

The Dilemma of Establishing a Land Bank Institution: Social Equality or Economic Growth?

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Abstract

Indonesia's main land management agenda is agrarian reform, consolidating and distributing land for equity and social justice. In addition to strengthening existing institutions, Indonesia established a land bank whose main task is to provide land for investment and economic purposes. For some people, the goals of land banks interfere with land management practices in Indonesia because they are at odds with the goals of agrarian reform. So the research question that needs to be answered is what are the advantages and disadvantages of land bank practices in Indonesia? This research aims to identify the advantages and disadvantages of land bank practices in Indonesia. By identifying the advantages and disadvantages of land bank practices, the output of this study is expected to provide recommendations to improve the quality of land bank policies. This is a case study research with a qualitative approach using descriptive analysis. The data source comes from the secondary data. The study results show that establishing a land bank has one of the advantages in solving land, environmental, and spatial planning problems. Meanwhile, the weakness of the practice of land banks in Indonesia is the potential for being unconstitutional and over-authorized. Thus, from the findings of weaknesses in the practice of land banks, recommendations are made for the government to clarify the functions and objectives of land banks to improve the social and economic welfare of the Indonesian people.

Keywords: social justice; land reform; economic dilemma; national planning; spatial problem

INTRODUCTION

Indonesia recently established an institution called the land bank agency, a particular institution established to manage and utilize the land for the benefit of society. However, the formation of this body cannot be separated from the pros and cons that arise among the public. Several parties have differing views on the establishment of a land bank institution. Although conceptually, a land bank can solve various land problems and attract investment to improve the people's economy, the formation of a land bank has the potential to create new problems in the form of overlapping authorities with existing institutions (Sumardjono, 2018). In addition, according to Sartika (2022),

the motivation for establishing a land bank which is directed at encouraging the investment climate and creating jobs, is contrary to the agrarian reform agenda in the form of redistribution and consolidation of community land for social justice and equity. So that the presence of a land bank in Indonesia has the potential to be unconstitutional and over-authorized instead of being a catalyst for regional economic growth, social justice for the community, and equitable development, the practice of land banks is feared to increase economic inequality and land injustice, especially for people with low economic groups.

So from the presentation that was delivered, it can be seen that there are two opposing views regarding the establishment of an Indonesian land bank. As a new institution, on the one hand, the land bank aims to solve various land problems, improve people's welfare and support the agrarian reform program. However, on the other hand, land banks are unconstitutional and over-authorized, which has the potential to overlap with existing institutions. So the question of this research is what are the advantages and disadvantages of land bank practices in Indonesia? This study describes some of the advantages and disadvantages of land bank practices in Indonesia.

There are various definitions of land banks. A land bank is a land acquisition activity carried out by the government that will be used for specific purposes in the future (Harrison, 2007). From this definition, it is clear that the government is the actor in carrying out land banking activities. In addition, according to Fransiskus (1975), a land bank is a form of land acquisition activity, whether small or large scale, used for future use (Francis, 1975). The temporary conclusion that can be drawn is that a land bank is a land acquisition activity carried out by actors (generally by the government or stakeholders) to meet particular future needs.

However, other references state many land bank activities besides land acquisition. The activities of a land bank include selling, leasing, acquiring, and managing land (O'Brien et al., 2005; Veršinskas et al., 2022). Some describe land bank activities as activities to control land in an area for strategic purposes in the future (Alexander, 2011; Damen, 2004). The practice of land banks also has various backgrounds; for example, in the Netherlands land banks were used to overcome agricultural land fragmentation (Van Dijk, 2003; Van Dijk & Kopeva, 2006). Or banks existing land in the United States, in some states land banks are established to manage abandoned property (Alexander, 2011).

From the various variations of land bank activities, it can be seen that there is no single definition of land bank. The definition of a land bank will differ from country to country. Depending on the activity's context and the actor doing it (private or public). A land bank exists only to store and reserve land as an asset, following the true meaning of the words "land and bank." However, land banks also have more activities than storing land as assets, such as managing and acquiring land. So, talking about a land bank in terms of definition will vary depending on the context and purpose of the land bank in a country. Although in general, there are several points of similarity, for example, activities to acquire land or reserve land, and are intended for public purposes and people's welfare. Or it can also be said to be a process of purchasing land and property at current prices to store and develop them for specific purposes to add value. The fundamental actions of land banks consist of land acquisition, land development, and management (Harrison, 2007).

