

THE CONCEPT OF LAND BANK FROM THE PERSPECTIVE OF LAW AND AGRARIAN POLITICS IN INDONESIA

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Abstract

This study aims to determine laws and regulations that closely related to the regulations of land bank and how to harmonize the regulations in Job Creation Law and Regulation of Land Banking toward general constitution. This method of this research used normative legal research with a qualitative approach. This study refers to the Statute Approach of Analysis which has an aim to analyze the constitution and regulations related to Land Bank regulations and the harmonization regulations to other regulations, especially in field of Land and Spatial Planning. The results of this study are related to the laws and regulations for the operation of land banks, such as: Constitution number 5/1960 regarding the Basic Agrarian Regulations, Constitution Number 41/2009 regarding Sustainable Food Farmland Protection, Constitution number 2/2012 concerning on Land Procurement for Development in Public Interest, Constitution number 26/2007 concerning on Spatial Planning, Government Regulation of Republic Indonesia Number 11/2010 concerning on Control and Utilization of Abandoned Land, Presidential Regulation Number 86/2018 concerning on Agrarian Reform, and there is a harmonization of the articles of regulation in Job Creation Law and the Regulation of Land Bank toward several other related regulations. Related to the practice of land bank, the government needs to observe a cumulative justice in the equality of every people opportunity to own a land, especially landless farmers, through land redistribution which is the main program of land banks.

Keywords: Land Bank, Land Law, Agrarian Politics JEL : K10, K11

INTRODUCTION

In preamble of Indonesian 1945 Constitution, it is mandated that Republic of Indonesia has an aim to (1) protect the entire nation of Indonesia, (2) develop the general welfare, (3) educate the nation's life and (4) participate in maintaining world regularity. Regarding the second purpose of developing general welfare, basically country is obliged to fulfill the basic rights for citizens such as having a proper house, decent work, sufficient food and an adequate environment. Therefore, State is required to make optimal use of static land.

Moreover, emphasized on 1945 Constitution Article 33 (3) of the 1945 Constitution which indicated that the power that was given to earth, water and natural resources are exist in Indonesia, and the State is obliged to regulate ownership and its use. It means that every land in the entire sovereign territory of Indonesian is used for the source of people prosperity. In the regulation of land sector, the right to control the country is also further regulated and reaffirmed in Article 2 paragraph (1) of Constitution Number 5/1960 concerning on Basic Regulations of Agrarian Principles.

The requirement for land development of various sectors is increasing due to the demands of economic growth and the pressure of population. The data from

Directorate General of [1] indicated that until the end of 2019 the achievement of land acquisition for National Strategic Program (NSP) covering an area of 327 million M² (32.7 thousand Ha) and non-NSP has 33.7 million M² (3,371 Ha). The requirement for land acquisition comes from the ministry/central government agency. If it added by the provincial and district development plans, the amount of required land for public purposes will be higher[2].

The increasing demand and the limited availability of land cause many problems of land sector, including the overlapping of land ownership, the amount of land speculators, abandoned land, land disputes, the imbalance of land structure and ownership, and the friction of political over the demand for land availability for the development of land protection for the sustainable of food agricultural land. an alternative to overcome various land problems related to land availability is to establish a land banking.

The constitution regarding Land Banks have been regulated in the Job Creation Act (UUCK) which was ratified on November 2, 2020, Chapter VIII Land Acquisition, Fourth Part Land, Article 125 to Article 135. Job Creation Law needs to be followed up by its derivative regulations. The derivative regulations needs Government Regulations, Presidential Regulations and Ministerial Regulations. Currently, the Draft of Government Regulation on Land Banking has been drafted. The Land Banking of RPP that regulates the Duties and Functions, Authorities, Assets, Land Bank Organs, Land Bank Operations, Land Rights, Financial Management, Accounting, Reporting, and Financial Accountability, Discretion, and Closing provisions [3]. In the Land Banking regulation Chapter X Discretion Article 49 it is stated that the Minister as the leader of Land Bank Committee can exercise the discretion to overcome concrete problems in terms of laws and regulations that provide several choices, to not regulate, include as incomplete or unclear, and if there is a stagnation of government. Beside the Land Bank Regulation, the government is currently draft a Presidential Regulation on Land Banking Organs.

