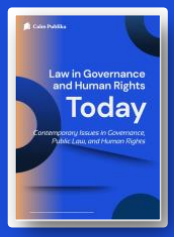
Cipta Aksara Literasi Media

Law in Governance and Human Rights Today

Vol. 1 No. 1 (2027)
pp. 1-7
ISSN: in process



MANUSCRIPT IN REVIEW – not yet published, not indexed, subject to change.

RESEARCH ARTICLE

Few Permits in a Priority Tourism Zone: Implementing Building Approvals for Dwellings around Borobudur, Indonesia

Shinta Nuriyah[1*]

[1] Faculty of Law, Universitas Muhammadiyah Magelang, Magelang, Indonesia

ARTICLE HISTORY

Status: Manuscript in review

© The Author(s). Manuscript under review at Cipta Aksara Literasi Media; not yet published.

ABSTRACT

Borobudur has been designated a super-priority tourism destination, which makes orderly, culturally sensitive building in the surrounding district a public concern. Indonesian law now requires a building approval (Persetujuan Bangunan Gedung, PBG) before a house is built or altered, and the approval replaced the older building permit (IMB) after the Job Creation reforms. This article asks how PBG for dwellings is implemented in Borobudur District, Magelang Regency, and what obstacles applicants and officials face. It uses empirical legal research, combining analysis of regulations with interviews with an official of the one-stop investment and licensing service and ten residents, and applies George C. Edwards III's four variables of policy implementation: communication, resources, disposition and bureaucratic structure. Official records show only a handful of applications from a district with about 17,000 houses. The article finds that the rules and procedures are clear and that officials are committed, but that outreach does not reach residents, the permit office has five staff against a stated need of seven or eight, and the online system (SIMBG) is unreliable and hard for some residents to use. Low legal awareness and the perceived complexity of the procedure follow. The evidence is one official and ten residents, so the findings are indicative only. The article recommends continuous and simpler outreach, assisted applications for residents with low digital literacy, more staff and training, and a more reliable system.

Keywords: building approval; PBG; policy implementation; Borobudur; regional government

MANUSCRIPT IN REVIEW
This manuscript is under review. It is not yet published or indexed, it may change before publication, and it should not be cited.

MANUSCRIPT IN REVIEW

1. Introduction

The Indonesian State exists, according to the fourth paragraph of the Preamble to the 1945 Constitution, to protect the people and advance the general welfare. Article 28H(1) adds that everyone has the right to a decent place to live and to a healthy living environment.[1] Housing is therefore a public matter, and building is a field in which the State directs and supervises private action so that buildings are safe, healthy, orderly and consistent with spatial plans.

Since the Job Creation reforms, the *Persetujuan Bangunan Gedung* (building approval, PBG) has replaced the *Izin Mendirikan Bangunan* (building permit, IMB). Government Regulation No 16 of 2021 on the implementation of the Building Law defines the PBG as the permission an owner needs to build a new structure, to change, extend or reduce an existing one, or to maintain it, in line with technical requirements. In Magelang Regency the detail is in Regency Regulation No 3 of 2023 on Buildings, which sets the classification and functions of buildings, technical standards and public participation. Applications are made online through the national Building Management Information System (*Sistem Informasi Manajemen Bangunan Gedung*, SIMBG).

The rules matter more in Borobudur than in most places. The district holds a World Heritage temple and has been named a National Tourism Strategic Area and a super-priority tourism destination. Presidential Regulation No 58 of 2014 on the Spatial Plan of the Borobudur Area and its Surroundings treats it as a heritage area with special rules, and Government Regulation No 22 of 2021 on environmental protection and management is also cited for the area.[2] Tourism, housing and trade are growing quickly, so a building approval is meant to ensure that houses fit their surroundings, are structurally safe and respect the character of the area.

In practice, many well-kept houses in the district have no approval. Reasons suggested by the source are that people do not know about the requirement, that officials do not explain it, that people cannot handle the procedure and that the cost seems high. Data from the one-stop service show very few applications. The district had 17,180 houses and 59,476 people in the latest survey the source uses, yet only 2 residents' applications were recorded for 2021, none for 2022, 4 for 2023 and 6 for 2025.[3] Even allowing for older houses that hold an earlier IMB, very few houses have been through the new procedure.

Earlier studies of building-permit policy in Palembang, Balikpapan, Kampar, Tanggamus and Bukittinggi found that implementation was weak for reasons including thin regulation, staff shortages, poor enforcement and low public awareness.[4] A study of legal awareness in applying for a permit in Magelang

[1]Situngkir R, 'Peralihan Izin Mendirikan Bangunan Menjadi Persetujuan Bangunan Gedung Berdasarkan Undang-Undang Nomor 11 Tahun 2020 tentang Cipta Kerja' (2021) 2(3) 664, https://doi.org/10.55357/is.v2i3.192.

