

## Juridical Study in Implementing A System on Licensing for Establishing Buildings in Banjarmasin City

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### ABSTRAK

A building permit is a permit granted by a regional head to a building owner to construct a new structure, expand an existing structure, maintain existing facilities, and reduce the size of existing structures while adhering to all applicable technical and administrative standards. The requirements to apply a building permit had been governed in Article 7 of Banjarmasin City Regulation Number 15 of 2012 concerning Building Permits. The Investment and Integrated One-Stop Services Agency/DPMPSTP Banjarmasin City was the subject of this study. The research aimed to discover and examine the mechanisms for issuing a building permit and the roadblocks during the application process. This study employed empirical juridical research methods. The data gathered were then analyzed using descriptive qualitative methods, i.e., describing and interpreting data about societal conditions, attitudes, viewpoints, disputes between two or more situations, factual differences, and their impact on a position. The development of a planned and systematic method of granting building licenses in Banjarmasin had gone smoothly. However, there were impediments to the procedure and its implementation, making the process of granting building licenses difficult.

**Keywords:** Banjarmasin City; Building Permits; Development; Licensing Services.

## 1. Introduction

Building construction is a job that entails completely or partially constructing a structure. It comprises excavating, hoarding, or leveling a plot of ground to construct a building. A person or corporation with a legal entity that wishes to construct or alter a structure must get permission, generally referred to as a building permit (IMB). According to Kairupan, a building permit (IMB) is a permit that the local government grants to a person, group of people or entity to build and use space by the keys given because it has complied with various rules or regulations, such as defense, planning, technical, or environmental (Kairupan, 2018).

Establishing a building in an area, particularly in Banjarmasin, is common because many people come from outside the Banjarmasin to work or migrate. This migration process is one of the reasons for the growing number of urbanization and buildings that serve various needs, such as education, tourism, work, worship, and others. The growth helps boost a region's income through building taxes and other means. It is accomplished by instituting a permit system for building founders of any category who wish to construct a structure.

Licensing, according to Prayuda (2017), is a type of performing the regulatory function that has control over properties owned by a government over activities that the community will carry out. The objective of licensing is to promote sustainable natural potential and regulate building development so that not all property or land is utilized as a building solely for the advantage of one group, even though the public interest must be a priority so that the structure is not built later. The larger community will suffer significant losses as a result of this. The objectives of the Indonesian state, as stipulated in the fourth paragraph of the Preamble of the 1945 Constitution (*Pembukaan UUD 1945*), are to protect the entire Indonesian nation and all Indonesian bloodshed, as well as to promote public welfare, educate the nation's life, and implement world order based on independence, eternal peace, and social justice.

Moreover, the government has a vital responsibility to play in improving the general welfare of society. All residents require a service from the government as a supplier of a service, which is commonly referred to as a public service, in the life of a country. According to Basseng (2015), a service is a type of government function that demonstrates the government's commitment to the community. Every group of persons has the right to an equal opportunity to acquire their services. The Investment and Integrated One-Stop Services Agency (DPMPSTP) in Banjarmasin City provides licensing services for 12 different types of licenses, one of which is the building permit (IMB) (DPMPSTP Kota Banjarmasin, 2019). The Banjarmasin City DPMPSTP performs its obligations in servicing the community who submit applications for permits under Regional Regulation Number 15 of 2012 (*Peraturan Daerah No. 15 Tahun 2015*) concerning Building Permits in its execution, particularly in licensing.

According to Regional Regulation Number 15 of 2012 (*Peraturan Daerah No. 15 Tahun 2015*), the implementation of a building permit must be done promptly, following the principles and benefits, institutions, procedures for applying, and meeting the administrative and technical requirements of the building to avoid causing damage and ensure the safety of the occupants and the environment. It is also vital to carry out the plans developed and the provisions mentioned in the IMB document when constructing buildings.

Suppose that some actions will impact the appearance of damage to public facilities and other supporting facilities during the construction of a structure. In that scenario, the permit holder must get permission from the agency or associated entity in charge of the public facility. As a result, it is clear that before constructing a structure,

the party who will construct the structure must get a building permit (SIMB) (Mustaghfiri & Susiloadi, 2021). However, based on the authors' early observations in Banjarmasin, many people continued to build houses without caring for them, even without having an IMB, even though the IMB's function is to assure the owner's legality in possessing the structure.

According to the description above, every construction activity requires an IMB, and buildings that do not have an IMB and do not adhere to the location, designation, and/or use stipulated in Regional Regulation Number 15 of 2012 (*Peraturan Daerah No. 15 Tahun 2015*) will face administrative and criminal penalties. The reality on the ground demonstrates that there are still numerous buildings without IMB and do not comply with the standards' location, designation, and use requirements. As a result of the above assertion, this research aimed to discover and examine how the construction permit system was implemented in Banjarmasin City. As indicated in Regional Regulation Number 15 of 2012 (*Peraturan Daerah No. 15 Tahun 2015*), there are several hurdles in giving building licenses in Banjarmasin City.

