



LEGAL POLITICS CHANGING A BUILDING CONSTRUCTION PERMIT (IMB) INTO BUILDING CONSTRUCTION APPROVAL (PBG)

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ABSTRACT

This research aims to analyze changes in the nomenclature of permits and approvals in simplifying licensing administration. This research also focuses on legal politics in changing the nomenclature of Building Construction Permits (IMB) to Building Construction Approvals (PBG) through the Job Creation Law. This licensing simplification effort focuses on eliminating administrative requirements and submitting technical requirements to more specific Government Regulations. In this context, it is necessary to conduct an in-depth study of the differences between Building Construction Approvals (PBG) and Building Construction Permits (IMB) from various aspects, including grammatical, philosophical, sociological and juridical, as well as their impact on the meaning of permits and approvals related to changes in Government Regulations. As a result, the nomenclature of Building Construction Permit (IMB) was changed to Building Construction Approval (PBG). This research is normative legal research using a statutory approach. The legal politics of changing nomenclature is based on what objectives are to be achieved with the existing legal system; What method you feel is best to use to achieve this goal; When does the law need to be revised and in what way is the law changed; Can it be formulated in the form of a standard and established pattern, which can help in deciding the process of selecting goals and ways to achieve these goals well, as stated by Satjipto Raharjo? Based on the research results, the main difference between a Building Construction Permit (IMB) and a Building Construction Permit (PBG) lies in the method of use and the permit application stage before the construction process. IMB is a type of permit that must be obtained by the building owner before or during the construction process. On the other hand, PBG has a form of licensing regulation that regulates the procedures for how buildings must be erected.

Keywords: *Legal Politics; Building permit; Building Approval.*

1. INTRODUCTION

The Indonesian government continues to emphasize its commitment to achieving the country's goals. In Law Number 11 of 2020 concerning Job Creation, it is explained that Approval for Building Construction is considered a major step for the Government in overcoming various obstacles in capital investment. The main focus of this law is to overcome investment barriers caused by complicated regulations and bureaucracy, as well as overlapping licensing sector regulations which hinder investment and have a negative impact on labor absorption. This law marks the beginning of a transformation to accelerate national economic growth through integrated, measurable and targeted efforts, with the aim of expanding employment opportunities, increasing ease of doing business, creating a conducive investment ecosystem, regulating a competitive and fair business climate, as well as protecting and empowering cooperatives, MSMEs, and worker welfare. Building Approval (PBG) is one of the regulations related to "Building Management" which was amended in the Job Creation Law by revising Law Number 28 of 2002 concerning Building Construction. In Article 1 number 11 of Law Number 11 of 2020 concerning Job Creation, it is stated that Building Construction Approval is a permit given to the building owner to construct, change, expand, reduce and/or maintain the building in accordance with applicable technical standards. .

Previously known as Building Construction Permit (IMB) based on Law no. 28 of 2002, Approval for Building Construction no longer requires administrative requirements, making it easier for building owners to build according to their function, but must still meet technical

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standards to maintain building reliability in terms of safety, health, comfort and convenience. According to Sutedi, a building construction permit is required for certain reasons. First, to avoid lawsuits after the building has been erected, it is necessary to clarify the status of the land. Second, good building planning is needed to ensure a safe and comfortable city environment. Third, this permit also aims to prevent physical danger to the use of the building. Fourth, monitoring building technical standards through use permits is expected to prevent risks during construction to the environment, workforce and surrounding communities.

