



Original Article

Principles of Justice in The Authority of the Land Bank as A State Institution in Land Management in Indonesia

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Abstrak:

The orientation and substance of the Land Bank Agency, are more on investment and economic development that contain risks. The problematic Land Bank regulation in the Job Creation Law and the Land Bank PP has the potential to conflict with the objectives of agrarian reform and constitutionality in the agrarian sector. Management rights that function publicly and are determined as rights with a civil character contain risks, namely the potential to cause deviations in management rights and denial of the agrarian constitutional consensus. The initial goal for the welfare of the community, especially the weak economic group, can change to be in the interests of capital research targets through analysis of the relationship between norms, content analysis, combining theory-norms, and legal principles. The impact of the implementation of the Land Bank as the basis for the development of the Land Bank infrastructure, where if the land acquisition process actually reduces the welfare of the landowners of the land used by the Land Bank, this land acquisition process will certainly become a new problem.



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Keyword: Land Bank, Legal Analysis, Dignified Justice

Introduction

Land under the control of the Land Bank Agency is given the status of Management Rights, and then above this Management Rights, land rights status can be given in the form of Cultivation Rights, Building Rights and Usage Rights in accordance with the designation of the land. In line with the purpose of the establishment of the Land Bank itself, the Management Rights owned by the Land Bank Agency can be given to Central Government Agencies, Regional Governments, the Land Bank Agency itself, BUMN/BUMD, State-Owned Legal Entities such as the status of several State Universities, namely the University of Indonesia, Gajah Mada University or Bandung Institute of Technology, or Regional-Owned Legal Entities, and Legal Entities appointed by the Central Government. Judging from the characteristics of the parties who can be given this Management Rights by the Land Bank Agency, of course it is not solely intended to seek profit but rather prioritizes public interests, social interests or national development interests ([Busroh & Santiago, 2017](#)).

In general substance, land bank is backup land acquired by the government before existence needs, which makes price relatively cheap ([Limbong, 2013](#)). Source reserved land can originate from land abandoned and also State land that has not been used ([Erwiningsih, 2023](#)). Land bank is means management land in frame utilization and use land become more productive for reach development goals and targets in a way comprehensive. Application of land banking Alone has proven effective and efficient in many countries. The land bank agency in Indonesia will become instrument for influence pattern development in accordance spatial planning and objectives planning development in a way overall, efficiency use of APBN/APBD, controlling the land market, preventing speculation and land mafia, as well support socio- economic development ([Sumanto, 2023](#)). The Land Bank Agency enables government center and also area acquire and collect land For objective strategic term short and long term long ([Saiful Haq et al., 2023](#)).

Based on the brief explanation of the background of the problem above, the legal issues that the author proposes in this study are:

How the function of a land bank alternative from implementation performance agrarian?
And How ideal regulation in the field Land Bank law that can realize justice public?

Method

Study This use Doctrinal approach directed at a group norm as target study through analysis relation between norms, analysis content, merge theory-norms, and principles law. Research like This born as premise that law is norm formation of the state and must avoided from non - juridical elements. In simple, researcher will connect between norm One with other norms, or connect it with incident law certain and primary data will be additional data that will be used as material for researcher analysis. as a Doctrinal Approach that is characterized normative as form approach in study law specialize self in effort breakdown problems law based on law written and practical law ([Muhdar, 2019](#)).

Discussion

Implementation Land Bank Regulations In Indonesia

Land Bank is part from policies in the field of the land through which the country passes institution government authorized for take transfer the lost lands function its utilization For then managed and regulated return until the end lands the can distributed and utilized return For interest general ([Permadi & Arif, 2025](#)). Land bank can become instrument alone in a way efficient and effective, to carry out various policy land as well as support area development and control procurement land in a way fair in carry out development ([Subekti et al., 2023](#)).

Land Bank can increase use land through proper management. Therefore that , it is necessary set regulation about implementation of Land Bank in Indonesia and regulations about competent authority For carry out Land Bank practices ([Nur et al., 2023](#)).

Analysis rational about the implementation of Land Bank in Indonesia must consider a number of aspects, including objectives formation, profit strategic, challenges implementation, as well as implications law and governance. In one side, Land Bank is designed as institution management asset strategic state land For support development national, ensuring availability land for interest general, and address problem speculation land that improves price land as well as hinder development housing area for public earn low ([Hamidah, 2021](#)). The importance of availability managed land in a way integrated so

that it can bridge gap between provision land For development and needs society, especially group public not enough able, so that Bank Facilities Land expected can help public Specifically public weak. While from perspective economic and social, Land Bank provides potential management asset with approach justice social so that can support distribution more land evenly and prevent practice detrimental speculation public ([Iswantoro & Luthviati, 2021](#)).

