

Implementation Procedure for the Subdivision of Land Ownership Certificates in Protected Paddy Field Areas at the Karangasem Regency ATR/BPN Office

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Abstract

Land is an agrarian resource that possesses economic, social, cultural, and ecological functions. Therefore, its administration must balance individual rights with the public interest. One of the land administration services provided by the Ministry of Agrarian Affairs and Spatial Planning/National Land Agency (ATR/BPN) is the subdivision of Freehold Title Certificates. However, such services cannot be freely implemented on land designated as Protected Rice Field Areas because they must comply with sustainable agricultural land protection policies. This study aims to analyze the implementation procedures for the subdivision of Freehold Title Certificates within Protected Rice Field Areas at the ATR/BPN Office of Karangasem Regency and to examine the obstacles encountered along with the efforts made to overcome them. This research employs normative legal research supported by empirical legal research using statutory, conceptual, and empirical approaches. Data were collected through library research, interviews, and documentation and analyzed using descriptive qualitative methods. The results indicate that the subdivision procedure has generally complied with prevailing land registration regulations. Nevertheless, applications concerning Protected Rice Field Areas are subject to specific legal restrictions to prevent agricultural land fragmentation and land conversion. The main obstacles include inconsistencies in legal substance, limited inter-agency coordination, inadequate public legal awareness, and economic pressures encouraging land conversion. Improvement efforts include strengthening institutional coordination, harmonizing regulations, enhancing public legal education, and reinforcing supervision in land administration services.

Keywords: Land Certificate Subdivision, Ownership Rights, Protected Rice Field Areas, ATR/BPN, Legal Certainty.

INTRODUCTION

Indonesia is a state based on the rule of law, establishing law as the primary foundation for the administration of government, as affirmed in Article 1, Paragraph (3) of the 1945 Constitution of the Republic of Indonesia. A consequence of this principle is that the provision of all public services—including land services—must be carried out in accordance with statutory regulations and the principles of legal certainty, utility, and justice. Land holds immense strategic importance in the lives of the Indonesian people; beyond serving as a place of residence, it functions as a means of production, a source of investment, an object of credit collateral, and a vital component of national development. Consequently, the state is empowered to regulate land tenure, usage, utilization, and maintenance, as stipulated in Law Number 5 of 1960 concerning Basic Regulations on Agrarian Principles (UUPA).

One of the land administration services most frequently requested by the public is the

subdivision of Freehold Titles. This subdivision process is undertaken for various purposes, including the distribution of inheritance, the sale of a portion of a land parcel, gifting, and development requirements. Through this service, the public obtains legal certainty regarding the boundaries and area of each newly separated land parcel. Over time, the service for land title subdivision has evolved; it no longer considers solely land administration aspects but must also take into account spatial planning policies and environmental protection. One policy with a significant impact is the designation of Protected Paddy Land (LSD) areas. This policy implements Law Number 41 of 2009 concerning the Protection of Sustainable Food Agricultural Land, which aims to safeguard the availability of agricultural land in support of national food security.

The designation of Protected Paddy Field areas entails legal consequences for the exercise of land rights. While holders of Freehold Titles retain civil rights over their land, the exercise of these rights is constrained by the public interest of protecting agricultural land. Consequently, applications to subdivide Freehold Title certificates are not assessed solely on the basis of administrative completeness; they must also align with prevailing policies on agricultural land protection. Karangasem Regency is one of the areas in Bali Province that still possesses productive agricultural zones, making the implementation of the Protected Paddy Field policy crucial. Conversely, the expansion of tourism, residential development, and investment has led to a rise in applications for land subdivision, a trend that threatens to drive the fragmentation of agricultural land.

This situation creates a dilemma between protecting the individual rights of (full ownership) holders and the state's interest in preserving agricultural land. Uncontrolled subdivision of land titles would accelerate the conversion of paddy fields to other uses. Conversely, imposing excessive restrictions without a clear legal basis could undermine legal certainty for the public as land rights holders. According to Soerjono Soekanto, the successful implementation of a legal regulation depends on five factors: legal substance, law enforcement officials, facilities and infrastructure, the community, and legal culture. Therefore, the effectiveness of the service for subdividing Freehold Titles in Protected Paddy Field areas is not determined solely by regulations; it is also influenced by the quality of ATR/BPN services, coordination with local governments, and the level of public legal awareness.

