

LAW ENFORCEMENT IN BUILDING PERMITS ON BUILDING PLANNING IN KUPANG CITY IS REVIEWED FROM KUPANG CITY REGIONAL REGULATION NUMBER 7 OF 2015 CONCERNING BUILDING

Gregorius Melianus Manggus¹, Aju Putrijanti²

Faculty of Law, Universitas Diponegoro, Indonesia

E-mail: gregorius8597@gmail.com¹, aputriyanti@yahoo.com²

ABSTRACT

Based on the author's observations, the background of the main problem formulated is How is Law Enforcement in Building Permits in the Kupang City Area and What Factors Affect Law Enforcement on Building Procedures in the Kupang City Area? The purpose and usefulness of this study are to know and examine the effectiveness of law enforcement in Building Permits on building planning and to know and describe the inhibiting factors of law enforcement of building permits in the Kupang City Area. To answer these problems, research was carried out using the Qualitative Descriptive Analysis method by the data obtained while still paying attention to theories, principles, and legal rules, so, this research is a research sourced from primary and secondary data using an empirical juridical approach. In the results of this study, the main problem examined by the researcher explains law enforcement in building permits in the Kupang city area Regional Regulation Number 7 of 2015 concerning Building Buildings, relating to the rights and obligations violated by the operator of this building including not having a Building Permit, commensurate lines of buildings not by the provisions of the Regional Regulation, and the absence of parking facilities. By the provisions of the Regional Regulation, building operators who violate this are subject to administrative sanctions in the form of reprimands and temporary construction stoppages.

Keywords: IMB, PolPP, Kupang City Government

Introduction

Rapid population growth that results in a dense population is inevitable, especially the population density in large cities in Indonesia. Provisions regarding spatial planning serve as guidelines for development planning and development implementation, both national and regional development. So the application of development implementation in terms of the construction of a building must be by the use of space contained in an existing regulation. For the construction of a building by its designation and function, besides that the development does not hurt the economy, society, politics, and culture.

This can be seen and can be felt from the symptoms of development that are increasing from time to time. Development of facilities and infrastructure and infrastructure that are increasingly sophisticated and innovative. A striking change is the construction of buildings in the form of residential houses, inns, or offices that inevitably have to be balanced between permits and the impacts that will be faced in the future, of course, which is very crucial today including the impact on building planning problems. It is unfortunate if the increasing graph of development is not balanced by good building procedures and according to the procedures stipulated in the law.

IMB whose implementation is handed over to the respective cities/regencies serves as a basis for the government to control the city's physical data collection as a very important basis for planning, supervising, and regulating directed city development. The implementation of granting IMB to persons and/or legal entities who will construct buildings submitted to the City/Regency Government with the establishment of a Regional Regulation (Perda) concerning IMB for each City/Regency also has legal guidelines and references, namely the Regulation of the Minister of Public Works and Public Housing of the Republic of Indonesia Number 05/Prt/M/2016 concerning Building Permits (hereinafter abbreviated as Candy BG). The necessity of every development accompanied by IMB has been regulated in detail in the Laws and Regulations.

A Building Permit (IMB) is a proof letter from the local government stating that the building owner can erect a building according to the function that has been determined and based on the approved building technical plan. In addition, Building Permits are also granted to building owners who want to renovate, repair, or add to buildings. The administrative requirements for building buildings are regulated in Article 8 of Law Number 28 of 2002 concerning Building (hereinafter abbreviated as Law BG). The administrative requirements for erecting the building include; Every building must meet administrative requirements, by the provisions of applicable laws and regulations, Every person or legal entity can own a building or part of a building, the Regional Government must record the building for orderly construction and utilization, and provisions regarding building permits, ownership, and data collection of building buildings as referred to in paragraph (1), paragraph (2), and paragraph (3) is further regulated by Government Regulation. Article 8 paragraph (5) of the BG Law states that the rules regarding IMB are further regulated by Government Regulations. The Government Regulation that is the implementation of the BG Law is Government Regulation Number 36 of 2005 concerning the Implementation Regulations of Law Number 28 of 2002 concerning Building (hereinafter abbreviated as PP 36/2005). Article 14 paragraphs (1) and (2) of PP 36/2005 states that everyone who wants to build a

building must have a Building Permit granted by the local government (Pemda) through the permit application process.

