

# The Important Role of the Land Bank Concept in Perspective Land & Agrarian Law in Indonesia

*By* Yahman Yahman



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**Abstract.** This study aims to determine the laws and regulations closely related to land bank regulations and how to harmonize land bank regulations in UUCK and Land Bank RPP against these laws and regulations. The research method used is normative legal research with a qualitative approach. This research refers to the Statute Approach to analyze laws and regulations related to Land Bank regulations and analyze the harmonization of Land Bank regulations against other laws and regulations, especially in the Land and Spatial Planning field. The results of this study are related to the rules and regulations on the implementation of land banks, among others, namely, Act No. 5 of 1960 concerning Basic Regulations of Agrarian Principles, Act No. 41 of 2009 concerning Protection of Sustainable Food Agricultural Land, Act No. 2 of 2012 concerning Land Acquisition for Development in the Public Interest, Act No. 26 of 2007 concerning Spatial Planning, Government Regulation of the Republic of Indonesia Number 11 of 2010 concerning the Control and Utilization of Abandoned Land, Presidential Regulation Number 86 of 2018 concerning Agrarian Reform, and there is harmonization and disharmonization of the articles of Land Bank regulation in the UUCK and Land Bank RPP against several other related laws. Regarding the practice of land banks, the Government needs to view cumulative justice, which lies in the equal opportunities that all people have to own Land, especially landless farmers, through land redistribution, the flagship program of land banks.

**Keywords:** Agrarian; Bank; Land.

### 1. Introduction

In the preamble to Constitution 45, among others, it is mandated that the State of Indonesia aims to (1) protect the entire nation and all Indonesian bloodshed, (2) promote the general welfare, (3) educate the nation's life and (4) participate in maintaining world order<sup>1</sup>, regarding goal number 2, which is to promote the

<sup>13</sup> Putera Astomo, "Politik Hukum Penyelenggaraan Sistem Pendidikan Nasional Yang Responsif Di Era Globalisasi," *Masalah-Masalah Hukum* 50, no. 2 (2021): 172–83.

general welfare the State is obliged to be able to fulfill basic rights for its citizens, such as shelter, decent work, adequate food, and a good environment. Therefore, the State is required to utilize static Land optimally.

It is further affirmed in the 1945 Constitution Article 33 paragraph (3) of the 1945 Constitution that the power given over the earth, water, and natural resources contained therein lies with the State, and for that, the State is obliged to regulate the ownership and lead its use. The goal is that all Land in all sovereign territories of the Indonesian nation is used for the greatest a of the people. In regulating the land sector, the State's tenure rights are further held and reaffirmed in Article 2, paragraph (1) of Act No. 5 of 1960 concerning Basic Regulations on Agrarian Principles<sup>2</sup>.

The need for Land for the Development of various sectors is increasing in line with the demands of economic growth and the insistence of the population. Data from the Directorate General of Land Acquisition (2020) shows that until the end of 2019, the achievement of land acquisition for the National Strategic Program (PSN) covering an area of 327 million M2 (32.7 thousand Ha) and for non-PSN covering an area of 33.7 million M2 (3,371 Ha). The need for land acquisition comes from central government ministries/agencies. If you add development plans by provincial and district/city governments, the amount of Land needed for public interest becomes even greater<sup>3</sup>.

The increase in land demand and limited availability of Land cause many problems in the land sector, including overlapping land tenure/ownership, the number of land speculators, the number of abandoned Land, the number of land disputes, the imbalance in land tenure and ownership structures, and political will friction over the demand for land availability for Development and the need for land protection for sustainable food agriculture. One alternative to overcome various land problems related to land availability is to form a land bank<sup>4</sup>.

The provisions regarding Land Banks have been regulated in the Job Creation Law (UUCK), passed on November 2, 2020, in Chapter VIII of Land Procurement, Part Four of Land, Articles 125 to Article 135<sup>5</sup>. The Job Creation Law needs to be followed up with its derivative regulations. The derivative rules needed are Government Regulations, Presidential Regulations, and Ministerial Regulations. A

<sup>2</sup> Indah Sari, "Hak-Hak Atas Tanah Dalam Sistem Hukum Pertanahan Di Indonesia Menurut Undang-Undang Pokok Agraria (UUPA)," *Jurnal Mitra Manajemen* 9, no. 1 (2020).

