



Legal justice obtaining building permit in Banda Aceh city

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Abstract

Every community has the right to build and open a business. However, this right must be accompanied by obligations and procedures that must be completed by the community. The government, especially regional governments, have regional autonomy as authority or power in a region/region which regulates and manages for the interests of the region/region itself. The regional government as the holder of power has provisions that must be obeyed by the entire community in order to obtain permits. In this research, the issues raised are: 1. What is the procedure for obtaining a building condition permit in the City of Banda Aceh. 2. What is the legal justice for obtaining a building construction permit in the City of Banda Aceh. This research is normative juridical in nature with the type of research used is descriptive analytical qualitative with a normative empirical approach. This research uses primary and secondary data as well as tertiary data as the main research material, which was obtained through interviews, observations and documents. The data obtained will be analyzed descriptively qualitatively. Research results: 1) Procedures for obtaining a building construction permit in a public service mall in Banda Aceh City in several aspects, namely the transparency aspect, accountability aspect, conditional aspect, participatory aspect, equality of rights aspect, and balance of rights and obligations aspect. Requirements include administrative requirements and technical requirements. Meanwhile, you can arrange it online and offline by coming directly to the Banda Aceh City public service mall which is on the 3rd floor of Pasar Aceh. 2) Legal justice for obtaining building construction permits in Banda Aceh City. a) In the case of additional technical requirements in the form of a form for releasing land rights without a claim for compensation, regional governments, especially district/city governments, do not have the authority to change or add norms that conflict with higher regulations, namely the basic agrarian law and the Republic of Indonesia Law number 2 of 2012 concerning Land Acquisition for Development in the Public Interest where in these two laws, for the release of land rights, there is adequate compensation to the parties concerned. b) Aspects of legal justice. There has been no legal justice provided by the Banda Banda Aceh City government to the community in the form of a lack of appropriate and appropriate compensation for the release of land rights that have been released by the community to obtain building permits within the framework of the city governance plan. Suggestions. There needs to be a response and solution from the city government to community complaints regarding the provisions for releasing land rights without compensation in processing building permits so that people feel fair and do not feel like their rights have been taken away by the government.

Keywords: Building construction permit, legal justice

Introduction

Every community has the right to build and open a business. However, this right must be accompanied by obligations and procedures that must be completed by the community. The government, especially regional governments, have regional autonomy as authority or power in a region/region which regulates and manages for the interests of the region/region itself. The regional government as the holder of power has provisions that must be obeyed by the entire community in order to obtain permits. The party holding the permit is not permitted to act in violation of the relevant regulations.

Through permits, the government allows permit holders to take certain actions which are actually prohibited.

So the essence of a permit is a prohibition on behavior, unless permitted by permission.

The role of the licensing sub-sector, especially permits for building residential buildings that can be used as business premises, is very important for economic development, especially in terms of creating jobs, increasing people's income, especially oil palm farming communities, and more importantly, providing legal certainty for farmers, businessmen. Meanwhile, for the government or authorities, licensing can also be used as a legal tool or instrument, to

regulate and control economic activities in society, and more importantly can increase state/regional revenues.

In regulating and supervising the use of land for business, local governments have various kinds of policies, one of which is Building Construction Permits. This certainly cannot be separated from matters relating to legal justice where when a regulation is made and promulgated with certainty because it regulates clearly and logically. Clear in the sense that it does not allow the building of doubts (multiple interpretations) and logical in the sense that it forms a system of norms with other norms so that it does not give rise to conflicting norms^[1].

According to Lawrence M. Friedman, realizing legal justice in the government system is at least supported by the following elements^[2]: 1). Legal Substance 2). Legal Apparatus 3). Legal Culture. The Banda Aceh City Government has its own regulations related to Building Construction Permits, namely Banda Aceh City Qanun Number 1 of 2020 concerning Retribution for Building Construction Permits and Banda Aceh Mayor Regulation Number 14 of 2021 concerning Granting Building Construction Permits in the Context of Controlling and Arranging Buildings in Accordance with the Rules. Room. There are several requirements that must be met in

processing a Building Construction Permit in the City of Banda Aceh as written in the brochure published by the Banda Aceh City Investment and One-Stop Integrated Services Service. There is one additional requirement in the form of a statement letter which requires the building construction permit administrator in the City of Banda Aceh to sign a statement letter regarding Willingness to Carry Out the Planning/Release without demanding compensation for part of the land included in the Road Alignment Line, Road Expansion Plan, in accordance with the description of the allocation plan (Advice Plainning) and Building Situation Drawings, issued by the Department Banda Aceh City Public Works.

This additional requirement is considered strange by some residents and is considered to have damaged their sense of justice in obtaining reasonable compensation for the rights to land that they have legally controlled/owned and is considered unfair. Problems like this continue without any solution from the authorities regarding the status of land ownership and compensation.

Based on these problems, the researcher was interested in conducting in-depth research related to justice and legal certainty regarding the processing of building construction permits by raising the research title: "Legal Justice in Obtaining Building Construction Permits in the City of Banda Aceh".

Concept of Building Permit Building Permit Law in Indonesia

Licensing law is part of administrative law. What is meant by licensing is a one-sided state administrative legal act that applies regulations in concrete terms based on requirements and procedures as determined by statutory provisions^[3].

In Indonesia, Building Construction Permits are granted by the Regional Government for special function buildings by the Regional Government to building owners to build new, change, expand, reduce, and/or maintain buildings in accordance with applicable administrative requirements and technical requirements. This has been regulated through Article 1 Number 1 Minister of Public Works Regulation No. 24/PRT/M/2007 concerning Technical Guidelines for Building Construction Permits^[4].

Understanding Building Construction Permit

Asep Warlan Yusuf said that permits are a preventive juridical government instrument, which is used as an administrative legal tool to control community behavior. Building construction permits, hereinafter referred to as building construction permits, are permits granted by the district/city government to building owners to build new, change, expand, reduce and/or maintain buildings in accordance with applicable administrative and technical requirements^[5].

During the licensing process, the local government records and registers buildings in the building database. Building regulation activities are intended for orderly administration of building construction and utilization, as well as building information systems in local governments. Article 3 of Law of the Republic of Indonesia Number 28 of 2002 concerning Buildings states that building regulations aim to^[6]:

- a. Creating buildings that are functional and in accordance with a building layout that is harmonious and in harmony with its environment;

- b. Realizing orderly building management that guarantees the technical reliability of buildings in terms of safety, health, comfort and convenience;
- c. Realizing legal certainty in implementation building.

The Foundation of the Building Permit Law

National development aims to create a just and prosperous society that is materially and spiritually equitable based on Pancasila and the 1945 Constitution. Development is not separate from building construction, along with buildings that are directly complementary to the building (house) is within the limits of one ownership, as seen from its very important function as a place where humans carry out their activities to achieve various targets that support the realization of national development goals^[7].

