

# Management of Building Permits Retribution (Study on the Implementation of Regional Regulation No.10 of 2012 on Certain Permits Retribution at the Investment Service and One Stop Services of East Kutai Regency)

**Emi**

Master of Public Administration Science, University of Merdeka Malang, Indonesia

Corresponding Author: E-mail: [eminoval06071983@gmail.com](mailto:eminoval06071983@gmail.com)

## ABSTRACT

Local taxes and levies are a source of local revenue) originating from the region itself. Regional levies are classified into public service levies, business service levies and certain licensing levies. Of all the levies that have building permits fees play a role in receiving local revenue, this research is motivated by the management of building permits fees where the increase in the number of buildings each year is not proportional to the number of buildings that have permits to build buildings. What factors affect the management of permit fees erecting buildings at the Investment Service based on Regional Regulation Policy Number 10 of 2012 in the investment office and one-stop service, East Kutai Regency.

**Keywords:** Building permit; Management; Retribution

©2020 Published by [University of Merdeka Malang](http://www.unmer.ac.id)

## 1. INTRODUCTION

The regional government is directed to accelerate the realization of community welfare by improving services, empowerment and community participation as well as increasing the competitiveness of local governments by taking into account the principles of democracy, equity and justice. Efficiency and effectiveness in the administration of regional governments need to be improved by paying more attention to aspects of the relationship between the central and regional governments. With the enactment of Law number 23 of 2014 concerning regional government, which with the aim of facilitating governance or structuring of government, it is necessary to have a government system that can run independently but remains under the supervision of the central government. Law number 23 of 2014 government and development authorities that are in the central government are transferred and transferred to become the authority of local governments. Regions are given broad authority to regulate and manage their own households on the basis of their own initiatives according to the potential and aspirations of the community. Based on the Regional Government Law, it regulates the division of functions which are obligatory in nature and functions which are optional which must be carried out by the regional government. To be able to finance the implementation of these functions, the regional government is given the authority to collect in the form of taxes and / or levies as regulated in Law 33 of 2004. Regional taxes and levies are a strategic part of revenue for regions for the cost of administering government. Local taxes and levies are a source of local revenue (PAD) that comes from the region itself. These levies must be understood by the community as a source of revenue needed by the regions to increase welfare of the community in the regions. (Stevanus J. Gemies, Victor Pattiasina. Analysis of the Contribution of Local Taxes and Levies on Local Revenue in Southeast Maluku Regency, Volume 13 No 2, assets September 2011) Based on the provisions of article 157 of Law No. 32 of 2004 Hereafter, the local government makes efforts to collect local taxes and levies. So that the collection does not cause problems for the people in the regions, it is regulated in a law on regional taxes and levies. The number of facilities and infrastructure provided by the government is expected to provide progress for the area, one of which requires good public service is services in building permits, hereinafter abbreviated as IMB. One of the bases for establishing building permits (IMB) regulations is that each

building meets aesthetic construction techniques and other requirements so as to create a series of buildings that are appropriate in terms of safety, health, comfort, beauty and social interaction. The purpose of controlling the IMB is in accordance with the Regulation of the Minister of Public Works Number: 24 / PRT / M / 2007 regarding technical guidelines for Building Construction Permits so that development carried out by the community, private sector, and government is controlled through procedures, location appropriateness of establishing buildings, designation and use of buildings that are healthy and strong, beautiful and comfortable. Many are found in the community that before establishing a building, they have to take care of the building permit, but what happens in the community is that many people are determined to build buildings before taking care of the IMB first, so that the income that should be obtained from the retribution tax can be used to increase regional income but not fully obtained because there is still a lack of public awareness to pay fees for building buildings. Licensing activities carried out by local governments are essentially to create conditions that development activities are in accordance with their designation, in addition to be more efficient and effective in terms of serving the community, management of local user fees that can be accessed online is expected to change behavior and awareness. the public to be able to pay retribution fees according to the applicable procedures which have been regulated in the services of the Investment Service and are one-stop integrated.

