

Land Law Literacy: Existence of Land Bank Agency and Implementation of Land Banking Concept in Indonesia

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Abstract:

Land bank agencies in Indonesia are a means to control development in accordance with spatial plans and overall development planning objectives. Based on this objective, the government makes specific arrangements regarding the Land Bank Agency as contained in the provisions of Article 135 of Law Number 11 of 2020 concerning Job Creation and Government Regulation Number 64 of 2021 concerning Land Banks. In addition, there is a Presidential Regulation related to the structure and implementation that regulates the authority of the management of the Land Bank, namely Presidential Regulation Number 113 of 2021. However, the Presidential Regulation was ratified after the Constitutional Court Decision Number: 91/PUU XVIII/2021, in the seventh point there is a prohibition issue new implementing regulations related to the Employment Creation Law which are strategic in nature and have a broad impact. So, the decision of the Constitutional Court issued was ignored and in fact until now the existence of the Land Bank Agency still exists and all related regulations are still in effect. However, along with the emergence of various laws and regulations in the land sector mentioned above, it is necessary to pay attention to the process of education and legal literacy in the field of land law, especially regarding the Land Bank Agency and the concept of land banking. Considering the people in the regions who only know but do not understand the important meaning of the issued land regulations. In this study, the type of research used is normative legal research by examining existing literature, both primary and secondary law, using a statutory and conceptual approach. The purpose of this study is to determine the institutional form of the Land Bank Agency and the concept of land banking in accordance with the laws and regulations and analyze the extent to which land law literacy, especially regarding the Land Bank Agency and the concept of land banking is given to the public.

Keywords: Legal Literacy, Land Bank Agency, Land banking concept.

Introduction

Indonesian society is currently faced with a situation where land prices are increasing, the availability of government land is limited, and the occurrence of urban sprawl which then results in uncontrolled land conversion and inefficient regional

development. The emergence of a negative stigma that says that this is a classic problem that only exists in urban areas, it turns out that the facts on the ground show that rural areas are also affected by the same. When land prices continue to soar and land becomes a rare item that can only be owned by people who can afford it. This is certainly a serious problem because the community's need for land designated as a place to live is a major need.

The alternative in solving the problems above is to provide land at an affordable price or by using the Land Banking concept. The concept of land banking is basically the provision of land by taking time where development is still being planned. Land banking concept¹ has actually been coined in the West since the 1900s. It started in Amsterdam in 1890 as a way to acquire land and then reserve it for development purposes. These methods were then adopted by other countries in Europe until later in the 1970s they were adopted in several cities in America and in several cities in Asia such as Singapore, China and Hong Kong. The existence of land law problems in the community so that the concept of land banking emerged, became the background for the formation of the Land Bank Agency² by the Ministry of ATR/BPN which is a special agency or *sui generis*³ who are given special authority to manage the land. Meanwhile, the work scheme of the land bank includes planning the availability of land for public, social, development, economic equity, land consolidation, as well as agrarian reform and land justice.

Formation of Land Bank Agency⁴, This objective is to ensure the availability of land in the context of public interest, social interest, national development interest, economic equity, land consolidation and agrarian reform so that the regulation regarding the Land Bank is expected to be able to bridge the state's needs to meet land needs such as for the construction of national strategic projects in the form of roads, toll roads, reservoirs, dams or for other infrastructure development involving public interest. In Indonesia, specific arrangements regarding the Land Bank Agency are contained in the provisions of Article 135 of Law Number 11 of 2020 concerning Job Creation (hereinafter referred to as UUCK) and Government Regulation Number 64 of 2021 concerning Land Banks. In addition, there is a Presidential Regulation related to the structure and administration that regulates the authority of the management of the Land Bank, namely Presidential Regulation Number 113 of 2021. The provisions regarding land regulated in this UUCK come into force on

¹ Noegi Noegroho, "Application of the Land Banking Concept in Indonesia for the development of MBR housing in urban areas." *ComTech: Computer, Mathematics and Engineering Applications* 3.2 (2012): 963.

² In the Province of DKI Jakarta in the early 1960s, a land bank institution, often called the Land and Building Company Agency, was formed. This agency is a government agency whose functions are to buy land, mature land, and sell land. In 1960-1970 in Surabaya, a similar institution was developed, namely the Surabaya Development Cash Foundation (YKPS) which has the function of providing land plots that are ready to be built and already have certificates and are equipped with infrastructure buildings, facilities and infrastructure, and then sell them to people or entities. and institutions that need the land. See Oswar Mangkasa, 2020, "Land Bank as an Alternative for Land Acquisition for Development in the Public Interest", *Agrarian Magazine* Issue 2.

