



## Land Bank as Land Provision Agency in Land Procurement for Public Interest

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### Abstract

The idea of creating regulations about Land Bank is getting stronger by seeing many problems regarding the land supply for development for the public interest. The enactment of Law Number 11 of 2020 concerning Job Creation is the basis for the establishment of the Land Bank Agency. The mandate of Article 33 paragraph (3) of the 1945 Constitution and Article 2 of Law Number 5 of 1960 concerning Basic Agrarian Principles says that the State has the authority to control, regulate, and organize the allotment of land, water, and natural resources contained therein for the people greatest prosperity. However, the availability of land amount is not proportional to the massive development by people and the government conduce in land price fluctuations. Moreover, the absence of a land operator role hinders infrastructure development for the public interest. The purpose of this study is to reveal the legitimacy of the Land Bank Agency in land procurement for development in the public interest after the enactment of Omnibus Law and to describe land acquisition by the Land Bank Agency. The doctrinal research method is used in this study. Approach methods that are used in this study are the statute and conceptual approaches. It was found that the legitimacy of the Land Bank Agency is a form of the authority of the State Right to Control over Land which carries out functions as a land manager and guarantees the availability of land in for the public interest so that the Land Bank Agency can act as an agency that requires land in land acquisition for development for the public interest. The acquisition of land by Land Bank Agency is carried out through government determinations and through a waiver of rights.

**Keywords:** Development in the public interest; land acquisition; land bank

### I. INTRODUCTION

Discussing the agrarian sector certainly cannot be separated from land which is the main supporting factor in the life and welfare of the Indonesian people. The development of land law rules in Indonesia must be used to improve the welfare of its people. The State has regulated by Article 33 paragraph (3) of the 1945 Constitution of the Republic of Indonesia which states that "The Earth, Water, and Natural Resources contained therein are controlled by the state and used for the greatest prosperity of the people" (Fauzi, 2022).

In its implementation, there are often problems related to the land which are the reasons for obstacles to development, such as high land prices due to limited land availability, and inequality in land ownership. Santoso (2013) argued that the factors that cause the increasing need for land for urban development, especially to erect buildings, are the increase in population caused by natural growth in the form of birth and urbanization and the increase in development by the Provincial and Regency/City Governments, State-Owned Enterprises (BUMN), Regionally Owned Enterprises (BUMD), and private companies (Santoso, 2013).

This condition results in a long land acquisition process and potentially unmet land needs so that development for the public interest which includes the toll road construction sector, energy, and development programs for the public interest as referred to in the provisions of Article 10 of Law Number 11 of 2020 concerning Job Creation (hereinafter referred to as Job Creation Law) is delayed and even threatened with failure. On the other hand, without the development of public interest infrastructure, the economy will not develop and the potential for public welfare that will be obtained cannot be realized (Noor, 2014). Therefore, there is a primacy for the acquisition of land for the public interest. This is also because all land rights have a social function as stipulated in Article 6 of Law Number 5 of 1960 concerning the Basic Regulations of Agrarian Principles (hereinafter referred to as UUPA).

The establishment of a Land Bank Agency is urgent for the government to maximize efforts in terms of land acquisition for the public interest to achieve the greatest prosperity of the people by establishing a Land Bank Agency as an alternative to land provision in addition to the land acquisition mechanism that has been regulated by Law Number 2 of 2012 concerning Land Acquisition for Development for the Public Interest (hereinafter referred to as Law 2/2012) (Ganindha, 2016).

The provisions for the establishment of a Land Bank entity in Indonesia are regulated in the provisions of Articles 125 to 135 of the Job Creation Law and further provisions regarding the establishment of a Land Bank entity have also been regulated in Government Regulation Number 64 of 2021 concerning the Establishment of a Land Bank Agency (hereinafter referred to as PP 64/2021). Based on Article 1 number 1 of PP 64/2021, the Land Bank Agency is a special agency (*sui generis*) which is an Indonesian legal entity formed by the Central Government which is given special authority to manage land.

