

The Role of Land Banks in the Customary Land Management Rights of Customary Law Community Units

Sri Susyanti Nur^{*1}, Herry M. Polontoh², Andi Evi Anggraeni³, Kahar⁴

^{1,3,4}Universitas Hasanuddin, Jl. Perintis Kemerdekaan No.KM.10, Makassar, South Sulawesi, Indonesia

²Universitas Cendrawasih, Jl. Kamp Wolker, Jayapura, Papua, Indonesia

*srisusyanti23@gmail.com

Received: 2025-March-28

Rev. Req: 2025-April-13

Accepted: 2025-May-28



10.59683/ijls.v4i1.189

How to cite this paper: Nur, S.S., Polontoh, H.M., Anggraeni, A.E. & Kahar (2021). The Role of Land Banks in the Customary Land Management Rights of Customary Law Community Units. *International Journal of Law and Society (IJLS)*, 4(1), 108-130. <https://doi.org/10.59683/ijls.v4i1.189>

This is an Open Access article distributed under the terms of the Creative Commons Attribution 4.0 International license(<https://creativecommons.org/licenses/by/4.0/>)

ABSTRACT: *Management rights are a form of authority granted by the state to certain parties to manage land. This authority is part of the state's power over land, which is partially transferred to the holder of management rights. Land that can be managed through this right can come from state land or customary land. One of the authorities of Management Rights over state land is the Land Bank, while the Customary Law Community Unity/KMHA provides Management Rights over customary land. Customary Land is a regional property right that is under the governance of the customary law community, whose existence continues to exist but is not bound by certain land rights. These lands can be given Cultivation Rights, Building Rights, and Usage Rights to third parties who cooperate based on the Land Utilization Agreement. Management Rights over state land by the Land Bank have been regulated in the Job Creation Law. However, Management Rights over customary land have not been further regulated after the administration and registration of customary land. This can weaken the existence of KMHA and its customary land because the nature of Management Rights is the right of control from the state so that the land has the status of state land to cooperate with third parties. This research is a normative research, using a legislative and conceptual approach, then analyzed qualitatively and presented descriptively. The results of the study indicate that: Land Banks based on government functions can act as; Dynamizers, Facilitators, and Capacitors in assisting KMHA in managing Customary Land Management Rights. Through land development activities, Land Banks can carry out the function of managing customary land assets. These activities are designed to increase the utilization and use of land that can meet the needs of life and business activities in terms of economics, social, and physical. Thus, Land Banks can later cooperate with third parties to support investment. The mission of the*

land bank is to secure the availability of land without sacrificing customary land rights for the benefit of the Customary Law Community.

Hak pengelolaan adalah bentuk kewenangan yang diberikan oleh negara kepada pihak tertentu untuk mengelola tanah. Kewenangan ini merupakan bagian dari kekuasaan negara atas tanah, yang diserahkan sebagian kepada pemegang hak pengelolaan. Tanah yang dapat dikelola melalui hak ini bisa berasal dari tanah negara maupun tanah adat. Salah satu kewenangan Hak Pengelolaan atas tanah negara adalah Bank Tanah, sedangkan Kesatuan Masyarakat Hukum Adat/KMHA memberikan Hak Pengelolaan atas tanah adat. Tanah Adat merupakan hak milik daerah yang berada di bawah tata kelola masyarakat hukum adat, yang keberadaannya tetap ada tetapi tidak terikat pada hak-hak atas tanah tertentu. Tanah-tanah tersebut dapat diberikan Hak Guna Usaha, Hak Guna Bangunan, dan Hak Pakai kepada pihak ketiga yang bekerja sama berdasarkan Perjanjian Pemanfaatan Tanah. Hak Pengelolaan atas tanah negara oleh Bank Tanah telah diatur dalam Undang-Undang Cipta Kerja. Namun, Hak Pengelolaan atas tanah adat belum diatur lebih lanjut setelah adanya administrasi dan pendaftaran tanah adat. Hal ini dapat melemahkan eksistensi KMHA dan tanah adatnya karena hakikat Hak Pengelolaan adalah hak penguasaan dari negara sehingga tanah tersebut berstatus tanah negara untuk bekerja sama dengan pihak ketiga. Penelitian ini merupakan penelitian normatif, dengan menggunakan pendekatan perundang-undangan dan konseptual kemudian dianalisis secara kualitatif dan disajikan secara deskriptif. Hasil penelitian menunjukkan bahwa: Bank Tanah yang berbasis pada fungsi pemerintahan dapat berperan sebagai; Dinamizer, Fasilitator, dan Kapasitor dalam mendampingi KMHA dalam mengelola Hak Pengelolaan Tanah Adat. Melalui kegiatan pengembangan tanah, Bank Tanah dapat menjalankan fungsi pengelolaan aset tanah adat. Kegiatan tersebut dirancang untuk meningkatkan pemanfaatan dan penggunaan tanah yang dapat memenuhi kebutuhan hidup dan kegiatan usaha dari segi ekonomi, sosial, dan fisik. Dengan demikian, Bank Tanah nantinya dapat bekerja sama dengan pihak ketiga untuk mendukung investasi. Misi bank tanah adalah mengamankan ketersediaan tanah tanpa mengorbankan hak atas tanah adat untuk kepentingan Masyarakat Hukum Adat.

Keywords: *Land Bank, Land Management, Customary Land, Customary Law.*

I. INTRODUCTION

Indonesia is a country that was created on August 17, 1945, and it formally has a very vast area that is separated into islands ([Mukhlis et al., 2024](#)). Indonesia's archipelagic structure, consisting of over 17,000 islands, presents complex challenges in the administrative management and equitable distribution of land, particularly in regions where customary land ownership systems coexist with formal land governance frameworks. Land is an asset that humans can utilize to conduct numerous living activities. The quantity of land or space accessible on the ground of the Earth is highly limited, but the human desire for fresh land or space keeps on growing ([Mutawalli et al., 2023](#)). To address the issue of national land availability and governance, the government formed a new institution to manage land more efficiently and equitably. The Property

Bank is an official government institution with specific jurisdiction (*sui generis*) to manage the property on state property and land from third parties, based on Management Rights/MR. Following the enactment of Law No. 11 of 2020 on Job Creation (amended by Law No. 6 of 2023), Articles 125 to 135 mandate the establishment of a new institution called the Land Bank Agency. This institution serves as a solution to address land availability issues for investment activities in Indonesia. To implement these provisions, the government issued Government Regulation No. 64 of 2021 on the Land Bank Agency. With this, it is known that the state needs law and vice versa, where the law is carried out through the state authority ([Mutawalli, 2023](#)).

In Article 129 paragraph (1) of the LJC Article 40 paragraph (1) of the GR Land Bank, It is established that land administered by the land bank is assigned Management Rights (MR). Management rights have the authority to regulate through the state, and the implementation power is partially transferred to its bearer ([Hanim et al., 2025](#)). Furthermore, management rights are regulated in Government Regulation No. 18 of 2021 concerning Management Rights, Land Rights, Apartment Units, and Land Registration/GR No. 18/2021 ([Devita, 2021](#)), Article 4 states that management rights are derived from both state and customary land. Based on the LJC, GR Land Bank, and GR 18/2021 mentioned above, the Land Bank and the KMHA are the holders of Management Rights.

