



Establishment Of a Land Bank to Realize the Area Equitable Food Security in Indonesia

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Abstract

This study aims to analyze the establishment of a just agricultural food area land through a land bank institution. The method used is normative juridical law research, where the approaches used are conceptual and statutory. The Statute approach reviews all regulations related to the problems faced, and the conceptual approach uses the study results to build legal opinions that are used in solving legal issues. In establishing a just food security area through a land bank, it is necessary to harmonize the relevant laws and regulations because it will cause potential disharmony in its implementation. There is harmonization in the regulation related to the establishment of the food security area because it contains what is a land bank guarantee in the availability of land to realize a just economy, namely agrarian reform, land consolidation, national development interests, social interests, and public interests. The Government should immediately make a Presidential Regulation on land banks so that the establishment of a just food security area can be realized immediately, considering that food is a fundamental right for citizens

Keywords

Land Bank, Agricultural Land Area, Equitable Agriculture

A. Introduction

In the development of agriculture, the land is the main factor because the land is not only of economic value but also has social or religious value. For

agriculture that is developed continuously, the land is a vital resource in agricultural businesses, especially when conditions with most companies are still tied to land-based farming patterns. Land can be reserved for future lives and seen as a treasure with permanent properties. The definition of land is the residence of most humankind and a source of earning a living through plantations and agriculture.¹

Following Article 33, paragraph (3) states, "Earth and water and the natural resources contained therein are controlled by the State and used as much as possible for the prosperity of the people." By Article 33, paragraph (3), the availability of agricultural food land is an essential factor in food sovereignty and self-reliance development. In addition, Article 28A and 28C paragraph (1) state, "Everyone has the right to live and has the right to defend his life and life." Article 28C paragraph (1) states, "Everyone has the right to develop themselves through the fulfillment of their basic needs, the right to education and to benefit from science and technology, art and culture, to improve the quality of their life and for the welfare of mankind." It is obligated to fulfill fundamental rights for its citizens, such as housing, decent work, sufficient food, and a good environment so that the State is required to utilize every inch of its land optimally.²

Efforts that cannot be separated from agrarian reform are the protection of agricultural land for food. The agrarian reform includes arrangements related to ownership/control and aspects of utilization/use following Article 2 of the Decree of the People's Consultative Assembly of the Republic of Indonesia No. IX/MPR-RI/2001 related to Agrarian Reform and Natural Resource Management. Changing land use illustrates that there are dynamic activities in the community. Therefore, changes in land use will be faster. It can be used to indicate how people use natural resources in their area. In addition to being the potential of life, it can also be an effort to maintain the sustainability and preservation of its potential.^{3v}

Switching the function of agricultural land into non-agricultural land in a sustainable manner, the area of agricultural land will decrease without any directed control. It can be overcome by spatial planning so that it will be able to accommodate several activities. The central mainstay of most Indonesian people's lives is the agricultural sector. With rising world food prices, rural communities engaged in the agricultural sector should receive abundant sustenance. The facts show that in the last decade, Indonesia is still struggling with the problem of how to meet the food needs and welfare of the people who rely on the food sector for their livelihood. It can be seen from the food production in Indonesia, which is

¹ Zuhud Rozaki, 'Food Security Challenges and Opportunities in Indonesia Post COVID-19', *Advances in Food Security and Sustainability*, 6 (2021), 119–68 <<https://doi.org/10.1016/BS.AF2S.2021.07.002>>.

² Aries Purwanto and others, 'Using Group Model Building to Develop a Causal Loop Mapping of the Water-Energy-Food Security Nexus in Karawang Regency, Indonesia', *Journal of Cleaner Production*, 240 (2019), 118170 <<https://doi.org/10.1016/J.JCLEPRO.2019.118170>>.

