

GOVERNMENT REGULATION
NUMBER 36, YEAR 2005
CONCERNING
BUILDINGS

BY THE GRACE OF THE ALMIGHTY GOD

THE PRESIDENT OF THE REPUBLIC OF INDONESIA

Considering : that in order to implement the provisions in Article 6 paragraph (4), Article 8 paragraph (4), Article 9 paragraph (3), Article 1 paragraph (3), Article 12 paragraph (4), Article 13 paragraph (3), Article 13 paragraph (5), Article 18 paragraph (3), Article 19 paragraph (4), Article 20 paragraph (3), Article 22 paragraph (3), Article 23 paragraph (3), Article 24 paragraph (3), Article 25 paragraph (2), Article 26 paragraph (7), Article 27 paragraph (4), Article 28 paragraph (34), Article 29 paragraph (5), Article 30 paragraph (3), Article 31 paragraph (3), Article 32 paragraph (2), Article 36 paragraph (4), Article 37 paragraph (5), Article 38 paragraph (5), Article 39 paragraph (5), Article 42 paragraph (2), Article 43 paragraph (5), Article 45 paragraph (4) of Law No. 28/2002 concerning Buildings, it is necessary to stipulate a government regulation on technical regulation concerning Law No. 28/2002 concerning Buildings.

In view of : 1. Article 5 paragraph (2) of the Constitution of 1945;
2. Law No. 28/2002 concerning Buildings (State Gazette of 2002 No. 134, Additional State Gazette No. 4247).

H A S D E C I D E D :

To stipulate : GOVERNMENT REGULATION CONCERNING BUILDINGS

CHAPTER I
GENERAL PROVISION

Article 1

Referred to in this government regulation as:

1. Building is a physical structure resulting from construction work integrated with its positional place, partly or wholly located on and/or under ground and/or water, which functions as place of people to undertake their activities for both inhabiting or residing, religious activities, business activities, social, cultural and special activities.

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2. Public Building is a building having function for public interests, in the form of religious, business, social and cultural functions.
3. Certain Building is a building used for public interests and specially functional building-structure whose development and/or utilization needs/need special management and/or has/have certain complexity potential to bring about substantial impacts on communities and environment.
4. Classification of Buildings is classification of functions of buildings on the basis of the fulfillment of administrative and technical requirements.
5. Information on Regental/Municipal Plan is information about requirements for building and environmental management enforced by regental/municipal governments in certain locations.
6. License to Erect Building is license issued by regental/municipal governments to an owner of Building to build new structure, change, expand, reduce and/or maintain Building in accordance with the administrative and technical requirements in force.
7. Application for License to Erect Building is an application submitted by owner of Building to regional government for obtaining license to erect Building.
8. Building Base Coefficient (KDB) is percentage of comparison between the total floor space of Building and size of the controlled land plot/cluster land/planning area in accordance with layout plan and building and environmental management plan.
9. Building Floor Coefficient (KLB) is percentage of comparison between the total floor space of Building and size of the controlled cluster land/planning area in accordance with layout plan and building and environmental management plan.
10. Green Area Coefficient (KDH) is percentage of comparison between the size of all open space outside Building designated to park/greening and size of the controlled land plot/cluster land/planning area in accordance with the layout plan and building and environmental management plan.
11. Basement Area Coefficient (KTB) is percentage of comparison between the size of basement area and size of the controlled land plot/cluster land/planning area in accordance with the layout plan and building and environmental management plan.
12. Territorial Layout Plan (RTRW) of regency/city is result of planning of territorial layout of regency/city stipulated by a regional regulation.
13. Urban Layout Detailed Plan (RDTRKP) is elaboration of a territorial layout plan of regency/city into urban-area utilization plan.
14. Building and Environmental Management Plan (RTBL) is guidance for designing an area in order to control the utilization of space, which contains building and

- environmental program plan, general plan and designing guidance, investment plan, plan controlling provision and guidance for controlling the implementation.
15. Building-structure environment is the environment around the Building, which becomes consideration about the organization of Building viewed from social, cultural and ecosystem aspects.
 16. Technical Guideline is technical reference, which constitutes further elucidation about this government regulation in the form of technical provisions on the organization of Building.
 17. Technical Standard is a standard standardized as procedural standard, specification standard and testing method standard in the form of both the Indonesian National Standard and international standards enforced in the organization of Building.
 18. Organization of Building is activities of development, covering technical planning and realization of construction as well as activities of utilization, conservation and destruction of Buildings.
 19. Management of Building is owner of Building, provider of construction service for Building and user of Building.
 20. Owner of Building is individual, statutory body, group of people or association legally legitimate as owner of Building.
 21. Users of Building are owners of Building and/or non-owners of Building, which on the basis of an agreement with owner of the Building use and/or manage the Building or part of the Building in accordance with the stipulated function.
 22. Building-Structure Expert Team is a team consisting of experts related to the organization of Building to provide technical considerations in the examination of documents of technical plan with a limited assigned period and also to provide inputs in settling problems related to the operation of certain Building with the member appointed by case per case, adjusted to complexity of the certain Buildings.
 23. Functionally Feasible is a condition of Building fulfilling the administrative and technical requirements in accordance with the stipulated functions of the Building.
 24. Technical Planning is production of technical picture of a Building and its facilities, which follows phases of pre-planning, development of plan and formulation of working picture consisting of: architectural plan, structural plan, mechanical/electrical plan, outdoor layout plan, indoor/interior layout plan as well as technical specification plan, cost-budget plan, and supporting technical calculation in accordance with the technical guidelines and standards in force.

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25. Technical Consideration is consideration of a building-structure expert team formulated in writing and professionally in connection with the fulfillment of technical requirements for Building in both the process of development, utilization, conservation and destruction of Building.
26. Provider of Construction Service for Building is individual or body undertaking business activity to provide construction services in the Building field, covering the technical planning, realization of construction, construction supervisor/management, including technical assessor of Building and provider of other construction services.
27. Maintenance is an activity to keep the reliability of Building as well as infrastructure and facilities so that the Building is always feasible functionally.
28. Repairing is an activity to repair and/or replace part of building, component, material of building and/or infrastructure and facilities so that the Building is always feasible functionally.
29. Refurbishment of Protected and Preserved Building is an activity to repair, restore Building to-the original form.
30. Conservation is activity of repairing, refurbishment as well as maintenance of Building and its environment to return the reliability of the building in accordance with the original condition or in accordance with conditions according to the expected period.
31. Public Participation in the Organization of Building is various activities of communities, which constitute manifestation of willingness and aspirations of the communities to monitor and maintain order, give inputs, convey opinions and considerations, as well as to file class action related to the organization of Building.
32. Community is individuals, groups, statutory bodies or business entities and institutions or organizations undertaking activities in the Building field, including traditional communities and expert society interesting in the organization of Building.
33. Public Hearing is a forum of dialogue organized to hear and accommodate public aspirations in the form of opinions, considerations and recommendations from the public as input to stipulate policies of the government/regional governments in the organization of Building.
34. Class Action is lawsuit related to the organization of Building submitted by one person or more representing a group in filing lawsuit for their interests and concurrently representing the affected parties having the same legal facts and bases between representatives of the group and members of the said group.
35. Fostering of the Organization of Building is an activity of regulation, empowerment and supervision in the framework of realizing good governance

- so that the operation of every Building can be orderly and achieve the reliability in accordance with the function, as well as realize legal certainty.
36. Regulation is formulation and institutionalization of legislation, guidelines, directives and technical standards of Building as far as regional level and their operationalization in the community.
 37. Empowerment is activity to generate awareness of rights, obligations, and role of management of Buildings and regional government apparatuses in the organization of Building.
 38. Supervision is monitoring of the application of legislation in the Building field and law enforcement.
 39. Central Government, hereinafter called the Government is the President of the Republic of Indonesia holding the executive power of the Republic of Indonesia as meant in the Constitution of 1945.
 40. Regional Governments are regents or mayors and regional apparatuses as regional administrators, except in the Province of Jakarta Capital Special where the regional government means the governor.
 41. Minister is the minister in charge of administration affairs in the public work sector.

Article 2

The scope of this government regulation covers provisions on the functions of Buildings, requirements for Buildings, organization of Building, public participation and fostering in the organization of Biddings.

CHAPTER II FUNCTIONS OF BUILDING

Section One General

Article 3

- (1) Functions of Buildings are stipulations of fulfillment of technical requirements for Buildings viewed from building and environmental management aspect and reliability of the Buildings.
- (2) The functions of Buildings as meant in paragraph (1) include inhabiting, religious, commercial, social, cultural and special functions.
- (3) A Building can have more than one of the functions as meant in paragraph (2).

Section Two
Stipulation of Functions of Buildings

Article 4

- (1) The inhabiting function as meant in Article 3 paragraph (2) has the main function as human residence, covering sole residence, serial residence, flat residence and temporary residence.
- (2) The religious function as meant in Article 3 paragraph (2) has the main function as places to perform worship, covering mosque including *musholla*, church including chapel, temple, *vihara* and *klenteng*.
- (3) The commercial function as meant in Article 3 paragraph (2) has the main function as a place to undertake business activities, covering office building, trading centers, industrial building, hotel, tourism and recreational building, terminal and building of storing place.
- (4) The social and cultural function as meant in Article 3 paragraph (2) has the main function as a place to undertake social and cultural activities, covering educational service building, medical service building, cultural building, laboratory and public service Building.
- (5) The special function as meant in Article 3 paragraph (2) has the main function as place to undertake activities having the high level of secrecy nationally or potential to endanger surrounding communities and/or highly risky, which covers Building for nuclear reactor, defense and security installation and the similar building stipulated by the Minister.