## **2. Methodology**

### **2.1. Type of Research**

This study employed empirical juridical research, i.e., examining the applicable legal provisions and keeping track of what is going on in society (Waluyo, 2022).

### **2.2. Research Data**

The data sources used in this study were divided into two categories, namely (Fakultas Hukum UMM, 2012):

- a. In establishing legislation governing the implementation of building permits in Banjarmasin City, primary data was essential. Thus, the researchers employed primary data used questionnaires sent to respondents, which were then examined and organized methodically into a scientific work in the form of a thesis.
- b. Secondary data was information gained from another organization or individual who had previously gathered or produced this document. The source of secondary data was legal publications, such as books, literature, articles, journals, the internet, and the earlier research results on the issues under consideration. It was an additional resource for writers and primary data supporting materials.

### **2.3. Data Collection Techniques**

#### **2.3.1. Interview and questionnaire**

Interviews were done with respondents from the Investment and Integrated One-Stop Services Agency/DPMPSTP Banjarmasin City; the authors also submitted a questionnaire to those who wanted to get a building permit in Banjarmasin using a different method.

### 2.3.2. Literature study

Literature study was a method of gathering information through the study and reading the invitation to law, literature, books, and other writing-related sources. This method was used to gather information on issues with the implementation of building permits for individuals and legal entities.

### 2.4. Data Analysis Techniques

This study's data were analyzed using qualitative descriptive methods, which entailed describing and interpreting data relating to conditions, attitudes and views in society, disputes between two or more situations, differences between existing facts, their effects on a situation, and others.

## 3. Results and Discussion

Locally, a spatial plan as a specific geographical answer for sustainable development cannot be fully realized. Local, regional, inter-regional, and global-regional hierarchies must all be considered in spatial planning. The Regional Regulation of Banjarmasin City, Number 5 of 2013 (*Peraturan Daerah Kota Banjarmasin No. 5 Tahun 2013*) concerning Spatial Planning for Banjarmasin City from 2013 to 2032, specifies the spatial planning for Banjarmasin City from 2013 to 2032. It is highlighted in Article 2 of Law Number 26 of 2007 (*Undang-Undang No. 26 Tahun 2007*) on Spatial Planning that spatial planning is carried out based on the concept of equality: cohesiveness; harmony and balance; continuity; usability; openness; togetherness and partnership; protection of public interest; legal certainty and justice; and accountability.

### 3.1. The Mechanism of Applying for Building Permits for the Banjarmasin City Government

The Banjarmasin City Investment and Integrated One-Stop Services Agency has integrated the process of granting building permits outlined in Banjarmasin City Regulation Number 15 of 2012 (*Peraturan Daerah No. 15 Tahun 2012*) concerning Building Permits. The system is described on the Banjarmasin City DPMPSTP's official website that individuals and groups in the community can apply for an IMB on the site. According to the Head of the Banjarmasin City Investment and Integrated One-Stop Services Agency, the procedures for providing the mandatory building licenses were made in an online structured system. It was because many structures in Banjarmasin City Center still did not had building permission<sup>1</sup>.

It was in response to the findings of interviews conducted with informants, which showed differences in the informants' answers; for example, a small number of informants believed that the building permit (IMB) service was good, while others believed otherwise. Transparency, accountability, conditional, participative, equal

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<sup>1</sup> Interview with Mr. Agus Salim as Head of the Banjarmasin City Investment and One Stop Integrated Service Office, on February 2, 2021.

rights, and a balance of rights and obligations are all factors to consider when measuring licensing services for building development (Deni, 2017).

A permit must have a basis or foundation to be considered. The Banjarmasin City Government issues permit to individuals or businesses who construct a building to develop and execute development and construction according to the City Spatial Planning (RTRK) created, in line with the safety standards for building users. The Investment and Integrated One-Stop Services Agency processes Banjarmasin's building permission application (DPMPTSP). The applicant's needs are divided into several categories depending on the submission type. The types of recommendations and requirements that must be completed to apply for a building permit under Regional Regulation Number 15 of 2012 (*Peraturan Daerah No. 15 Tahun 2012*) were listed below:

### **1. Permit to develop a new structure**

A new IMB is a criterion that must be met for anyone who has recently built a structure or has never sought a building permit. The following are the requirements that must be met:

- 1) Filling out the application letter/submission form
- 2) Photocopy of applicant's identity card/KTP and photocopy of KTP of boundary meeting
- 3) Photocopy of land certificate/seal
- 4) Power of attorney
- 5) Sketch of the building plan, consisting of side view, front view, floor plan, foundation details, and photocopy of proof that last year's land and building tax has been paid
- 6) Principle permit
- 7) Advertising Permit
- 8) SPPL/UPL/UKL/AMDAL permits
- 9) Transportation recommendations
- 10) Power of attorney for file management
- 11) For buildings above two floors, attaching structural analysis/construction calculations
- 12) Statement letter of no objection to business license