³ A. Surahman, Ganesh P. Shivakoti, and P. Soni, 'Prospect of Sustainable Peatland Agriculture for Supporting Food Security and Mitigating Green House Gas Emission in Central Kalimantan, Indonesia', *Redefining Diversity and Dynamics of Natural Resources Management in Asia*, 1 (2017), 291–303 <<https://doi.org/10.1016/B978-0-12-805454-3.00015-3>>.

always in deficit and compensated by imports.⁴

This is in line with Imam Panuju, Director of Land Development and Control of the Directorate General of PSP of the Indonesian Ministry of Agriculture, who stated that the conversion of agricultural land, especially in Java, was not under control. BPS data describes that every 80 thousand hectares of agricultural land are lost. So, in other words, every time you wake up, 220 hectares of agricultural land are converted to other sectors.

The government is currently proclaiming a food security strategy as the National Development Agenda for 2022-2024, which prioritizes strategies to increase food consumption availability, accessibility, and quality. In 2022, an estimated 79 trillion rupiah will be allocated to increase the affordability and adequacy of varied, high-quality, nutritious, and safe food; (2) intensification of production capacity and income of farmers and fishermen by fostering the quality of competence of fishermen and farmers, strengthening access to production inputs, procurement of agricultural and fishery facilities, and enhancing mechanization and utilization of technology; (3) food diversification and quality contained in nutrition; (4) reconstruction of business spirit and competitiveness; and (5) improvement of a sustainable food system. Food availability is achieved through maintaining food stocks, which are sought by substituting activities that depend on other countries and increasing domestic production.⁵

According to data from the Global Food Security Index ("GFSI"), in 2020, Indonesia's food security index score reached 61.4. However, the index fell in 2021 to 59.2. The index makes Indonesia's food security in 2021 at 69th out of 113 countries. In 2022, food security in Indonesia will rise again to 60.2, with 63rd rank out of 113 countries. This shows the need for legal instruments to help stabilize food security in Indonesia, which in this case, can be implemented through the agricultural sector. Agricultural problems experienced today are urban sprawling, limited government land availability, and high land prices, resulting in inefficient urban development and uncontrolled land conversion. This indeed urges the implementation of land management triggered by the increasing world population, so that land with static properties must be able to provide the basic needs of its inhabitants (Sun et al., 2021).

B. Method

This research includes juridical normative legal research using a conceptual approach as well as a legal approach. The formulated problems are answered by using a legal approach to study all the laws and regulations as well as regulations related to the difficulties (legal issues) faced. After the problem is analyzed using

⁴ I Gusti Ayu Ketut Rachmi Handayani, Kartina Pakpahan, and Anis Mashdurohatun, 'Efforts to Reduce Crime of Processed Food without Circular License in Indonesia', *International Journal of Advanced Science and Technology*, 28.15 (2019), 839-44.

⁵ Wirastuti Widyatmanti and Deha Agus Umarhadi, 'Spatial Modeling of Soil Security in Agricultural Land of Central Java, Indonesia: A Preliminary Study on Capability, Condition, and Capital Dimensions', *Soil Security*, 8 (2022), 100070 <<https://doi.org/10.1016/J.SOISEC.2022.100070>>.

laws and related regulations. It is used to build legal arguments according to the conceptual approach used in solving legal issues. Considering several literature and associated documents, the data were processed and analyzed qualitatively. Research data consists of secondary data from the literature, including legal books, laws, official documents, previous research, articles, newspapers, bulletins, and other relevant sources. Secondary data is from primary legal material, namely legislation regarding land bank arrangements to realize a just food security area.

C. Result and Discussion

D. Harmonization of Laws and Invitations Related to the Establishment of Equitable Food Security Areas

Legislation is part of the national legal system that has an essential role in developing federal Law to create a national legal system following the 1945 Constitution and Pancasila. The policy direction for harmonization of laws and regulations at the central level is regulated in the Law for the Establishment of Legislation.