METHOD

This research uses an inductive-qualitative approach with the case study method. The method uses descriptive content analysis from secondary data such as scientific literature, books, research papers, government reports, and relevant publications. Data analysis in this study is a descriptive analysis through content analysis. Content analysis is research based on text material and analysis in a particular context or intertextual relations (Hallsson & Visén, 2018). Content analysis is generally used in social research, although according to Zalackis, content analysis is also suitable for use in spatial research. Qualitative content analysis is a series of systematic and specific text content analysis research methods using qualitative research principles that can be carried out inductively according to the needs of research questions and objectives (White & Marsh, 2006).

RESULTS AND DISCUSSION

The discussion of research results consists of two main categories: the advantages of land bank practices and the weaknesses of land bank practices following current regulations in Indonesia. The results of the study show that there are several advantages and disadvantages of practicing the land bank concept in Indonesia. The general advantage of land bank practice is that it supports better land governance. Meanwhile, the weakness of the land bank practice is that there is still overlapping authority and unconstitutionality. So it is hoped that from the findings of weaknesses in land bank practices, Indonesia will be able to improve land bank policies in terms of objectives and institutional paradigms in the context of better land bank practices.

Advantages of Land Bank Practice in Indonesia

The analysis results show that at least some advantages can be gained from land banking in Indonesia. Some of these advantages include land banks being able to solve environmental and spatial problems, facilitating national infrastructure development, resolving land ownership and control issues, and strengthening the existing institutions of the Ministry of Agrarian Affairs/BPN. Through the role of land banks such as land valuer (land appraiser), land warrantee (guarantor of land), land purchaser (buyers and land investors), land manager (land administrator), land distributor, and land keeper (land guard), the practice of land bank has a positive impact on national land management in the future. For more details, the four profit points of land banks operating in Indonesia are shown in Table 1:

Table 1. Advantages of Indonesian Land Bank Agency Practices

No.	Advantages of Land Bank Practices in Indonesia
1	Solve the problem environment and spatial planning
2	Facilitating national infrastructure development
3	Resolve land ownership and control issues
4	Strengthen the existing institutions of the Ministry of Agrarian Affairs/BPN

Source: Analysis (2022)

Solving Environmental and Spatial Issues

Establishing a land bank in Indonesia aims to address various environmental and spatial issues. Following government regulation number 64 of 2021 concerning land bank bodies, land banks are formed to guarantee the availability of land for public and social interests, economic justice, land consolidation, and implementing agrarian reform. Land banks in Indonesia, which are government-owned special agencies, also ensure that development in the public interest is effective and targeted. In addition, the existence of a land bank can overcome land problems that often arise, which have implications for the delays in the development of a region. Through the various functions of the land bank mentioned earlier, there are various roles for the land bank in overcoming land, environmental, and spatial planning issues that often occur in Indonesia.

The land bank can control the use and utilization of land in an area. The land bank manages unproductive land as a land manager or regulator. It regulates land use to accommodate utilization per regional spatial planning and for the community's social interests. The land bank optimizes the government as the manager and provider of land for development. In addition, the land bank also conducts an inventory of land that has the potential to be managed by the government based on the needs and availability of land in Indonesia. So that the land bank helps accelerate the provision of land for development.

In addition to controlling land use, the land bank acts as a land appraiser who stabilizes and controls land prices. The land bank can manage the price of land by objectively appraising the land based on market prices so that those who wish to acquire land can buy land at a value determined by the land bank at a fair price. Fair value means that the price of land is a standard price that refers to fair prices and is not based on

market prices which are often out of control through land valuers, it is hoped that individuals and groups will be able to access and utilize the land as an asset to improve their welfare both in the present and in the future.