Since the enactment of Job Creation Act (limited to the regulation of Land Banking) there have been pro and contra responses, the government has opened up opportunities for public to provide the input to improve the regulation of Land Banking and the input of other Land Banking derivative regulations. It is necessary to review the Land Banking regulations from the concept of land constitution, for the sake of implementing Act and its regulations, it is in line with the objectives of the establishment of the State of Indonesia. The Implementation of Act with an understanding that only uses one point of view from economic generation, it could lead to the future land problems, because it is far from the goals of Republic Indonesia. It is necessary to study the harmonization of Land Banking regulations especially in field of land and spatial planning, especially to anticipate the issue of concerns for the mechanism of Land Banking implementation in the future will actually tend to side up with the private sector, therefore it does not fulfill the principle of people justice.

Another study was conducted by [4] entitled "The Urgency of Establishing Land Bank Institutions as an Alternative for Providing Land for the Community for Public Interest", This study explains that the concept of land banking is very urgent to be applied in Indonesia. As an alternative to provide land for the development in public interest. Land banking has a meaning as government or private land reserve that is carried out before the development of activities begin in order to avoid land price speculation. Land Banking is one of the natural resource management in form of land which is important to increase the productivity of land use. The methods used in land bank are a control and local market land stabilization. Therefore, regulations are required as the legal basis for the Land Banking implementation in Indonesia and regulations related to the authorized institution to implement the practices of Land Banking [5].

The Research conducted by [6] entitled "The Existence of Land Banks in Agrarian Law in Indonesia", Development in Indonesia is increasing day by day, it has an impact on increasing the need for land. However, the limited availability of land will slowed down the development process. Based on these conditions, a solution is needed to guarantee the availability of land. In constitution Number 11/2020 concerning on Manpower Creation provides a solution related to this, namely the establishment of a land bank to ensure the availability of land that can be allocated for future use. In constitution Number 11/2020 concerning on Manpower Creation provides a solution related to the establishment of land banking which has an aim to ensure the availability of land that can be allocated for future utilization. The foundation for establishing land banking is necessary because the state has property rights and the obligation to create prosperity for Indonesian people [7] as stated in the opening mandate and Article 33 of 1945 Indonesian Constitution. As for the land bank arrangement according to Law Number 11 of 2020 concerning Job Creation. the concept of implementing land banking in Indonesia can be implemented through the existing mechanism for land acquisition of community rights and government stipulation for land that own by state. besides, the land bank is not only for the development of public interest which aims to seek profit, but also for the purpose to support the Social Interest program and non-profit agrarian reform. The purpose of this study is to find out the laws and regulations that closely related to land banking regulations and how to harmonize land bank regulations in the Job Creation Law and Land Bank regulation towards these laws and regulations [8].

LITERATURE REVIEW

in the context of urban spatial planning, The concept of land banking is not something new. Land banking policy was first carried out in St. Louis, which is the state of Missouri, United States with the name *St. Louis Land Reutilization Authority*. European countries such as the Netherlands, Switzerland, Sweden and several other countries have also implemented land banking policies. Meanwhile, Southeast Asia, Singapore and Thailand have participated in implementing land banking policies for the past few years. The concept of land banking is motivated by the government's awareness to regulate the better urban spatial planning, especially in the basic needs of people in urban areas such as having a proper house, public facilities, and infrastructure. It needs to be done considering that land is an item that does not have the ability to be reproduced, therefore it has limited availability, on the other hand the human need for land is getting higher. Therefore, land banking has several function such as *land keeper, land warrantee, land purchaser, land distributor dan land management* [9].