The urgency of harmonization of laws and regulations where the most famous significance of harmonization of laws and regulations is to create guarantees and legal certainty for anyone with interest. Legislation drafted without harmonization will develop a sense of unprotected society, disorder, and legal uncertainty. The problem of legal certainty in this perspective will be a necessity that can only be created through harmonizing laws and regulations.⁶

The horizontal harmonization of laws and regulations follows the Lex Posterior Delogat Legi Priori principle, which has the principle that the new rules are not following the old regulations. This principle applies to statutory laws in the same hierarchy, and in practice, it is regulated in the closing provisions of statutory regulation. In this provision, it is regulated whether the status of the legislation remains valid as long as it does not contradict or is declared null and void. Meanwhile, the Lex Specialist Delogat legi Generalis principle is the principle that regulations with a particular nature override regulations with a more general nature. In the context of horizontal harmonization, it is necessary to form a statutory law with specific characteristics and forms that is not the same as legislation that others to achieve goals (Tambun & Haryati, 2022).

Legislation has a good formation principle, namely a legal principle that provides guidance and guidelines for pouring the contents of the regulation into an appropriate structure and form for the use of proper formation methods and existing formation processes and procedures.⁷

According to Attamimi's (1991) opinion, the principles for the formation of

⁶ William Bellotti, Esta Lestari, and Karen Fukofuka, 'A Food Systems Perspective on Food and Nutrition Security in Australia, Indonesia, and Vanuatu', *Advances in Food Security and Sustainability*, 3 (2018), 1-51 <<https://doi.org/10.1016/BS.AF2S.2018.10.001>>.

⁷ Evi Frimawaty and others, 'Sustainability of Rice Farming Based on Eco-Farming to Face Food Security and Climate Change: Case Study in Jambi Province, Indonesia', *Procedia Environmental Sciences*, 17 (2013), 53-59 <<https://doi.org/10.1016/J.PROENV.2013.02.011>>.

appropriate laws and regulations include: (i) the principle of openness, (ii) the principle of clarity of formulation, the principle of appropriate institutional or forming organs, (iii) the principle of usability and usability, (iv) the principle of conformity between the content and type of material, (v) the principle of legal certainty, the principle of equal treatment in Law, the principle of being able to recognize, the principle of being able to do, the principle of organ / Institutions and appropriate content, the principle of the need for regulation, the principle of clear goals, the principle of implementing the Law according to individual abilities (vi) The principle of Government following the Constitutional System, and the Principle of the State following the Law (vii) The ideal of Indonesian Law which is none other than Pancasila.

Legal harmonization approach, Goesniadhie includes legal harmonization referring to legislation, institutional integration, scope, codification, and unification.

Harmonization of statutory regulations is an effort to round off, strengthen, adjust and harmonize the conception of a draft statutory regulation with other regulations, which are lower, equal, or higher, and other things besides the regulations so that they do not overlap each other. Overlap or contradict, and systematically, this includes the consequences of the hierarchy of laws and regulations.⁸

The scope of harmonization of Law, L.M Gandhi according to what is in the book "tussen eenheid en verscheidenheid: Opstellen over harmonization instaaat en bestuurecht (1988)" describes that harmonization in Law includes adjustments to legal principles, legal systems, judges' decisions, government decisions, and regulations legislation to increase the usefulness and clarity of Law, justice and comparability, legal certainty, legal unity without compromising and obscuring legal pluralism if necessary.

Likewise, in the establishment of Land for Food Security Areas, it is also necessary to have related regulations, namely the Spatial Planning Law, the Law on Sustainable Agricultural Cultivation Systems, and the Law on Land Procurement for Development in the Public Interest, which as stated in these rules are delegation rules as regulations that intersect with the land acquisition process. Agriculture, and related to the Job Creation Act. There is harmonization in the three regulations because they contain what is guaranteed by the Land Bank in the availability of land for a just economy which includes the following elements:

It can be concluded that based on the law above, there are vacancies related to several regulations, such as public interest, social interest, and agrarian reform. One of the reasons for the need for harmonization of related rules is the overlapping substance of the three and the need to fill in regulatory vacancies and clarity on several matters related to land. The harmonization of laws and regulations in the land and/or land, especially land banks in Indonesia, is most ideally realized in the

⁸ Haula Rosdiana, Inayati, and Murwendah, 'Evaluation of Fiscal Policy on Agropolitan Development to Raise Sustainable Food Security (A Study Case in Bangli Regency, Kuningan Regency and Batu Municipality, Indonesia)', *Procedia Environmental Sciences*, 20 (2014), 563-72 <<https://doi.org/10.1016/J.PROENV.2014.03.069>>.