<sup>3</sup> (Sinaailele, 2017)

<sup>4</sup> Hari Candra and Afriva Khaidir, "Peluang Dan Tantangan Bank Tanah Menuju Pemukiman Berwawasan Lingkungan Di Indonesia," *Jurnal Ekonomi Dan Bisnis Islam* 5, no. 2 (2020): 1–20.

<sup>5</sup> Rizqi Asfhahani, "Analisa Yuridis Terhadap Pembentukan 'Holding Company' PT Pertamina (Persero) Dalam Perspektif Hukum Perusahaan" (Universitas Islam Riau, 2022).



Draft Government Regulation on Land Banks has been prepared<sup>6</sup>. The Land Bank RPP regulates the Duties and Functions, Authorities, Assets, Land Bank Organs, Land Bank Operations, Land Rights, Financial Management, Accounting, Reporting, Financial Accountability, Discretion, and Closing Provisions. In the RPP of the Land Bank Chapter X Discretion Article 49, it is stated that the Minister, as the Chairman of the Land Bank Committee, can exercise discretion to overcome concrete problems in terms of laws and regulations that provide choices, do not regulate, are incomplete, or unclear. There is government stagnation<sup>7</sup>. In addition to the Land Bank RPP, the Government is preparing a Presidential Decree on Land Bank Organs.

Since the ratification of the UUCK (in this paper limited to Land Bank regulations), there have been pro and con responses; the Government has opened opportunities for the community to provide input for improving the Land Bank RPP, as well as input for the Preparation of other Land Bank derivative regulations. It is necessary to review the Land Bank regulations from the concept of land law for the implementation of the Law and its implementing regulations to be directed in accordance with the objectives of establishing the State of Indonesia<sup>8</sup>. The implementation of the Law with an understanding that only uses one point of view (economic generation), is feared that it will bring land problems in the future, far from the goals of the Republic of Indonesia<sup>9</sup>. It is necessary to study the harmonization of Land Bank regulations on regulations, especially in the field of Land and Spatial Planning, especially to anticipate the issue of concerns that the mechanism for implementing land banks in the future will be biased towards aspects of partiality with the private sector so that it does not meet the principle of justice for the people.

Another research has been conducted by Raniya Ganindha (2016) entitled "The Urgency of Establishing Land Bank Institutions as an Alternative to Providing Land for the Community for Public Interest," this research explains that the concept of land banks is urgent to be applied in Indonesia. Because it is an alternative to providing Land for Development for the public interest. The land bank itself has meaning as a government or private land reserve carried out before development activities begin to avoid speculation on land prices. Land Bank is one of the means of natural resource management in the form of Land that is important to increase the productivity of land utilization. The methods used in land banks are market control and stabilization of local market land. Therefore, regulations are needed as

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<sup>6</sup> Nasridal Patria, *Memahami Pengadaan Pekerjaan Konstruksi (Berdasarkan Peraturan Presiden No. 16 Tahun 2018 Dan Peraturan Menteri PUPR No. 7 Tahun 2019)* (Deepublish, 2020).

<sup>7</sup> (Agrarian, 2020)

<sup>8</sup> (Santoso & SH 2017)

<sup>9</sup> (Hajar, Amrizal, Izahsyah, & Mahardika, 2022)

a legal umbrella for implementing land banks in Indonesia and the rules for institutions authorized to carry out land bank practices<sup>10</sup>.

Research conducted by Nila Trisna and Ilka Sandela (2021) entitled "The Existence of Land Banks in Agrarian Law in Indonesia"<sup>11</sup>, Development in Indonesia is increasing day by day, this has an impact on improving the need for Land. However, limited land availability will hamper the development process. Based on these conditions, a solution is needed that can guarantee land availability. In Act No. 11 of 2020 concerning Manpower, Creation provides an answer related to this, namely the establishment of a land bank to ensure the availability of Land that can be allocated for future use. The foundation for establishing a land bank is necessary because the State has state property rights and the obligation to create welfare and prosperity for all Indonesian people as stated in the preamble mandate and Article 33 of the 1945 Constitution of the Republic of Indonesia Year 1945 Indonesia, the regulation of land banks according to Act No. 11 of 2020 concerning Job Creation. Then, a land bank in Indonesia can be implemented through existing community land acquisition mechanisms and government designations for state land. In addition, land banks are not only for the Development of public interests aimed at profit but also to support Social Interest programs and non-profit Agrarian Reform.

