

POLICY TO ESTABLISH A LAND BANK CHALLENGES TO THE ACCELERATION OF DEVELOPMENT

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Abstract - *The formation of a Land Bank in Indonesia raises pros and cons among the public in general, public concern over the state's control of vast agrarian resources, and demands for accelerated development to meet the needs of modern society in the form of adequate infrastructure through the National Strategic Project Agrarian reform, eternal food land. This study aims to provide direction for forming a land bank as an independent institution following the demands of development, "The law cannot hinder development" The law must respond to products in the global world that continue to increase normative juridical research methods. The research results show that Landbank policy in Indonesia is still a blurring of norms between the embodiment of development and private interests. Based on comparisons in several other countries, namely land banks in the United States and the Netherlands, the model of the two countries can be used as a basis for developing land banks in Indonesia, whether public land banks or mixed (public and private) land banks. Land more efficiently through controlling abandoned land or government assets scattered in every central, provincial, and regency/city government throughout Indonesia. The prospect of a land bank is to accelerate development policies as a fundamental concept in the Basic Agrarian Law (UUPA) principles that land embodies social justice. The challenge for accelerating development is the effectiveness and efficiency of land use in a civilized and noble manner. The state must protect poor people who do not own land through land banks, has adequate housing and food, and clothing.*

Keywords: *Equitable Development; Land Bank; Policy*

INTRODUCTION

Establishing a Land Bank in Indonesia raises pros and contras among the public. Community groups who are contra fear a repeat of land tenure by the government arbitrarily, like during the Dutch colonial period with *domein verklaring* policy, that is all land where other people cannot prove that the land belongs to them. The land belongs to the state (state domain). *Domain verklaring* is a policy/strategy of the Dutch Government to grant Western rights and expedite the Dutch Government's desire to take people's land based on law. The *domein verklaring* has expressly been rescinded through the Agrarian Law. It this transformed into a Land Bank was?¹

On the other hand, the land bank is a demand for accelerated development that continues to increase. The construction of the Jambi toll road to Palembang and Jambi to Rengat Pekanbaru has been hampered. The leading cause is the land compensation process that still needs to be completed. Even though this toll road will open Jambi Province to become the center of the island of Sumatra which has been planned since the separation of Jambi from Central Sumatra Province, this means how complicated it is for the state to acquire land for development. In fact, through Article 33 of the 1945 Constitution, the state controls the lives of many people.²

¹ Elita Rahmi, (2019) Legal Certainly of Land Registration Toward sustainable Nasional Development, *International Journal of Recent Technology and Engineering* 8 (259), p. 240-241.

² Rahma Winarti, Yusuf Hidayat, Anas Lutf, (2022) Eksistensi Dan Prospek Penyelenggaraan bank tanah, *Jurnal Magister Ilmu Hukum*, 7 (1), p 26-32.



The problem is whether the land bank is an independent institution or can be managed by an institutional structure within the National Land Agency (BPN). Based on Article 5 of Presidential Regulation (Penpres) Number 47 of 2020 concerning the Ministry of Agrarian Affairs and Spatial Planning. Regulates that one of the functions of the Ministry of Agrarian Affairs and Spatial Planning is land acquisition and land development; thus, the duties of the land bank have covered the scope of work of the Ministry of Agrarian Affairs to sufficiently maximize the institutional functions of the Ministry of Agrarian Affairs and spatial planning.³ Based on the conflicting norms above, land banks, on the one hand, and BPN institutions, on the other hand, are essential to consider from the aspect of state finances and the duties and institutional functions of the Ministry of Agrarian Affairs and Spatial Planning / National Land Agency.

As a comparison, the development of land banks in other countries, such as the Netherlands and the United States, shows that land banks have models in the form of public land banks and mixed land banks. Hence, the regulations of each country largely determine their development. Whether to establish a public land bank or a diverse land bank or both, namely a public land bank managed explicitly by the state through state-owned enterprises and a mixed land bank, namely a combination of the state and the private sector, in Indonesia these conditions must receive in-depth study, so that the existence of a land bank can contribute land efficiency, eliminate the land mafia and implement agrarian reform in earnest.⁴

Groups that support the establishment of a land bank need accelerated development, which is very urgent in the era of globalization, such as adequate infrastructure facilities that will improve people's welfare. Management of a good land bank for the community's welfare will make the facilities and infrastructure realized quickly.