Article 5

- (1) The functions of Buildings as-meant in Article 4 are classified on the basis of complexity, permanence, fire risk, earthquake zoning, height and/or ownership.
- (2) Classifications on the basis of the complexity include modest, non-modest building and special Buildings.
- (3) Classifications on the basis of permanence include permanent, semi permanent and emergency or temporary building.
- (4) Classifications on the basis of fire risk include Buildings having high, moderate and low risk of fire.
- (5) Classifications on the basis of the earthquake zoning include the level of earthquake zoning stipulated by the authorized institution.
- (6) Classifications on the basis of location include Buildings in dense, moderate and aloof locations.

- (7) Classifications on the basis of the height include high storey, moderate storey and low storey building-structures.
- (8) Classifications on the basis of ownership include Buildings belonging to the state, business entities and individuals.
- (9) Further provisions on the classifications of Buildings as meant in paragraph (2) up to paragraph (8) are regulated by a regulation of the Minister.

Article 6

- (1) Functions and classifications of Buildings must be in accordance with designation of locations ruled in RTRW of regencies/cities, RDTRKP and/or RTBL.
- (2) Functions and classifications of Buildings are proposed by owners of the Buildings in the submission of application for license to erect the Buildings.
- (3) Regional governments stipulate functions and classifications of the Buildings as meant in paragraph (2), unless otherwise specially functional Buildings are stipulated by the government, in the license to erect Buildings on the basis of RTRW of regencies/ cities, RDTRKP and/or RTBL.

Section Three Change in Function of Building

Article 7

- (1) Functions and classifications of Buildings are changeable through new application for license to erect Buildings.
- (2) Any change in functions and classifications of Buildings are proposed by owners in the form of technical plan for Buildings in accordance with designation of locations ruled in RTRW of regencies/cities, RDTRKP and/or RTBL.
- (3) Any change in functions and classifications of Buildings must be followed by the fulfillment of administrative and technical requirements for Buildings.
- (4) Any change in functions and classifications of Buildings is stipulated by regional governments in license to erect Buildings, unless otherwise specially functional Buildings are stipulated by the government.

CHAPTER III
REQUIREMENTS FOR BUILDING

Section One
General

Article 8

- (1) Every Building must meet administrative and technical requirements in accordance with function of the Building.
- (2) The administrative requirements for Building include:
 - a. status of land title and/or license to utilize and holder of land title;
 - b. status of ownership of Buildings; and
 - c. license to erect Building.
- (3) Technical requirements for Buildings include requirements for management of Buildings and requirements for reliability of Buildings.
- (4) The administrative and technical requirements for traditional Buildings, semi-permanent Buildings, emergency Buildings and Buildings built in disaster locations are stipulated by regional governments in accordance with local social and cultural conditions.

Article 9

- (1) Requirements for the traditional Buildings as meant in Article 8 paragraph (4) are stipulated by considering provisions on designation, density and height, local traditional architectural-shape, environmental impact as well as requirements for safety and health of users and their environments.
- (2) Requirements for the semi-permanent and emergency Buildings as meant in Article 8 paragraph (4) are stipulated by considering the permitted function of Buildings, safety and health of users and their environment as well as the maximum period of utilization of the said Buildings.
- (3) Requirements for the Buildings built in disaster locations as meant in Article 8 paragraph (4) are stipulated by considering function of Buildings, safety of users and building-structure ergonomic and permitted permanence of the Buildings.

Section Two
Administrative Requirements for Building

Sub-Section 1
General

Article 10

Every Building must meet the administrative requirements as meant in Article 8 paragraph (2) and be in accordance with legislation.

Sub-Section 2
Status of Land Title

Article 11

- (1) Every Building must be established in land having clear status of ownership, either private proprietary or belonging to other party.
- (2) In the case of land belonging to other party, Building only can be established by license to utilize land from holder of land title or owner of the land in the form of a written agreement between the holders of land title or owner of the land and owner of Building.
- (3) The written agreement as meant in paragraph (2) minimally contains rights and obligations of parties, size, cluster and borders of land as well as function of Building and the utilization period of land.

Sub-Section 3
Status of Building Ownership

Article 12

- (1) Status of Building ownership is proven by document of Building ownership issued by regional governments, unless otherwise specially functional Buildings are stipulated by the government, on the basis of activities of collection of Building data.
- (2) Building ownership can be transferred to other parties.
- (3) In the case of owner of Building being not owner of the land, the transfer of the right as meant in paragraph (2) must secure approval from the land owner.
- (4) Further provisions on document of Building ownership are regulated by a regulation of the Minister.

Article 13

- (1) Data about Buildings are collected at the same time as the licensing of establishment of Buildings for the need of orderly development and utilization of Buildings.
- (2) Owners of Buildings are obliged to give data needed by regional governments in the collection of Building data.
- (3) Based on the data collection as meant in paragraph (1), regional governments register the Buildings for the need of the Building information system.
- (4) Further provisions on procedures for collecting data about Buildings are regulated by a regulation of the Minister.

Sub-Section 4
License to Erect Building

Article 14

- (1) Everybody planning to establish Building must have license to erect Building.
- (2) The license to erect Building as meant in paragraph (1) is issued by regional governments, unless otherwise especially functional Buildings are stipulated by the government, through application for license to erect Building.
- (3) Regional governments are obliged to give certificate of regental/municipal plan for the said location to everybody submitting application for license to erect Building.
- (4) The certificate of regental/municipal plan as meant in paragraph (3) constitutes the provision in force for the said location and contains:
 - a. functions of Buildings, which can be built in the location;
 - b. permitted maximum height of Building;
 - c. permitted number of storeys/layers of Buildings below the land surface and KTB;
 - d. permitted demarcation line and minimum free distance of Building;
 - e. permitted maximum KDB;
 - f. permitted maximum KLB;
 - g. required minimum KDH;
 - h. permitted maximum KTB; and

- i. city utility network.
- (5) The certificate of the regental/municipal plan as meant in paragraph (4) also can be mentioned in special provisions effective for the said location.
- (6) Information about the regental/municipal plan as meant in paragraphs (4) and (5) is used as the basis for formulating technical plan for Building.

Article 15

- (1) In submitting application for license to erect Building as meant in Article 14 paragraph (1), everybody is obliged to complete:
 - a. evidence of ownership status of land title or evidence of agreement on the utilization of land as meant in Article 11;
 - b. data about owner of Building;
 - c. technical plan for Building; and
 - d. result of environmental impact analysis, in the case of Buildings bringing about substantial impacts on the environment.
- (2) Licensing of the Buildings bringing about substantial impact on the environment as meant in paragraph (1) point c must secure technical consideration from a Building expert team and consider public opinion.
- (3) Applications for license to erect Buildings already fulfilling the administrative and technical requirements are approved and ratified by regents/mayors, except in Jakarta Capital Special Region by the Governor, and specially functional Buildings by the government, in the form of license to erect Buildings.
- (4) The license to erect Building constitutes a requirement for obtaining public utility service of regencies/ cities.

Section Three Requirements for Building Management

Sub-Section 1 General

Article 16

The requirements for building management as meant in Article 8 paragraph (3) include requirements for designation and intensity of Buildings, architecture of Building and requirements for controlling environmental impacts.

Sub-Section 2
Requirements for Designation and
Intensity of Building

Article 17

- (1) Requirements for designation as meant in Article 16 constitute the requirements for designation of the said location in accordance with RTRW of regencies/ cities, RDTRKP and/or RTBL.
- (2) Requirements for intensity of Buildings as meant in Article 16 include requirements for density, height and free distance of Buildings stipulated for the said location.

Article 18

- (1) Every Building, which is built, must have its function in accordance with the designation of locations stipulated in RTRW of regencies/cities, RDTRKP and/or RTBL.
- (2) The establishment of Building on and/or underground, water and/or public infrastructure and facility may not affect the environmental equilibrium, protecting function of area and/or function of the said facility and infrastructure.
- (3) In the case of regions not yet having RTRW of regencies/cities, RDTRKP and/or RTBL for the said locations, regional governments can give approval to erect Buildings on the regions for a provisional period.
- (4) In the case of RTRW of regencies/cities, RDTRKP and/or RTBL for the locations as meant in paragraph (3) being already stipulated, functions of the existing Buildings must be adjusted to the stipulated provision.

Article 19

- (1) In the case of any change in RTRW of regencies/cities, RDTRKP and/or RTBL resulting in change in designation of locations, functions of Buildings not suitable to the new designation must be adjusted.
- (2) In connection with the losses arising from the change in the designation of locations as meant in paragraph (1), regional governments can give an adequate compensation for owners of the Buildings in accordance with legislation.