³ See the regulation in Article 1 of Government Regulation Number 64 of 2021 concerning Land Bank, namely the Land Bank Agency, hereinafter referred to as 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.

⁴ Aminah Nurmillah, "Land Bank to Realize a Just Economy", accessed on August 1, 2022, at 20.30 WIB.

November 2, 2020 and are contained in the fourth section of the UUCK. In essence, this law on land regulates the authority of the state in regulating the designation, use, and management of land. All of these land arrangements are based on Law Number 5 of 1960 concerning Agrarian Principles (UUPA).

However, along with the emergence of various laws and regulations in the land sector mentioned above, it is necessary to pay attention to the process of education and legal literacy in the field of land law, especially regarding the Land Bank Agency and the concept of land banking. Public accessibility to existing laws and regulations can be monitored carefully. Considering the people in the regions who only know but do not understand the important meaning of the issued land regulations. Even though the Law, PP and Presidential Regulation relating to the Land Bank Agency have been running and promulgated since 2020 and the implementation of the land banking concept in Indonesia has actually been implemented several years ago.⁵

It should also be remembered, the Constitutional Court issued a decision stating that Law Number 11 of 2020 concerning Job Creation (UUCK) is conditionally unconstitutional through a Decision⁶ Number 91/PUU-XIX/2021 which was read on November 25, 2021 ago. After the Constitutional Court's decision, not long ago there was Presidential Decree 113 Number 2021 which was ratified on December 30, 2021⁷ which determines the members of the Land Bank Committee consisting of the Minister of ATR/BPN, the Minister of Finance, and the Minister of PUPR. Whereas in the decision of the Constitutional Court Number 91/PUU XVIII/2021 on the seventh point, there is a prohibition on issuing new implementing regulations related to the Job Creation Law which are strategic and have a broad impact. This of course raises a new polemic in society.

Research or study on land banking⁸ It has been widely carried out in Indonesia, especially with regard to the concept of its application which is linked to legislation. However, research questions arise such as what is the existence of the Land Bank Agency and the implementation of the land banking concept in Indonesia today? Especially after the issuance of the Constitutional Court's Decision which stated that the UUCK was unconstitutional. Then has the land law literacy regarding the Land Bank Agency and the concept of land banking in Indonesia been educated and processed properly in the community? All of this makes the research in writing this manuscript original because there are differences with previous studies.

⁵ See Noegi Noegroho, *op.cit.*, p. 964. There are two parties who have implemented the concept of land banking in Indonesia.

⁶ Sri Pujiarti, "The Job Creation Act is Conditionally Unconstitutional,..." Published on Wednesday, December 15, 2021 at 15:50 WIB, on the website: mkri.id.

⁷ Vitorio Mantalean, "Signing Perpres for Land Bank, Jokowi Allegedly Violating the Constitutional Court's Decision on Conditional Inconstitutional Job Creation Law", website: <https://nasional.kompas.com/read/2022/01/06/17411651/teken-perpres-bank-land-jokowi-alleged-violating-decision-mk-problem-of-copyright>.

⁸ Previous research that raised the theme of land banking, among others: (a) Noegi Noegroho: "The application of the concept of land banking in Indonesia for the construction of low-rise housing in urban areas."; (b) Hairani Mochtar, "The existence of a land bank in the acquisition of land for development." *Jurnal Cakrawala Hukum* 18.2 (2013); (c) Puspita, Fidri Fadillah, Fitri Nur Latifah, and Diah Krisnaningsih. "The Urgency of the Presence of a Land Bank as an Alternative to Restoring the Economy in Indonesia." *Scientific Journal of Islamic Economics* 7.3 (2021): 1761-1773; (d) Lahilote, Hasyim Sofyan, Irwansyah Irwansyah, and Rosdalina Bukido. "Supervision of Land Banks: Urgency, Authority, and Mechanism." *Law: Journal of Law* 4.1 (2021): 191-211.

In this study, the type of research used is normative legal research by examining existing literature, both primary and secondary law, using a statutory and conceptual approach. The purpose of this study was to determine the institutional form of the Land Bank Agency and the concept of land banking in accordance with the legislation and to analyze land legal literacy, especially regarding the Land Bank Agency and the concept of land banking in Indonesia in society. As for achieving these goals, there are several research objectives which are stages in achieving the goals. The objectives of this research are to explore and identify the basis of Indonesian laws and regulations that support land bank agencies and the application of land banking in society.

The Existence of the Indonesian Land Bank Agency

When it comes to land, what comes to mind is a bunch of problems that seem to have no solution. Such as buying and selling land by someone who has no rights, conversion of productive land, multiple certificates, evictions and others are some of the many real problems in everyday life. The author here concludes that the triggering factor for the problem is due to the limited availability of existing land but on the other hand the need for land is increasing day by day. Another problem also arises in land management, namely the difficulty of land acquisition for the public interest.