The issue of Government Regulation Number 64 of 2021 concerning the Land Bank Agency shows the government's seriousness in establishing/forming a land bank agency as a new institution that addresses the issue of abandoned land, underutilized land either due to land conflicts or non-conflicts, such as slow land utilization due to lack of good planning alias land that is less effective and efficient so that with a land bank, can be minimized land speculation. The land bank will be able to accelerate development in Indonesia because with a land bank, public interests, social interests, national development interests, economic equity, and agrarian reform can support activities in planning, acquiring, procuring, managing, and utilizing and at the same time distributing land.

Based on land bank practices in several other countries. For example, Taiwan, as well as in several states in the United States, Central Europe and Eastern Europe, and South Africa, shows that the land bank has made a positive contribution to the efficiency and effectiveness of land and the acceleration of development in a country.⁵ Land has a big impact on the economy, especially the issue of business licensing or opening a business.⁶

Land banks in Indonesia, even though they are integrative, are still a legal ideal because the Constitutional Court decision regarding the termination of the issuance of derivative regulations for Law Number 11 of 2020 concerning Job Creation has been accommodated in development practices in Indonesia, including:

1. The existence of a policy on Land Management Rights. In the laws and regulations of Indonesia
2. There are government institutions as management rights holders, such as the Batam Authority (Batam Concession Agency-BP Batam), Jakarta Industrial Estate Pulo Gadung (JIEP), Surabaya Industrial Estate Rungkut (SIER) Surabaya, etc.

³ Hadi Arnowo, (2022) Peran Bank Tanah Dalam Pengaturan Penyediaan Tanah. *Journal Inovasi Penelitian*, 2 (9), p 3077 -3083.

⁴ Hairani Mochtar, (2013) Keberadaan Bank Tanah Dalam Pengadaan Tanah Untuk Pembangunan, *Cakrawala Hukum*, 18 (2), p. 127-135.

⁵ Hadi Arnowo, *Op.Cit*

⁶ Elvi Hidayanti & Nurul Listiyani, (2023) Juridical Analysis Of The Existence Of Land Bank On The Law About Work Creation, *International Journal of Educational Research & Social Sciences* 4 (1), p. 50.



Thus, in embryo, land banks in Indonesia have grown, and even since the 80s, the idea of forming a land bank has existed.⁷ It has yet to become a particular body, as envisioned in Government Regulation No. 64 of 2021 concerning the Land Bank Agency.

There is still ambiguity regarding the direction and policy for establishing a land bank, which is a challenge for the government that the formation of a new institution must have philosophical values that encourage land use for groups, overcome the problem of poverty, vulnerable groups, and do not make the rich richer and create new poverty and increase the length of poverty. Structural for rural communities and marginalized communities with limited access to agrarian resources.

Problems:

1. How is the policy of forming land institutions in Indonesia seen from the aspect of legal certainty?
2. What is the perspective of the Land Bank in Indonesia to accelerate development?

Research Objectives:

1. To analyze the regulations related to the establishment of a land bank in Indonesia so that certainty regarding the authority and substance of the particular land bank institution can be understood by the community as a whole.
2. To find the desired law, namely to minimize the balance of land tenure between the interests of specific groups (private) and public interests or development interests.

LITERARY REVIEW:

The literature review of the academic study of the Land Bank in Indonesia will be explored through 3 (three) developments in arrangements and teachings in the relationship between legal subjects and land, namely:

1. Law Number 5 of 1960 concerns Basic Agrarian Law (UUPA), specifically the theory or teachings of the State's Right to Control.
2. The idea of the formation of state institutions with a land bank model exists in several countries.
3. Development law theory
4. System integrative law theory

Based on the development of the teachings above, it will be known how quo vadis the establishment of a land bank in Indonesia so that the establishment of a land bank is expected to overcome development problems in Indonesia, namely inequality of land tenure, unfair distribution of land to vulnerable groups, farmers, poor people in rural areas, fishermen whose lives are very dependent on the use of land by the state. Each of these teachings is explained as follows:

a. Theory/teaching of the state's right to control over land

Law number 5 of 1960 concerning the Basic Agrarian Law (UUPA) was born September 24, 1960, which also proclaimed as National Farmers Day. Thus the philosophical value of establishing the UUPA is for the welfare of farmers (poor groups) as a symbol of an agrarian country where the people work as farmers. Because recognizing indigenous peoples in the UUPA and land has a social function, even the UUPA recognizes gender justice in land distribution and property rights regulation. Will be regulated in a special law; all of these principles are the direction for the development of land law and become the direction in the legal ideals of establishing a Land Bank in Indonesia

The theory of the State's Rights of Control over land is a theory that portrays state relations in the form of regulating state relations with related legal subjects. a. implementation of allotment, use the supply of earth and space b. the legal relationship between people and earth, water and space.