In response to changes in the law, the Government revoked Government Regulation Number 36 of 2005 and issued Government Regulation Number 16 of 2021 concerning Implementing Regulations of Law Number 28 of 2002 concerning Buildings. In this new regulation, Building Construction Approval (PBG) is still described as permission to construct, change, expand, reduce and/or maintain buildings in accordance with established technical standards. The basic difference between a Building Construction Permit (IMB) and a Building Construction Approval (PBG) is that the IMB must be obtained before or during construction by attaching building technical requirements, while PBG regulates the technical requirements for development that have been previously determined. Investment is a very attractive issue for the government to realize the acceleration and expansion of economic development. The reason is that according to Ernita, Dewi, et al, the increase in investment has a very significant impact on economic growth for Indonesia. In the eyes of the world, Indonesia is a country with a favorite destination for business people who want to invest, this is because Indonesia has a very high number of young people. One of the government's efforts to improve the investment climate in Indonesia is by simplifying licensing, which is now called risk-based investment licensing. After the birth of the JOB COPYRIGHT Law, The implementation of risk-based investment licensing is divided into 3 (three), namely low, medium and high risk-based business licensing. Maneuvering the mandate of the authority to administer risk-based business licensing itself after the birth of the current JOB COPYRIGHT Law. In order to carry out the process, both the Central Government and Regional Governments issue permits in accordance with the rules "established by the Central Government". The rules include "norms, standards, procedures and criteria that must be adhered to. The permit issuance process is carried out through the Online Single Submission (OSS) system as an integrated online mechanism. According to Hadiyantina, authority is the driving force for state administration to realize *de staat in beweging* (the state is in a state of movement) so that the state can work and carry out its services to its citizens. Taking over the authority to administer risk-based business licensing is certainly expected to change the investment climate in Indonesia to become friendlier for investors.

The ease of investing after the JOB COPYRIGHT Law also strengthens the role of regions that have "geoeconomic and geostrategic advantages or known as Special Economic Zones (KEK)" "in an area where since 2019 the government has actively introduced "Special Economic Zones (KEK)" in various regions, and currently, changes in regulations and policies related to KEK provide maximum support for "economic activities, such as industry, exports, imports and other sectors that have economic value." The KEK development aims to accelerate economic growth in the area and become an innovative model in developing the area with a focus on the industrial, tourism and trade sectors, thereby having an impact on job creation. One of the conveniences provided to investors is the implementation of business licensing which is based on risks in the KEK environment. This task is carried out by the KEK Administrator who has the authority to grant all business permits required by Business Entities operating in the KEK. Strengthening efforts to realize the acceleration and expansion of economic development in KEK is realized through derivative regulations contained in Government Regulation Number 40 of 2021 concerning the Implementation of Special Economic Zones (PP on Implementation of KEK). With these steps, it is hoped that KEK can be more effective in achieving its vision and goals as a driver of economic growth in the area, one of the conveniences for investors is stated in Article 151 which reads:



"Business Entities and/or Business Actors do not need Building Construction Approval (PBG) as long as the business entity has established building guidelines or estate regulations." PBG is a change of legal term in the context of licensing which was previously called Building Construction Permit (IMB). Outside of KEK, business entities are required to have a PBG as a form of reporting of the Business Entity and/or Business Actor to the government regarding their building construction activities. The process of arranging IMB registration prior to the existence of the JOB COPYRIGHT Law was the authority of the Gresik Regency One-Stop Integrated Investment and Licensing Service (DPMPTSP). Currently, the current conditions for updating existing regulations no longer require IMBs for business operations within the KEK scope, so of course there is a degradation of the authority of Regional Governments. Apart from that, one of the initial objectives of the IMB process was to ensure that a building was constructed in accordance with the Gresik Regency Regional Spatial Planning (RTRW). The withdrawal of regional government authority in granting permits in KEK has a very significant impact. This is because the PBG as a unit to see the suitability of spatial use with the regional government's RTRW has been eroded due to the existence of exclusive space for business entities. Business Entities and/or Business Actors in carrying out Building Construction, especially within the industrial scope, should of course require planning consultations with the Regional Government because the business is located in a regional area and then after obtaining a PBG, the development can be carried out. Based on this background, the problem formulation of this research is What is the Legal Politics of Changing a Building Construction Permit (IMB) to a Building Approval (PBG)? Study.

2. RESULTS AND DISCUSSION

Thoroughness and accuracy in formulating problems and objectives of public policy are key factors that determine the quality of the policy. In the context of policies related to the implementation of Special Economic Zones, as regulated in the Job Creation Law which can influence the laws and regulations below, the formulation of policy problems and objectives is greatly influenced by national interests, basic values, and the philosophical foundations underlying the national economic system. Apart from that, the theoretical basis related to harmonizing the regulatory authority of each element of the agency involved in implementing PBG in KEK is also an important consideration in designing this policy. One of the legal policies in drafting the Job Creation Bill is to adjust the licensing nomenclature in each law with a general formulation, thereby giving the government flexibility in anticipating societal and global dynamics. Reasons for changing the IMB nomenclature to Building Permit. One of the legal policies in drafting the Job Creation Bill is to adjust the licensing nomenclature in each law with a general formulation, thereby providing government flexibility in anticipating societal and global dynamics. The potential implication of changes to these provisions is to provide flexibility for the Central Government in making policies following increasingly rapid societal and global dynamics.