Buildings must be implemented in an orderly manner, realized according to their function, and the administrative and technical requirements of the building must be met. In order for the building to be implemented in an orderly manner and realized in accordance with its function, a legal basis is needed for building construction and renovation. The legal basis for building construction is^[8]:

- a. Pancasila is the source of all sources of law.
- b. The 1945 Constitution of the Republic of Indonesia.
- c. Law of the Republic of Indonesia No. 28 of 2002 concerning Buildings.
- d. Law of the Republic of Indonesia No. 26 of 2007 concerning Spatial Planning.
- e. Government Regulation NO. 36 of 2005 concerning Implementation of Law no. 28 of 2002 concerning Buildings.
- f. Regulation of the Minister of Home Affairs of the Republic of Indonesia No. 32 of 2010 concerning the Granting of Building Construction Permits.

Purpose and Function of Building Construction Permit

In general, the purpose and function of licensing is to control government activities in certain matters, where the provisions contain guidelines that must be implemented by both interested parties and authorized officials. Apart from that, the purpose of licensing according to Dwi can be seen from two sides, namely^[9]:

- a. **From the government side. From the Government's perspective, the purpose of granting permits is**
 1. To implement whether the provisions in the regulations are in accordance with the reality in practice or not and at the same time to regulate order. As a source of regional income. With requests for permits, the government's income will directly increase because for every permit issued, the applicant must pay a levy first. The greater the income from levies, the ultimate goal is to finance development.
 2. From the community side. From the community perspective, the purpose of granting the permit is: a). For legal certainty. b). For certainty of rights.
 3. o make it easier to get facilities. If the building being erected already has a permit, it will be easier to obtain facilities.

Principles and Benefits of Building Construction Permits

In the Ministry of Home Affairs Regulation Number 32 of 2010 concerning guidelines for granting building construction permits, it explains the principles and benefits of granting Building Construction Permits, namely^[10]:

a. The granting of Building Construction Permits is carried out based on the principles

1. Simple, easy and applicable procedures
2. Fast, affordable and timely service
3. Openness of information to the public and business world; and
4. Aspects of spatial planning, certainty of the legal status of land.
5. security and safety, as well as comfort.

b. The Regent/Mayor takes advantage of the granting of permits Erect Buildings for

1. Supervision, control and ordering of buildings
2. Realizing orderly building management that guarantees building reliability in terms of safety, health, comfort and convenience
3. Creating a functional building in accordance with the building layout and in harmony with its environment.
4. Requirements for issuing other certifications for the function of the building Owners of building permits receive benefits for:
 - a. submitting a certificate of appropriateness to guarantee the function of the building.
 - b. obtaining public utility services such as installation or addition of electricity networks, drinking water, hydrants, telephone and gas.

Context of Building Construction Permits in the City of Banda Aceh

The buildings being erected are not illegal, irregular buildings. Buildings were erected too aims to create a safe, orderly and healthy community life system, through the realization of harmonious land use. The construction of buildings is also adjusted to the needs and capacity of the environment, and regional developments in order to realize environmental sustainability. A building permit is not only needed to construct a new building, but is also needed to dismantle, renovate, add, change or make repairs that change the shape or structure of the building and can be used as a bank credit application.

Building construction permits are given to buildings that meet administrative and technical requirements. The administrative requirements referred to are showing proof of ownership, certificate, letter C or other proof of ownership, while what is meant by technical construction requirements is that the land on which the building will be built must meet the following provisions ^[11]:

- a. It has been dried for land that still has the status of paddy/ moor land;
- b. Dispute free;
- c. Buildings can be erected;
- d. Does not contain toxic and deadly gases/other substances;
- e. Not always waterlogged;
- f. Meets requirements for utilities;
- g. Allows the creation of drainage systems and channels;

Land Acquisition for Public Interest

Rights of Control by the State Over Land

The terms "control" and "control" can be used in a physical sense, as well as in a juridical sense, as well as in civil and public aspects. Control in the juridical sense is control based on rights, which is protected by law, generally giving

authority to the right holder to physically control the land that is owned. by other parties ^[12].

According to the provisions of Article 2 paragraph (2) of the Basic Agrarian Law, the state's right to control gives the authority to:

- a. Regulate and administer the allocation, use, supply and maintenance of earth, water and space;
- b. Determine and regulate legal relationships between people and earth, water and space;
- c. Determine and regulate legal relationships between people and legal actions concerning earth, water and space;

Development of Human Rights

When talking about human rights, we are of course referring to a group of rights that are obtained not because of a gift from the state but as rights that are inherent in a person as a human being. In other words, human rights are closely related to human nature itself. Whatever a person's background, status and condition are, it does not affect the extent to which human rights are high or low. Human someone. Every individual has the same human rights, which are inherent to him from the moment he is born. The rights of citizens as stated in the 1945 Constitution are the realization of these universally applicable human rights. Of course, this collection of Human Rights was not a ready-made product from the start. This means that human rights are the result of the development of awareness of individual rights which has occurred over a very long period of time ^[13].

Relinquishment of Land Rights

Acquisition or relinquishment of rights, if seen from the owner, means releasing rights to the state for the benefit of a second party, namely the "buyer". Judging from the need for land, it frees up rights. What is meant by land acquisition or land acquisition based on Article 1 paragraph (2) is the activity of providing land by providing adequate and fair compensation to the entitled parties. Article 1 of the Minister of Home Affairs Regulation Number 15 of 1975 clearly regulates the meaning of land acquisition, namely releasing the legal relationship that originally existed with the right holder (land owner) by providing compensation. Compensation for acquired lands takes the form of: lands that already have rights based on Law Number 5 of 1960, lands of customary law communities. The essence of the meaning of releasing rights to land is that someone releases their rights to other interests by providing compensation. To expedite the implementation of land acquisition, the Minister of Home Affairs issued implementing regulations in the form of Decree Number 16/10/41, dated 19 October 1976 concerning Land Acquisition Instructions ^[14].

Compensation

Compensation is a building permit received by the holder of land rights as a replacement for the value of the land, including what is on it, which has been released or handed over. In principle, the aspects of appropriate compensation must fulfill three aspects, namely economic aspects, sociological aspects and philosophical aspects. According to Presidential Regulation Number 71 of 2012, Article 1 paragraph (10) states that compensation is appropriate and fair compensation to parties who are entitled to it in the land acquisition process. In the event that compensation is

carried out by the assessment team, in carrying out their duties the public assessor requests a map of the land plot, a list of nominatives and data required for assessment materials from the chief land procurement executive ^[15].

Processing Building Permits in the City of Banda Aceh Geographical Location of the City of Banda Aceh

Geographically, the City of Banda Aceh is in the northern hemisphere. Based on its geographical position, Banda Aceh City has boundaries, namely the North is the Strait of Malacca, the South is Aceh Besar Regency, the West is the Indian Ocean and the East is Aceh Besar Regency. Based on its geographical location, the city of Banda Aceh is located in. The northern tip of Sumatra Island is also the westernmost region of Sumatra Island ^[16].

Table 1: Area of Banda Aceh City by District

No	District	Wide	Percentage
1	Meuraxa	7,26	11,83
2	Jaya Baru	3,78	6,16
3	Banda Raya	4,79	7,81
4	Baiturrahman	4,54	7,40
5	Lueng Bata	5,34	8,70
6	Kuta Alam	10,05	16,38
7	Kuta Raja	5,21	8,49
8	Syiah Kuala	14,24	23,21
9	Ulee Kareng	6,15	10,02
Amount		61.36	100.00

Source: Banda Aceh City Central Statistics Agency, 2019.