Prof. Maria S.W. Sumardjono [10] stated that land banking is every government activity to provide land that will be allocated for the future use. Based on its function, land banking are divided into 2 (two) categories, general and project land banking, all them are generally aimed at directing land use and regulating the prices of land [11].

General land banking are the activities carried out by government agencies to organize the provision, maturation and distribution of land for every types of public and private land uses without prior determination of their use. It has an aim of monitoring the pattern of urban development and obtaining capital gains from surplus value as a result of public investment and regulating the land use, including timing, location, type and the scale of development.

Meanwhile, the definition of special land banking (project land banking) is any activity that includes the provision of land for urban renewal, industrial development, housing development and the construction of various public facilities (advance land acquisition).

The philosophical foundation for the formation of land banking is the foundation that indicated the regulations or provisions regarding land banks derived from Pancasila and 1945 Constitution [12]. The establishment of land banking is based on

Indonesian 1945 Constitution of in particular Article 33 which contains several point below:

- (1) Economy is structured as joint effort based on the principle of kinship
- (2) several branches of production that are important to the state and affect the livelihood of people are controlled by the state
- (3) Earth, water and every natural resources are controlled by the state and used for the greatest people prosperity.

Based on Article 33 Republic Indonesia Constitution, the establishment of land bank has a strong and noble philosophical foundation. Mobile land banking is not in a general commercial sense, it contains a mission to make land resource that should be managed and utilized for the benefit of the nation and to create a prosperous society. beside, the existence of land banking should provide opportunities for economic progress to increase community welfare.

as stated in Article 3 of Law Number 5/1960 concerning on Basic Regulations on Agrarian Principles, Land Banking have an authority to stemming the right of control from the State which is used to achieve the greatest prosperity of people, in a better sense, prosperity and independence in society means an independent sovereign, justice and better life of Indonesian people. It is based on a constitution of Job Creation Law, Land banking will obtain the right to manage the land. It is based on Article 3 of Law number 5/1960, land banking can cooperate the utilization of land of management rights.

The Research and Development Center from the Ministry of Agrarian and Spatial Planning/National Land Agency in 2020 has conducted a policy review of land bank regulation with three focus discussions, which consist of:

1. observing the form of land banking portfolio based on the duties, functions and the authority in order to carry out the mission for the public interest, social interest, development interest and economic equity

- a. The principle of land bank institution refers to the Article 125 regarding the Job Creation Law as a special agency to manages land. The function of land bank institution is to carry out the acquisition, procurement, management, utilization, and distribution of land.

- b. The possible formation of land bank institution include:

- 1) Institution that specially formed by central government. The basis for the institution establishment is Presidential Regulation Number 68/2019 concerning on the Organization of State Ministries.

- 2) Public service agency. The reference for this formation is based on Government Regulation Number 23/2005 concerning on Financial Management of Public Service Agencies, Government Regulation Number 74/2012 concerning on the Amendments of Government Regulation, and constitution Number 23/2005 concerning on Financial Management of Public Service Agencies.

- 3) State-owned enterprises. The reference for its formation based on Government Regulation Number 45/2005 concerning on the Establishment, Management, Supervision, and Dissolution of State-Owned Enterprises.

2. Explain the concept of land asset management by land banking

The land banking asset management issues that must be resolved include:

- a. Management of land assets is related to the duties and functions of the Directorate State Property

- b. Management of land assets that can provide benefits to support land bank institutions is not depend on the state budget

The function of land banking is different from the State Asset Management Institute as a land asset management agency because land banking has the task of providing land which then channeled for various development needs. State Asset Management Institute only manage state assets that have been registered as State Property therefore they will be profitable income for the state. However, the scope of land banking object is wider because it includes the criteria for land objects that can

be controlled based on the provisions of legislation. Another difference is that State Asset Management Institute obtains land assets as a result of the land acquisition process. Meanwhile, land banking acquires for the development of public interest.

