



LAW OF THE REPUBLIC OF INDONESIA
NO. 28 OF 2002
CONCERNING
BUILDINGS

WITH THE BLESSING OF ALMIGHTY GOD

PRESIDENT OF THE REPUBLIC OF INDONESIA,

- Considering: a. That the national development is aimed at materializing just and prosperous society in terms of material and spiritual based on Pancasila and 1945 Constitution;
- b. That buildings are important for human to perform their activities in order to achieve various targets in order to support the objectives of national development;
- c. That buildings, as specified in letter b hereof, must be built in orderly manner based on their functions, and comply with administrative and technical requirements;
- d. That in order to build buildings in an orderly manner based on their functions, people's participation and assistance are required;
- e. That based on considerations, as set forth in letters a, b, c, and d hereof, it is necessary to establish Law on Buildings;

Adhering to: Article 5 paragraph (1) and Article 20 paragraph (1) of the 1945 Constitution as amended by Fourth Amendment of the 1945 Constitution;

Upon approval from

THE HOUSE OF REPRESENTATIVES OF THE REPUBLIC OF INDONESIA

IT HEREBY RULES:

To stipulate : LAW ON BUILDINGS.

CHAPTER I

GENERAL PROVISION

Article 1

In this law,

1. Building shall mean physical result of a construction work attached to its location, part or all situated above and/or under the ground and/or water, which functions as a place for humans to perform their activities, either as a settlement or home, place to perform religious activities, business, social, cultural, and other special activities.
2. Building management shall cover technical planning, construction, utilization, conservation, and demolition.
3. Building utilization shall mean utilization of building based on its designated functions, including periodic maintenance, care, and inspection.
4. Maintenance shall mean efforts to maintain building's reability, including its infrastructure and facilities to always function properly.
5. Care shall mean efforts to repair and/or replace building parts, components, materials, and/or infrastructure and facilities so that the building can function properly.
6. Periodic inspection shall mean inspection on the realibility of all or part of building's components, materials, and/or infrastructure and facilities in a certain period of time so as to determine the building's proper function.

7. Conservation shall mean care, restoration, and maintenance of building and its environment so as to ensure its realibility based on its original function and condition in a certain period.
8. Demolition shall mean dismantling or demolition of all or part of the building, its components, materials, and/or infrastructure and facilities.
9. Building owner shall mean an individual, legal entity, a group of people, or association, who according to law, is a legal building owner.
10. Building users shall mean building owner and/or non-owner who based on an agreement with building owner, may use and/or manage the building or part of the building based on its designated function.
11. Technical reviewers shall mean individuals, or legal entities that have certificate of expertise to perform a technical review on building function based on applicable legislative regulations.
12. Community shall mean individuals, groups, legal entities or business entities, and institutions or organizations who perform activties inside the building, including indigenous people and experts, in charge in building management.
13. Building infrastructure and facilities shall mean supporting facilities inside and outside the building that support building function.
14. Central Government, hereinafter referred to as the Government, shall mean apparatus of the Unitary State of the Republic of Indonesia consisting the President and his ministers.
15. Regional Government shall mean the head of district or city and his/her apparatus in the autonomous region as regional executives. For the Special Capital District of Jakarta, it shall mean the Governor.

CHAPTER II
PRINCIPLES, OBJECTIVES, AND SCOPE

Article 2

Buildings should be managed based on their utilization, safety, balanced and harmonious principles with their environment.

Article 3

Regulation on buildings is aimed at:

1. ensuring that the buildings are functional based on their layouts and environments;
2. ensuring technical reliability of the buildings in terms of safety, health, convenience, and simplicity;
3. ensuring a legal certainty for building management.

Article 4

This law governs buildings' functions, requirement, management, people's participation and development.

CHAPTER III
BUILDING FUNCTION

Article 5

- (1) Building function covers function as a settlement, for religious, business, social and cultural functions, and special functions.
- (2) Settlement buildings, as set forth in paragraph (1) hereof, cover building for a single home, row houses, apartments, and temporary houses.
- (3) Buildings for religious functions, as set forth in paragraph (1) hereof, cover cover mosques, churches, Hindu temples, monasteries, and Buddhist temples.

- (4) Buildings for business functions, as set forth in paragraph (1) hereof, cover buildings for offices, tradings, industries, hotels, tourism and recreation, bus stations, and storages.
- (5) Buildings for social and cultural functions, as set forth in paragraph (1) hereof, cover buildings for education, culture, health care, laboratory, and public services.
- (6) Buildings for special functions, as set forth in paragraph (1) hereof, cover buildings for nuclear reactors, defense installations and security, and similar buildings determined by the Minister.
- (7) One building may have one function or more.

Article 6

- (1) Building function as set forth in Article 5 must be based on allocated location as specified in Regional Regulation concerning District/City Layout plan.
- (2) Building function, as set forth in paragraph (1) hereof, shall be determined by Regional Government and specified in the building construction permit.
- (3) Any change of building function, which has been determined, as set forth in paragraph (2) hereof, should be approved and redetermined by Regional Government.
- (4) Provision on determination procedure and change of building function, as set forth in paragraph (3) hereof, shall be further governed in a Government Regulation.

CHAPTER IV BUILDING REQUIREMENT

Part One

General

Article 7

- (1) Every building must comply with administrative and technical requirements based on its function.
- (2) Building administrative requirement, as set forth in paragraph (1) hereof, shall cover status of right over the land, status of building ownership, and building construction permit.
- (3) Building technical conditions, as set forth in paragraph (1) hereof, shall cover building layout and reliability.
- (4) Use of space above and/or under the ground and/or water for buildings must have a license to use based on applicable regulations.
- (5) Administrative and technical requirement for customary buildings, semi permanent buildings, emergency buildings, and buildings constructed in disaster areas, shall be determined by Regional Government based on local social and cultural conditions.

Part Two

Building Administrative Requirement

Article 8

- (1) Every building must comply with administrative requirement, which covers:
 - a. status of right over the land, and/or license to use from land right holder;
 - b. status of building ownership; and
 - c. building construction permit;based on applicable legislative regulations.
- (2) Everyone or legal entities may own the building or part of it.
- (3) Regional Government must take data on the building to ensure proper development and utilization.

- (4) Provision on building construction permit, ownership, and data on building, as set forth in paragraphs (1), (2), and (3) hereof, shall be further governed in a Government Regulation.

Part Three

Building Layout Requirement

Paragraph 1

General

Article 9

- (1) Building layout requirement, as set forth in Article 7 paragraph (3) thereof, shall cover allocation and building intensity, building architecture, and environmental impact control.
- (2) Building layout requirement, as set forth in paragraph (1) hereof, shall be further determined in building layout plan and its environment by Regional Government.
- (3) Provision on how to prepare building layout plan and its environment, as set forth in paragraph (2) hereof, shall be further governed in a Government Regulation.

Paragraph 2

Requirement on Allocation and Building Intensity

Article 10

- (1) Requirement on building allocation and intensity, as set forth in Article 9 paragraph (1) thereof, shall cover requirement on allocation of location, density, height, and building free distance applied in the location concerned.
- (2) Regional Government must provide open information concerning allocation requirement and building intensity for those who need them.