Article 20

- (1) Every Building, which is established, may not exceed the provisions on maximum density and height stipulated in RTRW of regencies/cities, RDTRKP and/or RTBL.
- (2) Requirement for density is stipulated in the form of maximum Building Base Coefficient (KDB).
- (3) Requirement for maximum height is stipulated in the form of Building Floor Coefficient (KLB) and/or maximum number of storey.
- (4) KDB is stipulated on the basis of size of cluster/land plot, designation or function of land and supporting potential of the environment.
- (5) KLB and/or number of storey are stipulated on the basis of designation of land, location of land, supporting potential of the environment, city architecture safety and consideration.
- (6) Further provisions on procedures for determining parameters of density and height of Buildings are deregulated by a regulation of the Minister.

Article 21

- (1) Every Building, which is established, may not violate the provision on the minimum free distance of Building stipulated in RTRW of regencies/cities, RDTRKP and/or RTBL.
- (2) The provision on the free distance of Buildings is stipulated in the form of:
 - a. demarcation line of Building with the axle of road, river edge, coast edge, railway and/or high voltage network;
 - b. permitted distance between Building and borders of land plots, inter-Building distance, and distance between the axle of road and compound fence in the location, which is enforced per cluster, land plot and/or area.
- (3) The demarcation line of Buildings and the axle of road, river edge, coast edge, railway and/or high voltage network are stipulated on the basis of considerations about safety and health.
- (4) The demarcation line of Buildings and borders of land plots, inter-Building distance, and distance between the axle of road and compound fence in the location must be stipulated on the basis of considerations about safety, health, convenience and relief.
- (5) Stipulation of the free distance of Buildings or parts of Buildings built underground is based on the existing and would-be built public utility networks.

- (6) Further provisions on procedures for stipulating the free distance of Buildings are regulated by a regulation of the Minister.

Sub-Section 3 Architectural Requirements for Building

Article 22

The architectural requirements for Buildings as meant in Article 16 include requirements for appearance of Building, interior design, equilibrium, harmony, and conformance of Buildings to their environment as well as considerations about equilibrium between local socio-cultural values and application of various architectural and engineering progresses.

Article 23

- (1) The appearance of Buildings as meant in Article 22 must be designed by considering aesthetical norms of form, architectural and environmental characteristics in the surrounding area.
- (2) The appearance of Buildings in cultural conservation areas must be designed by considering norms of conservation,
- (3) The appearance of Buildings built by side of the preserved Buildings must be designed by aesthetical norms of form and characteristics of architecture of the preserved Buildings
- (4) Regional governments can stipulate certain architectural norms in Buildings for a region after securing technical consideration from Building expert team and considering public opinions.

Article 24

- (1) The interior design as meant in Article 22 must consider functions of space, architecture of Buildings and reliability of Buildings.
- (2) Consideration about function of space is realized in efficiency and effectiveness of interior design.
- (3) Consideration about architecture of Buildings is realized in the fulfillment of interior design towards norms of architecture of Buildings totally.
- (4) Consideration about reliability of Buildings is realized in the fulfillment of requirements for safety, health, convenience and relief of interior design.

Article 25

- (1) Equilibrium, harmony and conformance of Buildings to their environment as meant in Article 22 must consider the creation of outdoor space of Buildings, green-open-space, which is balancing, harmonious and suitable to their environment.
- (2) Consideration about the creation of outdoor space of Buildings and green open space is realized in the fulfillment of requirements for catchments area, rescue access, circulation of vehicle and people as well as the fulfillment of the need for infrastructure and facilities outside the Buildings.

Sub-Section 4
Requirements for Controlling Environmental Impacts

Article 26

- (1) The requirements for controlling environmental impacts as meant in Article 16 only apply to Buildings potential to bring about substantial impacts on the environment.
- (2) The establishment of every Building bring about substantial impact must be preceded by environment impact analysis in accordance with legislation in the environmental management sector.

Sub-Section 5
Building and Environment Management Plan (RTBL)

Article 27

- (1) RTBL constitutes regulation of requirements for building management as follow up to RTRW of regencies/cities and/or RDTRKP and is used in controlling the utilization of space of a region and as guidance for designing area in order to realize the integrated character as well as quality of Building and sustainable environment.
- (2) RTBL contains principal substances of provisions on building and environment program, general plan and guidance for designing, investment plan, provision on plan controlling and guidance for controlling the implementation.

Article 28

- (1) RTBL is formulated by regional governments or on the basis of partnership between regional governments, private and/or communities in accordance with problems in the said environment/regions.

- (2) The formulation of RTBL is based on the pattern of building-structure and environmental management covering the improvement, re-building, new development and/or conservation of:
 - a. built areas;
 - b. protected and conserved areas;
 - c. new areas potential to develop; and/or
 - d. mixed areas.
- (3) The formulation of RTBL as meant in paragraph (1) is realized by obtaining technical considerations from the Building expert team and considering public opinions.
- (4) RTBL is stipulated by a regulation of regents/mayors and in the case of Jakarta Capital Special Region, by a regulation of the Governor.
- (5) Further provisions on general guidance for formulating RTBL are ruled by a regulation of the Minister.

Paragraph 6

Establishment of Building on and/or under ground, water and/or
Public infrastructures/facilities

Article 29

In the case of Buildings being built on and/or under ground, water or public facilities and infrastructures as meant in Article 18 paragraph (2), application for license to erect the Buildings is submitted after securing approval from the authorized party.

Article 30

- (1) The establishment of Buildings under ground, which pass through the public infrastructures and/or facilities as meant in Article 29 must be:
 - a. in accordance with RTRW of regencies/cities, RDTRKP and/or RTBL;
 - b. not designated for inhabiting function or residence;
 - c. not disturbing the function of the underground facilities and infrastructures;
 - d. fulfilling the requirements for health in accordance with functions of Buildings;

- e. having special facilities for interests of security and safety of users of the Buildings;
 - f. considering the supporting potential of the environment.
- (2) The establishment of Buildings under and/or on water as meant in Article 29 must be:
- a. in accordance with RTRW of regencies/cities, RDTRKP and/or RTBL;
 - b. not disturbing the environmental equilibrium and protecting function of the environment;
 - c. not changing water stream potential to damage the environment;
 - d. not causing pollution; and
 - e. already considering factors of security, convenience, health and relief for users of the Buildings.
- (3) The establishment of Buildings on the public infrastructures and/or facilities as meant in Article 29 must be:
- a. in accordance with RTRW of regencies/cities, RDTRKP and/or RTBL;
 - b. not disturbing the functions of infrastructures and facilities located below and/or surroundings;
 - c. continuing to observe the harmony between Buildings and their environment; and
 - d. fulfilling the requirements for safety and health in accordance with functions of Buildings.
- (4) The license to erect Buildings for the establishment of the Buildings as meant in paragraphs (1), (2) and (3), besides observing the provisions in Articles 14 and 15, is obliged to obtain technical considerations from the Building expert team and consider public opinions.
- (5) Further provisions on the establishment of Buildings on and/or under ground, water and/or public infrastructures and facilities follow the technical standards in force.

Section Four
Requirements for Reliability of Buildings

Sub-Section 1
General

Article 31

The requirements for reliability of Buildings as meant in Article 8 paragraph (3) include requirements for safety, health, convenience and relief.

Sub-Section 2
Requirements for Safety

Article 32

The requirements for safety as meant in Article 31 include requirements for capability of buildings to support load as well as capability of buildings in preventing and overcoming fire and thunder.

Article 33

- (1) Structure of every building must be designed strong/solid and stable in load/combination of load and fulfilling serviceability during the planned service age by considering functions of buildings, locations, sustainability and possible realization of construction.
- (2) The capability of bearing load is counted toward action influences as a result of loads that may work during the service age of structure, either fixed load or provisional load arising attributable to earthquake and wind.
- (3) In the planning of building structure towards earthquake influence, all elements of building structures, either parts of sub-structure and structure of building, must be counted bearing influence of estimated earthquake in accordance with zone of earthquake.
- (4) Building structure must be planned in a detailed manner so that in a condition of the maximum planned weighing, users of the building remain possible to escape if the structure is rupturing.
- (5) Further provision on the weighing, resilience to earthquake and/or wind and calculation of the structure follow the technical guidelines and standards in force.

Article 34

- (1) Every building other than sole residence and modest cluster residence must be protected from fire by passive and active protection systems.
- (2) The application of the passive protection system as meant in paragraph (1) is based on functions/classifications of risks of fire, spatial geometry, installed building materials and/or number and condition of inhabitants in the buildings.
- (3) The application of the active protection system as meant in paragraph (1) is based on functions, classifications, size, height, volume of building and/or number and condition of inhabitants in the buildings.
- (4) Every building with certain function, classification, size, number of storey and/or certain number of inhabitants must have fire security management unit.
- (5) Further provisions on procedures for planning, installing and maintaining active and passive protection systems as well as application of fire security management unit follow the technical guidelines and standards in force.

Article 35

- (1) Every building, which on the basis of location, geographical characteristic, model, height and use, is risky to get struck by lightning must be equipped by lightning rod installation.
- (2) The designed and installed lightning rod system must be able to reduce concretely risks of damage attributable to lightning strike against the protected building and equipment as well as protect human inside it.
- (3) Further provisions on procedures for planning, installing and maintaining the installation of lightning rod system follow the technical guidelines and standards in force.

Article 36

- (1) Every building equipped by electricity installation, including source of electrical power must be guaranteed safe, reliable and environmentally friendly.
- (2) Further provisions on procedures for planning, installing, inspecting and maintaining the electricity installation follow the technical guidelines and standards in force.