Differences in perception between the Government and the public regarding the amount of compensation that is 'decent and fair'⁹ often occurs in the land acquisition process. Compensation that is deemed 'decent and fair' according to the Government is not necessarily deemed 'worthy & fair' according to the community, and vice versa. This condition makes national development hampered and requires a large amount of funding.

The existence of the Land Bank Agency actually already exists constitutionally, precisely in the agrarian law system in Indonesia specifically contained in Article 33 paragraph (2) of the 1945 Constitution of the Republic of Indonesia (hereinafter abbreviated as UUD 1945). Then if you look back, indicatively Article 2 paragraph (2) of the UUPA also discusses the Land Bank Agency. The land bank agency is a form of authority of the State's Right to Control over Land which seeks to function as a land manager (land manager). UUPA comes into force¹⁰, made fundamental changes to the National Agrarian Law, especially the law in the land sector. The fundamental or fundamental changes regarding the structure of the basic conceptual legal instruments and their contents.

UUPA¹¹ is a law that carries out agrarian reform in which it contains a program known as the Indonesian Agrarian Reform Panca Program, which includes: a) Agrarian law reform through legal unification with a national concept and the provision of legal certainty guarantees; b) Elimination of foreign rights and colonial concessions to land; c) A gradual end to feudal exploitation; d) Reorganization of ownership and control over land as well as legal relations related to land exploitation in realizing equitable distribution of prosperity and justice, which became known as the land reform program; e) Planning for the supply and allocation of earth, water

⁹ Fatimah Al Zahra, "Ideas of Land Bank Regulations to Realize Equitable Management of State Land Assets, *JIAF* Vol. 3, No. 2, pp 92-101, 2017© 2017 ISSN 2302-2698e-ISSN 2503-2887, p. 93.

¹⁰ Boedi Harsono. 2008. *Indonesian Agrarian Law: History of the Formation of Basic Agrarian Laws Content and Implementation*. Jakarta: Djambatan p. 162.

¹¹ *Ibid*, p. 162.

and natural resources contained therein and their planned use, in accordance with their carrying capacity and capabilities.

After the enactment of the UUPA, there was a regulation regarding Land Procurement for Development in the public interest, namely Law No. 2 of 2012. At that time, this Law was made a great hope in order to guarantee the fulfillment of rights for those who are taking care of land acquisition. Land procurement¹² is an activity to provide land for agencies in need, by providing appropriate and fair compensation to parties whose land is the object of land acquisition. Legal problems that often arise in the process of land acquisition in the community such as land disputes both inside and outside the court. Broadly speaking, there are three¹³. The main problems when talking about land acquisition for the public interest include: limitations or definitions of public interests, the mechanism for estimating land prices and compensation, as well as procedures for implementing land acquisition.

To overcome this, the government together with the DPR-RI formed a new institution, namely the Land Bank Agency¹⁴ as a special agency that is given special authority to manage land which is further regulated in Law Number 11 of 2020 concerning Job Creation and Government Regulation Number 64 of 2021 concerning Land Banks and Presidential Regulation Number 113 of 2021 concerning the structure and administration that regulates the authority of the management from the Land Bank. The President ratified Government Regulation Number 64 of 2021 concerning the Land Bank Agency on April 29, 2021. This regulation is one of the 49 (forty-nine) implementing regulations of UUCK that have been ratified on October 5, 2020 by the Indonesian House of Representatives and promulgated on November 2, 2020 with the aim of creating jobs.

This regulation regarding the Land Bank Agency is a new rule that contains norms that were not previously regulated in the UUPA and Law Number 12 of 2012. Article 2 paragraph 2 of PP Number 64 of 2021 concerning the Land Bank Agency explains that the Land Bank Agency is given special authority to guarantee availability of land in the framework of a just economy for public, social, national development, economic equity, land consolidation and agrarian reform.

Land bank agencies in Indonesia are a means to control development in accordance with spatial plans and overall development planning objectives. Land bank agencies are used as a means to regulate the movement of the land market, counteract land allegations and make improvements in relation to land development in areas or cities. The concept of a land bank agency has the principle that the land

¹² See Article 1 of Law Number 2 of 2012 concerning Land Procurement for Development in the Public Interest (State Gazette of the Republic of Indonesia of 2012 Number 22, Supplement to the State Gazette of the Republic of Indonesia Number 5280).

¹³ Maria SW Sumardjono, *Land in the Perspective of Economic, Social and Cultural Rights*, Kompas, Jakarta, 2009, p. 240.