Management of Building Construction Permits in the City of Banda

Aceh Based on the results of research regarding the processing of Building Construction Permits in Banda Aceh City Public Service Malls, namely through the One Stop Integrated Service and Investment Service, in general it has been implemented but is not yet optimal. This can be shown from the results of interviews, a small number of informants stated that the processing of Building Construction Permits in the service aspect was carried out well and the majority of informants stated that the processing of Building Construction Permits in the service aspect was carried out poorly.

For more details regarding the processing of Building Construction Permits in the Banda Aceh City Public Service Mall, a discussion of each dimension can be outlined as follows:

Procedures for Processing Building Construction Permits in Banda Aceh City

Based on research results obtained both through interviews and researcher observations in the field, researchers found that there are several aspects of indicators in the procedures for obtaining building permits in the city of Banda Aceh as follows:

a. Transparency Aspects

Based on research results on the dimensions of transparency for implementing procedural indicators services that are easy for the public to understand, that the procedures used by officers are easy for the public, especially applicants for building permits, to understand. This is as stated by Ahmadi:

"The procedures conveyed by the officers are indeed good, sir, starting from the registration process for obtaining permits and the conditions and so on, they are conveyed

clearly, sir. So we don't need to ask anymore several times to the officers about the procedures for obtaining permits, sir ^[17].

Furthermore, regarding the implementation of indicators for open access to services to the public, it is still not done openly, this can be seen from the services provided having to come directly to the office, so far access to service information still does not use internet access. This is also confirmed by Ahmadi's statement in his interview, he added that: "But what is still lacking, sir, is that we have to ask the office directly for the procedure. There is no website that explains in detail the procedure for processing this permit.

"There is a website, sir, but when we accessed it, there was no news on it or the web page had an error, sir. It's not like processing other permits, such as doctor's practice permits, where there is a web page via sicanikui.jasa.go.id" ^[17].

conclude that the dimension of transparency in the delivery of procedures in public services to obtain building construction permits at the Banda Aceh City Public Services Mall is very good, but there is a need for internet connectivity so that service users no longer need to come directly to the Services Mall. The public of Banda Aceh City is just asking about the procedures for obtaining building construction permits.

b. Accountability Aspect

Based on the results of research on the dimensions of accountability for service implementation, the indicators of carrying out service tasks seriously and responsibly are still lacking. This was conveyed by Fitriani as a member of the community who uses the service In the interview he said that:

"In my opinion, sir, the officers who serve the building permit department are not serious enough and lack a sense of responsibility because when I come to take care of the building permit, sometimes the response takes quite a long time, sir, and the service hours are not correct, where the brochure states the service hours. for Monday-Thursday mornings from 08.00-12.30, afternoons from 13.30-15.30 WIB. When I arrived on Monday at 13.40 WIB the service officer was not yet at his desk and the information officer was not there so I had to wait almost 1 hour before an officer arrived. When I asked the officer he said it was still break time. Meanwhile, rest hours are stated in the brochure until 13.30 WIB. I also saw that the officers were less enthusiastic about serving, either because I came in ordinary clothes and didn't look like an official or something, so the response was normal, sir ^[18].

Furthermore, for the indicator of service delivery which is in accordance with Standard Operating Procedures, service delivery is not in accordance with standard operational procedures. (19) Furthermore, for the implementation of the indicator of the absence of illegal levies in the Building Construction Permit service process, that officers do not make illegal levies on applicants, because in The rule is that there are no fees whatsoever This means that there is no charge for obtaining a building permit. This is confirmed by Zulfikar's statement as Staff of the One Stop Investment and Integrated Services Service at the Banda Aceh City Public Service Mall who said:

"here is no fee for obtaining a building permit, sir and it has been regulated through the Banda Aceh Mayor's Regulation. "So there is no such thing as an additional fee, sir. Even if

an officer takes an additional fee, it is outside the provisions and violates the law and can be punished, sir”^[19].

Based on the results of interviews submitted by respondents and direct observations made by researchers, it can be concluded that public services regarding the processing of building construction permits at the Investment and One-Stop Integrated Services Service at the Banda Aceh City Public Service Mall, the dimension of accountability is still lacking in terms of seriousness and responsibility. Service officers and their standard operational procedures are still not appropriate but there are no illegal collections or additional fees taken by service officers outside the applicable provisions.

c. Conditional Aspects

Based on the results of research regarding the conditional dimensions of the indicator that the time for making a Building Construction Permit can be processed quickly and precisely, the time for making a building permit is still not fast and precise, there are still delays in completing the work and there are still data that are filled in that are not checked again by an authorized officer so that there is incorrect data, but it is immediately signed and stamped by an authorized officer. This is as conveyed by Ahmadi in his interview:

"When I took care of the building permit for the Banda Aceh City Public Services Mall, I had been taking care of it for more than 14 (fourteen) days and I had asked the officers of the One Stop Investment and Integrated Services Service, at the Banda Aceh City Public Services Mall, but to this day it has not been completed, even though the time was promised for 12 (twelve) days, apparently it was not on time, there was a delay, even though the requirements were complete, the inconsistent timing of granting this permit made my work also hampered. sir”^[17].

d. Participatory Aspect

Based on the results of research on the participatory dimension in the implementation of indicators of the existence of media provided as a means of providing suggestions and criticism from the public, that in making building permits at the Banda Aceh City Public Service Mall, media as a means of providing suggestions and criticism from the public is adequate^[19].

Furthermore, the implementation of indicators for the availability of information space for the community shows that in the implementation of services for making building permits, the community receives less information because they do not know about the existence of the information space itself. Thus, participatory means encouraging society in its role in providing public services by paying attention to aspirations, needs and hopes community so that service users feel satisfied.

e. Aspect of Equal Rights

Based on the results of research on the dimensions of equal rights in the indicators of employees being able to serve the entire community fairly, in the implementation of services for making building permits at the Banda Aceh City Public Service Mall, employees have been able to act fairly. This was seen when the researcher made direct observations at the Banda Aceh City Public Service Mall, the researcher saw that the officers acted fairly by giving equal rights to every person who came^[19].

Furthermore, in the implementation of the indicator, employees do not discriminate between the people they serve, that there are still employees who discriminate between the people they serve, there is a tendency for officers to differentiate between one applicant and another in order to obtain services. This attitude exists because the officers have kinship, friendship or family relationships.

This is what Bayhaqi said as a member of the community who uses the service. In the interview he said that:

“The service may be a little different, sir, between ordinary people who come or officials or people close to the officer, such as friends or family, sir. In my opinion, this is normal, sir, because we cannot deny that people's social feelings towards people who have positions or relatives are different, so this attitude of discriminating services does happen here, sir, sometimes when ordinary people come, they don't get permission to build their building for a month, going out and about, sir, while relatives or officials who come, within 1 week the building construction permit has been issued”^[20].

