of LP2B (I Ketut Merta, interview, 3 July 2026). The community factor is the heaviest pressure, in the form of land purchase offers worth hundreds of millions of rupiah per are, far exceeding the Article 38 incentives, which are felt to be minimal and delayed, compounded by stalled farmer regeneration as the younger generation shifts to the tourism service sector (Suseno & Saputra, 2025). The cultural factor, unlike the other four factors, in fact functions as a support for control through the *palemahan* value within the *Tri Hita Karana* philosophy (Windia, 2006), although customary leaders themselves acknowledge that this value is beginning to erode among the younger generation if it is not nurtured and economically supported.

A synthesis of these findings shows that the control of paddy field conversion under Law Number 41 of 2009 in Jatiluwih Village has been operating but is not yet fully effective: the legal substance is comprehensive and layered, but a centralized and reactive authority structure together with a legal culture under pressure from tourism economic interests continue to drive conversion in a creeping land conversion pattern, with tenant farmers as the most vulnerable victims and the continuity of the UNESCO World Heritage status as the highest stake.

On the monitoring side, this study finds an asymmetry between state monitoring and communal monitoring. Normatively, Law Number 41 of 2009 designs tiered monitoring from the Central Government down to the village level, accompanied by community participation (Articles 64-65 and 70-71), yet in practice detection almost entirely originates from the village and the Subak, who are present in the field every day, while follow-up by the regency is slow and reactive. Conversely, the Subak's communal monitoring, through the *tempek* system, the interconnected irrigation network, the *paruman*, and *ngayah* (communal labor), operates closely on a daily basis, yet it lacks the authority to take enforcement action. The broken link lies not in the absence of

monitors, but in the connection between communal early detection and state enforcement authority, a weakness in the law-enforcement and facilities factors within Soekanto's (2008) framework.

On the law enforcement side, three normatively available channels were found, administrative, civil, and criminal (Articles 62-63 of Law Number 26 of 2007; Article 1365 of the Civil Code; Articles 72-75 of Law Number 41 of 2009), yet they operate unevenly. The administrative channel operates only occasionally and reactively, the civil channel has never been pursued, while the criminal channel has never been activated at all, as confirmed by the Head of Jatiluwih Village: "to my knowledge it has never actually been applied in Jatiluwih... so offenders tend to assume the risk is limited to a mere warning" (I Nengah Kartika, interview, 7 July 2026). The status of criminal sanctions as *ultimum remedium* has, in practice, deteriorated into *nullum remedium*, a last resort that never arrives. Conversely, the Subak's customary sanctions are in fact the most alive and feared enforcement channel, yet they bind only *krama subak* and are not linked to state sanctions, allowing outside investors to frequently escape both (I Wayan Mustra, interview, 3 July 2026). This uneven enforcement erodes justice as fairness within Rawls's (2005) framework, since compliant actors are disadvantaged while well-resourced violators are left unpunished.

Based on this diagnosis of monitoring asymmetry and the paralysis of law enforcement, this study proposes an integrated monitoring and law enforcement model grounded in synergy among the state, the village, and the Subak, adopting a preventive paradigm, as presented in Table 2.

Table 2. Integrated Monitoring and Law Enforcement Model in Jatiluwih Village

Model Component	Policy/Instrument Form	Government Actor	Non-Government Actor	Theoretical Basis
Strengthening the Standing of the Subak and Village	Regional/Regent Regulation designating the Subak and village as subjects of control; involvement from the planning stage	Tabanan Regency Government; Regional Legislature (DPRD)	Subak; Village	Authority theory; community participation (Articles 70-71 of Law 41/2009)
One-Stop Licensing with Binding Recommendation	Mandatory notification and decisive input from the village/Subak; integration of LP2B, LSD, and green-corridor maps into the electronic licensing system	DPMPTSP (One-Stop Investment and Licensing Service); Technical Agencies	Village; Subak	Legal certainty; preventive protection
Integrated Monitoring Channel	Early-detection reporting SOP with a fixed	Satpol PP (Civil Service Police Unit); Related Agencies	Kelian Tempek;	Preventive-attached monitoring;