The recognition of customary land through the issuance of Land Management Rights (*Hak Pengelolaan Lahan/HPL*) has introduced new legal possibilities for indigenous communities (*Komunitas Masyarakat Hukum Adat/KMHA*) to manage their territories, including the opportunity to engage in formal partnerships with third parties ([Guntur, 2023](#)). However, the post-HPL governance landscape remains under-researched. As pointed out by ([Tobroni, 2016](#)), although the Indonesian state has opened legal space for recognition of customary land through the Constitutional Court Decision No. 35/PUU-X/2012 and subsequent forestry and agrarian regulations, the operational mechanisms for land governance, especially involving third-party actors, remain vague.

In practice, some communities have used HPL as a framework for cooperative arrangements. For example, the *Laman Kinipan* community in Central Kalimantan has attempted to assert management control over their ancestral forest areas while negotiating with palm oil companies and district-level government authorities ([Pranawa & Hamid, 2023](#)). Nonetheless, such negotiations are often asymmetrical. Companies tend to dominate contractual terms due to the lack of technical and legal capacity within KMHA, leading to instances of benefit capture by elites or external actors ([Scott, 2020](#)).

These examples highlight that the capacity of KMHA to manage land post-HPL largely depends on institutional readiness, legal literacy, and support mechanisms available to them. Without this, the promise of formal recognition may not translate into meaningful control over land-based resources.

State land as an object of Management Rights according to Article 7 GR Land Bank can come through: a. ex-rights land; b. vacant territory and land; c. woodland released land; d. emerging land; e. reclamation land; f. ex-mining land; g. land of tiny islands; h. land impacted by territorial reform measures, i.e., land over which no control exists ([Tampi,](#)

2021). Land objects from other parties can go through the process: buy, receiving grants/donations or equivalent, exchange, renunciation of rights, and acquiring other lawful forms ([Ronthi et al.](#), 2019).

Customary land situated in the region governed by the society of customary law to be registered requires several stages, namely: 1) through the determination of the KMHA as the Subject of Customary Land; 2) KMHA can submit an application for designation of customary land, also obtain a Certificate of Management Rights ([Saputri et al.](#), 2024). This is regulated in the Regulation of the Minister of Agrarian Affairs and Spatial Planning/National Land Agency Number 14 of 2024 (Reg. ATR/BPN No.14/2024), in Article 15 paragraph (1) which states that:

“Registration of customary land rights that have been recorded in the List of Customary Lands (DTU) as referred to in Article 13 paragraph (1) may involve applying management rights by KMHA to the Minister.”

Furthermore, Article 16 paragraph (2) states that:

“Regarding customary land as referred to in paragraph (1), KMHA may cooperate with third parties based on an agreement in accordance with the provisions of statutory regulations.”

Although the Regulation of the Minister of Agrarian Affairs and Spatial Planning/Head of the National Land Agency Number 14 of 2024 (Permen ATR/BPN No.14/2024) provides opportunities for indigenous peoples (*Masyarakat Hukum Adat/MHA*) to cooperate with third parties in managing customary land, in-depth academic studies on how MHA understand, design, and implement these utilization agreements are still limited. For example, research ([Sumilat](#), 2024) highlights that the implementation of Permen ATR/BPN No.14/2024 in the registration of customary land rights still faces challenges, especially in terms of MHA's understanding of complex legal procedures. In addition, a study by [Lubis et al.](#) (2025) shows that the integration of customary law into the national agrarian law system often creates legal uncertainty for MHA, especially when dealing with the interests of third parties. Another study [Roosanti](#) (2022) revealed that cooperation agreements between companies and indigenous peoples in forestry areas are often less transparent and participatory, which has the potential to harm MHA rights. Therefore, this study aims to fill this gap by analyzing the legal, procedural, and institutional dimensions of MHA-led cooperation in customary land management in order to ensure the protection of indigenous peoples' rights within the framework of sustainable land governance.

Basically, there are 2 (two) activities within the scope of Reg. ATR/BPN No.14/2024, namely:

1. Customary land administration activities consist of inventory and identification activities, measurement, recording, and publication of the List of Customary Lands (DTU),
2. Registration of Customary Land includes the issuance of MR certificates for Customary Legal Community Units.

Since 2024, there have been several KMHA that have registered customary land and obtained Management Rights Certificates.

This research focuses on the post-certification governance of customary lands by Customary Law Community Units. It specifically seeks to explore how KMHA exercise their authority over customary land after receiving Management Rights Certificates.

The research addresses the following questions: (1) How do KMHA manage their customary land following the issuance of Management Rights? (2) How do KMHA engage in cooperation with third parties through land use agreements?

According to [Sumardjono](#) (2024) "The attitude and actions of the government to issue Management Rights certificates for KMHA are optional, it is evidence of respect for the rights of customary law communities." However, the granting of MR certificates for KMHA is not done automatically; rather, it must be based on the application of KMHA, which has a thorough understanding of management rights and cooperation in the use of customary land with third parties. This might make it more advantageous for investors while weakening the presence of communities with customary law and its customary property. This situation underscores a broader tension between investment interests and the protection of indigenous peoples' rights. The absence of automatic recognition for MR certificates may facilitate land commercialization, potentially enabling third-party investors to dominate customary territories through legal mechanisms that sideline indigenous voices. Such arrangements risk marginalizing Indigenous communities, both economically and politically, as their limited access to legal and institutional support undermines their ability to negotiate fair terms or assert control over ancestral lands. The next question is, "Isn't it better for land banks that have the advantage of managing assets in the form of state land to also manage customary land as KMHA assets in the form of Joint Ventures? Can collaboration with third parties based on the Customary Land Utilization Agreement between the Land Bank-KMHA-Investor?"

II. METHOD

This requires a separate arrangement regarding the mechanism of business cooperation with other parties by placing each party in the same position, especially the position of KMHA as a legal subject over its customary land, so that later it will obtain certainty of rights over its customary land, and its utilization, and the results obtained as assets managed to improve the welfare of KMHA. In conducting this research, a normative legal research method was employed, utilizing a statutory and conceptual approach. The statutory approach examines relevant legal norms, particularly concerning the rights of Customary Law Communities and the institutional role of the Land Bank. In contrast, the conceptual approach explores the theoretical foundations of legal subjectivity and cooperation agreements in customary land utilization. The data collection technique includes a literature review of legislation, legal doctrines, and relevant jurisprudence. This methodological framework is appropriate for analyzing the legal basis and formulation of cooperation mechanisms between KMHA, the Land Bank, and investors. The goal of this study is to investigate the legal connection that may be utilized as the foundation for the

Customary Land Utilization Agreement between the Land Bank-KMHA-Investor ([Benuf & Azhar](#), 2020).

III. RESULT AND DISCUSSION

Land Bank and its Authorities

The term Land Bank originates from two related concepts: land banking and land banks. Land banking may often be transcribed into Indonesian as "*perbankan tanah*", and this serves to denote operations linked to land banks. At the same time, the word land banks serves to characterize an organization or collaboration of entities which are engaged in the sector of land acquisitions ([Zahra](#), 2017). Land banking practices have been carried out in several countries, although with various names and methods adjusted to the needs of each country. The terms Land Readjustment are used in Japan and Germany, Land Banking in Taiwan, and Land Polling in Australia ([Nur](#), 2009).