The principle of legality, as one of the important principles in a rule of law, mandates that every action by an administrative body/official must be based on the law. This authority is obtained from the DPR which collaborates with the government to formulate a legal basis that legalizes the actions of administrative bodies/officials in accordance with these principles. The transfer of new authority to administrative bodies/officials in Indonesia occurs through the formation of laws by the people through their representatives in parliament. However, the process of forming this law cannot be separated from political influence in the legislature. The function of law is also greatly influenced and intervened by political forces. In fact, every legal norm is the result of a certain political configuration, so that the characteristics of legal products are largely determined by the political configuration that gave birth to them. Ideal demands for legal politics, as desired by the constitution, may not necessarily be realized in reality. In Indonesia, political configurations develop through dynamics between democratic and authoritarian, while the characteristics of legal products follow the dynamics between responsive and conservative. This indicates that law in Indonesia tends to lack autonomy and is always weak, especially when dealing with the political

system. Experts argue that the relationship between the political subsystem and the legal subsystem shows that the political subsystem has a greater concentration of energy than law, so that if law has to deal with politics, its position will be weaker. A striking phenomenon in Indonesia is the instrumental function of law as a dominant tool of political power, which is more pronounced than other functions. The growth and development of values, procedures, legislation and legal bureaucracy reflect not only law as part of the national development process, but also a strong support for the political structure itself.

The philosophical basis behind the Draft Job Creation Law contained in the Academic Paper is Pancasila and the 1945 Constitution of the Republic of Indonesia (UUD 1945) which stipulates the state's goal of creating a prosperous, just and prosperous society, both materially and materially. as well as spiritual. Article 27 paragraph (2) of the 1945 Constitution guarantees the right of every citizen to work and a decent living. To achieve this goal, the government must take strategic action, especially considering that the high growth in the number of productive age is not in line with improvements in the quality of human resources (HR) and the availability of employment opportunities. This condition causes many Indonesians to experience unemployment. The government's strategic efforts to fulfill the right to work and a decent living include increasing investment, strengthening Micro, Small and Medium Enterprises (MSMEs), as well as improving the quality of human resources (employment). The Draft Law on Job Creation provides a philosophical basis for achieving national development and human development in Indonesia based on Pancasila and the 1945 Constitution. From 2010 to 2035, Indonesia is entering a period where the population of productive age (15-64 years) exceeds the population of non-productive age (0-14 years and 65 years and over). In 2030, the number of people of productive age is estimated to reach 200 million people, representing 68% of the total population. This demographic bonus can provide huge benefits in the economy if used well, but can have negative impacts if not. The quality of human resources (HR) and the availability of job opportunities are currently unbalanced, causing high levels of unemployment and poverty. The government has attempted to create jobs, especially through increasing investment and support for Micro, Small and Medium Enterprises (MSMEs), but the results have not been optimal. This condition highlights the complexity of employment issues involving aspects of investment, MSMEs, education and employment. Efforts to create jobs must be accompanied by improving the quality of human resources, so that workers can compete in the job market. MSME development is also a main focus, because the majority of businesses in Indonesia are MSMEs, although they still need to be improved to improve community welfare. Therefore, the Job Creation Bill is considered a much needed solution to overcome these problems, and has received support from the community, business world and the Indonesian government. This sociological basis is the basis for the formation of the Job Creation Bill.