⁷ Maria Sumardjono (2008), Tanah Dalam Perspektif Hak Ekonomi Sosial dan Budaya, Jakarta: Kompas Gramedia, p. 50.



legal relationship between people and legal actions concerning earth, water, and space. The State Controlling Rights meant that the implementation could be delegated to local governments and customary law communities, simply necessary and not contrary to national interests.

b. The theory of the formation of Institutions/Agencies

Establishment of land banks in Indonesia based on PP 64 of 2021 concerning Land bank bodies consisting of XI Chapter 51 Article. LN RI Year 2021 Number 109. Establishment of a Land Bank Agency consisting of general provisions, functions, and duties of a Land Bank, land bank authorities, land bank assets, land bank structure, land bank administration, land bank land rights, financial management, accounting, reporting, and financial responsibility, Other provisions; Closing provisions.

Based on this structure, the Land Bank in Indonesia is quite broad, namely independent, and not only as land supply or land acquisition but also as distribution and commercialization, so whether this land bank will lead to agrarian reform, namely land distribution justice and what is the position of the land bank the relationship between the provision of land which has been under the authority of BPN, has changed to become the authority of the land bank.

c. Development Law Theory

Muchtar Kusumaatmadja's legal theory of development states that law renews society by modifying Roscoe Pound's social engineering theory "*Law as a social engineering tool*".⁸ Thus the law must appear in front of anticipating change, showing direction, and giving way to development, and law must not be anti-change and support the status quo. The law must be fostered and developed to provide space for development. The legal theory of development requires changes and well-planned development. Changes must first determine the direction and goals, and objectives.

d. Integrative Law Theory

Integrative legal theory is the development of developmental legal theory and progressive legal theory; globalization has become an international ideology; economic, financial, banking and industrial globalization has harmed the country. The integrative legal theory views law as a unit in Indonesia known as Pancasila as the source of all sources of law. In relation to land banks, the presence of land banks must be a solution for equal distribution of agrarian resources, protecting the peasant people and the welfare of the general public.

Land Bank has been extensively studied academically in journals and opinions and expert opinions spread in various readings, including:

1. Research from the Yogyakarta National Land College, Ministry of Agrarian Affairs and Spatial Planning/BPN in 2018 concerning the Formation of a Land Bank and its problems in Indonesia.
2. The thoughts of Rahma Winanti, Yusuf Hidayat, and Anas Luthi, who studied institutional aspects, Mechanisms for Utilization of Land Assets, where writing only focused on Government Regulation Number 64 of 2021 Concerning Land Bank Agencies and Presidential Regulation Number 113 of 2021 concerning the Structure and Implementation of Land Banks.
3. Hadi Arnowo's thoughts on the Role of the Land Bank in Arranging Land Provision, analyzing the Land Bank as a particular institution or institution outside the government that is autonomous/independent from the interests of the government and Hadi Arnowo's thoughts entitled Land Bank Asset Management to realize a just economy in his conclusion stated that banks Land plays a vital role in land provision to ensure land availability in realizing an equitable economy through planning activities, land acquisition, land acquisition, land management, land use, and land distribution.⁹ Land bank assets are separated from state assets.
4. Ranitya Ganindha's thoughts on the Urgency of Establishing a Land Bank Institution as an Alternative to the Provision of Land for the Public Interest, in his view, states that a land bank

⁸ Nur fadillah, (2022) Tinjauan Teori Hukum Pembangunan Mochtar Kusumaatmadja Dalam Undang-Undang Ibu Kota Negara (IKN), *Supremasi Hukum: Jurnal Kajian Ilmu Hukum* 11 (1), p. 47-49.

⁹ Hadi Arnowo, *Ibid*.



is a form of harmonization with Law Number 2 of 2012 concerning land acquisition for the public interest.¹⁰

Based on the above literature review, it can be said that an academic view of the formation of a land bank still requires a philosophical study of whether land banks can function as institutions that can be used as much as possible for the prosperity of the people, following the mandate of Article 33 of the 1945 Constitution, namely for agrarian reform, so that inequality in land ownership will widen.