The following are some definitions of land banks:

[Alexander](#) (2004) states, "Land banking is the process or policy by which local governments acquire surplus properties and convert them to production use or hold them for long-term strategic public purposes. Land banks are public authorities or special purpose not-for-profit corporations that specialise in land banking activities. Other public agencies can undertake land banking, and not all communities need to create a separate land bank."

[Damen](#) (2004) states, "Land Banking is a structural acquisition and temporary management of land in rural areas by an impartial State agency, with the purposes redistribute and/or lease out this land with a view to improve the agricultural structure and/or to reallocate the land for other purposes with a general public interest."

According to [Nur](#) (2009), the definition and activities of a Land Bank can be:

1. Land banks in the public domain as a governmental tool to deal with urban redevelopment, conserve natural areas, and maintain the value of land in select locations;
2. In theory, land banking is the activity of buying or buying land in order to develop or improve it to satisfy potential growth requirements;
3. Land banking is a notion connected to the access of land for the aim of offering public facilities for dwellings and industries with land management, controlling the land market, and avoiding land speculation.

The Land Bank is granted particular authority to ensure accessibility of land in the context of equal finances, for the public fascination, societal needs, national development preferences, equitable economic development, land combining, and agricultural reform ([Lestari & Syaifuddin](#), 2022). The presence of the land bank is expected to 1) realize the objectives of Article 33 Paragraph (3) of the 1945 Constitution; 2) be a tool that efficiently and effectively implements diverse land policies and supports regional

development; 3) manage land acquisition, control and utilization fairly and reasonably in implementing development, and 4) overcome Indonesia's land-related problems, particularly the availability of land for investment purposes ([Setiadi](#), 2021).

In Indonesia, the presence of the Land Bank Agency is essential for the implementation of infrastructure development, where the land acquisition process is sometimes hampered by the availability of land in physical and legal forms ([Agustin & Mahfud](#), 2024). During the administration of President Joko Widodo, it was recorded in the Annual Report of the Agrarian Reform Consortium (AR KPA 2022) that there had been at least 32 agrarian conflict eruptions and 11 of them were related to National Strategic Projects (PSN). The conflict's area reached 102,752 hectares and affected 28,795 families. In September 2023, there was a clash between residents of Rempang, Batam Island, and the police due to plans to build an industrial, service, and tourism area called Rempang Eco City on this customary land ([Anggraeni](#), 2024). Furthermore, according to the Annual Report of the Indigenous Peoples' Alliance of the Archipelago (AMAN), throughout 2023 at least 2,578,073 hectares of customary areas were seized in the name of investment accompanied by violence and criminalization experienced by 247 people who were injured. More than 100 people experienced the destruction of their homes in the name of conservation ([Sumardjono](#), 2024). [Nyuk](#) (2024), the Director of East Kalimantan AMAN, told VOA that there are still several issues related to the release of land for local communities and indigenous peoples in Penajam Paser Utara, East Kalimantan, in the Indonesian Capital City/IKN land case, regarding compensation for land cultivated by residents that has not been paid off ([Intan](#), 2024; [Mukhlis et al.](#), 2023; [Mutawalli et al.](#), 2023).

Land banks in managing land assets using the principles of transparency, accountability, and non-profit are regulated in Article 127 of the LJC, related to the function of land banks as regulated in Article 3 paragraph (1) GR 64/2021, namely:

1. Planning (Article 5 GR No.64/2021): The Land Bank carries out planning covering long-term (25 years), medium-term (5 years) and annual (1 year) activities.
2. The Land Bank obtains land (Article 6 to Article 8 GR No.64/2021) originating from the results of Government and/or Other Party Determinations. Land gathered as the outcome of Government Determinations involves State Land coming from previous rights land, neglected regions and land, forestry discharge land, resulting land, reclamation land, ex-mining land, small island land, land that is affected by territorial change policies, and land that has no intended use on. Land acquired by third parties gets carried by the process of developing, obtaining loans or gifts, swapping, relinquishing rights, and other authorized types of acquisition. Land from Other Parties is the land originating from the Central Government, Regional Government, State-Owned Enterprises, Regional-Owned Enterprises, Business Entities, Legal Entities, and the Community.
3. Land Acquisition (Article 9 GR No. 64/2021): The Land Bank conducts land purchase operations through the Land purchase stage method for the advancement of the

public concern or direct land acquisition. This is regulated in Law Number 2 of 2012 concerning Land Acquisition for Development in the Public Interest (Law No. 2/2012), Article 123 of the Job Creation Law (JCL), and Government Regulation Number 19 of 2021 (GR 19/2021) concerning the Implementation of Land Acquisition for Development in the Public Interest.

4. Land management (Article 10 to Article 13 GR No.64/2021); The Land Bank manages land via operations such as expansion, repair, safety, and monitoring. Land development is a process to maximize the benefits and utilization of land gained by the Land Bank for practical uses that can ideally satisfy the demands of life and commercial operations on the basis of social, economic, and physical. Land development operations take place out according to the adequacy of the territorial plan. Land development may take advantage of developing infrastructure and amenities for industrial, tourist, agricultural, cultivation, unique economic regions, and additional economic areas which encourage the Land Bank's activities. The Land Bank can develop infrastructure and amenities on its own or in conjunction with the government of the nation, regional governments, and various other partners.
5. Land utilization (Article 14 GR No. 64/2021); The Land Bank utilizes land via collaboration with partners while maintaining its core values of advantage and prioritization. The Land Bank's land usage collaboration with other parties might take the shape of purchasing and trading, leasing, commercial cooperation, grants, swaps, and other types of agreements agreed upon by the parties.
6. and distribution (Article 15 GR No.64/2021); Land distribution by the Land Bank consists of land provision and distribution activities. Land provision serves the public concern, welfare, economic fairness, developmental concern, consolidated land concern, and reforming agriculture. Land distribution is in accordance with the provisions of laws and regulations. Land distribution is meant to be adequate for ministries/institutions, local governments, cultural and religious groups, and community groups as defined by the federal government ([Anggraeni, 2024](#)).

According to Article 4 of Government Regulation No. 64 of 2021, the Land Bank Agency is mandated to operate transparently, accountably, and as a non-profit entity. This framework necessitates that the agency's performance be accessible for public scrutiny, particularly by communities impacted by land management decisions. As a non-profit entity endowed with public authority, the Land Bank Agency is authorized to engage in land utilization agreements that support national development and investment objectives through its specialized mandates ([Sugoto et al., 2024](#)).

Internationally, various countries have adopted land bank models tailored to their unique legal and socio-economic contexts. In the United States, land banks are primarily established to address issues related to vacant, abandoned, and tax-delinquent properties. These entities acquire such properties to facilitate their rehabilitation and

reintegration into productive use, thereby promoting neighborhood revitalization and economic development ([Alexander](#), 2015).

Conversely, the Netherlands employs a land banking system that is integrated with land consolidation efforts. Dutch land banks, often managed at the provincial level, acquire agricultural land to support spatial planning objectives, including nature conservation, infrastructure development, and rural restructuring. This approach emphasizes sustainable land use and environmental stewardship ([Veršinskas et al.](#), 2022).

These international practices illustrate the diversity of land bank models, which can be broadly categorized into: 1) general-purpose land banks that support public needs such as infrastructure and social equity programs; and 2) special-purpose land banks designed for strategic partnerships with private or commercial sectors to facilitate land-based development ([Busroh & Santiago](#), 2017).