form of regulations at the law's level. It is based on philosophical, sociological, and juridical considerations that:

Laws	Law No. 26 of 2007 concerning Spatial Planning	Law No. 22 of 2019 concerning Sustainable Agricultural Cultivation Systems	Law No. 2 of 2012 concerning Land Acquisition for Development in the Public Interest
Public Interest	Article 2g, Article 33 (3)	Not explicitly explained, but there are national interests and community interests	Article 1 paragraph (6) and (8), Article 2, Article 3 and Article 4
Social interests	Not explicitly explained	Not explicitly explained, but there are national interests and community interests	Not explicitly explained, but can be categorized into public interest
National development interests	Article 19, Article 20 paragraph (2) a and b	Article 5 paragraph (2), Article 6 paragraph (2), and Article 7 paragraph (1)	Article 7 and Article 15
Economic Equity	Article 19 c and Article 22 paragraph (2) b	Not about economic equity but about economic growth and needs, namely Article 6 (1)	Article 15, paragraph (2)
Land consolidation	Article 33, paragraph (1) concerning land management	Article 12 paragraph (2)	Article 10
Agrarian Reform	Not explicitly explained	What is related to land is only land arrangement.	Not explained explicitly but alluded to the Agrarian Law.

Source: Data processed

- a. Philosophically, the state is responsible for the fulfillment of the fundamental rights of its people, which include work, a rich life, a place to live, to areas and food sources that can accommodate their daily needs. The obligation to fulfill fundamental rights by the state can be realized through using land and/or land productively and optimally. In addition, the principal ideals of the Indonesian state as reflected in the second and fifth precepts of Pancasila as the basis of the state, namely creating a just society and giving birth to social justice at the community level. Establishing regulations regarding land and/or land in the form of a land bank for the sake of development is an effort to realize these two ideals.
- b. Sociologically, everything related to land ownership is vital to human rights guaranteed by the state constitution. Land and/or land about the interests of many people's lives as assets, whether social assets or economic assets owned by individuals, corporations, and or the state, must be respected.

The implementation of the formation of legislation that harmonizes the interests of land and/or lands in the form of a land bank is an effort to respect the rights of the owners of the assets mentioned above.

- c. Juridically, Article 33 paragraph (3) of the 1945 Constitution affirms that "the state has the right to control aspects of the earth, water, and natural resources contained therein to be utilized for the prosperity and welfare of the people." It means that the 1945 Constitution, located at the top of the hierarchy of laws and regulations, mandates that the state control, which in this case is to manage all affairs related to land and/or land, to realize the ideals of prospering and prospering its citizens. Establishing laws and regulations regarding land banks is the embodiment of state ownership rights. The State's Right to Control is in line with the mandate of Article 2 paragraph (2) of the UUPA, which explains that "the state has the authority to (1) organize and implement the regulation and implementation, utilization, land stock, and maintenance (2) determine and manage the rights that the state can own. Ownership of the earth, water, and space, as well as to (3) establish and manage legal relations involving legal subjects and actions relating to earth, water, and space that are oriented towards the prosperity and welfare of the people in a just and wise state level."

The effectiveness of implementing a statutory regulation depends on the clarity of its regulatory arrangements. Thus, the land bank regulations to be enforced must be able to accommodate all essential aspects for the certainty of the implementation of the land bank, in this case including outlining the objectives of the establishment of legislation on land banks, the form and institutional structure of the land bank, operating procedures for land bank management, and all matters relating to the operation of the land bank. The certainty provided by the land bank arrangement will positively impact its implementation in real terms so that the land bank concept can run as effectively as possible as aspired.⁹

The provisions in the Job Creation Law regarding Land Banks do not specifically regulate the legal form of land banks. The constitutional rules only explain that the land bank is the exclusive institution for land administration without clarifying whether the land bank will be made a state-owned enterprise. A state institution or even BLU and/or other bodies. This elaboration is needed to provide certainty of duties, authority, and job status to the rule of law for each party involved.

