Analysis of the Implementation of the Regulation of the Minister of Agrarian Affairs and Spatial Planning/Head of the National Land Agency of the Republic of Indonesia Number 18 of 2016 concerning Control of Agricultural Land Tenure

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Abstract

Problems executing Ministerial Regulation on the Control of Agricultural Land Tenure Number 18 of 2016 issued by the Head of the National Land Agency of the Republic of Indonesia are the focus of this research into the South Lampung Regency Land Office. Normative judicial and empirical methodologies are applied in this study. The results show that the South Lampung Regency Land Office has largely implemented the Minister of Agrarian Affairs and Spatial Planning/Head of the National Land Agency of the Republic of Indonesia Regulation Number 18 of 2016 Concerning Control of Agricultural Land Tenure. Physical facilities and infrastructure at the South Lampung District Land Office to support the policy of controlling agricultural land tenure, especially absentee land, are inadequate, and the quality of human resources is poor. The author recommends that the central government take measures to prevent absentee ownership of agricultural land, such as adopting legislation prohibiting such ownership and socialising the affected farms.

I. Introduction

The Republic of Indonesia is officially recognized as a legal entity, as explicitly outlined in the 1945 Constitution. In accordance with the principles of a legal framework, it is imperative that all activities within the realm of the nation and state adhere to established legal regulations.[1] The social institution of law plays a crucial role in society by promoting peace, justice, and security, while also governing and regulating human behavior by establishing both prohibitions and

[1] Nyoman Gede Remaja, "Makna Hukum Dan Kepastian Hukum," *Kertha Widya* 2, no. 1 (2014), https://doi.org/10.37637/kw.v2i1.426.

mandates. Indonesia is a nation characterized by its substantial endowment of natural resources. The government takes on the task of managing natural resources for the benefit of the populace as a whole. The aforementioned provision can be found in Article 33, paragraph (3) of the 1945 Constitution of the Republic of Indonesia "That the earth, water and natural resources contained therein are controlled by the state and used for the greatest prosperity of the people". One of the sectors pertains to land.[2]

Land is a crucial natural resource that plays a vital role in the sustenance of humanity. Land is a divine bestowment bestowed upon humanity by a higher power, with the purpose of being effectively managed, utilized, and preserved as a fundamental means of sustenance and economic support.[3] The economic life of today's society makes land a factor that is sought after by many people. The ever-increasing selling value of land causes land to be in great demand by investors to be used as a very promising investment.[4] Indonesia as an agricultural country sees the importance of regulating land tenure, because based on the 1945 Constitution of the Republic of Indonesia, hereinafter referred to as the 1945 Constitution, it is stipulated in Article 33 paragraph (3).

In Article 1 paragraph (2) of Law Number 5 of 1960 concerning Agrarian Principles which states "All earth, water and space, including natural resources contained in the Territory of the Republic of Indonesia as a gift of God Almighty is the earth, water and space of the Indonesian nation and is the National wealth".[5] The term "controlled" as used in the aforementioned Article of the Basic Agrarian Law does not suggest ownership. Instead, it represents the State's role as Indonesia's ultimate governing body and its authority to enact land use legislation. This includes the regulation of land rights, such as granting land, designating land use, ensuring its maintenance, and overseeing legal transactions associated with these lands. Land rights are broken down into several categories in Article 16 paragraph 1 of the Basic Agrarian Law. These categories are: ownership, cultivation, building use, use, rental, land clearing, forest produce, and other rights not included.