The table below lists a number of regulations related to Land Banks, Management Rights, and Form of Cooperations:

Table 1. Regulations on land banks, management rights, and forms of cooperation

No	Regulation	Subject	Object	Form of cooperation
1	Law of Job Creation	<p>Article 125 Paragraph (1) The Central Government shall establish a land bank agency; Paragraph (2) The land bank agency, mentioned in paragraph (1), is a specific agency that oversees land.</p> <p>Article 137 Paragraph (1) Part of the state's authority to control land in the form of land may be given management rights to:</p> <ul style="list-style-type: none"> • Central government agencies • Regional governments; • Land bank agencies; • State-owned/Regional-owned Enterprises • State/Regional-owned Legal • Entities; or • Legal Entities appointed by the Central Government. 	<p>Article 129 Paragraph (1) Land maintained by the land bank agency is granted management rights.</p> <p>Article (2) Rights on land above the management rights as referred to paragraph (1) can be given Business Use Rights, Building Use Rights, and Use Rights.</p>	Land Asset Management is directed to the utilization of land in cooperation with other parties and to be distributed to the specified parties. Land bank management rights can be cooperated and above it can be given Building Use Rights, Cultivation Use Rights, Usage Rights from other parties.

GR Land Banks	Article 2 Paragraph (1) This Government Regulation establishes a Land Bank.	<p>Article 40 Paragraph (1) Land administered by the Land Bank is assigned Management Rights in line with the stipulations of legislative rules.</p> <p>Article 8 Paragraph (1) land from other parties as referred to Article 6 letter b comes from</p> <ul style="list-style-type: none"> • Central government; • Regional government; • State-owned enterprises; • Regional-owned enterprises; • Business entities; • Legal entities; • Community 	<p>Article 2 letter e, the Land Bank has the task of utilizing land through utilization cooperation with other parties.</p> <p>Article 14 Paragraph (2) cooperation on utilization with other parties as intended in paragraph (1) takes the form of: a. buy and sell; b. rent; c) business cooperation; d) grants; e. exchange; and other agreed forms.</p> <p>Article 36 Paragraph (2) cooperation as referred to paragraph (1) may be carried out with the Central Government, Regional Government, State Institutions, State-Owned Enterprises, Regional-Owned Enterprises, Business Entities, State-Owned Legal Entities, State Legal Entities, Private Legal Entities, Communities, Cooperatives, and/or other legitimate parties.</p> <p>Paragraph (3) In order to carry out the collaboration described in paragraph (2), the Land Bank can accept land as an investment and administer it through Business collaboration.</p>
3 GR Management Rights, Land Rights, Apartment Units, and Land Registration	<p>Article 5 Paragraph (1) Management rights derived from state property are awarded to:</p> <ul style="list-style-type: none"> • Central government agencies; • Regional governments; 	<p>Article 10 Paragraph (1) A Ministerial Decree determines management rights on State Land or Customary Land.</p>	<p>Article 8 Paragraph (1) Management rights where the occupancy and possession of all or part of the land is for private enjoyment or in partnership with another party as addressed to in</p>

<ul style="list-style-type: none"> • State-owned enterprises/regional-owned enterprises; • State-owned legal entities/regional-owned legal entities; • Land bank agencies; • Legal entities appointed by the central government. 	<p>Article 11 Paragraph (3) Management Rights holders receive a certificate as confirmation of ownership.</p>	<p>Article 7 paragraph (1) letter b could be provided Business Use Rights, Building Use Rights, and/or Use Rights over authority in line with their purpose and operation, to:</p> <ul style="list-style-type: none"> • Management Rights Holders as long as regulated in the Government Regulation; • Further individuals, when the Management Rights land is part of a land usage contract.
<p>Article 5 Paragraph (2) Management rights related to customary land are granted to customary law groups.</p>		

Customary Land Management Rights

The word customary law community is a transliteration of the Dutch word *rechtsgemeenschappen*, and this was first employed by Ter Haar Bzn in his work titled "*Beginnelsen en Stelsel van Adat Recht*". The concept of customary law has been classically defined by Ter Haar Bzn, who viewed society (*rechtsgemeenschap*) as "a group of people who are organized, live in a particular territory, and possess their authority as well as material and immaterial wealth" (Sabardi, 2016). According to this view, members of such communities experience legal norms as a natural part of life, without any inclination to dissolve the social ties that bind them (Drawi et al., 2024). Although this definition originates from earlier scholarly work, it remains relevant today in understanding the social fabric of indigenous communities in Indonesia, where customary law continues to regulate communal relations and resource governance in ways that state law may not fully capture.

As subjects of customary land law, customary law communities have the nature of "*Gemeenschap*", associations formed naturally due to genealogical and territorial elements. Sociologically, these elements encompass the deep-rooted relationships based on shared ancestry (genealogy) and the connection to specific territories that these communities inhabit, which shapes their identity, practices, and social organization (Titaley & Alfons, 2024). According to Soepomo, the essence of Indonesian customary law is rooted in the principle of kinship (*asas kekeluargaan*), which manifests in communal ownership and the collective relationship between individuals and their communities. In this perspective, land and other resources are not viewed as private property. Still, they are managed collectively by the community as a social unit bound by ancestral ties and territorial cohesion (Vassalo, 2021). Similarly, Van Vollenhoven, in its concept of *rechtsgemeenschappen* (jurisdiction), emphasized that the unity of Indigenous peoples was formed on the basis of permanent territorial relations and kinship

strengthened by collective ownership of land and joint property (*beschikkingsrecht*), which is the core of the customary legal system (Wendry, 2021).

The constitutional recognition of Customary Law Communities is enshrined in Article 18B Paragraph (2) of the 1945 Constitution, which declares that the state acknowledges and upholds the existence of Customary Law Communities and their customary rights as long as they are still alive and aligned with community development and the unitary state of the Republic of Indonesia. This recognition reflects the broader socio-political context in which customary communities are integrated into the national legal system. The provisions of Article 18 B paragraph (2) 1945 are strengthened by the provisions of Article 28 I paragraph (3) of the 1945 Law that cultural and traditional community identities are respected in line with developments in the era and civilization.

The confirmation of the KMHA as the holder of Management Rights based on Reg. ATR/BPN No.14/2024 is a form of recognition and protection by the Government. KMHA is recognized for its traditional rights based on special original rights, including its authority over the territory and natural resources contained therein (Gunawan et al., 2022). Constitutionally, its existence must meet the legal requirements, namely:

- As long as it still exists
- According to the evolution of history and humanity
- In line with the ideals of the unitary state of the Republic of Indonesia,
- governed by law

Table 2 below lists the current rules regarding the recognition of Customary Law Community Units/KMHA and their customary land:

Table 2. Regulations on customary law communities and customary land

No	Regulation	Subject	Object	Implementation
1	Regulation of Minister of Home Affairs No. 52 of 2014 concerning Guidelines for the Recognition and Protection of Customary Law Communities	Article 1 Number 1 Customary Law Communities are Indonesian Citizens who have unique characteristics and live in groups harmoniously Customary Law Communities tend to be Indonesian citizens who possess particular features, belong to harmonious groups in accordance with customary laws, maintain connections with ancestors' roots and/or prevalent residency,	Customary Territory is customary land in the form of land, water and/or waterbody along with the natural resources contained therein with certain boundaries, owned. Customary Territory is a surface area and/or body of water with particular borders that are owned, used, and maintained in an inherited and environmentally	Article 5 Paragraph (2) Identification as referred to in paragraph (1) is carried out by examining: <ul style="list-style-type: none"> The history of the Customary Law Community; Customary territory; Customary law; Wealth and/or customary object; Customary government

		possess a close connection to land and their surroundings, and have a system of values that governs financial, social, political, culturally, and judicial structures, as well as how a specific area is used to subsequent generations to generation.	friendly way to meet the requirements of the community by inheriting to previous generations or asserts for control in the manner of customary land or customary forests.	institutions/ system
		Article 2 Governors, regents, and mayors respect and safeguard customary law communities.		
2	Regulation of the Minister of Agrarian Affairs and Spatial Planning/National Land Agency of the Republic of Indonesia Number 14 of 2024 concerning the Implementation of Land Administration and Registration of Customary Land Rights of Indigenous Communities	Article 1 Paragraph (2) A Customary Law Community Unit/KMHA is an assortment of individuals who are obligated by their customary legal system as joint citizens of a juridical entity because of a prevalent place location or ancestry, who also possess typical organizations resources, and/or typical items that are collectively held, in addition to a system of values defining customary institutions and guidelines.	Article 1 Paragraph (4) Customary Land Rights of Customary Law Communities, or whatever is known by a different name and subsequently known to as Customary Land, is land which occurs in the region ruled by customary law communities that in actuality continues to exist and is not tied to specific land rights. Article 15 (l) Customary Land Areas that have been recorded in the List of Customary Lands as referred to in Article 13 paragraph (1) may be submitted for management rights by the Customary Legal Community Unit may apply to the Minister for management rights	Article 4 Paragraph (1) Administration of Customary Land Rights shall be carried out as long as they still exist as referred to in Article 2 paragraph (1) Paragraph (2) Administration of Customary Land Rights as referred to in paragraph (1) shall be carried out to record Customary Land in the List of Customary Land. Paragraph (3) Stages of land administration for Customary Land include: <ul style="list-style-type: none">· Inventory and identification;· Measurement and mapping; and· Recording of The List of Customary Land. Article 16 Paragraph (1) Customary Land

over Customary Land Areas that were previously documented in the List of Customary Lands related to in Article 13 paragraph (1). Areas without submitted confirmation of management rights by the Customary Law Community Unit/KMHA shall continue to have the status of Customary Land.

Paragraph (2) with regard to Customary Land as referred to in Paragraph (1), the Customary Law Community Unit/KMHA may cooperate with third parties based on an agreement in accordance with the provisions of law and regulations.

The administration and registration of customary land have been started since 2024 and are carried out in several provinces, including West Sumatra, Kalimantan, Bali, and Papua ([Pratama](#), 2019; [Sumilat](#), 2024). The administration and registration of customary land began with research to determine the Customary Law Community as regulated in the Regulation of the Minister of Home Affairs Number 52 of 2014 (*Peraturan Menteri Dalam Negeri/Pemendagri* 52/2014) concerning Guidelines for the Recognition and Protection of Customary Law Communities. Based on Article 4 of *Permendagri* 52/2014, it is emphasized that the Recognition and protection as referred to in Article 2 are carried out through the following stages: a. identification of Customary Law Communities; b. verification and validation of Customary Law Communities; and c. Determination of Customary Law Communities.

The results of the above activities are as follows according to Article 5:

- (1) Regent/Mayor through the Sub-district Head or other equivalent position carries out identification as referred to in Article 3 letter a by involving customary law communities or community groups.
- (2) Identification as referred to in paragraph (1) is carried out by examining carefully:
 - a. History of Customary Law Communities;
 - b. Customary territory;
 - c. Customary law;
 - d. Customary wealth and/or objects; dan

e. Customary government institutions/systems

Minister of Home Affairs Regulation No. 52/2014 is a guideline in determining KMHA to strengthen their position as legal subjects regarding their traditional rights, this is in line with the constitution and also in line with the UN Declaration on the Rights of Customary Law Communities, as regulated in Article 26 ([Asian Indigenous Women](#), 2024):

- (1) Indigenous cultures subsequently claim the land, areas, and assets that they hold or inhabit historically, as well as the land, areas, and assets that they have utilized or obtained;
- (2) Indigenous communities retain an obligation to control, employ, establish, and regulate their ancestral land, areas, and assets, in addition to those acquired by other methods.

The Role of Land Banks in the Customary Land Management Rights of Customary Law Community Units/KMHA

Management Rights are not regulated in Law No. 5 of 1960 concerning Basic Agrarian Regulations (*Undang-Undang Pokok Agraria/UUPA*) as a land right. Later, after the Job Creation Law was formed, management rights were strengthened by being regulated in Article 136 - Article 142, Paragraph 2 (Strengthening Management Rights). The definition of management rights is stated in Article 136 of the Job Creation Law, "Management rights are the right to control from the state, the implementation authority of which is partly delegated to the rights holder". In essence, management rights are granted on state land, so land rights must first be released to the state in order to become state land. Therefore, management rights can only be granted to lands that are directly controlled by the state (state land).

Although the Job Creation Law does not explicitly regulate the source of management rights from customary land, Government Regulation (GR) No. 18/2021 as its implementing regulation stipulates in Article 5 paragraph (2) that "Management rights originating from customary land are assigned to the customary law community." This creates a potential conflict of norms because, under the legal principle of *lex superior derogate legi inferiori*, government regulation may not introduce new legal standards that are not authorized or mandated by the parent law. Therefore, the inclusion of customary land as a source of management rights in the GR, without an explicit mandate in the Job Creation Law, raises concerns about exceeding the delegated legislative authority. According to [Soerodjo](#) (2021), the addition of management rights objects from the customary rights of Customary Law Communities is not appropriate because the essence of granting Management Rights comes from the State's Right to Control. Therefore, GR 18/2021 adds norms that are not regulated in the Job Creation Law, according to [Sumardjono](#) (2024), "the determination of customary rights to management rights actually reduces the authority of customary law communities that is inherent in them, to "part of the state's authority delegated to customary law communities". Customary law communities do not actually need the delegation of state authority. Furthermore, according to [Sumardjono](#) (2024), there are several corrections to GR 18/2021 as homework for the government, namely:

1. Change the wording of Article 5 GR 18/2021 by adding the word "can" so that it is as follows: MR originating from customary land can be assigned to the Customary Law Community;
2. It is necessary to formulate the authority of the KMHA as the holder of management rights whose character is different from other MR subjects, according to Article 5 Paragraph (1) GR 18/2021. The authority of MR holders as regulated in Article 7 is not compatible with being assigned for the KMHA;
3. The granting of MR Certificates for KMHA is not done automatically but only based on the application of KMHA, which has a thorough understanding of management rights.

Considering the two statements above, it should be emphasized that management rights are not physical land rights; they are only legal. Land rights must be applied to control and use the land ([Suartining & Djaja](#), 2023). Before using its customary land or collaborating with a third party, KMHA must first apply for land rights. The third party should also apply for land rights to use part of the Management Rights land according to its designation ([Ardani & Dewi](#), 2020). The use of land that can be granted to a third party can be in the form of Cultivation Rights, Building Rights, and Usage Rights ([Kurniawan](#), 2020). In this case, KMHA as the holder of the management rights can directly perform land use agreements with another party. However, considering that these management rights have only been formally implemented starting in 2024 through the Regulation of the Minister of Agrarian Affairs and Spatial Planning/Head of the National Land Agency No. 18 of 2023 on Procedures for the Determination of Communal Land Rights and Management Rights of Indigenous Peoples, KMHA should be assisted by the government in this transition. This assistance can involve the role of the land bank in facilitating the administrative and legal adaptation process. Furthermore, this change may significantly impact KMHA, which has long managed land based on customary law without formal recognition, potentially causing uncertainty or conflict in overlapping claims. Therefore, proactive support is crucial to ensure that the formalization of management rights strengthens, rather than undermines, traditional land governance.

