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## The Principle of the State's Right to Control Land on the Establishment of a Land Bank in Indonesia's Perspective of Agrarian Reform

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### Abstract

The establishment of a land bank related to problems in land acquisition today has resulted in a shift in the view of land as a commodity that is considered strategic. This triggered land liberalization, which resulted in land prices soaring due to the games of land speculators so that land compensation issues constrained the projects planned by the government in building infrastructure. The problem is the influence of the principle of the right to control the state in the formation of a land bank and how is the position of the land bank in the perspective of agrarian reform. The research method used is normative juridical in the form of legal behaviour by reviewing statutory regulations. Land rights are derived from the state's right to control, which can be given to the community individually or in the form of a legal entity or jointly. State rights in the land sector are rights granted to the state to regulate and organize the allocation, use, supply and maintenance in the land sector; regulate the land bank whether it is by what the government intended or return to the old guidelines, namely *domein verklaring*. Therefore, as the legislator and implementer, the government is expected to revise the UUPA. The revision prevents the right to control land, which is feared to happen again, like in the Dutch colonial era. The UUPA is considered too outdated and does not follow current land problems.

**Keywords:** The right to control the state; land bank; *domein verklaring*, land acquisition.

### Abstrak

Pembentukan bank tanah terkait dengan permasalahan dalam pengadaan tanah dewasa ini memiliki akibat dari pergeseran pandangan tentang tanah sebagai komoditas yang dianggap strategis. Hal ini memicu terjadinya liberalisasi tanah yang mengakibatkan harga tanah melambung tinggi akibat permainan para spekulasi tanah sehingga proyek yang direncanakan pemerintah dalam membangun infrastruktur terkendala masalah ganti rugi tanah. Permasalahannya bagaimana pengaruh asas hak menguasai negara dalam pembentukan bank tanah dan bagaimana kedudukan bank tanah dalam perspektif reforma agraria. Metode penelitian yang digunakan adalah yuridis normatif yang berupa perilaku hukum dengan mengkaji peraturan perundang-undangan. Hak atas tanah bersumber dari hak menguasai dari negara yang dapat diberikan kepada masyarakatnya secara individual maupun berupa badan hukum atau secara bersama-sama. Hak negara di bidang pertanahan adalah hak yang diberikan kepada negara untuk mengatur dan menyelenggarakan peruntukan, penggunaan, persediaan serta pemeliharaan di bidang pertanahan; mengatur mengenai bank tanah apakah sudah sesuai dengan yang dimaksud pemerintah atau kembali pada pedoman lama yaitu *domein verklaring*. Pemerintah sebagai pembuat dan pelaksana undang-undang diharapkan untuk merevisi UUPA. Revisi tersebut berupa pencegahan mengenai hak menguasai atas tanah yang ditakutkan akan terjadi lagi seperti pada zaman kolonial belanda dan UUPA sudah dianggap terlalu ketinggalan zaman dan tidak mengikuti permasalahan tanah saat ini.

**Kata kunci:** Hak Menguasai Negara; Bank Tanah; *Domein Verklaring*, Pengadaan Tanah.

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### Introduction

The land has many important roles in fulfilling human needs, including for agricultural purposes, place to build infrastructures, shelter, public places and other needs. Not only can it be used to meet financial needs, but the land is also a determining component in the degree of social definition of its owner. The greater the freedom of land owned by an individual, the higher the degree of concern in

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the general view. Nurdin Yakub provides a model with Minangkabau thought, which considers individual differences to fall because he does not have firm items such as land (Yakub, 1989).

Historically, was proven that part of the Dutch traders joined an exchange organization called the *Vereenigde Oost-Indische Company (VOC)* to Indonesia, which later became a waypoint for the colonial government, starting with the seizure of land in the archipelago, which was most beneficial, so ready to supply the needs of European products. At that time, landowners from European countries appeared to demand the freedom of Bumiputera lands. Soetandyo Wignyosoebroto said, "The colonial strategy system line is the method used to get the main method that works for the acquisition of territory and jobs in large numbers. It is important to continue efforts so that the Dutch East Indies, especially in Java, can remain a productive agricultural business area for the survival of money in the Netherlands" (Widnjosoebroto, 1995).