The function of the Land Bank Agency is to carry out planning, acquisition, procurement, management, utilization, and distribution of land, this is regulated in Article 125 paragraph (4) of the Job Creation Law. The Land Bank Agency also functions to ensure the availability of land in the context of an equitable economy for the public interest, social interests, national development interests, economic equality, land consolidation and agrarian reform as regulated in Article 126 of the Job Creation Law and Article 2 paragraph (2) of PP 64/2021. With the authority and regulation of the Land Bank Agency as outlined above, the question is about the legal position of the Land Bank entity and the acquisition of land in terms of land acquisition for the public interest through the Land Bank Agency. In terms of authority, it is also necessary to discuss the wedge of authority between the Land Bank Agency and the National Land Agency of the Republic of Indonesia as the organizer and implementer of land acquisition for the public interest based on the provisions of Article 1 number 14 of Law 2/2012. There is also a blurring of regulations governing the legal form of Land Bank entities, whether as State-Owned Enterprises (hereinafter referred to as BUMN), state institutions, Public Service Agencies (hereinafter referred to as BLU), or other forms. This status is very important because it relates to the day-to-day performance of duties and authorities, the status of workers/employees, and the legal protection of third parties.

The results study conducted by Mahardika & Suyanto (2022) examining the Land Bank regulation in the Job Creation Act and the Government Regulation concerning the Land Bank Agency and the implications for the national land law showed that the arrangements related to the land bank need to be amended to reinforce its authority as land management, especially overlapping authorities with the National Land Agency. It is also necessary to have clear, comprehensive and just legal instruments in which every activity carried out must meet the elements of openness and community participation to prevent abuse of authority from the Land Bank Agency. Meanwhile, the results study conducted by Danendra & Mujiburohman (2022) analyzing the urgency of establishing a land bank agency, the mechanism of land acquisition as a support for national development, its opportunities, and challenges showed that the land bank agency is an agency that is capable to answer problems related to land acquisition for development in Indonesia. The implementation mechanism starts from the process of procurement, management, utilization, and distribution of land. The availability of land by the land bank is

not only capable to facilitate the investment climate but also avoiding the swelling of financing in land acquisition, abandonment of land and land disputes. Based on the background and the previous studies above, it needs further research about the legitimacy of the Land Bank Agency. Thus, the purpose of this study is to reveal the legitimacy of the Land Bank Agency in land procurement for development in the public interest after the enactment of Omnibus Law and to describe land acquisition by the Land Bank Agency.

## **II. METHOD**

The doctrinal research method is used in this study. The statute approach and conceptual approach are used in this study. The authors use the statute approach to study the problem by analyzing them based on related laws and regulations (Marzuki, 2014). There are several laws and regulations such as 1) Law Number 5 of 1960 concerning Basic Agrarian Regulations; 2) Law Number 2 of 2012 concerning Land Procurement for Development in the Public Interest; 3) Law Number 11 of 2020 concerning Job Creation; 4) Government Regulation Number 18 of 2021 concerning Management Right, Land Right, Apartment Unit and Land Registration; 5) Government Regulation Number 19 of 2021 concerning the Implementation of Land Procurement for Development in the Public Interest; 6) Government Regulation Number 64 of 2021 concerning Land Bank Agencies. A conceptual approach is an approach that departs from the views and doctrines that developed in the science of law (Marzuki, 2014). It is used to examine the main legal basis related to Land Banking and land acquisition for public purposes.

## **III. DISCUSSION**

### **The concept of regulating the Land Bank Agency in Land Acquisition for Development for the Public Interest in the Job Creation Law**

One of the ideas for the establishment of a Land Bank Agency is the emergence of problems related to land regulation by the government so far only relying on the role of a land *regulator*, while the role of a *land manager* is not carried out by the government. This is in contrast to the private sector which has previously carried out large-scale land tenure for residential areas (*real estate*) and industrial *estates* (*industrial estate*). The implementation of a land provision that has been carried out by the government is always constrained by provisions that apply to the government bureaucracy so the acquisition of the desired land is often left behind by the private sector (Arnowo, 2021).