This study aims to determine the laws and regulations closely related to land bank regulations and how to harmonize land bank regulations in the UUCK and Land Bank RPP against these laws and regulations.

## 2. Research Methods

The research method used is normative legal research with a qualitative approach, namely a study that refers to principles, legal concepts, and legal norms in laws and regulations<sup>12</sup>. This research refers to the Legislation approach (*Statute Approach*) to analyze laws and regulations related to Land Bank regulations and analyze the harmonization of Land Bank regulations against other laws and regulations, especially in Land and Spatial Planning. The paper's writing scope is limited to a review of Land Bank regulations from the Concept of Land Law and Agrarian Politics in Indonesia, with the locus of land regulations and spatial Planning.

<sup>10</sup> Ranitya Ganindha, "Urgensi Pembentukan Kelembagaan Bank Tanah Sebagai Solusi Pengadaan Tanah Bagi Pembangunan Untuk Kepentingan Umum Yang Nirkonflik," *Arena Hukum* 9, no. 3 (2016): 442–62.

<sup>11</sup> (Trisna & Sandela, 2021)

<sup>12</sup> (Nurhayati, Ifrani, & Said, 2021)



### 3. Result and Discussion

The discussion of the Land Bank in this paper is reviewed from the Concept of Land Law and Agrarian Politics. The national land law came into force on September 24, 1960, contained in Act No. 5 of 1960 concerning "Basic Regulations on Agrarian Principles," better known as the Basic Agrarian Law (UUPA). Agrarian Law is a field of positive Law that regulates the elements of natural resources, which are a unity of a piece of Land. In contrast, Land Law / Land Law specifically holds land tenure rights<sup>13</sup>. In managing natural resources (especially Land), land law and agrarian politics cannot stand alone but must respect and even comply with the provisions of other laws and regulations.

#### Some Laws and Regulations Related to Land Banks

Prof. Maria S.W. Sumardjono stated that the land bank is any government activity to provide Land that will be allocated for future use<sup>14</sup>. Based on their function, land banks are divided into 2 (two) categories, namely general land banking and project land banking, all of which aim to direct land use and influence (regulate) land prices.

Legally formally, the establishment of a land bank has been accommodated in the Job Creation Law and the Land Bank Government Regulation Draft. The implementation of land banks must be reviewed from various aspects and linkages with government policies, as follows<sup>15</sup>:

1. Act No. 5 of 1960 concerning Basic Regulations on Agrarian Principles. The linkage with land banks is in Article 3, namely:

"The authority derived from the right to control from the State in paragraph (2) of this article is used to achieve the greatest prosperity of the people, in the sense of happiness, welfare, and independence in society and the Indonesian legal State that is independent, sovereign, just and prosperous."

2. Act No. 2 of 2012 concerning Land Acquisition for Development for Public Interest. The relationship with land banks is in Article 4 Paragraph 1, namely:

"The Government and Local Government guarantees the availability of land for Public Interest."

<sup>13</sup> Muhammad Arba, *Hukum Agraria Indonesia* (Sinar Grafika, 2021).

<sup>14</sup> Cut Lina Mutia, "Bank Tanah: Antara Cita-Cita Dan Utopia," *Lex Jurnalica* 1, no. 2 (2004): 17931.

<sup>15</sup> (Winati, Hidayat, & Lutfi, 2022)



3. Act No. 41 of 2009 concerning the Protection of Sustainable Food Agricultural Land.<sup>10</sup> The linkage with land banks is in Article 9, Paragraphs 1-2, namely:

(1) Sustainable Food Agricultural Land protection is carried out based on the Sustainable Food Agricultural Land plan.

(2) Sustainable Food Agricultural Land Planning is carried out on:

- a. Sustainable Food Agriculture Area;
- b. Sustainable Food Farmland; and
- c. Sustainable Food Agriculture Reserve Land.