Article 37

- (1) Every building designated for the public, or especially functional building must be equipped by adequate security system to prevent safety of inhabitants and property from getting threatened due to explosive disaster.
- (2) Further provisions on procedures for planning, installing and maintaining the security system installation follow the technical guidelines and standards in force.

Sub-Section 3
Requirements for Health

Article 38

The requirements for health of building as meant in Article 31 include requirements for evaporation, illumination, sanitation and use of building materials.

Article 39

- (1) In order to meet the requirement for evaporation system, every building must have natural and/or mechanical/artificial ventilation in accordance with the function.
- (2) Residence buildings, buildings of public health facilities, particularly treatment rooms, educational buildings, mainly classroom, and other public service buildings must have permanent openings, gratings in door and window and/or permanent openings, which can be opened for natural ventilation.

Article 40

- (1) The natural ventilation as meant in Article 39 paragraph (1) must meet the provision on permanent opening, gratings in door and window, other facilities, which can be opened and/or can come from adjacent room for providing healthy air circulation.
- (2) The mechanical/artificial ventilation as meant in Article 39 paragraph (1) must be provided unless natural ventilation is able to meet the requirement.
- (3) The ventilation system as meant in paragraphs (1) and (3) must be applied by considering the principles of energy saving in buildings.
- (4) Further provisions on procedures for planning, installing and maintaining the natural and/or mechanical/artificial ventilation follow the technical guidelines and standards in force.

Article 41

- (1) In order to meet the requirement for illumination system, every building must have natural and/or artificial illumination, including emergency illumination in accordance with the function.
- (2) Buildings of residence, health, educational and public service facilities must have openings for natural illumination.
- (3) The natural illumination as meant in paragraph (1) must be optimal, adjusted to the function of the buildings and functions of the respective rooms in the buildings.
- (4) The artificial illumination as meant in paragraph (1) must be planned on the basis of the required illumination level in accordance with functions of rooms in the buildings by considering efficiency, energy saving and placement not resulting in a shining or rebounding effect.
- (5) Artificial illumination used for the emergency illumination as meant in paragraph (1) must be installed at buildings with certain functions, as well as can work automatically and have adequate illumination level for safe evacuation.
- (6) All artificial illumination systems, unless otherwise required for emergency illumination, must be equipped by manual and/or automatic controller as well as placed in position that users are easy to reach/read.
- (7) Further provisions on procedures for planning, installing and maintaining the illumination systems in building follow the technical guidelines and standards in force.

Article 42

In order to meet the requirement for sanitation, every building must be equipped by drinking-water system, dirty and/or waste water, manure and rubbish disposal system as well as rain water channeling.

Article 43

- (1) The drinking water system as meant in Article 42 must be planned and installed by considering source of drinking water and distribution system.
- (2) Source of drinking water can be obtained from subscribed water source and/or other water sources fulfilling the health requirements in accordance with legislation.
- (3) The planning of drinking-water distribution system inside buildings must meet the required minimum water debit and pressure.

- (4) Further provisions on procedures for planning, installing and maintaining the drinking water system in buildings follow the technical guidelines and standards in force.

Article 44

- (1) The dirty and/or waste-water disposal system as meant in Article 42 must be planned and installed by considering kind and grade of danger.
- (2) Consideration about the kind of dirty water and/or waste water is realized in the form of selection of channeling/disposal system and the use of the required equipment.
- (3) Consideration about the grade of danger of dirty water and/or waste water is realized in the form of a. treatment and disposal system.
- (4) Further provisions on procedures for planning, installing and maintaining the dirty water and/or waste water disposal system in buildings follow the technical guidelines and standards in force.

Article 45

- (1) The manure and rubbish disposal system as meant in Article 42 must be planned and installed by considering the collecting facility and kind.
- (2) Consideration about the collecting facility is realized in the form of provision of place for collecting manure and rubbish in respective buildings, counted on the basis of functions of buildings, number of inhabitants and volume of manure and rubbish.
- (3) Consideration about the kind of manure and rubbish is realized in the form of placement of container and/or processing not affecting the health of inhabitants, communities and the environment.
- (4) Further provisions on procedures for planning, installing and managing the manure and rubbish disposal facility in buildings follows the technical guidelines and standards in force.

Article 46

- (1) The rain-water channeling system as meant in Article 42 must be planned and installed by considering the height of groundwater surface, soil permeability and availability of environmental/city drainage network.
- (2) Every building and its compound must be equipped by rain water channeling system.

- (3) Unless otherwise in certain regions, rain water must be absorbed into soil of compound and/or channeled to absorbing wells before it is distributed to environmental/city drainage network in accordance with the provisions in force.
- (4) In the case of city drainage network being not yet available or based on other acceptable causes, the channeling of rain water must be done by means permitted by the authorized institution.
- (5) The rain-water channeling system must be maintained to prevent sedimentation and clogging in channel.
- (6) Further provisions on procedures for planning, installing and maintaining the rain-water channeling system in buildings follow the technical guidelines and standards in force.

Article 47

- (1) In order to meet the requirements for building materials, every building must use building materials safe for the health of users of the building and not bringing about negative impact on the environment.
- (2) The use of building materials safe for the health of users of building must contain no materials dangerous/poisonous to the health and safe for users of the building.
- (3) The use of building materials not bringing negative impact on the environment must:
 - a. avoid the occurrence of shining and rebounding effects for users of other buildings, surrounding communities and environment;
 - b. avoid the occurrence of effect of environmental temperature increase in the surrounding;
 - c. consider the principles of energy conservation; and
 - d. realize buildings harmonious and suitable to the environment.
- (4) The utilization and use of local building materials must be in accordance with the need and observe environmental conservation.
- (5) Further provisions on procedures for using the building materials as meant in paragraph (2) up to paragraph (4) follow the technical guidelines and standards in force.

Sub-Section 4
Requirements for Convenience

Article 48

The requirements for convenience of buildings as meant in Article 31 include convenience of moving space and inter-space relations, condition of air in room, visibility and vibration and noisiness level.

Article 49

- (1) In order to obtain the convenience of moving space in buildings, organizers of buildings must consider:
 - a. functions of rooms, number of users, furniture/appliance, room accessibility inside the buildings; and
 - b. requirements for safety and health.
- (2) In order to obtain the convenience of inter-space relations, organizers of buildings must consider:
 - a. functions of rooms, number of users, furniture/appliance, room accessibility inside the buildings; and
 - b. horizontal and vertical inter-space circulation;
 - c. requirements for safety and health.
- (3) Further provisions on procedures for planning the convenience of moving space and inter-space relations in buildings follow the technical guidelines and provisions in force.

Article 50

- (1) In order to obtain the convenience of condition of air of space inside buildings, organizers of buildings must consider temperature and humidity.
- (2) Air temperature and humidity inside rooms can be increased by air conditioning by considering:
 - a. functions of buildings/rooms, number of users, location, volume of room, kind of equipment and the use of building materials;
 - b. relief in maintenance and repairing; and
 - c. principles of energy saving and environmental conservation.

- (3) Further provisions on procedures for planning, installing and maintaining the convenience of air condition in buildings follow the technical guidelines and standards in force.

Article 51

- (1) In order to obtain the convenience of visibility, organizers of buildings must consider the convenience of, visibility from inside and outside the buildings to certain rooms in the buildings.
- (2) In order to obtain the convenience of visibility from inside the buildings to outward, organizers of buildings must consider:
 - a. composition of building weight, opening design, building interior and outdoor design and design of external shape of the buildings;
 - b. utilization of building outdoor potential and provision of green open space; and
 - c. prevention of shining disturbance and light rebounding.
- (3) In order to obtain the convenience of visibility from outside to inside buildings, organizers of buildings must consider:
 - a. opening design, building interior and exterior design, and design of external shape of the buildings; and
 - b. buildings existing and/or to be existing in the surrounding.
- (4) Further provisions on procedures for planning convenience of visibility in buildings follow the technical, guidelines and standards in force.

Article 52

- (1) In order to obtain the convenience level of vibration in buildings, organizers of the buildings must consider kinds of activities, the use of equipment and/or other vibration sources inside and outside the buildings.
- (2) Further provisions on procedures for planning the convenience level of vibration in buildings follow the technical guidelines and standards in force.

Article 53

- (1) In order to obtain the convenience level of noisiness in buildings, organizers of the buildings must consider kinds of activities, the use of equipment and/or other noisiness sources inside and outside the buildings.

- (2) Every building and/or activity causing noisiness to the environment and/or the existing buildings because of its function, must minimize the noisiness to the tolerable level.
- (3) Further provisions on procedures for planning the convenience level of noisiness in buildings follow the technical guidelines and standards in force.

Sub-Section 5 Requirements for Relief

Article 54

The requirements for relief as meant in Article 31 include relief of connection to, from and in buildings as well as completeness, infrastructures and facilities in the utilization of the buildings.

Article 55

- (1) Relief of connection to, from and in the buildings as meant in Article 54 includes the availability of facilities and easy, safe and convenient accessibility, including for disabled and old-age people.
- (2) Provision of facilities and accessibility must consider the availability of inter-space horizontal and vertical relations inside the buildings, evacuation access, including for disabled and old-age people.
- (3) The completeness of infrastructures and facilities as meant in Article 54 is adjusted to functions of buildings and environmental requirements for locations of buildings.