Referencing Schwarz's opinion (2009), it is outlined that land banks are: "Land banks are governmental or nonprofit entities that assemble, temporarily manage, and dispose of vacant and", or it can be interpreted that land banks are non-profit or non-profit government entities that collect, temporarily manage, and dispose of vacant land (Schwarz, 2009). Limbong (2013) elaborates that land banks are an intervention strategy in land market issues, and through land banks, the government does not have to manipulate or control but can more directly change the relationship of land checks within a particular area (Limbong, 2013).

The function of land banks that are widely practised in various countries is as a reserve and distribution of lands, such as in South Africa, namely the land bank as a land reserve for cheap public housing and the development of modern agricultural enterprises (Zahra, 2017).

Similar land bank functions are also found in European countries, where land banks have the functions of reserving, managing and distributing land for the following purposes:

- a. Land consolidation;
- b. Establishment and supervision of the land market;
- c. Land management;
- d. Implementation of rural and urban development projects and infrastructure projects (Milićević, 2014).

With several objectives, functions and applications of land banks as described above,

it can be concluded that land banks have a concept with the aim of providing guarantees for the availability of land or land aimed at one of their development for the public interest. This is because, with the existence of a land bank, the government has the potential to acquire land before there is a need for land so that the land bank allows development for the public interest to be in accordance with the plan and result in the welfare of the community. In addition, the presence of a land bank agency that acts as a land manager is expected to overcome the increasingly limited land available for various development purposes. The land manager function of the land bank agency is also expected to maximize the potential of abandoned land in Indonesia so that development can be optimized for the public interest.

The mandate for the establishment of a Land Bank entity in Indonesia is contained in Article 125 of the Job Creation Law and is affirmed through PP 64/2021 as a regulation that further regulates the Land Bank, Article 1 number 1 states that: "The Land Bank is a special agency (*sui generis*) which is an Indonesian legal entity formed by the central government which is given special authority to manage land."

The Land Bank entity is an Indonesian legal entity, this is as stipulated in Article 2 paragraph (1) PP 64/2021. But it became a question related to the legal entity form of the bank. This is because it is still new to this Land Bank legal entity. Some think that this Land Bank is a BUMN, some think as, a BLU, and some even think that this Land Bank is a Public Legal Entity. Land Bank entities cannot be classified as public legal entities, BLU, or BUMN but are special legal entities (*sui generis*). *Sui generis* institutions are institutions outside the Government established through the Law, these institutions exercise some of the authority which was previously the authority of the Government but is autonomous/independent of the interests of the Government (Rachmadi, 2021).

The position of the Land Bank Agency in terms of acquiring land for development for the public interest is that the Land Bank Agency can act as an agency that requires land. This is reflected in the provisions of Article 1 number 1 of the Government Regulation Number 19 of 2021 concerning the Implementation of Land Procurement for Development in the Public Interest (hereinafter referred to as PP 19/2021), which states that:

"Agencies that require land are state institutions, ministries, non-ministerial government agencies, provincial governments, regency/city governments, Land Bank Agencies and state-owned legal entities state-owned enterprises/regional-owned enterprises that are specially assigned to the Central Government/Local Government or Business Entities that are authorized under agreements from state agencies, ministries, non-ministerial government agencies, provincial governments, district/city governments, state-owned legal entities, state-owned enterprises that are specially assigned by the Central Government/Local Government in the context of providing infrastructure for the Public Interest."

Then referring to the provisions of Article 84 paragraph (2) of Government Regulation Number 19 of 2021 concerning the Implementation of Land Acquisition for Development for the Public Interest (PP 19/2021) it is stated that: "Compensation and Waiver of Rights of Land Acquisition Objects owned/controlled by the Land Bank are completed by the provisions of the laws and regulations. According to Sumardjono (2001) in general, Land Banks are intended as activities to provide land, which will be allocated at a later date. Land acquisition is one of the authorities of the Land Bank Body, this is as regulated in the provisions of Article 23 letter c PP 64/2021 (Sumardjono, 2001).