Prior to the implementation of Law Number 5 of 1960 concerning Basic Agrarian Principles (commonly known as the Basic Agrarian Law and abbreviated as UUPA), the land sector in Indonesia was characterized by a split in the law. In some cases, western law would apply, while in others, customary law would take precedence. Customary agrarian law, namely the entirety of the agrarian law area that has its source in customary law and applies to lands owned with rights to land regulated by customary law, which is hereinafter often called Indonesian land or

[2] Haposan Siallagan, "Penerapan Prinsip Negara Hukum Di Indonesia," *Sosiohumaniora* 18, no. 2 (2016): 122–28, https://doi.org/10.24198/sosiohumaniora.v18i2.9947.
[3] Dinalara Dermawati Butarbutar, "Mengatasi Kepemilikan Tanah Absentee/Guntai," *PALAR (Pakuan Law Review)* 1, no. 2 (2015), https://doi.org/https://doi.org/10.33751/palar.v1i2.929.
[4] Masyitah Islami, "Analisis Faktor Yang Mempengaruhi Nilai Lahan Di Kawasan Pendidikan Kota Pekanbaru (Studi Kasus: Universitas Islam Riau)" (Universitas Islam Riau, 2019), https://repository.uir.ac.id/5729/.
[5] Islami.

customary land, for example ulayat land, individual property rights land. Meanwhile, western agrarian law itself is the entire agrarian law method based on western civil law, especially those based on BW or the Civil Code,[6] For example, Eigendom Land, Erfpacht Land, Opstal Land, Recht Van Gerbruik (Right of Use) and Brulkleen (Borrowing). Article 33 paragraph (3) of the 1945 Constitution states, in part, "The land, water, and natural resources contained therein shall be under the control of the state and shall be utilized to the greatest extent for the prosperity of the people." This provision is central to Indonesian law and was enacted to prevent disputes over land ownership.

Individuals' rights to govern and own agricultural land are constrained by the following provisions laid out in Article 3 of Regulation No. 18 of 2016 on govern of Agricultural Land Tenure issued by the Minister of Agrarian Affairs and Spatial Planning/Head of the National Land Agency: Uncrowded, at most 20 (twenty) hectares; less crowded, at most 12 (twelve) hectares; moderately crowded, at most 9 (nine) hectares; very crowded, at most 6 (six) hectares.

The decision to award the right establishes the limitations on ownership for legal entities. Implementation of land division and compensation is governed by Article 3, paragraph 1 of Government Regulation No. 224 of 1961, as revised and supplemented by Government Regulation No. 41 of 1964 : "Landowners who reside outside the sub-district where their land is located, within a period of 6 months must transfer their land rights to another person in the sub-district where the land is located or move to the sub-district where the land is located". This is reaffirmed in Article 7 paragraph (1) of the Regulation of the Minister of Agrarian Affairs and Spatial Planning/Head of the National Land Agency Number 18 of 2016 on Control of Agricultural Land Tenure.[7]

Article 10 of Law No. 5 of 1960, Concerning Basic Regulations on Agrarian Principles, mandates landowners to live in their subdistrict to properly maintain their land. Article 10 of Law 5 of 1960, Concerning Basic Regulations on Agrarian Principles, prohibits absentee ownership. The phenomenon of absentee ownership and the surpassing of agricultural land limits can give rise to unfavorable outcomes, including reduced productivity, disproportionately high rental prices for sharecroppers relative to agricultural yields, and the accrual of significant profits by landowners who are geographically distant from the land and do not actively engage in its cultivation. The current situation has led to a decline in social welfare, resulting in an exacerbation of wealth accumulation among landowners, while simultaneously perpetuating the plight of farmers and impoverished individuals, so rendering their suffering inescapable.[8]

[6] Muhammad Arba, *Hukum Agraria Indonesia* (Sinar Grafika, 2021).
[7] Anastasia Apsari Astutiningsih, "Peran Kantor Pertanahan Terhadap Pelaksanaan Larangan Kepemilikan Tanah Secara Absentee/Guntai Di Kabupaten Sukoharjo," *Jurnal Repertorium* 5, no. 1 (2018).
[8] Sigit Budi Prabowo, "Pemilikan Tanah Pertanian Secara Absentee Dan Pertanggung Jawaban Hukum Badan Pertanahan Kabupaten Boalemo Atas Penerbitan Sertifikat (Studi Kasus Di Kecamatan Paguyaman Kabupaten Boalemo)" (Brawijaya University, 2016).