Based on the results of these interviews, it can be concluded that there are still service officers at the Banda Aceh City Public Service Mall who differentiate their services to the community based on social status or kinship or family ties. This makes the public feel less satisfied with the service of officers at the Banda Aceh City Public Service Mall.

f. Aspects of permission to construct buildings, rights and obligations

Based on the results of research on the dimensions of permission to construct buildings, rights and obligations in the implementation of indicators of employees being able to act wisely in accordance with the authority they have, employees are less able to act wisely in accordance with the authority they have. Furthermore, the implementation of indicators that the community is satisfied with the services provided is that the community is less satisfied with the services provided, the community has the opinion that the friendliness of the officers is still lacking, the principles of justice are still not optimal, there is still discrimination and convenience in the implementation of building construction permits in the Public Service Mall. The city of Banda Aceh still receives little attention from officers.

Requirements for processing a building construction permit in the city of Banda Aceh

An application for a building construction permit is an application made by the building owner to the local government to obtain a building construction permit. In implementing regional autonomy, it is possible for each region to determine the structure and procedures for regional government agency services independently, including in terms of licensing. Along with the implementation of regional autonomy, the mechanism for managing and servicing building permits in each region has also changed. This means that it depends on the legal principles/provisions adopted by each region. Thus, it is necessary to provide information services from relevant government agencies to the public regarding the mechanisms/procedures in licensing services to make it easier for the public to understand the type of licensing they will be processing.

Based on Banda Aceh Mayor Regulation Number 15 of 2011 concerning Procedures and Conditions for

Applications for Building Construction Permits, which are carried out based on requirements ^[21].

a. Administrative Requirements

1. Submit an Application with a stamp of 6,000,-;
2. Photocopy of applicant's KTP; Photocopy of proof of payment of Land and Building Tax for the last year
3. Photocopy of Land Certificate or other Proof of Land Ownership legalized by an authorized official;
4. Original Land Measurement Letter/Map of land plot issued by BPN Banda Aceh City (if the size of the land plot is unclear/does not exist);
5. Power of Attorney that has been ratified by an official authorized;
6. Statement of construction in accordance with the building construction permit.
7. Statement of Relinquishment of Land Rights knowing the Keuchik (location of the application for building permission);
8. Statement of approval from neighbors + photocopy of neighbor's KTP known to the Keuchik (location of building permit application).

b. Technical Requirements

1. AP & KSB from the Banda City Public Works Department Aceh
2. Building plan drawings (plans, views, sections and construction structure maps) made and approved by planning consultants;
3. Letter of appointment of Planning Consultant and Supervision;
4. Planning and Consultant Construction Services Business License Legalized supervision;

Stages of processing building permits in Banda Aceh City

Processing of this permit is required by the applicant so that the legality of the building is recognized by the government. The process of issuing building permits is carried out by the City Planning and Building Service together with other regional work units such as the Licensing and Capital Investment Services Agency and the Public Works Service. There are 2 (two) ways to process building construction permits, namely ^[21]:

a. Offline; Namely, obtaining a building permit by coming directly or offline is the method most often used by the majority of the Indonesian population. To apply for a building permit offline, the public must go to the relevant service office to make an application. In general, the steps that must be taken to apply for a building construction permit directly or offline are:

1. Take the form at the Public Works Department then fill out and sign the form above 6000 stamps, the form is then legalized in the sub-district and sub-district where the building will be built.
2. Include 3 (three) copies of all necessary attachments (detailed house plan drawings, concrete and steel construction drawings and calculations, land certificates, and other special documents according to the type of building to be built) together with the form handed over to the relevant department.
3. The applicant will receive notification of the application for a building permit after a few days.

b. By online; Online Building Permit is a service for making building permits using an online system. All registration will be done online via the website www.dppb.go.id so applicants do not need to come to the Building Supervision and Control (P2B) office. This system connects the Department with the P2B Sub-Department up to the sub-district level. Applicants just have to choose the permission menu to build residential or non-residential buildings. After that, the applicant includes data attachments in the form of images of the building in question. Data entry must be complete. Otherwise, the application will be rejected. Next, the applicant pays the levy to the bank, then scans the proof of payment and sends it via the website. In general, the steps to register for a building permit online are:

1. Open the online building permit registration site, for the Banda Aceh City area it can be accessed via dpmptsp.bandaacehkota.go.id or licensing.bandaacehkota.go.id.
2. Register yourself on the website, then log in with the account that has been registered.
3. You just have to select the menu for permission to build a residential or non-residential building, then enter the data attachment in the form of a picture of the building in question.
4. Scan the required documents then upload and send (submit) all the required data. You must fill in the data completely, otherwise the application will be rejected.
5. Next, pay the levy to the regional bank. After paying, proof of payment is scanned and then uploaded to the website.

Based on the results of this research, it can be understood that processing building construction permits in the City of Banda Aceh includes processing procedures in several aspects, namely transparency aspects, accountability aspects, conditional aspects, participatory aspects, equality of rights aspects, and aspects of permission to build buildings with rights and obligations. For terms. includes administrative requirements and technical requirements. Meanwhile, you can arrange it online and offline by coming directly to the Banda Aceh City Public Services Mall which is on the third floor of Pasar Aceh

Legal Justice Concept

A legal state (Rechtsstaat/ Rule of law) is a state that exercises its governmental powers based on law. A state based on top law places the law as the highest (supreme). The rule of law must not ignore the three basic ideas of law: justice, expediency and certainty. Legal justice is a question that can only be answered normatively, not sociologically. Normative legal justice is when a regulation is made and promulgated with certainty because it regulates clearly and logically and provides justice for the entire community. It is clear in the sense that it does not allow the building of doubts (multiple interpretations) and it is logical in the sense that it forms a system of norms with other norms so that it does not clash or allow the creation of norm conflicts. Conflicts about norms that are permitted to build can take the form of unfair rules norm constellation or norm distortion ^[22].

So legal justice is the justice of the rule of law, the justice of actions towards something that is in accordance with the rule of law. Because the phrase legal justice cannot truly describe the justice of behavior towards the law. Legal

justice is inseparable from good government administration which provides various conveniences, fairness and cleanliness in providing services and protection from various arbitrary actions, both against persons, rights and property.

There are two branches of government that relate to the people, namely state administration and law enforcement. Therefore, it is very natural that good government administration is primarily aimed at reforming state administration and legal reform. Thus, a review of good governance should not only concern the function of state administration, but also include other branches of state power such as law makers and law enforcers. In the implementation of good governance, the principle of legal justice is known, namely the principle in a rule of law which prioritizes the basis of statutory regulations, propriety and justice in every policy of state administrators.

Principles must be fulfilled by (modern) law which has the meaning of legal justice, namely ^[23]:

- a. The legal system of regulations is not based on instant decisions on certain matters.
- b. These regulations are announced to the public; It does not apply retroactively, because it will damage the integrity of the system.
- c. Made in a formula that is generally understood.
- d. There must be no conflicting rules.
- e. It is not permissible to demand an action that exceeds what can be done.
- f. Cannot be changed frequently
- g. There must be conformity between regulations and daily implementation.