Article 11

- (1) Requirement on location allocation, as set forth in Article 10 paragraph (1) hereof, shall be made based on layout regulation.
- (2) Buildings built above, and/or under the ground, water, and/or public infrastructure and facilities must not impede environmental balance, protection function of the area, and/or the function of public infrastructure and facilities concerned.
- (3) Provision on building construction, as set forth in paragraph (2) hereof, shall be further governed in a Government Regulation.

Article 12

- (1) Requirement on building density and height, as set forth in Article 10 paragraph (1) thereof, shall cover building basic coefficient, building floors coefficient, and building height based on regulation applicable in the area concerned.
- (2) Requirement on maximum number of building floors or part of buildings to build under the ground must consider the required security, health, and environmental support aspects.
- (3) Building must not exceed maximum density and height applied in the location concerned.
- (4) Provision on how to calculate and determine building density and height, as set forth in paragraph (3) hereof, shall be further governed in a Government Regulation.

Article 13

- (1) Requirement on building free distance, as set forth dalam Article 10 paragraph (1) thereof, shall cover:
 - a. Building demarcation line to streets, river side, beach line, railways, and/or high voltage network;

- b. distance between the building and parcel borders, and distance between road axis and fence permitted in the location concerned.
- (2) Requirement on building free distance or part of building built under the ground must consider location borders, and security aspects, and must no disturb city utility functions, and development.
 - (3) Provision on requirement building free distance, as set forth in paragraph (2) hereof, shall be further governed in a Government Regulation.

Paragraph 3

Requirement on Building Architecture

Article 14

- (1) Requirement on building architecture, as set forth in Article 9 paragraph (1) thereof, shall cover requirement on building appearance, inside layout, balance, building harmony with its environment, and considerations on balance between local social and cultural values in applying various architecture developments and engineering.
- (2) Requirement on building appearance, as set forth in paragraph (1) hereof, must consider shape and characteristic of its architecture and local environment.
- (3) Requirement on inside layout, as set forth in paragraph (1) hereof, must consider room functions, building architecture, and building reliability.
- (4) Requirement on building balance and harmony with its environment, as set forth in paragraph (1) hereof, must consider a space outside the building, a green open space, which is balanced, and harmonious with its environment.
- (5) Provision on building appearance, inside layout, balance and harmony with its environment, as set forth in paragraphs (1), (2), (3), and (4) hereof, shall be further governed in a Government Regulation.

Paragraph 4
Requirement on Environmental Impact Control

Article 15

- (1) Requirement on environmental impact control shall only be applied to buildings which may cause significant impact to their environments.
- (2) Requirement on building environmental impact control, as set forth in paragraph (1) hereof, shall be based on applicable legislative regulations.

Bagian Keempat
Requirement on Building Reliability

Paragraph 1

General

Article 16

- (1) Requirement on building reliability, as set forth in Article 7, paragraph (3) thereof, shall cover safety, health, convenience, and accessibility requirements.
- (2) Requirement on building reliability, as set forth in paragraph (1) hereof, shall be determined based on building function.

Paragraph 2
Safety requirement

Article 17

- (1) Building safety requirement, as set forth dalam Article 16 paragraph (1) thereof, shall cover requirement on building capacity to support loads, and to prevent fire and lightning strikes.

- (2) Requirement on building capacity to support loads, as set forth in paragraph (1) hereof, shall mean stable and strong building structure to support its loads.
- (3) Requirement on building capacity to prevent fire, as set forth in paragraph (1) hereof, shall mean building capacity to handle fire through passive and/or active protection systems.
- (4) Requirement on building capacity to prevent lightning strikes, as set forth in paragraph (1) hereof, shall mean prevention of lightning strikes by installing lightning rods.

Article 18

- (1) Requirement on stable and strong building structure to support loads, as set forth in Article 17 paragraph (2) thereof, shall mean stable and strong building structure to reach a maximum loading condition to support live and dead loads, and in certain area/zone, to support loads arising from natural behaviours.
- (2) Total loads shall be calculated based on building function in a maximum load condition and varied loads so that when the building collapses, users can still save their lives.
- (3) Provision on loads, resistance from earthquake and/or winds, as set forth in paragraphs (1) and (2) hereof, shall be further governed in a Government Regulation.

Article 19

- (1) Protection against fire through a passive protection system, as set forth in Article 17 paragraph (3) thereof, shall cover structure stability and its elements, fire proof construction, compartmentization and separation, and protection on existing openings so as to resist and limit expansion of fire and smoke.
- (2) Protection against fire through a active protection system, as set forth in Article 17 paragraph (3) thereof, shall cover equipment to detect and put out fire, control smoke, and safety facilities.

- (3) Buildings, other than homes, must be equipped with passive and active protective systems.
- (4) Provision on fire handling system, as set forth in paragraphs (1), (2), and (3) hereof, shall be further governed in a Government Regulation.

Article 20

- (1) All parts of the building, including humans therein, should be protected from lightning strikes by providing lightning rods, as set forth in Article 17 paragraph (4) thereof.
- (2) Lightning rod system, as set forth in paragraph (1) hereof, must be installed in every building, which is due to its position, geography, shape and use, may be hit by lightning strikes.
- (3) Provision on lightning rod system, as set forth in paragraph (2) hereof, shall be further governed in a Government Regulation.

Paragraph 3

Health Requirement

Article 21

Health requirement for buildings, as set forth in Article 16 paragraph (1) thereof, covers ventilation, lighting, and sanitation systems, and use of building materials.

Article 22

- (1) Ventilation system, as set forth in Article 21 thereof, is required for air circulation and must be provided in buildings through openings and/or natural and/or artificial ventilation.

- (2) Building for homes, health care, education center, and other public services must have openings for natural ventilation.
- (3) Provision on ventilation system, as set forth in paragraphs (1) and (2) hereof, shall be further governed in a Government Regulation.

Article 23

- (1) Lighting system, as set forth in Article 21 thereof, must be provided in the building through natural and/or artificial lightings, including emergency lighting.
- (2) Building for homes, health care, education center, and other public services must have openings for natural lightings.
- (3) Provision on lighting system, as set forth in paragraphs (1) and (2) hereof, shall be further governed in a Government Regulation.

Article 24

- (1) Sanitation system, as set forth in Article 21 thereof, must be provided inside and outside the building so as to fulfill the need for clean water, disposal of dirty and/or waste water, dirt and trash, and to drain out rainwater.
- (2) Sanitation system in the building and its environment must be installed for easy operation and maintenance, and it must be harm or disturb its environment.
- (3) Provision on sanitation system, as set forth in paragraphs (1) and (2) hereof, shall be further governed in a Government Regulation.

Article 25

- (1) The use of building materials, as set forth in Article 21 thereof, must be safe for users' health and does not cause any negative impact to the environment.

- (2) Provision on the use of building materials, as set forth in paragraph (1) hereof, shall be further governed in a Government Regulation.

Paragraph 4

Requirement on Convenience

Article 26

- (1) Requirement on building convenience, as set forth dalam Article 16 paragraph (1) thereof, shall cover convenient space and room connection, indoor air condition, vision, and vibration and noise levels.
- (2) Convenient space, as set forth in paragraph (1) hereof, shall mean a convenience level of a room dimension and room layout that provides convenient space in a room.
- (3) Convenient room connection, as set forth in paragraph (1) hereof, is a convenience level of a room layout and room circulation inside a building that supports building functions.
- (4) Convenient air condition in a room, as set forth in paragraph (1) hereof, is a convenience level achieved from indoor temperature and humidity to support building functions.
- (5) Convenient vision, as set forth in paragraph (1) hereof, is a condition where one's personal right to perform activities inside a building is not disturbed by other buildings in its surroundings.
- (6) Convenient level of vibration and noise, as set forth in paragraph (1) hereof, is a convenient level that does not disturb building users and function from inside the building or its surrounding.