In the study of the philosophy of regulation of state control rights based on Article 33 of the 1945 Constitution and Law Number 5 of 1960 concerning the UUPA, the legal relationship between land and rights holders recognizes 3 (three) legal subjects, namely national rights (general), state rights and rights individuals (private). For the public interest covering the interests of the nation and state and the interests of the wider community or the general public/Joint/development stipulated under Law Number 2 of 2012 and related to land banks executed through Law Number 11 of 2020 concerning Copyright Work. as well as Law Number 11 of 2020 concerning Job Creation

RESEARCH METHOD

The methodology used in analyzing research problems is normative juridical with historical, conceptual, statutory, and futuristic approaches. Primary, secondary, and tertiary legal materials are used for this purpose. Completed with a questionnaire and question and answer to respondents who were determined purposively simple. Analysis of legal material was carried out through qualitative and quantitative interpretation, using development legal theory and integrative legal theory, to accelerate Indonesia's development following the legal objectives, namely certainty, justice, and benefit for the welfare of the people who have the ideology of Pancasila. The presentation is carried out narratively in the form of an integrated paragraph

RESULTS AND FINDING

Results

1. Dynamics of Land Bank in Indonesia

History records that the institution of a land bank has been known for a long time in the existing government system, especially in areas that have developed development and demand for infrastructure development. Since the Dutch colonial era, the practice of buying and selling land known as *Grond Bedriff*, which could found in several places in Java, such as Batavia Semarang and Surabaya; during the independence period, the Grond Bedriff Institution turned into a Land and Building Company. In DKI Jakarta, around 1960, a land banking institution called the Land and Building Company Agency was formed, which had the function of buying, preparing, and selling land.

In Surabaya, there is Yayasan Kas Pembangunan Surabaya (YKPSI) which functions to provide plots of ready-to-build land and has a certificate equipped with infrastructure buildings and facilities. Based on the description above, the de facto land bank is not a new thing but is an existing development, according to the needs of the state, in this case, the present and future government (executive).

2. Portrait of Land Banks in the United States and the Netherlands A Comparison

Countries that have implemented land banks as part of accelerating their country's development, including European countries (Netherlands) and the United States, even since the 20th century, the implementation of banks in these countries has differed from one country to another, following the conditions developed in the Netherlands and the United States.

In the Netherlands, the land bank is only a public land bank; there is no mixed land bank, while in the United States, a land bank has developed in 2 (two) forms, namely a public land bank and a

¹⁰ Ranitya Ganindha (2016), Urgensi Pembentukan Kelembagaan Bank Tanah Sebagai Alternatif Penyediaan Tanah Bagi Masyarakat Untuk Kepentingan Umum, *Arena Hukum*, 9(3). P. 446.



mixed land bank. In the Netherlands, the land bank is under the guidance of the Ministry of Finance and Agrarian Affairs, in this case, agriculture and Fisheries. At the same time, in the United States, it is an independent bank and was formed under a special law; the result of cooperation between departments within the government, land bank activities are part of the national land program. In contrast, a mixed land bank can be an institution due to cooperation between the government and a non-profit institution.¹¹

The mechanism for organizing a land bank in the Netherlands goes through 3 (three) stages, namely the land collection stage, the land management stage, and finally, the land distribution stage, while in the United States, the mechanism for organizing a land bank consists of the collection or acquisition of land originating from abandoned land and tax confiscation stages the two stages of land management and land re-possession stage.¹²

From the comparison above, land banks in the Netherlands and the United States are differentiated in terms of regulation, the existence of land banks as public or mixed banks, and the work management of land bank operations. America, as a federal country, has several states. Hence, the regulation is with a particular law or an umbrella law that forms the basis for the laws under it (state), which are applied in several states, so that in the states, there are types of public land banks or mixed land banks. or both formed in states in the United States of America. The Land Bank Act in the United States was named *Housing and Economic Recovery Act* (HERA) during the administration of President Bush (2008). It was later refined into the Recovery and Reinvestment Act (ARRA) under President Obama (2009). Based on federal laws, the states in the United States develop their regulations according to the needs of their respective states. Do you want to set up a public land bank or a mixed bank?

This type of mixed land bank is widely applied in the United States; it is considered to accelerate the country's economy. It is different from the Netherlands, which only has 2 (two) land banks, namely State Domain Services (Domeinen), established in 1841, both public land banks and decentralized throughout the Dutch territory.