Realizing justice is not simple, this is a classic problem that is always faced in the world, including Indonesia. According to Lawrence M. Friedman (Stanford University Law Professor) to realize legal justice in a government system based on law, it must at least be supported by the following elements, namely ^[23]:

- a. Legal Substance
- b. Legal Apparatus, and
- c. Legal Culture

The first element of legal substance is the main factor in a legal state. Every legal case that occurs in this country must at least have its legal substance regulated through statutory regulations. This is intended to encourage the realization of legal justice so by having its substance regulated in statutory regulations, it can be a reference for law enforcement officials to encourage the realization of legal certainty and justice in our homeland ^[23].

The second element is the legal apparatus which is no less important than the legal substance in encouraging the realization of legal justice. In Indonesia, the legal apparatus consists of: Judges, Prosecutors, lawyers and Police. In general, the condition of legal officials can be intervened by certain forces. However, if the relevant legal apparatus can work on the basis of a clear conscience and without interference, it is not impossible that one day legal certainty and justice can be realized in this country.

The final element is legal culture which is a complement to encouraging the realization of legal certainty and justice, that the enforcement of legal regulations will greatly depend on the legal culture of the community. The legal culture of a society depends on the legal culture of its members which is

influenced by educational background, environment, culture, position or position and even interests.

Legal substance, legal apparatus and legal culture as stated above must be synergized in order to encourage the realization of legal certainty and justice. It's just a lie to make it happen. The general principles of proper government, the principles of legal certainty and justice have two aspects, namely ^[24]:

- a. The material legal aspect is that a person's rights are respected based on a government decision, even if the decision is wrong, so that every decision issued by the government cannot be revoked until proven otherwise in the judicial process.
- b. The formal legal aspect is that burdensome provisions and provisions related to beneficial provisions must be formulated in clear words.
- c. The principles of legal certainty and justice give interested parties the right to know exactly what is desired from them. This element plays a role, for example in the granting of authority to warrants appropriately and without the possibility of various interpretations being intended. It must be seen what obligations are imposed on him.

The principle of legal justice is related to the principle in state administrative law, namely the principle of "het vermoeden van rechtmatigheid or *presumptio iustea causa*" which means that every decision issued by a state administrative body or official is considered correct according to law as long as it has not been proven otherwise or stated as a decision that is contrary to law by an administrative.

Legal Basis for Building Construction Permits in Banda Aceh City

Banda Aceh as the capital of Aceh Province is currently undergoing a lot of development in various sectors, including housing, shops, educational places, places of worship, and other buildings. Regarding development issues, the Banda Aceh City Government has established regulations that every building constructed must obtain a Building Construction Permit first, to ensure that physical urban growth supports overall economic growth and prevents damage to the city's layout. This is as stated by the Head of the Banda Aceh City Investment and One-Stop Integrated Services Service that:

"When it comes to building buildings, each region has its own rules and regulations, sir. For example, in the City of Banda Aceh there is a Guardian Regulation which regulates building construction permits. And the Mayor, in every speech he makes, always says that buildings built in the Banda Aceh City area must have a building permit. "Because this building permit is important for planning the spatial management of Banda Aceh City in the future, sir" ^[25].

The processing of Building Construction Permits which is carried out at the Banda Aceh City Public Service Mall is one of the main tasks of the One Stop Integrated Services and Investment Service as regulated in the regulations as previously mentioned. The author can explain the aspect of legal certainty in obtaining a building construction permit at the Banda Aceh City Public Service Mall as follows.

The legal basis for building construction permits in Banda Aceh City can be seen in Banda Aceh City Qanun Number

10 of 2004 concerning Buildings, Article 74 paragraph (5), it is explained that before submitting an application for a Building Construction Permit, the applicant must ask for information regarding planning directions, in detail. free of charge to the Public Works Department regarding plans to construct/change buildings, so that the applicant can know the places where buildings can be built and where buildings cannot be built as per the form in attachment 1. The plans include ^[26]:

- a. Land designation;
- b. Permitted number of floors/bases of buildings above/below ground level;
- c. Applicable boundary lines;
- d. Basic Building Coefficient;
- e. Building Floor Coefficient;
- f. Green Area Coefficient
- g. building requirements;
- h. Planning, implementation and supervision requirements

1. Other things deemed necessary

From these regulations, it can be concluded that a building construction permit must be given in accordance with the land use, meaning that the land on which the building is built is in accordance with the city and so is the building. The building was built in accordance with the technical requirements applicable in the spatial planning regulations of the City of Banda Aceh. As stated by the Head of the Banda Aceh City Investment and One Stop Integrated Services Service, that:

“This includes other things that are deemed necessary, namely public facilities, social facilities and so on. Apart from that, not all places can build buildings, there are certain places where buildings cannot be built, such as in green belt areas” ^[25].

Banda Aceh City Qanun Article 74 Number 10 of 2004 concerning Buildings states that green lanes are part of public green open space. This is regulated in the explanation of Article 29 of Law Number 26 of 2007 concerning Spatial Planning which states that "Public green open space is green open space owned and managed by the City Regional Government which is used for the benefit of the community in general. Areas that include green open space include city parks, public cemeteries, green lanes along roads, rivers and beaches. Meanwhile, private green open spaces include gardens or courtyards of houses/buildings belonging to the community/ private sector which are planted with plants” ^[27].

This is reinforced by Zulfikar's statement as Staff of the One Stop Investment and Integrated Services Service at the Banda Aceh City Public Service Mall who said that:

“if a building is built in the green belt area then we cannot issue a building permit, sir. Likewise, the explanation regarding establishing shops or malls in residential areas, except for grocery stores, however, the PU must also look at the percentage of grocery stores in residential areas. As for constructing buildings, not all buildings must have a building permit ^[21].

Apart from that, in the Banda Aceh Mayor's Regulation article 6 No. 14 of 2021 concerning Granting Building Construction Permits in the Context of Controlling and Arranging Buildings in Accordance with City Spatial Planning, it is stated that building construction permits are not granted for buildings, if ^[28]:

- a. built not according to the spatial pattern;

- b. located in river border and coastal areas;
- c. built on deep land dispute;
- d. the building is under dispute;
- e. can permit the construction of buildings that disrupt traffic safety, are prone to social conflict and environmental pollution;
- f. the floor area of the building located within the Building Boundary Line exceeds 50% (fifty percent) of the total ground floor area of the building;
- g. the part of the building that is within the Building Boundary Line exceeds 50% (fifty percent) of the size of the Building Boundary Line determined in accordance with Rumija's plan
- h. residential buildings built by housing developers, except buildings that are owned by individuals; and/or
- i. the building constructed does not comply with the building permit that has been issued.;

The following is a summary of buildings that require a building permit and those that do not require a building permit as follows:

a. Buildings that require a building construction permit. Every individual or body wishing to construct, repair, expand and dismantle or change a building within the Banda Aceh City area is required to have a building construction permit ^[28]. Having a building construction permit is an obligation of the building owner as stated in which has been regulated in Article 40 paragraph (2) letter b of the Building Law. This means that buildings built in the Banda Aceh City area are not in village areas or green belt areas as explained in the previous discussion.