Through the land valuer function, the land bank presents the function of social justice because land prices become stable, and the community can carry out and develop activities in the land sector without worrying about the instability of land prices. When connected with spatial planning practices, the value of land that the land bank has controlled makes regional development more orderly and structured following the designation of the area. For example, due to controlled land prices, people looking for land for residence will prefer land with a residential area designation to productive agriculture. Due to controlled land prices, people can access land in residential areas. Indirectly the availability of land as a result of land function valuer also supports the preservation of protected areas, for example, inhibiting the conversion of productive land because people prefer to use land according to its designation.

Facilitating National Infrastructure Development

The land bank can also accelerate national infrastructure development, which drives the nation's economy. The function of a land bank plays an essential role in the achievement of the national development agenda. The land bank's role is to guarantee land availability so that the land purchase procedure can be accelerated, helping develop national infrastructure. One of the advantages of the land bank is assisting the implementation of land acquisition for the public interest (Pamungkas & Winarso, 2018). The presence of a land bank makes the mechanism for buying land for public purposes faster and more efficient. The land bank helps the government obtain land allocations for infrastructure development to achieve national development (Tanawijaya, 1995).

As land guarantors, land banks in Indonesia ensure the availability of land for public and social facilities. The land bank can carry out land acquisition so that infrastructure development can be completed on schedule. The critical function of the land bank as a guarantor of land availability for infrastructure is that many infrastructure projects have been hampered due to the slow process of land acquisition. On the other hand, the government needs land quickly to ensure the development process runs on time.

Apart from that, as a land appraiser, a land bank can also manage land prices and control land prices so that they become stable. Land valuers will play essential functions for various stakeholders. Example land banks offer their land assets to be used quickly, for example, for housing or residence. Or it could also be that land banks offer their land to state-owned enterprises (BUMN), which provide housing for people experiencing poverty so that affordable housing can be available quickly and safely. In the end, the existence of a land bank was able to shorten land acquisition procedures which had an impact on the timely completion of national infrastructure development. In the end, a land bank helps the interests of national infrastructure development.

The land acquisition process for the public interest is the interconnection of authority with other agencies, for example, between the land bank and the Ministry of Agrarian Affairs /BPN. When the land bank operates in the framework of land acquisition for a public interest, the land bank should have duties and functions limits so as not to create dualism in the institution that handles the purchase of land for the provision of infrastructure. So that in this case, it is necessary to separate jurisdiction between the land bank agency and the Ministry of Agrarian Affairs/BPN. It is feared that if there is a dualism of institutions with one function, there will be overlapping and conflicts of interest. So it is necessary to anticipate institutional dualism in the form of clarity on the duties and authority of the functions of each institution.

An example of a land bank practice with apparent authority is the practice of land banks in the United States (Alexander, 2011). In the United States, land banks can buy property that its owners have abandoned. Simultaneously, local governments have administrative authority to assist in land development. Reflecting on this, this technique of clarity of function can be applied in Indonesia. The regional government or the Ministry of ATR/BPN has administrative authority to assist in land acquisition, while the land bank will later be given the authority to buy land. So, a good form of institutional cooperation in the land sector in Indonesia will improve land use management practices in Indonesia.

Resolving land ownership and control issues

The Basic Agrarian Law obliges the government to implement agrarian reform to balance inequality in land ownership and realize social justice in society. Through the agrarian reform, the land was divided among

people who were entitled so that people could use the land and improve their welfare. The agrarian reform program can reduce or even eliminate agrarian disputes through land banks because of legal certainty over land ownership. As a distributor of land, the land bank plays an essential role in solving the problem of inequality in land ownership in Indonesia. The land bank can distribute land fairly to the people based on social interests by avoiding the practice of land speculators. Land redistribution is one of the agrarian reform's big agendas, which mandates equal land distribution throughout society.

Apart from that, the existence of a land bank also overcomes various difficulties in terms of land ownership, for example, the unclear status of land and the imbalance of land ownership and control. A land bank can support national interests by ensuring the availability of land for people with low incomes so that they can gain access to land as an asset both now and in the future. Low-income people can obtain land from the government through government agendas supporting social interests, such as land reform.