### **2. Bleaching permit to construct buildings**

All structures with commercial, personal, or household functions held by individuals or legal entities that currently have an IMB but have had changes in terms of the area and use of the building have been awarded a bleaching IMB. The following are the conditions for applying for a bleaching IMB:

- 1) Filling in the application letter/submission of the applicant
- 2) A copy of the applicant's ID card and a copy of the boundary meeting ID card
- 3) Copy of land certificate/seal
- 4) Power of attorney
- 5) The building plan sketch shows a side view, front view, floor plan, foundation

details, and a copy of proof of last year's land and building tax payment.

- 6) Principle permit
- 7) Advertising Permit
- 8) SPPL/UPL/UKL/AMDAL permits
- 9) Transportation recommendations
- 10) Power of attorney for file management
- 11) Especially for buildings above two floors, attaching structural analysis/construction calculations

### **3. Permit to rebuild a building structure**

IMB changes are applied to renovated buildings with certain conditions, so not all renovated buildings require IMB changes. Based on the Minister of Home Affairs Regulation Number 32 of 2010, the amended IMB is used to administer the IMB for building renovations, which include increasing the number of rooms, expanding the space by dismantling walls or adding new parts to the building, such as the top or side of the building. The Banjarmasin City Government stipulates the requirements for submitting an Amendment IMB contained on the DPMPTSP website as follows:

- 1) For bridges, a recommendation from water resources and drainage services is obtained.
- 2) For the BTS tower, IMB needs a recommendation from Transportation, Communication, and Informatics Office.
- 3) IMB above two floors shows the construction calculation.
- 4) Certain IMB: photocopy of principle permit, HO, UKL/UPL/AMDAL/SPPL
- 5) Housing IMB: photocopy of location permit
- 6) For permanent construction, building plan drawings consist of front view building drawings, side views, foundation details, ironwork, room plans, and foundation details.
- 7) A declaration that the land is not problematic.
- 8) Photocopy of the current year's land and building tax paid off
- 9) Photocopy of a land certificate (SKKT, certificate if owned)
- 10) Photocopy of the deed of establishment/change (for legal entities) and decision letter of deed ratification
- 11) Photocopy of ID card of the permit applicant/person in charge/principal director
- 12) Application letter/form filling

The Banjarmasin City DPMPTSP established a mechanism to implement the three types of construction permits. The following is the examination of the Banjarmasin City DPMPTSP's implementation of the building permit (IMB) service<sup>2</sup>:

#### **1. Transparency**

The findings showed that the public might easily comprehend the dimensions of

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<sup>2</sup> Interview with Mr. Agus Salim as Head of the Banjarmasin City Investment and One Stop Integrated Service Office, on February 2, 2021.



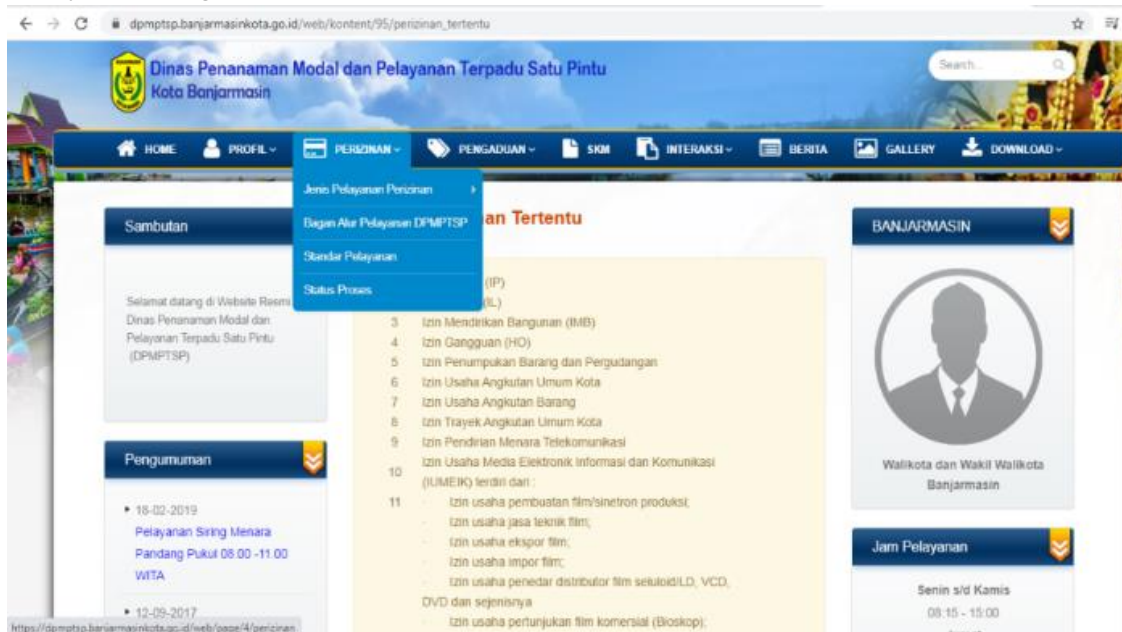
transparency in the DPMTSP's implementation of building permit services. The official DPMTSP website provides information on licensing procedures, requirements, and channels for applying for permits so that persons who will apply for licenses can quickly obtain information. Furthermore, the application form can be obtained from the website so that when the public applies for a permit, they are prepared with all the necessary documentation (Darsana, Wijaya, & Suryani, 2021). Because the information is provided through the internet to obtain the information, transparency indicators can also be met. However, all the information provided on the internet did not always make things easier for the general population. It is supported by the following results of interviews with a variety of respondents:

*"It is pretty excellent, and the website provides all the information. The form is also available on the internet, and it can be downloaded there. As an oldster, though, I have trouble accessing the website and obtaining forms."*

Other respondents also said the same thing:

*"The procedures and requirements for applying for a building permit should be socialized, for example, in the village hall or directly to persons in need because not everyone can get this information from the internet alone."*

Information disclosure is an indicator of transparency in government as a form of government response in the face of the 21st century and global governance. All information and work are carried out via the internet or the internet of things (IoT) (Kyle, Ridley, & Zhang, 2017).



**Figure 1.** Display of Licensing Information on the Website

Source: DPMTSP Kota Banjarmasin (2019)

## 2. Accountability

The accountability dimension relates to services performed by employees, seen

from the implementation of the task of serving permit applications seriously and responsibly. The study results indicated that service officers served well and were responsible for the services performed. However, the services provided were still not by the standard operating procedures (SOP). Still, accountability was also fulfilled with services free of illegal fees.

Moreover, accountability is vital for individuals and organizations as a form of responsibility to build public trust in individuals or organizations (Tanjung, Lukman, Effendy, & Djaenuri, 2020). However, the implementation of accountability in the service of building permits at the Banjarmasin City DPMPTSP had not been maximized, and some people still felt that the service was not good and friendly.

*"Customer service should be friendly to all applicants, not picky, and patiently help the applicant's difficulties."*

### **3. Conditional**

On the conditional dimension, the implementation of the application for a building permit (IMB) had not been fulfilled. The application could not be processed in a less fast and precise time, or there were still delays. It is also shown from the procedures, mechanisms, and flow for the application for a building permit (IMB) carried out by the Banjarmasin City DPMPTSP, which is described as follows:

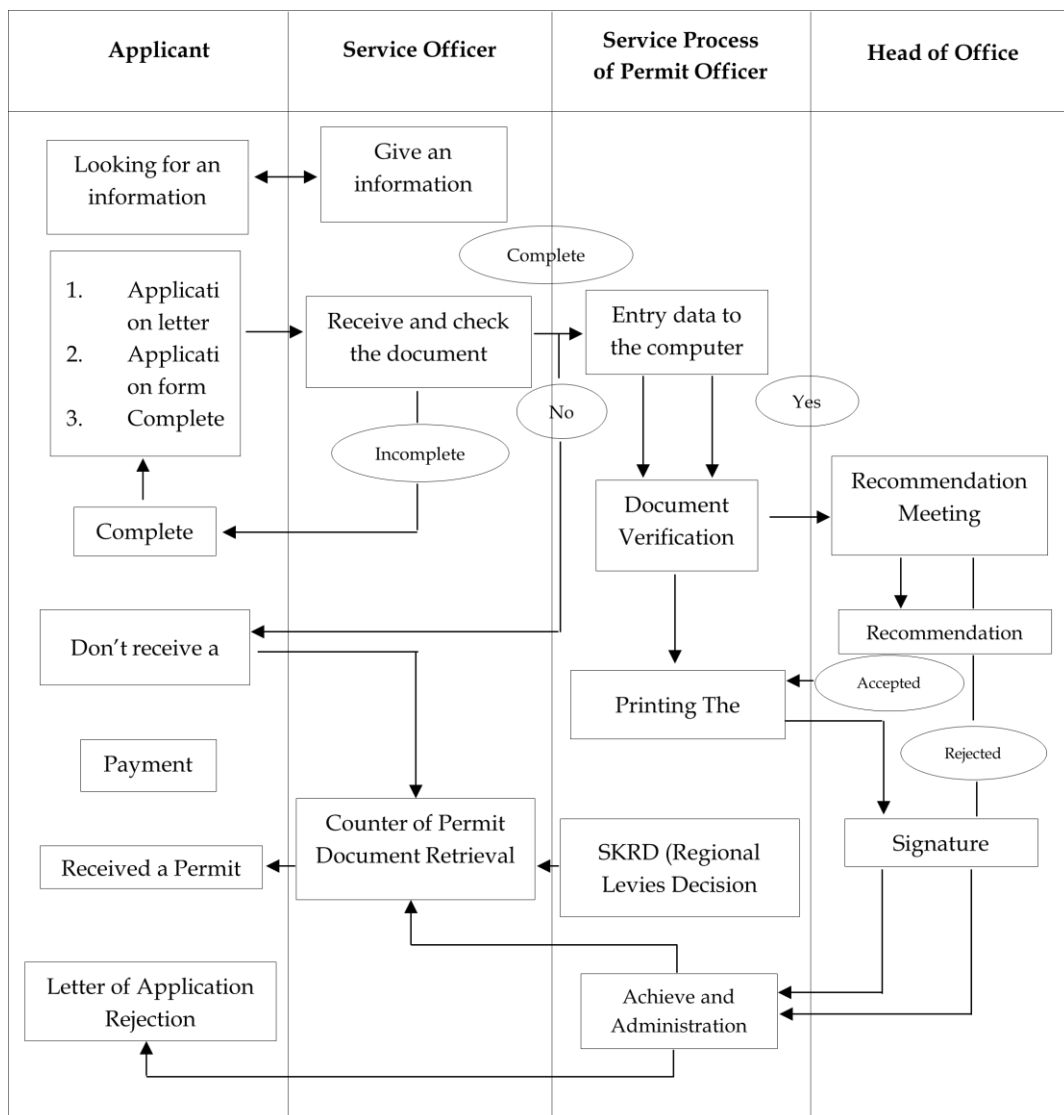
- 1) Information on requirements, application forms, and services for licensing are served by customer service.
- 2) The front office receives and checks the applicant's requirements file. The complete file is inputted into the computer, and the applicant receives a receipt for the file, while incomplete data is returned to the applicant for completion. The completed file is then given to the technical team.
- 3) Documents that the technical team has received are verified for a field review assignment letter.
- 4) Then, do a field review and make a BAP.
- 5) Applications that have met the technical requirements will be made a situation/location map, and the IMB levy will be calculated to be corrected by the head of JINTU. Meanwhile, an applicant who does not comply with the technical requirements will have his/her permit rejected.
- 6) The next step is giving the disposition on the situation map by the head of JINTU for approval to the head of the agency, and then the head of the agency gives the disposition of approval.
- 7) Notification of retribution payment is done by the administration section to the applicant.
- 8) SKRD (Regional Levies Decision Letter) is printed and made SKRD and submitted to the applicant.
- 9) The applicant makes a payment and obtains proof of payment in a paid-off stamp from the bank.
- 10) After the proof of payment from the bank is received by the technical team, the IMB



draft is processed.

- 11) Before being signed by the head of the agency, the draft IMB is corrected by the division head. If an error occurs, it will be returned to the technical team, and if it is correct, the head of the division will provide initials on the document to be forwarded and signed by the head of the agency.
- 12) IMB is signed by the head of the agency and submitted to the administration section, and then submitted to the applicant.
- 13) The administration section informs the applicant of the payment of retribution and collection of contents at the delivery counter.
- 14) Lastly, the applicant receives the permit.

The flow of the permit application can also be accessed through the official website of the Banjarmasin City DPMPSTSP, as shown in the Figure 2.

