



## **Issuance of Building Approval (PBG) for Development on Land Affected by Street Plans in Surabaya City**

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### **Abstract**

This research examines the issuance of Building Approval (PBG) for developments on land affected by road plans in Surabaya City, focusing on the legal consequences and status of such buildings. Employing a normative legal research methodology, the study scrutinizes relevant laws and regulations, including Surabaya Mayor Regulation Number 34 of 2023 and Government Regulation (PP) Number 16 of 2021. The findings reveal that buildings erected on government land without the required IMB or PBG are in violation of these regulations, which may result in their demolition and a lack of legal protection. The study highlights that unauthorized constructions disrupt urban planning and entail legal repercussions under the Job Creation Law, Article 29 Paragraph 1 point c. Buildings lacking IMB and PBG are subject to demolition as they are considered invalid without regional government authorization. The research emphasizes the necessity for rigorous supervision by the Mayor of Surabaya to ensure compliance. Additionally, it explores the broader significance of these permits as essential steps in converting urban spatial policies into operational frameworks, pivotal for road development and urban planning.

**Keywords:** Building Approval, Building Construction Permit, Urban Planning, Legal Compliance, Surabaya City, Road Development

### **Introduction**

Roads constitute land-based transportation infrastructure, encompassing all components including connecting structures, auxiliary buildings, and equipment designed for traffic management, whether situated on the ground, above it, below it, on the water surface, or above the water surface, excluding railroads, lorry roads, and cable roads (Peraturan Menteri, 2023). Roads are essential for fostering economic growth, as an efficient road network facilitates the movement of goods from producers to consumers, accelerates distribution, and reduces

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logistics costs. This efficiency significantly enhances the production sector and creates opportunities for market expansion, thereby improving regional competitiveness. Consequently, road development is crucial for supporting economic growth, enhancing regional connectivity, and improving the quality of life for the population. Roads serve not only as conduits for the movement of goods and people but also as the foundation for the development of various economic sectors.

Prior to road construction, comprehensive planning is essential. Road planning entails a systematic process of designing, developing, and detailing road infrastructure to ensure the sustainability, safety, efficiency, and effectiveness of the transportation system. This process encompasses several stages, including analysis, planning, design, and implementation. The broader concept of government is as a state institution that embodies social welfare for its people, in the sense that the government can support the inability of citizens to meet their own needs. The future of the government is built on the fundamentals of protecting and providing infrastructure for the economic life of the people (Sufa et al., 2020). The government, as the organizer of road construction, must meticulously formulate the road planning strategy, as optimal road conditions facilitate community mobility, thereby supporting economic relations and social activities (Tahulending et al., 2022). Technical road planning must adhere to the provisions outlined in the Regulation of the Minister of Public Works and Housing (PUPR), which include specifications for road benefit space, road ownership space, and road supervision space; road dimensions; maximum axle load, traffic volume, and capacity; road geometric requirements; road construction; construction of auxiliary buildings; road equipment; clearance space; and environmental sustainability (Peraturan Menteri, 2023).

Streets significantly enhance accessibility to essential services such as education, healthcare, and other public infrastructure. These services are intrinsically linked to the presence of buildings, which are physical constructions integrated with their respective locations, whether above ground, below ground, or on water surfaces, serving various human activities, including residential, religious, commercial, socio-cultural, and specialized functions (Peraturan Pemerintah Republik Indonesia, 2021). The establishment of buildings on land, as stipulated by Government Regulation (PP) Number 16 of 2021 regarding the Implementation Regulations of Law Number 28 of 2002 concerning Building Structures, mandates compliance with specific provisions: Regional Spatial Planning (RTRW), Spatial Detail Plan (RDTR), and Building and Environmental Planning (RTBL). Additionally, buildings must not impede the function of public infrastructure and facilities situated above, below, or around them, must maintain environmental harmony, and must be constructed with reliability appropriate to their intended function and classification (Peraturan Pemerintah Republik Indonesia, 2021).