Article 56

- (1) Every building must meet the requirements for relief of the horizontal relations as meant in Article 55 paragraph (2) in the form of the availability of adequate doors and/or corridors for realizing the functions of the buildings.
- (2) The number, size and kind of doors in a room are considered on the basis of the size of the room, function of room, and number of users of room.
- (3) The opening direction of door sheet in a room is considered on the basis of function of the room and safety aspect.
- (4) The size of corridor as inter-space horizontal access is considered on the basis of the functions of the corridor, rooms and number of users.
- (5) Further provisions on procedures for planning the door and corridor follow the technical guidelines and standards in force.

Article 57

- (1) Every storey building must provide adequate facilities of inter-floor vertical relations for realizing the function of the building in the form of the availability of ladder, ramp, lift, escalator and/or travelator.
- (2) The number, size and construction of the vertical relation facilities must be based on the function of building, size of building and number of users of room as well as security of building users.

Article 58

- (1) Every building with the height of above 5 (five) floors must provide vertical relation facility in the form of lift.
- (2) The number, capacity and specification of lift as vertical relation facility inside a building must be capable of providing optimal service for vertical circulation in the building in accordance with the function and number of building users.
- (3) Every building using lift must provide fire lift.
- (4) The fire lift as meant in paragraph (3) can be in the form of special fire lift or ordinary passenger lift or goods lift whose operation can be regulated so as to be usable especially by fire officers in an emergency condition.
- (5) Further provisions on procedures for planning, installing and maintaining lift follow the technical guidelines and standards in force.

Article 59

- (1) Every building other than sole residence and modest serial house must provide evacuation facilities covering alarming system for users, emergency gateway and evacuation lane that can guarantee the relief of building users to evacuate safely from inside the buildings in the case of disaster or emergency condition occurring.
- (2) Provision of the alarming system for users, emergency gateway and evacuation lane as meant in paragraph (1) is adjusted functions and classifications of buildings, number and condition of building users as well as distance to a safe place.
- (3) The emergency gateway and evacuation lane must be equipped by easily readable and clear sign of direction.
- (4) Every building having function, classification, size, number of floors and/or number of inhabitants inside certain buildings must have disaster or emergency condition settlement management.

- (5) Further provisions on procedures for planning of evacuation facilities follow the guidelines and standards in force.

Article 60

- (1) Every building other than sole residence and modest serial house must provide facilities and accessibility for guaranteeing the realizing of relief for disabled and old-age people to come into and out of the building as well as undertake activities in the building easily, safely, conveniently and independently.
- (2) The facilities and accessibility as meant in paragraph (1) include toilet, parking lot, public telephone, guiding lane, marks and signs, door, ramp, ladder and lift for disabled and old-age people.

Article 61

- (1) Provision of facilities and accessibility is adjusted to functions, size and height of buildings.
- (2) Provisions on the size, construction, number of facilities and accessibility for disabled people follow the provisions in technical guidelines and standards in force.

CHAPTER IV
ORGANIZATION OF BUILDINGS

Section One
Development

Sub-Section 1
General

Article 62

- (1) Buildings are developed through phases of technical planning and realization as well as supervision.
- (2) The development of buildings must be realized orderly administratively and technically to guarantee the reliability of the buildings without bringing about substantial impact on the environment.
- (3) The development of the buildings as meant in paragraph (1) follows valid, measurable, functional, procedural development norms by considering the balance between local socio cultural values and architectural, scientific and technological developments.

Sub-Section 2
Technical Planning

Article 63

- (1) The technical planning of buildings as meant in Article 62 paragraph (1) is executed by building planning service providers having certificate in accordance with legislation.
- (2) The sphere of service for building technical-planning services includes:
 - a. formulation of planning concept;
 - b. pre-planning;
 - c. plan development;
 - d. detailed plan;
 - e. formulation of operational construction document;
 - f. explanation and evaluation of procurement of operation services;
 - g. periodical supervision over the realization of building construction; and
 - h. formulation of directives for utilizing building.
- (3) Technical planning of buildings is executed on the basis of working term of reference and document of working commitment.
- (4) Technical planning must be formulated in a document of technical planning of buildings on the basis of the technical requirements for buildings as meant in Article 18 up to Article 61, except Articles 22, 27, 28, 31, 32, 38, 48, 54 and 55 in accordance with locations, functions and classifications of buildings.
- (5) Document of technical planning of buildings is the form of architectural, structural and construction, mechanical, electrical, parking, interior-design technical plans in the form of pictures of plans, detailed plan of implementation, working plan and administrative requirements, general requirements and technical plans, plan for budget of development costs and/or planning report.
- (6) Provision of the building technical-planning services as meant in paragraph (1) is done through tender, direct selection, direct appointment or competition.
- (7) Working relations between technical planning service providers and owners of buildings must be realized on the basis of working commitment mentioned in a written agreement in accordance with legislation.

Article 64

- (1) The document of technical plans as meant in Article 63 paragraph (5) is examined, evaluated, approved and legalized for securing license to erect buildings.
- (2) The document of technical plans is examined by considering the completeness of documents in accordance with functions and classifications of buildings.
- (3) The document of technical plans is evaluated by evaluating the fulfillment of technical requirements by considering aspects of location, function and classification of buildings.
- (4) The evaluation of document of technical plans as meant in paragraph (3) must secure technical considerations from a building expert team in the case of the buildings being used for public interests.
- (5) The evaluation of document of technical plans of buildings bringing about substantial impacts must secure technical considerations from a building expert and observe results of public hearings.
- (6) The evaluation of document of technical plans of specially functional buildings is executed by the government in coordination with regional governments and secure technical considerations from building expert team as well as observe results of public hearings.
- (7) Approval of document of technical plans is granted to plans already fulfilling requirements in accordance with the evaluation as meant in paragraph (3) in the form of written approval by the authorized official.
- (8) Legalization of the document of technical planning of buildings is executed by regional governments, unless otherwise especially functional buildings by the government, on the basis of the technical plans and completeness of other documents and submitted by applicants.

Article 65

- (1) Documents of technical plans already approved as meant in Article 64 paragraph (7) are subjected to a cost of license to erect buildings with the value stipulated on the basis of classifications of buildings.
- (2) In the case of the cost of license to erect buildings as meant in documents of technical plans being already paid, license to erect the buildings is issued by regents/mayors, unless otherwise located in Jakarta Capital Special Region by the governor and especially functional buildings by the government, after coordinating with regional governments.

Sub-Section 3
Building Expert Team

Article 66

- (1) The building expert team as meant in Article 64 paragraph (4) is stipulated by regents or mayors, unless otherwise in Jakarta Capital Special Region by the Governor and specially functional buildings by the Minister.
- (2) The tenure of the building expert team as meant in paragraph (1) is one year, unless otherwise especially Hi functional buildings are further regulated by the Minister.
- (3) Membership of the building expert team as meant in paragraph (2) is ad hoc, independent, objective and has no conflict of interest.
- (4) Members of the building expert team as meant in paragraphs (1) and (2) consist of representatives of university, professional organization, expert community and government institutions competent in giving technical considerations in the building affairs, which cover urban and building architecture, structure and construction, mechanics and electricity, gardening/landscape and interior design as well as occupational safety and health as well as other required expertise in accordance with functions of buildings.

Article 67

- (1) Technical considerations of the building expert team as meant in Article 64 paragraph (4) up to paragraph (6) must be written and not discourage licensing service.
- (2) The technical considerations of the building expert team are in the form of results of objective study about fulfillment of technical requirements considering elements of classification and building, including consideration about economic, social and cultural aspects.

Sub-Section 4
Realization of Construction

Article 68

- (1) Construction of buildings starts to realize after owners of the buildings secure license to erect the buildings.
- (2) Construction of buildings must be realized on the basis of documents of technical plans already approved and legalized.

- (3) Realization of construction of buildings is in the form of the development of new buildings, repairing, addition, modification and/or refurbishment of buildings and/or installations and/or appliance of buildings.

Article 69

- (1) Activities of realization of building construction cover examination of operational documents, field preparation, construction activity, final inspection of construction work and delivery of final result of construction work.
- (2) Examination of the operational document as meant in paragraph (1) includes examination of completeness, truth and constructability and all operational documents of the work.
- (3) The field preparation as meant in paragraph (1) includes formulation of operational programs, mobilization of resources and physically field preparation.
- (4) The construction activity as meant in paragraph (1) covers the realization of physical construction work in the field, formulation of report on work progresses, show drawings and as built drawings as well as construction maintaining activities.
- (5) The realization of building construction as meant in paragraph (1) must apply the principles of occupational safety and health.
- (6) The final inspection of construction work as meant in paragraph (1) includes inspection of final results of construction work of buildings in connection with the conformance to operational documents.
- (7) Final results of construction work are in the form of buildings feasible to function, including infrastructures and facilities equipped by construction operational documents, as built drawings, guidelines on the operation and maintenance of buildings, equipment as well as mechanical and electrical appliance of the buildings as well as document of delivery of results of the work.

Sub-Section 5 Construction Supervision

Article 70

- (1) Supervision over the construction of buildings is in the form of activities of supervision over the realization of construction or construction managerial activities of the development of buildings.