Land banks play a crucial role in providing land to be distributed to third parties based on land utilization agreements ([Tejawati et al.](#), 2022). Land banks can only manage state land and land from other parties, such as the community (Article 8 Paragraph (1) GR 64/2021), then Article 14 Paragraph (2) states that cooperation in utilization with other parties can be in other forms agreed upon such as stated in Article 36 Paragraph (3) that "in carrying out cooperation, the Land Bank can accept deposits in the form of business cooperation".

Land use by a third party must be preceded by a land transfer agreement between the applicant and the holder of the management rights ([Rongiyati](#), 2014). Making a written agreement is important for both parties because it contains the rights and obligations of each party. Although agreements on the use of customary land can be made directly by Indigenous Peoples' Communities, it is essential to emphasize that KMHA must be recognized as legal subjects with the full legal capacity to engage in both public and

private agreements ([Ayunanda et al., 2024](#)). Such legal recognition is a prerequisite for ensuring that any agreement entered into is valid and legally binding. In practice, KMHA may be assisted by the government or by specific institutions such as the Land Bank, which may act as a facilitator, catalyst, or administrative supporter ([Winanda et al., 2024](#)). However, this assistance should not diminish the legal standing of KMHA as the principal party in the agreement; instead, it should reinforce their legal autonomy and their right to manage and utilize their customary land based on customary law.

The role of the Land Bank can be described as follows:

1. Dynamizer is a driving force in increasing the empowerment capacity of KMHA, increasing innovation and utilization of technology, and increasing community capacity in managing customary land as agricultural or plantation land ([Arnowo, 2022](#)).
2. Facilitator: providing facilities and infrastructure, implementing education and training, counselling and mentoring, and providing technical skills;
3. Catalyst: Carry out coordination and improve performance so that Community Units can independently manage customary land as an asset for investment to strengthen shared welfare ([Putrazta et al., 2025](#)).

According to Articles 10 to 13 of GR No.64/2021, the Land Bank's role is to manage land through "Land Development," which includes building infrastructure and facilities for Industrial Areas, Tourism Areas, Agriculture, Plantations, Special Economic Zones, and other Economic Zones that support the Land Bank's operations. In this situation, the Land Bank can help the KMHA construct specific areas on customary land as objects of management rights, such as Agricultural Areas, Plantations, or other Economic Zones, which can subsequently assist the land bank in locating land for collaboration with third parties. Business cooperation can be built by the land bank with KMHA in the availability of land complete with facilities and infrastructure ([Muqtarib et al., 2023](#)), so that it can become an object in the land utilization agreement with third parties. If the term of the land rights has expired, the customary land will return to the KMHA as an asset in the customary area. The goal of this legal partnership is to benefit the KMHA so that it can eventually be run independently by the KMHA.

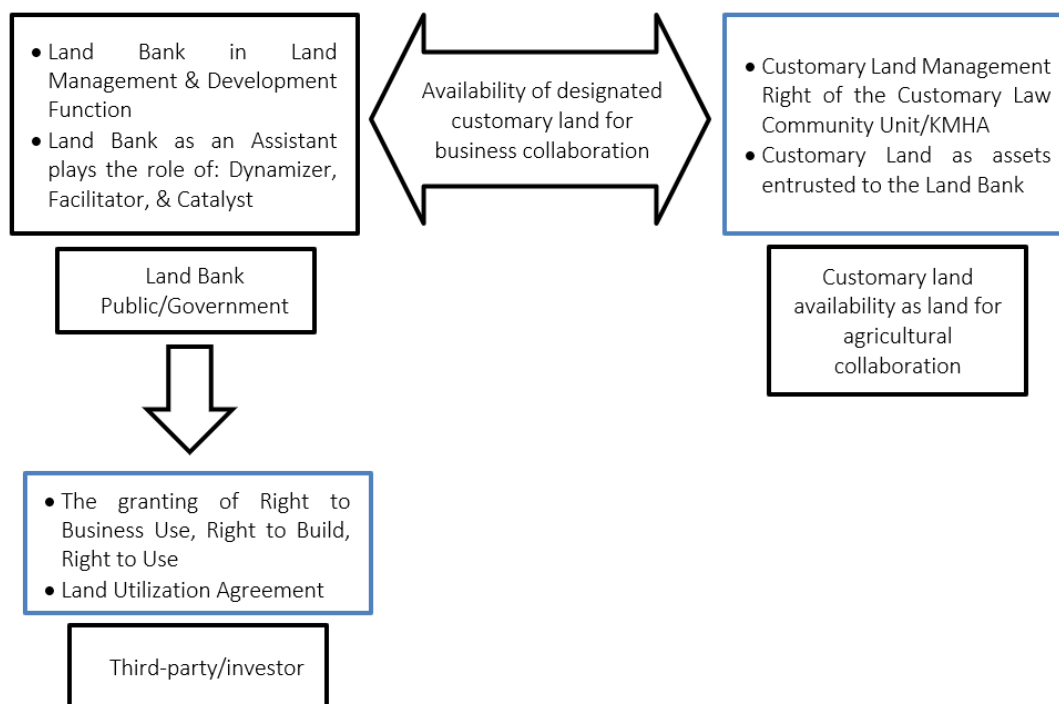


Figure 1. Legal relationship of the role of land banks over KMHA customary land management right

IV. CONCLUSION

The Land Bank is a sui generis institution under the central government, currently regulated under positive law, with the legal authority to manage state land and land from other parties based on Management Rights (MR). This paper presents both a factual and normative position: factually, the Land Bank has begun to assist Customary Law Community Units under the current legal framework; normatively, it aspires to strengthen KMHA's role as equal partners in managing and utilizing their customary land. The collaboration mechanism, through business cooperation, positions the Land Bank not only as an asset manager but also as a dynamic, facilitator, and catalyst to empower KMHA in asserting its legal subjectivity and land rights. This study affirms that the involvement of the Land Bank must be accompanied by safeguards to prevent domination and ensure that customary land remains within the communal ownership of KMHA. Therefore, the affirmation of KMHA as full legal subjects and equal partners in cooperation agreements must be institutionalized to achieve sustainable and equitable land governance.