[2]The source describes Borobudur as a 'protected area' under Government Regulation 22/2021; the exact legal status of the district should be checked against the Spatial Plan before this wording is relied on.

[3]Data of the Magelang Regency Investment and One-Stop Integrated Service Office (DPMPTSP) and the Housing and Settlement Office (DPRKP), as reported in the thesis. The thesis also lists permit dates in 2024, so the yearly counts should be checked against the office's register.

[4]Syafrizal A and Marto LS, 'Implementasi Kebijakan Persetujuan Bangunan Gedung (PBG) Di Kota Palembang' (2021) 1(1) 71; Abdurrahman D, 'Implementasi Perda Nomor 3 Tahun 2016 Tentang Bangunan Gedung Di Kampung Baru Balikpapan' (2020); Ridho M, 'Efektivitas Peraturan Daerah Kabupaten Kampar Nomor 4 Tahun 2014 Tentang Bangunan Gedung' (2020); Mulyawan MR, 'Pengaturan Pemberian Persetujuan Bangunan Gedung Dalam Meningkatkan Pendapatan Asli Daerah Di Kabupaten Tanggamus Lampung' (2022); Rohalia DR and Meilani LN, 'Implementasi Kebijakan Persetujuan Bangunan Gedung (PBG) di Kota Bukittinggi' (2023) 7(1) 4517.

MANUSCRIPT IN REVIEW

Regency also exists.[5] None looks at a heritage and tourism zone. This article asks two questions. How is PBG for dwellings implemented in Borobudur District in support of the area's priority status? And which factors hinder applications, and how might they be overcome?

2. Method and Framework

The research is empirical legal research. It studies what the law requires and how it is applied in practice, through the conduct of the people who apply it and who are subject to it.[6] The primary data are interviews with an official of the Magelang Regency Investment and One-Stop Integrated Service Office (DPMPTSP), a senior archivist handling permit information, and with ten residents of Borobudur District who were asked about their knowledge of the approval. The official is cited by post and the residents are not named. Secondary data are the regulations named above, official data on permits and housing, and earlier studies. The data were analysed qualitatively by reduction, display and drawing conclusions.

The analysis follows the theory of policy implementation of George C. Edwards III, in which success depends on four interacting variables.[7] *Communication* covers transmission of the policy to implementers and to the public, clarity and consistency. *Resources* covers staff, information, facilities and authority. *Disposition* is the attitude and commitment of the implementers. *Bureaucratic structure* covers standard operating procedures and the division of tasks among agencies.

The limits of the evidence should be clear at the start. One official from the permit office speaks for the implementing side; the building office (DPUPR), which carries out the technical review, was not interviewed, and nor was any village or sub-district official on the record, although the source reports what staff of one urban village said. Ten residents were interviewed, but the source does not say how they were chosen or what they were asked, and none is quoted. The findings describe the views of those who were asked and are not a representative picture of the district.

3. How the Approval Works

An applicant creates an account in SIMBG and submits the application for the right kind of approval: a new building, an alteration (renovation or an added storey), an extension, or an existing building that stands but has no approval. The applicant uploads administrative documents (the owner's identity card, a tax number where required, proof of land ownership and the latest land and building tax payment) and technical documents (architectural drawings, structural drawings, mechanical, electrical and plumbing drawings and, where required, an environmental statement or assessment).

The building office (DPUPR) then verifies completeness and examines the structure, architecture, services and fire protection against the technical standards and the classification and function of the building, and recommends one of the following: suitable without correction, suitable with revision, or unsuitable and to be redesigned. The retribution (fee) is then set by a formula in the regional regulation that depends on the type, floor area, location and function of the building and the time of use, and applicants can calculate it in SIMBG. When the approval is issued, it is the legal basis for starting construction, alteration or maintenance.

[5]Anggayudha YA, 'Kesadaran Hukum Masyarakat Dalam Mengurus Izin Mendirikan Bangunan Atau Persetujuan Bangunan Gedung Di Kabupaten Magelang' (undergraduate thesis, Universitas Muhammadiyah Magelang 2023).

[6]Soekanto S and Mamudji S, *Penelitian Hukum Normatif: Suatu Tinjauan Singkat* (2015).