- (7) Provision on convenient space, inter room connection, indoor air condition, vision and vibration and noise levels, as set forth in paragraphs (2), (3), (4), (5), and (6) hereof, shall be further governed in a Government Regulation.

Paragraph 5

Requirement on Accessibility

Article 27

- (1) Requirement on accessibility, as set forth in Article 16 paragraph (1) thereof, shall cover easy access from, to and inside the building, and complete infrastructure and facilities in using the building.
- (2) Easy access from, to and inside the building, as set forth in paragraph (1) hereof, shall cover easy, safe and convenient facilities and accessibilities, including for disabled persons and elderly persons.
- (3) Complete infrastructure and facilities, as set forth in paragraph (1) hereof in the building for public interests, shall cover adequate facilities for worship places, changing room, nursery room, toilets, parking area, disposal areas, and communication and information facilities.
- (4) Provision on easy access to, from and inside the building, and complete infrastructure and facilities, as set forth in paragraphs (2) and (3) hereof, shall be further governed in a Government Regulation.

Article 28

- (1) Easy horizontal connection between rooms inside the building, as set forth in Article 27 paragraph (2) thereof, covers doors and/or corridors between rooms inside the building.
- (2) Number, size and technical construction of doors and corridors must be adjusted with functions of building rooms.

- (3) Provision on easy horizontal connection between rooms inside the building, as set forth in paragraphs (1) and (2) hereof, shall be further governed in a Government Regulation.

Article 29

- (1) Easy vertical connection inside the building, including vertical transportation facilities, as set forth in Article 27 paragraph (2) thereof, shall include steps, ramps, and alike and lifts and/or escalators inside the building.
- (2) Storey buildings must have steps that connect one floor to another by considering users' accessibility, security, safety, and health aspects.
- (3) Building for parking must have ramps with a certain slope and/or other vertical access facilities by considering users' accessibility and security based on applicable technical standards.
- (4) Buildings with more than 5 (five) floors must have vertical transportation facilities (lifts), depending on requirement and building function.
- (5) Provision on vertical facilities in the building, as set forth in paragraphs (1), (2), (3), and (4) hereof, shall be further governed in a Government Regulation.

Article 30

- (1) Evacuation access in an emergency situation, as set forth in Article 27 paragraph (2) provided inside the building must cover alarm system for users, emergency exits, and evacuation route in case of fire and/or other disaster, except for homes.
- (2) Evacuation access, as set forth in paragraph (1) hereof, must be accessible and completed with clear signs.

- (3) Provision on evacuation access, as set forth in paragraphs (1) and (2) hereof, shall be further governed in a Government Regulation.

Article 31

- (1) Facilities and accessibilities for disabled persons and elderly persons, as set forth in Article 27 paragraph (2) thereof, must be provided by all buildings, except for homes.
- (2) Facilities for disabled persons and elderly persons, as set forth in paragraph (1) hereof, should include other facilities and accessibilities inside the building and its environment.
- (3) Provision on accessibilities for disabled persons and elderly persons, as set forth in paragraphs (1) and (2) hereof, shall be further governed in a Government Regulation.

Article 32

- (1) All buildings for special interests must have infrastructure and facilities, as set forth in Article 27 paragraph (3) thereof.
- (2) Provision on infrastructure and facilities, as set forth in paragraph (1) hereof, shall be further governed in a Government Regulation

Part Five

Requirement for Buildings for Special Functions

Article 33

In addition to provisions specified in Parts Two, Three and Four and this Chapter, buildings for special functions should also fulfill administrative and technical requirement set by authorized agency.

BAB V

BUILDING MANAGEMENT

Part One
General
Article 34

- (1) Building management covers construction, utilization, conservation, and demolition.
- (2) In building management, as set forth in paragraph (1) hereof, its management should fulfill conditions set for buildings, as set forth in Chapter IV of this law.
- (3) Building management consists of building owners, construction service providers, and users.
- (4) Building owners who have yet to fulfill conditions, as set forth in Chapter IV of this law, must fulfill such conditions gradually.

Part Two
Construction
Article 35

- (1) Buildings shall be constructed based on their planning, construction and supervision plans.
- (2) Buildings may be constructed on own land or another party's land.
- (3) Buildings to be constructed on another party's land, as set forth in paragraph (2) hereof, must be based on a written agreement between land owner and building owner.
- (4) Buildings may be constructed after their technical plans are approved by Regional Government by issuing a building construction permit, except for buildings for special functions.

Article 36

- (1) Regional Government shall approve technical plan of a building for public interests after receiving technical considerations from team of experts.
- (2) Government shall approve technical plan of a building for special purpose after receiving technical considerations from team of experts.
- (3) Members of team of building experts as set forth in paragraphs (1) and (2) hereof shall consist of ad hoc members required based on building complexity.
- (4) Regulation on how to approve building technical plan gedung, as set forth in paragraphs (1) and (2) hereof and members of team of building experts as set forth in paragraph (3) hereof, shall be further governed in a Government Regulation.

Part Three

Utilization

Article 37

- (1) Building owner or users may use the building after the building has been declared to comply with conditions of proper function.
- (2) Building is declared to have complied with proper function conditions after fulfilling technical conditions, as set forth in Chapter IV of this law.
- (3) Periodic maintenance, cared and inspection must be performed so as to comply with conditions concerning proper functions.
- (4) In utilizing the building, owner or users have rights and obligation as governed in this law.
- (5) Procedure on how to maintain, take good care and inspect the building periodically as set forth in paragraph (3) hereof shall be further governed in a Government Regulation.

Part Four

Conservation

Article 38

- (1) Building and its environment, which has been declared as a cultural heritage, based on legislative regulations, must be protected and preserved.
- (2) Regional Government and/or Central Government shall determine which buildings are protected and preserved, as set forth in paragraph (1) hereof, by considering legislative regulations.
- (3) Repair, restoration, protection, and maintenance of building and its environment, as set forth in paragraph (1) hereof, can only be performed when it will not change its value and/or characteristic as a cultural heritage.
- (4) Repair, restoration, and utilization of building and its environment as a cultural heritage, which is against its function and/or characteristic as a cultural heritage, must be returned based on legislative regulations.
- (5) Provision concerning protection and conservation as set forth in paragraphs (1) and (2) hereof and technical guideline on repair, restoration and utilization as set forth in paragraphs (3) and (4) hereof shall be further governed in a Government Regulation.

Part Five

Demolition

Article 39

- (1) Building may be demolished when:
 - a. it is no longer able to function properly and it cannot be repaired;
 - b. it may cause danger to use the building and/or its environment; and
 - c. it has no building construction permit.
- (2) Building, which can be demolished as set forth in paragraph (1) letters a and b hereof shall be determined by Regional Government based on the result of technical review.