V. REFERENCES

- [1] Agustin, I. S. U. N., & Mahfud, M. A. (2024). Tinjauan Yuridis Normatif tentang Bank Tanah (Land Banking) Menurut Perpu Cipta Kerja. *Notarius*, 17(3), 2073–2090. <https://doi.org/10.14710/nts.v17i3.56749>
- [2] Alexander, F. S. (2004). *Land Banks and Land Banking*. Washington, DC: Center for Community Progress.
- [3] Alexander, F. S. (2015). *Land Banks and Land Banking* (2nd ed.). Washington, DC: Center for Community Progress.
- [4] Anggraeni, A. E. (2024). *The Essence of Land Banks in Land Management of Former Land Rights*. Universitas Hasanuddin, Makassar.
- [5] Ardani, M. N., & Dewi, I. G. S. (2020). Perlindungan Hukum bagi Pemegang Hak Atas Tanah yang Tanahnya Berada di Atas Hak Pengelolaan. *Gema Keadilan*, 7(3), 195–220. <https://doi.org/10.14710/gk.2020.9579>
- [6] Arnowo, H. (2022). Peran Bank Tanah dalam Pengaturan Penyediaan Tanah. *Jurnal Inovasi Penelitian*, 2(9), 3077–3088. <https://doi.org/10.47492/jip.v2i9.1277>
- [7] Asian Indigenous Women. (2024). *UN Declaration on the Rights of Indigenous Peoples*. Aippnet.Org. <https://aippnet.org/advancing-indigenous-peoples-rights-inclusive-sustainable-environmental-governance-asean/>
- [8] Ayunanda, L. ... Saputra, D. A. (2024). Konsep Kepemilikan Hak Atas Tanah Menurut Perspektif Hukum Adat dan Hukum Islam di Indonesia. *Journal Customary Law*, 1(2), 10. <https://doi.org/10.47134/jcl.v1i2.2457>
- [9] Benuf, K., & Azhar, M. (2020). Metodologi Penelitian Hukum sebagai Instrumen Mengurai Permasalahan Hukum Kontemporer. *Gema Keadilan*, 7(1), 20–33. <https://doi.org/10.14710/gk.2020.7504>
- [10] Busroh, F. F., & Santiago, F. (2017). The Establishment Of Land Bank Institutions For Strengthening The National Development. *International Journal of Civil Engineering and Technology (IJCIET)*, 8(11), 720–732. <http://http://www.iaeme.com/ijciat/issues.asp?JType=IJCIET&VType=8&IType=11>
- [11] Damen, J. (2004). Land Banking in The Netherlands in Context of Land Consolidation. *Danish Ministry of Agriculture-FOA (International Workshop in Tonder, Denmark, March 17-20, 2004)*, 1. https://www.fao.org/fileadmin/user_upload/reu/europe/documents/LANDNET/2004/Netherlands_paper.pdf
- [12] Devita, S. M. (2021). Perkembangan Hak Pengelolaan Atas Tanah Sebelum Dan Sesudah Peraturan Pemerintah Nomor 18 Tahun 2021 Tentang Hak Pengelolaan, Hak

- Atas Tanah, Satuan Rumah Susun, Dan Pendaftaran Tanah. *Rewang Rencang : Jurnal Hukum Lex Generalis*, 2(9). <https://doi.org/10.56370/jhlg.v2i9.130>
- [13] Drawi, I. ... Putro, W. (2024). The Existence of Customary Law Communities Rights To Forests After the Establishment of North Lombok Regional Regulation About Recognition and Protection of Customary Law Communities. *Jurnal Ilmu Kenotariatan*, 5(2), 102. <https://doi.org/10.19184/jik.v5i2.51532>
- [14] Gunawan, S. ... Makkawaru, Z. (2022). Analisis Hukum Hak Masyarakat Hukum Adat Ammatoa Terhadap Hutan Adat Di Kabupaten Bulukumba. *Indonesian Journal of Legality of Law*, 5(1), 69–74. <https://doi.org/10.35965/ijlf.v5i1.1911>
- [15] Guntur, I. G. N. (2023). Ragam pengakuan formal terhadap penguasaan tanah adat di Indonesia. *Tunas Agraria*, 6(2), 93–109. <https://doi.org/10.31292/jta.v6i2.215>
- [16] Hanim, I. G. ... Hutajulu, T. M. (2025). Perlindungan Hukum Pemegang Hak Guna Bangunan di Atas Hak Pengelolaan. *JIHHP: Jurnal Ilmu Hukum, Humaniora Dan Politik*, 5(3), 1933–1940. <https://doi.org/10.38035/jihhp.v5i3.3668>
- [17] Intan, G. (2024). *Ahead of Jokowi's Retirement, Land Acquisition in IKN Not Yet Complete*. VOA Indonesia. <https://www.voaindonesia.com/a/voa-this-evening-jokowi-janjikan-pengembalian-investasi-yang-tinggi-di-ikn/7126412.html>
- [18] Kurniawan, T. (2020). Pemberian Hak Guna Bangunan Di Atas Bagian Tanah Hak Pengelolaan. *Jurnal Fakultas Hukum Universitas Tulang Bawang*, 18(1), 70–84. <https://doi.org/10.37090/keadilan.v18i1.293>
- [19] Lestari, M. D. P., & Syaifuddin, M. (2022). Bank Tanah Sebagai Upaya Menjamin Ketersediaan Tanah Dalam Rangka Ekonomi Berkeadilan Berdasarkan Undang-Undang Nomor 11 Tahun 2020 Tentang Cipta Kerja. *Lex LATA Jurnal Ilmiah Ilmu Hukum*, 4(2). <http://dx.doi.org/10.28946/lexl.v4i2.1894>
- [20] Lubis, I. ... Lubis, A. H. (2025). Integrasi Hukum Adat dalam Sistem Hukum Agraria Nasional: Tantangan dan Solusi dalam Pengakuan Hak Ulayat. *Tunas Agraria*, 8(2), 143–158. <https://doi.org/10.31292/jta.v8i2.401>
- [21] Mukhlis, M. M. ... Napang, M. (2023). The Conference of Parties-27 (COP-27) Agreement as an Instrument of State Policy in Handling Deforestation: A Comparative Study of Sweden and Indonesian Governments. *Law Reform*, 19(1), 1–24. <https://doi.org/10.14710/lr.v19i1.52926>
- [22] Mukhlis, M. M. ... Paidi, Z. (2024). Regional government according to the 1945 constitution: ideas refinements and law reform. *Journal of Law and Legal Reform*, 5(2), 485–530. <https://doi.org/10.15294/jllr.vol5i1.3125>
- [23] Muqtarib ... Rubiati, B. (2023). Mekanisme Pengadaan Tanah Melalui Bank Tanah