Based on the foregoing, this study is significant for examining the implementation procedures for the subdivision of Freehold Titles within Protected Paddy Field areas at the Karangasem Regency ATR/BPN Office, as well as for identifying the obstacles encountered and the efforts made to resolve them.

1. Formulation of the problem

1. What is the procedure for the service of subdividing Certificates of Ownership for

land located in Protected Rice Field areas at the Karangasem Regency ATR/BPN Office?

2. What obstacles are encountered in the process of subdividing Certificates of Ownership for land in Protected Rice Field areas, and what measures are taken to resolve them?

A. RESEARCH METHODS

This study is a normative legal study supported by empirical legal research. Normative legal research is employed to examine various statutory provisions governing land services, the subdivision of Freehold Titles, and the protection of designated paddy fields (Lahan Sawah Dilindungi). Meanwhile, empirical legal research is conducted to understand the implementation of these provisions within the land service practices at the Karangasem Regency ATR/BPN Office. The research employs a statute approach, a conceptual approach, and an empirical approach. The statute approach involves examining various regulations concerning land rights, land administration services, and the protection of agricultural land. The conceptual approach is used to analyze theories regarding the rule of law, legal certainty, and legal protection. Meanwhile, the empirical approach is conducted through interviews with officials from the Karangasem Regency ATR/BPN Office and the collection of documents related to land title subdivision services.

The legal materials consist of primary legal sources—namely the 1945 Constitution of the Republic of Indonesia, Law Number 5 of 1960 concerning Basic Regulations on Agrarian Principles, Law Number 41 of 2009 concerning the Protection of Sustainable Food Agricultural Land, Law Number 25 of 2009 concerning Public Services, Government Regulation Number 24 of 1997 concerning Land Registration, and various regulations issued by the Minister of Agrarian Affairs and Spatial Planning/National Land Agency (ATR/BPN) regarding land registration. Secondary legal materials comprise books, scholarly journals, research findings, and expert opinions, while tertiary legal materials include legal dictionaries, encyclopedias, and various official government sources. Data analysis was conducted using a descriptive-qualitative approach by correlating normative research findings with empirical data obtained in the field, thereby providing an overview of the effectiveness of the service for subdividing Freehold Titles within Protected Paddy Field areas in Karangasem Regency.

B. RESULTS AND DISCUSSION

1. Implementation Procedure for Freehold Title Subdivision Services in Protected Paddy Field Areas at the Karangasem Regency ATR/BPN Office

Land services are a form of public service provided by the government to ensure legal certainty regarding the public's land rights. As the agency responsible for national land administration, the

Ministry of Agrarian Affairs and Spatial Planning/National Land Agency is obligated to provide services that are fast, transparent, accountable, and in accordance with applicable legal provision. In principle, the service for subdividing a Certificate of Ownership constitutes part of the land registration system as stipulated in Article 19 of Law Number 5 of 1960 concerning Basic Regulations on Agrarian Principles and Government Regulation Number 24 of 1997 concerning Land Registration. Through this process, a single plot of land originally registered under one certificate can be subdivided into multiple plots, each receiving its own separate certificate.

In practice at the Karangasem Regency ATR/BPN Office, the service of subdividing land certificates involves several interconnected administrative stages designed to provide legal certainty for both the applicant and the government. Based on the research findings, these stages consist of:

a. Submission of Application

The first stage begins with the submission of an application by the holder of the Right of Ownership or their authorized representative to the Karangasem Regency ATR/BPN Office. The application must be accompanied by the following administrative documents:

1. Original Certificate of Ownership;
2. Identity of the applicant;
3. Power of attorney if authorized;
4. PBB SPPT;
5. Proof of BPHTB payment if necessary;
6. Draw a solution plan if available.