The land bank also functions as a land keeper. As an institution that collects land, the land keeper functions to avoid land bank disputes and conflicts. The land bank can keep land left by the owner and can be used and utilized for the public interest in the future. The practice of a land bank, one of which is buying or expropriating land, will replace land speculators, bandits, or the land mafia. Through the land keeper function, infrastructure development or government projects will work according to schedule because the government has easy access to land for development. The presence of a land bank is also able to minimize land conversion and fragmentation because the land bank guards the land.

Strengthening Existing Institutions

Through regulations issued by the government, the land bank carries out its duties following the national land agenda stipulated by the Indonesian constitution. Thus, the operationalization of the land bank can strengthen the existing land institution, namely the Ministry of Agrarian Affairs /BPN. Apart from being supportive, the function of the land bank also has the potential to resolve land challenges that the ATR/BPN institutions cannot resolve.

The land bank can strengthen the existing institutions of the Ministry of ATR/BPN engaged in the land sector because currently, the Ministry of ATR/BPN is the only formal government organization with the authority to carry out land administration in Indonesia. Even though, in practice, there are still many land administration problems, such as inequality of ownership and control, abandoned land, conflicts, and land disputes, the presence of a land bank is expected to accelerate the resolution of land issues and able to strengthen and complement the tasks and functions of the Ministry of Agrarian Affairs/BPN.

Criticism of the Formation of the Land Bank Agency in Indonesia

The previous chapter has discussed some of the advantages of land bank practice in Indonesia. Meanwhile, this chapter will discuss some of the weaknesses of the land bank concept. These weaknesses include the potential to change the socialist paradigm to a liberal one, encouraging the practice of speculation and land grabbing, over-authorization in land administration, and the unconstitutionality of the constitution and land laws. In more detail, the weaknesses of land banks in Indonesia can be seen in Table 2:

Table 2 Criticism of Land Bank Operations

Number	Criticism of the Land Bank
1	Leaning towards the Liberal paradigm
2	The practice of speculation and land grabbing
3	Excess authority
4	Deviations against the law

Source: (Analysis, 2022)

Shifting the Paradigm: from Socialist to Liberalist

The concept of a land bank in Indonesia which has been legalized by law shows a change in perspective from the land for social justice to land for economic growth and investment purposes. Even though the Indonesian land constitution in the form of the constitution and the Basic Agrarian Law states that land should be utilized for the welfare and prosperity of the people. So that the state is obliged and responsible for the use, management, and distribution of land for social and welfare purposes, thus the statement clearly shows that land is a valuable asset that every citizen can use to improve their welfare.

However, in reality, the concept of land management in the land bank views land as a commodity used to drive economic progress and create jobs (Sumardjono, 2021). The work copyright law on land clusters states that the land bank provides land for the public interest, business activities, development of special economic zones, tourism areas, and other national strategic projects. So from this objective, it can also be seen that the provision of land is based on the paradigm of economic development, contrary to the paradigm of the previous land agenda in the form of agrarian reform. In other words, there is a change in the perspective of land from socialist to capitalist. Originally a social asset, land became a commodity that could be traded and profited from. So, it is necessary to reconsider the conceptualization of land banks in Indonesia.

The birth of a land bank stems from the presence of a work copyright law that also deviated institutionally (Sartika, 2022). Land becomes a capitalist economic commodity, not land for justice and equality. Indeed, in this life, land functions as a social asset and capital asset, meaning that land can bind people and run their lives, or land can become capital in development. However, in practice, the two functions contradict one another. The social function should be the primary function that must be fulfilled first compared to the economic function, which sometimes tends to benefit a group of groups. The social function of the land must be the basis of land policy in Indonesia, not just an economic function, let alone lead to a liberal function (Syah, 2021).

If land use tends towards economic growth, the land bank will prioritize providing land to industry, plantations, and real estate owned by large companies. Because this utilization provides a high economic effect rather than dividing land among people experiencing poverty. So that this change in perspective encourages the need for a revision of land policy. From what was previously pro-capitalist and liberal to be directed to pro-poor and socialist, the goal of land for equity and social justice, especially for people with low incomes, can be achieved.

Hindering Pro-Poor Efforts?