¹⁴ The Land Bank Institution has a historical background both constitutionally and philosophically and sociologically. In Indonesia, the discussion about the need for a Land Bank Agency has been going on since the 1990s like a log floating in the middle of an ocean wave, that is, it appears and sinks. Constitutionally and philosophically, the emergence of the Land Bank Agency still needs to be explored on its constitutional and philosophical basis because countries in Europe and the United States that have adopted Land Banks place the state as the same subject as its citizens in relation to land on the basis of individualism values. the state and its citizens are equally placed as land owners. See Notonegoro, *Legal Politics and Agrarian Development in Indonesia*, Jakarta: Bina Aksara, 1984, p. 100-103.

bank acquires land before the need arises. Through the land bank agency, the government can exert influence on policies that have implications for space or place, both regarding infrastructure, environmental and other issues.

The existence of the Land Bank Agency is regulated in articles 125 to 135 UUCK¹⁵. In UUCK, Article 125 paragraph (4) mentions 6 (six) functions of the land bank, namely:

- (1) planning;
- (2) acquisition;
- (3) procurement;
- (4) management;
- (5) utilization; and
- (6) land distribution.

Sofyan A. Djalil¹⁶ once said that this institution (Land Bank Agency) is an institution formed so that the state can provide land for the benefit of the community. "This Land Bank Agency is a non-profit organization and allows the state to provide land for people's houses in urban areas at very low prices, even zero rupiah. The UUCK states that the Land Bank Agency is a special agency that manages land. Its function is to carry out planning, acquisition, procurement, management, utilization, and distribution of land. The Land Bank Agency guarantees the availability of land in the context of a just economy¹⁷ in the public interest; social interests; national development interests; economic equity; land consolidation; and Agrarian Reform. Availability of land for Agrarian Reform is at least 30% (thirty percent) of state land designated for land bank. The Land Bank Agency in carrying out its duties and authorities is transparent and accountable.

Based on the statement above, it can be explained that with the establishment of UUCK, especially in the land sector, the point is to protect and provide benefits to all parties, both the community and entrepreneurs. The UUCK in the Land sector also provides legal certainty for every investment that enters Indonesia, so that there is no more land that is not owned by (abandoned) because the land is used properly and is not misused by people who are only looking for profit in a bad way. The existence of the Land Bank Agency as a new institution will also take over lands that are not utilized by the Right Holders, either the Right to Use (HGU), the Right to Build (HGB) and the Right to Use (HP) including revoking the permits for the lands that are not used. managed by the Right Holder which will later become an asset for the Land Bank.

The Government of Indonesia through the Ministry of ATR/BPN has consistently tried to reduce the gap in the control and ownership of abandoned lands

¹⁵ Suhaiela Bahfein, "Knowing the Land Bank Version of the Job Creation Law, what are its functions and roles?", <https://properti.kompas.com/read/2020/10/06/105518921/menkenal-bank-tanah-versi-uu-cipta-work-what-functions-and-roles?page=all> (accessed August 10, 2022)

¹⁶ Ministry of ATR/BPN, "UUCK For whom? For all Indonesian people, <https://www.atrbpn.go.id/siaran-pers/detail/584/uuck-for-who-for-all-society-indonesia>, which was accessed on August 10, 2022, at 20:10 WIB.

¹⁷ The perspective of "liberal-egalitarian of social justice", which was put forward by John Rawls that justice is a form of the main virtue of the presence of social institutions (social institutions), the values of goodness for the whole society cannot be ruled out by the meaning of the value of justice for everyone. those who are entitled to a sense of justice, especially the weak or the lower class who struggle hard to get justice. LJ Van Apeldoorn, 1996. "Introduction to Legal Studies", twenty-sixth edition of Pradnya Paramita, Jakarta, Hlm. 140.

in Indonesia, one of which has been carried out through controlling abandoned lands that have certificates that are not utilized by HGU, HGB and HP rights holders and certificates that are not extended in accordance with the prevailing laws and regulations in Indonesia.

However, how important is the existence of the Land Bank Agency in Indonesia today? Considering that the special authority contained in the Land Bank Agency is actually carried out by the Government through the Ministry of ATR/BPN. So, without a land bank agency, there is already a ministry agency that handles special authority in the land sector.

Viewed from a sociological perspective, the background for the establishment of the Land Bank Agency is because there are still many abandoned lands whose use is unclear due to speculative land tenure patterns. There are obstacles in the provision and management of land for: public interest development, social interest, national development interests, economic equity, land consolidation, and agrarian reform.¹⁸ Unproductive land, ongoing speculative control and obstruction of equal distribution of land for the various interests above indicate that the state is less successful in carrying out planning and monitoring tasks for subjects who have been granted land rights. The country's lack of success¹⁹ that is what the UUCK and PP of the Land Bank Agency are charged to the Land Bank Agency.