3. Explain the concept of fulfilling the requirements of land banking.

The acquisition of land for the purposes above requires the arrangements by considering the following below:

- a. Land Status
- b. Spatial Plan
- c. Required Land

According to [5] Land Banking can be used as an alternative for Land Provision in addition to the land acquisition mechanism regulated by Law number 2/2012. Land Banking institutions can take several forms, such as: (1) BUMN land banking, (2) Public Service Agency land banking (3) Land banking in conjunction with Conventional Commercial Bank. Supervision is carried out by other government institutions such as the Ministry of PPN, Kemenpera, and KemenPU. Public Service Agency for providing land under the Ministry of Agrarian and Spatial Planning considered as the most appropriate way compared to other forms of the following reasons below:

1. maintain Public Service Agency to remains as a non-profit institution, it is in line with the mandate of Republic Indonesia 1945 Constitution Article 33 and the Agrarian Principal Law as the basis for land banking therefore the land resources can be used as much as possible for the people prosperity.

2. the Agrarian Principal Law not include as land user institute, therefore there is no conflict of interest in it.

3. The scope of Agrarian Principal law's working area covers districts and cities through regional offices in the Province and Land Office of districts and cities.

4. Have experience in land administration, information system, appraisal, and acquisition.

In the Executive Summary Policy Paper-Critical Note on Law number 11/2020 concerning on Job Creation Law by Universitas Gadjah Mada, after conducting a review of Academic Manuscript and Job Creation Law ratified by DPR RI on October 5, substantially, the team found that it still have problems. Although there have been changes in the substance of several fields regulation, there are several article moderation that looks advanced, but still have many problems. Regarding the Land Banking, the team stated that the preparation of land arrangements was based on a large scenario to open up investment opportunities through an easier land acquisition for businessman. For this reason, the Land Bank Agency was formed to provide the Ease of Business Licensing/Approval. On the other hand, the Agrarian Reform as an objectives of Land Banking has no impact on the redistribution of agricultural land. Land Banking ideology is not compatible with the goals of Agrarian Reform. Besides being ambiguous, this provision has potential to weaken the implementation of Agrarian Reform as stipulated in Presidential Regulation Number 86/2018.

[13]), through his writings, criticized lands managed by land banking agency given the rights to management and the authorized land banking agency to carry out plans and sorting the zone which provide land acquisition. Determine the zone is considered that land banking has accommodated all the interests of Indonesian people for the requirements of land. However it is feared that the land banker is not trustworthy in carrying out its duties and authorities, instead of benefiting the people, it will only benefiting the business corporation. Because it is realized or not, in carrying out projects that require a land, high amount of funds are needed to be accommodated by investor.

However, currently, in the Job Creation Law that has been ratified, the nomenclature of Land Bank's authority to 'determine each zone' has been changed to 'implement other plan'. Furthermore, in Article 24 of the Land Banking regulation, it is stated that:

(1) The preparation of master plan as referred in Article 23a include a planning of land bank area.

(2) The area planning as referred in paragraph (1) which stipulated in Land Banking master plan.

RESEARCH METHODOLOGY

The research method used is normative legal research with qualitative approach, the research conducted by referring to several principles, legal concepts, legal norms that contains in legislation. This research uses Statute Approach, to analyze law and regulations related to Land Banking regulations and analyze the harmonization this regulations to other regulations, especially in field of Land and Spatial Planning. The scope of writing this paper is limited to the review of Land Banking regulations from the Concept of Land Law and Agrarian Politics in Indonesia, which focuses on land regulations and spatial planning.

DISCUSSION

The discussion of Land Banking in this paper can be viewed from the concept of Land regulation and Agrarian Politics. National land law came into force on September 24, 1960, contained in Constitution Number 5/1960 regarding the "Basic Regulation of Agrarian Principles", or known as the Law of Agrarian Principles. Agrarian Law is field of positive law that regulates the elements of natural resources as an integral part of a plot of land, while the law of land specifically regulates tenure rights of a land. In the management of natural resources (especially land) land law and agrarian politics cannot stand alone, they comply each other with the provisions of other regulations.