So around that time, in 1870, one of the legal remedies taken by the Dutch colonial government issues agrarian guidelines called *Agrarische Wet (AW. 1870)* and *Agrarische Besluit No. 118 of 1870 (AB. 1870)* as guidelines for implementation. Article 1 AB contains an important standard called domain explanation (*domein verklaring*) which stipulates that all land that others cannot show is eigendom land is state space (claimed by the state) (Harsono, 1999; Latifah & Krisnaningsih, 2021). Subsequently, there was a change in ownership rights over places known to the *Bumiputera* group to become the state *eigendom*. There were not many happy goals from the issuance of the regional proclamation by the pioneering Dutch government, especially in terms of regulating land rights guarantees for *Bumiputera* bunches. However, the original idea of spatial explanation has other reasons, in particular, to provide a premise about the authenticity of the state in obtaining land that is considered fertile for plantation purposes in this way submitted to Dutch business visions (individuals or legal entities) and as legal substances. Likewise, the explanation of the area also means to prevent the exchange of land freedom from the *Bumiputera* group to outsiders other than the Netherlands (Harsono, 1999b).

The state must limit land rights and make the best use of them. Moreover, *domein verklaring* is why the state gives regional rights to various groups as land owners (Triningsih & Aditya, 2019; Azharniyah & Suhaimi, 2022). According to Winahyu Erwiningsih in his works it is revealed that the expression of state control over land is very simple to describe, which is not fully determined for the benefit of experts, while the implementation of Law Number 5 of 1960 itself actually must be carried out and directed further (Surono, 2017; Sari et al., 2022; M Roestamy & Martin, 2019). Meanwhile, Boedi Harsono gave an explanation of the idea of the option to control the state as stated in Article 33 paragraph (3) of "the 1945 Constitution of the Republic of Indonesia", in particular, that the earth, water, and the fixed wealth contained therein, the earth is the main thing for developing individuals (Harsono, 1999a).

It is hoped that this elaboration of the Guidelines for State Controlling Rights (HMN) can revoke and replace the *domein verklaring* Principle adopted in the

Dutch East Indies (Indonesia) during the Dutch border period based on Article 1 *Agrarische Besluit*, which was proclaimed on S. 1870-118 (Triningsih & Aditya, 2019; Azharniyah & Suhaimi, 2022). The Dutch Provincial Government, through *domein verklaring* established under Article 1 *Agrarische Besluit* 1870, declared that the hilt, which was not shown, belonged to the state. This affirmation emphasizes the relationship of full control over the land (*bethinking starter van de land overhead*). The significance of such space encourages the eigendom of the state or the state as a private owner. *Domein verklaring* contains the importance of the freedom of property rights of the Dutch East Indies border country, for that the government can offer land in Indonesia to anyone, even citizens who are far away, which in the past brought many secret fields and land owners. Land with very broad privileges can be compared with the state within the state (Triningsih & Aditya, 2019; Azharniyah & Suhaimi, 2022).

Legal guidelines were passed during the pioneering Dutch era regarding land if hunting is carried out on a verifiable record. This guideline is known as *Agrarische Wet*, which is regulated in Article 51. After Indonesia became independent with the entry of "the 1945 Constitution of the Republic of Indonesia" and the birth of the Basic Agrarian Law (from now on referred to as UUPA) 1960, it was feasible to implement (Guild, 2019). Practical purposes of the earth, water and fixed wealth contained in the soil given the legitimate concerns for individuals and country (Surono, 2017; Herni Amir et al., 2014; Martin Roestamy, 2020; Danendra & Mujiburohman, 2022; Kafrawi & Kafrawi, 2022).

