

THE ROLE OF THE SPATIAL PLANNING AND JOB CREATION OFFICE IN THE ISSUANCE OF BUILDING PERMITS TO REALIZE BALANCED HOUSING

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ABSTRACT

Abstract: Home is a basic human need, therefore the state is obliged to guarantee the fulfillment of housing needs by implementing Balanced Housing, this has also been mandated in the 45 Constitution Article 28 H, and strengthened in Law Number 1 of 2011 concerning housing and residential areas. By analyzing statutory regulations associated with legal theories and the constraints faced by the results of the study found that the implementation of balanced residential development with a composition of 1:3:6, namely the construction of 1 (one) luxury housing unit is always accompanied by 3 (three)) medium housing units and 6 (six) simple housing units are still not implemented properly because of this, so the role of the Government, in this case, the Office of Spatial Planning and Job Creation is urgently needed to realize Balanced Shelter.

Keywords: Balanced Housing; Role of Local Government; Job Creation

Introduction

House is a basic need that must be met by the State. The government as the implementer of the State has a responsibility for meeting the housing needs of its citizens. This is guaranteed by the Law, namely Law No. 1 of 2011 Article 5 paragraph 1 which states that "The State is responsible for the implementation of housing and residential areas whose development is carried out by the government". Furthermore, guidance by the government is explained again in article 6 paragraph 1 including "planning, regulation, control and supervision of the community in an area, in general, is very diverse in terms of socio-economic". This will have consequences for the diversity of needs of settlement types. Based on this reality, efforts are needed to develop the concept of balanced settlements so that all levels of society have equal access to settlements. Awareness of the importance of this concept is what encourages the government to adopt it through the establishment of a balanced residential environment. (Susanti, 2020)

Balanced housing is defined as housing and residential areas that are built in a balanced manner with a certain composition between simple houses, medium houses and luxury

houses or in the form of flats between public flats and commercial flats (Yosita & Nurcahya, 2015). The background for the creation of balanced housing is to avoid the creation of a residential environment with residential groupings that can encourage social insecurity.

At present, the concept of balanced housing is translated as the construction of houses in one residential complex with a composition of 1: 3: 6, namely the construction of 1 (one) luxury housing unit always accompanied by 3 (three) medium housing units and 6 (six) simple housing units. The purpose of balanced occupancy itself is:

1. Ensuring the availability of luxury houses, medium houses, and simple houses for people built in one stretch or not in one stretch for simple houses
2. Realizing harmony between various groups of people from various professions, economic levels, and social statuses in housing, settlements,
3. Realizing cross-subsidies for the provision of infrastructure, facilities, and financing for housing development
4. Creating harmony in the place to live both socially and economically.

So that with the concept of balanced housing, it is hoped that it can be realized or can be implemented properly in accordance with Law No. 1 of 2011 (Amelia, 2020). However, the application of the balanced housing concept is not as easy as imagined, because the current balanced housing development is still far from the concept in accordance with Law No. 1 of 2011. Therefore, the role of the Government, which in this case is the Spatial Planning and Job Creation Office, is very necessary to realize balanced housing based on Law No. 1 of 2011.

Research Method

The author in conducting this research has certain goals to be achieved. The author's purpose in this study is to increase and expand knowledge and understanding of the role of the Spatial Planning Office and job creation in the issuance of Building Permits to realize balanced housing based on Law No. 1 of 2011

Result And Discussion

Balanced Occupancy Under the Housing Act

The construction of housing and settlements with a balanced residential environment is the construction of residential areas with a certain ratio, including simple houses, medium houses, and luxury houses with the aim of being able to accommodate various groups of people harmoniously (Aulia, 2017). Balanced housing regulations first appeared in 1992, through a Joint Decree of the Minister of Home Affairs, Minister of Public Works, and State Minister of Public Housing issued Number 648-384 of 1992, Number 739 / KPTS / 1992, and Number 09 / KPTS / 1992 concerning Guidelines for Housing and Settlement Development with a Balanced Residential Environment (Rahman, 2020). The composition of balanced housing in the regulation is 6:3:1 (six simple houses, three medium houses, and one luxury house) Then through Law No. 1

of 2011 concerning Housing and Settlement Areas in Article 34, Article 35, Article 36, and Article 37, regulations regarding balanced housing have been updated. Further provisions are regulated in the Regulation of the Minister of Public Housing of the Republic of Indonesia No. 10 of 2012 concerning the Implementation of Housing and Settlement Areas with Balanced Occupancy and Regulation of the Minister of Public Housing of the Republic of Indonesia No. 7 of 2013 concerning Amendments to the Regulation of the Minister of Public Housing of the Republic of Indonesia No. 10 of 2012 concerning the Implementation of Housing and Residential Areas with Balanced Housing ([Hermawan & Meutia, 2023](#)).

The composition of balanced housing has changed as contained in Article 9 paragraph 2 of the Regulation of the Minister of Public Housing of the Republic of Indonesia No. 10 of 2012 said the composition of the housing ratio to be 3: 2: 1 (three simple houses, two medium houses, and one luxury house) ([Umar, 2018](#)).

