

PROSEDURES/APPROVALS RELATING TO BUILDING PROJECT IN INDONESIA

Case; Jakarta

Prepared by Ismono

Indonesia Representative in the 4 th Asian Forum

Tokyo, 8-10 December 2004

I. Background

The Law of The Republic of Indonesia No. 28/2002 Regarding Buildings was acting out. All purposes and objectives of the law are, especially, laid on the principle of usefulness or benefit, safety, match and harmony with the surroundings for the benefit of the community who uphold humanity and justice. This Law regulates the buildings functions, requirements, construction process, including the rights and obligations of the owners and user of the building in every phase of its construction, the provisions on the role of the community in the process of development, the technical guidance by the government, and the sanction.

By the enforcement of this law, all buildings construction carried out in the territory of the Republic of Indonesia by the government, private sectors, the community, and foreigners, are obliged to comply with all the provisions contained in the aforementioned Law of Buildings. This Law regulates the principle and normative matters, and the provisions on its implementation will further be laid down by Government Regulation and/ or other statutory regulation and standards, including **Local Government Regulation**, by constantly considering the provisions of other laws related to the implementation of this Law.

Refer to Law No. 28 year 2002 regarding Buildings; Local Governments should conduct procedures/approvals related to building project. Local Government means the mayor (head of municipality or regency), except for the Capital City of Jakarta, which shall be a Governor. Therefore Local Government should have a

technical department with appropriate technical staff and local regulation, to control building development process.

This paper illustrates on how procedures/approvals relating to building development process to be done by Local Government (Municipality/Regency) in Indonesia, particularly in Jakarta.

II. The Law Of The Republic of Indonesia No 28 Year 2002 regarding Buildings

Buildings Law states that local government has to regulate building permit, data recording, building inspection, certificate of fitness, setting up Technical Advisory Board, and Assistance to the building development process, including establishment of local government regulation.

In line with the development process (design, construction, operation and maintenance, demolition) related to the building development permits, Local Government have to concern with those stages, as follows:

DESIGN STAGE

1. Determine the building functions, include if any change in the building functions
2. Determine the administrative and technical requirements for traditional, semi permanent, and emergency buildings, also the building constructed on disastrous location.
3. Carry out data recording on the buildings
4. Determine Urban Design and Development Guidelines
5. Provide and give information about the requirements for usage and density of the buildings

CONSTRUCTION STAGE

Issuing Building Permit through:

1. Assessing design document

2. Approving technical plan/design document after having technical opinion of an expert team

OPERATION and MAINTENANCE STAGE

1. Issuing Certificate of Fitness/ Building Usage Licence
2. Determine listed building (for preservation/conservation)

DEMOLITION STAGE

1. Determine building to be demolished, based on technical analysis
2. Carry out technical analysis of the building (ordinary housing)
3. Approve on Technical Plan of Building Demolition
4. Execute building demolition

The duties are done by Building Permit and Control Department in every municipality or regency.

III. Procedures/approvals relating to building project, Case: Jakarta

1. Organization

Procedures relating to building project in Jakarta is conducted by ***Building Permit and Control Department***, under a ***Local Government Regulation*** No 3 year 2001. The Main Duties of the department are; servicing; directing; supervising; and controlling, of the building development process in every stage.

In order to support Building Permit and Control Department's duties, Local Government established ***Technical Advisory for Urban and Building Development Board***, which is consists of Architecture, Constructor, Electrical and Mechanical Team.

2. Building Permit

Building permit is a license, issued for building construction activities by Building Permit and Control Department on be half of Governor. In case of community/applicants wish to immediately commence the construction, the department shall issue and provide a Preliminary Permit for construction activities, consisting of:

- a. **Preliminary Permit**, owners are permitted to carry out preliminary activities (i.e. Preparation works)
- b. **Partial Permit**, owners are permitted to build only certain work phase (i.e. Foundation work)
- c. **Entirely Preliminary Permit**, owners are permitted to build consistent with the plan/design

3. The Building Permit Procedures

- a. Acquiring and Provisions,
The applicant has to submit a written proposal to Governor, by filling up form and attaching a **certain requirements**, it takes **25-60 days** to get the building permit.
- b. **Requirements** of Building Permit Proposal, are:
 - 1) ID card
 - 2) Land certificate
 - 3) Land Use Permit (only for large scale development)
 - 4) Planning Advice
 - 5) Design document, approve by registered designer/ construction service provider/ construction firms
 - 6) Approval Letter from the Technical Advisory Board

4. Building Usage Permit (BUP)/ Certificate of Fitness

Building Usage Permit is a certificate given to building owners for using building based on the building permit

- a. The Approaches of Acquiring Building Usage Permit
BUP proposal is started after the department get a report that building has completed. **The team** (fire service dept, electricity enterprise, employment dept, environment dept) **conduct buildings investigation and issue BUP**. It takes **25-60 days**, to issue BUP
- b. Some requirements of Acquiring BUP
The record of **building supervision** (during construction), the result of **building investigation** (after building was completed), and **Building Permit** are needed

5. Building Usage Appropriateness/BUA (Periodical Certificate of Fitness)

a. Provisions and the Approach to acquire BUA

To get BUA, the building will be examined ***periodically after 5 years (buildings) or 10 years (housing) since BUP issuance***. To acquire BUA, the building owners are required to submit a written proposal to the Governor. The proposal has to be attached with ***report of building technical review by expert***. It takes ***25 - 60 days*** to issue BUA.