Several Constitution that related to Land Banking

Formally, the establishment of land banking has been accommodated in the Copyright of Law and Draft Regulation of the Land Banking Government. The implementation of land banking should be reviewed from various aspects in relation to government policies, as following below:

1. Constitution Number 5/1960 concerning on Basic Regulations of Agrarian Principles. It has relationship with the land banking in Article 3, which stated that:

"The authority that stems from the state's right to control in paragraph (2) of this article is used to achieve the greatest prosperity of people, in sense of happiness, prosperity and independence in society and the Indonesian legal state which is independent, sovereign, just and prosperous"

2. Constitution Number 2/2012 concerning on Land Procurement for Development in Public Interest. It has relation with land banking included in Article 4 Paragraph 1, which stated that:

"The Regional Governments guarantee the availability of land for public purposes"

3. Constitution Number 41/2009 concerning on the Protection of Sustainable Food Agricultural Land. It has relation with land banking which included in Article 9 Paragraph 1-2:

(1) Sustainable Food Agricultural Land Protection is carried out based on its planning.

(2) Sustainable Food Agricultural Land Planning was carried out in:

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

4. Government Regulation Number 23/2005 concerning on Financial Management of Public Service Agencies in conjunction with Government Regulation Number 74/2012 concerning Amendments to Government Regulation Number 23/2005 concerning on Financial Management of Public Service Agencies. The most

likely land banking plan is as Public Service Agency. The definition of Public Service Agency is an agency within the Government that is formed to provide services to the society in the form of providing services without prioritizing the profit and carrying out its activities based on the principles of efficiency and productivity. Although Public Service Agency activities do not seek profit, they are asked to prepare a business plan with reference to the Strategic Plan of the State Ministries by the Regional Medium-Term Development Plan.

5. Government Regulation Number 11/2010 concerning on Control and Utilization of Abandoned Land. It has relation with land banking on article 10 paragraph 1 which stated that:

“a Land consider as abandoned land if it is an entire expanse, then the land rights are abolished, the legal relationship is terminated, and it is confirmed to be controlled directly by the state”

6. Presidential Regulation Number 86/2018 concerning on Agrarian Reform. It has relation with land banking as stated on article 7 paragraph (1) which stated that:

“Redistributed object of land included:”

a. Business right of land and building right of land which validity period has expired and there is no requested extension and to renew its rights within a year after it expire.

b. Land obtained from the obligation of the right holder to give at least 20% of the area which is converted into Building rights due to changes in the designation of spatial plan

c. Land obtained from the obligation to provide at least 20% of state land total area that was given to business rights holders in the process of granting, extending or renewing their rights

d. a Land that originally a part of state forest areas or the result of changes in forest area boundaries determined by the Minister of Environment and Forestry as a source of Agrarian Reform Objects includes:

1) Land in forest areas that have been cleared due to the constitution legislation becomes Agrarian Reform objects

2) Land in forest areas that have been controlled by community and the control has been completed related to the provisions of legislation

e. State land, abandoned land which is utilized for the benefit of people and state through Agrarian Reform

f. Land as a result from the settlement of Agrarian Disputes and Conflicts

g. Ex-mining land outside the forest area

h. Surface Land

i. Land that meets the requirements for strengthening people's rights to land, which includes:

1) a Land that donated by company in the form of social and/or environmental responsibility

2) Consolidated land whose subject meets the criteria for Agrarian Reform

3) The remaining land is donated for development and the land to replace cost of carrying out Land Consolidation

4) State land that has been controlled by the community

j. Land ex-erpacht rights, ex-private land and ex-eigendom land with an area of more than 10 that still available and meet the statutory provisions as the objects of redistribution

k. Maximum excess land, absentee land

l. Self-governing/ex-swapraja land that still available and meets the provisions of legislation as an object of land redistribution

7. Constitution number 26/2007 regarding spatial planning. It has relation to land banking inside the article 33(3)

Harmonization of Land Bank regulations in Job Creation Law and Land Banking regulation inside the Relevant Laws and Regulations