Article 4 paragraph 1 of Regulation 18/2016 concerning Control of Agricultural Land Tenure emphasizes the prohibition of Absentee land ownership; however, Absentee land ownership persists in the South Lampung Regency because Lampung Province is known as an Agropolitan area, and the South Lampung area in particular has very fertile land because the rice fields get irrigation that is very sufficient for agricultural purposes.

In light of this situation, there is a significant demand for agricultural lands from entrepreneurs residing outside the region. However, it is observed that the primary objective of acquiring these lands is not for their intended agricultural use, but rather for absentee land ownership. It is noteworthy that a significant proportion of these land transactions have not been formally recorded at the South Lampung District Land Office. The absence of registration can be ascribed to the previous landowners' failure to fulfill the requisite registration procedure, as well as the lack of participation from public officials or authorized land transfer agents (PPAT) in the transactions of sale and purchase. Only local village officials possess knowledge regarding these transactions. Due to a lack of public awareness, absentee property ownership may be a viable option. All land disputes must be enforcing by the National Land Agency (BPN). The National Land Agency is responsible for upholding the law regarding government land ownership and obligations. It is the responsibility of the National Land Agency, as stated in Article 2 of Presidential Regulation No. 20 of Indonesia on the subject, to carry out governmental tasks in the land sector in accordance with statutory regulations. Article 1 of Presidential Regulation No. 20 of 2015 states, "The National Land Agency is a non-ministerial government agency under and responsible to the President."

The results of the study Suci Rahmadani [9] show that the implementation of PTSL in Medan City is based on the Regulation of the Minister of Agrarian and Spatial Planning/Head of the National Land Agency of the Republic of Indonesia Number 6 of 2018 and in accordance with the Technical Guidelines for Complete Systematic Land Registration Number 1/Juknis/-100.HK.02.01/I/2022 dated January 26, 2022. Incomplete requirements and land documents acquired from PTSL participants, public protests to BPHTB payments, and the existence of absentee land and abandoned land are just some of the problems the Medan City Land Office has encountered as a result of PTSL's implementation.

Based on research results Hani Handayani [10] Implementation of the Complete Systematic Land Registration Program (PTSL) Based on the Regulation

[9] Suci Rahmadani, "Analisis Hukum Pelaksanaan Peraturan Menteri Agraria Dan Tata Ruang/Kepala Badan Pertanahan Nasional Nomor 6 Tahun 2018 Tentang Pendataran Tanah Sistematis Lengkap Di Kantor Pertanahan Kota Medan," 2023, https://repositori.uma.ac.id/handle/123456789/20212.

[10] Hani Handayani, "Pelaksanaan Program Pendaftaran Tanah Sistematis Lengkap (PTSL) Berdasarkan Peraturan Menteri Agraria Dan Tata Ruang/Kepala Badan Pertanahan Nasional Republik Indonesia Nomor 12 Tahun 2017 Tentang Percepatan Pendaftaran Tanah Sistematis Lengkap Di Kabupat" (Universitas Islam Sultan Agung, 2019), http://repository.unissula.ac.id/15344/.

of the Minister of Agrarian Affairs and Spatial Planning / Head of the National Land Agency of the Republic of Indonesia Number 12 of 2017 concerning the Acceleration of Complete Systematic Land Registration in Subang Regency has been implemented The implementation of a complete systematic land registration program in Subang Regency has a positive effect on the creation of land order, especially on legal order and land administration order, which is indicated by the large number of land parcels that have been able to be certified in this land registration process. Since more people will have documentation of their land rights (in the form of certificates) and full land data, the number of land conflicts should go down.

Based on the description above, the purpose of this research is to analyze the implementation of the Regulation of the Minister of Agrarian Affairs and Spatial Planning / Head of the National Land Agency of the Republic of Indonesia Number 18 of 2016 concerning Control of Agricultural Land Tenure and what are the obstacles in its application at the South Lampung Regency Land Office.

