


## Licensing of Building Construction That is Not in Accordance With the Provisions of Government Regulations on the Implementing Regulations of Law Number 28 Of 2002 Concerning Buildings in the City Of Cilegon

Nastasya Lia Nadin<sup>1</sup>, Fathullah<sup>2</sup>, Robby Nurtresna<sup>3</sup>

<sup>1,2,3</sup>Fakultas Hukum, Universitas Primagraha

Article Info	ABSTRACT
<p><b>Keywords:</b> Licensing, Building Approval, PBG Registration</p>	<p>In accordance with Government Regulation (PP) No. 16 of 2021 concerning Building Construction, the government has changed the provisions of the Building Construction Permit (IMB) to the Building Construction Approval (PBG). Building Construction Approval (PBG) is a permit given to building owners to build new, expand, reduce or maintain buildings in accordance with building technical standards. In this case, the problem that arises is the inconsistency of building construction permits in Cilegon City. The problem is that there are several buildings in Cilegon City that do not comply with their function, because at the beginning of land registration, the building was designated as a residential building or residence, over time the building changed function as a place of business. The research method used is empirical with a normative approach. The data sources used are primary data and secondary data. Primary data is data obtained from the parties related and involved in this study, namely the Cilegon City Public Works and Spatial Planning Service, the Cilegon City Investment and One-Stop Licensing Service (DPMPTSP), and the Cilegon City BAPPEDALITBANG. While secondary data is data obtained from literature studies. Based on the results of research related to violations committed by building owners if the building has been built without a Building Permit (PBG), the government has the right to direct the building owner to immediately take care of the Certificate of Functional Worthiness (SLF) to obtain a Building Permit (PBG). If the building owner builds a building in a place where building construction is prohibited, the government will demolish it.</p>
<p>This is an open access article under the <a href="#">CC BY-NC</a> license</p> 	<p><b>Corresponding Author:</b> Nastasya Lia Nadin Fakultas Hukum, Universitas Primagraha <a href="mailto:ntsylianadin@gmail.com">ntsylianadin@gmail.com</a></p>

### INTRODUCTION

Indonesia as one of the countries experiencing rapid development especially in the construction sector and certainly requires a lot of land to support the rapid development in Indonesia. In this era of globalization where buildings and buildings are increasing in big cities in Indonesia, so the demand for land as a place to build buildings is also increasing and this has certainly had an impact on the many green areas that are sacrificed to meet the demand

for land in big cities in Indonesia.

The realization of development that has been implemented in Indonesia can be found from the development of facilities and infrastructure such as the development of public housing, shopping centers, supermarkets, restaurants, bridges, highways, ports and so on. This development can require laws that can be used as guidelines for the realization of efforts to meet the needs of the community itself. Indonesia is a country of law, so the development that is currently being carried out is inseparable from legal regulations related to the problem. In reality, there are many legal regulations related to development problems, resulting in a lack of legal certainty.

In order to realize orderly building construction management and guarantee legal certainty, in building construction management, a Building Construction Permit must be obtained as the basis for the legality of the building being erected, as stated in Article 7 paragraph (1) of Law Number 28 of 2002 concerning Buildings: "Every building must meet administrative requirements and technical requirements in accordance with the function of the building."

There is a mismatch in building permits in Cilegon City. The problem is that there are several buildings in Cilegon City that do not comply with their function, because at the beginning of land registration, the building was designated as a residential building or residence, over time the building changed function as a place of business. This activity is very much against the rules in building construction because the related parties did not register or change the function of the building to the Regional Government. So this problem is considered to violate laws and regulations.

## METHOD

Legal research method is a scientific activity based on certain methods, systematics and thoughts, which aims to study one or several specific legal phenomena by analyzing them. The function of the legal method is a tool to find out a problem to be studied, whether social science, legal science, or other sciences that aim to gain knowledge about legal phenomena so that they can formulate problems and to describe completely the legal aspects.

## RESULTS AND DISCUSSION

### **Building Construction Approval (PBG)**

After the enactment of Government Regulation (PP) No. 16 of 2021 concerning Building Construction. It is explained in Article 1 Point 17 that Building Construction Approval (PBG) is "a permit granted to building owners to build new, expand, reduce and/or maintain buildings in accordance with building technical standards." Building owners can receive Building Construction Approval (PBG) permits issued by the regional government through the Investment and One-Stop Integrated Service Office. The change from Building Construction Permit to Building Construction Approval on August 2, 2021 requires district or city governments to adjust to the new system. Due to these provisions, some licensing officers have had to make changes in the way they use the building management information system.

