

Legal Regulation of Building Utilization Policy in Parepare City: Between Plan and Reality

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Abstract

This research examines the utilization of buildings in Parepare City based on Regional Regulation No. 5/2014 on Building and the effectiveness of supervision conducted by the local government. This research uses a qualitative approach with a social/empirical method. Data were obtained through observation, interviews, and documentation. The results showed that building utilization in Parepare City is not always in accordance with the initial designation. Some buildings have changed functions, such as the culinary market building which turned into a public service office to optimize its utilization, Building 202 which was abandoned after a change in function, and the Jiwasraya building which is not operating due to bankruptcy. Supervision by the PUPR Office is structured, but still faces obstacles in changing the function of buildings and the lack of optimal socialization and supervision. In the perspective of Siyasa Idariyah, the Parepare City Government is responsible for maintaining spatial order and protecting the community from the negative impact of building conversion. The principles of shura and accountability are applied in policy making, with the use of technology and persuasive approaches to increase public awareness. This step is in line with the principles of benefit and responsibility in Islam.

Keyword: Government Policy, Utilization, Building

1. Introduction

The implementation of regional autonomy aims to improve the welfare of the community through development that is tailored to local needs. Regional autonomy provides authority for local governments to manage resources, including in the implementation of buildings. Good building management requires clear regulations and effective supervision to create an organized, safe, and sustainable environment. (Sudaryo et al., 2021)

In the context of Parepare City, rapid economic growth and urbanization require structured building planning and management. However, there are still many problems related to the use of buildings that are not in accordance with the original designation, both due to inappropriate conversion and weak supervision from the local government. This has the potential to disrupt the spatial balance of the city and cause social and environmental impacts.

Previous research, such as that conducted by Mardiasmo, highlights the importance of regional autonomy in improving the quality of public services and the efficiency of resource management. (Arief, 2023) However, in the context of Parepare City, there are still various obstacles in the implementation of regulations related to the use of buildings, especially in supervision and utilization in accordance with the initial designation. Some buildings have undergone functional changes that are not in accordance with the city's spatial plan, as well as neglect of technical and environmental aesthetic standards. This shows that there are limitations in the implementation of existing policies.

In addition, other studies show that problems with spatial planning and building utilization are often caused by weak coordination between government agencies. Existing policies have not been fully able to answer the challenges in the implementation of buildings, especially in terms of supervision and compliance with regulations. Therefore, an in-depth analysis of the effectiveness of policies implemented by local governments is a necessity.

Local government policies in regulating the use of buildings are important to be analyzed in order to find solutions to various problems that arise. (Sutaryono, 2020). The hope of this study is to provide strategic recommendations to improve the effectiveness of supervision and implementation of building policies in Parepare City, by considering a more innovative and technology-based approach.

From a regulatory perspective, Regional Regulation Number 5 of 2014 concerning Buildings in Parepare City is the legal basis for building management and supervision. This regulation aims to create buildings that are safe, functional, and in accordance with the urban spatial plan. However, the effectiveness of the implementation of this regulation still needs to be further examined to ensure that the expected goals can be achieved.

This article analyzes the implementation of local government policies on the use of buildings in Parepare City based on Regional Regulation Number 5 of 2014 concerning Buildings. The purpose of this study is to find out and analyze the effectiveness of supervision and the use of buildings in accordance with applicable regulations.

With this research, it is hoped that a clearer picture can be obtained regarding the effectiveness of the regulations implemented and the challenges faced in their implementation. In addition, this study also aims to provide recommendations for policy improvements in order to realize better building governance in Parepare City.

Therefore, this article formulates several problems as follows: first, how is the use of buildings in Parepare City based on Regional Regulation Number 5 of 2014 concerning Buildings?; Second, how effective is the supervision carried out by the local government in implementing Regional Regulation Number 5 of 2014 concerning Buildings?

2. Method

This study uses a qualitative method with a social/empirical approach. (Abdussamad & Sik, 2021) Data was collected through interviews with related parties, field observations, and documentation studies on

applicable policies and regulations. Primary data was obtained from interviews with officials of the Parepare City PUPR Office, while secondary data was sourced from policy documents and previous research reports. (Scott, 2020)

3. Utilization of Buildings in Parepare City Based on Regional Regulation Number 5 of 2014 concerning Buildings

Regional Regulation Number 5 of 2014 concerning Buildings in Parepare City is an important regulation in ensuring that the construction and use of buildings is carried out in accordance with applicable regulations. This regulation aims to create an orderly spatial layout and sustainable development. In its implementation, this regional regulation regulates various aspects, including licensing procedures, supervision, as well as the function and changes in building utilization. However, in its implementation, several obstacles were found, such as a discrepancy between the initial designation of the building and its current use (Caroles & IPU, 2019).