Document completeness is a primary requirement before further examination is conducted by land service officers.

b. Administrative Review

Once the application is received, an official verifies the validity of the documents and the legal status of the land in question. The administrative review aims to ensure that the land is not subject to disputes or encumbrances—such as security interests—that would impede the subdivision process, and that it does not conflict with spatial planning regulations or other land policies. At this stage, the land's status as a "Protected Paddy Field Area" is a specific aspect subject to scrutiny. This verification involves cross-referencing land registration data with the government-designated map of Protected Paddy Field Areas. According to Boedi Harsono, legal certainty in land registration can only be achieved if all legal and physical data regarding the land are meticulously examined prior to the issuance of a new certificate.

c. Measurement and Boundary Determination

The next stage involves a field survey conducted by ATR/BPN surveyors. This measurement is carried out to establish the boundaries of each land parcel resulting from the subdivision, in accordance with the landowner's request. This activity is crucial as it forms the basis for preparing the Survey Document and the land parcel map to be included in the new certificate. During the process, the applicant and the owners of adjacent land must be present to prevent future boundary disputes. According to Adrian Sutedi, surveying is an integral part of the land registration system because it ensures certainty regarding the location, area, and boundaries of the land rights object.

d. Verification of Protected Paddy Field Area Status

This stage is a distinctive feature of the land title subdivision process for areas designated as Protected Paddy Fields. Not all subdivision applications can be processed immediately if the land in question lies within a zone designated as Protected Paddy Field. ATR/BPN officials coordinate with local governments and relevant technical agencies to ensure that the subdivision does not conflict with policies on the protection of sustainable food agricultural land. These restrictions aim to prevent land fragmentation, which could accelerate the conversion of paddy fields into non-agricultural areas. Thus, the protection of the public interest is maintained without infringing upon the civil rights of the public as holders of freehold land titles .

e. Issuance of New Certificates

Once all requirements have been met and the inspection confirms that the subdivision is feasible, the ATR/BPN Office issues new certificates corresponding to the number of resulting land parcels. This issuance simultaneously cancels the data for the original parcel and replaces it with new land registration data, ensuring that each parcel possesses a clear legal and physical identity. According to Gustav Radbruch, legal certainty can only be achieved when every administrative action is carried out based on rules that are clear, consistent, and accountable.

The provision of services for subdividing Freehold Titles in areas designated as Protected Paddy Fields essentially reflects the principles of the rule of law as articulated by Friedrich Julius Stahl and A.V. Dicey—namely, governance based on law, the protection of public rights, and legal certainty in every state administrative action. However, in practice, the government is not only obligated to provide land administration services to the public but must also exercise its function of controlling spatial utilization. Consequently, the Ministry of Agrarian Affairs and Spatial Planning/National Land Agency (ATR/BPN) cannot focus solely on the interests of individual applicants; it must also consider the public interest—specifically, the protection of agricultural land as a component of national food security. This situation demonstrates that modern land services no longer function merely as administrative tasks but also serve as an instrument of government policy for achieving sustainable

development.

2. Obstacles in the Implementation of Freehold Title Subdivision Services for Protected Paddy Field Areas at the Karangasem Regency ATR/BPN Office

The provision of services for subdividing Freehold Titles in areas designated as Protected Paddy Fields (LSD) does not always proceed as expected. Although a regulatory framework exists to govern the process, practical implementation faces various obstacles that affect service effectiveness. These impediments stem from factors ranging from legal substance, legal structure, and public legal culture to prevailing economic conditions within the community. According to Soerjono Soekanto's theory of legal effectiveness, the success of a legal rule is heavily influenced by five factors: legal substance, law enforcement officials, facilities and infrastructure, the public, and legal culture. The theory is highly relevant for analyzing the implementation of land services in Protected Paddy Field areas in Karangasem Regency.

a. Substantive Legal Obstacles

The first challenge stems from the aspect of legal substance. Although various regulations govern the protection of agricultural land and land registration, certain provisions remain not fully integrated in their implementation. Law Number 41 of 2009 concerning the Protection of Sustainable Food Agricultural Land emphasizes the importance of preserving productive agricultural land, whereas Law Number 5 of 1960 safeguards the individual rights of land rights holders. In the practice of land administration services, these two interests often converge on the same legal object, thereby In practice, there are still members of the public who believe that holding a (Certificate of Ownership) grants them absolute freedom to subdivide a plot of land. In reality, however, this right remains subject to the social function of land, as stipulated in Article 6 of the Basic Agrarian Law.