The existence of this Land Bank Agency should be able to guarantee the availability of land at least 30% (thirty percent) for agrarian reform, but in order to support the convenience of third parties (investors) in investing, the Land Bank Land Management Rights holders are given the authority to manage land for investment purposes. This is an inconsistency and indirectly shows that state administrators (policy makers) have ruled out the existence of Article 33 Paragraph (3)²⁰ 1945 Constitution of the Republic of Indonesia.

Dewi Kartika²¹, Secretary General of the Agrarian Reform Consortium, said that the land bank's agenda clearly has an orientation to encourage and further strengthen land liberalization practices in Indonesia. This institution will facilitate land grabbing in the name of land acquisition for the benefit of investors. At a time when it is difficult to fulfill community rights to land through the implementation of agrarian reform and settlement of tenure conflicts in the community, currently there are groups in rural areas facing the bitterness of life. The agrarian reform implementation team should have²² through its institutional "Agrarian Reform Task

¹⁸ See General Elucidation in Government Regulation Number 18 of 2021 concerning Management Rights, Land Rights, Flat Units, and Land Registration.

¹⁹ Nurhasan Ismail, Land Bank: Balancing Public Services with Business Activities, delivered in the Land Bank Webinar, October 21, 2021 accessed via <https://id.scribd.com/document/538203809/Materi-Prof-Nurhasan-Ismail-Webinar-Bank-Tanah>.

²⁰ Article 33 paragraph (3) states that the earth, water and natural resources must be used for the welfare of the general public not for the benefit of capital owners/investors/third parties. Looking back, the existing investment interests are definitely profit-oriented while the Land Bank is not profit/non-profit oriented (See again the regulation of Article 4 PP 64 of 2021 concerning the Land Bank Agency, that the Land Bank Agency is transparent, accountable and non-profit). -profit.

²¹ Lusya Arumingtyas, "The Land Bank Threatens the Agrarian Reform Agenda, This is the Reason", <https://www.mongabay.co.id/2021/07/09/bank-tanah-ancam-agenda-reforma-agraria-ini-alasan/> accessed on August 11, 2022, at 22:27 WIB.

²² The agrarian reform program and the land consolidation program are one of the targets in land distribution, which are programs from the Ministry of Agrarian Affairs and Spatial Planning/National

Force (GTRA)” strengthen its institutions so that their realization is more concrete in society. But reality says otherwise, the existence of a land bank agency was formed to provide benefits for investors.

Furthermore, in the Constitutional Court Decision Number 91/PUU-XVIII/2020²³ Regarding the UUCK Formal Testing on November 25, 2022, it was stated that UUCK was declared formally disabled. The government is ordered to make improvements within a maximum period of 2 (two) years and if within 2 (two) years no improvements are made, the Job Creation Law becomes permanently unconstitutional. The verdict also in its decision excerpt states that it has also suspended all strategic and broad-impact actions or policies, and is not justified in issuing new implementing regulations related to the Job Creation Law. The Constitutional Court's decision also states that suspending policies that are strategic in nature and have a broad impact are still a polemic in the community. However,

The existence of this Presidential Regulation issued is the legal umbrella in running the Land Bank Agency. However, the Regulation Presidential was ratified after the Constitutional Court's Decision. So, the decision of the Constitutional Court issued was ignored and in fact until now the Presidential Decree and the regulations above it remain the legal basis for the establishment of the Land Bank Agency in Indonesia. This means that the existence of the Land Bank Agency is still in existence and all related regulations are still in effect. In the future, the obstacles faced are not only related to the limited Human Resources (employees) in the establishment of the Land Bank Agency but also the land administration system in Indonesia where the availability of state general reserve land cannot be accessed and has not been recorded in detail. Because in reality, Investment in a country is needed but must be balanced by providing land services that are professional, transparent and responsible. Implementing regulations must also be able to provide clarity regarding the scope of regulation and application of this Land Bank Agency so that there is no overlap with regulations and institutions that have been formed in Indonesia.