In an interview with the Head of the Cipta Karya Division of the Parepare City PUPR Office, Mr. Suhandi, he explained:

"Many buildings were initially planned for a specific function, but on the way they changed their designation without following the appropriate procedures. This often happens due to changing community needs and economic factors that encourage building owners to convert buildings without applying for a permit to change the designation."

A clear example of this phenomenon is the Culinary Market Building which was originally designed as a culinary-based economic center, but is currently being converted into a public service office. Although the main reason for this change is the optimization of the use of regional assets, this still raises problems related to building designation regulations (Hartono, 2023).

In addition, there is a case of Building 202 which had undergone a change in function but was eventually abandoned. This shows that in addition to regulations that need to be tightened, more mature planning aspects are also needed to ensure the effectiveness of building utilization in the long term. In addition to Building 202, there is also the Jiwasraya Building which is no longer operating due to bankruptcy. Although it has historical value, this building is no longer used and has become unproductive for the surrounding community.

Several other buildings in Parepare City have also undergone changes in function without going through the correct procedures, such as residential houses that have been converted into business premises without official permits. This case reflects the weak public awareness of the importance of compliance with building utilization regulations. Local governments need to increase socialization and provide strict sanctions to building owners who do not follow regulations to ensure more orderly development.

Regional Regulation Number 5 of 2014 also regulates building safety standards to ensure the safety of residents and the surrounding community. However, in practice, there are still buildings that do not meet the applicable construction standards. Some minor incidents such as roof collapses or cracks in building

walls often occur as a result of construction that does not follow technical procedures. The Parepare City PUPR Office has identified several cases of this non-compliance and is working to tighten supervision to prevent greater risks.

Another effort that can be made is to utilize technology in building supervision, such as the use of geospatial information systems to monitor changes in building functions in *real-time*. With this system, the government can more quickly identify buildings that do not comply with the initial permits and provide reprimands or sanctions before further violations occur.

The government can also improve the public reporting system to help detect abuse of building functions. With the active participation of the community, supervision can be carried out more effectively, and cases of violations can be minimized.

Coordination between local governments and related agencies such as the Investment Office and One-Stop Integrated Services must also be improved. Closer cooperation will help in synchronizing permits and supervision, so that any changes in building function can be detected early and followed up appropriately.

4. The Effectiveness of Supervision Carried Out by Local Governments in Implementing Regional Regulations in the Perspective of Siyasa Idariyah

Supervision of the use of buildings in Parepare City is one of the crucial aspects in carrying out development goals that are orderly, safe, and in accordance with regulations. Regional Regulation (Perda) Number 5 of 2014 concerning Buildings regulates the management of building construction which must be in accordance with technical, safety, and designation standards. This Regional Regulation is also a legal basis that ensures that the construction of buildings not only meets technical requirements, but is also in line with the Parepare City Job Creation plan which focuses on spatial planning and sustainable infrastructure development.

Local governments, especially the Public Works and Spatial Planning Office (PUPR), play an important role in ensuring that every building built in Parepare City is in accordance with the provisions in the Regional Regulation. In this context, supervision is not only limited to the licensing aspect, but also includes supervision during the construction process and evaluation of the use of buildings after completion of construction. Therefore, the effectiveness of this supervision is highly dependent on several important factors, such as coordination between relevant agencies, the application of technology in supervision, and the government's commitment to enforce rules and provide sanctions for violations.

As the institution responsible for the implementation of Regional Regulation Number 1 of 2021, the Parepare City PUPR Office plays a central role in ensuring that each stage of building construction is carried out in accordance with applicable regulations. In this case, the supervision carried out by the PUPR Office includes more than just the issuance of building permits (IMB), but also includes supervision during the construction process and evaluation of the use of buildings after completion of construction.

According to an interview with Mr. Suhandi, Head of the Job Creation Division of the PUPR Office, supervision is carried out from the IMB submission stage until the building is completed and ready for use. At each stage of development, including inspection of the design and structure of the building, the PUPR Office conducts intensive supervision to ensure compliance with the permits that have been granted. Monitoring is carried out periodically, with a frequency of two times a week to monitor whether there are any changes that are not in accordance with the approved plan.

The role of the PUPR Office is in line with spatial planning theory, which emphasizes the importance of systematic and sustainable spatial management. In this theory, supervision of space utilization, including building construction, is part of efforts to maintain a balance between development needs and environmental sustainability.(Caroles & IPU, 2019) Supervision by the PUPR Office is a preventive measure that ensures that the construction of the building does not damage the planned spatial layout, as well as ensuring that the buildings built meet the expected safety, comfort, and sustainability standards.