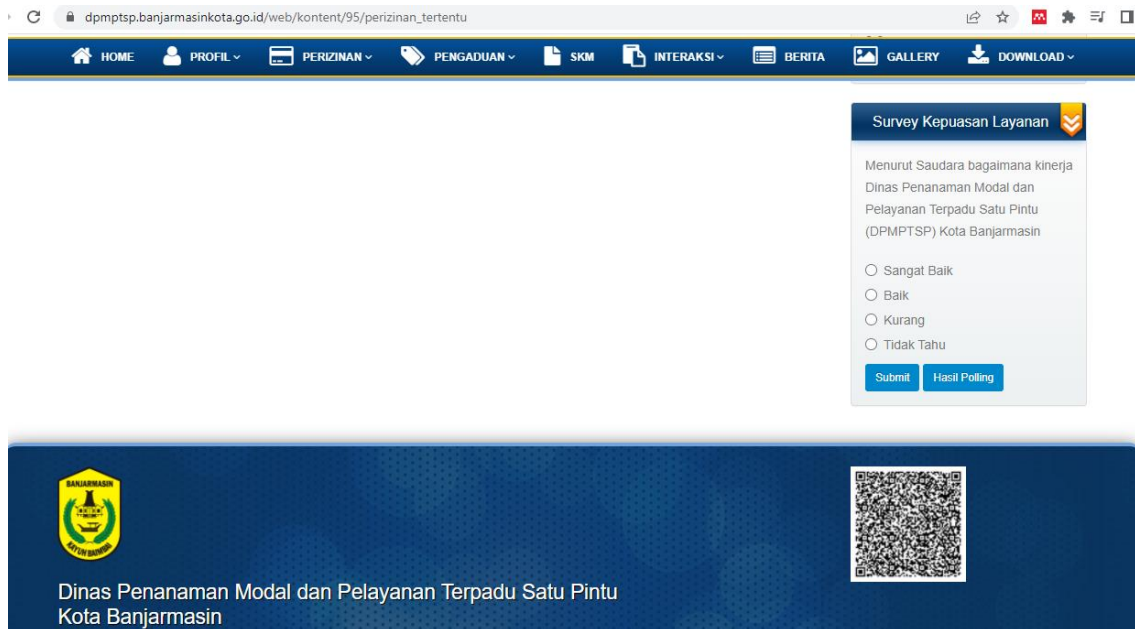


**Figure 2.** Mechanism for the Implementation of Integrated Licensing Services  
 Source: DPMPSTSP Kota Banjarmasin (2019)/Translated

#### 4. Participatory

The indicators of the participatory dimension are seen from the media and facilities provided to applicants to submit criticisms and suggestions for the services provided by the Banjarmasin City DPMPTSP to permit applicants.

Public complaints can also be submitted through the website, and the public can monitor the progress of the complaints they submit. It is contained on the official DPMPTSP website as follows:



**Figure 3.** Service Satisfaction Survey  
Source: DPMPTSP Kota Banjarmasin (2019)

The flow of criticism and suggestions are explained as follows:

- 1) Direct/verbal complaints are submitted directly to the complaint officer/head of the public complaints section.
- 2) Indirect complaints can be through
  - a. Letter addressed to the Head of DPMPTSP to Sultan Adam Street RT 28 RW 003 No. 49 Surgi Mufti Village, North Banjarmasin Sub-district, Banjarmasin 70122
  - b. Suggestion/complaint box
  - c. Telephone/Fax (0511)3305525
  - d. Website: <http://dpmptsp.banjarmasinkota.go.id/web>
  - e. Email: [dpmptsp.banjarmasin@gmail.com](mailto:dpmptsp.banjarmasin@gmail.com).
- 3) Settlement of public service complaints is based on the Regulation of the Head of BP2TPM of Banjarmasin City Number 23 of 2016 concerning Guidelines for the Complaint Management of Public Service Complaints of Banjarmasin City of BP2TPM.

#### 5. Equality

In this case, equality of rights means providing equitable licensing services to all communities. Nevertheless, not all employees could provide fair and equal service to

the community. Kinship, friendship, and family ties all played a role in the differences in service. It was articulated as follows by one of the respondents who had received poor service:

*"It is better to provide friendly service to all applicants, not being picky about people. Like when I have applied, the applicant before me was treated in a friendly manner, while when I submitted the service provided was ordinary and even fierce."*

## **6. Balance of Rights and Responsibilities**

In carrying out the duties and obligations of implementing services, dimensions of the balance of rights and obligations are important. The study results revealed that although the applicant was satisfied with the services provided, the officers were still not friendly, the application of the principle of justice was not perfect, and applicants who had relationships with officers still received different treatment. According to Moenir (2006), providing services to the community can be accomplished in the following ways:

- 1) Easy management of interests
- 2) The services provided are reasonable
- 3) Equal treatment without favoritism in service
- 4) Honest and forthright service

This opinion means that good and quality public services meet the dimensions of transparency, accountability, participation, equality of rights, the balance of rights and obligations, professionalism, availability of facilities, timely, and accessibility (Hidayat, Nasihuddin, & Pamuji, 2019). Improved public policies with accountability and community participation can increase responsiveness and service quality (Speer, 2012).

On the other hand, the procedure for obtaining a building permit still had flaws, and there were contradictions between the regulations established. Some respondents to the survey made the following statements:

*"The services offered should comply with the SOPs that have been established and working hours. After a break, the service should reopen at 13.00, but officers frequently go beyond the specified hours. As a result, the applicant must wait. Aside from that, the application process is lengthy, so the submission process takes a long time,"*

Another statement reads,

*"The submission process is lengthy, and the application may not be approved instantly even if our files are full."*

*"In fact, finding out whether the application had passed scrutiny took only a few days."*

Essentially, this permit serves as legal proof for persons who want to construct structures. However, the provision of application systems for the community is still difficult to understand for the community in its execution. One respondent stated in his comment that entering the needed data online was still challenging for him. On the other

hand, other respondents believed that services from passive officers encouraged those who did not grasp the system to enter data through it, creating hurdles.

On the other hand, the application process for obtaining an IMB still took a lengthy time. Although the application form for a building permit has been posted on the Banjarmasin City DPMPTSP's official website, it was not accompanied by applicants who had not fully utilized it. However, it has been properly implemented and requires further improvement in efficiency and efficacy. In the application for issuing building licenses in Banjarmasin City, the problem of time became a challenging homework assignment. The issue of processing time for incoming applications is part of the agency's governance tasked with issuing them. Banjarmasin City Regulation Number 15 of 2012, Article 11, states that according to the regulations for building permits, the applicant must submit two applications for IMB, namely administrative and technical plans.