**Table 1.** Number of buildings that have IMB with retribution fees in East Kutai Regency in 2017

Month	Retribution Fees (IDR)	IMB Total
January	-	0
February	-	0
March	21.210.000,00	11
April	19.420.000,00	64
May	28.060.000,00	37
June	43.797.500,00	10
July	20.830.000,00	11
August	29.645.000,00	10
September	25.740.000,00	25
October	41.482.500,00	25
November	-	--
December	-	--
<b>Total</b>	<b>230.185.000,00</b>	<b>193</b>

**Table 2.** Number of buildings that have IMB with retribution fees in Sangatta City in 2019

Month	Retribution Fees (IDR)	IMB Total
January	-	-
February	-	-
March	-	-
April	-	-
May	-	-
June	75.290.000,00	6
July	-	-
August	-	-
September	-	-
October	-	-
November	-	-
December	-	-
<b>Total</b>	<b>75.290.000,00</b>	<b>6</b>

Based on the results of the table in 2017 and 2019, the total revenue from IMB levies in 2017 was 230,185,000 with 193 people making IMB and in 2019 it decreased with the realization of incoming tax levies of 75,290,000 with 6 IMB, but even though the number of IMB There are few but many realizations that are received because buildings = large buildings responsible for making IMB. So that from this tabel can be seen a very significant decrease so that researchers are very interested in examining the Levy for Building Permits in the last year the percentage has decreased from years- the previous year, however, there were still many problems faced and there were also many regional potentials that had not been explored by the Investment Agency and the one door of the East Kutai Regency government this was due to a lack of public awareness of the use of building permits levies, the assumption that renovation / rehabilitation was carried out. tar facing buildings there is no need to ask for a permit from the local government so that this situation is detrimental to the local government.

## 2. LITERATURE REVIEW

### Public policy theory

Subarsosno (2005: 3) states that public policies can be in the form of Laws, Government Regulations, Provincial Government Regulations, City / Regency Government Regulations and Mayor / Regent Decrees; including statements of public officials. The basis is that public officials are one of the policy actors who play a role in the implementation of the policy itself. These various definitions suggest that public policy is a series of activities or processes in achieving goals as well as overcoming existing obstacles.

### Definition of management

According to George R. Terry, (1999 without pages) Management (management) is a particular process that will be carried out from planning to assessing (evaluation).

### Concept of licensing

Permit in the narrow sense, namely improvements to a permit regulation, is generally based on the legislator's desire to achieve a certain order or to prevent bad conditions. Licensing processes and procedures the process of completing permits is an internal process carried out by the officials / officers. In general, the application for a permit must follow certain procedures determined by the government, as the licensor as well as the applicant for the permit must also fulfill certain requirements determined unilaterally by the government or the licensor. Licensing procedures and requirements vary depending on the type of permit, the purpose of the permit, and the agency granting the permit. The essence of regulation and deregulation is the procedures for licensing procedures, namely licensing procedures and procedures.

### Definition of retribution

A levy is a payment from a resident to the State due to certain services provided by the State for its individual residents. 1 Meanwhile, according to Article 1 number 64 of Law Number 28 of 2009 concerning Regional Taxes and Regional Levies, what is meant by regional levies is regional levies as payment for services or the granting of certain permits specifically provided and or given by local governments for personal or personal interests. Levies and building permits are always associated with Regional Original Revenue, because retribution itself is a regional levy as payment for certain services or permits that are specifically provided and / or granted by the Regional Government for the benefit of private persons or entities. These regional levies are included in Regional Original Revenue.

## 3. METHODS

In this study, the research design used was a qualitative descriptive analysis method. According to Sugiyono (2008, p. 9) is a research method based on the post-positivism philosophy, used to examine the conditions of natural objects, as opposed to experiments where the researcher is a key instrument, data collection techniques are carried out in triangulation (combined), data analysis is inductive and the results of qualitative research emphasize meaning rather than generalization. So, this research is classified as a descriptive type of research with a qualitative approach. According to Moleong (2006: 5) this type of research seeks to describe a phenomenon or event in accordance with what happens in the field, where the data produced is in the form of written or spoken words from people. and observable behavior. Therefore, it is necessary to seek information that is truly valid, valid, and accountable so that a complete picture can be obtained of the implementation of the regulation of the East Kutai Regent No. 10 of 2012 regarding certain licensing levies on certain government activities in the context of granting permits to individuals for guidance, regulation, control and supervision of space utilization activities.