Building Permits and building arrangements are two variables that have a very close correlation because one of the impacts of non-conformity in the implementation of IMB is the non-creation of well-organized and orderly buildings in a place. Given this very close correlation, serious efforts need to be made to answer several problems that will be faced in the future. In addition, PP No. 36/2005 stipulates the imposition of sanctions if you do not have an IMB. The sanction is administrative in the form of a temporary suspension until the IMB is obtained. Not only administrative sanctions, building owners can also be sanctioned in the form of fines of up to 10 percent of the value of buildings that are being or have been built. A Building Permit or IMB is granted by the local Government (Pemda) to create an orderly, comfortable, safe, and land-appropriate building layout.

The main problem examined in this study is how to enforce administrative sanctions against buildings that are built without having an IMB and what factors hinder administrative law enforcement against violating buildings.

The purpose of this research is to find out how the efforts made by the Kupang City Government in enforcing Kupang City Regional Regulation Number 7 of 2015 concerning Buildings. The problem is that sometimes this kind of problem is still considered trivial and not taken into account by some parties, Most parties tend to ignore it, so development is carried out without regard to IMB and building planning

Research Method

The author explains that the Research Method that the author uses is Empirical Normative research which is a research method that in this case combines elements of normative law which is then supported by the addition of data or empirical elements. The author in this study examines the implementation of applicable positive legal provisions and the author in this case also conducts interviews and direct observations on the application of policies to every legal event that occurs in the community related to problems in building permits.

The data used in this study are primary data and sounder data. The primary data in this study is data obtained directly from the first source, namely the behavior of community

members through research. Primary data in this study were obtained directly using interviews with informants, in this case, interviews with the Public Works and Spatial Planning Office, Civil Service Police Unit, and the Integrated Licensing Service Agency. Secondary data include official documents, books, and research results in the form of reports, diaries, and so on. At this writing, secondary data are obtained from literature studies, journals, reports, and laws and regulations related to IMB law enforcement

Result and Discussion

Implementation of Law Enforcement in Building Permits Against Building Procedures in Kupang City

Based on Government Regulation Number 36 of 2005 concerning Building Permits, the Government Regulation states that building permits are permits granted by the Regency / City Government to building owners to build new, change, expand, reduce, and/or maintain buildings by applicable administrative and technical requirements.

This is a very important study, considering that Kupang City is an area that is experiencing an increase in the development of facilities and infrastructure as well as infrastructure. The problem is that sometimes this kind of problem is still considered trivial and not taken into account by some parties, Most parties tend to ignore it so development is carried out without regard to IMB and building planning.

Based on the results of an interview with Mr. Kris Nalle, Head of Regional Regulation Enforcement at the Kupang City Civil Service Police Unit, and Mrs. Ocha Bolling as Staff in the Field of Public Order and Peace (TRANTRIB), explained that the large number of building violations that occur in Kupang City is due to the lack of public awareness to take care of Building Permits. Some people are naughty in terms of building buildings, such as they have taken care of the Building Permit and have obtained the Building Permit requested, but the building located in the field or function of the building that has been applied for a permit is not by the building drawings that have been registered at the Kupang City One-Stop Integrated Licensing and Services Office.