### **3.2. Obstacles in the Implementation of Building Permits Faced by the Banjarmasin City DPMPTSP**

According to Law No. 25 of 2009 on Public Services, each area must provide a one-stop-shop for all permits to make the procedure more effective and efficient.<sup>21</sup> Although it was established to deliver effective and efficient services, the Banjarmasin City Investment and Integrated One-Stop Services Agency (DPMPTSP) still faced challenges.

The findings revealed that Banjarmasin City DPMPTSP encountered numerous hurdles in the delivery of services and the application of making building permits (IMB), which were divided into four parts as follows:

1. A lack of public awareness about the process of obtaining building permits. People were still unaware of the building permit requirements in accordance with Banjarmasin Regional Regulation No. 2 of 2012 (*Peraturan Daerah No. 15 Tahun 2015*) on Building Permit Retribution. Due to a lack of public knowledge, many illegal structures did not comply with the law's criteria. These unauthorized structures would impact the city's spatial arrangement. As a result, many people were evicted, and no longer acceptable structures were demolished.

Low legal awareness, economic motives, low fear of regulations, confusing information, ambiguous sanctions, and a lack of expertise contributed to this lack of public awareness. On the other hand, only 60.46 percent of the people in the North Banjarmasin Sub-district understood IMB, and this understanding was influenced by 58.14 percent of people with undergraduate education levels, 34.88 percent with high school graduates or equivalent, and 4.65 percent with junior high school graduates (Nurfansyah, 2007).

2. A lack of awareness of the IMB issuance process. The internet provides access to all license information at the Banjarmasin City DPMPTSP. However, not everyone had access to or could utilize the internet. Meanwhile, the SKPD (Regional Apparatus Work Unit), which has the authority to do so, has failed to socialize the issue of building permits (IMB).

3. There is a lack of understanding of the IMB's rules, methods, and needs. The majority of people were unaware of the IMB issuing procedure, prerequisites, and submission mechanism.

Only a small portion of the community understood that the licensing process for constructing structures should occur before the building was erected. However, the applicant would apply for an IMB after the building is completed. It is happening not only in Banjarmasin but also in other cities. Only 29% of Sumenep City residents sought a building permit before the structure was constructed (Fansuri & Nurholis, 2016).

4. Due to a lack of human resources and technological capabilities for data input, data from the submission form were manually entered.

The performance of officers from the Banjarmasin City Investment and Integrated One-Stop Services Agency could not be separated from the procedure of obtaining building licenses. Officers tasked with carrying out the procedure of issuing the IMB must strive as hard as they can to provide exceptional service (Riyanda, 2015). Obstacles develop, however, due to a shortage of human resources and a lack of mastery of information technology for data input. Human resources and technological mastery, on the other hand, are examples of government officials' responsiveness in servicing and administering the process of providing building permits to the public (Ririhena & Setiawan, 2018).

This stumbling block will undoubtedly impair the officers' community service. In fact, the Banjarmasin City DPMPTSP's services must be efficient, effective, just, and responsive (Kiptiyah, Pudyaningsih, & Oktafiah, 2019).

On the other hand, these impediments are accompanied by a variety of breaches, including the following:

#### **1. Violation of the IMB Board Installation**

The IMB board is a nameplate associated with the project being worked on. Aspects that must be met should be the site aspect of the building. In specific environments, provisions may also be imposed for the fencing of the project being built, the name of the project installed with attention to security, safety, beauty, and environmental harmony. In addition, the naming must be strategic, easy to read, and safe against interference. The violence was found many fake IMB boards consisted of invalid information (Koranmetronews, 2022).

The installation of the project nameplate is regulated in the Minister of Public Works Regulation Number 29/PRT/M/2006 (*Peraturan Menteri Pekerjaan Umum Nomor 29/PRT/M/2006*) concerning Guidelines for Technical Requirements for Buildings ("Permen PU 29/2006") and the Minister of Public Works Regulation Number 12/PRT/M/2014 (*Peraturan Menteri Pekerjaan Umum Nomor 29/PRT/M/2006*) concerning the implementation of the drainage system urban areas ("Permen PU 12/2014"). In general, the contents of this regulation are as follows:

- 1) During the project development process, a project board must be installed that contains some of the information that has been regulated in the installation of the nameplate.
- 2) The signage must be installed in several locations if the project is large.

## **2. Violation of Building Permit Requirements**

Every building and structure must meet administrative and technical requirements, but in some cases these requirements were not fulfilled. Sanctions given for this violation can be administrative sanctions, temporary suspension sanctions, and demolition. At the same time, building owners can also be subject to a fine of 10% of the value of the building being built.