[7]Edwards GC III, as cited in Mansur J, 'Implementasi Konsep Pelaksanaan Kebijakan Dalam Publik' (2021) and Rahmatillah A, Alqarni W and Afrijal, 'Implementasi Program Aceh Green Ditinjau Dari Perspektif Teori Implementasi Kebijakan Edward III' (2016), in the thesis.

MANUSCRIPT IN REVIEW

The one-stop office checks the documents, processes the application and issues the approval online; the technical office examines structure and design for safety; and a panel of professional experts (*Tim Profesi Ahli*) gives professional advice only, without decision-making power.

The procedure is therefore clear on paper: the stages, the responsible offices and the outputs are defined. The implementation problems lie elsewhere.

4. Findings

4.1 Communication

Transmission. The one-stop office carries out outreach together with the building office, and runs a mobile service called SIKELANA (*Siap Keliling Layanan Perizinan*) that visits sub-districts and villages in turn to bring licensing services closer, to help with online applications and to explain current policy. According to the official, outreach is not even, because time and budget are limited. In one urban village that the author visited, staff said information is not passed on to residents because of limited funds and competent staff, and because village officials do not fully understand the procedure themselves and fear passing on mistakes. The author concludes that information about PBG is transmitted but not effectively or evenly.

Clarity. Information is available in several forms: a service counter that opens on Tuesdays and Fridays for consultation, the one-stop office's website, and the national SIMBG site. In that sense the information is fairly clear. Yet few people consult the office about PBG, which the author reads as a sign that residents do not understand the policy despite the information, because outreach is thin, digital literacy is low, the importance of the approval is not understood and the process is thought to be complicated. *Consistency.* According to the office, consistency of information is not yet optimal, so applicants remain confused about procedure and technical requirements, and this delays service.

4.2 Resources

Staff. The unit handling PBG has five staff, and the official puts the ideal number at seven or eight, so two or three more are needed; more staff must be added selectively and gradually because of budget limits. Competence also needs to be raised through technical training and continuing outreach on the policy.

Information. Information goes to staff and to the public through joint outreach with the building office and sub-district staff, and through social media. Even so, part of the public, older people in particular, do not know about PBG, and many are confused by SIMBG. *Facilities.* The system is the main facility, along with technical equipment for the review and counters, consultation rooms and information media. The official reported that the SIMBG server sometimes fails, which stops data entry, verification and issue of the approval and lengthens service. Applicants also meet slow servers, upload errors and an unstable internet connection. *Authority.* Authority is clear: the building office examines structure and design for safety, the panel of experts advises, and the one-stop office processes and issues the approval.

4.3 Disposition

The official said that the implementers in both offices support the policy fully, and that they are ready to carry it out. The aim of applying the approval in the Borobudur area is to bring order to building and legal certainty and to ensure that houses fit the spatial plan, technical standards and the preservation of the area.

MANUSCRIPT IN REVIEW

On this variable the evidence is only the official's own account of her colleagues, so this finding is the one least open to independent check.

4.4 Bureaucratic structure

The structure is in place: each agency has defined tasks and authority, and a standard procedure for applications exists in SIMBG and in the regional regulation. The thesis does not report whether the offices have written standard operating procedures for the service beyond that, or how the offices coordinate on a particular application. It also gives no information on processing times.

4.5 Obstacles and how they might be overcome

The official identified three main obstacles, summarised in Table 1 together with the remedies the study proposes.

Table 1. Obstacles to PBG applications in Borobudur District and proposed remedies. Source: the thesis, as synthesised by the authors of this article.

Obstacle	Effect	Proposed remedy
Low public understanding of the approval, replacement of the IMB and online procedure; low digital literacy	Mistakes in forms, incomplete documents, applications returned for correction, a belief that the process is complicated	Regular and continuing outreach through the websites, social media, leaflets and meetings in sub-districts and villages; a simple technical guide; assisted consultation for applicants with low digital literacy
Too few staff	Heavy workload, slow processing, weak supervision of technical standards	Training and periodic outreach to align staff understanding; adding staff gradually to the level the office considers ideal
Technical problems with SIMBG	Slow server, upload errors, limited access where the internet is unstable	Regular maintenance and greater server capacity

MANUSCRIPT IN REVIEW

5. Discussion

The findings can be read against Edwards's theory. Two variables, disposition and bureaucratic structure, are in order, at least on the evidence available. Two are not: communication, because the message does not reach the people who must act on it, and resources, because the offices are short of staff and the system is unreliable. This is a familiar pattern in the earlier studies of building-permit policy, which also found shortages of staff and low public awareness.