- (3) Building technical review as set forth in paragraph (2) hereof, except for home, shall be performed by technical reviewers and building owner is obligated to recruit them.
- (4) Demolition of a building that has major impact toward public safety and environment must be performed based on demolition technical plan approved by Regional Government.
- (5) Provision on how to demolish a building as set forth in paragraphs (1), (2), (3), and (4) shall be further governed in a Government Regulation.

Part Six

Rights and Obligation of Building Owners and Users

Article 40

- (1) In building management, building owner is entitled to:
 - a. obtain approval from Regional Government on his/her building technical plan which has complied with conditions;
 - b. construct building based on approval from Regional Government;
 - c. obtain a license for the building and/or environment to protect and conserve from Regional Government;
 - d. receive incentive from Regional Government based on legislative regulations when his building is declared as a building that must be protected and preserved;
 - e. change building function after obtaining written approval from Regional Government;
 - f. receive compensation based on legislative regulations when his/her building is demolished by Regional Government or another party due to a negligence not committed by him/her.
- (2) In building management, building owners are obligated to:
 - a. provide building technical plan, which is in accordance with its designated function;
 - b. have Building Construction Permit (IMB);

- c. construct the building based on technical plan, which has been approved within specified time to construct such building;
- d. ask for approval from Regional Government for any revision to building technical plan during its construction phase.

Article 41

- (1) In building management, building owner and users are entitled to:
 - a. know building management procedure/process;
 - b. receive information on allocated location and building intensity in an area and/or space where the building will be constructed;
 - c. receive information on regulation concerning building reliability;
 - d. receive information on regulation concerning proper functioned building; and
 - e. receive information on buildings and/or environment to protect and conserve.

- (2) In building management, building owner and users are obligated to:
 - a. use the building based on its function;
 - b. maintain and/or take good care of the building periodically;
 - c. comply with guidance/guideline on how to use and maintain the building;
 - d. conduct periodic inspection on proper function of the building.
 - e. repair the building which has been declared of being no longer functional properly;
 - f. demolish the building, which has been declared no longer functional properly and it can no longer be repaired and its utilization may cause problems, or has no license to construct the building, without disturbing public safety or public order.

CHAPTER VI PEOPLE'S PARTICIPATION

Article 42

- (1) People may participate in building management by:
 - a. monitoring and maintaining proper management;
 - b. providing input for Government and/or Regional Government in improving building regulations, guidelines, and technical standards;

- c. providing opinions and considerations to authorized agencies concerning preparation of building layout plan and environment, certain building technical plans, and management activities that cause significant impacts to the environment;
 - d. making a class action against buildings that disturb, harm, and/or endanger public interests.
- (2) Provision on people's participation, as set forth in paragraph (1) hereof, shall be further governed in a Government Regulation.

CHAPTER VII

ASSISTANCE

Article 43

- (1) Government shall assist buildings nationally so as to improve their compliance to requirement and building management standards.
- (2) Regional Government shall provide assistance for building management, as set forth in paragraph (1) hereof, at regional level.
- (3) Part of assistance and management, as set forth in paragraphs (1) and (2) hereof, shall be provided together with community who are concerned with buildings.
- (4) Regional Government and community, in providing such assistance, as set forth in paragraphs (2) and (3) hereof, shall empower people to fulfill requirement, as set forth in Chapter IV thereof.
- (5) Provision on building assistance, as set forth in paragraphs (1), (2), (3), and (4) hereof, shall be further governed in a Government Regulation.

CHAPTER VIII

SANCTION

Article 44

Every owner and/or user who does not fulfill his/her functional obligation, and/or requirement, and/or building management, as set forth in this law, shall be imposed with administrative and/or criminal sanctions.

Article 45

- (1) Administrative sanction as set forth in Article 44 thereof may be in the form of:
 - a. written warning,
 - b. limited construction activities,
 - c. temporary or permanent suspension of construction works,
 - d. temporary or permanent suspension of building utilization;
 - e. suspension of license to construct building;
 - f. revocation of license to construct building;
 - g. suspension of certificate of proper building function;
 - h. revocation of certificate of proper building function; or
 - i. demolition of building.
- (2) In addition administrative sanction as set forth in paragraph (1) hereof, a maximum 10% (ten percent) fine of total value of building being or has been constructed may also be imposed.
- (3) Types of sanctions as set forth in paragraphs (1) and (2) hereof shall depend on seriousness of violation committed.
- (4) Provision on imposition of sanctions as set forth in paragraphs (1), (2), and (3) hereof shall be further governed in a Government Regulation.

Article 46

- (1) Every building owner and/or user who cannot fulfill conditions specified in this law, may be imposed with a maximum 3 (three) years imprisonment and/or a maximum fine of 10% (ten percent) of building value, when he/she inflicts financial loss to other persons.

- (2) Every building owner and/or user who cannot fulfill conditions specified in this law, may be imposed with a maximum 4 (four) years imprisonment and/or a maximum fine of 15% (fifteen percent) of building value, when he/she causes accident to another person that the latter is permanently disabled.
- (3) Every building owner and/or user who cannot fulfill conditions specified in this law, may be imposed with a maximum 5 (five) years imprisonment and/or a maximum fine of 20% (twenty percent) of building value, when he/she causes other person's life.
- (4) In a hearing process on action as set forth in paragraphs (1), (2), and (3) hereof, judges should heed considerations given by a team of building experts.
- (5) Provision on imposition of sanctions as set forth in paragraphs (1), (2), and (3) hereof shall be further governed in a Government Regulation.

Article 47

- (1) Everyone or agency who due to his/her negligence, breaches provision specified in this law that causes the building no longer functions properly, may be imposed with imprisonment and/or fine.
- (2) Imprisonment and/or fine as set forth in paragraph (1) hereof shall cover:
 - a. a maximum 1 (one) year imprisonment and/or a maximum of 1% (one percent) fine of building value when he/she inflicts financial loss to another person;
 - b. a maximum 2 (two) years imprisonment and/or a maximum 2% (two percent) fine of building value when he/she causes accident to another person that the latter is permanently disabled; and
 - c. a maximum pidana kurungan paling lama 3 (tiga) tahun and/or a maximum 3% (three percents) fine of building value when he/she causes other person's life.
- (3) Provision on imposition of sanctions as set forth in paragraphs (1) and (2) shall be further governed in a Government Regulation.

CHAPTER IX
TRANSITIONAL PROVISION

Article 48

- (1) Existing legislative regulations on buildings, which are not in contrary with this law, shall remain valid until the issuance of a new implementing procedure based on this law.
- (2) Building licenses issued by Regional Government before the enactment of this law shall remain valid.
- (3) Buildings which have been established but have yet to have a license upon the enactment of this law, should obtain certificate of proper function based on this law.

CHAPTER X
CONCLUDING PROVISION

Article 49

This law shall take effect for 1 (one) as of the date of its enactment.

To socialize it, it hereby orders the placement of this law in the State Gazette of Republic of Indonesia.

Endorsed in Jakarta

On 16 December 2002

PRESIDENT OF REPUBLIC OF INDONESIA,

(Duly signed)

MEGAWATI SOEKARNOPUTRI

Enacted in Jakarta

On 16 December 2002

STATE SECRETARY OF REPUBLIC OF INDONESIA,

(Duly signed)

BAMBANG KESOWO

STATE GAZETTE OF REPUBLIC OF INDONESIA NO. 134 OF 2002

Copy is in accordance with its original

Deputy Cabinet Secretary

Legal and Justice Division,

Lambock V.