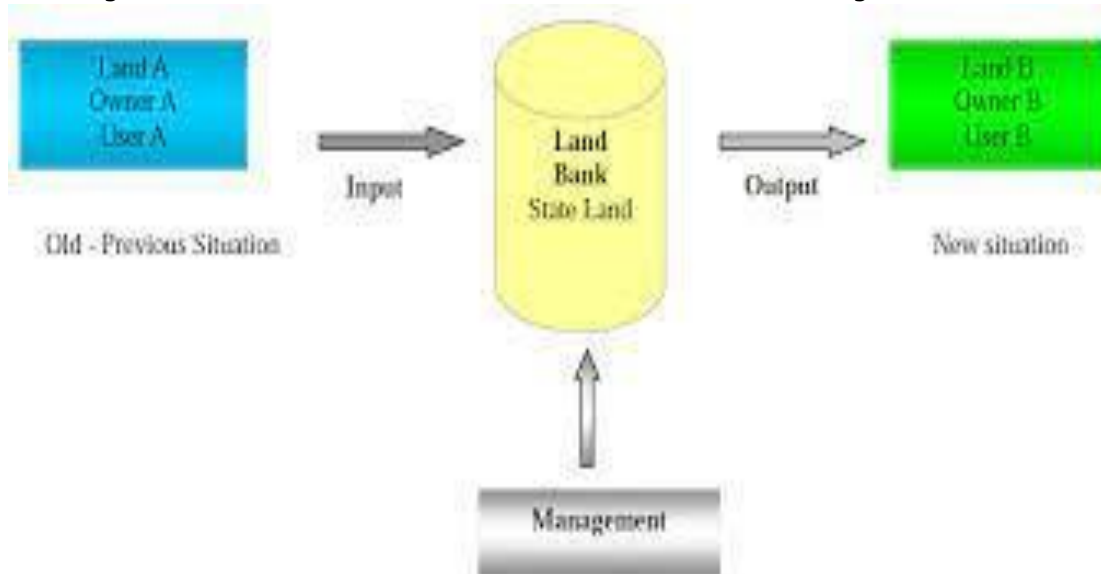
E. Establishment of a Land Bank to Realize Eternal Land Areas for Equitable Food Agriculture

Land Bank is an institution that has special authority in ensuring the availability of land to create a just economy following PP. 64 of 2021 related to the

⁹ Sandra Barinda and Dumilah Ayuningtyas, 'Assessing the Food Control System in Indonesia: A Conceptual Framework', *Food Control*, 134 (2022), 108687 <<https://doi.org/10.1016/J.FOODCONT.2021.108687>>.

Land Bank Agency. The Land Bank has the function of agrarian reform. "Agrarian Reform," namely land use, use, ownership, and restructuring of control structures that are more equitable through asset management and access arrangement for the prosperity of the Indonesian people. According to Krishna Ghimire, agrarian reform is a tremendous change in the agricultural structure, which increases the access of poor farmers to land and the certainty of tenure for those who work on the land.

The Land Bank, as well as a strategy in land affairs organized by the state represented by government agencies and/or independent institutions, has the authority to 1. carry out the acquisition of abandoned and problematic lands, land that has not been managed, as well as land-based on potential testing. To be developed. 2. manage and administer the land for a certain period, and 3. distribute the land for public purposes according to the government's agenda. The land exchange framework in the land bank can be understood through the chart below:



Source: Milcevic, 2014

Pancasila justice in Indonesia is the basis of the state. Justice is inspired and based on human justice's nature, namely in human relations with God, with society, nation, and state, with other humans, and humans with themselves. As contained in the 2nd and 5th precepts of Pancasila, where the first to the fifth precepts are interconnected

In 2020, through Law No. 11 of 2020 concerning Job Creation ("The Job Creation Law"), Indonesia officially established a Land Bank agency in Articles 125-135. The objectives of establishing this Land Bank are, among others; 1. To make an inventory of several lands that have the potential to be managed according to the availability and needs of land in Indonesia, 2. To accelerate the provision of land for development, 3. To analyze the conversion of productive land functions by taking samples of land use and utilization from various aspects, spatial planning, and land values collected from multiple locations for property, residential, and plantation locations, including industry, to determine the magnitude of the interests

and needs for land, 4. To accelerate land acquisition because the government already has a land manager instrument that creates land justice and supports national development, and there are land reserves, and 5. To reduce the Gini ratio while accelerating economic growth, facilitating investment, and opening up regional nodes that are less able to optimize land through establishing a Land Bank.