2. Research Method

Normative jurisprudential research (the normative legal research method) served as the basis for this study's methodology). The normative juridical research method is library legal research conducted by examining library materials or mere secondary data.[11] The deductive technique of reasoning involves generating particular inferences from a broad premise that has been demonstrated to be true. The qualitative approach involves the analysis of an object, which, in this setting, designates an approach to study centered on the analysis of statutory rules. Empirical qualitative research methods were applied in this investigation. Qualitative methodology is a research procedure that produces descriptive data in the form of written or spoken words from people and observable behavior.[12] Empirical approach, namely by examining and collecting primary data obtained directly through research on the object of research by means of observation and interviews with the sources discussed in this study.[13] In accordance with the data that researchers need, Researchers should employ qualitative research techniques since the information required is textual rather than numeric or tabular.

3. Results and Discussion

[11] Virgianty Febri Wulandari, "Perlindungan Hukum Tenaga Kerja Dalam Sistem Pengupahan Tenaga Kerja Pt. Citra Bangun Karya," *SIBATIK JOURNAL* 2, no. 1 (2022), http://eprints.umg.ac.id/7388/.

[12] V Wiratna Sujarweni, "Metodelogi Penelitian," *Yogyakarta: Pustaka Baru Perss*, 2014, https://doi.org/10.31604/jips.v8i8.2021.2463-2478.

[13] David Tan, "Metode Penelitian Hukum: Mengupas Dan Mengulas Metodologi Dalam Menyelenggarakan Penelitian Hukum," *Nusantara: Jurnal Ilmu Pengetahuan Sosial* 8, no. 8 (2021): 2463–78.

Implementation of Regulation of the Minister of Agrarian Affairs and Spatial Planning/Head of the National Land Agency of the Republic of Indonesia Number 18 of 2016 on Control of Agricultural Land Tenure

Based on the political foundation of Indonesian agrarian law, namely Article 33 paragraph (3) of the 1945 Constitution states that "The earth, water and natural resources contained therein are controlled by the state and used for the greatest prosperity of the people". The implementation of this provision is emphasized in Article 2 of Law No. 5/1960 on the Basic Regulation of Agrarian Principles, better known as the Basic Agrarian Law (UUPA), that the right to control the state gives the authority to regulate and organize the allocation, use, supply and maintenance of the earth, water and space, determine and regulate legal relationships between people and the earth, water and space, determine and regulate legal relationships between people and legal acts concerning the earth, water and space.[14]

In connection with the state's authority above, the use of land must be managed and utilized optimally for current and future generations in order to create a just and prosperous society.[15] To regulate the utilization, ownership and control of agricultural land, Article 17 of the Basic Agrarian Law determines the maximum and minimum size of agricultural land that can be owned and controlled by a person or family, either with a hak milik or other rights.[16] The purpose of this provision is to raise farmers' living and working standards by allowing individuals or families to own or control agricultural property that does not fall below the minimum area requirement or exceed the maximum area requirement.

Land is a very important factor for the survival of society and the development of a nation.[17] The inseparability of land and human existence arises from the significant role that land management plays in ensuring human survival through the acquisition of food. Along with the increasingly important function of land for life and the existence of a close relationship, humans are competing to control and own the desired land plot because of its economic value for all aspects of life.[18] Land ownership is a common source of contention. Particularly in regards to property rights.

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[14] Darwis Anatami, "Tanggung Jawab Siapa, Bila Terjadi Sertifikat Ganda Atas Sebidang Tanah," *Jurnal Hukum Samudra Keadilan* 12, no. 1 (2017): 1–17, https://www.ejurnalunsam.id/index.php/jhsk/article/view/88.

[15] Fatimah Al-Zahra, "Melacak Landasan Hukum Pengelolaan Aset Tanah Negara Melalui Konsep Bank Tanah," *AL-IHKAM: Jurnal Hukum & Pranata Sosial* 12, no. 2 (2017): 405–28.

[16] Nadia Aurynnisa Prihandini, Supriyadi Supriyadi, and Zaenal Arifin, "Analisis Yuridis Pemecahan Tanah Pertanian Kurang Dari Batas Minimum Kepemilikan Tanah Pertanian Karena Pewarisan Di Kabupaten Pati," *Semarang Law Review* 2 (2022): 190–202.