Nahattands

ELUCIDATION OF
REPUBLIC OF INDONESIA LAW NO. 28 OF 2002
CONCERNING
BUILDINGS

GENERAL

National development aiming at improving people's prosperity, as specified in the 1945 Constitution, is basically an effort to develop Indonesian people as a whole by considering development harmony, physical prosperity and spiritual satisfaction, in an advanced and justified society based on the five basic principle of Pancasila.

Building as a place for human to perform their activities, plays a very strategic role in in forming a characteristic, improving productivity, and creating human's identity. Therefore, it is necessary to govern and develop building management for people's sustainability and better life, and to create functional, reliable, balanced, and harmonuous buildings with their environment.

Building is a physical materialization of space utilization. Therefore, regulation on buildings must refer to regulation on layout based on applicable legislative regulations.

To ensure legal certainty and order in building management, every building must comply with building administrative and technical requirement, and must be managed in orderly manner.

Law on buildings governs building functions, building requirement, building management, including rights and obligations of building owners and users in every phase of building management, regulation on people's participation and assistance by the government, sanctions, transitional provisions, and concluding provisions.

Aims and objectives of all these regulations are based on utilization, safety, balanced, and harmonous principles of buildings with their environments, for people's interests based on humanity and justice.

People should be involved and participate actively not only in building construction and utilization for their own interests, but also in improving their compliance to building requirement and proper building management in general.

Building should also involve the role of construction service providers based on legislative regulations in construction services, either as planners, executors, supervisors or managers and developing services, including building technical reviewers. Therefore, this regulation on buildings must also be in line with regulation on construction services based on legislative regulations.

Upon the enactment of this law, all building management either its construction and utilization, conducted within the territory of the Republic of Indonesia by the government, private sector, community, and foreigners, must comply with all regulations specified in Law on Buildings.

In dealing with technology development, either information, architecture and engineering, balanced application is necessary by considering existing social and cultural norms of local community and architecture characteristics and environment, particularly contextual, traditional, specific and historical values.

Regulation in this law considers various social, economic and cultural conditions of Indonesian people. In this case, the government continues encouraging, empowering improving people's ability to comply with this law gradually so that all parties can enjoy security, safety, and health in managing the building and its environment in a fair manner with the spirit of humanity, togetherness, and mutual help and good governance.

This law governs basic and normative issues, while its implementation procedure shall be further governed in a Government Regulation and/or other legislative regulations, including Regional Regulation, by considering provisions specified in this law.

BY ARTICLE

Article 1

Self explanatory

Article 2

Utilization principle is used as a basis to construct and manage buildings based on their designated functions, and as a place for human to perform their activities, which fulfill justified humanity values, including propriety and decency aspects.

Safety principle is used as a basis to fulfill building requirement i.e., technical requirement to ensure safety of building owner and users, community and its environment, in addition to administrative requirement.

Balance principle is used as a basis to ensure that the building will not harm ecosystem balance and its environment.

Harmony principle is used as a basis to create harmony between the building and its environment.

Article 3

Self explanatory

Article 4

In every building management phase includes considerations on social and ecological aspects of a building.

Assistance scope shall include management, empowerment and supervision.

Article 5

Paragraph (1)

Self explanatory

Paragraph (2)

Temporary homes shall mean non permanent such as dormitories, guest houses, and alike.

Paragraph (3)

Scope of buildings for religious functions such as mosques, including mushola, and churches, including chapels.

Paragraph (4)

Scope of business buildings is:

- a. offices including rented offices;
- b. trading e.g., foodstalls, shops, markets, and malls;
- c. industry e.g., factories, laboratories, and workshops;
- d. hotels e.g., wisma, inns, hostels, motels, and hotels;
- e. tourism and recreation e.g., meeting halls, sport halls, anjungan, cinemas and theaters;
- f. stations e.g., land transportation stations, railway stations, airports, and harbours;
- g. storages e.g., warehouses, cold storages, and parking buildings.

Paragraph (5)

Self explanatory

Paragraph (6)

Buildings for special functions shall mean buildings with high confidentiality level for the national interests or of which management may endanger local people and/or may have high risk, and they must be approved by a minister in charge in building issues based on proposal from related minister.

Security installations shall include camps or military bases (missile installations), naval and air bases, and ammunition depots.

Security installations shall cover forensic laboratories and ammunition depots.

Paragraph (7)

Combined functions in a building shall cover combination of homes and business locations e.g., shop houses, office houses, apartment-malls, and hotel-malls, or combination of business functions such as shop offices and hotel-malls.

Article 6

Paragraph (1)

Self explanatory

Paragraph (2)

Building function shall be determined by Regional Government during the process of applying for building construction permit.

Paragraph (3)

Any change to building function must be followed with fulfillment of requirement on new function, and reprocessed to obtain a new permit from Regional Government.

Change of building function includes change in similar functions, e.g., from office to trading business or from social function e.g, education to health care function.

Paragraph (4)

Self explanatory

Article 7

Paragraph (1)

Self explanatory

Paragraph (2)

Self explanatory

Paragraph (3)

Self explanatory

Paragraph (4)

For instance construction of malls, bus stations, and offices above or under a street or river, including those situated above or under a public area.

License to use or utilize room shall be granted by authorized agency responsible for the management of public infrastructure and facilities or other facilities where the building will be built above or under it.

Paragraph (5)

Customary buildings shall mean buildings constructed based on customary norms or cultural e.g., customary homes.

Semi permanent buildings shall mean buildings used for designated functions with semi permanent construction or with a possible upgrade into a permanent one.

Emergency building shall mean building, which is only used temporarily, with non permanent construction or limited time building, e.g., temporary *keet and* kiosk.

Regional Government may determine that a location is a disaster area and prohibit any construction for a certain period of time or for an indefinite time by considering safety and security aspects for public interests or determine a special requirement for such construction when the area is deemed no longer dangerous.

For damaged building due to disaster, emergency repair may be made or temporary building may be built for emergency needs for a certain limited time, and the Regional Government may exempt and/or ease its license by considering security, safety, and health aspects.

Regional Government together with community are obligated to arrange the building so as to ensure its security, safety, and accessibility, and harmony with its architecture and environment.

Article 8

Paragraph (1)

Letter a

Right over the land means control over the land based on a certificate as a material evidence of control/land ownership, such as proprietary right, right to use building (HGB), right to cultivate land (HGU), right to manage, and right to use. Status of land ownership may be in

the form of certificate, *girik* and *pethuk* letters, deed of sale, and other deed/evidence of ownership.

Utilization permit is basically an approval through a written agreement entered into by holder of right over the land or land owner and building owner.

Letter b

Building ownership status is an evidence of ownership of a building issued by Regional Government based on building data.

In case of transfer of building ownership, new owner must comply with regulations specified in this law.

Letter c

Building construction permit (IMB) is a letter of evidence issued by Regional Government specifying that building owner may construct the building based on its designated function based on building technical plan approved by Regional Government.

Paragraph (2)

Individual or legal entity in this law shall mean individual person or legal entity.