4. Government Regulation Number 23 of 2005 concerning Financial Management of Public Service Agencies jo Government Regulation Number 74 of 2012 concerning Amendments to Government Regulation Number 23 of 2005 concerning Financial Management of Public Service Agencies. The most likely land bank plan is as a Public Service Agency (BLU). Understanding BLU is an agency within the Government formed to provide services to the community by offering goods and services sold without prioritizing profit-seeking and carrying out its activities based on the principles of efficiency and productivity. Although BLU activities are not profit-seeking,<sup>22</sup> on the other hand, BLU must prepare a business plan by referring to the Strategic Plan of State Ministries/Institutions or Regional Medium-Term Development Plan.<sup>7</sup>

5. Government Regulation of the Republic of Indonesia Number 11 of 2010 concerning the Control and Utilization of Abandoned Land. The linkage with land banks is in Article 10, Paragraph 1, namely:

"Land designated as abandoned land as referred to in Article 9 paragraph (1), if it is the entire expanse, then the right to land is abolished, terminated its legal relationship, and confirmed to be land directly controlled by the State."<sup>27</sup>

6. Presidential Regulation Number 86 of 2018 concerning Agrarian Reform. The linkage with land banks is in Article 7, Paragraph 1, namely:

"The objects of land redistribution as referred to in Article 6 letter include<sup>16</sup>:

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<sup>16</sup> Ulfia Hasanah, "Redistribusi Tanah Terlantar Di Propinsi Riau," *Jurnal Ilmu Hukum* 5, no. 1 (2015): 75–88.



- a. HGU and HGB land that has expired and is not requested for extension and not asked for the renewal of its rights within 1 (one) year after the rights expire
- b. Land obtained from the obligation of HGU holders to surrender at least 20% (twenty percent) of the HGU land area that has changed to HGB due to changes in spatial plan designation
- c. Land acquired from the obligation to provide at least 20% (twenty percent) of the State Land area granted to HGU holders in the process of giving, extending or renewing their rights
- d. Land originating from the release of <sup>28</sup> forest areas and the results of changes in forest area boundaries determined by the Minister of Environment and Forestry as a source of Land Objects of Agrarian Reform (TORA) include:
  - 1) Land in forest areas that laws and regulations have released becomes TORA
  - 2) Land in forest areas that have been controlled by the community and have been completed by the provisions of laws and regulations
- e. State Land was a formerly abandoned land that was utilized for the benefit of the community and the State through Agrarian Reform
- f. Land resulting from the settlement of Agrarian Disputes and Conflicts
- g. Ex-mining Land outside the forest area
- h. Embossed soil
- i. Land that meets the requirements for strengthening people's rights to Land, including:
  - 1) Land granted by the company in the form of social and environmental responsibility
  - 2) Consolidated Land whose subjects meet the criteria of Agrarian Reform
  - 3) The remaining Land donated Land for Development and Land instead of the cost of implementing Land Consolidation that has been agreed to be given to the Government as TORA
  - 4) State land that





the community j has controlled. Land of former Erpacht rights, former particle land, and former Eigendom land covering an area of more than 10 (ten) that are still available and meet the provisions of the Law as objects of redistribution

k. Maximum excess soil, absentee soil

l. Land swapraja/former swapraja that is still available and meets the provisions of the Law as an object of land redistribution

7. Act No. 26 of 2007 concerning Spatial Planning.

The linkage with land banks is in Article 33 Paragraph 3, namely:

Land stewardship in the planned space<sup>20</sup> for the construction of infrastructure and facilities in the public interest gives the Government and local governments the right of priority to receive a transfer of land rights from land rights holders.

#### **Harmonization of Land Bank regulations in UUCK and Land Bank RPP against related laws and regulations**

The land bank has a role, as stated in Article 3 of Act<sup>14</sup> 5 of 1960, concerning Basic Regulations on Agrarian Principles<sup>3</sup> namely having authority derived from the right to control from the State, which is used to achieve the greatest prosperity of the people, in the sense of happiness, welfare, and independence in society and the Indonesian legal State that is independent, sovereign, just and prosperous. This is because land banks will obtain Management Rights based on the Job Creation Law. Based on Article 3 of Act No. 5 of 1960, land banks can cooperate in utilizing Land Management Rights.

Establishing the Land Bank is<sup>2</sup> a breakthrough in the land acquisition cluster's omnibus Law of Job Creation. This is a new thing in Indonesia, one of the solutions to land<sup>2</sup> problems in Indonesia. If observed in the UUCK related to Land Bank article 126, the existence of a Land Bank is very important in ensuring the availability of Land in the framework of a just economy for public interests, social interests, national development interests, economic equity, land consolidation, and agrarian<sup>14</sup> Reform. The purpose of establishing the Land Bank is to ensure the realization of the provisions formulated in Article 33 paragraph (3)<sup>3</sup> of the 1945 Constitution, along with its amendments, and support sustainable, fair, and equitable national Development for the benefit of the people<sup>17</sup>. In addition, the purpose of establishing a Land Bank is also expected to control regional Development

<sup>17</sup> Aartje Tehupeiory, "Eksistensi Bank Tanah Dalam Omnibus Law," *Media Indonesia*, 2020, 4.

efficiently and effectively and control land tenure and utilization fairly and reasonably in carrying out Development.