The explanation regarding the choice to control land by the state is regulated in "Article 2 of Law Number 5 of 1960 concerning Basic Agrarian Regulations", which states that: "earth, water and space, including the permanent assets contained therein which are in the most significant level, limited by the State, as an association of power for all individuals" (Kafrawi & Kafrawi, 2022; Azharniyah & Suhaimi, 2022). This guide has the intended purpose of replacing the *domein verklaring* rule, which was active during the Dutch colonial period, which came out to provide. It was an advantage for the Dutch border government at that time. According to Soetikno's, he provides a brief understanding of the option to control by the state, more specifically, the option to control the state, which combines land with individual freedom where land is left untreated or neglected (Soetikno, 1990; Mochtar, 2013; Erwiningsih, 2009; Triningsih & Aditya, 2019; Azharniyah & Suhaimi, 2022; Trijono, 2015).

The obligation of public agencies to implement agrarian changes provides a breath of fresh air for the regional area to reduce the holes in the residency land that have been going on so far. However, this noble responsibility has become a troublesome undertaking when the circumstances for enforcing agrarian change have not been fully implemented. In contrast, the new guidelines on land reserves created by the previous public authorities have been implemented. This guide is one of the 49 implementing guidelines for Law Number 11 of 2020 concerning Job Creation. Moreover, the President has also issued Presidential Regulation No. 113, which regulates the development and implementation of the Land Bank's authority for executives (Dave, 2021; Danendra & Mujiburohman, 2022). The presence of the

land bank, which is regulated in Articles 125 to 135 of the Job Creation Law is feared to have the option to revive the standard of verification space, the presence of the land bank will cause a different response from the general public. Community groups reject the existence of the land bank because it can cause more misfortune and interfere with the interests of the Indonesian people. On April 29, 2021, the President of the Republic of Indonesia, Joko Widodo, ratified "Government Regulation Number 64 of 2021 concerning the Land Bank Agency" (Lahilote et al., 2021).

The land bank's establishment related to the land acquisition issue at this time has brought a change in the perspective on land as something that is considered important. This triggers land progress which makes land take-off costs high because of the round of land inspectors so that public authorities regulate activities in building infrastructure by land payment issues (Mochtar, 2013). Especially in metropolitan areas, land has turned into a market-exchanged product that is difficult to control due to the lack of appropriate methodologies and programs in developing land strategies (Herni Amir et al., 2014). Surono observed critical issues of land acquisition for the public interest, namely information issues; nominative, how much is the remuneration, regulatory errors in the stage of land acquisition, the existence of terror against the implementing component of land security, and marking markup on the object of payment (Surono, 2017).

One way to deal with this problem is to set up a land bank hoping for an economic development that sends land costs up as the testers drop. It is believed that the public authorities can expect the accessibility of land in the context of improvement by acquiring land for public use previously. Thus, the utilization of the land bank idea is very important to be realized in Indonesia, considering that the instrument can make land strategies useful in the able to increase the enforcement of regional improvements to be more successful and more productive than expected, and to have some more control over the acquisition, control and use of land to be more fairly and conducted. Earnestly in supporting the turn of events (Zahra, 2017). With the establishment of a land bank, it may answer various complex problems related to land management to improve and save public authorities' financial plans, especially in making up for misfortunes for regions holding land rights (Situngkir & Artati, 2022; Winati et al., 2022; Herni Amir et al., 2014; Rojiun et al., 2022; Mustorpha et al., 2019).

The Dutch colonial government used the *domein verklaring* rule to control individual territories and familiar terrain. Alternatively, on the other hand, also called soil conditions. This can be detrimental to the regional area, and the regional area will effectively lose its territory privileges. With the regional debate about the existence of a land bank, several regional meetings emphasized the lack of land freedom under their control, in case there are financial backers or the state needs land for their benefit. (Triningsih & Aditya, 2019; Azharniyah & Suhaimi, 2022).

