

Terms and Conditions for Constructing Buildings in Indonesia

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ABSTRACT

Background: Every building requires terms and conditions. It includes the requirements for erecting the building itself. Each building requires a Building Permit (IMB) issued by the government to a person or company for the construction of the building. This permit includes building, changing, expanding, reducing, or maintaining buildings from old forms to new forms. Several requirements must be done in managing the permit. These requirements are in the form of administrative requirements and technical requirements determined by the Indonesian government. Infrastructure must be regulated in law so that the infrastructure is orderly and by the space provided. It is to create order, security, safety, comfort and law before the law. The law has regulated articles relating to building permits. The government has also provided policy in carrying out building development. Building and building cannot be done without official permission from the government. This regulation has been regulated in the provisions and procedures for infrastructure development.

Key Words: building permit, law, government, construct

INTRODUCTION

The State of Indonesia is a country that has legal force in any aspect. It includes arrangements for establishing infrastructure and buildings. The Indonesian state applies to build permits for its citizens for those who want to erect and change the shape of their buildings. Building permit in Indonesia named is *Izin Mendirikan Bangunan (IMB)*. This permit is a form of legal legality that

contains provisions issued by the Regional Head for his citizens. Every person or company must have a building permit when they want to build a new building or renovate an old building. This permit includes activities in terms of building, destroying, adding, reducing and renovating buildings. A building permit is a vital thing for someone to own because someone who already has a permit means that the building to be built has fulfilled the requirements stipulated in the law. It is to create a safe and legal building layout. This permit is also needed when a sale and purchase transaction involves the bank in the sale and purchase. Owners of baggage that build without legal permission will be given a legal witness. Consequently, buildings that have been erected can be demolished or demolished. [1]

The state governance body has set the terms and conditions for constructing buildings. This regulation has also been regulated in customary law. The government has its assessment in giving authority to building owners. Permits will be adjusted to the shape of the building and the location of the building. Not all proposals submitted can be directly approved, especially if the building violates the rules of governance. Some requirements must be provided in constructing the building. Governance matters must study the condition of the building and the place where the building will be built. Development must not disturb the surrounding environment and have excellent comfort.

THEORIES

2.1 Legal Foundation

Building Permit (IMB) is a permit granted by the Regional Head to the building owner to build new, change, expand, reduce, and/or maintain the building by administrative and technical requirements. The IMB is regulated in Law number 28 of 2002 concerning Buildings, in which the Law states that building buildings in Indonesia are required to have a Building Permit. In addition to Law number 28 of 2002, IMB is regulated in Law number 26 of 2007 concerning Spatial Planning and PP number 36 of 2005 concerning Implementation Regulations of Law number 28 of 2002 concerning Buildings.

Building Permit in Indonesia is called "Izin Mendirikan Bangunan" or IMB. This permit is the right granted by the Regional Head to the landowner to build a new building. It must be in accordance with administrative and technical requirements issued by the Indonesian government. IMB is one of the legal products to realize a certain order to make order, security, safety, comfort, as well as legal certainty. The obligation of every person or entity that will build a building to have a Building Permit is regulated in Article 5 paragraph 1 of Regional Regulation 7 of 2009. The IMB will legalize a building that is planned in accordance with the specified Spatial Planning. Besides, the existence of the IMB shows that the construction plan of the building can also be accounted for with a view to the common good.

2.2 Benefits of Owning a Building Permit

Some of the benefits of a building that has IMB compared to buildings that have no IMB, including:

1. Get certainty and legal protection on the building that is built so that when the building is standing, it will not interfere or harm the interests of others.
2. Increase the sale value of the house
3. Can be used as collateral or collateral

4. Terms of the transaction of buying and selling and renting a house.
5. Bank credit guarantee
6. Improved land status
7. Allotment information and road plans

2.3 Completeness of Residential IMB Application Requirements

The following are some completeness/files that are needed to prepare before handling the Building Permit Application (IMB), including:

1. Application Form for Building Permit (PIMB), which has been filled in entirely along with the signature.
2. Photocopy of KTP of the landowner or applicant.
3. Photocopy of applicant's NPWP.
4. Photocopy of land ownership certificate, in the form of a land certificate from the BPN which has been legalized by a notary or land parcel from the local government or the Central which has been legalized by the municipal government or the central agency that issues the land card.
5. Photocopy of invoice and proof of payment for current year UN.
6. The City Planning Decree (KRK) of PTSP is seven sheets.
7. Building Layout Plan (RTLB), if at the location intended because of its designation, required RTLB from PTSP of 5 sheets.
8. Photocopy of SIPPT from the Governor if the land area is 5,000 m² or more;
9. Architectural plan drawings (specifically for zoning R.5, large houses or R.9, low KDB houses or in locations that belong to the restoration group, drawings must be signed by the planners of the owner of IPTB) as many as five sets;
10. TPAK recommendation for building architecture planning (if the building location is included in restoration group A, B, or C);
11. Calculations and drawings of construction plans signed by the construction planners of IPTB owners

(for multi-story buildings with a span of more than 5 m) of 4 sets.

2.4 Regulation

The rules and regulations containing the building permit are as follows: ^[2]

- Law no. 28 of 2002 concerning Buildings.
- Law no. 26 of 2007 concerning Spatial Planning.
- PP no. 36 of 2005 concerning Regulations for Implementing Law no. 28 of 2002 concerning Buildings.

Law no. 28 of 2002 concerning Buildings

BUILDING REQUIREMENTS OF BUILDINGS

First Part: General.

- Article 7, paragraph (1): "Every building must meet administrative and technical requirements in accordance with the function of the building."
- Article 7, paragraph (2): "Administrative requirements for building buildings as referred to in paragraph (1) include requirements for the status of land rights, ownership status of buildings, and building permits."

Second Part: Administrative Requirements of Buildings.

- Article 8, paragraph (1): "Every building must meet administrative requirements which include:
 - Status of land rights, and / or utilization permit from the holder of land rights
 - Building ownership status
 - Permit to build a building; in accordance with applicable laws and regulations
- Article 8, paragraph (4): "Provisions regarding building permits, ownership, and data collection on buildings as referred to in paragraph (1), paragraph (2), and paragraph (3) shall be further regulated by Government Regulation."

Law no. 26 of 2007 concerning Spatial Planning

DUTIES AND AUTHORITIES

Part One: Tasks.

- Article 7, paragraph (1): "The state shall organize spatial planning for the greatest prosperity of the people."
- Article 7, paragraph (2): "In carrying out the tasks referred to in paragraph (1), the state grants the authority to administer spatial planning to the Government and regional governments."
- Article 7, paragraph (3): "The implementation of spatial planning as referred to in paragraph (2) is carried out while respecting the rights owned by people in accordance with the provisions of the legislation."

IMPLEMENTATION OF SPACE ARRANGEMENT

Part Three: Control of Spatial Use.

- Article 35: "Control of spatial use is carried out through the establishment of zoning regulations, permits, granting incentives and disincentives, and imposing sanctions."
- Article 37, paragraph (1): "Licensing provisions as referred to in Article 35 are regulated by the Government and regional governments according to their respective authorities in accordance with statutory provisions."
- Article 37, paragraph (2): "Spatial utilization permits that are not in accordance with the regional spatial plan are canceled by the Government and regional governments according to their respective authorities in accordance with the provisions of the legislation."
- Article 37, paragraph (3): "Permit for the use of space issued and / or obtained without going through the right procedures, null and void."
- Article 37, paragraph (4): "Spatial utilization permits obtained through correct procedures but later proven to be incompatible with the regional spatial plan, are canceled by the Government"

and regional governments in accordance with their authority."

- Article 37, paragraph (5): "For losses incurred due to the cancellation of the permit referred to in paragraph (4), appropriate compensation may be requested from the licensing agency."
- Article 37, paragraph (6): "Spatial use permits that are no longer appropriate due to changes in regional spatial plans can be canceled by the Government and regional governments by providing appropriate compensation."
- Article 37, paragraph (7): "Every government official authorized to issue a permit for the use of space is prohibited from issuing permits that are not in accordance with the spatial plan."
- Article 37, paragraph (8): "Further provisions regarding the procedure for obtaining permits and proper replacement procedures as referred to in paragraphs (4) and (5) are regulated by government regulations."