<sup>2</sup> Article 3 of the Land Bank RPP states that the functions of the Land Bank include Planning, land acquisition, land acquisition, land utilization, and land distribution<sup>18</sup>. To carry out the function of land acquisition, the land bank can obtain Land determined by the Government or other parties. Article 7 of the Land Bank RPP states that Land determined by the Government, as referred to in Article 6 letter a, can consist of state land:

- a. Land of former rights;
- b. Abandoned areas and lands;
- c. Land release of forest areas;
- d. Embossed soil;
- <sup>8</sup> e. Reclaimed Land;
- f. Ex-mining Land;
- g. Land of small islands;
- h. Land affected by spatial change policy;
- i. Land on which there is no possession; and
- j. Other soil.

The source of land acquisition in the land bank partly has similarities with the object of land redistribution in Presidential Regulation No. 86 of 2018 concerning Agrarian Reform. Likewise, the Land Bank guarantees the availability of Land for agrarian Reform. Regarding the source of land acquisition and guaranteed land availability, it is considered to have harmonization between UUCK, RPP Land Bank, and Presidential Regulation No. 86 of 2018.

Agrarian Reform is a more equitable restructuring of the structure of control, ownership, use, and utilization of Land through Asset Management and accompanied by Access Arrangements for the prosperity of the Indonesian people

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<sup>18</sup> (Erdiana, Santoso, & Prasetyo, 2021)



<sup>19</sup>. Land Object of Agrarian Reform, abbreviated as TORA is an island controlled by the State and Land owned by the community to be redistributed or legalized. Agrarian Reform aims to:

- a. Reduce inequality in <sup>2</sup> land tenure and ownership to create justice;
- b. Handling Agrarian Disputes and Conflicts;
- c. Creating a source of prosperity and well-being
- d. Agrarian-based society through regulation
- , e. Mastery, possession, use, and utilization
- f. Soil;
- g. Creating jobs to reduce
- h. Poverty;
- i. Improve community access to economic resources;
- j. Increase food security and sovereignty; and
- k. Improve and maintain the quality of the environment.

The objects of land redistribution that have been determined as referred to in Article 7 of Presidential Regulation No. 86 of 2018 include:

- a. Redistribution of Land for agriculture; and
- b. Redistribution of Land for non-agricultural.

However, there is an opportunity for disharmonization in implementing land distribution. The articles in the UUCK and RPP of the Land Bank regulate more about Development for a public interest, economic improvement, and investment. For Land obtained from TORA objects, whether the mechanism is directly through land redistribution, both agricultural and non-agricultural, or must be collected first to the land bank, then given management rights. It can be distributed to parties in need.

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<sup>19</sup> Muhammad Ilham Arisaputra and M Kn SH, *Reforma Agraria Di Indonesia* (Sinar Grafika (Bumi Aksara), 2021).

Review of land acquisition, as stated, the function of the Land Bank in the RPP of the Land Bank Article 3 paragraph (1) point c is land acquisition. Land acquisition Article 9 of the Land Bank RPP is stated to be carried out through the mechanism of land acquisition stage for Development for public interest or direct land acquisition. The concept of a Land Bank guarantee on the availability of Land for the public interest is in line with Act No. 2 of 2012 concerning Land Acquisition for Development for the Public Interest. However, in terms of implementation, it can cause opportunities for disharmonization where in Act No. 2 of 2012, it is regulated that Land Acquisition for Public Interest is carried out through stages:

- a. Planning;
- b. Preparation;
- c. Implementation; and
- d. Submission of results.

Article 14 of Act No. 2 of 2012 stipulates that agencies that require Land make plans for Land Acquisition for Public Interest according to the provisions of laws and regulations. Meanwhile, in the Land Bank RPP, it is stated in articles 23 and 24 that the authority of the Land Bank is to prepare a master plan which is the Land Bank area planning.