6. Designer /Construction Services Provider Work Permit

Building construction carried out in the jurisdiction of Jakarta are obliged to design by ***designer who has a work permit***. Designer work permit is given by the Department of Building Permit and Control, comprises of: Architecture, Construction/Civil, and Mechanical/Electrical categorized.

In accordance with Law No. 18 year 1999 regarding Construction Services, every ***construction service provider has to have a certificate*** based on standard of competencies

7. Retribution

Building construction retribution is calculated based on:

- a. Development Supervision Retribution (DSR), (for development supervision service), is collected when applying for Building Permit. DSR is ***calculated based on type, size, and construction cost*** of the building
- b. Additional Building Supervision Retribution, (for additional building supervision service, if any), is collected when applicant applying for Building Permit.
- c. Building Supervision Retribution (BSR), (for building use supervision service), is collected when building owners applying Building Usage Permit. BSR is ***calculated approximately 5 – 15 %***, depend on type and uses of the building

8. Supervision and building termination

The aims of supervision is to maintain the building development process in each stage orderly, such as:

- a. ***Pre-development supervision***, supervising and assessing the architecture, construction, and mechanical/electrical design, prepared by designer/ construction service provider/ construction firms
- b. ***Construction stage supervision***, supervising during building construction period
- c. ***Post-development supervision***, supervising of building completion for issuing BUP and supervising during building usage in order to get BUA
- d. ***Curb/control measurement***, curb is principally carried out if building have not/without Building Permit/ BUP/ or BUA, which are; notice, warning, stop the activity, and demolition. Local Government official shall do demolition if the owner does not demolish by himself.

9. Public participation in the control of building construction

- a. Participation of community as development participation
 - i. Professional people, who has a special expertise in certain fields, such as: Consultant, Architect, Construction association, Engineers Society, etc. Professional people ***providing assistance to the Department in every stage of building development process***
 - ii. Community, as a ***social control for construction activities***, which violate the applicable regulations and stipulations. They use post card, suggestion/complain box, or Internet to maximize and increase public participation.

b. ISO 9002 Certificate

In order to improve capability and performance of the department's officials, in term of serving the applicant/people in the building permit service, ***Building Permit and Control Department has applied Quality Management System of International Standard through ISO 9002 certification.***

10. Integrated Services

Integrated services expected that procedures related to building project are more efficient and minimized the time allocated for building permit process.

11. Assistance/ Technical guidance

Building Permit and Control Department's officials have taken steps to improve assistance to the construction service providers/ construction firms, professionals, community who involve to the construction activities, as well as providing information through electronic media, magazine/gazette, information board, booklet and leaflet.

12. Delegation of authority

In order to improve permit service to the public, Building Permit and Control Department has delegate his authority (building permit for certain type of buildings) to the community level. Hence applicants able to submit the proposal in community level.

13. Computerize

The Local Area Network (LAN) based on Management information System has been installed since 1993, including Geographic Information system (GIS) in order to increase building permit service.

IV. Expectation to the Asian Forum Countries

1. All the Asian Forum members have to submit all information about ***procedures/approvals relating to building project*** to Indonesia (Form 1)
2. A committee to be formed consisting of The Asian Forum members countries who are interested to participate in.
3. The committee shall formulate basic procedures regarding building project, especially building permit

Attachment

Form 1

Information of procedure/approval relating to building project

1. Building Law/Regulation/Codes
 - a. Building law related to the building development process
 - b. Hierarchy of building regulation
2. Building process
 - a. Information about building process
3. Organization, include supporting board/team
 - a. Name of organization, tasks/duties
 - b. Supporting team/board, tasks/duties
4. Professional Service Provider
 - a. Law related to the service provider (consultant, contractor)
 - b. Professional certificate
5. Building Permit
 - a. Category/type of Building Permit
 - b. Procedures on Building Permit Issue
 - c. Proposal to be submitted
 - d. Duration/time frame
6. Design document
 - a. Technical drawing (Architecture, Structural, M&E)
 - b. Calculation
 - c. Assessment and Approval
7. Retribution
8. Certificate of Fitness
 - a. Building completion report
 - b. Procedures on CoF issue
 - c. Duration
 - d. Assessment
9. Periodically Certificate of Fitness
 - a. Validity
 - b. Assessment/technical review
 - c. Role of Professionals
10. Supervision by the Organization
 - a. In every stage (design, construction, building completion, demolition)
 - b. Product/result
11. Curb/ control measurement
 - a. Hierarchy
 - b. Demolition/destruction
12. Public Participation
13. Assistance/Technical guidance by organization