- (2) The supervision over the realization of construction of buildings as meant in paragraph (1) includes supervision over the development cost, quality and period of buildings in the operational phase of construction as well as inspection of feasibility of functions of buildings.
- (3) The construction managerial activities of the development of buildings as meant in paragraph (1) include control over the development cost, quality and period of buildings, starting from the phase of technical planning and realization of construction of buildings as well as examination of feasibility of functions of buildings.
- (4) The examination of feasibility of building functions as meant in paragraphs (2) and (3) includes examination of conformance of functions, requirements for building management, health, safety, convenience and relief to license to erect the buildings already issued.
- (5) Further provisions on procedures for examination of the feasibility of building functions are regulated by a regulation of the Minister.

Paragraph 6 Certificate of Feasibility of Building Functions

Article 71

- (1) Regional governments issue certificate of feasibility of function to buildings already built completely and, fulfilling the requirement for feasibility of function on the basis of results of examination of the feasibility of building functions as meant in Article 70 paragraph (4) as a requirement for eligible utilization.
- (2) The certificate of feasibility of building functions is issued by following the principles of prime service and free of charge.
- (3) The certificate of feasibility of functions as meant in paragraph (1) is effective for 20 (twenty) years in the case of residing and serial residing houses as well as 5 (five) years in the case of other buildings.
- (4) The certificate of feasibility of building functions is granted on the basis of request from owners for buildings partly or wholly in accordance with result of examination of feasibility of building functions.

Section Two
Utilization

Sub-Section 1
General

Article 72

- (1) Utilization of buildings constitutes activity to utilize the buildings in accordance with the functions stipulated in license to erect buildings, including activities of periodical maintenance, repairing and inspection.
- (2) Buildings are only usable after owners of the buildings obtain certificate of feasibility of functions.
- (3) Owners or users must utilize buildings orderly administratively and technically to guarantee the feasibility of functions of the buildings without bringing about substantial impact on the environment.
- (4) Owners of buildings designated for public interests must follow insurance program for the possible failure of the buildings during the utilization period of the buildings.

Sub-Section 2
Maintenance of Building

Article 73

- (1) The maintenance of buildings as meant in Article 72 paragraph (1) must be done by owners and/or users of the buildings and can use building maintenance service providers having certificate in accordance with legislation.
- (2) The maintenance of buildings includes cleaning, arrangement, inspection, testing, repairing and/or replacement of materials or appliance of buildings and other similar activities on the basis of the guidelines on operation and maintenance of buildings as meant in Article 69 paragraph (7).
- (3) Results of the maintenance activities as meant in paragraph (2) are mentioned in a maintenance report used for considering stipulation of the extension of certificate of feasibility of functions, which is stipulated by regional governments.
- (4) In the case of the maintenance using the maintenance service providers as meant in paragraph (1), provision of building maintenance services is done through tender, direct selection or direct appointment.
- (5) Working relations between building maintenance service providers and owners or users of the buildings must be based on working commitments mentioned in a written agreement in accordance with legislation.

- (6) Further provisions on procedures for maintenance of buildings are regulated by a regulation of the Minister.

Article 74

The operational activities of building maintenance as meant in Article 73 paragraph (2) must apply the principles of Occupational Safety and Health (K3).

Sub-Section 3 Repairing of Building

Article 75

- (1) The repairing of buildings as meant in Article 72 paragraph (1) must be done by owners and/or users of the buildings and can use building repairing service providers having certificate in accordance with legislation.
- (2) In the case of the repairing activities using repairing-service providers as meant in paragraph (1), provision of building repairing-services is done through tender, direct selection or direct appointment.
- (3) Working relations between building repairing service providers and owners or users of the buildings must be based on working commitments mentioned in a written agreement in accordance with legislation.

Article 76

- (1) The repairing activities of buildings as meant in Article 75 paragraph (1) cover improvement and/or replacement of parts of buildings, components, building materials and/or infrastructures and facilities on the basis of document of technical plan for repairing buildings.
- (2) The technical plan for repairing buildings as meant in paragraph (1) is formulated by building repairing service providers by considering document of realization of construction and damage of the buildings.
- (3) Repairing and/or replacement in the repairing activities of buildings with moderate and serious level of damage are realized after the document of technical plan for repairing the buildings is approved by regional governments.
- (4) The approval of technical plan for repairing certain buildings and having high technical complexity is done after securing consideration from a building expert team.
- (5) Further provisions on procedures for repairing buildings are ruled by a regulation of the Minister.

Article 72

The operational activities of repairing of buildings as meant in Article 76 paragraph (1) must apply the principles of Occupational Safety and Health (K3).

Article 78

- (1) Realization of construction in the repairing activities follows the provisions in Article 68 up to Article 70.
- (2) Results of the repairing activities as meant in Article 76 paragraph (1) are mentioned in a repairing report used for considering the stipulation of extension of certificate of feasibility of function, which is set forth by regional governments.

Sub-Section 4

Periodical Inspection of Building

Article 79

- (1) The periodical inspection of buildings as meant in Article 72 paragraph (1) is done by owners and/or users of the buildings and can use building technical-assessment service providers having certificate in accordance with legislation.
- (2) The periodical inspection of buildings is applied to all or part of the buildings, components, building materials and/or infrastructures and facilities in the framework of maintaining and repairing buildings for securing the extension of certificate of feasibility of function.
- (3) The periodical inspection of buildings as meant in paragraph (2) must be recorded in a report.
- (4) Further provisions on the periodical inspection of buildings as meant in paragraph (2) are ruled by a regulation of the Minister.

Article 80

- (1) In the case of the periodical inspection using the building technical-assessment service providers as meant in Article 79 paragraph (1), the provision of building technical-assessment services is done through tender, direct selection or direct appointment.
- (2) The sphere of building technical-assessment services includes:
 - a. examination of administrative documents, implementation, maintenance and repairing of buildings,

- b. inspection of condition of buildings with regard to the fulfillment of technical requirements, including the test of reliability of buildings;
 - c. analysis and evaluation; and
 - d. formulation of report.
- (3) Working relations between building technical-assessment service providers and owners or users of buildings must be realized on the basis of working commitments mentioned in a written agreement in accordance with legislation.
- (4) The technical assessment of buildings is based on terms of working reference and document of working commitments.
- (5) In the case of the technical assessment service provider as meant in paragraph (1) being not yet available, the technical assessment is done by regional governments.

Sub-Section 5
Extension of Certificate of Feasibility of
Building Functions

Article 81

- (1) The extension of certificate of feasibility of building functions in the utilization period is granted by regional governments for a period of 20 (twenty) years in the case of residing and serial residing houses and 5 (five) years in the case of other buildings, on the basis of results of examination of feasibility of building functions for the fulfillment of the technical and functional requirements.
- (2) Owners and/or users of buildings are obliged to submit applications for extension of certificate of feasibility of function to regional governments in not later than 60 (sixty) calendar days before the validity period of the certificate expires.
- (3) Certificate of feasibility of building functions is granted on the basis request from owners for all or part of buildings in accordance with results of examination of feasibility of building functions.
- (4) The examination of feasibility of building functions as meant in paragraph (1) is done by building technical-assessment service providers, unless otherwise sole and serial residing houses by regional governments.

Sub-Section 6
Supervision over Utilization of Building

Article 82

- (1) Utilization of buildings is supervised by the government and/or regional governments upon submitting the extension of certificate of feasibility of function and/or report from communities.
- (2) Regional governments can supervise buildings showing indications of change in functions and/or building endangering the environment.

Section Three
Conservation

Sub-Section 1
General

Article 83

- (1) Protection and conservation of buildings and their environment must be orderly administratively, guarantee feasibility of functions of the buildings and their environment in accordance with legislation.
- (2) The protection and conservation as meant in paragraph (1) cover activities of stipulation and utilization, including maintenance, refurbishment as well as supervision in accordance with norms of conservation as well as utilizing science and technology.

Sub-Section 2
Stipulation of Protected and Preserved Buildings

Article 84

- (1) Buildings and their environment as protected and preserved cultural reserves constitute buildings having 50 (fifty) years old at the minimum or representing a style period of 50 (fifty) years at the minimum as well as deemed having substantial historical, scientific and cultural values, including architectural and technological values.
- (2) Owners, communities, regional governments and/or the government can propose their buildings and environment fulfilling the requirement as meant in paragraph (1) to be protected and preserved.
- (3) Proposal of buildings to become the protected and preserved buildings as meant in paragraph (2) are done in accordance with legislation.

- (4) Before the stipulation is proposed, buildings and their environment must secure consideration from building expert team and results of public hearings.
- (5) The protected and preserved buildings and their environment as meant in Article 83 paragraph (2) are stipulated by:
 - a. the President on the basis of recommendation of the Minister, in the case of buildings and environment of the national and international scale having the values as meant in paragraph (1);
 - b. governors on the basis of recommendation of heads of service concerned, in the case of buildings and environment of the provincial and inter-regental scale having the values as meant in paragraph (1);
 - c. regents/mayors on the basis of recommendation of heads of service concerned, in the case of buildings and environment of the local scale having the values as meant in paragraph (1).
- (6) The stipulation as meant in paragraph (5) can be reviewed periodically, every 5 (five) years.
- (7) Buildings and environment to be stipulated for protection and conservation on the basis of recommendations of the government, regional governments and/or communities must be at consent of the owners.
- (8) Decision on stipulation of the protected and preserved buildings and their environment as meant in paragraph (7) is conveyed in writing to the owners.