Furthermore, the highly dynamic nature of changes in various land policies requires both the public and implementing officials to adapt to new service mechanisms. According to Satjipto Rahardjo, law should not be understood merely as a collection of written norms; rather, it must be capable of delivering benefits and resolving issues that arise within society. Therefore, the harmonization of regulations is essential to prevent discrepancies in interpretation during the delivery of land services.

b. Legal Structural Obstacles

The next challenge stems from the legal structure—specifically, the institutions responsible for land administration services. Research findings indicate that coordination between the Karangasem Regency ATR/BPN Office and the local government still requires improvement, particularly regarding data synchronization for Protected Paddy Land areas.

The process of subdividing land titles requires certainty regarding spatial planning status, maps of Protected Paddy Fields, and alignment with local government policies. If data across the relevant agencies is not fully synchronized, the service process may take longer than standard land administration procedures. Beyond the need for inter-agency coordination, limited human resources also pose a challenge; the annual rise in land service applications is not always matched by a corresponding increase in the number of technical staff responsible for surveying, administrative review, and spatial data validation.

Ridwan HR explains that the quality of public service is significantly influenced by the professionalism of the civil service, procedural certainty, and institutional coordination. Thus, enhancing the capacity of the workforce is a key factor in improving the effectiveness of land services.

c. Obstacles Related to the Public's Legal Culture

The legal culture of the community also significantly influences the successful implementation of land services. Some members of the public still hold the view that a land certificate constitutes absolute proof of ownership, allowing for unrestricted use without regard to limitations imposed by the state.

A lack of understanding regarding the Protected Paddy Land policy often leads to the perception that the rejection of applications to subdivide land titles constitutes a government-imposed restriction on property rights. In legal terms, however, the state possesses the authority to regulate land use, provided the objective is to achieve the prosperity of the people, in accordance with the mandate of Article 33, Paragraph (3) of the 1945 Constitution of the Republic of Indonesia.

Philipus M. Hadjon explains that legal protection for the public is realized not only through the granting of rights but also through regulations aimed at protecting the public interest. Therefore, raising public legal awareness is a crucial element in supporting the successful implementation of agricultural land protection policies.

d. Economic Factors

Economic factors constitute the most significant obstacle to the implementation of policies protecting designated rice fields. The growth of the tourism sector and the development of residential areas in Bali have led to a substantial rise in land values. This situation has prompted some community members to subdivide their land plots as a preliminary step toward sale or development for non-agricultural purposes.

Consequently, applications to subdivide land titles within Protected Paddy Field areas are on the rise. If all such applications were approved without regulation, it would accelerate the fragmentation of agricultural land, ultimately threatening both regional and national food security.

According to Boedi Harsono, the social function of land rights implies that land use must take into account the interests of the broader community, rather than solely the interests of the rights holder. Thus, restrictions on the subdivision of land titles in certain areas constitute an implementation of the social function of land rights.

Based on research findings, the obstacles faced by the Karangasem Regency ATR/BPN Office stem not merely from aspects of land administration but from an accumulation of interconnected factors. When analyzed using Lawrence M. Friedman's legal system theory, these obstacles can be categorized into three main components:

- 1 Legal Substance: Suboptimal synchronization between regulations on agricultural land protection and land administration services.
- 2 Legal Structure: The need for improved inter-agency coordination and capacity building for land administration personnel.
- 3 Legal Culture: Low public understanding regarding the social function of land rights and the importance of maintaining the sustainability of agricultural land. These three components indicate that the success of the protection policy.

Protecting rice fields requires more than just establishing regulations; it must also be accompanied by improvements in institutional quality and public legal awareness.