If in its implementation there are still building owners who violate the provisions as referred to in Article 11 Paragraphs (1) and (2), Article 23 Paragraphs (1) and (2) and Article 14 Paragraph (1) in the construction stage, administrative sanctions will be imposed by Kupang City Regional Regulation Number 7 of 2015 Article 188 in the form of:

1. Owners of violating buildings will be subject to administrative sanctions

- a. Written warning
 - b. Restrictions on development activities, if written warnings are given 3 (three) times in a row within a grace period of 7 days and still do not make improvements to violations;
 - c. Suspension and suspension of IMB
 - d. Permanent suspension of construction, revocation of IMB, and demolition orders if it has been sanctioned and still does not make reparations for violations.
2. If the building owner does not carry out demolition as referred to in paragraph (1) letter d, within 30 days, the demolition is carried out by the government at the expense of the building owner.
 3. If the demolition is carried out by the government, the owner of the building is also subject to an administrative fine of up to 10% of the total value of the demolished building.

Table 2. Administrative Sanctions

No	Problem Description	Year	
		2017	2018
1.	Does not have an IMB	13	9
2.	Parking facilities Does Not Meet Local Regulations	4	-
3.	Border Lines Building	-	1
	Sum	17	10

Source: Kupang City Civil Service Police Unit

Based on the table above, it is explained that in the last 2 years (2017 – 2018) it can be seen that the problem that occurs in Kupang City related to building permits is that many building operators do not have permits to build buildings. The results of the researcher's interview with the building organizer Sdr. Antonia Pah Warga RT.05 / RW.02 Jlan. R. Soeprapto, Oebobo Village, Kupang City, said "I prefer to do construction first and then I start taking care of IMB because I need the building to be completed as soon as possible. Meanwhile, if you take care of IMB first, the process is long and convoluted. Related to the parking lot issue, I don't know enough about the rules governing it."

Factors Affecting Law Enforcement of Building Permits in Kupang City

Based on the results of an interview with Mr. Kris Nalle, Head of Regional Regulation Enforcement at the Kupang City Civil Service Police Unit, and Mrs. Ocha Bolling as Staff in the Field of Public Order and Peace (TRANTRIB) regarding factors affecting law enforcement against IMB in Kupang City.

Internal Factors

Internal factors that affect law enforcement in building permits are:

Law Enforcement Factors

Lack of Human Resources

Human Resources (HR) is a potential that is an asset and functions as capital (non-material / non-financial) in the organization/agency, which can be realized into real potential physically and non-physically to realize the existence of certain organizations/agencies. Head of Local Regulations

Kupang City Civil Service Police Unit Kris Nalle said that the lack of personnel of the Kupang City Civil Service Police Unit was one of the internal inhibiting factors in law enforcement efforts. Therefore, the response of the Civil Service Police Unit to violations of Building Permits has become slow and inefficient.

Based on the results of the researcher's interview with Mrs. Ocha Boling a staff in the field of General Public Order and Peace (Trantrib) said that "we in carrying out our supervisory and law enforcement duties are still constrained by the lack of field personnel. In this case, the existing personnel are still general or concurrently perform duties in units, for example when we want to supervise and enforce the law, only personnel who happen to be present participate in the task.

This has become an internal inhibiting factor in the Civil Service Police Unit in supervision and law enforcement efforts due to the lack of personnel and the absence of an orderly distribution of tasks between personnel in the unit.

Limited ability to put oneself in the role of others.

Head of the Kupang City Civil Service Police Unit Kris Nalle explained "We are carrying out law enforcement efforts in coordination with the relevant agencies and waiting for reports about indications of violations of permits/local regulations, meaning that we cannot immediately carry out law enforcement if there has been no order regarding violations.

This is one of the inhibiting factors in law enforcement efforts of the Civil Service Police Unit. Because the Civil Service Police Unit cannot act if there has been no order from the permit-issuing service.

Facility or Facility Factor

Lack of Adequate Equipment

Head of the Kupang City Civil Service Police Unit Kris Nalle explained that "there is a lack of main supporting facilities in carrying out work, such as the lack of vehicles available for operation, supervision, and control".

Based on data in the field, the facilities or facilities owned by the Kupang City Police Station include other motorcycles (5 units), cars (5 units), trucks (2 units). Kabid. Local Regulation Kris Nalle said "With these existing facilities or facilities, only 2 cars and 1 truck can be operated, so when in the performance of duties we have to wait for vehicles that are temporarily used by other personnel, the impact of delays in law enforcement often occurs".