Through Government Regulation No. 64 of 2021 as an implementing regulation related to the Land Bank Agency in the Job Creation Law, the Land Bank has specific powers, namely for agrarian reform; land consolidation; economic equity; national development interests; social interests; and public interest as well as ensuring the availability of land for a just economy. This Land Bank must be accountable to the President through the Committee. In contrast, its wealth is from separated state assets. Its position is in the capital city of the Republic of Indonesia and can have representative offices throughout the territory of the Republic of Indonesia.

Byan Tanah can be a means of resource management in increasing land use productivity in Indonesia. This guarantee of the availability of land will be used for many development purposes in the future, and it is hoped that it can minimize problems in the land acquisition and liberalization process and ensure the efficiency of the APBD/APBN. In addition, the management of the Land Bank also has a close relationship with planning, organizing, and carrying out activities as well as supervising the activities of the Land Bank in achieving its objectives; land distribution, land appraisal, land management, land purchase controller, land warrantee, and land keeper.¹⁰

In its implementation, the nature of the land bank is non-profit, accountable, and transparent. "Transparent" is intended to be open when carrying out the process of presenting material and relevant information and making decisions about the Land Bank in a timely and accurate manner. "Accountable" is the clarity of employees, the organs of the Land Bank, and the implementation and accountability of the Committees and functions so that the Land Bank can be managed effectively. Meanwhile, "non-profit" means that income from the operation of the Land Bank is used in developing the organization, and the profits are not distributed to the organs of the Land Bank.

First, the state has land supplies to assess the urgency of implementing a Land Bank in Indonesia. The existence of a land bank in managing abandoned lands, unmanaged lands, and problem lands, of course, contributes vitally to ensuring the availability of state land as a supply for implementing policies—government, especially in development activities in the public interest. The land bank, as the agency that collects and stores land, gives the state freedom to carry out development functions with land at any time, including a. establishment of facilities and infrastructure for the public, b. infrastructure and sanitation to meet the needs of life, c. development of urban areas, for example, for the benefit of cheap residential areas as well as centers of commerce and industry, d. establishment of shelter centers for people affected by

¹⁰ Nasikh and others, 'Agricultural Land Resource Allocation to Develop Food Crop Commodities: Lesson from Indonesia', *Heliyon*, 7.7 (2021), e07520 <<https://doi.org/10.1016/J.HELIYON.2021.E07520>>.

natural disasters, evictions, as well as for people living in slum areas, e. food security which is implemented by inhibiting the rate of conversion of arable land, food self-sufficiency, and land reform.¹¹

The efficiency of the APBN and APBD, the government's budget for accelerating development, tends to increase continually. It is due to soaring land costs that continue to rise over time. As a result, the budget allocated for land acquisition continues to swell. The Land Bank can be the answer to the government's dilemma in carrying out policies that involve community land, for example, in the case of land acquisition belonging to residents, which results in the relocation of affected residents, land supplies as owned and collected by the Land Bank can be used by the state at any time, through this scheme, the budget that needs to be issued by the government can be reduced optimally. This strategy is also a means of controlling the land/land market.

Second, reducing the number of land acquisition conflicts. In land acquisition, one of the problems that are often unavoidable is determining the amount of compensation calculation. In carrying out land acquisition, the government includes a compensation scheme based on the NJOP. At the same time, the affected people usually demand compensation according to the market price that land brokers have monopolized.