- Dalam Mendukung Pembangunan Untuk Kepentingan Umum. *Bina Hukum Lingkungan*, 7(3), 311–333. https://doi.org/10.24970/bhl.v7i3.352_mekanisme
- [24] Mutawalli, M. (2023). *Negara Hukum Kedaulatan Dan Demokrasi (Konsepsi Teori dan Perkembangannya)*. Repository STAIN Majene. <https://repository.stainmajene.ac.id/items/9d43f3e8-67a9-498b-896f-a5682552e4b4>
- [25] Mutawalli, M. ... Yeyeng, A. T. (2023). Implementation of FLEGT Licensing Scheme in Deforestation Law Enforcement: Improvements and Handling in Indonesia. *Jurnal Hukum Unissula*, 39(2), 130–156. <https://doi.org/10.26532/jh.v39i2.32210>
- [26] Nur, S. S. (2009). *Legal Aspects of Urban Land Provision in the Form of Land Banks to Support Sustainable Urban Development*. Universitas Hasanuddin, Makassar.
- [27] Nyuk, S. (2024). *Director of AMAN East Kalimantan*.
- [28] Pranawa, G. G., & Hamid, I. (2023). Non-Violence Movement: Gerakan Masyarakat Laman Kinipan Mempertahankan Hutan Adat. *Huma: Jurnal Sosiologi*, 2(1), 10–19. <https://doi.org/10.20527/h-js.v2i1.33>
- [29] Pratama, I. G. A. (2019). Peran PPAT Dalam Sistem Pendaftaran Tanah Adat di Bali. *Acta Comitas*, 4(2), 284–295. <https://doi.org/10.24843/ac.2019.v04.i02.p11>
- [30] Putrazta, S. A. ... Amelia, N. P. (2025). Land Grabbing Potential : Land Bank Policy Towards Land Rights Of Indonesian Indegenous People Mochammad Abiansyach Pradipta Putra Novantia Putri Amelia The development of human distribution continues to increase every year , followed by the need for land. *Journal Of Constitutional And Governance Studies*, 1(2), 130–151. <https://doi.org/10.20885/JCGS.vol1.iss2.art2>
- [31] Rongiyati, S. (2014). Pemanfaatan Hak Pengelolaan Atas Tanah Oleh Pihak Ketiga. *Jurnal Negara Hukum*, 5(1), 77–89. <https://doi.org/10.22212/jnh.v5i1.212>
- [32] Ronthi, I. N. P. W. ... Darmadha, I. N. (2019). Kekuatan Hukum Peralihan Hak Atas Tanah Melalui Hibah Yang Dibebankan Hak Tanggungan. *Kertha Semaya: Journal Ilmu Hukum*, 6(4), 1–14. <https://jurnal.harianregional.com/kerthasemaya/id-54203>
- [33] Roosanti, N. G. (2022). *Aspek Keadilan Dalam Kemitraan Kehutanan Antara Lembaga Masyarakat Desa Hutan (LMDH) Banyurip Lestari Dengan Kesatuan Pemangku Hutan (KPH) Surakarta* [Universitas Negeri Semarang]. <https://digilib.uns.ac.id/dokumen/detail/95712/aspek-keadilan-dalam-kemitraan-kehutanan-antara-lembaga-masyarakat-desa-hutan-lmdh-banyurip-lestari-dengan-kesatuan-pemangku-hutan-kph-surakarta>
- [34] Sabardi, L. (2016). Konstruksi Makna Yuridis Masyarakat Hukum Adat Dalam Pasal

- 18b Uudn Ri Tahun 1945 Untuk Identifikasi Adanya Masyarakat Hukum Adat. *Jurnal Hukum & Pembangunan*, 44(2), 170–196. <https://doi.org/10.21143/jhp.vol44.no2.19>
- [35] Saputri, B. A. ... Anggraini, R. . R. (2024). Ratio Legis Pemberian Hak Pengelolaan Tanah Ulayat Terhadap Masyarakat Hukum Adat Di Indonesia. *Jurnal Kertha Semaya*, 12(11), 2816–2826. <https://doi.org/10.24843/KS.2024.v12.i11.p06>
- [36] Scott, D. (2020). Extraction Contracting: The Struggle for Control of Indigenous Lands. *South Atlantic Quarterly*, 119(2), 269–299. <https://doi.org/10.1215/00382876-8177759>
- [37] Setiadi, E. (2021). Land Bank in Law No. 11 of 2020 Concerning Job Creation "What are the Benefits for the Community, ask the willingness of the people?". *Papers on Webinar in Faculty of Law, Christian University of Indonesia, Wednesday, July 7, 2021*.
- [38] Soerodjo, I. (2021). *Land Law of Land Management Rights (MR): Existence, Regulation and Practice*. Yogyakarta: LaksBang Mediatama.
- [39] Suartining, N. K., & Djaja, B. (2023). Land Rights in the Land Law System in Indonesia According to the Basic Agrarian Law Number 5 of 1960. *Journal of Social Research*, 2(6), 1775–1785. <https://doi.org/10.55324/josr.v2i6.903>
- [40] Sugoto, H. A. ... Harianto. (2024). Optimalisasi Peran Pemerintah Melalui Badan Bank Tanah Sebagai Land Manager Negara Dalam Pengelolaan Penyediaan Tanah Bagi Kepentingan Pembangunan. *Jurnal Aplikasi Bisnis Dan Manajemen*, 10(1), 275–287. <https://doi.org/10.17358/jabm.10.1.275>
- [41] Sumardjono, M. S. (2024). *Administration and Registration of Customary Land*. Kompas. <https://www.kompas.id/baca/opini/2024/06/18/antara-pengadministrasian-tanah-dan-pendaftaran-tanah-ulayat>
- [42] Sumilat, R. R. I. (2024). Implementation of the regulation of the minister of atr/bpn no. 14 of 2024 in the registration of customary land rights of customary law communities. *Santhet: Jurnal Sejarah, Pendidikan Dan Humaniora*, 8(2), 1832–1841. <https://doi.org/10.36526/js.v3i2.4485>
- [43] Tampi, C. G. (2021). Pembentukan Bank Tanah Berdasarkan Undang-Undang No 11 Tahun 2020 Dalam Rangka Menjamin Kesejahteraan Masyarakat. *Jurnal Lex Crimen*, 10(11), 123–132. <https://ejournal.unsrat.ac.id/v3/index.php/lexcrimen/article/view/38410>
- [44] Tejawati, D. N. ... Wulandari, S. (2022). the Principle of Togetherness in the Application of Land Banks in Indonesia for the Welfare of the Community. *International Journal of Business, Economics and Law*, 27(1), 85–89. <http://erepository.uwks.ac.id/id/eprint/14752%0A>

- [45] Titaley, E., & Alfons, C. R. (2024). The Existence of Local Culture of Indigenous Peoples of Negeri Lohiatata in the Modernization Era. *Jurnal Pendidikan Sosiologi Dan Humaniora*, 15(2), 614–629. <https://doi.org/10.26418/j-psh.v15i2.86530>
- [46] Tobroni, F. (2016). Memperkuat Hak Masyarakat Adat Atas Hutan Adat (Studi Putusan MK Nomor 35/ PUU-X/2012). *Jurnal Konstitusi*, 10(3), 461–482. <https://doi.org/10.31078/jk1035>
- [47] Vassalo, A. F. (2021). Penyelesaian Tindak Pidana Pencurian Hewan Ternak Menurut Hukum Adat Masyarakat Kecamatan Alas Kota Madya Manufahi. *Jurnal Komunikasi Hukum (JKH)*, 7(1), 143–157. <https://doi.org/10.23887/jkh.v7i1.31465>
- [48] Veršinskas, T. ... Gorgan, M. (2022). European good practices on land banking - FAO study and recommendations. In *FAO Regional Office for Europe and Central Asia*. Budapest: FAO Regional Office for Europe and Central Asia. <https://doi.org/10.4060/cb8307en>
- [49] Wendry, Y. (2021). *Nagari dan Negara: Perspektif Otentik Kesatuan Masyarakat Hukum Adat dalam Ketatanegaraan Indonesia* (1st ed.). Yogyakarta: Penerbit Jual Buku Sastra.
- [50] Winanda, F. A. ... Kaban, M. (2024). Peran Bank Tanah dalam Penanganan dan Pengembangan Tanah Terlantar. *Journal of Education, Humaniora and Social Sciences (JEHSS)*, 7(1), 43–52. <https://doi.org/10.34007/jehss.v7i1.2246>
- [51] Zahra, F. Al. (2017). Land Bank Regulation Idea to Realize Equitable Management of State Land Assets. *Jurnal Ilmiah Administrasi Publik*, 3(2), 93. <https://doi.org/10.21070/jihr.v4i1.872>