Implementation of the Land Banking Concept in Indonesia

Before discussing the implementation of land banking, it is necessary to know in advance about land banking and the concept of land banking. Land banking is a special agency that manages land and functions in carrying out the planning, acquisition, procurement, management, utilization and distribution of land. In general, land banking is intended as any government activity to provide land, which will be allocated for use at a later date²⁴. This means that the land bank has the following functions:

a) as land collectors (land keeper) or land reserves;

Land Agency. The two activities in the process of handing over the land follow the stages of activities that apply to the ATR/BPN Ministry program. The basis and rules in the land consolidation program related to guaranteeing land availability are regulated and explained in the Regulation of the Minister of Agrarian Affairs and Spatial Planning/Head of the National Land Agency Number 12 of 2019 concerning Land Consolidation and technical instructions for activities. As for the provision of land in the framework of the Agrarian Reform program, it refers to Presidential Regulation Number 86 of 2018 concerning Agrarian Reform. See Rahma Winati, Yusuf Hidayat, Anas Lutfi, “Existence and Prospects of Land Bank Operation”, Journal of JMIH UAI, Vol. VII No. January 1, 2022 No. ISSN 2807-1832, p. 34-35.

²³ See www.mkri.id.

²⁴ Maria SW Sumardjono, 2005, “Land Policy”, Kompas Book, Jakarta, p. 8.

- b) as land security for various development needs in the future (land warrant);
- c) as a land purchaser and;
- d) as land distribution for various development purposes (land distributor).

Conceptually, land banking is the practice of providing land for productive use in the future such as for affordable housing, infrastructure development, business investment, and various other purposes. The available land plots will then be finalized for further allocation according to the planned use²⁵. The effectiveness of applying the land bank concept depends on the regulations and institutions that govern it. The clarity of functions and objectives is an important factor in the governance structure of the land bank²⁶. Support from comprehensive regulations and institutions, of course land banking can fulfill its functions, specifically related to the functions described above.

This land banking concept collects land from the community (abandoned land/unused state land) to be developed and redistributed in accordance with the land development plan. So land banking is also a means of land management to be more productive by obtaining land before the need arises so that the price of land obtained is still cheap. Systematically, land that has not been utilized, abandoned land and does not have the ability to be developed then the land can be obtained (land acquisition).

The national positive law has actually regulated the concept of land banking specifically. The regulations governing the practice of land banking in Indonesia can guarantee the creation of legal certainty for the community. The concept of land banking has been applied in several countries and is used as a procedure in maintaining the availability of land for development. Like the Netherlands, Colombo, and South Korea²⁷. The practice of land banking is needed in the implementation of land consolidation in order to accelerate the implementation of the land acquisition process.

The concept of land banking actually has a concept that is almost the same as conventional banks in general. What distinguishes it is land as an object that is collected and distributed, and not in the form of money. The community through the land banking mechanism can also help the Government by collecting their land in the Land Bank and it will be distributed in the form of other rights such as rent and so on, so that the community will get economic benefits from it. In general, the similarities and differences²⁸ Land Banking with conventional banks can be seen in the following table:

No.	Perspective	Equality	Difference
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²⁵ Bernhard Limbong, 2013, Land Bank, Margaretha Pustaka, Jakarta. p. 103.

²⁶ Frank S Alexander, "Land Banks and Land Banking", Center for Community Progress, Washington, 2011.

²⁷ Fatimah Al Zahra, "Tracking the Legal Basis for Management of State Land Assets through the Land Bank Concept", Vol. 12 Number 2 December 2017DOI 10.19105/al-ihkam.VI.2i2.1306, p. 408.

²⁸ Bernhard Limbong (2013), "The Urgency of Establishing an Institutional Land Bank as an Alternative for Provision of Land for the Community for Public Interest", in Ranitya Ganindhya, "The Urgency of Establishing an Institutional Land Bank as a Solution for Land Acquisition for Non-Conflicting Development for Public Interest." Law Arena 9.3 (2016): 442-462.

1.	Function	Can store assets; Assist secondary market stabilization; Holding a capital branch	<i>Land Banking</i> : Especially for saving and managing land. Conventional Bank: Stores and manages money and valuables as well as other securities.
2.	Implementation	Can be run by government or private	<i>Land banking</i> : the focus is on environmental and community stability and land use planning. Conventional Banks: focus on national and international markets.
3.	Operational	Operating within a regulatory framework	<i>Land banking</i> : Non-profit although there are some that are profit oriented, especially those managed by the private sector. Conventional Banks: Profit Oriented.

To obtain land, land banking will carry out a series of stages of activities, including land provision, land maturation, and land distribution. In the land provision stage, in general, land banking will prepare the land acquisition process through a sale-purchase or exchange scheme. The next stage is land development, land banking will provide facilities and infrastructure or supporting facilities, including infrastructure development, sanitation channels, public facilities and public services, and so on. The stage of land maturation is very crucial because it determines the value of the land and the attractiveness of the community or investors to buy or rent land. Economic value²⁹ Land is very important in the process of maturation of this soil. The last stage is the land distribution stage. At this stage, land banking will determine what and to whom the land will be distributed, what percentage of the available land can be distributed and how the land will be distributed.