The review of agricultural areas in Article 10 of the Land Bank RPP includes Land Management consisting of soil development activities. In Article 11, paragraph (2), it is stated that land development, as referred to in paragraph (1), can be in the form of the Development of industrial estates, tourism areas, housing or settlements, agriculture, plantations, and other forms of Development that support the activities of the Land Bank <sup>20</sup>. The discussion focused on land management for agricultural areas, which is regulated very little in the Land Bank RPP. In the Explanatory Chapter, Article 11 paragraph (1) point c states that what is meant by "integrated area development" is the Development of areas based on various functions integrated into one area consisting of:

- a. Development of integrated areas with transportation systems / Transit Oriented Development;
- b. Development of agricultural/metropolitan-based areas;
- c. Development of fisheries/Neapolitan-based areas; and

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<sup>20</sup> (Adharani & Nurzaman, 2017)

d. Development of air transportation-based areas/*atrociti*.

When juxtaposed with Act No. 41 of 2009 concerning the Protection of Sustainable Food Agricultural Land, there is no correlation between the harmonization of Land Banks in ensuring the availability of Land for the Protection of Sustainable Food Agricultural Land (LP2B).

In the concept of sustainable Development, in addition to paying attention to economic generation, it is also necessary to pay attention to food security, so it is essential to allocate land availability for LP2B. The Land Bank needs to accommodate the availability of Land for LP2B to align with the provisions of UUCK Article 44 paragraph (2). Regarding public interest and National Strategic Projects, Sustainable Food Agricultural Land, referred to in paragraph (1), can be converted and implemented per the provisions of laws and regulations. Furthermore, in paragraph (3) that the conversion of Land that has been designated as Sustainable Food Agricultural Land for a public interest, as referred to in paragraph (2), can only be carried out with the following conditions:

- a. A strategic feasibility study was conducted;
- b. Land use change plan is prepared;
- c. Waived ownership of rights from the owner;
- d. And replacement land is provided for the converted Sustainable Food Agricultural Land.

The review of the implementation of the Land Bank against the Spatial Planning Regulation (Act No. 26 of 2007 concerning Spatial Planning) has shown harmonization, especially in Article 17 of the Land Bank RPP with Article 33 Paragraph 3 of Law No 26 of 2007, namely:

Land stewardship in the planned space for the construction of infrastructure and facilities in the public interest gives the Government and local governments the right of priority to receive a transfer of land rights from land rights holders.

Several reviews of the harmonization of land bank regulations against related laws and regulations show that there is harmonization and disharmonization between the two. Therefore, the existence of the Land Bank needs to be made strict controls regulated in government regulations as its implementation so that it is clearer the existence of the Land Bank that does not confuse the public, which is not the meaning of a bank in the financial sector, which has been known to the public with the principle of prudence, the focus of respect for community rights, and the direction of justice.





The substance in the Land Chapter of the Job Creation Bill should focus on "land" and "legal certainty and justice for its rights holders." The role of Land in providing benefits for the people of Indonesia should be no exception; beneficial for large investors and small investors, corporations and indigenous peoples, farmers, and exploration. So that the Indonesian people return to being masters in their own Land, legal certainty can be achieved.

#### 4. Conclusion

The Government sees that land banks are necessary to guarantee public interests, social interests, social development interests, economic equity, economic land consolidation, and Agrarian Reform. However, the existence of various kinds of public responses related to regulations regarding land acquisition, especially land banks in the Job Creation Law, proves that the general needs a deep understanding of all these policies and developments. Therefore, there is a need for socialization from the Government, both business actors and the public in general. Another thing that can be done is the regulation of absentee lands so that thus it can be avoided the collection of land control by certain individuals or groups can also be avoided the indication of making Land solely an investment object. If this is implemented, it will benefit an institution called a land bank. With regard to the practice of land banks, the Government needs to view cumulative justice, which lies in the equal opportunities that all people have to be able to own Land, especially landless farmers, through land redistribution, which is the flagship program of land banks.

#### 5. References

##### Books:

Agraria, Konsorsium Pembaruan. "Catatan Akhir Tahun 2020." *Edisi Peluncuran I: Laporan Konflik Agraria Dan Masa Pandemi Dan Krisis Ekonomi*. Jakarta: Konsorsium Pembaruan Agraria, 2020.

Arba, Muhammad. *Hukum Agraria Indonesia*. Sinar Grafika, 2021.

Arisaputra, Muhammad Ilham, and M Kn SH. *Reforma Agraria Di Indonesia*. Sinar Grafika (Bumi Aksara), 2021.