The focus of my research is as follows; (1) Management of building permits levies at regional investment offices and one-stop integrated services; (2) Supporting and inhibiting factors, both external and internal, namely External supporting and inhibiting factors: (a) Outside supervision; (b) Control; (c) Order. Internal supporting and inhibiting factors; (a) Human Resources; (b) Good cooperation between employees; (c) Existing facilities and infrastructure

In this study, data collection was carried out using the following techniques: (1) Observation or observation includes the activity of focusing attention on an object using all the senses. So, observing can be done through sight, touch, and taste (Arikunto, 1997: 133); (2) Interviews or conversations with a specific purpose. Interviews were conducted by two parties, namely the interviewer, who asked the question and the interviewee who gave the answer to the question (Moleong, 202: 135); (3)

Documentation, namely the method used by researchers by providing written objects such as books, magazines, documents, regulations, photos, meeting minutes, daily notes, and so on (Arikunto, 2002: 135). -files related to Government Regulation No. No.10 of 2012 concerning certain permits (IMB) at the Office of Investment and One Stop Services, East Kutai Regency.

#### 4. RESULTS AND DISCUSSION

Management of building permits levies at regional investment offices and one-stop integrated services. Regional levies have the largest contribution to local revenue after taxes. In general, the more development a region develops, the more types of fees that region can collect. This is due to the growing development of an area, the more facilities provided by the local government, as well as building permits in an effort to increase local revenue to finance the implementation of development in East Kutai Regency, the government has implemented various forms of regional retribution, one of which is The specific form of regional levies. The licensing is regarding building permits levies Number 10 of 2012. The stages of collecting IMB levies in East Kutai Regency are based on the results of an interview with the Head of the One Stop Investment and Integrated Investment Service, Mr. Syaipul, that `` Payment of IMB levies through DPMPPTSP with OSS Online (Certificate of Regional Levies) or other equivalent documents, for the implementation of IMB levies, DPMPPTSP Implementing Units in charge of collecting levies or collectors. Implementation of IMB levy management is carried out with existing SOPs in accordance with the existing mechanisms.

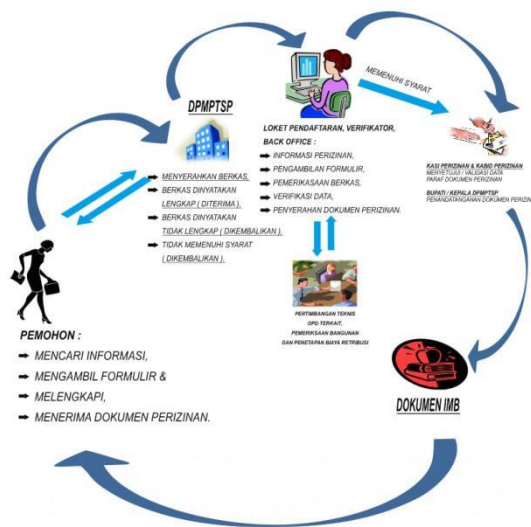


Figure 1. SOP Dealing with building permits fees

Based on the SOP, we see that in the process, the applicant if he cannot fill in OSS can take the form at DPMPPTSP after that the existing files will be checked for completeness of the documents, after they are complete, they will be submitted to the registration counter and if the files are complete, they will be checked first by the relevant Office. for examination of conditions in the field such as the Spatial Planning Office and the Public Works Service, after it has been declared complete, it will be signed by KASI AND the Licensing Head and the last to issue existing documents will be signed by the East Kutai Regent., said an interview with Mr. Saipul.