The establishment of Land Banking is a breakthrough of omnibus law on job creation. It becomes new regulation in Indonesia, as one of the solutions to land problems in Indonesia. If it is observed inside Job Creation Law related to Land Banking article 126, the existence of Land Banking is very important, in ensuring the availability of land in framework of an economy for public interest, social interest, national development interests, economic equity, land consolidation, and agrarian reform. The purpose of Land Banking establishment is to ensure the realization of provisions formulated in Article 33 paragraph (3) of 1945 Constitution, along with their amendments to support sustainable, fair and equitable national development for the benefit of the people. beside, the purpose of establishing Land Banking is expected to be able to control regional development efficiently and effectively, and to control the use of land in a fair and reasonable manner for the purposes of better development.

Article 3 of the Land Banking regulation states that the functions of the Land Banking include planning, land acquisition, land use and land distribution.

In order to carry out the function of land acquisition, land banking may obtain land as a result of government determination or from other parties. Article 7 of Land Banking regulation stated that several land which included as stated land include:

- a. Former Land Rights;
- b. Abandoned land;
- c. Forest that has been released;
- d. Surface Land;
- e. Reclamation result;
- f. Mining Land;
- g. Land of Small Islands;
- h. Land as a result of Spatial Policy;
- i. Land without owner; and
- j. Other land.

The source of land acquisition in Land Banking partially has similarities with the object of land redistribution in Presidential Regulation Number 86/2018 concerning on Agrarian Reform. Moreover, Land Banking guarantees the availability of land for agrarian reform. In terms of source of land acquisition and guarantee of land availability, it is considered to have harmonization between Job Creation Law, Land Banking Regulation and Presidential Regulation Number 86/2018.

Agrarian Reform is the restructuring of structure of control, ownership, use, and utilization of land that is more equitable through Asset Management and accompanied by Access Management for the prosperity of Indonesian people. Land for Agrarian Reform, is land controlled by the state and/or has been owned by the community for redistribution or legalization. Agrarian Reform has several aims to:

- a. Reducing inequality of land tenure and ownership in order to create justice;
- b. Handling Agrarian Disputes and Conflicts;
- c. Creating a source of prosperity;
- d. Agrarian-based society through regulation;
- e. Control, ownership, use and utilization of Land;
- f. Creating jobs employment to reduce social Poverty;
- g. Improving community access as economic resources;
- h. Improving food security and sovereignty; and
- i. Improve and maintain the quality of the environment.

The objects of land redistribution that have been determined as referred in Article 7 of Presidential Regulation Number 86/2018 include:

- a. Redistribution of agricultural Land; and

b. Redistribution of non-agricultural land.

However, there is an opportunity for disharmony in the implementation of land distribution. Several articles in Job Creation Law and the Land Banking regulation regulate more about development for public interest, economic improvement and investment. Land that obtained from Agrarian Reform object, whether the mechanism directly through land redistribution, both agricultural and non-agricultural, whether it should be collected to the Land Bank, given Management Rights, and can be distributed to the required parties.

Land acquisition review, as stated in Land Bank function in its regulation Article 3 paragraph (1) c is land procurement. Land Procurement in Article 9 of Land Bank regulation stated to be carried out through the mechanism of land acquisition stages for the development of the public interest or direct land acquisition. The concept of Land Banking guarantee on the availability of land for public interest is related to the Law Number 2/2012 concerning on Land Procurement for Development in Public Interest. However, in terms of implementation, it can create opportunities for disharmony while in Constitution Number 2/2012 it is regulated that Land Procurement for Public Interest carried out through the following stages below:

- a. Plan;
- b. Preparation;
- c. Implementation; and
- d. Result Submission

Article 14 of Constitution number. 2/2012 stipulates that Agencies that required land should make plans regarding Land Acquisition for Public Interest according to the provisions of laws and regulations. Meanwhile, in the Land Bank regulation, it is stated that authority of the Land Banking is to prepare a master plan of the area.