Private legal entities include limited liability company, foundation, and other business entities such as CV, firm and other types of business, while public legal entities include government agencies/institutions, state enterprises, regional enterprises, public corporations, state companies, and public companies (*persero*) can also be building owners or parts of the buildings.

Paragraph (3)

Regional Government shall mean technical agency at district/city level authorized to handle building management.

Data taking, including building registration, is conducted when processing a license to construct a building and is conducted periodically so as to ensure proper data on construction

and building utilization, and legal certainty concerning the status building ownership, and information system.

Berdasarkan pendataan building, sebagai pelaksanaan dari asas pemisahan horizontal, selanjutnya building owners memperoleh surat bukti building ownership dari Regional Government.

Article 9

Paragraph (1)

Self explanatory

Paragraph (2)

Building layout and environment plan is used to control utilization of a space in an environment/area, follow up detailed layout plan and as a guideline on area planning in order to construct quality and sustainable buildings and their environment from functional, social, economy and environmental aspects including its ecology and visual quality.

Building layout plan and its environment shall contain requirement on building layout consisting requirement on building and environment program, general plan and planning guideline, investment plan, plan control, and implementation guideline.

Building layout plan and its environment shall be determined by Regional Government and may be prepared based on a partnership between the Regional Government, private sector, and/or community depending on its significance to the environment/area concerned.

Paragraph (3)

Self explanatory

Article 10

Paragraph (1)

Building intensity is technical specification on building density and height required in a certain location or area, which covers building basic coefficient (KDB), building floor coefficient (KLB), and total building floors.

Building height is the maximum height of a building permitted in that location.

Building free distance is an area in front of a building, its left and right and back of a parcel, which cannot be built.

Paragraph (2)

Self explanatory

Article 11

Paragraph (1)

Allocated location shall mean a location specified in the district/city layout plan concerning type of functions or combination of building functions which may be built in a certain allocated lot/plot/block.

Paragraph (2)

Building may be built above or under ground, water, or public infrastructure and facilities such as road and/or green line upon approval from the authorized officials who manage infrastructure and facilities concerned, so long it is not in contrary with layout plan, building layout and environmental plans, and it does not obstruct the functions of infrastructure and facilities concerned, and it is suitable with building in its surroundings.

Paragraph (3)

Self explanatory

Article 12

Paragraph (1)

Building Basic Coefficient (KDB) shall mean coefficient comparison between the size of building ground floor and the size of allocated lot/plot/block.

Building Floor Coefficient (KLB) shall mean coefficient comparison between the size of all building floors and the size of allocated lot/plot/block.

KDB, KLB and building height in a location shall be determined based on layout and governed by Regional Government through Building Layout and Environmental Governance Plan (RTBL).

Paragraph (2)

Self explanatory

Paragraph (3)

Self explanatory

Paragraph (4)

Self explanatory

Article 13

Paragraph (1)

Demarcation line shall mean a line that borders the minimum free space of the most outer part of a building mass to the land border it controls, between masses of other buildings, river side/beach line, railways, drainage plan, and/or high voltage electricity network.

River side is measured during the highest tide.

Beach line is measured during the highest tide and full moon.

Regional Government shall determine demarcation line of a building by considering security, health, convenience, facilities, balance and harmony aspects with its surroundings.

Paragraph (2)

Buildings for public facilities such as underground transportation facilities, and clear distance between buildings shall be specifically determined by Regional Government after considering experts' opinions.

Paragraph (3)

Self explanatory

Article 14

Paragraph (1)

Requirement on building architecture is aimed at ensuring quality building and environment so as to reflect its identity and become a role model for its environment, and accommodate the nation's cultural values.

Paragraph (2)

Considerations on shape and architecture characteristics and its environment is aimed at creating environmental quality, through harmonious value and architecture, use of materials and building colour.

Paragraph (3)

Self explanatory

Paragraph (4)

External space of a building is aimed at supporting fulfillment of safety, health, convenience, and accessibility requirement, in addition to support supporting building functions and green areas around the building.

Open green areas is created by considering existing natural potentials in the area such as lake, old trees, lands and surface, and may be useful for ecological, social, economy and esthetic interests.

Paragraph (4)

Self explanatory

Article 15

Paragraph (1)

Significant impact shall mean a major change toward an environment, which is caused by an activity.

Buildings that cause significant impacts to the environment are those that cause:

- a. changes to physical and/or biological nature of the environment, which exceed quality standard of the environment based on legislative regulations;
- b. fundamental changes to environmental components that exceeds criteria recognized based on scientific considerations;
- c. endangered and/or distinction of endangered and/or endemic, and/or protected species based on legislative regulations or destruction of their natural habitats;
- d. damage or disturbance to protected areas (e.g., protected forests, sanctuaries, national parks, and reserved areas) determined by legislative regulations;
- e. destruction or distinction of historical items and buildings, which are of high values;
- f. modification to beautiful natural areas;
- g. conflict or controversy with community and/or government.

Paragraph (2)

Letter a

Requirement on building environment shall cover requirement on open green yards, building borders, *basement*, green areas in the building, circulation and parking facilities, signs, and room lighting outside the building.

Letter b

Requirement on environmental impacts shall refer to Law on environmental management, that every business and/or activities that may cause major and significant impacts to the environment must have an environmental impact analysis so as to obtain business license and/or permit to perform its activities.

Letter c

Technical conditions in environmental impact management shall cover building technical conditions, requirement on construction, liquid and solid waste disposal, and management of disaster areas.

Article 16

Paragraph (1)

Building reliability means the building fulfills safety, health, convenience, and accessibility requirements based on building functions.

Paragraph (2)

Self explanatory

Article 17

Paragraph (1)

Self explanatory

Paragraph (2)

Self explanatory

Paragraph (3)

Passive protection system is a fire protection system in buildings based on their structural and architectural designs that the buildings have stable structures in a certain period and may stop the spread of fire or heat in case of fire.

Active protection system is fire detection system and fire alarm, and in case of fire, is hydrant system, *hose-reel*, *sprinkler system*, and fire extinguishers.

Paragraph (4)

Self explanatory

Article 18

Paragraph (1)

Requirement on capacity to support loads, in addition to its own load, humans, and goods, is also to support natural loads such as (tectonic/vulcanic) earthquake and hurricane/storm, decreased material power caused by depreciation, relaxation, weariness, and heat difference, and possible landslide, flood, and damage due to insects and fungus.

Paragraph (2)

Varied loads shall mean variation of building loads in empty condition, or partly empty and partly in maximum load. Building with more than two floors must have structural calculation in preparing its technical plan.

Paragraph (3)

Self explanatory

Article 19

Paragraph (1)

Fire proof construction shall mean construction with fire proof structure and is able to resist fire as specified in fire resistance level (TKA) of the building element, which covers capacity to carry loads, resist spread of fire (integrity), and spread of heat (isolation).

Compartment shall mean separation of rooms in a maximum size and/or volume based on building classification and type of construction which is fire proof. Separating walls that form compartments are aimed to locate fire and smoke, or prevent spread of heat from entering into next rooms.

Separation shall mean vertical separation on outside wall openings, separation by fire proof walls, and separation in *shaft* lift.

Openings shall mean holes on the wall or utility holes (*ducting AC, plumbing, etc.*) that must be protected or provided with exhaust fans so as to prevent fire/smoke from entering other rooms.