The construction of this building must be accompanied by a Building Construction Permit (IMB) and Building Approval (PBG). The IMB is a license issued by the Head of the local Service Office, permitting the building owner to undertake new construction, modifications, expansions, maintenance, or reductions of buildings in compliance with regional administrative and technical requirements (Peraturan Walikota Surabaya, 2023b). Conversely, the PBG is a license granted to the building owner to perform new construction,

modifications, expansions, reductions, or maintenance of buildings in accordance with established technical standards (Peraturan Walikota Surabaya, 2023b). The key distinction between the IMB and PBG is that the IMB must be obtained by the building owner prior to construction, with the technical specifications included in the permit application, whereas the PBG regulates the licensing for new construction, expansions, modifications, maintenance, or reductions, ensuring adherence to technical standards (Situngkir, 2021).

In certain instances within the community, particularly in Surabaya City, residents continue to erect buildings on land owned by the Surabaya City Government without obtaining the necessary IMB and PBG. For example, illegal buildings have been constructed on Jalan Pandegiling, Surabaya, due to a shortage of available land for residential or commercial purposes. The IMB and PBG are not merely about the legality of permitting an individual or legal entity to construct a building for specific activities; they also encompass broader and more dimensional implications. These permits are essential initial steps before a building is erected, as the PBG translates urban spatial policies into a more technical and operational framework. The premise is that adherence to the Building Approval (PBG) policy facilitates the implementation of road development plans and urban spatial planning as intended (Syafriazal & Marto, 2021).

Therefore, drawing on several references from previous research related to the issuance of Building Approval (PBG) for construction on land impacted by road plans, this study aims to analyze the legal consequences for individuals who do not possess an IMB or PBG for construction on such land. Additionally, it seeks to evaluate the legal status of buildings situated on land affected by road plans.

## **Literature Review**

### **Building Approval (PBG) and Building Permit (IMB)**

A building is defined as a physical construction integrated with its location, whether above or below ground or water, serving various human activities including residential, religious, commercial, socio-cultural, and specialized functions (Peraturan Pemerintah Republik Indonesia, 2021). According to Surabaya Mayor Regulation Number 50 of 2023, Building Approval (PBG) is a license granted to a building owner to undertake new construction, modification, expansion, reduction, or maintenance of buildings in accordance with technical standards (Peraturan Walikota Surabaya, 2023b). Similarly, the Job Creation Law Number 11 of 2020 states that Building Approval is issued by the local government, allowing the owner to perform new construction, expansion, modification, maintenance, or reduction, adhering to predetermined technical standards (UU RI, 2020). Article 7 of the UUCK stipulates that technical standards for buildings must align with their intended function and classification (UU RI, 2020).

Building technical standards encompass a set of rules and specifications that must be followed during the planning, design, construction, and maintenance processes. These standards aim to ensure buildings meet established requirements for safety, health,

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environmental sustainability, and functionality, tailored to the building's intended use such as residential, office, educational, or commercial purposes. The classification of buildings includes categories such as residential, commercial, industrial, or institutional.

Furthermore, the Building Construction Permit (IMB) is a license issued by the Head of the local Office, authorizing new construction, alterations, expansions, maintenance, and reductions of buildings, subject to regional administrative and technical requirements (Peraturan Walikota Surabaya, 2023b). The purpose of a Building Construction Permit (IMB), as highlighted in scientific journals, is to ensure the legality for building owners and to guarantee that the established buildings comply with administrative and technical requirements appropriate to their functions. The IMB aims to create buildings that are functional, harmonious, and environmentally compatible. Additionally, the IMB ensures the technical reliability of the building, provides legal certainty during construction, and prevents negative impacts on the environment, public health, and safety. Furthermore, the IMB objectives include meeting expected standards of safety, comfort, and aesthetics, and achieving buildings that function optimally and efficiently over the long term (Jasril, M. et al., 2023).