How to obtain PBG building owners must meet two main requirements to obtain PBG starting from having a technical plan document and an estimate of the construction implementation cost. In addition, the document must be complete with an estimate of the construction implementation cost. Before the construction is carried out, the technical plan document is submitted to the district/city government, provincial government, or the central government of the Special Capital Region of Jakarta to obtain PBG. For Special Function Buildings (BGFK), the technical plan document is submitted to the Minister. Although applicants or owners can register independently through the Building Management Information System (SIMBG), they must submit information such as applicant or owner data, building data, and technical plan documents. After the applicant or owner can register, the head of the technical service assigns the secretariat to check the information regarding the Special Function Building (BGFK), and the minister assigns the central secretariat to check it. Finally, after the information is complete, the secretariat provides a planning consultation schedule to the applicant or owner through SIMBG.

### **Building Profiles That Do Not Comply with Government Regulations in Cilegon City**

Based on Law Number 28 of 2002 Article 7 paragraph (1) concerning Building Construction: "Every building must meet administrative requirements and technical requirements in accordance with the function of the building". There are several buildings that are examples of research in this thesis, due to the inconsistency of the permits they have. The following is a profile of buildings that do not comply with government regulations in Cilegon City, including:

1. Store Name: de fame coffee and eatery  
Store Address : Jl. KH Tb. Ismail, Ciwaduk Subdistrict, Cilegon District, Cilegon City  
Owner : Dr. Novian  
Type of business : Cafe and Restaurant  
PBG Number : 367202-14072022-01
2. Store Name: Karlos Bakery  
Store Address : Nakula Street, Ciwaduk Subdistrict, District Cilegon, Cilegon City  
Owner : Charles  
Type of business : Bread and Cakes  
PBG Number : 367202-21062022-01
3. Store Name : ELSARRA  
Store Address : Jl. KH Tb. Ismail, Ciwaduk Subdistrict, Cilegon District, Cilegon City  
Owner : Hindarto  
Type of business : Fast food  
PBG Number : 367202-08042022-01

### **Analysis of the Implementation of Building Construction Permits in Cilegon City**

In accordance with Government Regulation (PP) No. 16 of 2021 concerning Building

Construction, the government has changed the provisions of the Building Construction Permit (IMB) to the Building Construction Approval (PBG). "Building Construction Approval (PBG) is a permit given to building owners to build new, expand, reduce and/or maintain buildings in accordance with building technical standards." The function of this Building Construction Approval (PBG) is to supervise buildings that must be built in an orderly manner and meet technical and aesthetic requirements. so as to provide a guarantee of a sense of security, comfort, health, and economic value to residents or users involved in economic and socio-cultural activities.

Land use in Cilegon City has undergone a significant transformation. Land that was previously dominated by residential areas in Cilegon City has now changed function to become a factory and shopping area due to economic development which is the main factor. This increasingly rapid economic growth has led to an increase in demand for the procurement and repair of buildings in large quantities and quality. What used to be a residential area is now starting to be built with shopping buildings, increasing population, economic growth which is the main factor in increasing the construction of buildings in Cilegon City, especially areas that have access via transportation routes, has experienced a significant increase.

On the other hand, natural resources are decreasing every year due to competition in agriculture, housing, and industry. With the increasing population and industrialization process, land use problems will increase. From an interview conducted by researchers with one of the sources, Mrs. Retno said that:

"The increasing population due to economic development in Cilegon City has resulted in many buildings that were previously residential, especially on inter-provincial routes, now being converted into shops because they are strategic areas that are easily accessible and have the potential for economic growth."

From the results of the interview conducted by the researcher with Mrs. Retno, it can be concluded that the inter-provincial route in Cilegon City, which used to be a residential area, is now full of shops because it is a strategic area that is easily accessible and has the potential for economic growth. Therefore, Building Construction Approval (PBG) must be carried out in accordance with applicable laws and regulations to enable orderly implementation. Buildings must meet administrative and technical requirements to create welfare, peace, and comfort for the community.

Mrs. Retno Damayanti explained the stages of the Building Construction Approval (PBG) process. She stated that:

"Starting from the building owner must meet two main requirements to obtain Building Construction Approval (PBG): technical plan documents and construction cost estimate documents. In addition, an additional requirement is that the technical plan documents and construction cost estimates must be complete."