3. Agrarian Reform Towards Justice for Agrarian Resources Via Land Bank

Constitutional reform has had a significant influence on legal reform in Indonesia, a state in three dimensions, namely, the past, the present, and the future, is a series of common threads that must bring positive changes to the acceleration of development so that the legal gaps between these changes must be brought forward to an integrated legal system in the future, significant energy is needed by the executive in designing future legal reforms, one of which is agrarian reform. MPR Decree Number IX/MPR/2001 Concerning Agrarian Reform and Natural Resource Management has given rise to the Principles of Agrarian Reform that can improve the structure of control, ownership, use, and utilization of free resources and prevent conflicts from arising.¹³

Forming a land bank as a manifestation of agrarian reform is the right direction for the performance of a land bank in Indonesia. Land use optimization will be more developed through a land bank, and the effectiveness and efficiency of land use can be adequately monitored because all land must provide positive value for development. In the future, be it economic, social, and cultural values and even maintaining state security in the context of public welfare.

Equitable development is the vision of Agrarian Reform in Indonesia. Countries with demands for development must realize fair and civilized equity. (Windy Wulan Sari, Sri Setyadji-Repository.untag-sby.ac.id). Agrarian reform as a systematic effort, planned and carried out relatively quickly, within a certain and limited period, to create social welfare and justice and to pave the way for the formation of a new democratic and just society, which begins with rearranging land tenure, use and utilization and other natural resources and followed by supporting

¹¹ Fatimah Al Zahra (2017), Gagasan Pengaturan Bank Tanah untuk Mewujudkan Pengelolaan Aset Tanah Negara yang Berkeadilan, *Jurnal Ilmiah Administrasi Publik (JIAP)*, 3 (2). P. 100.

¹² *Ibid*

¹³ Ida Nurlinda, (2009) *Prinsip-Prinsip Pembaharuan Agraria (Perspektif Hukum)*, Jakarta: Rajawali Pers. P. 3-10.



programs to increase the productivity of farmers in particular and the people's economy in general (Dianto et al. for Indonesia).

Agrarian or land reform, as agrarian reform, is a significant change in the agrarian structure, which increases poor farmers' access to land and tenure certainty for those who cultivate the land. Indonesia, *Ocean Justice journal*, Vol. 10 Number 2 July-December 2015) pp. 191-193. From the view above, the formation of a land bank must be in the direction of agrarian reform, which is the aim of equitable development, so that there will be no more imbalances in agrarian control.

4. Regulation of the Land Bank in Indonesia

Referring to the constitution, namely the 1945 Constitution Article 4 and Article 33 paragraph 3, state control over the livelihood of the people at large. Article 2 of the UUPA implicitly can be interpreted as the existence of a land tenure body. Based on article 6 of the UUPA, it expressly states the social function of land, as well in land procurement agencies for public interest as well as Law Number 17 of 2007 concerning RPJP 2005-2025, the desire to form a Land Bank has been regulated. Presidential Regulation Number 2 of 2015 concerning the 2015-2019 RPJM even strictly stipulates that the government establishes a land bank before 2019

More concretely, the regulation of land banks in Indonesia is explicitly based on Law 11 of 2020 concerning Job Creation (Ciptaker), passed on October 5, 2020. The concept of a land bank in the Ciptaker Law functions to carry out land planning, acquisition, procurement, management, utilization, and distribution. Secretary General of the Ministry of Agrarian Affairs and Spatial Planning/BPN Himawan Arief Sugoto, the land bank, is a land manager whose function is to form a land management strategy to develop optimal land use. The legal consequence of establishing a land bank through the ratification of the Job Creation Law is the formation of a new agency that specifically manages land.¹⁴

Based on the decision of the Constitutional Court Number 11 of 2020 concerning Job Creation through decision Number 91/PUU-XVIII/2020, the Job Creation Law for 2 (two) years cannot produce derivative regulations that follow up on the Job Creation Law. Thus, of the 49 regulations issued before the stagnation of the Job Creation Law, including PP Number 64 of 2021 Concerning Land Banks. The land bank can be interpreted in 2 nomenclature, namely "*land banking*," which means land banking which is used to describe activities related to land banks, and "*land banks*," which is interpreted as the existence of an Institution or Cooperation between Institutions that are active in the field of land acquisition

Another regulation related to land banks is Law Number 2 of 2012 concerning Land Procurement for Development in the public interest. In the opinion of many experts, land banks should carry a vision for the realization of land for development, especially the public interest, which requires development facilities and infrastructure to encourage the growth and development of the community's economy.¹⁵ Based on the above arrangements, it can be said that land banks cannot be implemented temporarily as intended by PP 64 of 2021, but this does not rule out the possibility that with the refinement of Law Number 11 of 2020 concerning Job Creation, land banks will be established based on this government regulation.