The process of issuing a Building Construction Permit (IMB) can vary significantly in duration due to several factors, including the availability of facilities and infrastructure, the number of staff, and the complexity of the application. Here are some detailed explanations:

- 1) **Delays Due to Lack of Staff and Infrastructure:**  
One of the primary challenges in the IMB issuance process is the shortage of staff within the technical team and constraints related to infrastructure, such as transportation. Despite these delays, the process is carried out with a strong commitment to duties and responsibilities (Rahmayanti & Lubis, 2022).
- 2) **Administrative and Technical Requirements:**  
IMB applications must meet the relevant administrative and technical requirements. This involves verifying documents, conducting technical assessments, and processing the payment of local retribution, all of which require a considerable amount of time to complete (SIP LAW FIRM, 2021).
- 3) **Consultation and Approval:**  
Applicants are required to consult with the Sub-district Office PATEN (Sub-district Integrated Administration Service) section and obtain approval from the surrounding area, a process that also adds to the time needed (DPUKP, 2020).
- 4) **Retribution Payment:**  
The payment of local retribution, which must be completed before the IMB is issued, can also cause delays, especially if there are issues in the payment process. These factors collectively contribute to the variability in the time required to issue a Building Construction Permit (Rahmayanti & Lubis, 2022).

The primary distinction between the IMB and PBG lies in their timing and requirements. The IMB must be obtained before construction begins, with technical details attached to the application, while the PBG governs licensing for ongoing construction activities, ensuring

compliance with technical standards (Situngkir, 2021). Additional distinctions between IMB and PBG include (Rohalia & Meilani, 2023):

- 1) The IMB application must be submitted before construction, whereas the PBG does not require pre-construction submission. Existing IMB permits remain valid until expiration, even after new regulations take effect (Peraturan Pemerintah Republik Indonesia, 2021).
- 2) The IMB requires building owners to report the intended use of the construction, while the PBG has separate establishment requirements adjusted to the living environment.
- 3) The IMB does not impose sanctions for changes in building shape, whereas the PBG imposes administrative sanctions if functional changes are not reported to the local government.
- 4) The IMB does not include demolition provisions, while the PBG can mandate demolition if necessary.
- 5) The IMB includes administrative requirements such as land rights recognition and usage permits, while the PBG focuses on technical criteria, including planning, design reliability, and building design prototypes.

The establishment of buildings on land, as regulated by Government Regulation (PP) Number 16 of 2021 concerning the Implementation Regulations of Law Number 28 of 2002 on Building Structures, must adhere to several provisions (Peraturan Pemerintah Republik Indonesia, 2021):

- 1) Compliance with the Regional Spatial Plan (RTRW), Spatial Detail Plan (RDTR), and Building and Environmental Planning (RTBL). The RTRW is a comprehensive spatial planning document for regional land use and development, while the RDTR and RTBL provide detailed implementation plans focusing on specific land use and building projects.
- 2) Ensuring that building development does not interfere with the function of public infrastructure and facilities located above, below, or around it. Planning must prioritize the sustainability and functionality of existing public infrastructure such as roads, waterways, and utilities.
- 3) Maintaining harmony with the surrounding environment by considering aesthetic and environmental factors in building design, using appropriate materials, and minimizing negative visual impacts.
- 4) Ensuring the reliability of the building according to its intended function and classification, whether residential, commercial, industrial, or institutional, to guarantee safety and well-being for occupants.