One of the advantages of changing the Building Construction Permit (IMB) to the Building Construction Approval (PBG) is in the permit application process, permit applications can be done online which can facilitate the application process. Regarding the Building

Construction Approval (PBG) to obtain related information, it can be accessed through the Building Management Information System (SIMBG), without having to come to the relevant Office. Registration of Building Construction Approval (PBG) applicants register through a website-based application system called the Building Management Information System (SIMBG) created with the aim of making it easier for the public to get services, especially Building Construction Approval (PBG) services. To register themselves, applicants or owners must use the Building Construction Management Information System (SIMBG) to submit information such as applicant or owner data, building data, and technical plan documents. With the abundance and ease of information, the public is expected to feel helped by government programs, and the government can also provide its best services to the public. Through the results of interviews with the Investment and One-Stop Licensing Office, Mr. Luhut Malau, as Head of the Licensing Service Implementation Division, said that:

"The complaints that we often get from the public are related to the PBG registration process via the SIMBG website, where applicants complain about the lack of assistance with procedures for registration via the SIMBG website, online-based registration which makes it difficult for people who do not understand how to register."

Based on the results of interviews conducted by researchers, it can be concluded that the lack of public understanding in the registration process through the online-based Building Management Information System (SIMBG) website has led to the importance of mentoring to ensure the realization of Building Approval (PBG) to the maximum. The people of Cilegon City have been accustomed to manual building permit management before using the Building Management Information System (SIMBG) website to apply for building approval, which requires more files and can no longer be done manually. Due to the transition period and technical improvements through the Building Management Information System (SIMBG) website as a means to apply for building approval, some applicants face some difficulties. In starting a construction process, the Building must have obtained permission from the authorized party or it is known that the Building has a Building Approval (PBG). Without approval, the building will not be able to proceed from the planning stage to the construction stage. After the building is completed, the owner or owner of the building must still obtain a Certificate of Functional Eligibility (SLF). Without a Certificate of Functional Eligibility, the building may be allowed to stand, but its reliability is still in doubt.

Function suitability, building layout requirements, safety, health, comfort, and ease of building are some of the requirements that must be met by a building to obtain functional suitability. Before operational activities begin, the Certificate of Functional Suitability must be owned by the building owner. By being issued by the Regional Government (except for special buildings), the building has been declared administratively and technically.

### **Legal Consequences of Buildings That Do Not Comply with Government Regulations**

Sanctions are an important part of legislation. The regulation of sanctions in the body of legislation is intended so that all provisions that have been formulated can be implemented in an orderly manner and are not violated. Legislation in the field of administrative law always gives authority to government agencies to enforce sanctions when there is a violation of

applicable administrative law norms. According to Utrecht, what is meant by sanctions is the result of an act or a reaction from another party, be it a human or a social institution, to a human act. In this violation, the violator is subject to sanctions in the form of administrative sanctions. Administrative sanctions can be interpreted as sanctions imposed for violations of administration or provisions of laws that are administrative in nature. Administrative sanctions can be in the form of fines, written warnings, revocation of certain permits, and others.

The permit issued for the implementation of building construction can of course have consequences for violations, one of which is a building that does not comply with the PBG which is the object of the author's research focus. Therefore, in the laws and regulations that are the legal basis for the implementation of building construction, sanctions are regulated for acts that violate the construction of buildings, including: Article 44 concerning Law No. 28 of 2002 concerning Buildings which regulates: "every owner and/or user who does not fulfill the obligation to fulfill the function, and/or requirements, and/or organizer of the building as referred to in this Law shall be subject to administrative sanctions and/or criminal sanctions Article 45 concerning Law No. 28 of 2002 concerning Buildings which has been amended in the Regulation in Lieu of Law No. 2 of 2022 concerning Job Creation regulates in Article 45 paragraph 1 the administrative sanctions as referred to in Article 44 including:

1. Can be in the form of a written warning
2. Restrictions on development activities
3. Temporary or permanent suspension of construction work
4. Temporary or permanent suspension of the use of the building
5. Freezing of building construction approval
6. Revocation of building construction approval
7. Freezing of certificate of building suitability
8. Revocation of the certificate of building suitability
9. Dismantling order.

In addition to the imposition of administrative sanctions as referred to in paragraph (1), a maximum fine of 10% of the value of the building being built or has been built may be imposed. The type of imposition of sanctions as referred to in paragraph (1) and paragraph (2) is determined by the severity of the violation committed. Administrative sanctions which are further regulated in Government Regulation No. 16 of 2021 concerning the Implementation of Building Construction Article 327, namely: "every owner, manager, user, owner of construction service providers, technical assessors, expert professions, Expert Professional Teams (TPA), and/or Technical Assessment Teams (TPT) who violate the provisions as referred to in Article 250 paragraph (2), Article 251 paragraph (3), Article 253 paragraph (4), Article 274 paragraph (2), Article 281 (1), Article 293 paragraph (2) and paragraph (3), and/or Article 321 paragraph (21), shall be subject to administrative sanctions. Administrative sanctions as referred to in paragraph (1) may be in the form of:

1. Written warning
2. Restrictions on activities

3. Development
4. Utilization and Dismantling
5. Temporary or permanent suspension of activities
6. Development stages
7. Utilization and Dismantling
8. Freezing of Building Permit (PBG)
9. Freezing of SLF (Certificate of Functional Suitability)
10. Demolition Agreement
11. Revocation of Building Permit (PBG)
12. Revocation of SLF (Certificate of Functional Suitability)

The procedure for imposing sanctions on buildings that do not comply with the Building Construction Approval is contained in Article 317 of Government Regulation Number 16 of 2021 concerning the Implementing Regulations of Law Number 28 of 2002 concerning Buildings, which stipulates that: In the event that the results of the technical assessment as referred to in Article 316 paragraph (5) state that the Building is not fit for function as referred to in Article 314 paragraph (3) letter a and/or the Utilization of the Building poses a danger to Users, the Community, and has a significant impact on the environment as referred to in Article 314 paragraph (3) letter b, the Technical Service shall issue a letter of determination of Demolition through SIMBG (Building Management Information System). The letter of determination of Demolition as referred to in paragraph (1) contains the Demolition deadline, Demolition procedures, and administrative sanctions for each violation. In the event that the Owner and/or User does not carry out the Demolition within the time limit as referred to in paragraph (2), the Demolition will be carried out by the District/City Regional Government and may appoint a Building Demolition service provider at the Owner's expense, except for Home Owners who are unable to afford it, the Demolition costs will be borne by the Relevant Agency.

The provider of building demolition services as referred to in paragraph (3) must make a RTB (Building Technical Plan). In the case of the demolition being carried out by the owner as referred to in paragraph (3), the Technical Service shall conduct an inspection of the demolition implementation. The owner must carry out the demolition according to the time limit and procedures stated in the demolition determination letter as referred to in paragraph (2). In carrying out the inspection as referred to in paragraph (5), the district/city government shall assign an inspector. In addition, the procedure for imposing sanctions on buildings that do not comply with the Building Construction Approval (PBG) is also regulated in Article 21 of Regional Regulation Number 16 of 2018 which regulates that in the event that the person in charge of the levy does not pay on time, an administrative sanction will be imposed in the form of interest of 2% per month of the unpaid levy and is collected using the STRD (Regional Retribution Bill). The procedure for imposing administrative sanctions as referred to in paragraph (1) shall be regulated by the Regent Regulation.

If a building does not meet the laws and regulations, the government can demolish it. Administrative sanctions will be imposed on building owners who do not meet the

requirements of the organization, which can be in the form of one to three written warning letters. Demolition can be carried out after going through the following stages: Identification, technical investigation, and issuance of a demolition determination letter.

Based on an interview with Mr. Luhut Malau as Head of the Licensing Division, he said that: "If the building owner has not obtained a PBG while the building has already been built, then as a replacement, the building owner must take care of the Certificate of Functional Worthiness to obtain the PBG unless the building owner builds the building in a place where building construction is prohibited, then the government will impose a demolition sanction on the building owner."

From the interview results above, it can be concluded that related to violations committed by building owners if the building has been built without a Building Permit (PBG), the government has the right to direct the building owner to immediately take care of the Certificate of Functional Worthiness (SLF) to obtain a Building Permit (PBG). If the building owner builds a building in a place where it is prohibited to build buildings, the government will demolish it. The construction process will run smoothly if the community builds in an orderly manner and complies with applicable regulations, but the opposite will happen. To prevent violations related to Buildings in Cilegon City, the role of the community is very important in supervising and regulating building construction because the implementation of building construction will run orderly if the community behaves in accordance with the rules. In addition, the community must also play a role in providing information in the form of reports regarding building violations that occur in their environment and have a negative impact on the surrounding community. The community can report if there is a building violation in their environment.

## CONCLUSION

Regarding violations committed by building owners if the building has been built without a Building Permit (PBG), the government has the right to direct building owners to immediately take care of the Certificate of Functional Worthiness (SLF) to obtain a Building Permit (PBG). If the building owner builds a building in a place where building construction is prohibited, the government will demolish it. The construction process will run smoothly if the community builds in an orderly manner and complies with applicable regulations, but the opposite will happen. To prevent violations related to Buildings in Cilegon City, the role of the community is very important in supervising and regulating building construction because the implementation of building construction will run orderly if the community behaves in accordance with the rules. In addition, the community must also play a role in providing information in the form of reports regarding building violations that occur in their environment and have a negative impact on the surrounding community. The community can report if there is a building violation in their environment.