The juridical basis in the academic text of the Draft Job Creation Law is that efforts to create jobs in Indonesia involve two main aspects: (1) increasing investment, and (2) developing the Micro, Small and Medium Enterprises (UMK) sector through research and innovation support . A comprehensive approach is needed considering the various investment and MSE policies regulated in various laws and regulations, especially laws. The main challenges in these various laws involve incompatibility with current developments and societal needs, disharmony between laws, and inadequate implementation of regulations. This difficulty is considered a legal issue involving a very large number of laws. Therefore, the establishment of a job creation policy is proposed through the Omnibus Law Legislation technique. The Omnibus Law was designed to integrate and codify regulations, with the ultimate aim of increasing the effectiveness of regulatory implementation. The establishment of the Job Creation Law through the Omnibus Law technique is expected to be able to overcome the various legal challenges faced, provide a strong juridical basis, and optimize efforts to create jobs in Indonesia. The centralization of the process for administering Building Approvals (PBG) through SIMBG is a breakthrough innovation in efforts to efficiently process building permits, however, the overlap in authority between the Central Government, Regional Governments and Special Economic Zones is one of the political and legal factors. A



centralized policy but has an impact on the regions because the Special Economic Zone area is located in a regional area.

Based on the philosophical basis for the formation of the Indonesian nation, the 1945 Constitution and Law Number 11 concerning the Establishment of Legislative Regulations, the Government Regulations for the Implementation of Special Economic Zones are deemed to have failed to comply with the principle of openness, this is as stated in one of the reasons for the applicant's lawsuit, namely: "Besides that, the principle of openness must also be transparent at every stage starting from planning, preparation, discussion, ratification or determination, to promulgation. 4.23 That transparency is realized in the form of community participation as regulated in Article 96 paragraph (1), paragraph (3) and paragraph (4) of Law 12/2011 which states: (1) The public has the right to provide input verbally and/or in writing in the Formation of Regulations Legislation. (3) The public as intended in paragraph (1) is an individual or group of people who have an interest in the substance of the Draft Legislative Regulations. (4) To make it easier for the public to provide oral and/or written input as intended in paragraph (1), every Draft Legislative Regulation must be easily accessible to the public. 4.24 Meanwhile, if we look at the process of forming the Job Creation Law, it does not meet the requirements for public participation, including easy access to the Job Creation Bill which is not fulfilled, especially with the circulation of 5 Job Creation Draft Bills with different substances. there are so many sheets that it becomes increasingly confusing for the public (individuals or groups of people) to provide input. 4.25 That if the principle of openness is not implemented it will have implications for a lack of public awareness 62 in implementing the law. The existence of a demonstration of rejection is an implication of carelessness in the Omnibus Law. It seems that the government has never learned from the rejection of the Criminal Code Bill and the revision of the Corruption Eradication Committee Law which received serious rejection, this has implications for efforts to build legal awareness in society appropriately. "Based on all the descriptions in sub-section B above, it has been proven that the establishment of the Job Creation Law is not in accordance with the provisions of Article 22A of the 1945 Constitution which is further regulated in Article 5 letters a, letter e, letter f, and letter g of Law 12/2011."

According to Satjipto Raharjo, Legal Politics is an activity of choosing the methods that will be used to achieve certain social and legal goals in society. The opinion expressed by Satjipto Raharjo is a development of Talcot Parson's thinking. This opinion is in accordance with the scientific discipline that Satjipto Raharjo is currently studying, namely legal sociology. This can be proven by the phrase "to achieve certain social and legal goals in society". This diction raises the following fundamental questions that need to be studied in the implementation of changes in the nomenclature of Building Construction Permits (IMB) to Building Construction Approvals (PBG) as a result of the Job Creation Law:

a) What objectives are to be achieved with the existing legal system:

As stated in the Academic Text of the Draft Law, the complexity or difficulty of investing in Indonesia has a negative impact on the level of competitiveness of this country compared to neighboring countries. One aspect that reflects the complexity or difficulty of investing is seen in licensing. Meanwhile, the level of bureaucratic efficiency in Indonesia still needs improvement. A picture of bureaucratic inefficiency is revealed in the GCI report, especially in the Institutional Pillar with the Government Regulatory Burden Indicator in the Public Sector Performance sub-pillar. This sub-pillar experienced a decline in both ranking and score, indicating that regulations issued by the government are actually becoming a burden. In fact, bureaucratic efficiency is the main key to gaining the trust of foreign investment in Indonesia. Furthermore, the complexity of investment and Indonesia's low competitiveness show the importance of making improvements in various sectors to support efforts to make doing business easier in Indonesia. The government has taken steps to improve policies since 2015 to simplify procedures, including simplifying licensing requirements, accelerating time, and reducing costs in establishing, operating and developing businesses through the One Stop Integrated Service (PTSP) policy. PTSP is a licensing and non-licensing implementation

activity which is carried out by transferring or granting authority from the institution or agency that has authority in licensing and non-licensing. The management process starts from the application stage to the issuance of documents which is carried out centrally.