The presence of a land bank to support economic and investment policies and the agrarian reform program has led to various interpretations. If leaning towards the first point, the government will emphasize land distribution to investors with solid economic capital above land distribution to individuals. A land bank agenda only strengthens the practice of land liberalization in Indonesia. Institution facilitates land grabbing in the name of land acquisition for the benefit of investors (Sartika, 2022). The land bank violates the constitution because the state exploits land above the interests of low-income people (Sartika, 2022; Sumardjono, 2021). Even though the mission of UUPA states that the state must be present to manage the land as much as possible for the welfare of the people, from the conceptualization of the legal basis and operationalization of the land bank, it is more towards improving the investment climate and the economy, leaving aside the distribution of land to the ordinary people which is the focus of the agrarian reform agenda.

Inequality of Ownership, Land Grabbing, and Speculation

The land bank encourages the practice of land speculation under the guise of public interest. This institution is at risk of being misused to acquire indigenous peoples' land, which until now has not received legal certainty from the state for investment purposes and increased employment. Investors will control a lot of strategic land for business activities. At the same time, people with a weak economy will only be spectators and unable to use the land to increase their welfare. The role of land banking that supports the availability of land for large-scale investment development has implications for considerable-scale land control for entrepreneurs. So this practice is detrimental to small communities, primarily local people, fishermen, and

urban and poor farmers. The land bank's policy that leans towards increased investment is like a 'cancer' for the issue of land justice and spatial planning in Indonesia (Kartodihardjo, 2021).

The practice of speculation and land liberalization does not benefit low-income people. Land use will prefer to increase investment and the economy and override the fulfillment of local community rights to land. This is what causes widen the gap in land ownership. Operationalization of the land bank also has the potential to widen inequality in land ownership (Sumardjono, 2018).

The practice of speculation and land grabbing can become more massive due to the weak status of the land owned by small communities. Much of the state land is uncertified and owned by farmers, fishermen, and indigenous peoples – whose ownership cannot be legally proven. So that most small communities do not have legal access to the land they own. Whereas on the other hand, the source of the land bank's operations and what the land bank will later control is state land. The existence of unclear status of land owned by the community will further exacerbate the practice of speculation and land grabbing under the pretext of public interest by land banks.

Land banks, one of the institutions controlling state land, can be misused as a tool to promote land liberalization policies. Most land liberalization techniques are practiced by land speculators by utilizing development plans owned by the government (Pamungkas & Winarso, 2018). Speculators initially sought information about the government's priority area development plans. Speculators buy land on a large scale through capital and approaches to landowners. Land purchased by speculators is stored and maintained for later use. There are two possibilities after a speculator obtains land; the first is that the land is stored so that its value increases and released at a later date so that the speculator benefits from the increase in land value, or the land can be offered to the government at any time when implementing a project that was planned at the beginning so that the government is forced to follow suit. Land value set by speculators. As a result, speculators resell the land to the government at high prices. The effects of these two possibilities are the same, land prices are high, and the more significant consequence is that the government has problems with land acquisition during the infrastructure development process.

In the chapter on the advantages of a land bank, it has been mentioned that, on the one hand, land banks can potentially eliminate land monopoly practices by private parties or individuals. But on the other hand land bank is a new institution in Indonesia that controls the land transaction process. In other words, the land bank becomes an official actor protected by regulations to carry out land acquisition processes. It is very likely that in the future, the land bank will confiscate land against people who do not have access to legal ownership of land be exemplified as a land bank that can control customary land because indigenous peoples own certain areas that are not inhabited and are not officially registered by the state. There is concern that the state will confiscate indigenous peoples' lands because the state has not recognized most of the indigenous people's lands (Prianggono & Pramono, 2023). Even though long before the formation of the Indonesian state, indigenous peoples controlled land through the community. In addition, they have used the land for decades, and most indigenous peoples' lands have not been recorded due to flawed land management systems. Thus, even though the Indonesian Property Bank Agency presents and buys land under the guise of national interest, land grabbing has the potential to occur in the community. So from the potential examples of this case, it can be said that the land bank has the potential to cause the phenomenon of people 's land grabbing.