## REFERENCE

- Adam Amin, dkk. Kebijakan Publik dan Kekuasaan Di Indonesia. Jakarta: Bumi Aksara. 2024.
- Ahmad Farouq Mulku Zahari, Kebijakan Publik: Teori Dan Praktik, Jawa Tengah: Eureka Media Aksara, 2025
- Andi Hartati. Kebijakan Publik: Teori Dan Praktik. Jawa Tengah: Eureka Media Aksara. 2025
- Adrian Sutedi. Hukum Perizinan dalam Sektor Pelayanan Publik. Jakarta: Sinar Grafika. 2010
- Aminuddin Ilmar. Hukum Tata Pemerintahan. Jakarta: Prenada Media Group. 2014
- Beni Ahmad Saebani, Metode Penelitian Hukum, Pustaka Setia, Bandung, 2008
- E Utrecht, Pengantar Dalam Hukum Indonesia, Jakarta: Penerbit Ichtiar, 1992
- Guntur Hamzah dan Ria Mardiana Yusuf. Birokrasi Modern. Jakarta: Rajawali Press. 2023
- Irawaty Igrisa. Kebijakan Publik Suatu Tinjauan Teoritis dan Empiris. Yogyakarta: Tanah Air Beta. 2022
- Mursak. Kebijakan Publik: Teori Dan Praktik. Jawa Tengah: Eureka Media Aksara. 2025
- Murtir Jeddawi. Hukum Administrasi Negara. Yogyakarta: Total Media. 2012
- Prajudi Atmosudirdjo. Hukum Administrasi Negara. Jakarta: Ghalia Indonesia. 1994
- Rendy Sueztra Canaldhy. Kebijakan Publik: Teori Dan Praktik. Jawa Tengah: Eureka Media Aksara. 2025
- Ridwan dan Sodik. Hukum Adminstrasi Negara dan Kebijakan Pelayanan Publik. Bandung: Nuansa. 2017
- Shinta Hadiyantina, dkk. Hukum Perizinan. Jakarta: Sinar Grafika. 2024
- Sisca Nopralia, Kebijakan Publik: Teori Dan Praktik, Jawa Tengah: Eureka Media Aksara, 2025
- Soekanto, Pengantar Penelitian Hukum. Universitas Indonesia, Jakarta, 2010
- Soerjono Soekanto, Pengantar Penelitian Hukum, Universitas Indonesia, Jakarta, 2010
- W Riawan Tjandra. Hukum Administrasi Negara. Jakarta: Sinar Grafika. 2022
- Y. Sri Pudyatmoko. Perizinan Problem dan Upaya Pembenahan. Yogyakarta: CV Andi Offset. 2024
- Anggreini Simbawa, Prosedur Perolehan Persetujuan Bangunan Gedung, Jurnal Lex Privatum, Vol.10 No.4, 2022
- Hagis Rudisy Kuswandi, Implementasi Kebijakan Pelayanan IMB Di Dinas Penanaman Modal Dan Pelayanan Terpadu Kota Sukabumi, Jurnal Inovasi Penelitian, Vol.2 No.5, 2021
- Lussak, A., & Romdoni, M. (2019). An exploratory study of youth peace movement effectiveness in yogyakarta. *International Journal of Scientific and Technology Research*, 8(12), 3579-3581.
- Priyana, Y., Assayuti, A. A., & Romdoni, M. (2023). Exploring the effectiveness of restorative justice practice in criminal law system. *West Science Law and Human Rights*, 1(03), 107-114.
- Romdoni, M. (2022). A Literature Review Of Coercive Isomorphism On Corporate Legal Responsibility In Indonesia. *Pranata Hukum*, 17(2), 121-132
- Irfan, Implementasi Kebijakan Persetujuan Bangunan Gedung Di Kabupaten Sidrap (Analisis SiyasaH Maliyah Wal Iqtishadiyah), Institut Agama Islam Negeri (IAIN) Parepare, 2023

Peraturan Pemerintah Nomor 16 Tahun 2021 tentang Bangunan Gedung

Undang-Undang Nomor 28 Tahun 2002 tentang Bangunan Gedung

Undang-Undang Nomor 11 Tahun 2020 tentang Cipta Kerja

Metode Penelitian Hukum Empiris dan Normatif oleh IDTesis, <http://idtesis.com/metode-penelitian-hukum-empiris-dan-normatif/>, diakses pada tanggal 22 Oktober 2024, pukul 23.30 WIB

Badan Pengembangan dan Pembinaan Bahasa. 2016. "KBBI VI Daring". <http://kbbi.kemendikbud.go.id> diakses pada tanggal 15 November 2024, pukul 20.00 wib