The position of the Land Bank entity is as a special legal entity (*sui generis*) and acts as a *land manager (operator)* formed through the Job Creation Law. The Land Bank Agency has special authority, which is to ensure the availability of public interests, with this authority the Land Bank Agency can be domiciled as an agency that requires land in the acquisition of land for the public interest. Furthermore, Land Bank agencies can procure land for development for the public interest by referring to Law 2/2012, PP 19/2021 and Ministry of Agrarian Affairs and Spatial Planning/National Land Agency Regulation Number 19 of 2021 as well as by direct land acquisition through the release of land rights.

Land acquisition by the Land Bank Agency refers to Article 6 PP 64/2021, derived

from the acquisition of land consisting of land determined by the government and/or land from other parties through the release of land rights. To obtain land rights through buy-sell, and exchange cannot be done by the Land Bank Agency because it does not meet the material requirements in buy-sell or exchanging land.

In terms of function, according to Maria S.W Soemardjo the land bank functions as: (Soemardjono, 2021)

*Land Keeper*

*land warranty;*

*land purchaser; and*

*land distributors.*

The functions of the Land Bank Agency are regulated in the provisions of Article 3 PP 64/2021, which states that:

The Land Bank has the following functions:

planning;

land acquisition;

land acquisition;

land management;

land utilization; and

Land distribution

In carrying out the functions as referred to in paragraph (1) the Land Bank has the following duties:

carrying out long-term, and medium-term planning of activities, and annual;

acquiring land that can be sourced from the determination governments and other parties;

procuring land for development for the benefit of general or direct acquisition of land;

carrying out land management of development activities, maintenance and security, and soil control

carrying out land utilization through utilization cooperation with the other party; and

distributing land by carrying out activities provision and division of land.

Furthermore, Article 23 of PP 64/2021 states the authority of bank bodies to:

a. preparing a master plan;

b. help provide ease of doing business/approval;

c. conducting land acquisition; and

d. determine the service rate.

Referring to the provisions of Article 16 PP 64/2021, it is stated that in Carrying out its functions, the Land Bank Agency serves to guarantee the availability of Soil for:

a. public interest;

b. social interests;

c. national development interests;

d. economic equality;

e. land consolidation; and

f. agrarian reform.

Regarding the explanation of the functions of the land bank body as Article 3 Paragraph (1) of PP 64/2021, is as follows:

Planning

Planning the availability of land for the public interest, social interests, development

interests, economic equality, land consolidation, agrarian reform and land justice. Planning of such activities is carried out both in the annual term, medium to long term. The planning stage, it is based on the national medium-term development plan and spatial plan, which is then determined by the head of the Implementing Agency after obtaining approval from the Committee. Provisions regarding the planning stages are regulated in the provisions of Article 5 PP 64/2021.

#### Land acquisition

The acquisition of land in the land bank body comes from land determined by the government; and/or land from other parties. Regarding the stages of land acquisition, it is regulated by the provisions of Article 8 PP 64/2021. More about the acquisition of land will be discussed specifically in Chapter III of this paper.

#### Land Acquisition

The position of the land bank body in terms of acquiring land for development for the public interest is that the land bank body can act as an agency that requires land. This is reflected in the provisions of Article 1 number 1 PP 19/2021. Then, refer to the provisions of Article 84 Paragraph (2) of Government Regulation Number 19 Years 2021 concerning the Implementation of Land Acquisition for Development for the Public Interest (PP 19/2021) states that: "Compensation and Waiver of Object Rights Land Acquisition owned/controlled by the Land Bank is completed by statutory provisions." This means, if it turns out that the land assets controlled by the land bank agency are land that will be used for development for the public interest, compensation applies under the provisions of the laws and regulations and the assessment of compensation. Such conditions indicate that the assets of the land bank agency can be used to adequately acquire land for development in the public interest.