RIGHTS, OBLIGATIONS, AND COMMUNITY ROLE

Article 60: "In spatial planning, everyone has the right to:

- Submit demands for cancellation of permits and termination of development that are not in accordance with the spatial plan to the authorized officials.
- File a claim for compensation to the government and / or permit holder if development activities that are not in accordance with the spatial plan cause losses.

Article 61: "In the use of space, everyone must:

- Use the space in accordance with the space utilization permit from the authorized official.
- Comply with the conditions set out in the space utilization permit requirements.

Article 63: "Administrative sanctions referred to in Article 62 can be in the form of:

- License revocation

- Cancellation of permission
- Demolition of buildings

Indonesia Government Regulation no. 36 of 2005

GENERAL REQUIREMENTS

Article 1: "In this Government Regulation what is meant by:

- Permit to construct a building is a permit granted by the Regency / City Government to the owner of the building to build a new, change, expand, reduce, and / or maintain the building in accordance with administrative requirements and applicable technical requirements.
- Application for a permit to build a building is an application made by the building owner to the local government to obtain a permit to build a building.

BUILDING FUNCTION

Second Part: Determination of Building Functions

- Article 6, paragraph (1): "The function and classification of buildings must be in accordance with the allotment of locations regulated in the regency / city RTRW, RDTRKP, and / or RTBL."
- Article 6, paragraph (2): "The function and classification of the building is proposed by the owner of the building in the application for a permit to construct a building."
- Article 6, paragraph (3): "The regional government determines the function and classification of buildings as referred to in paragraph (2), except special function buildings by the Government, in the permit to construct buildings based on district / city RTRW, RDTRKP, and / or RTBL . "

Part Three: Change in Building Functions.

- Article 7, paragraph (1): "The function and classification of buildings can be changed through the application for a new building permit."
- Article 7, paragraph (4): "Changes in the function and classification of buildings

are stipulated by the regional government in the permit to construct buildings, except for special function buildings determined by the Government."

BUILDING REQUIREMENTS OF BUILDINGS

First Part: General

Article 8, paragraph (2): "Administrative requirements for building construction include:

- status of land rights, and / or utilization permit from the holder of land rights;
- building ownership status; and
- permit to build buildings. "

2.2 Violations

Every building must meet every requirement in the law, both administrative and technical requirements, under the function of the building, as regulated in Law Number 28 of 2002 concerning Buildings. Violations come from criminal law, civil law and administrative law. In terms of criminal law, violations of criminal law norms are immediately taken by the court without any complaint from the injured party while violations in terms of civil law are violations of civil law norms only taken by the court after complaints from interested parties. Violations under administrative law are violations of statutory provisions governing the administration of the interests and general welfare of the State and the actions of officials or administrative bodies A state that is contrary to the general principles of good governance. ^[3]

2.3 Public Policy

The policy is defined as a series of actions that have specific goals that are recognized and implemented by an actor or group of actors to solve a particular problem. Policy is a series of actions that lead to the goals proposed by a person, group or government in a particular environment by pointing out the obstacles and opportunities for the implementation of

the proposed policy in order to achieve certain goals. From the definition or definition put forward by the two experts, it is clear that the policy is meant as a series of actions taken by a person or group of actors to solve a particular problem or to achieve a certain goal. ^[4]

Public policy is the strategic use of available resources to solve public or government. Policy is the government's decision to do something or act to do something. Although there are various definitions of public policy, in general, however, public policy is a policy developed by a government agency or government official. There are several important stages of the public policy process. ^[5] The policy consists of a series of interdependent stages, such as: the preparation or agenda setting, policy formulation, policy adoption, and policy assessment. It is clear that implementation is one of the stages of the policy process. The policy implementation is an important stage and perhaps even more important than the policymaking stage. The policy will be just a dream or a good plan that is neatly stored in the archive if it is not implemented. ^[6]

METHODOLOGY

Each region has its own rules relating to its authority. However, if cooperation between regions fails, it will have fatal consequences for the overall balance. In terms related to building, some things are sometimes extraordinary if not involved in the world of construction, for example, KDB (necessary coefficient of building), KLB (coefficient of building floor) and KDH (coefficient of green areas). Research writing material about building permits (IMB), each region has a different procedure in terms of IMB management. This research will explain making IMB in DKI Jakarta.