However, the concept of land banking as the ruler and manager of state land is considered to have the potential to revive the occurrence of *domein verklaring* which took place during the Dutch colonial era. The main function of *domein verklaring* at that time was as a legal basis for the Dutch government to grant western rights and to make it easier for the Dutch government to take community lands based on legal evidence. Fill in the *domain verklaring*³⁰. In essence, all land whose ownership cannot be proven by other parties becomes state-owned domain land. Currently, the domain *verklaring* has been revoked and expressly deleted in the Basic Agrarian Law of the Republic of Indonesia Number 5 of 1960, precisely in the "deciding" section in the preamble. The emergence of land banking, although not the same as domain

²⁹ Galuh Shita Ayu Bidari, ST, "Knowing Land Banks", <https://www.handalselaras.com/mengenal-bank-tanah/> accessed on 12 August 2022, 23:10 WIB.

³⁰ Brian Dave, "The Land Bank Concept in the Job Creation Act", Volunteer for UNPAR's "Protection" Legal Aid Institute, <https://lbhpengayoman.unpar.ac.id/concept-bank-tanah-dalam-undang-undang-cipta-kerja/>, accessed on August 12, 2022 at 23:51 WIB.

verklaring, has the potential to cause arbitrariness by the government in managing land. Based on article 6 of the UUPA, it is stated that all land in Indonesia has a social function and the government has the right to carry out land acquisition for social purposes.

Good laws and regulations must be able to creating justice for all parties, creating a balanced and impartial place. An important role in the implementation of public land banking is the government and the community. A fair legal relationship can be realized with correct, transparent processes and procedures, and guarantees accountability. Although most people want justice to be realized, not all of them understand the meaning of justice.

Land Law Literacy regarding the Land Bank Agency and the concept of land banking in society

Literacy is an activity or activity to further cultivate reading and writing movements. Literacy has many benefits, one of the advantages of literacy is that it can train oneself to be more accustomed to reading and can also familiarize someone to be able to absorb information that is read and summarized using the language he understands.

Traditionally, "literacy" can be interpreted as the ability to read and write. Furthermore, the definition of literacy resulting from the UNESCO expert meeting³¹ at the Paris Meeting hinted that the expansion of the meaning of literacy. In this context, literacy is not only related to reading and writing, but also the entire ability to identify, understand, interpret, create, communicate, calculate, and use printed and written materials that are linked to various contexts. Literacy involves a continuum of learning that enables individuals to achieve goals, develop their knowledge and potential, and participate fully in society and the wider community.

There are different types of literacy³², such as basic literacy, library literacy, visual literacy, media literacy, and technological literacy. In the context of the discussion and the themes taken in this research, the discussion will emphasize legal literacy, especially on land law relating to the Land Bank Agency and the concept of land banking in society. In Indonesia, many regulations related to the land sector have been issued and most recently the Government Regulation concerning the Land Bank Agency and implementing regulations that have been ratified by the President through a Presidential Regulation. Of course, legal literacy is the most important means for the community to get the latest information about the field of land law, especially information related to the Land Bank Agency in Indonesia. Although the regulations regarding the Land Bank Agency have been running for more than a year³³.

There are general things that need to be known in the context of drafting laws and regulations besides the existence of academic texts, the stages of dissemination and sources of materials and information on laws and regulations are also the most

³¹ UNESCO. (2004). "The Plurality of Literacy and its Implications for Policies". UNESCO Education Sector Position Paper. <http://unesdoc.unesco.org>. p. 13.

³² See <https://education.co.id/literasi/>

³³ The researcher conducted brief interviews with several employees who work in the National Land Agency Agency in Pontianak City and Kubu Raya Regency, West Kalimantan and it is known that in the past year there has been no legal socialization related to land regulations, especially regarding the Land Bank Agency.

important part in providing land law literacy to the community. The dissemination stage is carried out to provide information and/or obtain public input. After the legislation is enacted, it is usually disseminated either by photocopying a copy of the legislation of the relevant agency or through the website of the relevant agency to the public.

The law that is implemented in a statutory regulation is made in order to achieve the ideal goal of the existence of the law itself, namely to create order and public order. The existence of a statutory regulation, regardless of the process it goes through, when it has been ratified into a law should still prioritize the interests of the wider community, not be exclusive. The rule of law is not just a piece of heartless paper³⁴, but a rule that can be implemented, without exception. This is where the role of law-making institutions is not only in the mechanism of formulating a regulation, but also ensuring that the regulation can be known by the public, without exception. This mechanism is commonly referred to as the promulgation mechanism, a mechanism so that the publicity aspect of a regulation can be fulfilled.