Balanced housing is defined as a residential area or housing that is built in a balanced manner with a certain composition in the form of single houses and row houses between simple houses, medium houses and luxury houses, or in the form of flats between public flats and commercial flats, or in the form of landed houses and public flats. ([Indonesia, 2012](#))

Housing is a crucial site for prevention and intervention in building preparedness for and adaptation to our changing climate ([Li et al., 2023](#)). The purpose of holding balanced housing is the achievement of the target of building simple houses and achieving a harmonious and harmonious balance of life among various social strata or residents of luxury houses, medium and simple houses which can be done through cross-subsidies, with the hope that the community can be able to help the underprivileged. Those who are expected to bridge the implementation are housing development entrepreneurs, local government officials, and home lending banks ([Suparwoko, 2020](#)).

The application of balanced housing is an obligation for every person or legal entity who will build a residential area ([Probondaru, 2018](#)). However, if housing development in the residential area is intended for simple houses or public flats, then balanced housing is not mandatory. Balanced occupancy divides the number of houses on certain scales, which will later be related to the location of balanced housing.

The scale of balanced occupancy is related to the location of balanced occupancy. If the residential area accommodates 1,000 houses or more, then the location of balanced housing must be carried out in one stretch in the same district or city. Balanced housing can be carried out not in one stretch if the residential area only consists of 50 houses or less. Balanced housing that is not in one stretch, then the construction of simple houses must be built in one district/city area and have access to service centers and workplaces ([Santoso, 2017](#)).

Development actors build commercial flats, there is also an obligation to build public flats at least 20% of the total floor area of commercial flats. The construction of simple flats can be done in one stretch or not in one stretch. In the event that the construction of flats is not one stretch or outside the commercial apartment area, it must remain within the same regency / city area, except for the DKI Jakarta province can build outside the same city area but still within the DKI Jakarta provincial area.

In building balanced housing, there are composition requirements that are seen based on land area and the number of houses. The composition of the number of houses is a comparison of the number of luxury houses, medium-sized houses, and simple houses. The ratio between luxurious, medium, and modest homes is 3:2:1 (three to two to one).

If the developer only builds luxury houses, then there is an obligation to build at least medium houses 2 times and simple houses 3 (three) times the number of luxury houses to be built. If only medium houses are built, then the obligation is to build simple houses at least 1 1/2 (one and a half) times the number of medium houses built. For housing development actors who cannot afford to build simple houses, public flats can be built in the same value as the price of the obligation to build simple houses. In addition to the composition of the number of houses, there is also the composition of the land area. The composition of land area is the ratio between the overall land area, with the land area for a simple house. The composition of the land area of medium houses for balanced housing is at least 25% (twenty-five hundredths) of the total land area with the number of medium houses at least equal to the number of luxury houses plus the number of medium houses.

The role of local governments in realizing balanced housing

The Ministry of Public Works and Public Housing through the Directorate General of Housing Provision continues to encourage local governments to support balanced housing policies. The current balanced occupancy policy is still not widely implemented by developers ([Anita, 2022](#)).

. According to the mandate of Law No. 1 of 2011 concerning Housing and Settlement Areas, it is regulated that developers in building housing, are obliged to realize housing with balanced housing. Where further explained in Permenpera No. 10 of 2012, that the concept of balanced housing for landed houses is with a ratio of 1: 2: 3. That is, every 1 luxury house, must be balanced with 2 medium houses and 3 simple houses, in one stretch, or not in one stretch but in one Regency / City area. Meanwhile, in Law No. 20 of 2011 concerning Flats, it is stipulated that in the construction of commercial flats, developers are required to provide public flats at least 20% of the total floor area of commercial flats built ([Sirait, 2021](#))

For information, in Permenpera No. 10 of 2012 concerning the Implementation of Housing and Residential Areas with Balanced Occupancy as amended by Permenpera No. 07 of 2013, it has been regulated that developers who do not implement the concept of balanced housing can be subject to criminal and civil offenses. Even the toughest

sanctions in the regulation can revoke a company's business license. But there are still many developers who do not heed these regulations (Sunarti, 2019).

Nowadays developers build more commercial houses because of greater profits. Therefore, the role of the Government, in this case the Spatial Planning and Job Creation Office, is very important to be able to support balanced housing policies, which is the main key is the Regional Government. Because the IMB permit is issued by the Regional Government. If when the developer submits a siteplan, and the siteplan does not show a balanced residential composition, permits should not be issued, besides that the Government must also (Sunarti, 2019):

1. Ensure that areas of low-income communities, informal settlements and slums are rebuilt and rejuvenated and integrated into the fabric of urban life with as little as possible resulting in eviction, relocation, or disruption to people's livelihoods
2. Contribute to the establishment of a progressive housing finance system to make land, finished plots, and housing affordable for all
3. Facilitate guaranteed land rights and access to control over land and property, as well as access to finance for low-income households
4. Ensure that housing/settlement development can be in accordance with spatial plans so as to create land use harmony

The Regional Government is also expected to immediately make local regulations to support the Law regulating balanced occupancy, as stipulated in Article 36 paragraph 3 of Law No. 1 of 2011

Conclusion

After analyzing the role of the Regional Government in realizing Balanced Housing, it can be concluded that the role of the Regional Government is the Main Key to realizing Balanced Housing Based on Law No. 1 of 2011 because the IMB is issued by the Regional Government. If the developer submits a site plan, and the site plan does not show a balanced residential composition, a permit should not be issued, and if the IMB is not issued then the Developer cannot carry out development that is not in accordance with Law No. 1 of 2011.

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