b. Buildings that do not require a building permit

1. Ventilation holes, lighting and so on with an area of no more than 1m² and the longest horizontal side of no more than 2 meters.
2. Dismantle buildings that according to the building permit issued by the Head of Service are not dangerous
3. Maintaining the building without changing the plan, construction and architecture of the original building which already has a building construction permit.
4. Establishment of non-permanent buildings for the maintenance of tame animals or plants with the following conditions:
 - a. Placed in the backyard;
 - b. The area does not exceed 10 m² and the height does not exceed 2 meters.
5. Create ornamental ponds, gardens, flag poles in the yard and demolish buildings that are included in the permanent class
6. Erecting temporary buildings whose construction permits have been obtained from the mayor for a maximum of one month ^[29]:

After all requirements regarding the granting of a Building Construction Permit are met, the applicant is required to pay the administrative fees determined by the Banda Aceh City Government. This is as conveyed by Sri Rahayu as Staff of the Investment and One-Stop Integrated Services Service at the Banda Aceh City Public Service Mall in the field of building permits:

“There is a building permit levy fee that will be incurred by the applicant when they want to build a building. The costs

incurred vary, sir, according to the function and level of the building to be built. As explained in the Banda Aceh City Qanun Article 2 paragraph (1) – (7) Number 10 of 2004 concerning Buildings, buildings with a residential function are buildings that are used for the survival of society, which includes. buildings for single residences, row houses, flats, and/or temporary residences. Buildings that function to run a business can be in the form of buildings and buildings for trade, offices, factories or industry, hotels, tourism and recreation areas, terminals and storage. Furthermore, buildings that have social and cultural functions include school buildings as educational facilities, social institutions or social foundations, culture, hospitals as health service facilities, laboratories and public services. Buildings as religious places include mosques, Islamic boarding school buildings and similar buildings. Then, buildings that have special functions include buildings used for defense and security installations, as well as buildings decided by the minister^[30].

A general explanation regarding building permit levy fees per M2 of building floor is based on Qanun Number 11 of 2004, where building construction permit levy fees are differentiated based on building function and building level, and the levy fees are determined according to the type of permanent or semi-permanent building. The levy costs for permanent buildings range from Rp. 9,750,- up to Rp. 24,375,- per meter. As for semi-permanent building types, the levy costs are lower, namely the lowest cost is IDR. 4,875,- per meter and the highest is Rp. 12,375,- for buildings that function as business premises. Meanwhile, buildings that function as residences range from Rp. 6,000,- up to Rp. 15,000,- per meter for permanent type buildings and Rp. 2,250,- per meter up to Rp. 7,500,- for semi-permanent building types^[31].

The procedure for obtaining a building construction permit at the Banda Aceh City Public Services Mall first comes down to the requirements that must be met by the permit applicant, if the permit applicant wants to apply for a building construction permit. The permit applicant must first submit a written application. This is as conveyed by Sri Rahayu as Staff of the One Stop Investment and Integrated Services Service at the Banda Aceh City Public Service Mall in the field of licensing:

"applicants for building permits must submit a written application to the Mayor of Banda Aceh through the One Stop Investment and Integrated Services Service Banda Aceh City Door, by filling in the form provided. Forms can be obtained online or offline by coming directly to the Public Services Mall on the new Aceh Market building, floor III, jln, Diponegoro, Gp. Kampung Baru, Baiturrahman District, Banda Aceh City"^[30].

The application form for Building Construction Permit as attached must be accompanied by the following conditions^[32]:

- a. Photocopy of applicant's National Identity Card;
- b. Photocopy of land certificate or land ownership certificate (listed: yard land)
- c. Statement of no objection from the nearest neighbor;
- d. Statement letter capable of providing rainwater absorption if the Building Basic Coefficient is more than 50%.
- e. Building plan drawing with a scale of 1: 200, or 1: 50 which includes:
 1. Situation drawing (scale 1: 500 or 1: 1000);

2. Building plan;
3. Front view, side view, back view;
4. Cross section; and longitudinal cuts;
5. Foundation plan, sanitation plan and roof plan;
- f. Calculations and drawings for concrete construction if the building uses a reinforced concrete structure and is multi-storey;
- g. Calculations and drawings of steel construction when using a steel frame;
- h. Photocopy of the identity card of the planner and person responsible for the construction calculation, whose name is included in the picture;
- i. Photocopy of land owner when building construction not on one's own land;
- j. Statement of Relinquishment of Land Rights Keuchik.
- k. A statement of willingness from the land owner if the building is not being erected on his own land and with sufficient stamp duty;
 1. A stamped power of attorney is sufficient if the applicant is represented.
- m. Environmental Management Statement Letter if building for business premises.

The legal basis for these requirements is as contained in Banda Aceh City Qanun Number 10 of 2004 concerning Buildings and is strengthened by the Banda Aceh Mayor's Regulation Number 14 of 2021 concerning Granting Building Construction Permits in the Context of Controlling and Arranging Buildings in Accordance with City Spatial Planning. Thus, every building in the Banda Aceh City area must have a building construction permit as regulated in the Qanun and Banda Aceh Mayor's Regulations.

The Banda Aceh City Public Services Mall firmly rejects incomplete applications for building construction permits, because the Banda Aceh City Investment and One-Stop Integrated Services Service expressly requires administrative completeness in submitting applications for building construction permits. (19) This means that if the application If the permit does not include the specified requirements, the application for a building permit will be rejected and will not be processed until the applicant fulfills all the specified requirements.

Legal Justice in obtaining Building Construction Permits in the City of Banda Aceh

Basically, every building must fulfill every requirement in the law, both administrative requirements and technical requirements in accordance with the function of the building, as regulated in Law Number 28 of 2002 concerning Buildings. Building. This is regulated more clearly in Article 8 of Government Regulation Number 36 of 2005 concerning Implementing Regulations "Law Number 28 of 2002 concerning Buildings (PP No. 36 of 2005) which reads:

- a. Each building must meet administrative requirements and technical requirements in accordance with the function of the building:
 - b. Building administrative requirements include
 1. land rights status, and/or utilization permit from the land rights holder;
 2. building ownership status; and
 3. building construction permit.
 - c. Building technical requirements include building layout requirements and building reliability requirements.

- d. Administrative requirements and technical requirements for traditional buildings, semi-permanent buildings, emergency buildings, and buildings built in disaster areas are determined by the regional government according to local social and cultural conditions."

From several administrative requirements and technical requirements, the author found several complaints from the community who felt that the technical requirements were unfair, namely the requirement for a statement of release of land rights as conveyed by Kamaruddin, one of the residents who took care of building permits at the Banda Aceh City Public Service Mall. In his interview he said that:

"Of the several requirements that must be attached to obtain permission to construct a building at the Banda Aceh City Public Services Mall, namely that I must fill out the Land Rights Relinquishment Statement form by knowing the Keuchik. The land that must be released is around 15 meters from the boundary of the drainage channel to the main door of the building. So sir, if we calculate the price of land per meter at around 3 million then the total price of the land we are releasing is around almost 50 million, sir. And the release of land rights was without any compensation whatsoever from the government. We feel that this provision is unfair from a legal perspective and from the perspective of our own rights, sir. At least the government provides compensation even though it is not commensurate with the price of the land so that we do not feel disadvantaged by the relinquishment of the land rights. In fact, a friend of mine, after processing a building permit, found that the remaining land that could be made into a building was smaller than the land that had to be acquired. This clearly burdens us as a society, sir"^[33].