The PTSP system provides positive benefits, especially in processing permits, as explained in Table 1.5. These steps have had a positive impact by cutting the processing time for some permits, creating a more efficient and effective process. The Job Creation Law revokes the provisions on administrative and technical requirements as stated in Law Number 28 of 2002 concerning Buildings, focusing on fulfilling building technical standards. This change leads to the simplification of the building licensing system, opening up opportunities for investors to secure shares through building construction. Meanwhile, changes to Building Approval (PBG) which are carried out via an electronic system via SIMBG are a form of effort to simplify the PBG and SLF application system which is innovative and more efficient. So that in the end, the building approval process can be carried out more quickly. This change also provides space for innovation and the use of technological advances in building planning. The use of prototypes will speed up the building approval process and reduce the costs incurred by the community in preparing technical building plans. Therefore, the government needs to provide building prototypes with a high number of applications.

- b) What method do you feel is best to use to achieve this goal?

Building Approval (PBG) as regulated in the Job Creation Law for changes to the Building Construction Permit (IMB). Changing the nomenclature of a permit to an agreement certainly has legal consequences. The meaning of approval in this context means that permits that regulate buildings only need to meet specified technical standards and there is no time requirement for applying for a permit. This is different from a building construction permit, which must meet administrative and technical requirements and a permit must be applied for before constructing a building. This certainly has an impact on a simplified permit application process, because it does not go through complicated permit requirement procedures. This ease of doing business of course also has an impact on building owners and/or users not to be burdened with high costs and faster permit times.

- c) When does the law need to be revised and in what way is the law changed

Norm Conflict is used to analyze the implementation of Building Approvals between Government Regulation Number 40 of 2021 concerning the Implementation of Special Economic Zones, which is a regulation that applies in KEK, and Government Regulation Number 5 of 2021 concerning the Implementation of Risk-Based Business Licensing, where there is a conflict between the two regulations.

Talking about conflict of norms, there needs to be several articles that will be compared between the two Legislation. In reality, it turns out that there are several regulations that regulate the probationary period, namely in the Minister of Home Affairs Regulation, where the Minister of Home Affairs Regulation states that the length of the probationary work period is not in accordance with the Employment Law.

The absence of harmonization between one legal product and another, both vertically and horizontally, will certainly cause chaos, so that it will no longer be in line with the objectives to be realized from the application of the rules that have been implemented. This chaos is not only caused by inconsistencies in the application of the principles of forming good laws and regulations, but furthermore, it will trigger various tensions and conflicts in practice. In the event of disharmony in statutory regulations, there are 3 (three) ways to overcome them as follows:

- a) Amend/revoke certain articles that experience disharmony or all articles of relevant laws and regulations, by the institution/institution that has the authority to form them;
- b) Submit a request for judicial review to the judicial institution as follows;
 1. For judicial review of the Constitution before the Constitutional Court;
 2. For testing statutory regulations under the law against the law to the Supreme Court.



- c) Apply legal principles/legal doctrine
- d) Can it be formulated in the form of a standard and established pattern, which can help in deciding the process of selecting goals and ways to achieve these goals well?

In the Academic Paper of the Job Creation Draft Law, changing the nomenclature of Building Construction Permits (IMB) to Building Construction Approval (PBG) is one of the legal policies in drafting the Job Creation Law Draft, namely adjusting the licensing nomenclature in each Law with a formulation, which is general in nature, thereby providing government flexibility in anticipating societal and global dynamics. Several laws and regulations governing the implementation of Building Construction Permits (IMB) have been amended with Building Construction Approval (PBG). The legal basis for regulating Building Approval (PBG) includes Law no. 11 of 2020 concerning Job Creation or Job Creation Law (UU Ciptaker); Government Regulation no. 16 of 2021 concerning Implementing Regulations of Law Number 28 of 2002 concerning Buildings; Regulation of the Minister of Public Works and Public Housing Number 22 of 2021 concerning Building Data Collection.