The thing that needs to be considered in this building is related to environmental impact analysis (AMDAL). AMDAL is an inseparable part of the process of constructing a building. The use of AMDAL requirements as one of the requirements is part of a feasibility study to develop a business plan or activity (Sukananda & Nugraha, 2020).

## **3. Violation of Building Functions at the Implementation Stage**

Each building must meet the requirements set out in the law. However, sometimes, the newly constructed buildings do not match the data on the IMB. At the same time, the shape of the building should be the same as that registered with the IMB. If such a discrepancy occurs, what must be done is to apply for a new building permit, fill in the data on changes in the function and classification of the building in the form of a technical building plan, and meet the requirements set out in the IMB.

In addition, there were violations such as the construction of buildings not being in the proper location or illegal. The spatial design of the city will be impacted by these illegal structures. These violations are not without repercussions; according to the research, there were a variety of solutions to the problem of enforcing building permit violations. The following are remedies that can be applied based on the research findings to address hurdles in the execution and prosecution of violations of the Banjarmasin City DPMPTSP building permit:

- 1) Conducting regular socialization and education regarding procedures, requirements, mechanisms, sanctions, and the amount of retribution in the building permit
- 2) Collaborating with Regional Government Work Units (SKPD), for example, sub-districts, to frequently conduct IMB socialization
- 3) Increasing the competence of human resources in excellent service. It can be done by increasing the professionalism of the Banjarmasin City DPMPTSP human resources by (Nofianti & Suseno, 2014):
  - a. Increasing professionalism by utilizing knowledge and skills
  - b. Having a sense of social obligation related to the importance of professional and social roles in serving the community well. Review buildings permitted for several years to review whether there has been a change in the building.



Violation prosecution of the building permit is carried out with the following sanctions:

### **1. Administrative Sanctions**

Administrative sanctions are in the form of sanctions given by the government to the owner or user of the building because it does not comply with the requirements stipulated in the legislation. Administrative sanctions consist of written warnings, restrictions on development activities, temporary or permanent suspension of construction work or building utilization, freezing of IMB, revocation of IMB, and freezing of certificates of proper function of the building. The sanctions given depend on the level of error committed by the owner/user of the building.

### **2. Imprisonment**

Criminal sanctions were given to violators who did not meet the requirements and provisions of building laws and regulations through the judicial process. The criminal sanctions given depend on the violator's mistakes as follows:

- 1) If abuse results in the loss of property for another person, the violator may be sentenced to a maximum imprisonment of three years.
- 2) If it causes an accident for another person resulting in lifelong disability, the sanction is a maximum imprisonment of four years.
- 3) If it causes someone to lose his life, the maximum imprisonment is five years. Judges' decisions in criminal sanctions are made considering the building expert team (TABG).

### **3. Forfeit**

Fines are additional penalties and administrative and criminal sanctions' principal punishment. Fines on administrative sanctions are imposed at 10%, which is most of the value of the building. Meanwhile, the criminal sanction of imprisonment is imposed at most 10% of the value of the building if it harms other people's property, at most 15% of the value of the building if it causes an accident to permanent disability for another person, a maximum of 20% of the value of the building if it results in the loss of another person's life.

Meanwhile, in terms of imprisonment, if it harms other people's property, the fine is imposed at a maximum of 1% of the value of the building. If it causes an accident to another person resulting in permanent disability, the fine is a maximum of 2% of the value of the building. If it causes the loss of another person's life, a maximum fine of 3% of the value of the building is imposed. Furthermore, the imposition of fines depends on the level of the error made by the user or building owner.

### **4. Conclusion**

Following the author's discussion, it can be concluded that the mechanism for granting building permits in Banjarmasin City has been operating in accordance with the applicable rules and has been structured in the official portal of the Banjarmasin City

Investment and Integrated One-Stop Services Agency. However, because of its obstacles, this process did not perform properly. Aside from that, these roadblocks were followed by a slew of violations, although there was a way to circumvent them.

In this case, public education is essential for a system that has been constructed in an organized manner so that future challenges, such as a lack of community awareness and knowledge, may be overcome. Furthermore, not only in terms of public education but also in terms of improving service quality, officials who have been assigned according to their fields and job desks must be enhanced.

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## Legislation

Undang-Undang Nomor 26 Tahun 2007 tentang Penataan Ruang

Peraturan Daerah Kota Banjarmasin Nomor 5 Tahun 2013 tentang Rencana Tata Ruang Wilayah Kota Banjarmasin Tahun 2013 sampai 2032

Peraturan Daerah Nomor 15 Tahun 2012 tentang Izin Mendirikan Bangunan.

Peraturan Menteri Pekerjaan Umum Nomor 29/PRT/M/2006 tentang Pedoman Persyaratan Teknis Bangunan Gedung

Peraturan Menteri Pekerjaan Umum Nomor 12/PRT/M/2014 tentang Penyelenggaraan Sistem Drainase Perkotaan