From the results of these interviews, it can be seen that the community felt forced to relinquish their land rights and felt that their rights had been taken away by the regulations regarding the relinquishment of land rights without any compensation. This phenomenon was also confirmed by Sri Rahayu as Staff of the One Stop Investment and Integrated Services Service at the Banda Aceh City Public Service Mall in the field of building permits:

"Yes, that's right sir, a statement letter of release of land rights with knowledge of the keuchik is one of the conditions for obtaining a permit. erected buildings in Banda Aceh City. These provisions have been regulated in the Banda Aceh City Qanun and it is the applicant's obligation to fill out the form, sir. The applicant will not receive compensation for the relinquishment of the land rights because the relinquished land is a state asset and is included in the city management plan prepared by the Public Works Department, whether for road expansion or other purposes, sir"^[30].

From the results of the interview it can be concluded that based on Banda Aceh Mayor Regulation Number 14 of 2021 concerning Granting Permits Constructing Buildings in the Context of Controlling and Arranging Buildings in Accordance with City Spatial Planning in the second part of the implementation of point e states that the applicant must complete a Statement of Relinquishment of Land Rights from the Land Owner knowing Keuchik (specifically for commercial buildings). This relinquishment of land rights does not involve compensation from the government to the community, this according to the author's analysis is clearly contrary to Republic of Indonesia Law No. 2 of 2012

concerning Land Acquisition for Development in the Public Interest Paragraph 3 Assessment of Compensation Article 35 states that in the event Certain plots of land affected by Land Acquisition have residues that can no longer be used in accordance with their designation and use, the Entitled Party can request a complete replacement of the plot of land. Compensation can be given in the form of^[34]:

- a. Money;
- b. replacement land;
- c. resettlement;
- d. shareholding; or
- e. other forms agreed to by both parties;

Based on this, the author concludes that there is no legal justice provided by the Banda Banda Aceh City government to the community in the form of a lack of appropriate and appropriate compensation for the release of land rights that have been released by the community to obtain building permits within the framework of the governance plan city. When compared with other districts, the requirements for releasing land rights only exist in Banda Aceh City. Researchers compare it with Southwest Aceh Regency where to obtain a building construction permit in the Regency you are required to:

1. Comply with the City Plan Information
2. use a Construction Executor
3. use a Construction Supervisor/Management certified
4. that the land is not in dispute.
5. The truth of the documents submitted:

All these requirements are then accessed and uploaded via <https://sizinbangunbangung.pu.go.id>. There is no requirement to sign a land acquisition letter^[35].

Basically, in building construction management, the building owner has the following obligations:

- a. provide technical plans for buildings that meet the requirements determined according to their function; have a building permit;
- b. carry out the construction of buildings in accordance with the technical plans that have been approved and carried out within the validity period of the building construction permit;
- c. request approval from the Regional Government for changes to the building's technical plans that occur during the building implementation stage:

This means that all buildings should comply with the Building Construction Permit that has been granted based on the provisions of Law no. 28 of 2002 concerning Buildings. Each building must meet administrative requirements and technical requirements in accordance with the function of the building. Administrative requirements for buildings include requirements for land rights status, building ownership status, and building construction permits as stated in Article 7 paragraph (1-2) of the Building Law. The construction of a building can be carried out after the building's technical plan has been approved by the Regional Government, in this case the Banda Aceh City government through the One Stop Integrated Services and Investment Service in the form of a Building Construction Permit. This is also regulated in Article 35 paragraph (4). Building Construction Law. If there are changes to the building's technical plan, the building organizer should request further validation of the plan changes from the relevant agency.

A similar thing is also regulated in PP no. 36 of 2005, if you want to make changes in constructing the building, you must submit a new application for a building construction permit as specified in "Article 7 of PP no. 36 of 2005:

- a. The function and classification of a building can be changed through a new application for a building construction permit.
- b. Changes to the function and classification of the building are proposed by the owner in the form of a building technical plan in accordance with the location designation regulated in the district/city Regional Spatial Plan, Detailed Urban Area Spatial Plan, and/or Building and Environmental Planning Document.
- c. Changes in the function and classification of buildings must be followed by the fulfillment of administrative requirements and technical requirements for buildings.
- d. "Changes in the function and classification of buildings are determined by the regional government in building construction permits, except for special function buildings determined by the Government."

Building owners who do not comply with written warnings 3 (three) times in a row within a period of 7 (seven) calendar days each and still do not make improvements to the violations will be subject to sanctions in the form of restrictions on construction activities. This is as conveyed by Zulfikar as Staff of the One Stop Investment and Integrated Services Service at the Banda Aceh City Public Service Mall who said tha:

"after there are restrictions on construction activities the owner does not comply within 14 (fourteen) days, then sanctions will be imposed in the form of temporary suspension of construction and freezing of building construction permits. And if repairs are not carried out within 14 (fourteen) days, sanctions will be imposed in the form of permanent suspension of construction, revocation of building construction permits. and orders for the demolition of buildings" ^[21].

So, based on this statement, it can be understood that if within a period of 30 (thirty) calendar days, the building owner still does not carry out repairs, then the demolition will be carried out by the city government at the expense of the building owner. In the event that the demolition is carried out by the city government, the building owner is also subject to a fine. administrative with a maximum amount of 10% (ten per hundred) and the total value of the building concerned. The amount of the administrative fine is determined based on the severity and severity of the violation committed after obtaining a building construction permit from a team of building experts.

Obstacles and Obstacles in Processing Building Construction Permits in the City of Banda Aceh

Based on the results of research in the field, researchers found that there are several factors that become obstacles and obstacles in processing building construction permits in the City of Banda Aceh as follows:

1. Cost factors

Based on the results of the observations made by the author, the author can conclude that the government agency, namely the Banda Aceh City government, related to the processing of building permits has determined the distribution of building permits in accordance with applicable regional regulations. This is done to relieve people who complain

about building permit fees. From the results of calculating the building permit levy that must be paid by building owners to the sample licensing service, it can be seen that the building permit levy that has been calculated is less than the estimated cost of constructing the building being erected. Building owners do not have the awareness to take care of permits for buildings being built, building owners do not have the readiness to pay the building permit levy, even though paying the building permit levy is less than the cost of constructing the building. Apart from that, building owners are afraid of paying taxes. If the building is built, the tax will increase according to the tax office's calculations. Due to this, many building owners do not apply for building permits because they are afraid of paying the relevant costs to the government ^[33].

The high cost of building permits is due to the following reasons:

- a. There is a public perception that obtaining a building permit is expensive, even though the processing and retribution fees have been determined based on applicable regulations.
- b. the inability of building owners to obtain permits due to low income, some of the buildings erected were obtained from assistance obtained from the sub-district and there were buildings which were erected gradually so that they became buildings that were suitable for habitation

2. Ignorance factor

Based on the results of the observations made by the author, the author can conclude that the government agencies related to building construction permits have carried out socialization and information that has been carried out by the licensing department, brochures or warning boards have been provided in each sub-district for permits to build buildings, but still Building owners were found to not understand the meaning and benefits of building permits.