Santoso, Urip, and M H SH. *Hukum Agraria: Kajian Komprehensif*. Prenada Media, 2017.

Tehupeiory, Aartje. "Eksistensi Bank Tanah Dalam Omnibus Law." *Media Indonesia*, 2020, 4.



**Journals:**

Adharani, Yulinda, and R Adi Nurzaman. "Fungsi Perizinan Dalam Pengendalian Pemanfaatan Ruang Di Kawasan Bandung Utara Dalam Kerangka Pembangunan Berkelanjutan." *Bina Hukum Lingkungan 2*, no. 1 (2017): 1–13.

Asfhahani, Rizqi. "Analisa Yuridis Terhadap Pembentukan 'Holding Company' PT Pertamina (Persero) Dalam Perspektif Hukum Perusahaan." Universitas Islam Riau, 2022.

Astomo, Putera. "Politik Hukum Penyelenggaraan Sistem Pendidikan Nasional Yang Responsif Di Era Globalisasi." *Masalah-Masalah Hukum 50*, no. 2 (2021): 172–83.

Candra, Hari, and Afriva Khaidir. "Peluang Dan Tantangan Bank Tanah Menuju Pemukiman Berwawasan Lingkungan Di Indonesia." *Jurnal Ekonomi Dan Bisnis Islam 5*, no. 2 (2020): 1–20.

Erdiana, Nila, Budi Santoso, and Mujiono Hafidh Prasetyo. "Eksistensi Bank Tanah Terkait Pengadaan Tanah Berdasarkan Undang-Undang Cipta Kerja." *Notarius 14*, no. 2 (2021): 930–42.

Ganindha, Ranitya. "Urgensi Pembentukan Kelembagaan Bank Tanah Sebagai Solusi Pengadaan Tanah Bagi Pembangunan Untuk Kepentingan Umum Yang Nirkonflik." *Arena Hukum 9*, no. 3 (2016): 442–62.

Hajar, Nalil Khairiah Dr Siti, Dedi Amrizal, Jehan Ridho Izharsyah, and Ananda Mahardika. *Perencanaan Pembangunan & Pembuatan Kebijakan Daerah: Dari Teori Ke Praktik*. Vol. 1. umsu press, 2022.

Hasanah, Ulfia. "Redistribusi Tanah Terlantar Di Propinsi Riau." *Jurnal Ilmu Hukum 5*, no. 1 (2015): 75–88.

Mutia, Cut Lina. "Bank Tanah: Antara Cita-Cita Dan Utopia." *Lex Jurnalica 1*, no. 2 (2004): 17931.

Nurhayati, Yati, Ifrani Ifrani, and M Yasir Said. "Metodologi Normatif Dan Empiris Dalam Perspektif Ilmu Hukum." *Jurnal Penegakan Hukum Indonesia 2*, no. 1 (2021): 1–20.

Patria, Nasridal. *Memahami Pengadaan Pekerjaan Konstruksi (Berdasarkan Peraturan Presiden No. 16 Tahun 2018 Dan Peraturan Menteri PUPR No. 7 Tahun 2019)*. Deepublish, 2020.



Sari, Indah. "Hak-Hak Atas Tanah Dalam Sistem Hukum Pertanahan Di Indonesia Menurut Undang-Undang Pokok Agraria (UUPA)." *Jurnal Mitra Manajemen* 9, no. 1 (2020).

Sinilele, Ashar. "Tinjauan Yuridis Terhadap Pelaksanaan Pengadaan Tanah Bagi Pembangunan Untuk Kepentingan Umum Di Kota Makassar." *Jurnal Al-Qadau: Peradilan Dan Hukum Keluarga Islam* 4, no. 1 (2017): 1–24.  
Tehupeiory, Aartje. "Eksistensi Bank Tanah Dalam Omnibus Law." *Media Indonesia*, 2020, 4.

Trisna, Nila, and Ilka Sandela. "Eksistensi Bank Tanah Dalam Hukum Agraria Di Indonesia." *Ius Civile: Refleksi Penegakan Hukum Dan Keadilan* 5, no. 1 (2021).

Winati, Rahma, Yusuf Hidayat, and Anas Lutfi. "Eksistensi Dan Prospek Penyelenggaraan Bank Tanah." *Jurnal Magister Ilmu Hukum* 7, no. 1 (2022): 25–40.

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