Article 85

- (1) Stipulation of the buildings and environment as meant in Article 84 is based on classifications of levels of protection and conservation of buildings and their environment in accordance with historical, scientific and cultural values including architectural and technological values.
- (2) The classifications of buildings and environment as meant in paragraph (1) consist of primary, secondary and tertiary classifications.
- (3) The primary classification as meant in paragraph (2) is designated to buildings and environment physically having original model unchangeable at all.
- (4) The secondary classification as meant in paragraph (2) is designated to buildings and environment physically having original exterior model unchangeable but interior design changeable partly without reducing the protection and conservation values.
- (5) The tertiary classification as meant in paragraph (2) is designated to buildings and environment physically having original model changeable without reducing

the protection and conservation values as well as not abolishing the main part of the buildings.

Article 86

- (1) The government and/or regional governments identify and document buildings and environment fulfilling the requirements as meant in Article 84.
- (2) The identification and documentation as meant in paragraph (1) minimally cover:
 - a. identification of age of buildings, history of ownership, history of utilization, architectural, scientific and technological as well as archeological values;
 - b. documentation of technical pictures and photo of buildings as well as their environment.

Sub-Section 3

Utilization of Protected and Preserved Buildings

Article 87

- (1) The protected and preserved buildings as meant in Article 83 paragraph (2) are utilized by owners and/or users in accordance with norms of conservation and classifications of protected and preserved buildings as well as in accordance with legislation.
- (2) If buildings and/or their environments being already stipulated as cultural reserves are to be utilized for religious, social, tourism, educational, scientific and cultural interests, the utilization must be in accordance with provisions in classifications of levels of protection and conservation of buildings and their environments.
- (3) If rights to buildings and/or their environments already stipulated as cultural reserves are to be transferred to other party, the transfer of the rights must be in accordance with legislation.
- (4) Every owner and/or user of preserved buildings and/or environment is obliged to protect the buildings and/or their environments in accordance with their classifications.
- (5) Owners of buildings and/or environment to be stipulated for protection and conservation can obtain incentive from the government and/or regional governments.

Article 88

- (1) Maintenance, repairing, periodical inspection of protected and/or preserved buildings and their environments are realized by owners and/or users of the buildings in accordance with the provisions in Article 73 up to Article 80.
- (2) Especially for the repairing as meant in paragraph (1), technical plan for conservation the buildings must be formulated by considering the principles of protection and conservation, covering originality of model, layout, structural system, use of building materials and valued contained in accordance with levels of damage of buildings and provisions on classifications.

Article 89

- (1) Refurbishment of protected and preserved buildings constitutes an activity to improve and restore buildings to the original form.
- (2) Refurbishment of protected and/or preserved buildings is realized in accordance with the provisions in Article 68 up to Article 70.
- (3) Refurbishment must be realized by observing the principles of occupational safety and health, protections and conservation covering the originality of form, layout and operational method, structural system, use of building materials and historical, scientific and cultural values including architectural and technological values.

Section Four
Demolition

Sub-Section 1
General

Article 90

- (1) Demolition of buildings must be realized in an orderly manner and consider security, safety of communities and environment.
- (2) The demolition of the buildings as meant in paragraph (1) must be in accordance with stipulation of demolition order or approval by regional governments, unless otherwise specially functional buildings by the government.
- (3) Demolition of buildings covers activity of stipulation of demolition and realization of demolition of buildings, carried out by following norms of-demolition in general as well as utilizing science and technology.

Sub-Section 2
Stipulation of Demolition

Article 91

- (1) The government and/or regional governments identify buildings to be stipulated for demolition on the basis of results of inspection and/or reports from communities.
- (2) Buildings, which can be demolished as meant in paragraph (1) include:
 - a. buildings unfeasible functionally and unable to repair anymore;
 - b. buildings having utilization dangerous to users, communities and environment; and/or
 - c. buildings not having license to erect buildings.
- (3) The government and/or regional governments convey results of the identification as meant in paragraph (1) to owners and/or users of buildings to be stipulated for demolition.
- (4) Based on results of the identification as meant in paragraph (1), owners and/or users of the buildings, unless otherwise sole residing houses, particularly growing core houses and healthy modest houses, must assess technically the buildings and convey the results to regional governments, unless otherwise specially functional buildings to the government.
- (5) In the case of results of the technical assessment of the buildings fulfilling the criteria as meant in paragraph (2) points a and b, regional governments stipulate the buildings for demolition by a stipulation of demolition.
- (6) In the case of the buildings having no license to erect buildings as meant in paragraph (2) point c, regional governments stipulate the buildings for demolition by a stipulation of demolition.
- (7) The stipulation of demolition as meant in paragraphs (5) and (6) contains deadline of demolition, procedures for demolition and threat of sanction against every violation.
- (8) In the case of owners and/or users of buildings not realizing the demolition in the period as meant in paragraph (6), demolition is realized by regional governments that can appoint building demolition service providers at expense of owners, unless otherwise incapable owners of residing houses, the demolition cost is borne by regional governments.

Article 92

- (1) Owners of buildings can submit demolition of buildings by giving notification in writing to regional governments, unless otherwise specially functional houses to regional governments, accompanied by the latest report on results of periodical inspection.
- (2) In the case of owners of buildings being not land owner, proposal for the demolition as meant in paragraph (1) must secure approval from the land owner.
- (3) Stipulation of buildings for demolition as meant in paragraphs (1) and (2) is done through the issuance of stipulation or approval of demolition by regents/mayors, unless otherwise located in Jakarta Capital Special Region by the governor and specially functional buildings by the Minister.
- (4) The issuance of approval of demolition of buildings for the need of demolition as meant in paragraph (1) is in exception for buildings of residing houses.

Sub-Section 3
Realization of Demolition

Article 93

- (1) Demolition of buildings can be realized by owners and/or users of buildings and can use building demolition service providers having certificate in accordance with legislation.
- (2) Especially for demolition of buildings using heavy equipment and/or explosive, the demolition must be realized by building demolition service providers.
- (3) If owners and/or users of buildings having demolition stipulated by the letter as meant in Article 92 paragraph (3) do not realize the demolition in the stipulated period, demolition approval is revoked again.

Article 94

- (1) Demolition of buildings whose realization is potential to bring about broad impact on public and environmental safety must be realized on the basis of technical plan for demolition formulated by technical planning service providers having certificate in accordance with legislation.
- (2) The demolition technical plan as meant in paragraph (1) must be approved by regional governments, unless otherwise specially functional buildings after securing considerations from building expert team.
- (3) In the case of the realization of demolition bringing about broad impacts on public and environmental safety, owners and the government and/or regional

governments socialize and notify in writing to the communities around the buildings before the demolition is realized.

- (4) Demolition of buildings follows the principles of Occupational Safety and Health (K3).

Sub-Section 4 Supervision over Demolition of Buildings

Article 95

- (1) Supervision over demolition of buildings as meant in Article 53 paragraph (2) and Article 94 is realized by supervisory service providers having certificate in accordance with legislation.
- (2) Results of supervision over the realization of demolition of buildings as meant in paragraph (1) are reported periodically to regional governments.
- (3) Regional governments supervise periodically the conformance of reports on realization of demolition to the demolition technical plans.

CHAPTER V PUBLIC PARTICIPATION

Section One Monitoring and Preservation of Order

Article 96

- (1) In organizing buildings, communities can play role in monitoring and maintaining order, either in activities of development, utilization, preservation and activities of demolition of buildings.
- (2) The monitoring as meant in paragraph (1) is executed objectively in a full sense of responsibility and without resulting in disturbance and/or damage to owners and/or users of buildings, communities and the environment.
- (3) Communities monitor through activities of observation, conveyance of inputs, recommendations and complaints.
- (4) In executing the monitoring as meant in paragraph (1), communities can execute it individually, social organization and through building expert team.
- (5) Based on the monitoring, communities report in writing to the government and/or regional governments:
 - a. indications of buildings unfeasible functionally; and/or

- b. buildings having development, utilization, preservation and/or demolition potential to result in disturbance and/or danger to users, communities and the environment.

Article 97

The government and/or regional governments are obliged to follow up reports on the monitoring by communities as meant in Article 96 paragraph (5) by undertaking research and evaluation administratively and technically through field inspection, and actions in accordance with legislation as well as conveying the results to communities.

Article 98

- (1) Communities take part in maintaining the orderly organization of buildings by preventing every action of the relevant or groups potential to reduce reliability of the buildings and/or disturb the organization of the buildings and their environment.
- (2) In executing the provision as meant in paragraph (1), communities can report in writing and/or verbally to the authorized institutions or interesting parties with regard to action of everybody.
- (3) Further provisions on the preservation of order as meant in paragraphs (1) and (2) are ruled by a regional regulation.

Article 99

The authorized institutions are obliged to follow up reports of the communities as meant in Article 98 paragraph (2) by undertaking research and evaluation administratively and technically through field inspection, and taking actions in accordance with legislation as well as conveying the results to communities.