## **Road Planning**

Roads are transportation infrastructure on land that includes all parts of the road, including connecting buildings, complementary buildings and equipment intended for traffic, both on the ground, above the ground, below the ground or water surface, and above the water surface, except rail roads, lorry roads, and cable roads (Peraturan Menteri, 2023). Road planning is the systematic process of designing, developing and detailing road infrastructure to ensure the sustainability, safety, efficiency and effectiveness of the transportation system. The

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process involves a number of stages that include analysis, planning, design and implementation. The following is a detailed description of each stage involved in road planning (Hudalah & Sujarto, 2014):

### ***Planning***

- 1) Data Collection: The initial stage involves surveying and gathering information about the needs, issues, and preferences of the population in the area where the road is to be constructed.
- 2) Analysis: The collected data is then analyzed to determine the appropriate road requirements. This includes assessing the nature, movement, and size of vehicles, driver behavior, and traffic flow characteristics.

### ***Feasibility Study***

- 1) Pre-Feasibility Study: This preliminary evaluation assesses the road requirements, including cost analysis, environmental impact, and technical feasibility.
- 2) Feasibility Study: Following the pre-feasibility study, a more detailed feasibility study is conducted to determine the road requirements in line with the needs and available resources.

### ***Detailed Design***

- 1) Geometric Planning: This stage involves designing the road's shape, size, and sections to meet traffic needs. Geometric planning aims to create a harmonious relationship between time and space, optimizing efficiency, safety, and comfort within economic limits.
- 2) Detail Design: After geometric planning, the detailed design phase includes specifying road elements such as width, shoulder width, sight distance, and curve shape.

### ***Construction***

- 1) Material Selection: This stage involves selecting appropriate materials for road construction, such as asphalt, concrete, and other materials suitable for the existing soil and traffic conditions.
- 2) Road Construction: Following material selection, the road is constructed according to the design. This involves activities such as excavation, concreting, and asphalt laying.

### ***Maintenance***

- 1) Ongoing Maintenance: Once the road is completed, ongoing maintenance ensures it remains in good condition and safe for use. This includes routine maintenance, repairs, and upgrades as needed based on existing conditions.

The government as a road operator must formulate how road planning will be carried out, because good road conditions will make it easier for people to carry out mobility to organize economic relations and other social activities (Tahulending et al., 2022). Technical road planning must meet the technical provisions in accordance with the Regulation of the Minister of PUPR including (Peraturan Menteri, 2023):

- 1) Road benefit space, road property space, and road surveillance space. Road is land that is legally owned by the government or road management agency and is intended for road functions. Therefore, roads must be used for the movement of vehicles, pedestrians, and/or public transportation facilities along the road, and are needed for road maintenance and supervision, including widening road shoulders, vegetation management, and others.
- 2) Road dimensions. Involves determining the size and width of the road required to meet traffic and safety needs.
- 3) Heaviest axis load, traffic volume, and capacity, which is the maximum load that a single vehicle axis can carry on the road, the number of vehicles that pass a point on the road in a given period of time, and the maximum number of vehicles that can pass a point on the road in one direction.
- 4) Road geometric requirements. Involves geometric parameters such as road width, bend radius, and elevation that ensure safety and comfort for road users.
- 5) Road construction, the physical process of building and maintaining a road, involving grading, pavement, drainage and more.
- 6) Ancillary building construction. Includes the construction of supporting structures such as bridges, underpasses, overpasses, and the like associated with the road system.
- 7) Road equipment. All facilities and signs that support road operations and safety, including traffic signs, road markings, street lighting, and so on.
- 8) Free space. Areas necessary to maintain traffic safety and order, such as parking free space, visibility free space, and the like.
- 9) Environmental sustainability. Involves efforts to minimize environmental impacts during road construction and operation, including stormwater management, vegetation protection, and other measures to maintain environmental sustainability.

### **Law and Public Policy Theory**

Law serves as a mechanism to maintain and regulate order, aiming to achieve a just society and implement social welfare. It encompasses regulations that are compelling in nature and impose sanctions on those who violate them. Conversely, public policy represents a complex interplay of influences from various sources, ranging from international political conditions to domestic political elements (Taufik, 2022).