Legal politics can be defined as the basic policies that regulate state governance in the legal sector, which includes policies that will be, are being, and have been implemented. This policy originates from the values that apply in society, aiming to achieve the expected state goals. The aim of national legal politics is as a tool or means, as well as steps that can be used by the Government in forming a desired national legal system, so that the legal system can realize the greater aspirations of the nation. Laws are the result of a political process involving the Legislature and the executive in accordance with the provisions in Article 20 paragraph (2) of the 1945 Constitution, which states that

"Every bill is discussed by the House of Representatives and the President to obtain joint approval." The quality of a law can be measured from the sustainability of its characteristics, which can be judged from its success in achieving its goals. As a political product, laws cannot be separated from the political influence brought by members of the DPR RI and the government. Even though a battle of interests cannot be avoided in the law formation process, the quality of the legal product can be considered good if the process goes well, because law is a variable that is influenced by politics.

Quality law is law that does not only favor a group of people, but is also able to cover all of society's aspirations to provide protection and security in society. Good law should go beyond the mere concept of procedural justice. Quality law must be competent and fair, able to accommodate public desires, and committed to achieving substantive justice. The Job Creation Law (UU CK) was produced as a refinement of several previous laws, such as the Building Construction Law, the Regional Taxes and Regional Levies Law, and the Special Economic Zones Law. With the issuance of the HKPD Law, several previous laws, including the PDRD Law and the Balancing Law, were repealed, and a number of articles from the CK Law and the Regional Government Law were also deleted. In the context of financial relations between the central and regional governments, this cannot be separated from the principle of a unitary state adopted by Indonesia, as explained in Article 18 paragraph (1) of the 1945 Constitution of the Republic of Indonesia. This principle states that provinces, districts and cities form one unit, which is inseparable from the central government. As a unitary state, the government has three main functions related to finance, namely allocation, distribution and stabilization.

Before the HKPD Law was issued, its meaning focused more on financial balance rather than financial relations between the central and regional governments. Balance is defined as the principle of proportional distribution of natural resource funding between the central and regional governments. The original intent of this balance was as an effort to create fair and transparent finances. This concept was stated in the Balancing Law as a response to historical conditions during the New Order era, where there was excessive centralization, including excessive

exploration and exploitation of natural resources by the central government, while natural resource producing regions did not receive adequate benefits. "Financial relations between the central government and regional governments" is considered a change in legal policy because it replaces the term balance. The Golkar faction believes that the use of the term financial relations provides a broader meaning compared to balance. This is due to the fact that the meaning of balance only includes central transfer funds and regional, which has a more limited scope compared to financial relations between the central government and regional governments. Financial relations not only discuss balance, but also aspects of financial governance.

Three factors that influence the central government to have greater authority and have a significant impact on regional finances are: First, in the context of the unitary state form implemented in Indonesia, the phrase "divided into" Provinces and Regencies/Cities as regulated in Article 18 paragraph (1) of the 1945 Constitution of the Republic of Indonesia gives greater control and control to the central government compared to the regions, even though Article 18 paragraph (5) grants broad autonomy to regions. Second, Article 33 of the 1945 Constitution of the Republic of Indonesia stipulates that the state controls land, water and natural resources. This arrangement has a major impact on financial, national economic and welfare aspects, which are managed more by the central government with allocation, distribution and stabilization responsibilities. Third, regional institutional reasons and human resources. Inequalities still occur between regions, especially island and border areas which have not been fully able to adapt quickly. Therefore, social, economic, political and cultural conditions still require an active role from the central government which is monitored and evaluated through proportional central-regional financial relations.

The Job Creation Law, which was implemented through an omnibus law procedure, was presented as a solution to create a more conducive investment environment. Indonesia has an ambitious target to become a country with high income and be among the five richest countries in the world by 2045. One of the government's main focuses in improving the national economy is to attract large-scale investment to Indonesia. However, in the field, investors often face obstacles due to overlapping regulations, disharmony in regulatory materials, and complicated licensing procedures. This results in low investment competitiveness and less strong private sector growth in Indonesia. Simplifying the licensing process through the Job Creation Law is the government's response to low investment competitiveness. The Job Creation Law brings changes to the licensing mechanism by simplifying the types of permits, requirements for obtaining permits, the process of issuing permits, and controlling the costs of obtaining permits. In fact, the Job Creation Law eliminates the previous licensing approach and replaces it with a risk-based approach. As a result, some business activities only require approval without involving a complicated licensing process. The government also takes most of the authority to integrate licensing between the central and regional governments, making it easier for investors to run their businesses.

