

PENETAPAN TARIF PEMANFAATAN TANAH OLEH BADAN BANK TANAH DALAM KERJA SAMA DENGAN PIHAK LAIN

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INTISARI

Badan Bank Tanah sebagai pemegang Hak Pengelolaan (HPL) dengan salah satu kewenangannya adalah melakukan kerja sama pemanfaatan tanah serta menetapkan tarif pemanfaatannya. Pengaturan mengenai dasar penetapan tarif, praktik pelaksanaannya, serta model ideal yang mampu menjamin kepastian hukum dan pengendalian nilai tanah masih memerlukan pendalaman konseptual dan penemuan empiris. Penelitian ini menggunakan metode hukum normatif empiris dengan pendekatan perundang-undangan, konseptual, perbandingan, dan sosiologis. Data diperoleh melalui studi kepustakaan dan wawancara, kemudian dianalisis secara deskriptif-analitis menggunakan Teori Negara Kesejahteraan, Teori *Land Value Capture*, dan Teori Sistem Hukum. Hasil penelitian menunjukkan bahwa dasar penetapan tarif pemanfaatan tanah oleh Badan Bank Tanah ditentukan oleh variabel asal-usul tanah HPL, karakteristik nilai pemanfaatan tanah, lokasi dan kesesuaian tata ruang, karakteristik pemanfaatan, jenis hak, jangka waktu, serta model kerja sama. Temuan empiris periode 2023 sampai 2026 memperlihatkan bahwa tarif ditetapkan melalui mekanisme administratif berjenjang terhadap aset ±19.532 hektare yang tersebar nasional, dengan variasi skema HGU, HGB, dan sewa, serta melibatkan beragam mitra (BUMN, swasta, dan sektor strategis), sehingga struktur tarif tidak bersifat seragam dan sangat dipengaruhi oleh nilai ekonomis serta tujuan pemanfaatannya. Model ideal penetapan tarif perlu mengintegrasikan prinsip negara kesejahteraan dan mekanisme penangkapan kenaikan nilai tanah secara proporsional dan transparan, dengan merujuk pada praktik Singapura dan Vietnam sebagai negara pembanding.

Kata Kunci: Badan Bank Tanah, Tarif Pemanfaatan Tanah, Pengendalian Nilai Tanah, Kerja Sama.

***DETERMINATION OF LAND UTILIZATION TARIFFS BY THE LAND
BANK IN COOPERATION WITH OTHER PARTIES***

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ABSTRACT

The Land Bank, as the holder of Management Rights (Hak Pengelolaan/HPL), is vested with the authority to enter into land utilization cooperation agreements and to determine the corresponding utilization tariffs. The regulatory framework governing the basis for tariff determination, its practical implementation, and the formulation of an ideal model capable of ensuring legal certainty and land value control still requires further conceptual refinement and empirical substantiation. This research employs a normative-empirical legal method, utilizing statutory, conceptual, comparative, and sociological approaches. Data were obtained through library research and interviews, and subsequently analyzed descriptively and analytically using the Welfare State Theory, Land Value Capture Theory, and Legal System Theory. The findings indicate that the basis for determining land utilization tariffs by the Land Bank is influenced by several variables, including land value, the origin of HPL land, location and conformity with spatial planning, characteristics of utilization, type of land right, duration, and cooperation model. Empirical findings from the 2023–2026 period demonstrate that tariffs are determined through a tiered administratif mechanism covering approximately ±19,532 hectares of assets distributed nationwide, with varying schemes of HGU (Right to Cultivate), HGB (Right to Build), and lease arrangements, involving diverse partners (state-owned enterprises, private entities, and strategic sectors). Consequently, the tariff structure is not uniform and is significantly influenced by economic value and the intended purpose of land utilization. The ideal tariff setting model should integrate welfare state principles and a proportional and transparent mechanism for capturing land value increments, drawing upon the practices of Singapore and Vietnam as comparative jurisdictions.

Keywords: *Land Bank, Land Utilization Tariff, Land Value Control, Cooperation.*