Land bank in the production of work became a valid reason for developing other state organizations in our country. The land bank Agency Foundation makes new guidelines for the land bank as a regulator of land management for the people in general or general premiums, as well as the interests of financial supporters or

secret areas with their ability to regulate and secure the acquisition, use, and circulation of land. The land bank is determined to accelerate the securing of land for framework improvements and other business areas. Land banks are encouraged to accelerate the free land market for interest in extraordinary financial zones, the land travel industry, and property organizations that require very large land (Arnowo, 2021; Danendra & Mujiburohman, 2022; Benjamin Samuel Glasser-Levine, 2021; Brooke Bollwahn, 2019).

The presence of a land bank mandated by the Manpower Copyright Law can cause greater losses than profits for the region, which in turn can hamper the interests of the Indonesian people (Arnowo, 2021). In the articles on land banks in the Job Creation Law, most of the tasks and capabilities described are important for the scope of work of the Ministry of Agrarian Affairs and Spatial Planning/National Land Agency or the Ministry of *ATR/BPN*. The land is to prepare, secure, procure, use and disseminate land. Meanwhile, the Ministry of *ATR/BPN* can secure and improve land (Beny et al., 2020; Sari et al., 2022; Darwin et al., 2019; Latifah & Krisnaningsih, 2021; Arnowo, 2021).

The state manages the land bank as a regulator in the portion, arrangement, acquisition, acquisition, implementation, use and distribution. In its work plan, the land bank is located toward land development exercises in Indonesia. Establishing a land bank will work with land grabbing from the regional area, both traditional land and individual territories, to secure the land to help funders from within the country and from abroad who need to put resources into Indonesia. The land bank guarantees and supports land accessibility for increased focus and territoriality to assist financial and business development by providing accommodation to place resources into Indonesia determined to add new positions. However, the existence of the land bank in the job creation law is very concerning. The land bank does not support the fulfilment of the freedom of small networks on land, as has been regulated in Government Regulation 64/2021 concerning land banks.

Several studies have examined the existence of land from various perspectives, one of which is based on the agrarian reform perspective. The research of Kafrawi & Kafrawi (2022) entitled "Juridical Study of Land Banks in Indonesian Agrarian Law" states "the Regulation of land bank bodies in Law Number 11 of 2020 concerning Job Creation places investment as a top priority from several other objectives. This is different from the concept of a land bank in several other countries, such as the Netherlands, Sweden and the United States, which are broadly focused on welfare and are highly dependent on the needs of the community in a particular area because that will determine the objectives and focus of the land bank as a whole specific".

Trisna & Sandela (2021) research entitled "The Existence of a Land Bank in Agrarian Law in Indonesia" states "the presence of a Land Bank is not only for the development of profit-oriented public interests but also to supports the Social Interest and Agrarian Reform program, which is non-profit".

Resti & Luthviati (2021) research entitled "Land Banks' Impact on Agrarian Reform and Equitable Land Redistribution" states that "Land bank is the

government's effort to provide land for the public interest and for people who need land. If the land bank is properly implemented, this institution will reduce the case against the value of land compensation for the public interest in the Court”.

From the studies that examine the existence of land based on the perspective of agrarian reform, there has been no mention of the existence of a land bank that can facilitate foreign business entities to control land in Indonesia for speculative purposes, the procurement of a land bank that can revive the principle of *domein verklaring* in Indonesia and further explanations. Details related to the position of the land bank as implementing agency for agrarian reform. Based on these things, researchers are interested in examining the problem of how the principle of state control over land affects the formation of land banks and how the position of land banks is in the perspective of agrarian reform.

### Research Problems

This article discusses two issues. First, how the establishment of a Land Bank can relieve the *domein verklaring* principle in Indonesia? and second, how the position of the Land Bank as implementing institution for agrarian reform?

### Research Methods

This research is a normative juridical research approach. Although normative juridical examines laws, the main subject of the study is laws which are conceptualized as norms or rules that apply in society and become a reference for everyone's behavior by using legislation, conceptual and historical approaches (Situngkir & Artati, 2022; Latifah & Krisnaningsih, 2021). The data acquisition method consists of literature study by reviewing documents and literature. Data analysis will be qualitative and descriptive. The presentation is carried out narratively in the form of an integrated paragraph (Winati et al., 2022).

