

The Process of Granting Permits to Establish Buildings Based on Regional Regulation Number 5 of 2009 in Realizing Good Regional Government

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ABSTRACT--*The giving process of IMB (Building Construction Permit) based on Semarang Municipality Regulation No. 5 year 2009 for the good governance in Semarang municipality has done in comprehensive way of Permission Service Board (BPPT). In the regional Regulation that requires every citizen to erect and dismantle the building permission must be received in advance. The problems are how the IMB permit process and the obstacles encountered in the implementation as well as measure undertaken in realizing good governance. The research used juridical normative, secondary data as the main data and primary data as the supporting data. The secondary data are the primary law data, the secondary law data the third, law data the primary data would be added with the field data. The conclusion for the research are (1) The giving process of IMB (Building Construction Permit) for the good governance has done in comprehensive way of permission service board is one door service to server better for the society. (2) the obstacles of IMB (Building Construction Permit) giving process in Semarang municipality are: enforcement, human resources, socialization, social awareness and the controlling. (3) To build the good governance in IMB processing are: to server IMB better, good character for human resources, mutual institution coordination in communication and information system to increase the socialization, to condemn for the IMB offenders and the registration of building.*

Keywords: *IMB, good governance*

I. INTRODUCTION

The Unitary State of the Republic of Indonesia is one of the law states that embraces the welfare state. In the concept of the rule of law, the government is demanded to be active (pro-active) in striving for the welfare of the community in various aspects of life. Regional Autonomy is basically one of the national policies pursued by the government towards regional government (autonomous region) (Sunarno, 2006). According to Oentari Sindung Mawardi (2001), the transfer of the Government's authority to the Regional Government largely consists of supervision, finance, coordination, and guidance. For the Regional Government, autonomy does not only

mean the transfer of power, but rather the increasing amount of the tasks of the Regional Government. In the framework of providing IMB services to the Regional Government of Semarang City has stipulated Regional Regulation Number 5 of 2009 concerning Building Permits. Judging from the aspects of spatial law relating to the City Spatial Plan (RT/RW) of the city, the existence of Regional Regulation No. 5 of 2009 concerning IMB is very important in the framework of controlling developmentally sound development, to maintain a balance between accelerating development and mobility (mobility) settlements are harmonized with the carrying capacity of space or the environment, so as to create environmental health (sanitation) that ensures the sustainability of people's lives.

II. RESEARCH METHOD

The nature of the research used in this study is normative juridical, juridical research means emphasizing legal science and legislation while normative is legal research conducted by examining mere library materials or secondary data or also called literary law research (Soerjono and Sri, 2011). The normative juridical research method is a study of secondary data or library data, emphasizing the speculative theoretical steps of qualitative normative analysis funds (Ronny, 1982). Theoretical speculative steps are steps undertaken within the framework of normative juridical research which are speculative but based on applicable legal norms, whereas what is meant by qualitative analysis is research in the field of normative jurisdiction starting from legal norms and not basing data in the form of numbers and only relevant research results are used to draw final conclusions. In this study, researchers conducted a method obtained from interviews with informants especially those relating to the Process of Granting Building Permits Based on Regional Government Regulation Number 5 of 2009 in Realizing Good Governance.

III. FINDINGS AND DISCUSSION

Law Number 32 Year 2004 concerning Regional Government which was later amended by Law Number 12 Year 2008 The second amendment to Law Number 32 Year 2004 concerning Regional Government has direct implications for the implementation of government and regional development as well as the determination of local government policies in the form of regulations area. The implementation of these developments can influence and strengthen one another.

The purpose and objectives of licensing services are to improve prime public services to the public in the area of licensing easily, simply and quickly, to control every development activity to suit architectural technicians so that optimal urban planning is achieved, and guarantee legal certainty while providing protection to permit holders and the community. On the other hand, the purpose of the IMB for the government is often associated with local revenue, because revenue is important in order to finance the implementation of regional autonomy. In the provisions of Law No. 34 of 2000 concerning Regional Taxes and Regional Levies, Article 21 letter c emphasizes that for certain levies of agreements, it is based on the purpose of covering partly or equal to the costs of administering the relevant permit.

Data obtained from the City Planning and Settlements Office of the City of Semarang.

