

THE PRINCIPLE OF TOGETHERNESS IN THE APPLICATION OF LAND BANKS IN INDONESIA FOR THE WELFARE OF THE COMMUNITY

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THE PRINCIPLE OF TOGETHERNESS IN THE APPLICATION OF LAND BANKS IN INDONESIA FOR THE WELFARE OF THE COMMUNITY

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ABSTRACT

Land Banks are one of several forms of government regulation which allocate land for community development. The issuance of Law No. 11 of 2020 concerning Job Creation, which mandates the formation of a Land Bank, is a significant step forward in resolving issues associated with land purchase in development. Actually, the implementation of a land bank must incorporate suggestions for optimizing and use and earnings. The significance of implementing a land bank in Indonesia must be based on the idea of collaboration, as one of the functions of a land bank is the provision of land parcels by the government or the private sector for both development and investment or investment objectives. Regarding the characteristics of the principle of togetherness in the implementation of the Land Bank and the accomplishment of community welfare in Indonesia, though the principle of togetherness in the Land Bank, the formulation of the problem may very well be described as follows. The research methodology used is normative juridical research, which involves classifying and further dissecting legal documents using a statutory and conceptual approach. The Land Bank is intended to provide justice for those seeking land ownership rights.

Keywords: Principles of Togetherness, Land Bank, Community Welfare

INTRODUCTION

Due to the importance of land to development, the increasing need for development is followed with a decrease in the amount of land that is accessible, so making it more difficult to maximize land usage (Ganindha, 2016). The disparity in land ownership as an impediment to land use for the development process is a problem that frequently emerges in relation to land as a medium in development. Few individuals are classified as investors with extensive land holdings. Investors, often known as capitalists, have a significant impact on the successful utilization of property in development (Trisna & Sandela, 2021).

The government's responsibility in regulating land is restricted to the making of rules. Nonetheless, another government role that is not fully utilized is the function of regulating the readiness of land. As a result, the government is unable to supply land due to its limited ability to regulate this land. Important is the establishment of a land bank as a land manager due to the diminishing supply of land for development reasons (Arnowo, 2021).

By regulating the economy and stabilizing local land, the Land Bank is able to increase land exploitation. Therefore, there must be laws governing the procedure for Land Bank activities in Indonesia, as well as rules governing the entities permitted to operate Land Banks (Ganindha, 2016). The objective of Land Bank is to meet the housing requirements of the disadvantaged.

The issuance of Law No. 11 of 2020 concerning Job Creation (Government of Indonesia, 2020b) (hereinafter referred to as Law No. 11/2020), which dates the establishment of a Bank Soil, represents a significant step forward in resolving issues associated with land acquisition in the context of development. Land Bank refers to a method of transferring land ownership rights for the sake of development (Trisna & Sandela, 2021).

According to the guidelines in Article 2 Paragraph 1 of Government Regulation Number 64 of 2021 about Land Banks (hereinafter referred to as PP No. 64/2021), a land bank shall take the form of a legal organization and shall own its assets separately from public assets. This results in the mobility for the Land Bank's implementation becoming adaptable and responsible. Therefore, regulations that apply government regulations are required to serve as a legal framework for land bank business operations.

Regarding the presence of bankers or capitalist parties who supply land availability as part of the development process, it is vital to apply the principle of togetherness. The establishment of a land bank is supported by this principle of cooperation, which embodies land-related investment as its objective.

This paper formulates the problem as follows:

1. Characteristics of the Land Bank's use of the notion of oneness;
2. Utilizing the Land Bank's philosophy of cooperation, Indonesians are able to advance communal welfare.

RESEARCH METHODS

This research demonstrates a normative legal analysis of primary and secondary legal sources (Soekanto & Mamudji, 2015). Primary legal materials are statutory rules, whereas secondary legal materials include books, magazines, and other legal materials used to conduct library research, surveys, and/or interviews with parties of interest.

After obtaining the data, the following steps are to gather and categorize legal documents. This is owing to the utilization of two study methods for analysis. The classification follows a legal and conceptual methodology. The analysis was conducted subsequent to classification. The resulting hypothesis is the application of the Mutual Principle to Land Banks in Indonesia for the benefit of the community.