The public does not understand the procedures starting from submitting a permit application to issuing a building construction permit. The community's unpreparedness also becomes an obstacle in managing building permits to pay restitution for building permits, even though the condition is that they have to pay retribution for building permits. Other things include the community's deliberate violation of local government regulations for processing permits related to buildings being built and the lack of awareness among people belonging to the upper middle class to process building permits with complaints that there is no fee. In this case, agencies must act decisively if people are still found in the field who do not have awareness ^[30].

3. Administrative requirements factors

Based on the results of the observations made by the author, the author can conclude that the administrative requirements proposed by the licensing service and which are not fulfilled by the building owner are not given relief, they are only given additional time to complete the documents. This is done for all buildings in Banda Aceh City.

The lack of socialization of regional regulations regarding building construction permits to the public is also a major obstacle in obtaining building construction permits in Banda Aceh City. Socialization is only carried out through warning boards to process building permits, there should be direct

outreach in each sub-district to comply with these regulations^[33].

Apart from that, there is no timeliness given in the management of course and this must be very important so that it gets attention from the government and there is still a lack of supervisors in the field so that the process of building construction takes a long time. There is a lack of supervision in the field so that new buildings are still found without permits.

Conclusion

Based on the problem formulation and research results explained in the previous chapter, the results of this research are as follows:

1. Procedure for obtaining a building construction permit in the Banda Aceh City Public Service Mall in several aspects, namely the transparency aspect, the accountability aspect, the conditional aspect, the participatory, aspects of equal rights, and aspects of permission to construct buildings and rights and obligations. Requirements include administrative requirements and technical requirements. Meanwhile, you can arrange it online and offline by coming directly to the Banda Aceh City Public Services Mall which is on the third floor of Pasar Aceh.
2. Legal justice for obtaining a building permit Buildings in Banda Aceh City.
 - a. In the case of additional technical requirements in the form of a form for releasing land rights without a claim for compensation, The government, especially the district/city government, does not have the authority to change or add to norms that conflict with higher regulations, namely the Basic Agrarian Law and Law of the Republic of Indonesia Number 2 of 2012 concerning Land Acquisition for Development in the Public Interest which is in both laws -This law requires the release of land rights to provide adequate compensation to the party concerned.
 - b. Aspects of legal justice. There has been no legal justice provided by the Banda Banda Aceh City government to the community in the form of a lack of adequate and adequate compensation for the release of land rights that have been released by the community for processing Building Construction Permits within the framework of the city governance plan.

References

1. Ridwan HR. State Administrative Law (Jakarta: Raja Grafindo Persada, 2007, 254.
2. Hadjon M. Introduction to Licensing Law (Surabaya: Yuridika, 2013, 5.
3. Agus Dwiyanto. "Efficient, Responsive and Accountable Government", in Journal of Public Policy and Administration, JKAP, MAP UGM: Yogyakarta, 2007, 1(2).
4. Imam Koeswahyono. Law on Land Use and Spatial Planning in Indonesia (Problematics Between Text and Context), Ctk. Pertama (Malang:UB Press), hal, 2012, 83.
5. Inu Kencana Syafi'i. Indonesian Government Bureaucracy (Bandung: Mandar Raja, 2004, 100.
6. Law of the Republic of Indonesia, Article 3, Number 28 of 2002 concerning Buildings
7. Zaini Hasan. Introduction to Indonesian Constitutional Law (Bandung: Alumni, 2014, 155.
8. Sri Soemantri. Change Procedures and Systems Constitution (Bandung: Alumni, 2014, 2-3.
9. Dwi. Administrative Modernization for National Development (Jakarta: Rineka Cipta, 2008, 15.
10. Ministry of Home Affairs Regulation Number 32 of 2010 concerning Guidelines for Granting Building Construction Permits.
11. Article 9 Explanation of Regional Regulation Number 7 of 2001, Concerning Building Construction Permits
12. Urip Santoso, Comprehensive Study of Agrarian Law (Jakarta: Kencana, 2012, 75.
13. Ruman YS. Character Building Citizenship (Jakarta: Widia Innovation Nusantara, 2008, 21.
14. Effendi Wargan. Agrarian Law in Indonesia (Jakarta: Raja Grafindo Persada, 2021, 47.
15. Oloan Sitorus. Relinquishment/Delivery of Rights as a Method of Land Acquisition (Jakarta: Dasamedia Utama, 1995, 33.
16. Aceh Central Statistics Agency (BPS), Banda Aceh in Figures 2019, (Banda Aceh: Banda Aceh City Central Statistics Agency, 2015, 3.
17. Results of interviews with Ahmadi, people using the services of the Banda Aceh City Public Service Mall in the licensing sector on, 2023.
18. Results of interviews with Fitriani, people using Banda Aceh City Public Service Mall services in the licensing sector on, 2023.
19. Results of researcher observations at the Banda Aceh City Public Services Mall on, 2023.
20. Results of interviews with Bayhaqi, people using the services of the Banda Aceh City Public Service Mall in the licensing sector on, 2023.
21. Results of an interview with Zulfikar, Staff of the Investment and One-Stop Integrated Services Service at the Banda Aceh City Public Service Mall regarding building permits on, 2023.
22. Ni'matul Huda. State of Law, Democracy & Judicial Review (Yogyakarta: UII Press, 2005, 1.
23. Ridwan HR. State Administrative Law (Jakarta: Raja Grafindo Persada, 2007, 2.
24. Miriam Budihardjo, Basics of Political Science (Jakarta: Gramedia Pustaka Utama, 2008, 57.
25. Results of an interview with Muchlish, Head of the One-Stop Integrated Investment and Licensing Services Service for Banda Aceh City on, 2023.
26. Banda Aceh City Qanun, Article 74 paragraph (5), Number 10 of 2004 concerning Buildings
27. Republic of Indonesia Law Article 29 Number 26 of 2007 concerning Spatial Planning.
28. Banda Aceh Mayor Regulation article 6 No. 14 of 2021 concerning Granting Building Construction Permits in the Context of Controlling and Arranging Buildings in Accordance with City Spatial Planning
29. Banda Aceh City Qanun Article 80 Number 10 of 2004 concerning Buildings.
30. Results of an interview with Sri Rahayu as Staff of the Investment and One-Stop Integrated Services Service at the Banda Aceh City Public Service Mall regarding licensing on, 2023.
31. Documents for the 2022 Banda Aceh City Investment and One-Stop Integrated Services Service.

32. Banda Aceh City Investment and One-Stop Integrated Services Service document regarding Service Standards for types of Building Construction Permit services in, 2022.
33. Results of interviews with Kamaruddin, people who took care of permits to build buildings at the Banda Aceh City Public Services Mall on, 2023.
34. Republic of Indonesia Law No. 2 of 2012 concerning Land Acquisition for Development in the Public Interest.
35. <https://sizin.to/build.a.building.pu.go.id> - management-permit to build a buildingkabupaten- Aceh-Barat-Daya. Accessed January 10, 2024.