### Discussion

#### The Establishment of a Land Bank Can Relieve the *Domein Verklaring* Principle in Indonesia

The enactment of the Job Creation Law opened a wider discussion on land acquisition in Indonesia. In this regulation, guidelines regarding land banks are regulated in Articles 125-135. Article 125 paragraph (4) regulates the elements of land banks that prepare, secure, acquire, manage, use, and expand land. Then Article 126 explains the idea of a land bank that guarantees land accessibility for the regional area, Article 127 stipulates that the land bank's obligations must be straightforward, plain and unprofitable, and Articles 128 to Article 129, which contain regulations on sources of income. Land bank power, land bank implementer. Land special rights and land bank associations, while Articles 130 to 135 explain each partnership in the land bank. With the ratification of the articles on land banks, it is believed that it will be feasible to direct regions in the country (Kafrawi & Kafrawi, 2022; HERNI AMIR et al., 2014; SURONO, 2017; ROJIUN et al., 2022; LAHILOTE et al., 2021; Situngkir & Artati, 2022; Winati et al., 2022). Establishing the Job Creation Law has opened a wider discussion of land acquisition in Indonesia. However, the existence of this regulation which is feared will make the division of

the state expansion more right than wrong to control land into other rights, especially freedom of the council.

The Basic Agrarian Law does not perceive any council privileges by the state. The executive privilege creates confusion in land control because it is a form of deviation from the State Controlling Right (*HMN*). The choice of the Constitutional Court Number 001-021-022/PUU 1/2003 states that the *HMN* contains guidelines, organization, and executive and supervisory arrangements that refer to Article 33 paragraph (3) of the 1945 Constitution and does not imply that the state owns the land. This mistake will confirm Maria Sumardjono's concern that the new agrarian and regular asset changes have led to a reduction in the standard of the Basic Agrarian Law, which was originally expected to be a common principle (*lex generalis*) for different guidelines, particularly in the area of assets. Average assets have turned into unique rules for land in particular (Triningsih & Aditya, 2019).

In addition, there is a tendency to revive the *verklaring* space framework. This framework traces back to the days of the Dutch province, which stipulates that land belongs to the state if no one or anyone can demonstrate ownership. It is hoped that many lands inhabited by indigenous peoples will become state property because, so far, many areas of indigenous peoples do not have land certificates. In addition, if one looks at the obligations and elements of the land bank, including the distribution and circulation area, it turns out that this has been resolved by the Public Service Agency (*BLU*) of the State Property Management Agency (*LMAN*) under the Ministry of Finance (Danendra & Mujiburohman, 2022; Martin Roestamy, 2020; Hart et al., 2020). Initially, *LMANs* were responsible for overseeing state-claimed resources, but the organization also completed the task of managing reserves, which involved land ownership and paying payments in securing the land. From the new command, *LMAN* has capabilities as a financier or supplier of funds, but also an outstanding land bank for land acquisition for repairs for public dues and public key tasks with the aim that there are experts who cover terms of giving and conveying land that makes the presence of *LMAN* is less attractive (Lahilote et al., 2021). These problems add to the critical complexity of checking the activities of the land bank in the future so that the concerns that arise can be limited by the current framework, as well as the position of human resources dealing with the land bank, who should be proficient in completing land bank activities.

From a legal point of view, another thing that determines the successful of the implementation of a land bank is the regulations that govern it. In general, the implementation of the principles regarding land banks requires unofficial laws and regulations along with other implementation guidelines at the philosophical level to build an execution cycle by the orders of the Job Creation Law so that its implementation is by the laws and regulations, philosophical and juridical objectives contained inside it. Apart from the Job Creation Law, implementation guidelines relating to land banks are currently regulated in the land bank *PP* (Danendra & Mujiburohman, 2022; Beny, et al., 2020).