Public policies are regulations established by the government to govern the lives of citizens. The government, as the principal actor in public policy formulation, allocates power values for the entire community through these policies. The primary objective of public policy is to achieve public welfare, encompassing economic, social, and cultural dimensions. In the policy-making process, the government must consider various factors, including community interests, existing policies, and economic conditions. For public policy to be effective, it must be implemented efficiently and its success measured through various indicators. Additionally, public policies should be adaptable, allowing for revisions in response to changing circumstances and community needs. Consequently, public policy serves as an effective instrument to achieve the desired development goals of society (Wahyuni, 2022). Public policy provides a framework and guidelines for all stakeholders in societal, national, and state affairs.

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These policies function as directives that must be properly implemented; violations of these guidelines are subject to sanctions (Andryan, 2021).

There are similarities between law and public policy, as both processes originate from societal realities and seek to address those realities with appropriate solutions. While laws provide strength and stability, public policies are fundamentally oriented towards serving the public interest (Andryan, 2021).

### **Institutional Theory**

Institutional theory posits that organizations or community groups establish rules to facilitate interactions among their members, thereby achieving their intended goals. Institutions emerge within society due to the prevalence of various regulations governing human behavior. These institutions act as frameworks, creating enduring patterns and activities necessary to meet societal needs, which must be conducted according to these established patterns (Syahrini, 2019).

Thorstein Veblen's institutional theory specifically highlights that institutions encompass societal norms and ideal conditions. Veblen's theory significantly contributes to understanding the interplay between culture, consumption, and economic structure within society. He elucidates how institutions and economic structures can shape economic behavior and influence the distribution of wealth within a community (Syahrini, 2019).

### **Research Methods**

This research uses the normative type, which is a type of research that aims to examine and analyze the Laws, Regulations, and Articles contained therein, then associated with the issuance of Building Approval (PBG) for development on land affected by the road plan, so that answers can be found to the formulation of the problems that have been described previously (Dewi & Wita, 2019).

#### *Research Approach*

Furthermore, the research approach in this study is a normative descriptive qualitative approach, namely a research approach that aims to analyze a problem descriptively related to the issuance of Building Building Approval (PBG) for development on land affected by road plans, then associated with applicable laws and regulations (Dewi & Wita, 2019).

#### *Source of Legal Materials*

This research uses two types of legal sources, including:

1. Primary legal materials, namely the main legal materials sourced from applicable laws and regulations:
  - a) Surabaya Mayor Regulation Number 50 of 2023 concerning the Provision of Incentives in the Form of Exemption or Reduction of Administrative Fines for the



Implementation of Development Progress in the Field when Submitting a Building Construction Permit/Building Approval (Peraturan Walikota Surabaya, 2023b).

- b) Surabaya Mayor Regulation Number 34 of 2023 on Procedures for Imposing Administrative Sanctions for Violations of Surabaya City Regional Regulation Number 7 of 2009 on Buildings (Peraturan Walikota Surabaya, 2023a).
- c) Law of the Republic of Indonesia Number 6 of 2023 on the Stipulation of Government Regulation in Lieu of Law Number 2 of 2022 on Job Creation into Law (Depdagri, 2023).
- d) Government Regulation (PP) Number 16 of 2021 concerning Implementation Regulations of Law Number 28 of 2002 concerning Building (Peraturan Pemerintah Republik Indonesia, 2021).
- e) Regulation of the Minister of Public Works and Public Housing of the Republic of Indonesia Number 5 of 2023 concerning Road Technical Requirements and Road Technical Planning (Peraturan Menteri, 2023).

- 2. Secondary legal materials, namely companion legal materials sourced from journals and other literature such as websites, books, and e-books.

#### *Legal Material Collection Procedure*

The procedure for collecting legal materials is carried out by library research, which is a research procedure with a method of collecting data and information from various literature sources such as applicable laws and regulations, as well as companion legal materials sourced from journals and other literature such as websites, books, and e-books (Dewi & Wita, 2019).