[17] Didi Djadjuli, "Peran Pemerintah Dalam Pembangunan Ekonomi Daerah," *Dinamika: Jurnal Ilmiah Ilmu Administrasi Negara* 5, no. 2 (2018): 8–21, https://doi.org/10.25157/dinamika.v5i2.1409.

[18] Bambang Eko Muljono, "Pelaksanaan Peralihan Hak Atas Tanah Berdasarkan Perjanjian Pengikatan Jual Beli Dan Kuasa Untuk Menjual Yang Dibuat Oleh Notaris," *Jurnal Independent* 1, no. 2 (2013): 59–70, https://doi.org/10.30736/ji.v1i2.13.

However, Article 7 paragraph (1) of the Regulation of the Minister of Agrarian Affairs and Spatial Planning Number 18 of 2016 concerning Control of Agricultural property Tenure prohibits absentee property ownership : "The owner of agricultural land who resides outside the District where the land is located within 6 (six) months from the date of acquisition of the right must: transfer his land rights to another party domiciled in the District where the land is located; or move to the District where the land is located". Village officials are the only ones who know the land is owned absentee because the previous owner did not register it and the sale and purchase did not occur in front of a public official / PPAT. The public's ignorance of the issue creates a great opportunity for absentee land ownership.

Regulation No. 18 of 2016, "Control of Agricultural Land Tenure," was issued by the Minister of Agrarian Affairs and Spatial Planning/National Land Agency Head. This regulation restricts absentee land ownership. The primary objective of Regulation No. 18 of 2016, as outlined in Article 2, paragraphs 1 and 2, issued by the Minister of Agrarian Affairs and Spatial Planning/Head of the National Land Agency, is to address social inequality, promote equitable community welfare, safeguard food security, and regulate agricultural land tenure. Article 7 paragraph (1) stipulates as follows: "The owner of agricultural land who resides outside the sub-district where the land is located, within a period of 6 months from the date of acquisition of the right, must transfer his land rights to another party domiciled in the sub-district where the land is located, or move to the sub-district where the land is located", shows that absentee ownership of agricultural land according to the Legislation is prohibited.[19]

Because of its historical function, agriculture is best kept out of the hands of city dwellers. The Minister of Agrarian Affairs and Spatial Planning/Head of the National land Agency published Regulation No. 18/2016 that prohibits the absentee ownership of agricultural land as stated in Article 2, paragraph (1). The objectives encompassed in this framework are aimed at mitigating social disparities, promoting equitable distribution of resources within communities, and guaranteeing the availability of sufficient food supplies. The prohibition of absentee land ownership "does not apply to landowners whose residence is directly adjacent to the sub-district where their agricultural land is located, provided that the distance of the agricultural land owner's place still allows him to be able to work on his agricultural land properly and efficiently.[20]

Ignorance of the prohibition of absentee land ownership by farmers is what makes absentee land ownership occur, this is due to the customs and cultural

[19] I Wayan Putra Nugraha and Anak Agung Istri Ari Atu Dewi, "Larangan Kepemilikan Tanah Pertanian Secara Absentee Dan Pertanggung Jawaban Hukum Badan Pertanahan Di Kabupaten Tulungagung" (Udayana University, 2020).
[20] Elfira Permatasari, Habib Adjie, and Hardianto Djanggih, "Perlindungan Hukum Kepemilikan Tanah Absentee Yang Diperoleh Akibat Pewarisan," *Varia Justicia* 14, no. 1 (2018): 1–9, https://doi.org/10.31603/variajusticia.v14i1.2052.

values embedded in the farming community itself.[21] For example, many farming families who have managed to earn an income that can change their lives outside the area, over time will settle in the area, so they will sell their land to other people or their relatives. There are also landowners who do not hand over or transfer their land to anyone on the grounds that the land will be used as an investment in their future when they return to their area even with their success outside the area who earn a lot of income, want to buy agricultural land in their area. this will have an impact on new problems, namely land ownership that exceeds the maximum limit of all family members.