Table. 1
Application and rejection of IMB in Semarang City in 2007 - 2011

Year	Application Submission	Application for IMB		Reason of Rejection		
		Accepted	Rejected	Adm	Technics	Other
1	2	3	4	5	6	7
2003	187.764	138.462	49.302	35.673	12.368	1.261
2004	178.393	142.968	35.425	12.137	17.456	4.832
2005	194.127	146.593	47.534	27.258	15.876	4.400
2006	192.715	155.987	36.728	23.856	9.648	3.224
2007	295.826	159.874	35.952	21.568	8.956	5.426
2008	202.144	169.677	32.467	18.732	7.997	5.738
2009	200.695	174.727	25.968	17.938	5.175	2.854
2010	202.217	278.432	23.785	15.697	4.979	3.109
2011	203.799	182.437	21.362	13.572	4.829	2.961
2012	204.269	185.090	19.179	11.713	4.529	2.937
Total	2.061.949	1.496.385	327.702	198.144	91.814	36.724

From the above table it can be concluded that during the enactment of Regional Regulation Number 5 of 2009 concerning Buildings, from 2007 to 2011 there were 2,061,949 IMB

applications that were filed against DTK. Of these, applications received were 1,496,385 or 72.75% while 327,702 or 15.89% were rejected. The rejection of 327,702permohoan based on the administration of 198,144 or 60.64% of the technical reasons was 91,814 or 28.01% and other reasons were 36,724 or 11.21%.

IMB is a permit that must be owned by a person or legal entity / institution that will erect, overhaul or demolish buildings in the city of Semarang. The application process can be completed in approximately 15 (fifteen) working days after the application file is received and scheduled. The validity period of a building permit (IMB) is forever as long as there is no change / deviation in the field of the permit that has been issued. No later than 6 months after the issuance of the IMB, development activities must have started.

Table 2

Building and IMB Data in Semarang City in 2007 - 2011

Year	Obedience in Managing IMB		
	Number of Building	Managin g IMB	Not Managin g IMB
1	2	3	4
2003	287.764	138.462	149.302
2004	290.001	142.968	147.033
2005	292.239	146.593	145.646
2006	297.832	155.987	147.842
2007	291.632	159.874	131.758
2008	209.629	169.677	139.952
2009	326.323	174.727	151.596
2010	342.882	178.432	164.450
2011	346.682	182.437	164.245
2012	350.525	185.090	165.432
Total	3.135.509	1.634.247	1.501.262

Based on the data in the above table, it can be concluded that the level of community needs for IMB that has been regulated in Regional Regulation No. 5/2009 is still very low. Since the enactment of local regulations on IMB (2003 - 2012) there have been 3,135,509 building units erected in the city of Semarang. Of this number there are only 1,632,246 building units that have a building permit while 1,501,262 other units do not have a building permit. This means that for 10 (ten) years only 1,632,246 other people did not obey the provision. From the building data, if it is presented, it can describe the level of community compliance in the City of Semarang Against Regional Regulation No. 5 of 2009 concerning building construction, from 3,135,509 building units totaling 1,634,246 units that have a building permit or 52.12% that comply with the regulation while 1,501,262 other units did not have a IMB or

47.87% which did not comply with IMB regulations. Furthermore, from the above data if averaged, it can be said that every year there are an additional building in Semarang as many as 314 units. Of these, only 164 units had IMBs, while the other 150 units did not have IMBs.

Based on library and field data, the analysis of researchers is that the IMB service process appears to be less effective and efficient but the IMB service in Semarang City has implemented an Integrated Service Unit (SUPT) or One Stop Service (OSS) as mandated in Minister of Domestic Affairs Regulation Nomot 24 of 2006 concerning Guidelines for Organizing One-Stop Integrated Services. To create transparency and accountability in the service of IMB in collaboration with print media, as well as optimizing superior resources in maximizing the achievement of work targets in building permit services.

In carrying out socialization, monitoring and supervision activities to the community to take care of the IMB, DTK coordinates with the sub-district and village heads. The application of legal sanctions is an effort to create consistency in the process of granting a building permit. This aspect is different from sanctions aimed at upholding the rule of law, obeyed by all parties, so that the hukum can run as desired, namely to create order, certainty and justice.

IV. CONCLUSION

The process of granting a Building Permit Based on the Local Regulation Number 5 of 2009 in Realizing Good Regional Governance (good governance), this is still very difficult to implement. This is because the IMB service procedures are too long and convoluted, the number of requirements is excessive so it is difficult to be met, the cost and time to administer the IMB are ineffective and inefficient.