#### *Analysis of Legal Materials*

While the analysis of legal materials uses a normative descriptive qualitative method, namely the analysis of legal materials that aims to analyze a problem descriptively related to the issuance of Building Building Approval (PBG) for development on land affected by the road plan, then associated with the applicable Laws and Regulations (Dewi & Wita, 2019).

## **Results**

### **Legal Consequences for People Who Do Not Have IMB or PBG for Development Located on Land Affected by Road Plans**

A building is a physical form of construction integrated with its specific location, whether above or below ground or water, designed to serve various human activities such as residential, religious, commercial, socio-cultural, and specialized functions (Peraturan Pemerintah Republik Indonesia, 2021). According to Surabaya Mayor Regulation Number 50 of 2023, Building Approval (PBG) is a license granted to a building owner to undertake new construction, alterations, expansions, reductions, or maintenance of buildings in accordance with the technical standards set forth for buildings (Peraturan Walikota Surabaya, 2023b). Similarly, the Building Construction Permit (IMB) is a license issued by the Head of the local Service Office, allowing the building owner to conduct new construction, modifications,

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expansions, maintenance, or reductions of buildings in compliance with regional administrative and technical requirements (Peraturan Walikota Surabaya, 2023b).

The primary distinction between Building Approval (PBG) and Building Construction Permit (IMB) is that the IMB must be obtained before construction begins, with technical details included in the permit application, whereas the PBG governs the licensing for ongoing construction activities, ensuring compliance with technical standards. IMB and PBG are not merely matters of legal authorization for building construction, but also encompass broader implications, serving as initial steps that ensure urban spatial policies and road planning are translated into technical and operational frameworks (Situngkir, 2021).

The Building Construction Permit (IMB) and Building Approval (PBG) extend beyond the mere legality of licensing for the construction of buildings for specific activities by individuals or legal entities; their scope is broader and multifaceted. IMB and PBG are essential preliminary steps before erecting a building, as the PBG facilitates the translation of urban spatial policy and road planning into a more technical and operational context (Syafrizal & Marto, 2021). Road planning involves a systematic process of designing, developing, and detailing road infrastructure to ensure the sustainability, safety, efficiency, and effectiveness of the transportation system. This process encompasses several stages, including analysis, planning, design, and implementation. The government, as the road operator, must meticulously formulate the road planning strategy, as optimal road conditions facilitate community mobility, thereby supporting economic relations and other social activities (Tahulending et al., 2022).

In some cases, particularly in Surabaya City, residents continue to erect buildings on land owned by the Surabaya City Government without the necessary IMB and PBG. For instance, illegal buildings have been constructed on Jalan Pandegiling, Surabaya, due to a shortage of available land for residential or commercial purposes. The negative impacts of illegal development include several significant issues (Al Fatih et al., 2021):

- 1) **Environmental Damage:** Unregulated development can degrade environmental quality, particularly along railroad tracks, as observed in the Tanjung Priok area. This degradation disrupts the living spaces of both humans and other organisms.
- 2) **Safety Risks:** Illegal buildings that do not comply with technical standards pose a heightened risk of accidents. Building owners who lack IMB or PBG often neglect the safety of themselves and their families, especially if the building is located near railroad tracks.
- 3) **Penalties:** Owners of buildings without IMB or PBG are subject to administrative and criminal sanctions. These penalties may include written warnings, restrictions on building activities, temporary or permanent suspensions, and revocation of building approvals. Violations can result in imprisonment and substantial fines, depending on the extent of the damage caused.
- 4) **Loss of Legality:** Buildings constructed without IMB or PBG lack clear legal status. This can create complications in property transactions and hinder the acquisition of legal ownership certificates.

- 5) **Economic Impact:** Unauthorized development can disrupt the intended use of land, resulting in economic losses for both the community and the government, particularly when the land is used for inappropriate housing.