#### Soil Management

What is meant by land management is an activity that consists of land development, land maintenance and security, and soil control. The land development includes land preparation for housing and settlement activities, urban rejuvenation, integrated area development, land consolidation, infrastructure development, construction of other facilities and infrastructure, land maturation to prepare land for Land Bank business governance, and national strategic projects.

#### Land Utilization

The fourth function of the land bank agency is the function of land utilization which is carried out through utilization cooperation with other parties. Utilization cooperation with other parties can be carried out through buying and selling, rent, business cooperation, grants, exchanges, and other forms agreed upon with other parties, this is as stipulated in the provisions of Article 14 Paragraph (2) PP 64/2021. However, presumably in carrying out land use, the land bank body must pay attention to the principle of expediency and priority

#### Land Distribution

The function of land distribution is in the form of land provision and division activities, which are at least for ministries/institutions, regional governments, social and religious organizations, and/or communities determined by the Central Government, as regulated in Article 15 PP 64/2021.

With the explanation of the functions above, it can be realized as a land keeper, land guarantee, land purchaser, land value, land distributor, and land management. In addition, a land bank agency can be domiciled as an agency that requires land in the acquisition of land for the public interest.

The structure of the Land Bank consists of a Committee, a Supervisory Board and an Implementing Agency, this is as regulated in Article 31 Paragraph (1) PP 64/2021.

#### Committee

Referring to the provisions of Article 31 Paragraph (2) of PP 64/2021, which is meant by the committee

is the body tasked with establishing the strategic policy of the land bank. Furthermore, the provisions regarding the committee of the land bank body are regulated

in Article 32 PP 64/2021. Then, referring to Presidential Regulation Number 113 of 2021 concerning the Structure and Implementation of Land Bank Agencies (Perpres 113/2021), it is stated that the committee of land bank bodies consists of the Minister of ATR / BPN, Minister of Finance and Minister of PUPR. In addition, the land bank body committee also has a Secretary of the Land Bank Committee. The committee of the land bank body in 1 (one) year is required to complete 5 (five) supervisory boards (consisting of 2 government elements and 3 professional elements whose process is through approval DPR RI) and 5 (five) Administrators of the Implementing Agency (Ministry of ATR / BPN, 2021).

#### Board of Trustees

The Supervisory Board as one of the organs of the land bank agency has the task of supervising and providing advice to the Implementing Agency in carrying out the activities of the Land Bank, this is as stipulated in Article 31 Paragraph (3) and Paragraph (4) of PP 64/2021. Then, referring to Presidential Regulation 113/2021, it is stated that the supervisory board consists of elements of the State Civil Apparatus (ASN) and non-State Civil Apparatus (ASN) elements. For the number of supervisory boards of Government elements totalling 2 people and 3 professional elements, the process is through the approval of the House of Representatives of the Republic of Indonesia.

#### Implementing Agency

The duties of the Implementing Agency as referred to in Article 31 Paragraph (5) state that "the implementing agency of the land bank agency is responsible for the operation of the land bank for the benefit and purpose of the land bank, as well as representing the land bank both inside and outside the court."

The management of the land bank agency cannot be separated from the Ministry of ATR / BPN. This is also related to the function of the land bank agency as a land manager and the Ministry of ATR / BPN as a land regulator. A transparent, accountable, nonprofit land bank is accountable to the President through the Committee. In addition, the authority between the Ministry of ATR / BPN is interconnected because one of the members of the committee of the land bank body is the Minister of ATR / BPN.

Regarding the authority of the land bank agency and the Ministry of ATR / BPN do not overlap, this is because the authority of the Ministry of ATR as a spatial regulator, and BPN as a regulator and land administrator, while the land bank agency is as a land manager (Windayana, 2021).