Model Component	Policy/Instrument Form	Government Actor	Non-Government Actor	Theoretical Basis
Customary-State Enforcement Ladder	follow-up timeframe; joint patrols; monitoring of the LSD map Sanction pyramid: customary -> administrative -> civil -> selective criminal; mutual recognition of customary and state sanctions Optimization of Article 38	Regency Government; PPNS (Civil Servant Investigators); Law Enforcement Officers	Pekaseh; Village	facilities factor (Soekanto, 2008)
	incentives; increased tourism levy revenue-sharing; agrotourism collaboration Justice, utility, and legal certainty aligned with Tri Hita Karana (pawongan, palemahan, parhyangan)		Paruman Subak	Enforcement pyramid; ultimum remedium; deterrent effect
Farmer Welfare Foundation		Regency Government; Tourism Attraction Management Body	Business Operators; Farmers	Justice (Rawls, 2005); utility (Bentham)
Framework of Values				

Source: researcher's analysis based on primary and secondary data, 2026.

This model is framed by three legal objectives that correspond to the Tri Hita Karana philosophy originating from the Jatiluwih paddy fields themselves (Windia & Wiguna, 2013). The value of justice corresponds to the pawongan dimension, which demands an equal relationship among farmers, tenant farmers, business operators, and the government; the value of utility corresponds to the palemahan dimension, which directs tourism to become a source of financing for conservation rather than a threat to it; and the value of legal certainty provides a framework of predictability that has long collapsed due to inconsistent enforcement. Thus, the ideal policy strategy for Jatiluwih is not one imported from outside, but one that formalizes and strengthens the value system that has long safeguarded this paddy landscape.

Accordingly, the second research problem is answered: the ideal monitoring and law enforcement model against violations of Law Number 41 of 2009 in Jatiluwih Village is an integrated model with five components, namely strengthening the juridical standing of the Subak and the village, one-stop licensing with binding recommendations, an integrated monitoring channel, a tiered enforcement ladder linking customary sanctions to selective criminal prosecution, and a welfare foundation for farmers and tenant farmers.

CONCLUSION

This study draws two main conclusions. First, the control of paddy field conversion under Law Number 41 of 2009 in Jatiluwih Village, Tabanan, has been operating but is not yet effective; its legal substance is comprehensive and layered, covering LP2B status, Tabanan Regency Regulation Number 3 of 2014, Protected Paddy Field status, Article 38 incentives, the Subak institution, and UNESCO World Heritage status, yet its weakness lies in a centralized and reactive authority structure and a legal culture under pressure from the tourism economy, so that conversion continues in a creeping pattern with tenant farmers as the most vulnerable victims. Second, the existing monitoring and law enforcement model operates unevenly: state monitoring is remote from the field while the Subak's communal monitoring lacks enforcement authority, and criminal sanctions have never been activated, resulting in a loss of deterrent effect, so that an integrated model based on synergy among the state, the village, and the Subak with a preventive paradigm is needed, comprising five components: strengthening the juridical standing of the Subak and the village, one-stop licensing with binding recommendations, an integrated monitoring channel, a tiered customary-state enforcement ladder, and a farmer welfare foundation, framed by the values of justice, utility, and legal certainty in line with the Tri Hita Karana philosophy. Further research is recommended to quantitatively measure the rate of land conversion in other World Heritage areas in Bali and to test the effectiveness of this model once adopted into regional regulation.