To support effective passive protection system, it is necessary to consider environmental roads accessible by fire engines and/or back roads (*brandgang*) used for evacuation and/or fire distinguishing.

Paragraph (2)

Self explanatory

Paragraph (3)

Single homes, particularly Growing Core Houses and Healthy, Modest Houses must not be equipped with passive and active protection systems, but must be adjusted with the capacity of every building owner and must consider the safety of his/her building and its environment.

Paragraph (4)

Self explanatory

Article 20

Self explanatory

Article 21

Self explanatory

Article 22

Paragraph (1)

Ventilation system should also consider energy saving principles inside the building.

Paragraph (2)

Openings for natural ventilation in the building should also be adjusted with building height and geographical condition.

Paragraph (3)

Self explanatory

Article 23

Paragraph (1)

Lighting system should also consider power saving principles inside the building.

Artificial lighting shall mean providing artificial lighting through power installation and/or energy system in the building so that people therein can perform their activities based on the building functions.

Paragraph (2)

Self explanatory

Paragraph (3)

Self explanatory

Article 24

Paragraph (1)

Rain water must be channeled to an infiltration well and/or city well channel based on applicable regulation.

Paragraph (2)

Self explanatory

Paragraph (3)

Self explanatory

Article 25

Self explanatory

Article 26

Paragraph (1)

Self explanatory

Paragraph (2)

Self explanatory

Paragraph (3)

Self explanatory

Paragraph (4)

For certain buildings, of which due to their functions, they require certain convenience in order to reach certain temperature and humidity level inside the building, they may use air conditioning.

Air conditioning shall be provided by considering energy saving principles inside the building.

Paragraph (5)

Convenient views may be materialized by maintaining the building mass, openings draft, inside and outside building layout, and by using potential from outside areas of the building, natural or artificial green open areas, including prevention from glares or reflected lights.

Paragraph (6)

Convenience from vibration shall mean ensuring that existing vibration will not cause health problems or harm people's convenience in performing their activities. Vibration may be in the form of shock, mechanic or seismic vibration coming from inside or outside the building.

Convenience from noise shall mean existing noise will cause hearing or health problems, or disturb one's convenience to perform his/her activities.

Paragraph (7)

Self explanatory

Article 27

Paragraph (1)

Self explanatory

Paragraph (2)

Building accessibilities shall cover entrance, exit, horizontal room connections, vertical connections inside the building and vertical transportation facilities, and evacuation access for building users, including easy finding and use of first aids in an emergency situation for tenants, particularly disabled persons, elderly persons, and pregnant women, particularly for public service buildings.

Accessibilities must comply with building functions and regulation on performance, distance, dimension, category, total and capacity, and regulation on construction.

Following definition shall apply:

- easy, shall mean easy access to the location, with information on how to avoid traffic jams;
- convenience, shall mean among others proper size and conditions;
- safe, e.g., separated from fire exit, slope of floor surface, steps and landing with hand rails or safety equipment.

Paragraph (3)

Building infrastructure and facilities i.e., type, total/volume/capacity, shall be adjusted with building function and environmental condition of building location, based on applicable regulations.

Communication and information facilities e.g., communication system, directions, signs, and other information media.

Paragraph (4)

Self explanatory

Article 28

Self explanatory

Article 29

Self explanatory

Article 30

Paragraph (1)

Other disasters such as earthquake, riots or other emergency situations that buildings users must be evacuated.

Paragraph (2)

Self explanatory

Paragraph (3)

Self explanatory

Article 31

Paragraph (1)

Single homes, particularly Growing Core Houses and Healthy, Modest Houses, must not have facilities and accessibilities for disabled persons and elderly persons.

Settlement buildings such as apartments, flats and alike, must have facilities and accessibilities for disabled persons and elderly persons.

Paragraph (2)

Self explanatory

Paragraph (3)

Self explanatory

Article 32

Self explanatory

Article 33

Authorized agency shall mean an agency authorized by legislative regulations to assist and/or manage a building with a special function.

Article 34

Paragraph (1)

Every building management must have a tight supervision.

Paragraph (2)

Self explanatory

Paragraph (3)

Provision concerning construction service provider should comply with legislative regulations concerning construction service.

Paragraph (4)

Implementation procedure to comply with this law shall be further governed in a Regional Government based on people's social, cultural, and economic conditions.

Article 35

Paragraph (1)

Building construction plan shall mean preparation of building technical plan based on its designated function and technical condition, as a guideline to implement and supervise such construction.

Building construction shall mean establishment, repair, adding, modification, or renovation of building construction and/or installation and/or building equipment based on technical plan prepared.

Supervision on building construction shall mean supervising construction works starting from preparation of land up to handover of final works or management of construction.

Paragraph (2)

Self explanatory

Paragraph (3)

Written agreement shall mean authentic deed containing provisions on rights and obligations of every party, agreement period, and other provisions prepared before authorized officials.

Agreement, as set forth above, must consider all or part of building functions and utilization.

Paragraph (4)

Building technical plan may consist of architectural, structural and technical, and construction, mechanical and electrical plans, landscape gardening, indoor layout, and prepared by certified planners based on legislative regulations, in the form of plan, detailed implementation drawings, workplans and administrative requirements, general and technical requirements, construction budget plans, and planning reports.

Approval on building technical plan by issuing building construction permit by Regional Government shall be based on administrative and technical qualifications, prime service principles and good governance.

Modification to building technical plan during implementation phase must be performed by and/or upon approval from building technical planner, and submitted first to authorized agency for approval.

Building for special functions, must have building construction permit issued by the Government after a coordination with Regional Government.

Article 36

Paragraph (1)

Team of experts shall be established based on Regional Government's capacity and ability to provide professional advices and considerations on building technical plan for public or certain interests.

Paragraph (2)

Technical plan for building for special functions must firstly be considered by team of experts concerned before being approved by agency authorized to provide technical assistance for the building concerned.

Paragraph (3)

Members of the team of building experts shall be adjusted with building complexity that require professional advices and considerations, may consist of experts outside building discipline so long their services are required. Such advices are independent, objective and have no conflict of interests.

Paragraph (4)

Self explanatory

Article 37

Paragraph (1)

Proper function shall mean part or all parts of the building function well based on building layout requirement, and safety, health, convenience, and accessibility requirement.

Paragraph (2)

A building is deemed cution well when a technical review has been made on fulfillment of all building technical conditions, and the Regional Government approves it by issuing a certificate of building proper function.

Paragraph (3)

Periodic inspection is performed by building owners through technical reviewers to fulfill requirement to obtain or to extend certificate of building proper function.

Paragraph (4)

Self explanatory

Paragraph (5)

Self explanatory

Article 38

Paragraph (1)

Related legislative regulation is Law on Cultural Heritage.

Paragraph (2)

Protected and preserved building and environment may be in groups, or parts, or remainings of at least 50 (fifty) years old, or represent at least 50 (fifty) years of mass structure, and deemed to have important historical, scientific and cultural values, including architectural and technological values.

Paragraph (3)

Modification means damaging cultural heritage value of a building and/or its environment, which should actually be protected and preserved.

Repair, restoration, and maintenance of building and its environment, which must be protected and preserved, shall be performed by considering its historical value and original shape and its security so that it can be used based on its original function, or on potential better development based on criteria set by Regional Government and/or the Government.