Based on existing data, the management of building permits levies in East Kutai district after collectors deposit them into the regional treasury will be used as regional income. Supporting and inhibiting factors, both external and internal.

#### External supporting factors

##### Outside supervision

It is often faced by development actors that in implementing good spatial development, especially in cities, they always face conflicts of various interests. Many factors cause this, including limited land available, land speculation, high land prices and the absence of an effective system and mechanism as well as an authorized institution in controlling land prices.

“According to one of the DPMPST staff that currently the realization of tax levies from the IMB is different every year and from year to year, as shown in the table shown in the introduction, the realization of income earned from year to year is not in line with development because in my opinion In the supervision of IMB ownership, it is not so orderly because there are no fines or laws that support them, this is done by controlling them by supposedly having an IMB first, then building buildings, even though if you look at the number of buildings, both residential houses and sedung buildings each year it increases. So that many wild buildings have mushroomed which have never been acted upon by the local government.

### **Control**

As with building regulations in general, violations of the KLB regulations will also be subject to sanctions. The sanctions given can range from a license withdrawal letter to the demolition of a building. However, there is a regulation from the government that provides flexibility with the Development Incentive-Disincentive System and the Building Floor Coefficient Value Transfer System, also known as the Transfer Development Right (TDR). What is meant by the two systems? The two systems are in chapter IX, article 35 paragraph 41, it has been explained that the Regent can provide relief from the reduction and exemption of retribution to people who are late in applying for an IMB by providing relief, but there are still many people who do not pay attention to even do not take care of the IMB permit retribution. 34 It is also clear that a warning letter is given if the retribution is not paid. The researcher asked the people who did not want to be named, “ Do you have an IMB, he straightforwardly replied that he did not have an IMB even though it was clear that the man was building a building to prepare to open a shop. The researcher asked why you did not take care of it and the father replied that I don't know we should have an IMB before building a building. From this question, the researchers concluded that there was a lack of socialization to the community so they did not know that what they were doing was a violation.

### **Order**

What if the home owner does not meet the requirements for house construction including having a building permit? In this case, the home owner may be subject to administrative sanctions, subject to temporary suspension until the building construction permit is obtained (CHAPTER VII Article 33). Building owners who do not have a building construction permit will be subject to sanctions in the form of interest of 2% each month from levies payable that are not paid or underpaid and bills that used.

## **Internal supporting factors**

### **Human Resources**

The first factor in implementing the regent regulation is the problem of human resources in the DPMPSTSP office because of the number of employees. This means that the existing human resources do not have standardization in the implementation of services. In this case, it is related to the problem of the service provided whether it is in accordance with the applicable standards or not.

**Table 3.** Employee employment data at DPMPSTSP East Kutai

<b>Rank</b>	<b>Group</b>	<b>Amount (Person)</b>
Pembina Tk.I	IV/b	1
Pembina	IV/a	4
Penata Muda Tk.I	III/d	2
Penata	III/c	6
Penata Muda Tk.I	III/b	8
Penata Muda	III/a	13
Pengatur Muda Tk.I	II/d	-
Pengatur	II/c	3
Pengatur Muda Tk.I	II/b	3
Pengatur Muda	II/a	2
Juru Tk.1	I/d	1
Jumlah ASN		45
Jumlah TK2D	-	42
<b>Total</b>		<b>87</b>

Source: Data processed from DPM & PTSP Kab. East Kutai, 2019.

From the data above, dominantly, the largest number of DPMPSTSP employees is Group III (IIIA - IIId), namely 29 employees, and the largest employment status is the State Civil Apparatus (ASN) as many as 45 people. The rest are Regional Contract Workers (TK2D) totaling 42 regional contract workers. From these

data, it can be said that the number of employees who have been fulfilled is a supporting factor in carrying out services to the community properly.