REFERENCES

- Badan Standardisasi Instrumen Pertanian, Kementerian Pertanian. (2024). Perluasan lahan sawah kunci menuju kedaulatan pangan.
- Dharmawan, I. D. G. P. J. (2007). Pelaksanaan pengadaan tanah asal hak milik adat untuk kepentingan umum di Kecamatan Dawan, Kabupaten Klungkung, Provinsi Bali [Tesis, Universitas Diponegoro]. <http://eprints.undip.ac.id/15630/>
- Dinas Pertanian dan Ketahanan Pangan Provinsi Bali, & Badan Pusat Statistik Provinsi Bali. (2024). Data luas sawah dan alih fungsi lahan Provinsi Bali.
- Friedman, L. M. (1975). The legal system: A social science perspective. Russell Sage Foundation.
- Hasdar, N. A. (2020). Implementasi pengendalian alih fungsi lahan sawah di Provinsi Sulawesi Selatan [Tesis, Universitas Hasanuddin]. <https://repository.unhas.ac.id/id/eprint/2540/>
- Kompas.com. (2025, 5 Desember). Status Jatiluwih Bali sebagai Warisan Budaya Dunia berpotensi dicabut, apa sebabnya? <https://denpasar.kompas.com/read/2025/12/05/213905978/>
- NusaBali.com. (2024, 19 November). Alih fungsi lahan di Jatiluwih karena perubahan iklim, sawah berubah jadi kebun. <https://www.nusabali.com/berita/180475/>
- Nurhayati. (2007). Pengalihan fungsi tanah adat menjadi obyek pariwisata di Desa Sukawati, Kecamatan Sukawati, Kabupaten Gianyar, Provinsi Bali [Tesis, Universitas Diponegoro]. <http://eprints.undip.ac.id/15765/>



This open access article is distributed under a
Creative Commons Attribution (CC-BY-NC) 4.0 licence

- Rawls, J. (2005). A theory of justice. Harvard University Press.
- Rianingsih, I. (2023). Analisis alih fungsi lahan pertanian di Kecamatan Taman Kabupaten Sidoarjo [Tesis, UPN Veteran Jawa Timur]. <https://repository.upnjatim.ac.id/18924/>
- Ridwan HR. (2003). Hukum administrasi negara. UII Press.
- Sampouw, A. R. (2022). Arahana pemanfaatan lahan kawasan sekitar Kawasan Ekonomi Khusus Likupang Provinsi Sulawesi Utara [Tesis, Universitas Hasanuddin]. <https://repository.unhas.ac.id/id/eprint/14209/>
- Soekanto, S. (2008). Faktor-faktor yang mempengaruhi penegakan hukum. Rajawali Pers.
- Sumarja, F. X., Tisnanta, Rifai, E., & Rodhi. (2021). Problematika perlindungan lahan pertanian berkelanjutan pasca diterbitkannya Undang-Undang Cipta Kerja [Laporan penelitian]. Universitas Lampung.
- Suseno, I. U., & Saputra, B. M. (2025). Peran masyarakat lokal dalam upaya pencapaian Tujuan Pembangunan Berkelanjutan (SDGs): Studi kasus Subak Jatiluwih. Jambura Economic Education Journal, 7(3), 843-844.
- Taraningrum, I. D. A. I. M. D. (2022). Perlindungan hukum terhadap hak petani atas pengelolaan lahan pertanian untuk pengembangan pariwisata di Kecamatan Kintamani [Tesis, Universitas Warmadewa].
- UNESCO. (2012). Cultural landscape of Bali Province: The Subak system as a manifestation of the Tri Hita Karana philosophy (World Heritage List No. 1194). UNESCO.
- UN Tourism. (2024). Best Tourism Villages 2024: Jatiluwih, Indonesia. <https://tourism-villages.unwto.org/en/villages/jatiluwih-indonesia/>
- Undang-Undang Nomor 41 Tahun 2009 tentang Perlindungan Lahan Pertanian Pangan Berkelanjutan, Lembaran Negara Republik Indonesia Tahun 2009 Nomor 149.
- Undang-Undang Nomor 6 Tahun 2023 tentang Penetapan Peraturan Pemerintah Pengganti Undang-Undang Nomor 2 Tahun 2022 tentang Cipta Kerja Menjadi Undang-Undang, Lembaran Negara Republik Indonesia Tahun 2023 Nomor 41.
- Windia, I. W. (2006). Transformasi sistem irigasi Subak yang berlandaskan Tri Hita Karana. Pustaka Bali Post.
- Windia, I. W., & Wiguna, W. A. A. (2013). Subak warisan budaya dunia. Udayana University Press.