Section Two

Conveyance of Input to Formulation and/or Improvement of
Technical Regulations, Guidelines and Standards

Article 100

- (1) Communities can convey inputs to formulation and/or improvement of technical regulations, guidelines and standards in the building sector to the government and/or regional governments.
- (2) The inputs from the communities as meant in paragraph (1) are conveyed individually, by group, social organization and through building expert team by

following the procedures and on the basis of considerations about local socio cultural values.

- (3) The inputs from communities as meant in paragraph (1) become considerations of the government and/or regional governments in formulating and/or improving technical regulations, guidelines and standards in the building sector.

Section Two

Conveyance of Opinions and Considerations

Article 101

- (1) Communities can convey opinions and considerations to the authorized institutions for the formulation of building and environmental management plan, certain building technical plan and/or operational activities bringing about substantial impacts on the environment so that the communities share sense of belonging and responsibility in the management of buildings and environment.
- (2) The community opinions and considerations as meant in paragraph (1) are individually, by group, social organization and through building expert team by following the procedures and on the basis of considerations about local socio cultural values.

Article 102

- (1) Community opinions and considerations about certain technical plans and/or operational activities resulting in substantial impacts on the environment can be conveyed through building expert team as meant in Article 66 and Article 67 or deliberated in public hearings facilitated by regional governments, unless otherwise specially functional buildings facilitated by the government through coordination with regional governments.
- (2) Results of the public hearing as meant in paragraph (1) can become considerations in the stipulation of technical plans by the government and/or regional governments.

Section Four

Realization of Class Action

Article 103

Communities can file class action to the court in accordance with legislation.

Article 104

Communities eligible to filing class action are:

- a. affected individuals or groups of people, representing the affected parties due to the organization of buildings, which disturbs, affect or endanger public interests; or
- b. individuals or groups of people or social organizations representing the affected parties due to the organization of buildings, which disturbs, affect or endanger public interests.

CHAPTER VI
FOSTERING

Section One

Article 105

- (1) The organization of buildings is fostered by the government and/or regional governments through activities of regulation, empowerment and supervision so as to ensure the orderly operation of buildings and achieve reliability of buildings in accordance with their functions as well as realize legal certainty.
- (2) The fostering by the government as meant in paragraph (1) is designated to regional governments and organizers of buildings.
- (3) The fostering by regional governments as meant in paragraph (1) is designated to organizers of buildings.

Section Two
Fostering by Government

Article 106

- (1) The regulation as meant in Article 105 paragraph (1) is done by the government by formulating and disseminating legislation, technical guidelines, directives and standards of building nationally.
- (2) The formulation of legislation, technical guidelines, directives and standards of buildings as meant in paragraph (1) can be done by considering opinions of regional governments and organizers of buildings.
- (3) The government can provide technical assistance for regional governments in the formulation of regional regulations and policies in the building sector.
- (4) Dissemination of legislation, technical guidelines, directives and standards of buildings can be delegated to regional governments.

Article 107

- (1) The empowerment as meant in Article 105 paragraph (1) is applied to regional governments and organizers of buildings.
- (2) The empowerment of regional government apparatuses and organizers of buildings is in the form of the enhancement of awareness of rights, obligations and roles in the operation of buildings through socialization, dissemination and training.

Article 108

- (1) The supervision as meant in Article 105 paragraph (1) is done through monitoring of the application of legislation in the building sector and law enforcement.
- (2) The government supervises regional regulations on buildings by means of evaluating substances of the regional regulations in accordance with legislation.

Section Three

Fostering by Regional Governments

Article 109

- (1) The regulation as meant in Article 105 paragraph (1) is executed by regional governments by formulating regional regulations in the buildings sector on the basis of higher legislation by observing conditions of local regencies/cities as well as dissemination of legislation, technical guidelines, directives and standards of buildings and operationalization in the communities.
- (2) The formulation of regional regulations as meant in paragraph (1) can be realized by considering opinions of building organizers.
- (3) Dissemination of the legislation, technical guidelines, directives and standards of building as meant in paragraph (1) can be done together with communities related to buildings.

Article 110

- (1) The empowerment as meant in Article 105 paragraph (1) is applied to building organizers.
- (2) The empowerment of building organizers can be in the form of enhancement of awareness of rights, obligations and roles in the organization of buildings through data collection, socialization, dissemination and training.

Article 111

The empowerment of communities not yet capable of fulfilling the technical requirements for buildings is done together with communities related to buildings through:

- a. accompanying of building development in phases;
- b. provision of assistance of residing house sample fulfilling the requirements; and/or
- c. assistance to arrange healthy and harmonious buildings and environments.

Article 112

- (1) Regional governments supervise the application of regional regulations in the building sector through mechanism of the issuance of license to erect buildings and certification of functional feasibility of buildings as well as approval and stipulation of demolition of buildings.
- (2) Regional governments can involve public participation in supervision over the application of legislation in the building sector.

CHAPTER VII
ADMINISTRATIVE SANCTION

Section One
General

Article 113

- (1) Owners and/or users violating the provisions in this government regulation are subjected to administrative sanctions in the form of:
 - a. written warning;
 - b. restriction of development activities;
 - c. provisional or permanent discontinuation in operational work of development;
 - d. provisional or permanent discontinuation in the utilization of building;
 - e. freezing of license to erect building;
 - f. revocation of license to erect building;

- g. freezing of functional worthiness certificate of building;
 - h. revocation of functional worthiness certificate of building;
 - i. order to demolish building.
- (2) Besides the administrative sanctions as meant in paragraph (1), the relevant is liable to a fine of 10% (ten percent) of the value of building in the course of development or already developed at the maximum.
- (3) Construction service providers violating the provisions in this government regulation are subjected to the sanctions as regulated in legislation in the construction service sector.

Section Two In Development Phase

Article 114

- (1) Building owners violating the provisions in Article 7 paragraph (3), Article 18 paragraphs (1) and (2), Article 20 paragraph (1), Article 21 paragraph (1), Article 68 paragraph (2), Article 76 paragraph (3) and Article 89 paragraph (2) are subjected to written sanction.
- (2) Building owners not abiding by the written warning three times consecutively at time intervals of 7 (seven) calendar days respectively and still not improving the violation as meant in paragraph (1) are subjected to sanction in the form of restriction of development activities.
- (3) Building owners already subjected to the sanction as meant in paragraph (2) for 14 (fourteen) calendar days and still not improving the violation as meant in paragraph (1) are subjected to sanction in the form of suspension of development and freezing of license to erect building.
- (4) Building owners already subjected to the sanction as meant in paragraph (3) for 14 (fourteen) calendar days and still not improving the violation as meant in paragraph (1) are subjected to sanction in the form of permanent discontinuation of development, revocation of license to erect building and order to demolish building.
- (5) In the case of building owners not realizing the demolition as meant in paragraph (4) in 30 (thirty) calendar days, the demolition is executed by regional governments at expense of the building owners.
- (6) In the case of the demolition being realized by regional governments, building owners are also subjected to administrative fine maximally accounting for 10% (ten percent) of the total value of the building.

- (7) The amount of the administrative fine is stipulate on the basis of degree of the committed violation after securing considerations from building expert team.

Article 115

- (1) Building owners realizing the development of buildings by violating the provision in Article 14 paragraph (1) are subjected to sanction in the form of suspension until license to erect buildings is obtained
- (2) Building owners not having license to erect buildings are subjected to sanction in the form of demolition order.

Section Three
In Utilization Phase

Article 116

- (1) Building owners or users violating the provisions in Article 7 paragraph (3), Article 19 paragraph (1), Article 72 paragraph (2) up to paragraph (4), Article 73 paragraph (1), Article 81 paragraph (2), Article 87 paragraphs (2) and (4) are subjected to sanction in the form of written warning.
- (2) Building owners or users not abiding by the written warning three times consecutively at time intervals of 7 (seven) calendar days respectively and not improving the violation as meant in paragraph (1) are subjected to sanction in the form of suspension of activities to utilize buildings and freezing of functional worthiness certificate.
- (3) Building owners or users already subjected to the sanction as meant in paragraph (2) for 30 (thirty) calendar days and still not improving the violation as -meant in paragraph (1) are subjected to sanction in the form of permanent discontinuation of utilization and revocation of functional worthiness certificate.
- (4) Building owners or users late in extending the functional worthiness certificate up to the deadline of validity period of the certificate are subjected to administrative fine accounting for 1% (one percent) of the total value of the building.

CHAPTER VIII
TRANSITIONAL PROVISION

Article 117

With the enforcement of this government regulation, all technical regulations related to the organization of buildings are declared to remain effective as long as they do not contravene this government regulation.

Article 118

With the enforcement of this government regulation:

- a. licenses to erect buildings already issued by regional governments are declared to remain effective; and
- b. buildings not yet securing license to erect building from regional governments must have owned license to erect building in not later than 6 (six) months.

Article 119

With the enforcement of this government regulation, buildings already built before the issuance of this government regulation must have functional worthiness certificate in not later than 5 (five) months.

CHAPTER IX
CONCLUSION

Article 120

The government regulation comes into force as from the date of promulgation.

For public cognizance, the government regulation shall be promulgated by placing it in State Gazette of the Republic of Indonesia.

Stipulated in Jakarta
On September 10, 2005
THE PRESIDENT OF THE REPUBLIC OF INDONESIA

Signed

DR. H. SUSILO BAMBANG YUDHOYONO

STATE GAZETTE OF THE REPUBLIC OF INDONESIA OF 2005 NUMBER 83