### ***Good cooperation between employees***

With good cooperation, it is hoped that in providing services, DPMPTSP employees can provide friendly services and patiently provide explanations to the community. According to interviews with staff who did not want to be mentioned that there were some people who could not access with online oss so they came to the DMPPTSP office so that the staff at the registration counter would always patiently explain to the community. The success of a policy is also influenced by the ability to process and utilize available resources optimally. Optimally available resource indicator. The resource indicator consists of several elements, namely:

Staff The availability and ability of employees at the Investment and Licensing Service to do business through Online Single Submission (OSS) is the duty of existing service field staff based on research interviews, it was found that there are some staff who still do not understand using computers so that it is one of the obstacles in supporting work and existing services because existing human resources do not meet the demands of existing jobs.

### ***Existing facilities and infrastructure***

What is good in the one-stop integrated licensing service process in the regions is the availability of proper offices and strategic locations as well as the neat and structured arrangement of service places (counters). Adequate facilities and infrastructure will be able to be useful and function properly if public service providers have expertise and reliable skills in utilizing them.

## **5. CONCLUSION**

Based on the results of the research description above, it focuses on internal problems This research draws conclusions. In its implementation, the management of the Establishment Permit Retribution has been implemented based on the Regent's regulation which in practice has been running as it should be, even though in reality the building permit levy from year to year provides revenue for the region to be used in the development of East Kutai Regency. Supporting factors in DPMPTSP should be able to maximize the use of existing resources in the future by including less competent staff to participate in supportive training in helping their daily work. Inhibiting factors in managing the IMB levy that existing Human Resources in the form of existing staff have not been trained to do work that is online or related to computers so that it can be concluded that existing resources are an inhibiting factor in work technical synergies that have not fully synergized optimally, uneven understanding of the implementing apparatus of new regulations such as OSS, limited internet capacity can hinder optimal performance of the service sector

The need for strict socialization and control to the community so that the management of charges can run well in accordance with the applicable regulations. Increased understanding of new regulations, especially OSS, needs to be done through coordination, socialization and training in order to increase the capacity of the licensing and non-licensing apparatus of the Investment Office and PTSP Kab. East Kutai. It is necessary to increase the available facilities / infrastructure while waiting for the procurement of new infrastructure, amid budget constraints. It is necessary to increase the capacity of the internet to be an urgent need with the implementation of OSS which relies more on information technology / internet facilities.

## **REFERENCES**

- Adrian, S. (2011). *Hukum Perizinan Dalam Sektor Pelayanan Publik*. Jakarta: Sinar Grafika.
- Arikunto, S. (2010). *Prosedur Penelitian suatu Pendekatan Praktik*. Jakarta: Rineka Cipta.
- Abdul, W. S. (2001). *Analisis Kebijakan dan Formulasi ke Implementasi Implementasi Kebijakan Negara Edisi Kedua*. Jakarta: Bumi Aksara.
- Hanif, N. (2007). *Teori dan Praktik Pemerintahan dan Otonomi Daerah*. Jakarta: Grasindo.
- Sutopo, H. B. (2002). *Metodelogi Penelitian Kualitatif*. Surakarta: UNS Press.

- Jatmiko, S. H. (2013). *Hand Out teori Kebijakan Publik*. Malang: MAP Unmer.
- Siahaan, M. P. (2013). *Pajak Daerah Edisi Revisi*. Jakarta: Raja Grafindo Persada.
- Moleong, L. (2002). *Metodologi Penelitian Kualitatif*. Bandung: PT. Remaja Rosdakarya.
- PERDA No.10 tahun 2012 tentang *Retribusi Perizinan Tertentu*.
- Sri, P. (2009). *Perizinan dan Upaya Pembenahan*. Jakarta: Grasindo.
- Undang-Undang 23 Tahun 2014 *tentang Pendapatan Asli Daerah*.
- Undang-Undang 25 Tahun 2009 *tentang Pelayanan Publik*.
- Undang-Undang 28 Tahun 2002 *tentang Bagunan Gedung*.
- Undang-Undang 28 Tahun 2009 *tentang Pajak Daerah dan Retribusi Daerah*.
- Undang-Undang 32 Tahun 2004 *tentang Pemungutan Pajak dan Retribusi Daerah*.