According to Roscoe Pound, in addition to functioning as social control, law also functions as a tool to change society or commonly called "Law as a tool of social engineering" (That Law is a tool to renew or engineer society) The hypothesis proposed by Roscoe Pound posits that the establishment of social control is essential for the advancement of human civilization, as it serves to regulate and mitigate antisocial conduct that runs counter to the established norms of social order. Law, in its capacity as a tool for social control, serves as the principal function of the state, operating through the systematic and regular exercise of force by duly constituted agents. Nevertheless, Pound contended that the efficacy of law is contingent upon its symbiotic relationship with many societal institutions, including but not limited to the family, education, morals, and religion. Law is a system of precepts with both ideal and empirical elements, combining both natural and positivistic legal theories.[22]

The theory of Law as a tool of social engineering put forward by Roscoe Pound which is reinforced by Mochtar Kusuma Atmaja with the theory of development that the function of law as a means of reforming society, can also be interpreted, that the law is used as a tool by the agent of change which is the pioneer of change, namely a person or group of people who gain the trust of the community as the leader of one or more social institutions in this term the law is expected to play a role in changing social values in society adapted to the situation and conditions in Indonesia.[23] Law as a tool of social engineering can also be interpreted as a means aimed at changing the behavior of citizens, in accordance with predetermined goals.[24]

The South Lampung District Land Office is implementing Regulation Number 18 of 2016 by the Minister of Agrarian Affairs and Spatial Planning/Head of the National Land Agency of the Republic of Indonesia on Control of Agricultural Land Tenure, but absentee land is preventing full implementation. Development philosophy promotes social equality, which drives agricultural land tenure rules. influence agents employ laws and regulations to influence a

[21] Astutiningsih, "Peran Kantor Pertanahan Terhadap Pelaksanaan Larangan Kepemilikan Tanah Secara Absentee/Guntai Di Kabupaten Sukoharjo."
[22] Lintje Anna Marpaung and M H SH, *Ilmu Negara* (Penerbit Andi, 2018).
[23] Tora Egen Sitompul and Lintje Anna Marpaung, "Penerapan Peraturan Pemolisian Masyarakat Di Provinsi Lampung," in *Prosiding Seminar Nasional Cendekiawan*, 2019, 2–67.
[24] Lintje Anna Marpaung and M H SH, *Hukum Tata Negara Indonesia Edisi Revisi* (Penerbit Andi, 2018).

community's thinking and behavior to follow the law. No. 18 of 2016 on the Maintenance of Food Security and the Reduction of Social Inequality in Indonesia intended to restrict agricultural land tenure. This principle holds that law can improve society.

Factors Hindering the Implementation of the Regulation of the Minister of Agrarian Affairs and Spatial Planning/Head of the National Land Agency of the Republic of Indonesia Number 18 of 2016 on Control of Agricultural Land Tenure

The means by which a policy aims to achieve its goals are of no more or lesser importance than the policy itself. When policies are effectively delivered to the community, they help bring about the hoped-for results. This is what is meant by "policy implementation." The chain of events includes the creation of supplementary regulations that clarify the policy. Government regulations, presidential decrees, presidential instructions, and regional rules are all derived from the same source document, the Government Regulations. These regulations serve as preparatory measures to facilitate the implementation of policies. They include the distribution of money and material resources like buildings and other infrastructure. Additionally, they outline the responsibilities of relevant stakeholders involved in executing the policy and provide guidance on effectively communicating and delivering the policy to the community.

Obstacles refer to various causes or events that impose limitations, hindrances, or barriers to the attainment of objectives. They are influential forces that might compel the termination of planned actions or initiatives. Obstacles hold significant significance in every effort or job. The completion of a task or job may be impeded by the presence of an obstacle that hinders the progress of the work. Obstacles refer to various circumstances or factors that have the potential to impede the successful execution and correct completion of an implementation process. Every individual consistently encounters challenges in their daily existence, originating from both internal and external sources. Obstacles refer to internal efforts that arise within an individual and possess the inherent quality or intention of undermining and impeding without conscious awareness.