One of the changes regulated in the Job Creation Law is related to licensing fees, which are part of the implementation of regional autonomy. Regional governments are given the authority by the central government to manage regional finances as indicators of success and standards for improving public services to the community. The basic concept is that each autonomous region is expected to be able to finance its own routine needs. If a region is still dependent on the central government, then the region cannot be considered autonomous. Regional independence can also be measured by the extent to which funds are sufficient to finance regional needs. This emphasis was also emphasized by Indra Bastian, who argued that dependence on assistance from the central government must be minimized, so that local original income becomes the main financial source, supported by a policy of dividing central and regional finances as a fundamental prerequisite in the state government system. The effect of simplification of levies, as regulated in the HKPD Law, mainly includes certain licensing levies. Through the HKPD Law, a number of levies from the Job Creation Law were abolished, including levies for permits for selling alcoholic drinks, route permits, and fishing business permits. Despite the abolition, some regulations were retained, such



as building approval levies. The HKPD Law also regulates certain new licensing levies, such as PTKA and IPR levies. Even though there are changes in the levy provisions, the implementation of the HKPD Law is expected to run in line and in balance with the Job Creation Law. Harmonization is carried out to adjust legal principles and systems, both in material content and techniques for drafting statutory regulations, in order to achieve simplicity, legal certainty and justice. Synchronization, on the other hand, relates to consistency and harmony between higher and lower levels of legislation. Thus, legal harmonization and synchronization is needed to overcome potential conflicts and inconsistencies between legal norms in laws and regulations, so that national laws and regulations that are structured, free of contradictions and do not overlap can be formed.

This aims to prevent overlaps or contradictions between rules. This effort can be seen in the regulation of certain licensing fees which remain in line with the objectives of the law. Thus, several laws are tied together in a consistent, harmonious, balanced, integrated and consistent manner. Before becoming law, the procedure for forming legislation requires the preparation of an academic text. The introduction of academic texts on legal regulations was officially carried out in 1994 through the Decree of the Head of the National Legal Development Agency Number G-159.PR.09.10 of 1994, which stipulates that academic texts are initial texts that detail legislative material in certain fields, compiled systematically, holistically and futuristically. The role of academic texts in the formation or drafting of statutory regulations is very important, because these texts become a real forum for public participation in this process, and the public can even initiate the formation of academic texts. Within the legal framework, Article 43, Article 48, and Article 50 of Law Number 12 of 2011 concerning the Formation of Legislative Regulations require every draft law, whether originating from the DPR, DPD, or the President, to be accompanied by an academic text. The formation of statutory regulations without an academic text can be considered a violation of legal provisions, and at the same time involves inappropriate procedures.

Academic texts function as descriptions of the reasons, facts, or background of problems or issues, and therefore, the regulation of academic texts in statutory regulations is considered very important. The aspects considered in academic texts involve ideological, political, cultural, social, economic, defense and security dimensions. Academic texts also detail reviews of statutory regulations from philosophical (legal ideals), sociological (society's values), juridical (conformity with existing regulations), and political (political policy bases that form the basis for policy) viewpoints. and subsequent governance). The preparation of academic manuscripts follows adjustments to the scope of the problems that will be explained in the manuscript. The standard formulation for the purpose of preparing academic texts includes several aspects, namely first, understanding the development of theory and empirical practice from legal material; second, carry out evaluation and analysis of statutory regulations relating to the substance of the Law; third, formulate the philosophical, sociological and juridical basis of the Law; and fourth, formulate the targets to be achieved, direction and scope of regulatory material, as well as the scope of the contents of the Law.