5. The establishment of a land bank as a determinant of people's life aspirations

Forming a land bank, which is conjectured by the management of the livelihoods of many orangutans, requires a transparent process so that it does not become a new mode of land tenure towards land liberalization. Livelihoods of the masses, which are managed carelessly, will have a significant impact on development, namely in greater efficiency; irresponsible land acquisition modes seriously injure people's day because of procedures that are not transparent.

¹⁴ Rosmawati, (2023) The Existence of Land Bank Related to Law No. 11 of 2020 Concerning Employment Creation as an Alternative to Land Supply, *International Journal of Social Science Research and Review* 6 (3), P. 406.

¹⁵ Urip Santoso, (2016) Penyelesaian Sengketa Dalam Pengadaan Tanah Untuk Kepentingan Umum, *Perspektif: Kajian Masalah Hukum dan Pembangunan*, 21 (3). P. 188-196.



The Special Agency (*Sui generis*) is an institution outside the government to carry out some of the authorities which were previously the authority of the government but are autonomous/independent from government interests. Institutions of this kind can be seen at Bank Indonesia (BI). As an independent country, Indonesia needs a lot of infrastructure development. The Land Bank as an agency that could accelerate the implementation of agrarian reform within the framework of a just economy to ensure the creation of jobs and a decent livelihood.¹⁶ It can be said that establishing an institution that handles land acquisition is very important to avoid inequality of land/availability with the Government's efforts to carry out development.¹⁷

6. Prospective land bank in Indonesia

The Land Bank is an effort to realize substantive justice for land rights; this prospect can be realized if agrarian reform can be adequately implemented, land registration increases to more than 80 percent of existing land parcels¹⁸. It also inequality of land tenure can be resolved, for this reason, land redistribution through the program the acceleration of agrarian reform has become a determinant in sparking a land bank in Indonesia.

A land bank can only be realized by working hard to find and find lands that a land bank can manage with procedures made possible by laws and regulations in the land sector. How important it is for the existence of the Gauna Land Bank to minimize the land mafia that grows and develops rapidly as a result of increasing human needs in life, land as an investment develops due to land tenure that is difficult to control. The existence of a land bank will accelerate development, which can be ascertained that each development activity requires land and is large enough for the needs of the facilities and infrastructure of a business.

Finding

Based on the description above, the findings of this study are:

1. Quo Vadis Land Bank in Indonesia to realize agrarian reform so that the land bank functions to answer questions of justice in land distribution to address agrarian inequality.
2. The land bank is an effort to eradicate the land mafia that is out of control so that land speculators that frequently cause very high land prices can be minimized and controlled continuously.
3. The land bank is an effort to ensure the effectiveness and efficiency of existing land so that the principle of optimizing land use can be realized.
4. Establishing a particular institution to manage the land bank will accelerate development in Indonesia in all fields, be it economic, social, cultural, defense, or security.

CONCLUSION

Land bank policy in Indonesia is an unavoidable global demand for accelerated development, so the land bank must ensure that the position of the land bank is a demand for the realization of real welfare for the community, whether it is the embodiment of national development interests or the interests of strategic projects. Job creation and follow-up with Government Regulation (PP) Number 64 of 2021 concerning the Land Bank Agency indicates that the land bank model used as an example is similar to that found in Europe, in this case, the Netherlands.

The prospect of land banks in Indonesia, with a combination of the implementation of public interests and the interests of certain groups, is feared to increase land tenure gaps in Indonesia. For this reason, a land bank must align with Article 33 of the 1945 Constitution, the right to control the state, and the establishment of a new institution in the Indonesian government. The rights of

¹⁶ Usep Setiawan, "Quo Vadis" Bank Tanah," opinion, 2021, <https://www.kompas.id/baca/opini/2021/05/29/quo-vadis-bank-tanah/>.

¹⁷ Iswanto & Resti Dian Luthviati, (2021) Land Banks' Impact on Agrarian Reform and Equitable Land Redistribution, *Pena Justisia: Media Komunikasi Dan Kajian Hukum*, 20 (2), P. 90.

¹⁸ Elita Rahmi (2010), *Hukum Agraria dalam Sistem Hukum Indonesia*, Bandung: Unpad Press, p.5-10.



the nation, the rights of the state, and individual land rights are synergized and balanced so that the imbalance in land tenure must end.

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