Obstacles are typically characterized by their negative nature, since they have a tendency to impede or hinder the progress of an individual's actions. During the implementation of activities, various hindrances may arise, impeding the attainment of goals. Problems can appear in the form of development issues or while running the program itself. South Lampung Regency began a program to control agricultural land tenure after the Minister of Agrarian Affairs and Spatial Planning/Head of the National Land Agency of Indonesia published Regulation Number 18 of 2016. The program isn't flawless. In its execution, the South Lampung Regency Land Office has faced various obstacles.

According to Lawrence Meir Friedman's theory that when talking about law enforcement, it means that it must discuss the legal system, that the success or

failure of the application of law depends on the legal system running.[25] Legal system theory helps explain South Lampung Regency's struggles to implement Minister of Agrarian Affairs and Spatial Planning/Head of the National Land Agency of the Republic of Indonesia Regulation Number 18 of 2016 on the Control of Agricultural Land Tenure, which requires three key elements. These elements are:

1. Legal Substance, The concept being referred to encompasses the regulations, conventions, and regularities governing actual human conduct within a given framework. This encompasses the outcomes generated by individuals operating within the legal framework, such as the judgments they render or the novel regulations they establish. The aforementioned regulation, namely Regulation 18/2016 issued by the Minister of Agrarian Affairs and Spatial Planning/Head of the National Land Agency of the Republic of Indonesia, pertains to the governance of agricultural land tenure at the Land Office of South Lampung Regency. This regulation is a legal instrument that encompasses provisions and determinations aimed at effectively managing agricultural land tenure.
2. Legal Structure, Topics covered include the judicial and law enforcement establishments. Law enforcement agencies' judicial systems are integral parts of the overall legal structure. Regulation of the Minister of Agrarian Affairs and Spatial Planning / Head of the National Land Agency of the Republic of Indonesia Number 18 of 2016 Concerning Control of Agricultural Land Tenure is a legally binding document, but the South Lampung District Land Office lacks the resources and infrastructure to effectively implement it.
3. Legal culture, The focus lies on the cultural aspects encompassing basic patterns of behavior, beliefs, attitudes, and cognitive processes that shape the dynamics of social forces within a given culture. The South Lampung Regency Land Office lacks qualified staff because they don't understand the Regulation of the Minister of Agrarian Affairs and Spatial Planning / Head of the National Land Agency of the Republic of Indonesia Number 18 of 2016 on Control of Agricultural Land Tenure.

Drawing from Lawrence Meir Friedman's theoretical framework on the legal system, it can be deduced that suboptimal functioning of the legal product can be attributed to many factors inherent within the legal system. These factors encompass the legal substance, legal structure, and legal culture. Based on this theory, the implementation of the Regulation of the Minister of Agrarian Affairs and Spatial Planning / Head of the National Land Agency of the Republic of Indonesia Number 18 of 2016 concerning Control of Agricultural Land Tenure at

[25] Lindra Darnela, "Tinjauan Sistem Hukum Dalam Penerapan Peraturan Daerah (Perda) Syari'ah Di Tasikmalaya," *Asy-Syir'ah: Jurnal Ilmu Syari'ah Dan Hukum* 50, no. 1 (2016): 259–85, https://doi.org/10.14421/ajish.v50i1.175.

the South Lampung Regency Land Office has been implemented, but there are still obstacles in implementing the regulation.[26]

After that, the South Lampung District Land Office largely implemented the Minister of Agrarian Affairs and Spatial Planning / Head of the National Land Agency of the Republic of Indonesia Number 18 of 2016's agricultural land tenure monitoring restrictions. Due to limited facilities and infrastructure, the South Lampung District Land Office struggles to implement the Minister of Agrarian Affairs and Spatial Planning / Head of the National Land Agency of Indonesia's regulation. Since its employees aren't conversant with the Agricultural Land Tenure Control Regulation of the Minister of Agrarian Affairs and Spatial Planning/ Head of the National Land Agency of Indonesia Number 18 of 2016, the South Lampung District Land Office is understaffed. This is in line with the theoretical perspective of law presented by Lawrence Meir Friedman, who argues that several aspects of the legal system itself contribute to the subpar efficiency of legal commodities. This encompasses the entire body of law, including its doctrine, procedure, and standards.