Steps taken to overcome the obstacles in the process of granting IMB in the City of Semarang in order to realize good governance, beginning with the arrangement of IMB service patterns, increasing the apparatus human resources, increasing socialization about IMB to all levels of society, conducting intensive monitoring and supervision to locations, conducting building data collection in order to obtain more accurate data to facilitate the process of building bleaching and to apply legal sanctions consistently against various forms of violations.

REFERENCES

- [1]. Asshiddique, J., 2007. *Pokok - Pokok Hukum Tata Negara Indonesia Pasca Reformasi*. Jakarta: PT. Bhuana Ilmu Populer.
- [2]. Azhary, 1995. *Negara Hukum Indonesia*. Jakarta: UI Press.
- [3]. E, Utrech., 1998. *Pengantar Hukum Adminsitrasi Negara Indonesia*. 4 ed. s.l.:s.n.
- [4]. Fakhulloh, Z. A., 2005. *Jurnal Administrasi Pemerintahan Daerah*. 6 ed. Jakarta: Jatinangor.
- [5]. Gie, T. L., 1968. *Pertumbuhan Pemerintah Daerah di Negara Republik Indonesia Suatu Analisa Tentang Masalah - Masalah Desentralisasi dan Cara - Cara Penyelesaiannya*. Jakarta: Gunung Agung.
- [6]. Imawan, R., 2007. Desentralisasi. In: S. Haris, ed. *Desentralisasi dan Otonomi Daerah*. Jakarta: LIPI Press, pp. 46 - 47.
- [7]. Juanda, 2004. *Hukum pemerintahan, Pasang Surut Hubungan Kewenangan Antara DPRD dan Kepala Daerah*. Bandung: PT. Alimni.
- [8]. Kranenburgh & S., 1982. *Ilmu Negara Umum*. Jakarta: Pradnya Paramita.
- [9]. Lubis, S., 1992. *Ilmu Negara*. Bandung : Alumni.
- [10]. Manan, B., 2005. *Menyongsong Fajar Otonomi*. 4 ed. Yogyakarta : FH UUI Press.
- [11]. Marzuki, L., 2006. *Berjalan - Jalan Di Rumah Hukum*. Jakarta: Sekretariat Jendral dan Kepaniteraan MK RI.
- [12]. Muchsan, 1992. *Sistem Pengawasan Terhadap Perbuatan Aparat Pemerintah dan PTUN*. Yogyakarta: Liberty.
- [13]. Oentari, S. M., 2001. *Hubungan Ideal Pemerintah Daerah Dalam Kerangka NKRI Menurut UU NO. 2 Tahun 1999*. Semarang: Program Magister Ilmu Hukum UNTAG Semarang.
- [14]. Rasyid, R., 1998. *Kewenangan dan Etika*. Jakarta: Mutiara Sumber Media.
- [15]. Ridwan, 2006. *Hukum Administrasi Negara*. Jakarta: PT. Raja Grafindo Persada.
- [16]. Ronny, H. S., 1982. *Metodologi Penelitian Hukum*. Jakarta: Ghalia Indonesia.
- [17]. Sadarmayanti, 2003. *Good Governance (Kepemerintahan Yang Baik) Dalam Rangka Otonomi Daerah, Upaya Membangun Organisasi Efektif dan Efisien Melalui Restrukturisasi dan Pemberdayaan*. Bandung: Mandar Maju.
- [18]. Sarundajang, 1999. *Arus Balik Kekuasaan Pusat ke Daerah*. Jakarta: Sinar Harapan.
- [19]. Sedarmayanti, 2003. *Good Governance (Kepemerintahan Yang Baik) Dalam Rangka Otonomi Daerah*. Bandung: Mndar Maju.
- [20]. Soerjono, S. & Sri, M., 2011. *Penelitian Hukum Normatif Suatu Tinjauan Singkat*. Jakarta: Rajawali Press.

- [21]. Sulistyanti, 2004. *Memahami Good Governance Dalam Prespektif Sumber Daya Manusia*. Yogyakarta: Gaya Media .
- [22]. Sunarno, S., 2006. *Hukum Pemerintahan Daerah di Indonesia*. Jakarta : Sinar Grafika.