

Konsep bank tanah sebagai solusi mengatasi masalah pengadaan tanah untuk kepentingan umum ditinjau dari konsep hukum pertanahan di Indonesia = Land banks concept as solution in order to overcome land acquisition issues for public purposes judging from land law concept in Indonesia

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Abstrak

[ABSTRAK

Munculnya pelbagai problematika pertanahan terkait persediaan tanah bagi pembangunan untuk kepentingan umum mendorong pemerintah untuk mencari alternatif solusi kebijakan pertanahan yang terpadu yaitu Bank Tanah. Berdasarkan identifikasi permasalahan tersebut, maka tujuan penulisan tesis ini adalah untuk mengetahui bagaimanakah konsep Bank Tanah dan bagaimanakah penerapan konsep Bank Tanah dalam pengadaan tanah untuk kepentingan umum ditinjau dari konsep hukum pertanahan di Indonesia. Penulisan tesis ini menggunakan metode penelitian hukum normatif dengan data sekunder yang dilengkapi wawancara dengan narasumber sebagai data pendukungnya. Sebagai hasil penelitian dapat disimpulkan bahwa konsep Bank Tanah merupakan solusi mengatasi masalah pengadaan tanah untuk kepentingan umum apabila ditinjau dari konsep hukum pertanahan di Indonesia. Bank Tanah merupakan kegiatan pemerintah untuk menyediakan tanah yang dialokasikan penggunaannya di masa mendatang, tergantung tujuan pengambilalihan tanahnya. Kewenangan pemerintah dalam Bank Tanah muncul dari konsep Hak Menguasai Negara yang dibatasi oleh fungsi sosial tanah. Menurut konsep hukum pertanahan di Indonesia, Bank Tanah merupakan bagian kebijakan dalam pembaruan agraria, bagian dari aspek penataan ruang, kebijakan penanganan tanah terlantar, serta sebagai kerja sama antar sektor pembangunan dalam rangka pengadaan tanah. Guna dapat menerapkan Bank Tanah di Indonesia, negara perlu menyesuaikan aspek kelembagaan, tujuan, kewenangan dan pembiayaan ke dalam konsepsi Bank Tanah Umum Publik.

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ABSTRACT

The emergence of various land-related problems based on needs of land supply for development for public purposes encourages the government to look for alternative solutions that integrated land policy which is the Land Bank. Based on problem identifications, the purpose of this thesis is to determine how Land Bank concept is applicated in general and used as land acquisition techniques for public purposes judging from land law concept in Indonesia. This thesis uses the method of normative-legal research method with secondary data sources include

interviews with informants as supporting data. This research concluded that the concept of the Land Bank is a solution to overcome land acquisition issues for public purposes judging from the concept of land law in Indonesia. Land Bank is a government activity to provide the allocated land to use in the future, depending on the purpose of land acquisition. Government's authority in Land Bank concept is based on the state control concept bordered by the social function of land.

According to land law concept in Indonesia, the Land Bank is part of the agrarian reform policy, part of state spatial planning, part of abandoned-land management policies, as well as part of cooperation between sectors of development in order to perform land acquisition for public purposes. In order to implement the Land Bank concept in Indonesia, the state needs to adjust to the institutional aspects, objectives, authorities and funding into the conception of General Public Land Bank.;The emergence of various land-related problems based on needs of land supply for development for public purposes encourages the government to look for alternative solutions that integrated land policy which is the Land Bank. Based on problem identifications, the purpose of this thesis is to determine how Land Bank concept is applicated in general and used as land acquisition techniques for public purposes judging from land law concept in Indonesia. This thesis uses the method of normative-legal research method with secondary data sources include interviews with informants as supporting data. This research concluded that the concept of the Land Bank is a solution to overcome land acquisition issues for public purposes judging from the concept of land law in Indonesia. Land Bank is a government activity to provide the allocated land to use in the future, depending on the purpose of land acquisition. Government's authority in Land Bank concept is based on the state control concept bordered by the social function of land.

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