RESULTS AND DISCUSSION

A. CHARACTERISTICS OF THE PRINCIPLE OF TOGETHERNESS IN THE APPLICATION OF LAND BANKS

1. LAND BANK INSTITUTIONS IN INDONESIA

According to the provisions of Government Regulation No. 11 of 2010 concerning Control and Utilization of Abandoned Land (Government of Indonesia, 2020a) (hereinafter referred to as PP No. 11/2010), specifically Article 9 paragraph (3) and Article 15 paragraph (1), the State has the authority to provide land as a reserve, apart from a Private Business Entity. The discrepancy is due to the amount of time necessary to utilize the property under control. Article 33 of the 1945 Constitution stipulates that land usage must be conducive to the development of the people (Government of Indonesia, 1945).

Land Bank is an indispensable resource management tool for expanding land use. The objective of the Land Bank is to manage and stabilize local market land. The Land Bank gives assurances that land is available for future development. Additionally, it relates to the effectiveness of the APBN or APBD, hence lowering land acquisition conflicts and the negative effects of liberalization (Ganindha, 2016).

According to PP No. 64/2021, the Land Bank in Indonesia was established as an institution with the purpose of managing land (Government of Indonesia, 2021). In accordance with this clause, the Land Bank is able to independently manage both its own assets and financial processes. There are now two types of land banks: 1) First, the Governmental Land Bank, which must have ties to public institutions in order to operate; and 2) The Private Land Bank. The execution of the Public Land Bank is carried out by autonomous public institutions or a number of public institutions with pure functions that are, of course, public services, and the obligation also rests with the government. 2) Private Land Bank is a Land Bank that is administered by the private sector. In this instance, a private legal entity that will become a land bank shareholder and can also serve as a land bank lender. This sort of Private Land Bank is totally accountable, since the State has no control over land purchases. The primary purpose of private actors in this sort of Private Land Bank is to remain profitable; also, the increase in land value is correlated with the long-term availability of land (Mochtar, 2013).

The following is the definition of a Land Bank, including:

1. According to Alexander, the term "Land Bank" refers to a local government rule that allows for the acquisition of abandoned structures, their subsequent productive use, and the possibility of their continued use for general purposes (Alexander, 2008).
2. According to Annaningsih, the process of purchasing and disposing of real estate in anticipation of future demands enables people, organizations, or businesses to make acquisitions at current prices, which are later developed to boost the land's economic value (Annaningsih, 2007).
3. Limbong explained that the Land Bank is a component of land management that strives to boost the profitability of land usage in addition to ensuring the availability of land to meet future infrastructural requirements. Reduce the issues that arise during the release of land so that it can be able to overcome the negative effects of land liberalization activities as well as the effectiveness of the APBN/APBD (Limbong, 2013).

The essential need to create a land bank institution is tied to development in order to reduce the amount of land commodities that are traded by speculators looking to make money for investors and complicating government efforts to distribute land for development. As a result, institutions will be required to manage land in the future development as well as other purposes such as communal residence, governance, social affairs, and other legal requirements (Lahilote et al., 2021).

The Land Bank has a framework for land asset usage that strives to meet operating objectives, as well as capital development and distribution. In accordance with the terms of PP No. 64/2021 (Government of Indonesia, 2021), specifically Article 4, the income will be allocated to a development agency and not to the Land Bank.

2. THE PRINCIPLES OF TOGETHERNESS IN THE APPLICATION OF LAND BANKS

The principle of togetherness is one of the 10 investment principles outlined in Article 3 paragraph (1) of Law No. 25 of 2007 concerning Investment (Government of Indonesia, 2007) (hence referred to as Law No. 25 of 2007). The definition of the principle of togetherness is a principle that emphasizes the role of all investors in achieving the success of the community. It is vital to apply this approach to investment activities since, on the one hand, it is important to prioritize the welfare of the people, yet investment activities frequently exclusively consider the interests of investors.

In addition to the investment principles included in the Capital Market Law, there is one more principle contained in Agreement on Trade Related Investment Measures (TRIMs), notably, the nondiscrimination principle. The concept of the principle of nondiscrimination is the investment principle, which does not differentiate between domestic and international investment because investment activities do not recognize state borders.