### **Acquisition Of Land By The Land Bank Agency In The Acquisition Of Land For Development In The Public Interest**

The acquisition of land rights can be done through the acquisition of land rights through government determination, is the acquisition of land derived from state land or management rights land issued by the Decree of Granting Rights (SKPH) by the Head of the National Land Agency of the Republic of Indonesia. This is in line with the provisions of Article 6 of PP 64/2021, which stipulates that land assets managed by the Land Bank Agency come from the acquisition of land consisting of land determined by the Government and/or land from other parties. What is meant as a government determination concerning the acquisition of land rights is a decision issued by an official authorized to grant land rights (Santoso, 2017).

As for what is meant as land as a result of the Government's determination concerning the acquisition of land by the Land Bank Agency referring to the provisions of Article 7 PP 64/2021, consisting of state land derived from a) former land rights; b) abandoned areas and lands; c) land release of forest areas; d) arising land; e) reclaimed land; f) ex-mine land; g) land of small islands; h) land affected by spatial change policies; and i) land for which there is no possession thereof. As for the origin of land in the acquisition of land by Land Bank entities, it can also come from the land from other parties originating from the Central Government, Regional Governments, State-Owned

Enterprises, Regional-Owned Enterprises, business entities, legal entities; and the community, as regulated in Article 8 of PP 64/2021. Based on the scheme above, it can be seen that the acquisition of land by the Land Bank Agency can come from land determined by the government and/or land from other parties.

The acquisition of land in the Land Bank Agency other than through government determination can also be through a waiver of rights. With the release or surrender of land rights by the rights holder, it results in the right to the land being abolished and the land returning to state land or land controlled by the state. Then, the Land Bank Agency can apply for management rights to the land released or handed over to the Head of the National Land Agency of the Republic of Indonesia through the Head of the local Regency/City Land Office. With such provisions, it shows that the acquisition of land by the Land Bank Agency can also be through a waiver of rights. The evidence of the right that the Land Bank Agency has acquired land and has Management Rights over the land is evidenced by the registration of the Decree on the Grant of Management Rights by the applicant for Management Rights to the Head of the Land Officer.

The reGENCY/city intended to be issued a Certificate of Management Rights (Hak Pengelolaan) as a sign of proof of rights, and the authority has been born for the Land Bank Agency to enter into legal relations with third parties, namely handing over parts of the land management rights including Business Use Rights (HGU), Building Use Rights (HGB) and Right of Use to third parties and/or cooperating with third parties.

The definition of land acquisition for the public interest according to Santoso (2018) is the activity of providing land for the public interest by agencies that need land by adjusting to the agreed Regional Spatial Plan (RTRW) by providing appropriate and fair compensation. In this case, the Land Bank Agency can act as an agency that requires land, based on the provisions of Article 1 Number 1 of PP 19/2021. If in this case, the Land Bank Agency places itself as an agency that requires land, then the Land Bank Agency can carry out land acquisition with the mechanism of land acquisition stages for the public interest by referring to the provisions of Law 2/2012 and PP 19/2021, whose mechanism goes through the stages of planning, preparation, implementation, and submission of results (Santoso, 2018).

The acquisition of land for development for the public interest is carried out by the Land Agency (National Land Agency of the Republic of Indonesia). If the land has been handed over, the Land Bank Agency can carry out development and/or cooperation with the Central Government, Regional Government, and/or other parties. As for what is meant by the public interest in the implementation of the Land Bank Agency, it is stated in the provisions of Article 17 of PP 64/2021.

In addition, Land Banks can also take stages in terms of land acquisition through direct land acquisition. The direct land acquisition means that the Land Bank Agency as an agency that requires land can waive land rights.