In the material context of the Job Creation Law which removes the provisions for levies on nuisance permits, this step is in accordance with the Ministry of Home Affairs Circular and Article 62 of Government Regulation Number 24 of 2018. This deletion is in line with efforts to achieve ease of doing business which is the main target and aim of establishing the Job Creation Law. This step is also a consideration to reduce the burden that must be borne by business actors, providing relief to them so that they do not need to process complicated permits related to disturbance permits. However, the impact of this deletion could cause losses for the region. The existence of revenue from nuisance permit levies will no longer exist, and the function of control and supervision by local governments over business actors may be reduced, which can result in disturbances, dangers and safety problems in the local environment. This information is contained in the attachment to the academic text of the Job Creation Law. This academic paper explains that there are weaknesses in the ability of local governments to provide easy licensing services, resulting in convenience in regional taxes and levies. From a legal perspective, the elimination of nuisance permit levies is considered to be in accordance with applicable regulations to achieve

harmonization and synchronization, avoiding overlapping regulations. The sociological side of this elimination is also accommodated with the central government's need to create a favorable investment climate. However, from a philosophical and political perspective, the elimination of this levy gives the impression that the central government is acting unilaterally through political decisions that support the interests of the central government, while ignoring regional interests.

This abolition, as outlined in the academic text of the Job Creation Law, has not been explained thoroughly because it does not involve in-depth analysis, both from a theoretical and practical empirical perspective. Evaluation of the previous study of the PDRD Law, which discussed levies for nuisance permits, was also not in-depth. There is no basis that justifies the abolition of this rule, and the impact and basic criteria for the abolition are also not clearly explained. Although the appendix provides a brief explanation of the reasons, a study that is too concise and lacks depth can be problematic if its implementation does not meet community needs. The concepts of repressive law, autonomous law, and responsive law can be interpreted as three responses to the dilemma between integrity and openness. These three types of law have different characteristics so they can be distinguished easily. Repressive law is characterized by passive and opportunistic adaptation of legal institutions to the social and political environment. Autonomous law, on the other hand, is a reaction against excessive openness, with a primary focus on maintaining institutional integrity. To achieve these goals, autonomous law tends to isolate itself, limit its responsibilities, and accept rigid formalism in order to achieve the desired level of integrity. However, in the Constitutional Court's judicial review decision Number Decision Number 91/PUU-XVIII/2020 regarding the case of formal review of Law No. 11 of 2020 concerning Job Creation, the formation of the CK Law did not apply the principle of openness which could potentially result in a lack of public awareness. in implementing the law. The demonstration of rejection is an implication of carelessness in the Omnibus Law.

The process of forming the Job Creation Law does not meet the requirements for community participation, including easy access to obtain the Job Creation Bill which is not fulfilled, especially with the existence of 5 Job Creation Draft Bills with different substances. The large number of sheets makes it increasingly confusing for the public, both individuals and groups, in providing input. The use of standard Indonesian in the legal field is rarely implemented as an effort to strengthen national legislative programs. This can be observed in several laws which have a tendentious meaning and often lack nuances of justice. This problem is quite serious. In addition, typical language in the Indonesian legal context is often interpreted by law enforcement officials to assume that justice exists normatively in accordance with the written text of the text. The need for explanation in changing the nomenclature of Building Construction Permits to Building Construction Approvals is very crucial because there are many factors underlying and behind the changes which of course have an impact on their implementation and benefits for society and the state.

3. CONCLUSION

The difference between a Building Construction Permit (IMB) and Approval (PBG) for changing the nomenclature of IMB to PBG in the context of Building Construction mainly lies in the procedural aspects and the time of the application process. An IMB is a permit that the building owner must obtain before or during the construction phase. This is a prerequisite for starting construction of a building. On the other hand, PBG takes the form of regulatory guidelines that regulate the construction process itself. Unlike IMB, building owners are not required to seek approval before starting construction under the PBG framework. The legal politics of changing a Building Construction Permit (IMB) to a Building Construction Approval (PBG) is an effort to simplify licensing administration in order to increase ease of doing business, creating a conducive investment ecosystem. The difference between the concepts of PBG and IMB in PBG provides ease of licensing requirements which only require the fulfillment of technical standards, whereas The IMB must fulfill administrative requirements and technical requirements, however, the PBG



consultation provisions in Government Regulation Number 16 of 2021 will ensure security and safety for the community and the environment. This licensing simplification effort focuses on eliminating administrative requirements and submitting technical requirements to more specific Government Regulations.

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