When it comes to investment goals, the ones listed in Article 3 paragraph 2 of the Capital Market Law include: 1) Increasing the economy of the people; 2) Creating a new job; 3) Increasing the economy of sustainable development; 4) The national business environment is more competitive; 5) The number and capability of national technologies have increased; 6) The development of the people's economy; 7) The management of the potential economy so that it develops into a real economic strength with funds from both domestic and foreign sources; and 8) The increase in the prosperity of the people.

The social market economy spawned the notion of community. Article 33 (4) of the Constitution of 1945 declares that the economy is driven by a market system administered by the state for an efficient but fair market economy, and that the production factors are owned by individuals according to legal norms, customs, public interests, and public property. The private sector's function is not restricted unless it is involved in the manufacturing sector, which is vital to the nation and impacts the people's

standard of living (Government of Indonesia, 1945). Thus, the government serves not just as a regulator, but also as an entity in the event of negative externalities, market failure, and economic and social inequality. All of this is done to increase and utilize all actors equally in order to accomplish economic growth and fairness (Panjaitan & Sadalia, 2013).

The relevance of implementing a land bank in Indonesia must be built on the principle of collaboration, as one of the land bank's functions is the provision of land parcels by both the government and the private sector for development and investment or investment reasons. The principle of togetherness becomes the foundation for the actions of supplying land from the land bank in order to realize the well-being of the people, rather than only individual interests.

Land Bank is a resource empowerment organization that contributes to the expansion and diversification of land uses. The techniques employed to the management and consolidation of local market-owned land. The goal of the Land Bank system is to acquire a set aside land for infrastructure purposes.

The establishment of a land bank seeks to achieve the following goals: 1. To provide safeguards for the purposes and interests of Article 33 of the 1945 Constitution (Government of Indonesia, 1945). 2. Support a national development that is sustainable, fair, and equitable for the benefit of the community. 3. Controlling regional development with efficiency and effectiveness. 4. Land can be administered and utilized equitably and logically for the realization of Development (Worldbank, 2020).

B. Achieving Community Welfare in Indonesia Through the Principle of Togetherness in land banks.

Indeed, the welfare of the community is essential and must be considered in a variety of government and private sector activities, particularly those involving the provision of land in a land bank. The land bank is tasked with ensuring the availability of land for use as a fair economic framework in the form of public interest, social interest, national development interest, economic justice, land reorganization, and/or agricultural reform. Planning, property acquisition, land distribution, and land usage

Implementation of the Land Bank is accomplished through collaboration with a number of partners. In addition to the acceptance of entrusted land for agriculture, the partnership is a relationship that is supposed to be mutually beneficial. This partnership demonstrates the Land Bank's ability to move promptly to preserve land that may be farmed profitably and supply land for development (Arnowo, 2021).

Collaboration is used to implement the term "togetherness." Working together is always carried out by a large number of individuals and groups, although not all groups understand what it entails. Even when there is a group of people, it makes no sense for them to remain together if each member is only concerned with meeting his or her personal requirements. On the other hand, they can have a shared sense even though they are not in the same location if they are working toward the same objective. The term "togetherness" refers to an action carried out by many people to attain the same objective, and it can be enjoyed by everybody (Kristianti, 2021).

Because the principle of togetherness constitutes the basis for the actions of the Indonesian government, togetherness is the adopted principle in Indonesia. In Indonesia, family has a profound significance. In other words, it is a living union with members of varying ages, genders, and personalities, but it is a separate entity. And when cooperation in the spirit of mutual help is necessary for the happiness and prosperity of the country's economic life, there is voluntary cooperation in the spirit of brotherhood. This includes programs such as full employment policies, strengthening initiatives, etc. Cooperative operations to accelerate the expansion of low-income properties, with an emphasis on production and environmental protection factors. Community, the private sector, and the government can effectively implement the program if there is cooperation and a sense of togetherness. In the interaction between citizens based on the idea of kinship, the understanding of the existence of the nation and state of the Indonesian people emerges. The foundation of Indonesian democracy is not liberalism and individualism, but rather a sense of solidarity (Kristianti, 2021).