The fair outcome of holding a land bank through the sanctions of the Job Creation Act was the development of another organization that explicitly supervised the land. This has expanded the influence of public authorities in the land sector, which was originally the controller in the land sector through the National Land Agency, which is regulated in Presidential Regulation Number 20 of 2015, or more specifically Article 125 paragraph (2) of the Job Creation Law concerning the foundation of a land bank that capable as a land bank (Danendra & Mujiburohman, 2022).

From the institutional side, public authorities, as agents of land acquisition through land banks, must have the option to maintain a balance against interest increases for land with fixed land assets. In addition to this land bank, there is currently a foundation that regulates the land, specifically the National Land Agency (*BPN*). With the presence of two foundations whose arrangement has the same central concern, namely specifically for land, it is hoped that there will be experts, especially for land security issues. (Beny et al., 2020; Sari et al., 2022; Darwin et al., 2019; Latifah & Krisnaningsih, 2021; Arnowo, 2021).

Although there are different judgments about the place of council liberty in public land arrangements among land law experts, some legitimate experts consider that administrative privilege is the freedom to control the state over land. Others consider that administrative liberty is a privilege over land. This difference in assessment is caused by administrative rights, which are not discussed in the Basic Agrarian Law but the Regulation of the Minister of Agrarian Affairs (Santoso, 2012). Number 9 of 1965 concerning the Implementation of Conversion of Control of State Land Rights and continued with the regulation of Article 2 paragraph (3) letter f of Law no. Law Number 21 of 1997 concerning Customs for the Acquisition of Land Rights (Alfansyuri et al., 2020).

Meanwhile, other guidelines regarding land, which are the implementing rights of the state, are also regulated in Article 1 point 3 of “the Regulation of the State Minister of Agrarian Affairs/Head of the National Land Agency Number 9 of 1999 concerning Procedures for Granting and Cancellation of Land and Management Rights”, which means that “administrative freedom is the freedom to control the state whose implementation authority is to a certain extent appointed to the holder” (Lahilote et al., 2021). The presence of the Job Creation Law which explicitly states power over land and freedom of administrators by the state through the land bank, has made other legal standards for land, and administrative rights by the state, which reaffirms the presence of the state not only as far as the state orders over land, but also in the case of council-owned land (Lahilote et al., 2021).

### **The Position of the Land Bank as Implementing Institution for Agrarian Reform**

In Indonesia, a special agency authorized to handle land management is called the land bank in accordance with “Article 1 of Government Regulation Number 64 of 2021”. This means that land assets controlled by the land bank can be fully controlled and managed to create a just and good economy and restore the



economy in Indonesia. This can happen because the assets in the land bank and financial mechanisms are separated from state revenues. Even so, the financial mechanism at the land bank is separate from the state, but for certain situations, there is still a reporting system that must be completed first. Government assets, including land and buildings, must go through the procedure for handing over and removing assets by the appropriate regulatory decisions (Arnowo, 2021; Situngkir & Artati, 2022). Assets owned by the land bank in which land assets originate from the State Revenue and Expenditure Budget (*APBN*), own acceptances, state-owned equity participation and other income by the laws and regulations.

Suppose the assets belonging to the land bank originate from *APBN* or *APBD* sources. In that case, they must be included as a form of accountability by the Legislation Decree, especially in State Property and Finance (Winati et al., 2022; Sari et al., 2022). Moreover, when it becomes a land bank, these assets can be transferred and controlled independently by the land bank. In addition, the land bank's wealth comes from its own results, such as through the land acquisition process. So in the procedure for land acquisition, there are provisions governing the above application. In general, asset management takes various forms.

The land bank adheres to the *domein verklaring* rule, which should be seen as a restoration of the legitimate premise of the Dutch government to recognize western liberties and for the convenience of the Dutch government to take individual territories in light of valid evidence. The objects in the *verklaring* room are all land whose ownership cannot be proven by various associations to become spaces claimed by the state. With the development of the land bank in the Omnibus Law or the Job Creation Law, although it is not the same in the *verklaring* room, it is hoped that the discretion of the public authorities in supervising land in Indonesia has a social impact, the ability and public authorities have the option to secure land for social purposes (Triningsih & Aditya, 2019; Azharniyah & Suhaimi, 2022)

However, if there is no clear warning regarding the standards and prerequisites for the land bank in carrying out land acquisition and councils, what kind of land can be supervised by the land bank is not directed in the Job Creation Act, uncertainty can turn into a hole for public authorities to have the ability to take the land. Under the guise of better administration and improvement, Regions will positively cause misfortune for the Indonesian people.