As mentioned in the study of the urgency of establishing a land bank in Indonesia above, it can answer one of the challenges of food security in Indonesia, which has stagnated in its implementation. This challenge is reinforced by the issue of the conversion of agricultural land and the limited infrastructure that supports agricultural activities. Food Security, as stated in the Food Law, is a condition of realizing sufficient food for individuals to the state and manifested in the availability of adequate food in quantity and quality, safe, varied, equitable, and affordable without any contradictions in religion, belief, as well as culture in the society so that people can live healthy, active and productive lives.¹²

The food security condition in Indonesia often collides with the problem of access to food which is currently still focused on the availability and accessibility of food that is not yet fully able to accommodate food needs in Indonesia. If this continues without a concrete solution that can bring the condition of food security in Indonesia in a better direction, then food self-sufficiency, as has been aspired for a long time in Indonesia's fertile soil, will not be achieved. Implementing a land bank in Indonesia is a vital plan for the food security program.¹³

Indonesia has great potential to realize food security or food security. These potentials can be formulated into the possibility of natural resources, biodiversity,

¹¹ Marissa Malahayati and Toshihiko Masui, 'Potential Impact of the Adoption of Food Loss Reduction Technologies in Indonesia', *Journal of Environmental Management*, 319 (2022), 115633 <<https://doi.org/10.1016/J.JENVMAN.2022.115633>>.

¹² Rus'an Nasrudin and others, 'Contribution of Cash Transfers in Moderating Household Food Insecurity in Small-Island Communities: Experimental Evidence from Indonesia', *Marine Policy*, 118 (2020), 104025 <<https://doi.org/10.1016/J.MARPOL.2020.104025>>.

¹³ Dewi Nurul Savitri, 'Legal Policy on the Protection of the Right to Health During the Covid-19 Pandemic in France', *Bestuur*, 10.1 (2022), 1-11 <<https://doi.org/10.20961/bestuur.v10i1.54449>>.

human resources, infrastructure, market development, technology, and institutions that can be established to become a reliable and credible body at the community level. The Agricultural Revitalization Agenda and the government's strategy in pursuing strong food sovereignty focus on intensifying strategic food commodities, including corn, soybeans, sugar cane, rice, and beef. This agricultural revitalization plan aligns with the objectives that the land bank can realize as a provider of land supplies for development.

The functions of the land bank include land distribution, land use, land management, land acquisition, and planning. And has the following duties: a. distribute land by carrying out land provision and distribution activities; b. utilize the land through joint utilization with other parties; c. cultivate the land for land control, maintenance, security, and development; d. planning long-term, annual and medium-term activities, e. is, acquiring land from sources of determination by the government and other parties, and f. directly carrying out a land acquisition for the development of public interest.¹⁴

Land Bank distributes land. The distribution is following PP No. 64 of 2021 regarding the Land Bank Agency, namely "the implementation of the Land Bank's duties in the context of fulfilling the availability of land for public interests, social interests, national development interests, economic equity, land consolidation, and agrarian reform." The Land Bank in distributing land is not the same as the land retribution in its distribution to entities that are directly handled by the ministry in charge of government affairs in spatial planning and agrarian/land.

Acquisition of land following Article 3 paragraph (1) letter b, namely from: "land that has been determined by the government; consisting of ex-titled land; abandoned areas and lands; forest area release land; raised ground; reclaimed land; ex-mining land; land of small islands; land affected by the policy of spatial change. Besides, land over which there is no control. Land from other parties is made through purchase; receipt of grants/donations or the like; exchange; waiver of rights; or acquisition of different legal forms such as land owned by BUMN, BUMD, BUMDes, as well as other business entities and institutions.¹⁵

Several supports to guarantee the availability of land for public interest include: technology development area, food security area; tourism area; industrial area; special economic zones; downstream gas, oil and upstream industrial areas; public parking lots and public markets; sports infrastructure; school; hospital; housing for people with low incomes, land consolidation and urban slum settlement arrangement; inter-office: Village, Regional Government, Central Government; cultural and natural heritage; public, public green open spaces and social facilities; public cemetery; public safety facilities; development of production and clean water networks; waste management, waste processing and disposal sites; telecommunications and information networks; electric power distribution,

¹⁴ Nasrudin and others.