According to Surabaya Mayor Regulation Number 34 of 2023 Articles 3 and 4, the Mayor is authorized to supervise the implementation and licensing of buildings, especially in areas designated for road development. The scope of this supervision includes (Peraturan Walikota Surabaya, 2023a):

- 1) Buildings erected without IMB/PBG on legally owned or controlled land by the Local Government.
- 2) Buildings constructed not in accordance with the IMB/PBG.
- 3) Compliance of buildings with environmental permits and other technical documents required for issuing IMB/PBG and the Certificate of Functioning (SLF).
- 4) Buildings lacking SLF and/or those utilized contrary to their SLF specifications, as required by applicable laws.

Building establishment on land, as regulated by Government Regulation (PP) Number 16 of 2021 concerning the Implementation Regulations of Law Number 28 of 2002 on Building Structures, must adhere to several provisions (Peraturan Pemerintah Republik Indonesia, 2021):

- 1) Compliance with the Regional Spatial Plan (RTRW), Spatial Detail Plan (RDTR), and Building and Environmental Planning (RTBL). The RTRW is a comprehensive spatial planning document for regional land use and development, while the RDTR and RTBL provide detailed implementation plans focusing on specific land use and building projects.
- 2) Ensuring that building development does not interfere with the function of public infrastructure and facilities located above, below, or around it. This includes infrastructure such as roads, waterways, and utilities.
- 3) Maintaining harmony with the surrounding environment by considering aesthetic and environmental factors in building design, using appropriate materials, and minimizing negative visual impacts.
- 4) Ensuring the reliability of the building according to its intended function and classification, whether residential, commercial, industrial, or institutional, to guarantee safety and well-being for occupants.

Based on Surabaya Mayor Regulation Number 34 of 2023 and Government Regulation (PP) Number 16 of 2021, it is clear that instances of residents constructing buildings on government-owned land without IMB and PBG constitute violations. The Mayor of Surabaya must supervise buildings erected without IMB/PBG on legally owned or controlled land by the Regional Government. Furthermore, such unauthorized buildings disrupt road plans outlined in the Regional Spatial Plan (RTRW), RDTR (Spatial Detail Plan), and RTBL (Building and Environmental Planning), thus violating Government Regulation (PP) Number 16 of 2021. Consequently, violations by the community incur legal consequences in accordance with the Job Creation Law Article 29 Paragraph 1 point c, stipulating that buildings lacking IMB and

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PBG, or those found non-compliant with technical plans during inspections, are subject to demolition. This demolition must be executed based on a technical plan approved by the Central and Regional Governments, in accordance with norms, standards, procedures, and criteria set by the Central Government (Depdagri, 2023). Demolition is mandated because buildings on land designated for road development are invalid without Regional Government approval, hence lacking legal protection. However, before demolition, residents will receive administrative sanctions, beginning with a written warning, followed by a demolition order.

### **Legal Power of Buildings Located on Land Affected by Road Plans**

The establishment of buildings on land must adhere to Government Regulation (PP) Number 16 of 2021 concerning the Implementation Regulations of Law Number 28 of 2002 regarding Building Structures. This entails compliance with the provisions of the Regional Spatial Plan (RTRW), Spatial Detail Plan (RDTR), and Building and Environmental Planning (RTBL). Additionally, such construction must not interfere with the function of public infrastructure and facilities located above, below, or around it. This encompasses roads, bus stops, public transportation facilities, pedestrian bridges, overpasses, city parks, pedestrian pathways, and trash receptacles. The construction must take into account the environmental carrying capacity and is not intended for residential purposes. Then the construction of the building should maintain harmony with the surrounding environment, and must consider the reliability of buildings in accordance with their function and classification (Peraturan Pemerintah Republik Indonesia, 2021).