Overlapping Powers and Unconstitutional

In the opinion of several experts, it was establishing a land bank institution whose authority conflicts with the existing institution, namely the Ministry of Agrarian Affairs /BPN. Currently, the Ministry of Agrarian Affairs/BPN is the only institution with the authority to administer land and spatial planning in Indonesia. For decades, the ATR/BPN Ministry has also carried out various national land agendas as part of the agrarian reform movement. However, despite various programs supporting agrarian reform, several problems, such as conflicts and land disputes, remain unresolved. The many land and spatial planning issues are being handled by the Ministry of Agrarian Affairs /BPN. Although, on the one hand, the establishment of a land bank assists the tasks of existing institutions, on the other hand, it also has the potential for overlapping authorities because the potential land issues that arise are problems that are still in the process of being handled by the Ministry of Agrarian Affairs /BPN (Puspasari & Sutaryono, 2017).

In addition to overlapping authorities, land banks also have the potential for unconstitutionality because they are not in line with the existing legal basis for land. Different motivations for dealing with land issues and managing land need attention. For example, the existing ministries, namely ATR/BPN, carry out the mandate of the fundamental agrarian law in the form of land distribution to achieve social justice and equity. In other words, the Ministry of ATR/BPN is on social justice and equality. In contrast to the motivation for handling land by land banks which tend to support investment and the economy.

In addition, it is feared that the broad authority of land banks will disrupt the agrarian reform agenda that has been proclaimed since the fundamental agrarian law was passed. For example, one of the functions of a land bank is to distribute land to the public to support the agrarian reform agenda. But in other functions, the land bank is also used to support public and economic interests. So there are two interests here. There is a pro-market, business-oriented policy direction. Still, at the same time, there is a big agricultural reform agenda in the form of land redistribution and consolidation for people with low incomes. The two conflicting interests are prone to conflict of interest in the internal land bank. It is feared that the authority of a substantial land bank will overlap with the existing one, namely the Ministry of Agrarian Affairs/BPN, which also carries out land redistribution matters.

From the explanation, the land bank and the ATR/BPN Ministry have conflicting interests. Although the two government entities deal with land, their motivation, paradigm, and ideology differ. Even though it also clearly states that there will be a separation between the Ministry of ATR/BPN which functions as a land administrator, and the Land Bank, which functions as a land manager, these two functions have not proven to be vital in overcoming the various land challenges that occur. So, as a land regulator, the government should consider that the authority of the Land Bank Agency must be limited and not overlap with the institutional authority of the ATR/BPN Ministry.

CONCLUSION

Land bank and Agrarian Reform: two contentious concepts. According to the Indonesian Constitution and the UUPA, the state must protect the land rights of people with low incomes and prohibit the practice of land monopoly by the private sector. However, work copyright laws and land bank policies that have been passed contradict the basic rules of Indonesian land law. Within the agrarian reform mandate framework, abandoned land must be returned to the community or farmers to be utilized and improve welfare. However, in land bank regulations, the meaning of agrarian reform is indicated as the distribution and use of land for investment. The logic of agrarian reform regulated in the land bank is very different because the approach is in the form of optimization and investment. The original agrarian reform approach listed in the BAL on land should be utilized for people's lives, justice, and fulfillment of the people's right to life.

Land as an asset must be distributed and fully utilized by the community. So that social enthusiasm is not appropriate when juxtaposed with the spirit of improving the investment climate and economic growth. Indeed, one indicator of welfare that can be measured is an increase in the economy, but this does not mean that a group of people only enjoys an increase in welfare. Bank institution can be understood from two sides. The first is the positive side of the land bank which benefits the land management system in Indonesia for being able to assist the Ministry of ATR/BPN in carrying out its duties and authorities in the land administration and spatial planning. The existing ministry is the land administrator, and the land bank is the *land manager*. The dualism of the functions of the land agency will mutually reinforce the practice of land management. It will also be able to assist in solving land and spatial planning problems that exist in Indonesia.

However, on the other hand, there are also weaknesses in current land bank practices, namely the potential to worsen existing institutions, create overlapping and unconstitutional authorities on existing land regulations. This is due to the difference in paradigm and motivation between the land bank and the land paradigm in the form of agrarian reform. So land banks have the potential to open the door to liberalization, the practice of land speculation, and land monopoly by the government under the pretext of economic growth and investment. Moreover, land banks have different motivations and enthusiasm from existing institutions. The land bank is focused on economic development and investment, while the ATR/BPN Ministry has a big agenda for equality and justice through agrarian reform. In other words, the land bank can potentially

exacerbate land problems and disrupt the duties and functions of the Ministry of Agrarian Affairs/BPN institutions in Indonesia.