Impact from implementation of Land Bank as base development Land Bank infrastructure. Of course if the procurement process land This precisely reduce welfare public owner land from land used by the Land Bank, acquisition process land This Of course will become problem new. The implementation of the Land Bank must also be emulating international models, such as in the Netherlands, to avoid policies that tend to burdensome and ensure mechanism allocation land done in a way transparent and fair. One of the form breakthrough for overcome related issues with procurement land in development that is with birth Constitution Number 11 of 2020 concerning Create Later work revoked by law Number 6 of 2023 concerning Determination Regulation Government Replacement Constitution Number 2 of 2022 concerning Create Work become Law, which contains has mandate establishment of a Land Bank.

Form of Land Bank according to with provision in Article 2 paragraph (1) of the Regulation Government Number 64 of 2021 concerning Land Banks is a legal entity and assets owned by separated from state wealth. Based on the provisions the so room motion For Land Bank operations become flexible and accountable. In addition it also concerns regulated Land Banks in provision Presidential Decree No. 113 of 2021 concerning Structure and Management of the Land Bank Agency. So that there is a number of things to do prepared one of them is prepare regulation derivative from Regulation Government that will be become umbrella business process law in the Land Bank.

Budget and Management Land Bank Assets

Land bank agency is institution *sui generis*, namely institution formed through Law, implementing authority government that is autonomous / *independent* from interest government. Through provision Article 126 of the Law Create Work, Land Bank Agency has authority For ensure availability land in frame realize economy fairness in the interests of general, interest social, interests development national, equality economy, consolidation land and reform agrarian. Considering that in operate duties and authorities, land bank must based on the provisions as following:

1. Transparent, which is related to openness in the implementation of decision-making and presenting material and relevant information that can be accounted for accurately and on time, the function of openness in decision-making is to increase accountability so as to minimize abuse of authority by officials or organs of the land bank. This is an important point in the management of the land bank to maintain the integrity of the land bank itself.
2. Accountable, namely the clarity of function, implementation and accountability of the Committee, Land Bank Organs, and employees so that the management of the Land Bank can be carried out effectively. The meaning of accountability refers to entities in the land bank management system must have specific duties, authorities and responsibilities, so that these can be accounted for and create trust from the community of justice and public interest.

Non-profit, namely the income obtained from the implementation of the Land Bank is used for organizational development and does not distribute profits to the Land Bank organs. It can be said that the land bank as a non-profit institution must use its wealth or income to implement established policies such as equalizing land ownership, consolidating land and participating in regulating land acquisition for public interest, providing services to the community and so on (Regulation Government regarding the Land Bank Agency, PP Number 64 of 2021, LN 109 TNL 6683, Explanation). If the land bank gains profits from the acquisition of the land, then the profits must be managed carefully and precisely and the profits are used for the management of the land bank, so that there is no distribution of profits to the committee, organs and employees of the land bank ([Permadi, 2023](#)).

Acquisition and Management Land Bank Assets

In general, the land that is the object of acquisition for land bank assets is land resulting from government determination and/or land from third parties or other parties as described in Articles 6 to 8 of Government Regulation Number 64 of 2021 concerning the Land Bank Agency, regarding land obtained from government determination is state land originating from ([Affairs & Planning, 2022](#)):

1. Land rights that have been expired or who has revoked right on the land, for example is land former HGU, HGB, and Rights Use the long-term one time as well as there are areas that have been abandoned by the holder right on land said. After the land used right said, then government in matter This committee C did *monitoring* and evaluation to land the until with stage warnings I, II and III;
2. Then the land is included in the proposal to determine abandoned land;
Furthermore, the government will conduct a study to see if the land truly cannot be used by the rights holder, then the government will determine it as a land bank asset;
The efforts made by prospective land rights holders include submitting an application for management rights;
3. If it is in accordance with the criteria and provisions, the government will grant the management rights.

Impact Implementation of Land Bank in Indonesia.

Implementation function land bank institutions in Indonesia have significant impact to management source Power land and development economy. land bank play a role as institution that manages asset land, facilitating access to land, and support policy government in mastery and utilization land in a way sustainable. In context this, impact positive from implementation function land bank institution can seen from a number of aspects.