However, buildings erected on government land that are subject to road plans, particularly those lacking Building Construction Permits (IMB) or Building Approval (PBG), are in violation of several laws and regulations, including:

- 1) Surabaya Mayor Regulation Number 50 of 2023, which stipulates that Building Approval (PBG) is a license granted to a building owner for new construction, alterations, expansions, reductions, or maintenance in accordance with technical standards. Similarly, the IMB is a license issued by the Head of the local Service Office for the same activities, ensuring compliance with regional administrative and technical requirements (Peraturan Walikota Surabaya, 2023b).
- 2) Government Regulation (PP) Number 16 of 2021, which mandates that building establishment must comply with the RTRW, RDTR, and RTBL; must not interfere with the function of public infrastructure and facilities; must maintain environmental harmony; and must ensure the reliability of buildings according to their function and classification.

Therefore, under Surabaya Mayor Regulation Number 34 of 2023 Article 4, paragraph 1, buildings affected by road plans that lack IMB or PBG are deemed invalid and are under the supervision of the Mayor of Surabaya. These buildings do not have legal protection as they have not received authorization from the Regional Government in the form of IMB or PBG. Residents of such buildings can only apply for a Temporary Residence Certificate and do not possess rights to buildings situated on government land designated for road plans due to the absence of IMB or PBG. Owners of buildings lacking IMB or PBG may face demolition orders.

Violations of the Building Law and the Job Creation Law can result in criminal sanctions, including imprisonment for up to three years or fines amounting to 10% of the building's value, particularly if the infraction causes damage to another person's property (UMA, 2022).

## **Conclusion**

According to Surabaya Mayor Regulation Number 34 of 2023 and Government Regulation (PP) Number 16 of 2021, it is evident that there are instances in Surabaya City where residents erect building structures on land owned by the Surabaya City Government without obtaining the necessary IMB and PBG, resulting in illegal buildings. These cases fall under the purview of Surabaya Mayor Regulation Number 34 of 2023 Article 4 paragraph 1. The Mayor of Surabaya is responsible for supervising buildings erected without IMB/PBG on legally owned or controlled land by the Regional Government. Furthermore, such illegal buildings disrupt the road plans outlined in the Regional Spatial Plan (RTRW), RDTR (Spatial Detail Plan), and RTBL (Building and Environmental Planning), thereby violating Government Regulation (PP) Number 16 of 2021. Consequently, violations by the community incur legal consequences according to the Job Creation Law Article 29 Paragraph 1 point c. Buildings without a Building Construction Permit (IMB) and Building Approval (PBG), or those found non-compliant with technical building plans during inspections, are subject to demolition. Demolition is warranted because these buildings, situated on land designated for road plans, are invalid due to the lack of authorization from the Regional Government. However, prior to demolition, residents will receive administrative sanctions, beginning with a written warning followed by a demolition order.

Buildings affected by the road plan but lacking IMB or PBG are under the supervision of the Mayor of Surabaya and are considered invalid, lacking legal protection due to the absence of authorization from the Regional Government in the form of IMB or PBG. Residents of such buildings are only eligible to apply for a Temporary Residence Certificate and do not possess rights to the buildings situated on government land designated for road plans due to the absence of IMB or PBG. Violations of the Building Law and the Job Creation Law may incur criminal sanctions, which include imprisonment for a period of up to three years or a fine amounting to 10% of the building's value, particularly if the infraction results in damage to another individual's property.

The establishment of a building must be accompanied by a Building Construction Permit (IMB) and Building Approval (PBG) to ensure the building's legality, legal validity, and protection from the Surabaya City Government. Consequently, if the building is located in an area designated for road development, the residents will be entitled to compensation from the Surabaya City Government.

## **Recommendations for future research**

Future research could be expanded beyond Surabaya City to encompass other regions in Indonesia. Such comparative analysis would be beneficial in determining whether similar

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issues with Building Construction Permits (IMB) and Building Approvals (PBG) are prevalent in other areas and identifying regional variations that might affect compliance and enforcement. Additionally, future studies should investigate the socio-economic impacts of demolition policies on residents affected by road plans. Understanding the broader consequences of these policies could lead to more compassionate and effective urban planning practices.

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