As part of the local government, the PUPR Office also acts as a liaison between developers and applicable regulations. They ensure that development projects not only comply with administrative provisions, but also pay attention to the principles of safety and sustainability in the management of urban spaces, which are in line with the theory of local government. Local governments are responsible for ensuring that the construction of buildings reflects the needs of the community, as well as carrying out supervisory obligations in order to maintain the quality and sustainability of urban spaces.

According to the author, the Parepare City PUPR Office plays an important role in the implementation of Regional Regulation Number 1 of 2021 by supervising every stage of building construction, from the submission of IMB to the evaluation of building utilization. The supervision carried out is not only limited to the issuance of permits, but also includes inspection of the design and structure of the building to ensure conformity with the permits granted, as well as periodic supervision to prevent changes that are not in accordance with the plan. This is in line with spatial planning theory that emphasizes systematic and sustainable spatial management, where the PUPR Office acts as a liaison between developers and applicable regulations to ensure that development meets safety, comfort, and sustainability standards. Thus, this supervision not only ensures administrative compliance, but also maintains the quality and sustainability of urban spaces, which is in accordance with the principles of local government in managing spaces according to the needs of the community.

Structured and Continuous Supervision Process

The supervision process carried out by the PUPR Office in Parepare City is divided into several systematic stages, starting from planning and design to final inspection after construction is completed. At the planning and design stage, supervision is carried out to ensure that the building plan is in accordance with the applicable spatial planning policies. Supervision at this stage is important to ensure that the construction of the building does not conflict with the spatial plan and the Parepare City Job Creation policy which aims to create an organized and sustainable spatial layout.

Once the Permit is issued, supervision continues at the construction stage. Here, the PUPR Office conducts periodic inspections to ensure the quality of construction, including the foundation and building structure, as well as compliance with the permits that have been granted. The supervision which is carried

out twice a week shows the commitment of the local government to ensure that the development takes place in accordance with the regulations that have been set, does not deviate from the permits granted, and is in accordance with the principles of sustainability in spatial planning theory.

After the construction is completed, the last stage of supervision is the final inspection. At this stage, the PUPR Office ensures that the building built is suitable for use and in accordance with the permits granted. The final inspection aims to identify whether there are functional changes or non-conformities that could endanger the safety of residents and damage the urban spatial order. This comprehensive supervision indicates the local government's efforts to maintain the quality of the city's infrastructure and create a well-organized environment.

Based on the author's findings, there are various buildings that are built not in accordance with their functional permits. One of the buildings that changed functions was the culinary market building which immediately became a public service office. The reason for the change of function based on the findings of interviews was that the building had been abandoned for a long time, to benefit the building the government carried out a complete renovation to be used as an office for public services. In addition to maximizing the use of previously abandoned buildings. By converting this building into an MPP, the Parepare City Government hopes to provide ease of service to the community in a more efficient way, considering that various public services are now centralized in one place, such as the issuance of ID cards, driver's licenses, and business licenses, which will simplify the administrative process for residents. (Pradana, 2023)

Within the theoretical framework of local government, this supervision reflects the main function of local governments in regulating and supervising the implementation of local policies and regulations. Supervision of building construction not only includes technical aspects, but also related to the social and economic sustainability of the community. Local governments are responsible for ensuring that development in their areas meets the needs of the community, is sustainable, and is in line with the vision of long-term development. (Sunarso, 2023)

One of the key factors that supports the effectiveness of supervision in Parepare City is good coordination between various related agencies, such as the PUPR Office, the Regional Disaster Management Agency (BPBD), the Environment Office, and the police. Coordination that runs smoothly ensures that the construction of the building not only complies with the provisions listed in the Regional Regulation, but also pays attention to safety, disaster, and environmental protection factors. For example, BPBD is involved in assessing whether the design of the building accommodates the principles of disaster mitigation, while the Environment Agency ensures that the building does not damage the surrounding environment.

In addition, the use of information technology is also a very important aspect in increasing the effectiveness of supervision. By utilizing technology-based information systems, supervision can be carried out more accurately and efficiently. This system allows the PUPR Office to quickly verify development data, monitor the status of development in real-time, and increase transparency in the supervision process. The use of this technology also supports the theory of government management, which suggests the use of technology to speed up and simplify administrative processes in local government. (Sunarso, 2023) Technology provides convenience in data management, collaboration between agencies, and more responsive supervision to changes and problems that occur in the field.

The local government of Parepare City can also use technology to improve supervision transparency, so that the public can easily access information related to the status of building construction. This supports the principle of accountability and public participation in the theory of local government, where communities have access to monitor development developments around them and report in case of violations or irregularities.