The method of buy-sell and exchanging cannot be done, citing the non-fulfilment of material conditions. If through buy-sell, the Land Bank as an agency that requires land is domiciled as a buyer of land, while the holder of land rights (who is entitled to receive compensation) acts as a seller of land if it meets the material requirements. The material requirements for the seller of land are that the holder of the right to land as the seller of the land is entitled and authorized to sell his land, while the material requirement for the buyer of the land is to fulfil the subject of the right to the land that is the object of buy-sell land. In this regard, if the land needed by the Land Bank Agency has the status of title land, then the Land Bank Agency does not meet the material requirements for buy-sell land. As a result of not fulfilling the material requirements, the formal requirements for buy-sell land will not be met. So, the Land Bank Agency as an agency that requires land cannot buy and sell because the material requirements are not met. Then, if the land acquisition is directly carried out through an exchange, the Land Bank Agency as the agency that requires the land and the holder of the right to land (the party entitled to compensation) is domiciled as the parties who will exchange the land.

Waiver of Land Rights Where the Land Bank Agency is domiciled as the agency that



requires the land acts as the party who receives the waiver of the rights to the land released, and the holder of the right to the land has a position as the party who releases the land. In the waiver of land rights, there are no material requirements and formal requirements that must be met by agencies that require land or land rights holders. Waiver of land rights can be carried out if there is an agreement in deliberations between the Land Bank Agency as the agency that requires the land and the holder of the land rights regarding the amount of compensation. If it is agreed regarding compensation, the holder of land rights releases his land rights and the status of land rights to state land, then the Land Bank Agency can apply for management rights to the land released or handed over to the Head of the National Land Agency of the Republic of Indonesia through the Head of the local Regency/City Land Office. Thus, direct land acquisition can be interpreted through a waiver of land rights. Thus, it can be concluded that land acquisition by Land Bank agencies in land acquisition for the public interest as an agency that requires land, can carry out land acquisition with the mechanism of stages of land acquisition for development for the public interest or direct land acquisition.

#### **IV. CONCLUSION**

The position of the Land Bank entity is as a special legal entity (*sui generis*) and acts as a land manager (operator) formed through the Job Creation Law. The Land Bank Agency has special authority, one of which is to ensure the availability of public interests, with this authority the Land Bank Agency can be domiciled as an agency that requires land in land acquisition for the public interest. However, the position as an agency that requires land and uses the mechanism as stipulated in Article 13 of Law 2/2012 jo. Article 3 of PP 19/2021, namely through the stages of planning, preparation, implementation, and submission of inappropriate results and does not meet the first requirement in the planning stage, namely the submission of land acquisition planning documents, one of which contains the purposes and objectives of the development plan. This is because the Land Bank Agency does not have the function of carrying out development and utilization and must also cooperate with other parties. As for other ways of land acquisition by the Land Bank Agency, it can be through land acquisition directly through the way of waiver of land rights. Land acquisition by the Land Bank Agency refers to Article 6 PP 64/2021, derived from the acquisition of land consisting of land determined by the government and/or land from other parties through the release of land rights. To obtain land rights through buy-sell, and exchange cannot be done by the Land Bank Agency because it does not meet the material requirements in buy-sell or exchanging land. The position of Land Bank Agency is as a special legal entity (*sui generis*) and has a role as a land manager (operator) formed through the Omnibus Law. The Land Bank Agency has special authority such as securing land for the public interest. With that special authority, the Land Bank Agency might serve as an agency that requires land in land acquisition for the public interest. However, the position as an agency that requires land and uses the mechanism as stipulated in Article 13 of Law Number 2 of 2012 in conjunction with Article 3 of Government Regulation Number 19 of 2021, namely going through the stages of planning, preparation, implementation, and delivery of results that are not in accordance and do not meet the first requirements in the planning stage, namely submission of Land Acquisition planning documents, one of which contains the aims and objectives of the development plan. That is because the Land Bank Agency does not have the function of carrying out development and utilization and must cooperate with other parties. Another method for land acquisition through the release of land rights. Acquisition of land by the Land Bank Agency refers to Article 6 of PP 64/2021, originating from the acquisition of land consisting of land determined by the government and/or land from other parties through relinquishment of land rights. The method of obtaining land rights through buy-sell, and exchanging land cannot be carried out by the Land Bank because it does not meet the material requirements of buy-sell or exchanging land.

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