The review of agricultural areas in Article 10 of Land Banking Regulation includes Land Management consist of land development activities. Article 11 paragraph (2) states that land development may take the form of industrial estate development, tourism area, housing or settlement, agriculture, plantation, and other forms of development that support Land Banking activities. What it means by "integrated area development" is regional development based on various integrated functions in an area consist of:

- a. Integrated area development with transportation system/ Transit Oriented Development
- b. Development of agriculture/agropolitan-based areas
- c. Development of fishery/minapolitan-based areas; and
- d. Development of air transportation/aerocity-based areas;

In the concept of sustainable development, beside paying attention to economic growth, it is also necessary to pay attention on food security. Therefore, it is necessary to allocate land availability for Sustainable Food Farm. Land Banking is needed to accommodate the availability of land for Sustainable Food Farm, it is in line with the provisions of Job Creation Law Article 44 paragraph (2). In case of public interest and National Strategic Projects, Sustainable Food Agricultural Land can be converted and implemented based on the provisions of legislation. Furthermore, in paragraph (3) stated that the conversion of designated land as sustainable food agricultural land for public interest can only be carried out within the following conditions:

- a. Conducting a strategic feasibility study;
- b. Preparing land use change plan;
- c. Releasing the ownership rights from the owner;
- d. a replacement land is provided for the converted Sustainable Food Agricultural Land.

Review of Land Bank implementation on Spatial Planning Regulations (Constitution number 26/2007 concerning on Spatial Planning, 2007) has shown harmonization, which stated that:

“Land use in spatial planning for the construction of infrastructure and facilities for public interest gives Government and local governments the first priority right to receive the transfer of land rights from the holders.”

From several reviews of harmonization on land bank regulations and related regulations, it can be seen that there is harmonization and disharmony between those two. Therefore, the existence of Land Banking needs to be strictly controlled as regulated in government regulations and its implementation, therefore it is clearer that the existence of Land Banking does not confuse the public, in financial sector, which has been known to the public as the principle of prudence, principle of respect and the principle of justice.

The substance in the Job Creation Law regarding land should focus on land, legal certainty and justice for the rights holders of rights. The role of land in providing benefits to the people of Indonesia should not be excluded, because it has beneficial for large and small investors, corporations and indigenous peoples, farmers and explorers. Therefore, Indonesian people will return to being masters in their own land and legal certainty can be achieved.

CONCLUSION

From the discussed research above, conclusions can be drawn regarding what kind of regulations are closely related to land bank regulations. As for several regulations that closely related to the operation of land banking, among others, Law Number 5/1960 concerning Basic Regulations on Agrarian Principles, Regulation Number 41/2009 concerning on the Protection of Sustainable Food Agricultural Land, Constitution Number 2/2012 concerning on Land Procurement for the Development of Public Interest, Constitution Number 26/2007 concerning on Spatial Planning, Government Regulation Number 11/2010 concerning on Control and Utilization of Abandoned Land, Presidential Regulation Number 86/2018 concerning on Agrarian Reform, and there is harmonization and disharmony of Land Banking regulation in Job Creation Law and Land Banking regulation towards several other related regulations.

The government indicated that the existence of land banking is necessary to ensure public interest, social interest, social development interests, economic equity, land consolidation economy and agrarian reform. However, there are various kinds of public responses related to regulations regarding land acquisition, especially land banking in Job Creation Law, it proved that public needs a deep understanding of every policies and developments. Therefore, there is a need for socialization from government to businessman and general public. Another aspect that can be done is controlling the absentee lands, therefore it can avoid the accumulation of land tenure by certain individuals or groups and can also avoid indications of providing land only as an investment object. Related to the practice of land banking, government needs to view a cumulative justice which lies in the equality of opportunity possessed by every people to be able to own land, especially farmers who do not own any land, through land redistribution which is the flagship program of land banking.

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