Based on the explanation above, the author concludes that the supervision carried out by the PUPR Office in Parepare City is a systematic and structured process, starting from planning to final inspection after construction is completed. This supervision includes various stages that aim to ensure that every aspect of the building construction is in accordance with applicable spatial policies and regulations, as well as considering social, economic, and environmental sustainability factors. In addition to technical supervision, the PUPR Office also involves coordination between various related agencies, such as BPBD and the Environment Agency, to ensure safety, disaster mitigation, and environmental protection. The authors also highlight the importance of using information technology to improve efficiency and transparency in the oversight process, which supports the principles of accountability and public participation. Thus, this oversight not only serves to ensure compliance with regulations, but also contributes to sustainable development and creates a well-organized environment.

In the perspective of *Siyasah Idariyah* (the science of state administration in the Islamic tradition), the use of buildings in Parepare City can be analyzed through the principles of justice, public welfare (*maslahah*), and good governance that aims to meet the needs of the community by paying attention to sustainability and social order. *Siyasah Idariyah* not only regulates the management of the government administratively, but also prioritizes the government's responsibility in implementing public policies for the benefit of the people and the wider environment. (Kadri & Tumadi, 2022)

Regional Regulation Number 5 of 2014 which regulates the governance of building construction in Parepare City, in *Siyasah Idariyah*, is in accordance with the concept of justice and public benefit. The government, as a leader in Islam, has an obligation to protect the interests of the ummah and create a harmonious order in social, economic, and environmental life. The arrangement of building construction through IMB and urban spatial planning aims to prevent damage to public spaces and ensure environmental sustainability, which reflects the principles of justice and responsibility.

In this context, the use of IMB and supervision carried out by the government is to avoid damage (*mafsadah*) in development that can harm the community, such as the narrowing of public spaces or environmental damage, which is not in accordance with Islamic principles that emphasize the balance of nature and the benefit of the people. (Dewi & Agustina, 2021)

The challenges faced in the implementation of this Regional Regulation, such as the low public awareness of the importance of IMB, can be analyzed from the perspective of *Siyasah Idariyah* who emphasizes the importance of education and community involvement in government policies. In Islam, the government is expected to govern not only with authority, but also with education and persuasion to encourage people to actively participate in creating common prosperity. Education about rights and obligations in terms of IMB is essential to achieve higher collective awareness. (Rasyid, 2024)

In addition, challenges related to violations of changes in building functions that are not in accordance with permits, such as houses that are used as business places without additional permits, can be seen as a form of injustice to the community, because they disturb public comfort and violate mutually agreed rules. In *Siyasah Idariyah*, the government is expected to act decisively and fairly in enforcing the rules, as well as ensuring that every decision and policy does not harm any party. (Apriliah & Safarudin, 2022)

The Parepare City government's efforts to increase socialization on the importance of IMB and tighten development supervision also reflect the principle of government responsibility in Islam. The government acts as a leader who is obliged to protect the benefit of the people, maintain environmental sustainability, and ensure that every policy can bring benefits to the entire community. In Islam, the government is also instructed not only to maintain security and order, but also to provide convenience to its people, for example through the use of information technology to facilitate the submission of IMB, which is also in line with the principle of efficiency. (Sudirman, 2024)

The proposed e-governance system is also part of the *siyasah idariyah* in Islam, which encourages the use of technology to simplify administration and reduce inequalities in access to public services. The use of online applications for IMB submissions, as well as the use of technology such as GIS and drones for supervision, is an effective effort to ensure that supervision runs in a transparent, fair, and efficient manner.

In the context of supervision, the Parepare City government is responsible for ensuring the conformity of the construction of the building with existing regulations, which reflect the principles of fair management in accordance with sharia law. The supervision carried out by the PUPR Office is not only related to administrative compliance, but must also pay attention to community welfare, public safety, and social and economic sustainability.

The implementation of systematic and continuous supervision is a form of the government's commitment to prevent damage and support the benefit of the people. Every stage of supervision, from planning to post-development evaluation, must take into account the principles of sustainability that are the goals of *siyasah idariyah*. (Kadri & Tumadi, 2022)

Good inter-agency coordination between the PUPR Office, BPBD, the Environment Office, and other agencies in supervising the construction of the building also reflects the principle of cooperation for the benefit of the people. In Islam, every individual and agency has an obligation to cooperate with each other for the sake of achieving the common good, in accordance with the principle of *shura (deliberation)* in decision-making.

Local governments are also obliged to maintain accountability and transparency, principles reflected in *siyasah idariyah*, where the community has the right to monitor the development process and report if there are violations. This ensures that oversight is not only carried out unilaterally, but by involving community participation, which is an important aspect of good *governance* from an Islamic perspective. (Apriliah & Safarudin, 2022)

5. Conclusion

The implementation of Regional Regulation Number 5 of 2014 concerning Buildings in Parepare City has had a positive impact on spatial planning and sustainable development, although it still faces obstacles in community supervision and compliance. To increase the effectiveness of this regulation, the government needs to tighten supervision, increase socialization to the public about the importance of building permits, and utilize technology for monitoring and transparency in the development process.

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