Three points deserve more attention than the thesis gives them. First, the problem is not only that applicants lack information, but that a permit must be obtained by the owner in a procedure that assumes digital skills,

documents (land certificates, technical drawings) and a fee that many homeowners do not have or cannot easily get. Drawings by a qualified designer are a real cost for a small house. The source mentions cost only as a belief of residents, but it may be the largest barrier, and the study does not test it. A simplified route for small dwellings, with standard drawings or assisted preparation, would address cost and literacy together, and is worth testing.

Second, the number of applications is a poor measure of success on its own. The thesis counts 12 applications for a district of 17,180 houses and treats the low figure as a sign of weak implementation. That reading is plausible, but it mixes two groups: houses built before the PBG and houses built since. A fuller study would count new construction and alterations in the district, using land-use or tax records, so that the compliance rate can be judged against buildings that actually needed an approval. It would also ask what happens to a house built without an approval, a question the thesis does not take up: it describes outreach and facilitation, but not inspection, warnings or sanctions.

Third, the question of the priority-tourism status. The thesis frames PBG as supporting Borobudur as a super-priority destination, but its findings say little about tourism or heritage specifically: the obstacles it identifies would be the same in any district. If the approval is meant to protect the character of the area, as the introduction argues, the review criteria (height, appearance, materials, distance from the temple) and the role of heritage authorities should be part of the study. The article leaves this question open.

6. Conclusion

The building approval for dwellings in Borobudur District is carried out by the regency government in line with the regulations, but it is not working well. The legal framework and the online procedure are clear, and the implementers say they are committed. Communication does not reach residents, the permit office has too few staff and the online system is unreliable and hard for some applicants to use. The main hindering factors are the lack of outreach, limited staff capacity and low public understanding of the requirement. Official data show a very small number of applications compared with the number of houses.

The authors' recommendations are as follows. The regency government should make outreach continuous and simpler, through websites, social media, leaflets and meetings in villages, and should offer assisted consultation to applicants with low digital literacy. It should add staff gradually and train them, and keep SIMBG reliable. Residents should take part in outreach and meet the requirement before building. The study rests on one official and ten residents and does not interview the technical office or measure processing times, costs or compliance, so further research should add these and should examine how the approval protects the heritage character of the area.

MANUSCRIPT IN REVIEW

References

Abdurrahman D, 'Implementasi Perda Nomor 3 Tahun 2016 Tentang Bangunan Gedung Di Kampung Baru Balikpapan' (2020).

Anggayudha YA, 'Kesadaran Hukum Masyarakat Dalam Mengurus Izin Mendirikan Bangunan Atau Persetujuan Bangunan Gedung Di Kabupaten Magelang' (undergraduate thesis, Universitas Muhammadiyah Magelang 2023).

Edwards GC III, *Implementing Public Policy* (Congressional Quarterly Press 1980), as cited in the thesis.

Government Regulation No 16 of 2021 on the Implementation of Law No 28 of 2002 on Buildings.

Government Regulation No 22 of 2021 on the Implementation of Environmental Protection and Management.

Magelang Regency Regulation No 3 of 2023 on Buildings.

Mansur J, 'Implementasi Konsep Pelaksanaan Kebijakan Dalam Publik' (2021) 3(2) 6.

Mulyawan MR, 'Pengaturan Pemberian Persetujuan Bangunan Gedung Dalam Meningkatkan Pendapatan Asli Daerah Di Kabupaten Tanggamus Lampung' (2022).

Presidential Regulation No 58 of 2014 on the Spatial Plan of the Borobudur Area and its Surroundings.

Rahmatillah A, Alqarni W and Afrijal, 'Implementasi Program Aceh Green Ditinjau Dari Perspektif Teori Implementasi Kebijakan Edward III' (2016) 1(3) 1.

Ridho M, 'Efektivitas Peraturan Daerah Kabupaten Kampar Nomor 4 Tahun 2014 Tentang Bangunan Gedung' (2020).

Rohalia DR and Meilani LN, 'Implementasi Kebijakan Persetujuan Bangunan Gedung (PBG) di Kota Bukittinggi' (2023) 7(1) 4517.

Situngkir R, 'Peralihan Izin Mendirikan Bangunan Menjadi Persetujuan Bangunan Gedung Berdasarkan Undang-Undang Nomor 11 Tahun 2020 tentang Cipta Kerja' (2021) 2(3) 664, https://doi.org/10.55357/is.v2i3.192.

Soekanto S and Mamudji S, *Penelitian Hukum Normatif: Suatu Tinjauan Singkat* (2015).

Syafrizal A and Marto LS, 'Implementasi Kebijakan Persetujuan Bangunan Gedung (PBG) Di Kota Palembang' (2021) 1(1) 71.

MANUSCRIPT IN REVIEW