3. Efforts to Resolve Service Obstacles Regarding the Subdivision of Freehold Titles in Protected Paddy Field Areas

Based on research conducted at the Karangasem Regency ATR/BPN Office, various measures have been implemented to enhance service effectiveness while maintaining the continuity of the policy for protecting designated paddy fields.

a. Regulatory Harmonization

The government needs to synchronize land policies, spatial planning policies, and agricultural land protection measures to prevent conflicting interpretations during service implementation. Regulatory clarity will provide legal certainty for both the public and implementing officials.

b. Strengthening Inter-agency Coordination

The service for land title subdivision requires coordination among ATR/BPN, the Karangasem Regency Government, the Agriculture Agency, the Public Works and Spatial Planning (PUPR) Agency, and other relevant technical agencies. Integrating digital data regarding land parcel maps and Protected Paddy Land areas will accelerate the application verification process.

c. Digitalization of Land Services

Utilizing electronic-based land information systems will enhance service transparency, reduce administrative errors, expedite spatial data verification, and improve public service accountability.

d. Public Outreach and Education

ATR/BPN, in collaboration with local government, needs to periodically provide legal education regarding:

- 1 the social function of land rights;
- 2 Protected Paddy Land policies;
3. land title subdivision procedures;
4. the legal consequences of land-use conversion.

By improving public legal awareness, it is hoped that potential conflicts between the community and the government can be minimized.

CONCLUSION

Based on the research findings and discussion regarding the procedure for subdividing Land Ownership Certificates for protected paddy field areas at the Karangasem Regency ATR/BPN Office, several conclusions can be drawn as follows.

- 1 First, the service for subdividing Freehold Titles (*Sertifikat Hak Milik*) within Protected Paddy Field areas at the Karangasem Regency ATR/BPN Office has essentially been carried out in accordance with prevailing land laws and regulations—specifically Law Number 5 of 1960 concerning Basic Regulations on Agrarian Principles, Government Regulation Number 24 of 1997 concerning Land Registration, and various implementing regulations issued by the Ministry of Agrarian Affairs and Spatial Planning/National Land Agency (ATR/BPN). The service process involves several stages: application submission, verification of administrative completeness, examination of the land's legal status, measurement and mapping of the land parcel, assessment of conformity with Protected Paddy Field area regulations, and finally, the issuance of the subdivision certificates.
- 2 Second, the delivery of this service still faces various obstacles stemming from legal substance, legal structure, public legal culture, and economic factors. Regarding legal substance, there is a need to harmonize regulations concerning agricultural land protection and land services to prevent conflicting interpretations. Regarding legal structure, improved coordination between ATR/BPN and local governments is required, alongside capacity building for land service personnel. Regarding legal culture, some members of the public do not yet grasp that land

rights carry a social function, meaning their utilization remains subject to public interest constraints. Meanwhile, economic factors—specifically rising land values driven by development—are fueling an increase in applications to subdivide land parcels within Protected Paddy Field areas. Efforts to address these issues include regulatory harmonization, strengthened inter-agency coordination, improved digital-based land services, optimized public legal awareness campaigns, and enhanced oversight of land use in Protected Paddy Field areas. These measures are expected to bolster legal certainty and public service effectiveness while safeguarding the sustainability of agricultural land as part of the nation's sustainable development.

2 Suggestion

Based on the research findings, the author offers the following suggestions.

- 1 The government, through the Ministry of Agrarian Affairs and Spatial Planning/National Land Agency, needs to harmonize the various regulations governing land services and the protection of Designated Paddy Fields to prevent conflicting interpretations during implementation. Furthermore, electronic-based service policies require refinement to ensure that the verification of land status and spatial planning compliance can be conducted more swiftly, transparently, and accurately.
- 2 The public, as holders of land rights, are expected to better understand that the Right of Ownership not only grants rights to the holder but also entails a social function, as stipulated in the Basic Agrarian Law. Therefore, any plan to subdivide land parcels should comply with applicable legal provisions and support government policies aimed at maintaining the sustainability of agricultural land.

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