To create a society that has high awareness and legal culture in the context of realizing a rule of law and creating a just and democratic society, it is necessary to make a grand design (strategy) for the development of legal culture³⁵, as a guide/reference for legal counseling cadres with legal literacy methods in order to increase public legal awareness to know and be aware of their rights and obligations.

One of the efforts to build and create a community legal culture is through legal education or literacy that is intended for the entire community in the form of legal socialization and legal counseling. The process of education, literacy and legal culture is carried out on all levels, both state administrators, law enforcement officials and society in general. Given the many problems that occur in the community, most of which are related to tenure conflicts.

Education and literacy activities on land law regarding the Land Bank Agency and the concept of land banking to the public are important steps to disseminate information and explain government achievements and programs. This is necessary to provide an understanding and straighten out all the information that could be confusing in the community. The existence of a legal literacy program on legal aspects in the field of land law, especially regarding the Land Bank Agency and the concept of land banking as well as technical implementation involving various relevant agencies (Ministry of ATR/BPN and other Ministries) is an important key to realizing professionalism in handling land cases to the public. front. On the other hand,

Facts on the ground, there are disparities in society between literate and unlettered groups. For this reason, the role of academics here becomes important in strengthening land law literacy. Armed with the knowledge possessed by academics, they are expected to be able to interact with the community directly and provide

³⁴ Ahmad Mujahidin, "The Intensity of Perma-Ri Dissemination as an Answer to the Principles of Legal Fiction to Fill the Emptiness of the Law", <https://badilag.mahkamahagung.go.id/article/publikasi/article/intensitas-dissemination-perma-ri-as-answer-at-asas-fiksi-Hukum-untuk-mengisi-kekosongan-Hukum-oleh-dr-ahmad-mujahidin-sh-mh>, accessed on 12 August 2022 at 01:22 WIB.

³⁵ Jawardi, "Legal Culture Development Strategy Legal Culture Development Strategy", https://Lsc.Bphn.Go.Id/Uploads/63367_Strategi%20pengembangan%20kultur%20Hukum%20jawardi.Pdf which was accessed on August 13, 2022 at 01.25 WIB.

insight related to land law regarding land law Land Bank Agency and land banking concept. For this reason, armed with the knowledge and skills obtained, they can provide education, socialization and counseling of land law to the community. So that the public can find out the latest information regarding the legislation related to land that is currently in effect.

Conclusion

The government together with the DPR-RI formed a new institution, namely the Land Bank Agency as a special agency given special authority to manage land which is further regulated in Law Number 11 of 2020 concerning Job Creation and Government Regulation Number 64 of 2021 concerning Banks. Land and Presidential Regulation Number 113 of 2021 concerning the structure and administration that regulates the authority of the management of the Land Bank. The President ratified Government Regulation Number 64 of 2021 concerning the Land Bank Agency on April 29, 2021. This regulation is one of the 49 (forty-nine) implementing regulations of UUCK that have been ratified on October 5, 2020 by the Indonesian House of Representatives and promulgated on November 2, 2020 with the aim of creating jobs.

The existence of this Presidential Regulation issued is the legal umbrella in running the Land Bank Agency. However, the Presidential Regulation was ratified after the Constitutional Court's Decision Number: 91/PUU XVIII/2021 on the seventh point there was a prohibition on issuing new implementing regulations related to the Job Creation Law which were strategic and had a broad impact. So, the decision of the Constitutional Court issued was ignored and in fact until now the Presidential Decree and the regulations above it remain the legal basis for the establishment of the Land Bank Agency in Indonesia. This means that the existence of the Land Bank Agency is still in existence and all related regulations are still in effect.

However, along with the emergence of various laws and regulations in the land sector mentioned above, it is necessary to pay attention to the process of education and legal literacy in the field of land law, especially regarding the Land Bank Agency and the concept of land banking. Public accessibility to existing laws and regulations can be monitored carefully. Considering the people in the regions who only know but do not understand the important meaning of the issued land regulations.

Good laws and regulations must be able to creating justice for all parties, creating a balanced and impartial place. An important role in the implementation of public land banking is the government and the community. A fair legal relationship can be realized with correct, transparent processes and procedures, and guarantees accountability. Although most people want justice to be realized, not all of them understand the meaning of justice.

One of the efforts to build and create a community legal culture is through legal education or literacy that is intended for the entire community in the form of legal socialization and legal counseling. The process of education, literacy and legal culture is carried out on all levels, both state administrators, law enforcement officials and society in general. Given the many problems that occur in the community, most of which are related to tenure conflicts. Education and literacy activities on land law regarding the Land Bank Agency and the concept of land banking to the public are

important steps to disseminate information and explain government achievements and programs.

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