Public authorities provide initial cash flows to the administrative center as land and buildings. However, this type of income is derived from their own or other salaries for representative offices in the neighbourhood. One strategy to acquire territory can be to take advantage of land security measures in supervising the resources planned for the workplace, not for business purposes, as it only serves as an office functional exercise. Training in administration usually combines support and security. Nonetheless, the type of income in overseeing resources is business. The salary earned is proof of accommodation, and the report is used for functional training and growth capital. The land bank obtains payments from the results of its activities, for example, participation in using land resources from funders, other business cooperation, and other payments according to the arrangement.

In general, the Bank, in managing its resources, is divided into two, namely fixed resources and variable resources. Remember that fixed resources, especially land and structures, often require much consideration because they are the larger essential resources. Meanwhile, the variable resources in question are abundant as a group of economic divisions, for example, stocks, cash, shops, machinery and other instruments. Exercises in supervising land used for direct use and circulation, such as training in creating, maintaining and acquiring land and controlling it. For the exercise in land development conducted by the land bank, it is a continuation of the exercise to regulate the accessibility of land for lodging and environmental exercises; coordinated area improvement; land union; framework progress; Likewise, the need to regulate the age of land to establish land for executives' businesses by the land bank along with the main public arrangement.

Office's fundamental asset to building land use efficiency. The strategy used in the land bank is market control and environmental market power. The land bank ensures land status for different improvement needs from now on, suitable for the State Revenue and Expenditure Budget/APBD, limiting problems at the land release stage and the unfavorable impact of land development. The board land bank relates to the techniques of planning, collecting, applying and controlling the land bank exercise in understanding the motivation behind the land bank. Convinced by acceptable guidelines and firm convictions, the land bank board was finally able to understand the land bank's six objectives: land selection, land security, executive land ownership, executive land, valuation, and as a land trader. A theoretical land bank should contain rules and ways to deal with non-stop land use.

Ground springs that will be used as reserve funds in the land bank are land classified and registered by a strong land agency with authority over the land. These resources are unmanaged land, government resources, previous livestock that can be replaced with individual resources based on the nearest unofficial Act, absenteeism, social or public office, having a place with *BUMN/BUMD* and limited take. Another emphasis of this standard is to provide security guarantees for weak money-raising requirements through attempts to subdue private syndications. This can also facilitate the concealment phase or handling of land problems (Iqtabrani, 2014).

The movement towards the change of land tenure into government resources was completed by trade, bargaining, awards, power endings and purchases at the state property administration office and auctions. Although establishing a land bank requires inter-ministerial participation, for example, agrarian and spatial preparation, as well as open works and public accommodation, this foundation will complete the purchase of land before the construction of the office. The framework project begins to limit land traders who complete land acquisition and then sell it if there is an improvement project with more expensive costs and high profits. In addition, a legal umbrella is needed to guarantee legal arrangements for utilizing this land bank (Herawati et al., 2021).

The land bank plans collect land from the main population that is taken, and the state is not used, then the land is consolidated, redesigned and reallocated by

the land use plan. So, land bank is a way to plan land for non-stop land use so that it is more developed with stages of acquiring land before there is a need, so land costs are not expensive. Land bank is land acquired in a coordinated manner on land that is not fixed, not utilized or left vacant and is considered to have an entry point for progress. Land acquisition by an open office through a land bank was carried out sometime later and implemented regional land regulations (Pamungkas & Winarso, 2018; Firmansyah et al., 2019; Buhaerah, 2019; Dewi et al., 2022; Tejawati et al., 2021; Marbun, 2021; Dwiatmoko et al., 2018; Xin et al., 2021).