RESULT AND DISCUSSION

4.1 IMB Retribution Fee

Based on Perda No. 3/2012, residential property building levies are

calculated using the building area formula multiplied by the index multiplied by the unit price. Payments for housing levies can be made after a Regional Levy Assessment Letter (SKRD) is issued from the IMB District service section, and payments are made in the Regional Treasury. After obtaining proof of retribution payment from the Regional Treasury, the sheet for P2B is submitted to the PTSP Counter.

4.2 IMB Registration Manually

The following method is very commonly done by the majority of the population in Indonesia, by coming to the local government office and completing the IMB Submission Form and bringing all the files/completeness. The city government now has a government site, and there are usually procedures for taking care of the IMB. The applicant can download the form without the need to report to the city government office.

4.3 IMB Registration Online

One of the convenience of managing IMB online is that the applicant does not need to queue at the sub-district office with a long queue. However, the ease of managing IMB online can only be used for those of who want to build property in the provinces of Jakarta and Bandung.

Easy steps in managing IMB online:

1. Open the IMB registration site online, for the Jakarta area at dppb.jakarta.go.id and the Bandung area at dpmptsp.bandung.go.id.
2. Register on the website, then log in with the account that has been registered.
3. Choose between the IMB menu of residential or non-residential houses, then enter the data attachment in the form of the image of the building in question.
4. Scan the required documents, then upload and send (submit) all required data. The applicant must complete the data; otherwise, the application will be rejected

5. Furthermore, the applicant can pay fees to regional banks following the respective regions. For example, if you are domiciled in Jakarta, then have to pay fees to Bank DKI, or if domiciled in Tangerang, the applicant has to pay fees to Bank BJB. After paying, scan the proof of payment then upload it to the website

4.4 IMB Registration Process Period

IMB is issued by the head of the Satlak PTSP sub-district. Provisions in Governor Regulation No. 129 of 2012 stipulates that the completion of the IMB for Residential Homes is approximately 20 working days. IMBs that have been issued will be notified via text message or telephone to the applicant or the attorney, can be taken by bringing proof of payment of the IMB levy and with a power of attorney if the one taking is not the applicant to the district PTSP counter.

4.5 IMB Calculation

The formula used to calculate the cost of making a building permit is as follows:

$$IMB = Area \times TJB \times TPJ \times 1\%$$

Information:

Area = Building area to be erected
TJB = Building type tariff according to local regulations (IMB levy tariff table)

TPJ = The level of service usage is the multiplication of several coefficient factors, including:

- a. The coefficient of road class
- b. Building status coefficient
- c. Building level coefficient
- d. The coefficient of building use
- e. The coefficient of building class

Example of a BoB IMB table per m² in South Jakarta, by Regional Regulation No.3 of 1999 and Governor's Decree No.63 of 2000.

Table 1. IMB fee for each type of building

Residential Buildings	Price
Small housing	Rp. 50.000,00
Medium housing	Rp. 75.000,00
Large housing	Rp. 100.000,00
Simple flats	Rp. 50.000,00
Social building	
Building a place of worship	Rp. 0
Buildings are not places of worship	Rp. 100.000,00
Business building	
Industry / warehousing	Rp. 150.000,00
Trade / office	Rp. 200.000,00
Temporary building	Rp. 50.000,00
Buildings that are applied for themselves	Rp. 50.000,00

4.6 Legal Sanctions

Seeing the benefits and also the necessity of each building in having an IMB Letter, as Indonesian people who obey government regulations, we should adequately administer the IMB. However, IMB is considered not too important by some people. Building or renovating a house without taking care of the IMB can be subject to sanctions that are quite burdensome. Sanctions can be in the form of administrative sanctions or sanctions for building terminations or temporary renovations until a building permit is obtained. According to Article 115, paragraph (2) PP 36/2005, homeowners who do not have a building permit can be subject to sanctions for demolition orders.

CONCLUSION

IMB maintenance is essential. It can be seen that ownership of IMB can help and support administrative arrangements related to the building. In managing the building to the bank, IMB is one of the requirements needed for the process of disbursing funds or purchasing buildings to be carried out. IMB explained that the building was legal

before the law. By having a building permit, many benefits are obtained by someone in carrying out administrative activities in the building.

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