The aforementioned text allows for the formulation of conclusions regarding the difficulties encountered in implementing Ministerial Regulation Number 18 of 2016, which pertains to the regulation of agricultural land tenure in South Lampung Regency. The Indonesian Minister of Agrarian Affairs and Spatial Planning and National Land Agency Head released the rule to strengthen farmland ownership regulation. The Indonesian Minister of Agrarian Affairs and Spatial Planning and National Land Agency Head issued the strengthening farmland ownership regulations. Lack of awareness of the Minister of Agrarian Affairs and Spatial Planning/Head of the National Land Agency of the Republic of Indonesia Number 18 of 2016's Control of Agricultural Resources has reduced the South Lampung District Land Office's personnel resources.

The results of this study are in line with research by Rahmadani[27] and Handayani[28] which have implemented the Regulation of the Minister of Agrarian and Spatial Planning / Head of the National Land Agency of the Republic of Indonesia Number 18 of 2016 concerning Control of Agricultural Land Tenure, but it has not been carried out optimally due to several obstacles. However, the obstacles encountered in this research are different from the research of Rahmadani and Handayani. In Research Rahmadani, the obstacles encountered are the lack of public awareness of the importance of land certificates, the

[26] B Erlina, S Endang Prasetyawati, and Nita Yolanda, "Analisis Pertanggungjawaban Pidana Terhadap Tindak Pidana Pengangkutan Satwa Yang Dilindungi Dalam Keadaan Hidup Secara Ilegal (Studi Putusan Nomor 592/Pid. B/Lh/2020/Pn. Tjk)," *Widya Yuridika: Jurnal Hukum* 4, no. 1 (2021): 153–64.

[27] Rahmadani, "Analisis Hukum Pelaksanaan Peraturan Menteri Agraria Dan Tata Ruang/Kepala Badan Pertanahan Nasional Nomor 6 Tahun 2018 Tentang Pendataran Tanah Sistematis Lengkap Di Kantor Pertanahan Kota Medan."

[28] Handayani, "Pelaksanaan Program Pendaftaran Tanah Sistematis Lengkap (PTSL) Berdasarkan Peraturan Menteri Agraria Dan Tata Ruang/Kepala Badan Pertanahan Nasional Republik Indonesia Nomor 12 Tahun 2017 Tentang Percepatan Pendaftaran Tanah Sistematis Lengkap Di Kabupat."

incompleteness of land requirements and letters in accordance with the history of acquisition from PTSL participants, public objections related to BPHTB payments, and the existence of absentee land and abandoned land. Whereas in research Handayani, the obstacles encountered include contradictory announcements of physical data and juridical data between the Regulation of the Minister of Agrarian Affairs and Spatial Planning / Head of the National Land Agency of the Republic of Indonesia Number 12 of 2017 concerning the Acceleration of Complete Systematic Land Registration with Government Regulation Number 24 of 1997 concerning Land Registration, Difficult to Apply the Contradictory Principles of Delimitation, Proof of rights and lack of public understanding of the complete systematic land registration program.

4. Conclusion

There has been some discussion and research done on the issue, and the findings suggest that the South Lampung District Land Office is applying Regulation Number 18 of 2016 concerning Control of Agricultural Land Tenure issued by the Minister of Agrarian Affairs and Spatial Planning/Head of the National Land Agency of the Republic of Indonesia, but not to its full potential. This is due to the fact that there are still numerous obstacles to solve before it can be used broadly. To back up their policy of controlling agricultural land tenure, especially absentee land ownership, the South Lampung District Land Office has inadequate human resources due to a lack of understanding of the provisions in the Regulation of the Minister of Agrarian Affairs and Spatial Planning / Head of the National Land Affair Agency and inadequate physical facilities and infrastructure.

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