First, the land bank institution can increase access public to land, especially for underprivileged group able. With existence system more management structured, society can more easy to obtain right on land required For needs agriculture, housing and business others. This is in line with research that shows that management good land can push productivity and well-being society. Besides Therefore, land banks also function For reduce conflict agrarian with give certainty law to ownership land, which is issue important in many areas in Indonesia

Second, land bank institutions contribute in development infrastructure and development

area. With manage land in a way effective, land bank can provide land For projects supporting infrastructure growth economy, such as development roads, bridges and facilities general others. Research show that development good infrastructure can increase connectivity and accessibility, which in turn support growth economy local.

Third, the implementation function Land banking institutions also play a role in conservation environment. With manage use land in a way sustainable, land bank can help guard balance ecosystem and prevent damage environment consequence exploitation land that is not planned. This is important For reach objective development sustainable, especially in context change climate and management source Power natural

However, the challenge in implementation function land bank institution still there is . One of them is the need improvement capacity and understanding public about right on land and related procedures. Without good understanding, society Possible No can utilise services offered by land banks optimally. In addition that, intervention from parties certain can disrupt the management process fair and transparent land, so that need existence strict supervision and regulation.

In general overall, implementation function land bank institutions in Indonesia have wide and complex impacts. With good management, institutions This can become effective tool for increase welfare community, support development infrastructure, and maintain sustainability environment. However, the challenges that exist must overcome through education, strict regulation, and collaboration between various party related.

Land Bank Institution in Realize Welfare and Justice Public

The Land Bank Agency or Institution is a special institution newly established by the central government in Indonesia which is given special authority to manage land. The land that is managed must of course be utilized optimally for the benefit of the community and the state with the hope that the land bank can contribute greatly to creating a just economy through optimizing the management of state assets owned. The regulation regarding the Land Bank Agency is one of the important points contained in the Job Creation Law. The importance of establishing the Land Bank Agency is motivated by the emergence of various problems in the land sector, especially regarding the limited availability of land. The high intensity of the government's need for the availability of land used to build various infrastructures to advance public welfare and support national development is the main point in establishing the Land Bank Agency.

The Land Bank Institution aims to realize a just economy that is implemented by ensuring the availability of land that will ultimately be used for public interest, social interests, national development, agrarian reform, economic equality, and land stabilization. Land banks effectively manage and reuse underutilized, abandoned, or taken over property inventory. On the other hand, the main function of a land bank is to provide financing for land purchases or to increase the productivity of land that is already owned ([Susantio & Beatrice, 2024](#)).

Conclusion

1. Function the institutional concern of the Land Bank oriented more on investment and improvement economy that contains risk. The regulation of the problematic Land Bank in the Law Creation Work and PP Bank Land potential contradictory with purpose reform agrarian and constitutionality in field agrarian. On the other hand there is

concern emergence problem like acceleration damage and degradation environment life problems welfare labor, weakening enforcement law, until problem land. Issues crucial and controversial Constitution Create Work in field land like existence strengthening right management managed by the Land Bank Agency. Provisions about matter the set up in Article 129 of the Law Create Work that contains provision that right management is part from right control the country.

2. Ideal regulation in Land Bank regulations should be based on Theory Justice Dignified according to Prof. Dr. Teguh Prasetyo, who emphasized the need for legal reform as effort humanize treatment to human and assets state land. The reform must change, add, replace, or delete provision existing law so that the Land Bank does not only play a role as institution collector and provider asset land, but also as instrument prevention disputes and settlement conflict land in a way fair. Arrangement repeat This must started with definition the mission and function of the Land Bank explicit prioritize interest general and justice social, not solely orientation commercial. Besides that, is needed strengthening governance structure through mechanism supervision independent and participatory involving public and experts law. Alignment regulation with constitution and deepening aspect pluralism law through confession values local as well as rights public customs are also very important, in order to avoid conflict norms and encroachment interest group certain. Furthermore, the formation of mechanism transparent operations with support technology information like system information geographic (GIS) will ensure verification and accountability in every transaction land. Finally, through consultant forums and studies comparison international, expected applied comprehensive, fair and responsive regulation to dynamics social, so that policy This No only increase access public to land and housing, but also supports equalization development national in a way comprehensive.

Suggestions/ Recommendations

1. It is expected that in its implementation it can be based on the Theory of Dignified Justice. This aims to be able to better guarantee the rights of the people, especially land rights holders related to land acquisition activities carried out by both the government and the private sector.
2. It is important to create harmonization between land bank regulations and applicable agrarian laws in order to obtain legal certainty in land management carried out by the Land Bank Institution. Further studies are needed regarding the function of land bank authority based on dignified justice, especially those that favor the weak economic group.

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