¹⁵ Micah R. Fisher and others, 'Striving for PAR Excellence in Land Use Planning: Multi-Stakeholder Collaboration on Customary Forest Recognition in Bulukumba, South Sulawesi', *Land Use Policy*, 99 (2020), 102997 <<https://doi.org/10.1016/J.LANDUSEPOL.2017.09.057>>.

network, substation, transmission or generation; geothermal, gas and oil infrastructure; ports, airports, and terminals; water canals and sanitation, irrigation, bends, dams, reservoirs and other irrigation structures; railway stations, railway lines, tunnels, toll roads, public roads and rail operations facilities and national defense and security.

The food security area is one type of land that is guaranteed its availability because it is included in the scope of public interest. The land guarantee provided for food security areas, in this case, provides legal certainty to the agricultural sector, which significantly impacts food security in Indonesia. The concept of equitable food security can also be achieved with the implementation of this law. In its application, the role of the Land Bank is significant in determining land distribution following its authority in Article 23 PP No. 64 of 2021, namely, determining service rates, carrying out land acquisition, providing ease of licensing/approval, and preparing master plans. Given its significant role, the financial management of the Land Bank must be applied according to the principles of "good governance," namely: implementing effective, efficient, accountable, and transparent governance and adhering to the precautionary principle. The principle of independence and the principle of sustainability also need to be applied in the financial management of the Land Bank, where the purpose of the principle of autonomy is an economic pattern for the Land Bank that provides flexibility to advance the general public and the state. At the same time, the purpose of the principle of sustainability is to get a profit, and the profit will be returned to develop a Land Bank.¹⁶

The existence of the Land Bank in Indonesia has been seen in the form of Baitul Maal in Aceh. This difference in land management results from the principle of regional autonomy, which delegates authority to each region to organize its government in regional government governance. The establishment of a structural body in Aceh is regulated in Law No. 11//2006 related to the Aceh Government, which has the task and authority to manage property and land, called baitul maal as stated in Aceh Qanun No. 10/2007 regarding Baitul Maal. Article 8 paragraph (1) of the Aceh Qanun provides regulations regarding the authority of the baitul maal concerning the use of religious assets. The article in letter E states that the Baitul Maal oversees regulating assets where the property is not known to the heirs or owners through the decision of the Sharia Court.

Baitul Maal implements the management of abandoned land by adopting a land bank system and acculturating it with the concept of *ihya' al Mawat* at the level of Islamic law, which is an effort to grow, organize, and manage land that has not been cultivated before, or was managed but left abandoned for a sufficient period. In its implementation, the land bank/baitul maal has the duty and authority to determine the position of abandoned land to be used for the benefit of the

¹⁶ Muhammad Zudhy Irawan and Prawira Fajarindra Belgiawan, 'Ride-Hailing App Use for Same-Day Delivery Services of Foods and Groceries during the Implementation of Social Activity Restrictions in Indonesia', *International Journal of Transportation Science and Technology*, 2022 <<https://doi.org/10.1016/J.IJTST.2022.03.004>>.

community, following the view of developing the prosperity of the Aceh community. In addition, the utilization of abandoned land can be delegated to the community while still paying attention to legal rights and applicable regulations.

F. Conclusion

In realizing a just food security area with land bank regulation, it is necessary to harmonize the relevant laws and regulations, namely the Law. General and the Law on Sustainable Agricultural Cultivation System, which is a delegation rule as a regulation that relates to the agricultural land acquisition process and is related to the Job Creation Act. There is harmonization in the three regulations because they contain what is guaranteed by the Land Bank in the availability of land for a just economy, in which elements include agrarian reform, land consolidation, national development interests, social interests, and public interests. The Government should immediately make a Presidential Regulation on Land Banks so that the establishment of a just food security area can be realized immediately, considering that food is a fundamental right for citizens. We want to thank PPKI (Indonesian Collaborative Research Program), which has provided funds to conduct research and for the publication of this research output.

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