Considering several thoughts and models of land banks made by several created countries on earth, of course, for Indonesia, a combination of several models/considerations must be found in its implementation. As indicated by the mandate of the Job Creation Law, the land bank was structured not only to generate profitable public interests but also to assist useless Agrarian Reform and Social Interest programs. Openly trained professionals can choose the combination of Commercial Bank and Special Bank models. Public specialists capture individual government assistance through job creation but provide land directly to landless people as land for homes or agrarian associations, according to a very interesting perspective. Dissemination of land for agrarian change efforts of at least 30% should be pursued and focused on reducing the inequality of population areas in Indonesia so as not to give the impression that the expansion of land reserves is only for speculation purposes (Devi, 2014). The requirements for regional meetings for land ownership are enormous. On land, houses or houses with other names can be used to serve individuals, considering the type of property rights. Likewise, land can be used for businesses or businesses, including agriculture, fisheries, and animal husbandry in terms of Cultivation Rights or non-agribusiness in terms of Building Use Rights or Use Rights (Harry et al., 2020; Herawati et al., 2021).

Items that the land bank can supervise are strictly limited. Because of the Employment Creation Law in Article 129 paragraph (1), land ownership by land bank organizations is granted administrative freedom. As per the creators, the power of the land bank has been directed by different guidelines. In Government Regulation Number 40 of 1996 concerning Business Use Rights, Building Use Rights, and Building Use Rights (from now on referred to as Governing Regulation Number 40 of 1996), it has been directed that the Minister control and determine the allocation of Management Rights. Governing Regulation Number 40 of 1996 stipulates that on Management rights of land, Building Use Rights or Use Rights can be granted.

Therefore, if the reason for putting up a land bank is to give away land, it should be confirmed in a different legal guideline which states that a land bank was established to give land to the regional area. Thus, what is generally anticipated by the public authorities is legal goods so that the "grand plan" of the foundation of the Land Bank becomes clear. What is implied from this situation is the simplicity of implementation for anyone in the land bank Organ so that goals or activities that are not by these targets can be avoided.

## Conclusion

The honour of land comes from the opportunity for state control that can be given to the environment as a legal component or jointly. State honour in the land sector is the opportunity given to the state to control and direct the offer, use, arrangement, and support of land areas; select and control the legitimate relationship between individuals and land related to the land bank, whether it is by what is suggested by public specialists or a review of old principles, more specifically *domein verklaring*.

The land bank, the ruler and supervisor of state land, was seen as ready to revive the *domein verklaring* event during the Dutch trip. The basic ability of *domein verklaring* at that time was a substantial justification for the Dutch government to accept Western honours and to make it easier for the Dutch government to take neighbouring lands on the grounds of valid evidence. The merchandise in the *verklaring* room is all land whose ownership cannot be proven by another party to become land controlled by the state. The emergence of the land bank, although not comparable to the *domein verklaring*, can cause caution by experts who are open to monitoring land. Taking into account article 6 of the Basic Agrarian Law, it is stated that all land in Indonesia has social boundaries and public specialists have the honour of completing land safeguards for social purposes. Whereas in the provisions of the Employment Creation Law, there is no clarity regarding the guidelines and needs of the land bank in obtaining land and implementing it.

## Suggestion

As organizers and implementers, public authorities should review Law Number 5/1960 on agrarian matters. This modification contradicts the land tenure option, which is feared to be repeated in the pioneering Dutch era. The Basic Agrarian Law is considered too outdated and does not follow current land issues.

To prevent the restoration of *domein verklaring* in the land bank, a land bank administration system is expected in the Employment Creation Act, which will provide a preventive estimate in limiting the power over the land bank, which will be abused from now on, through the management organs mentioned in the Job Creation Act, should be able to revive the exhibitions and activities of the land bank through their duties and work. However, the existence of linkages between land banks and state administrative bodies with different organs, especially what has happened so far, especially *BPN* and *OJK*, also requires further clarity regarding the experts and their components.

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