This is one of the inhibiting factors in law enforcement efforts of the Civil Service Police Unit. Because the Civil Service Police Unit still lacks supporting facilities or facilities.⁶

External factors

External factors that affect law enforcement in building permits are:

Community Factors

In terms of the community, they is less aware of the applicable rules regarding the importance of Building Permits before building, changing, or demolishing buildings. In addition, the lack of public understanding and awareness regarding the arrangement and utilization of space carried out through the application of Building Permits. Due to the lack of socialization given directly to the community and the long process and stages in managing Building Permits.

Legal Knowledge

In terms of knowledge, in general, the public does not know clearly about the provisions governing Building Permits in the Kupang City Area, that every building must have an IMB.

Based on the results of the research there are still many people who have not complied with the provisions governing Building Permits in the Kupang City Area, and every building must have an IMB before building a building. This is due to the lack of

socialization or information by the Regional Government has not been conveyed to all elements of society.

Based on the results of the researcher's interview with building operators who have been subject to reprimand sanctions related to the ownership of IMB, Sdr. Silvester Djima, a resident of West Oesapa Village, Kupang City, said "I did not know about the rules about having an IMB before constructing a building, so I chose to build a building first and then take care of permits".⁷

Legal Understanding

Through legal understanding, the public is expected to understand the contents of Kupang City Regional Regulation No. 7 of 2015 concerning Building and the importance of having an IMB.

Table 4. Community Legal Understanding of IMB

No.	Comprehension Qualifications	IMB indicator	
		Rights and Obligations	
		Sum	Presentation (%)
1	Understand	3	30%
2	Not Understanding	7	70%
Sum		10	100%

Source: Primary data processed

Based on the data above, most people in Kupang City do not understand the importance of having an IMB and the provisions in the IMB. This shows that the understanding of the people of Kupang City about the importance of IMB is still very low.⁸

Legal Stance

Based on the results of the study, with many building operators violating the provisions in Kupang City Regional Regulation No. 7 of 2015 concerning Buildings, it shows that most people are still indifferent to management or compliance in IMB.

Table 5. Legal Attitude of Society Towards IMB

No.	Attitude Qualification	IMB indicator	
		Rights and Obligations	
		Frequency	Presentation (%)

1	Agree	3	30%
2	Disagree	7	70%
Sum		10	100%

Source: Primary data processed

The data above shows that there are still people who do not agree with the provisions of Kupang City Regional Regulation No. 7 of 2015 concerning Buildings. This is an external inhibiting factor in the management of IMB.⁹

Legal Conduct

Based on the results of research on the legal behavior of the people of Kupang City towards the provisions of Kupang City Regional Regulation No. 7 of 2005 concerning Buildings, that there are still people who do not comply with the management of IMB

Based on the results of the researcher's interview with the building organizer Sdr. Antonia Pah Warga RT.05 / RW.02 Jlan. R. Soeprapto, Oebobo Village, Kupang City, said that "I prefer to do construction first and then I start taking care of IMB, because I need the building to be completed as soon as possible. Meanwhile, if you take care of IMB first, the process is long and convoluted". This is an external inhibiting factor in the management of IMB

Conclusion

The implementation of law enforcement in Building Permits in Kupang City consists of rights and obligations, implementation of prohibitive provisions, and implementation of sanctions provisions for Building Permit holders in accordance with Kupang City Regional Regulation Number 7 of 2015 concerning Buildings. Based on the results of research showing that there are still many building operators who have not complied with the provisions of Kupang City Regional Regulation No. 7 of 2015 concerning Buildings, it can be concluded that the implementation of law enforcement in IMB in the Kupang City Area is still or not fully effective.

There are several factors that affect law enforcement in Building Permits in Kupang City, including internal factors consisting of lack of human resources and inadequate facilities or facilities and external factors consisting of lack of legal awareness in the community.

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