Land Bank is one of the institutions with administrative authority according to applicable regulations. As the owner of control, the Land Bank has the right to occupy and utilize all or a portion of the controlled assets for its own benefit or the benefit of third parties. Assets managed for use and/or distribution that have been granted control by the Land Bank. On the other hand, unlicensed Land Bank assets are used solely for operational or distribution purposes.

The Land Bank has the following policies for using its land assets: 1. Use of land for operational purposes. 2. Using land to boost wealth. 3. The distribution of land. The Land Bank agency must essentially prioritize profit over all other considerations in order for it to remain viable. Article 4 of PP No. 64/2021 says that the Land Bank uses income obtained under its administration for organizational development and distributes earnings to the Land Bank organs in accordance with the principle of non-profit (Government of Indonesia, 2021).

The success of the Land Bank depends on legislation, institutions, funds, and methods for administering the Land Bank's activities in accordance with contemporary management concepts. The Land Bank System is responsible for the design, organization, implementation, and supervision of the Land Bank to achieve its goals. Appropriate legislation and robust institutions enable land bank owners to carry out six functions: land collectors, land registrars, land appraisers, land registrars, and land registrar (land managers). As a land guarantee (land guarantee), land manager (land buy), land management (land management), real estate appraiser (real estate appraisal), and land vendor.

Conceptually, the Land Bank's activities encompass land use as well as arrangements and strategies designed to maximize land use. Land bank institutions can take several forms, especially in the case of state-owned land banks. Specifically, (1) the BUMN Land Bank, (2) the Departmental or Institutional Land Bank, (3) the BPN Land Bank, (4) the BPN Land Bank, (5) the City Government Land Bank, (6) BUMD Land Bank. The BUMN Land Bank is the optimum type of Land Bank institution to be established in Indonesia (Ganindha, 2016).

Land banks assist to regional economic growth by accumulating and distributing land. The Land Bank Movement must be more active than the private sector in exploring the land it owns (land acquisition). Initial land ownership is meant to provide the Land Bank with land at a reduced rate, hence reducing development expenses. The requirements for business calculation

elements must also be considered when providing land assets to the federal or regional government for economic growth and investment.

Land allocation for economic justice includes allocating land for pilot programs, opening up rural areas, constructing people's marketplaces, and building dwellings for low-income communities, among other economic justice initiatives. The beginning of segregation at the local level is a component of local development that focuses on infrastructural development between regions (Hakim, 2019). With the establishment of the land bank based on the idea of community, it is anticipated that the community's welfare will be provided for and even enhanced.

CONCLUSION

In Indonesia, the Land Bank plays a crucial role in providing land for development purposes. In order to promote a just economy, the Land Bank's function is bolstered by the establishment of a specialized institution that manages land. The function of the Land Bank as a guarantee for the availability of land is integral to the implementation of a just economy through planning, land acquisition, land purchase, land management, land usage, and land distribution. The significance of implementing a land bank in Indonesia must be based on the idea of collaboration, as one of the functions of a land bank is the provision of land parcels by the government or the private sector for both development and investment or investment objectives. The principle of togetherness provides the foundation for the actions of supplying land from the land bank in order to realize the well-being of the people, as opposed to merely individual interests.

Due to its influence on Indonesia's infrastructure, the Land Bank serves as a significant land provider. This role will be bolstered by establishing a separate agency to manage land in order to boost the Indonesian economy and prevent excessive land value increases caused by private institutions' speculating in urban areas. Land Bank Infrastructure Planning may play a crucial function in the Indonesian economy's leisure sector. As a result of the government's varied efforts, the Indonesian economy will revive. The implementation of the Land Bank is in the form of cooperation with various parties. The cooperation is a relationship that is expected to be mutually beneficial, besides that there is also acceptance of entrusted land for cultivation. This collaboration is proof that the Land Bank is able to act swiftly to protect cultivable land in a profitable way, as well as provide land for development. The principle of togetherness is an idea that forms the framework of the activities of the Indonesian state. Therefore, it is important to apply the principle of togetherness in implementation in Indonesia, in order to improve the welfare of the community, especially in terms of land ownership.

SUGGESTION

In order to enhance the well-being of the community, it is necessary to create regulations governing the operation of a Land Bank in Indonesia as well as the individuals permitted and also apply the principle of togetherness to implement Land Bank practices.

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