Paragraph (4)

Self explanatory

Paragraph (5)

Self explanatory

Article 39

Paragraph (1)

Letter a

When a building can no longer function properly or repaired, it will endanger the safety of building owner and/or users if the building is continuously used.

When a building can no longer function properly but is repairable, building owner and/or users shall be given an opportunity to repair it until it is declared able to function properly.

When the building owner is unable, or when a home can no longer function properly and it cannot be repaired and may endanger the safety of its tenants or environment, then the building must be emptied. When the building endangers public interests, its demolition shall be carried out by Regional Government.

Letter b

Endangered building means utilization of the building and/or its environment may endanger the safety of people and their environment.

Letter c

Building which is in accordance with its allocation based on its layout plan in the district/city, its building construction permit cannot be processed.

Paragraph (2)

Regional Government shall decide whether or not, a building must be demolished after receiving the result of a professional, independent and objective technical review.

Paragraph (3)

Except for single homes, particularly Growing Core Houses and Healthy, Modest Houses.

Extent and scope of technical review will depend on building complexity and function.

Paragraph (4)

Technical plan on demolition of a building shall include planned drawings, detailed drawings, workplan and requirement to conduct a demolition, its schedule, and a plan to secure its environment.

Demolition of a building by using heavy equipment and/or explosives can only be performed by certified building demolishers based on legislative regulations.

Paragraph (5)

Self explanatory

Article 40

Paragraph (1)

Letter a

Regional Government shall ber responsible to approve building technical plans that have complied with requirements.

Such approval from the Regional Government on building technical plans shall be given free of charge from authorized agency.

Letter b

Regional Government shall issue building construction permit in a promptly manner and at an affordable fee after building technical plan is approved.

Fee for building construction permit is affordable based on its function, ownership, and complexity, and it is to support licensing service, issuance of letter of building ownership and assisting building technical management.

Letter c

Regional Government shall issue decision letter on protected and preserved building and/or environment free of charge.

Letter d

Incentive shall be determined based on legislative regulations and/or Regional Regulation.

Letter e

Written approval from Regional Government on revision to building construction permit due to revision to building function.

Letter f

Compensation shall be determined based on legislative regulations and/or Regional Regulation.

Paragraph (2)

Self explanatory

Article 41

Paragraph (1)

Building owner and users may obtain free information on implementation procedure, requirement, management and regulation on buildings available at Regional Government.

Paragraph (2)

Letter a

Use of building other than its designated function is prohibited.

Letter b

Self explanatory

Letter c

Self explanatory

Letter d

Periodic inspection on building proper function shall cover inspection on compliance with administrative and technical requirements based on its function. Periodic inspection shall be adjusted with type of construction, building mechanical and electrical, and building equipment.

Periodic inspection shall be performed in a certain period, or due to change of building function, or disaster with significant impacts to building reliability e.g., fire and earthquake.

Inspection on building function reliability shall be carried out by competent and certified technical reviewers based on legislative regulations, and its result shall be reported to the Regional Government.

Regional Government shall govern compulsory periodic inspection, and may randomly conduct inspection based on the result of technical review conducted by technical reviewers.

Letter e

Repair shall be made to all, parts, components, or materials of building deemed cannot function properly based on the result of inspection carried out by technical reviewers, until it is declared able to function properly.

Letter f

In addition to owner, users may also be obligated to demolish the building when they are bound by an agreement using building which cannot function properly.

Article 42

Paragraph (1)

Letter a

In case of disorder in construction, utilization, conservation, and demolition of building, people may provide reports, input, and suggestion to Regional Government.

Everyone may also participate in maintaining order and comply with applicable regulations as visitors to shops, theaters, malls, markets and other public facilities.

Letter b

Improvement shall include revision to Regional Regulation on buildings so that it is inline with this law.

Letter c

Delivering opinions and considerations may be made through team of building experts established by Regional Government or through a dialog forum and public hearings.

Delivering opinions enable the people to have the sense of belonging and be responsible for the management of the building and its environment.

Letter d

Class action may be taken based on legislative regulations by individuals or group of people who represent the parties affected by poor or harmful building management.

Paragraph (2)

Self explanatory

Article 43

Paragraph (1)

Assistance shall be provided based on good governance through management, empowerment, and supervision so that every building can be managed in an orderly manner in order to achieve building reliability based on its functions, and to create legal certainty.

Management shall be carried out by institutionalizing legislative regulations, guidelines, directions, and building technical standards to regional level and its operation at community level.

Empowerment shall be carried out to building management and Regional Government officials so as to raise their awareness about their rights, obligations, and roles in building management.

Supervision shall be carried out by monitoring the application on legislative regulations on buildings and law enforcement.

Paragraph (2)

Regional Government shall provide assistance based on applicable regulations on assistance and supervision over regional governments.

Paragraph (3)

Community related with the building includes experts, professional association, corporate association, building owner and users, and government officials.

Paragraph (4)

Empowerment of unable people is aimed at improving their compliance to legislative regulations on buildings through internalization, socialization, and institutionalization at community level.

Article 44

Sanction imposed does not waive building owner and/or users from fulfilling requirement as specified in this law.

Administrative sanction shall mean sanction imposed by administrator (government) to building owner and/or users without undergoing any hearing process for their failure to comply with this law.

There are several types of administrative sanctions, depending on type of mistake committed by building owner and/or users.

Building value in terms of sanction shall mean overall value of a building when it is being constructed, or overall value of a building determined when the sanction is imposed for building, which has been constructed.

Article 45

Paragraph (1)

This administrative sanction is an alternative.

Letter a

Self explanatory

Letter b

Self explanatory

Letter c

Temporary or permanent suspension of building construction shall mean a warrant to cease construction work up to the sealing of building.

Letter d

Temporary or permanent suspension of building utilization shall mean warrant to stop utilization up to sealing of buildings.

Letter e

Self explanatory

Letter f

Self explanatory

Letter g

Self explanatory

Letter h

Self explanatory

Letter i

Building owner shall be responsible to demolish his/her building.

Paragraph (2)

Self explanatory

Paragraph (3)

Self explanatory

Paragraph (4)

Self explanatory

Article 46

Paragraph (1)

Self explanatory

Paragraph (2)

Self explanatory

Paragraph (3)

Self explanatory

Paragraph (4)

To assist a hearing process and to maintain objectivity and justice, judges in handing over a violation case must firstly receive considerations from a team of building experts.

Article 47

Self explanatory

Article 48

Paragraph (1)

Self explanatory

Paragraph (2)

Buildings that already have building construction permits before the enactment of this law, their functions must still be evaluated gradually based on this law.

Buildings that already have building construction permits before the enactment of this law, must also be registered during periodic data taking by Regional Government, or based on people's own initiative.

Paragraph (3)

Buildings that have yet to have any building construction permit during and after the enactment of this law, must obtain building construction permit by reviewing building function and obtain certificate of proper functions.

Review on reliability of building function shall be performed by technical reviewers gradually based on social, economic, and cultural conditions of the people as determined by Regional Government.

When technical reviewers are not available yet, technical review shall be performed by Regional Government.

Regional Government must assist, facilitate and provide good services for people who wish to obtain building construction permit or certificate of building proper function.

Article 49

Self explanatory

ADDENDUM TO STATE GAZETTE OF REPUBLIC OF INDONESIA NO. 4247