Land banks can potentially hamper existing institutions' institutional duties and functions because their authority overlaps with each other. Until now, the resolution of land and spatial planning issues is still under the control of the ATR/BPN Ministry. It is hoped that the land bank will be able to assist the duties and functions of the ATR/BPN Ministry. However, it is also possible that the existence of a land bank will worsen and disrupt the performance of the ATR/ BPN Ministry.

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REFERENCES

- Alexander, F. S. (2011). *Land banks and land banking*. Center for Community Progress Flint, MI.
- Damen, J. (2004). Land banking in The Netherlands in the context of land consolidation. *International Workshop: Land Banking/Land Funds as an Instrument for Improved Land Management for CEEC and CIS*, 1–5.
- Francis, A. D. (1975). Land Banking: Development Control through Public Acquisition and Marketing. *Envtl. L.*, 6, 191.
- Halleson, Y., & Visén, P. (2018). Intertextual content analysis: an approach for analysing text-related discussions with regard to movability in reading and how text content is handled. *International Journal of Research & Method in Education*, 41(2), 142–155.
- Harrison, K. (2007). International land banking practices: Considerations for Gauteng province. *Gauteng Department of Housing and Urban Landmark Trust*, 7.
- Kartodihardjo, H. (2021). *Potensi Korupsi Kelembagaan Bank Tanah*. Fakultas Hukum UGM.
- O'Brien, K., Toth, K. S., Robey, C., Gollan, C., Sattler, M., Duritsky, J., & Hudecek, S. (2005). *Best practices in land bank operation*.
- Pamungkas, A., & Winarso, H. (2018). Institutional Forms and Patterns of Public Land Banking Financing in Indonesia. *Tataloka*, 20(1), 35. <https://doi.org/https://doi.org/10.14710/tataloka.20.1.35-49>
- Prianggono, A. A., & Pramono, R. W. D. (2023). Dilemma Pembentukan Institusi Bank Tanah: Pemerataan Sosial Atau Pertumbuhan Ekonomi. *Jurnal Fusion*, 3(02), 214–229.
- Puspasari, S., & Sutaryono, S. (2017). *Integrasi Agraria–Pertanahan dan Tata Ruang: Menyatukan Status Tanah dan Fungsi Ruang*. STPN Press dan PPPM.
- Sartika, D. (2022). *KPA Nilai Bank Tanah dalam UU Cipta Kerja condong pada Pemilik Modal*. <https://nasional.kontan.co.id/news/kpa-nilai-bank-tanah-dalam-uu-cipta-kerja-condong-pada-pemilik-modal>
- Sumardjono, M. (2018). *Land Regulation and the Spirit of Agrarian Justice*. STPN Press.
- Sumardjono, M. (2021). *Alignment in Proportionality of Land Management by the Land Bank: Through a Just Economy Towards Social Justice*. Gadjah Mada University.
- Syah, I. (2021). *Mengoptimalkan Pemanfaatan Tanah Terlantar untuk Kesejahteraan Masyarakat melalui Reforma Agraria dan Bank Tanah*. Direktorat Tataanan, Penguasaan, Kepemilikan dan Penggunaan Tanah.
- Tanawijaya, H. (1995). Land Banks: A Legal And Economic Review. *Age of Laws*, 3(1), 49–57.
- Van Dijk, T. (2003). Dealing with Central European land fragmentation. *Eburon, Delft*.
- Van Dijk, T., & Kopeva, D. (2006). Land banking and Central Europe: future relevance, current initiatives,

- Western European past experience. *Land Use Policy*, 23(3), 286–301.
- Veršinskas, T., Hartvigsen, M., & Gorgan, M. (2022). *European good practices on land banking*.
- White, M. D., & Marsh, E. E. (2006). Content analysis: A flexible methodology. *Library Trends*, 55(1), 22–45.



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