

Analysis of the Process of Handing Over Housing Infrastructure, Facilities, and Utilities that have been Implemented in Indonesia

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Abstract. The goal of housing and settlement development is to create an environment and human living space that meets the essential needs of life, including security, protection, tranquility, self-development, health, beauty, and other necessities for the preservation of human life. The purpose of this study is to find out the policy of the process of handing over infrastructure, facilities, and housing utilities that have been implemented in areas in Indonesia. This study uses a case study method, namely by reviewing previous studies, to conclude. The results of the study show that there are several stages in the process of handing over housing infrastructure, facilities, and utilities in Indonesia, namely there is a stage of providing and developing infrastructure, facilities, and housing utilities, there is a stage of handing over housing infrastructure, facilities, and utilities from development to the district government, and finally there is a stage of registration or administration of housing infrastructure, facilities, and utilities. In addition, in the process of handing over, there are several weaknesses that are still faced by the local government in its policies, namely, location permits that are not recognized, weak law enforcement against housing developers, and the weakness of the housing monitoring team.

Keywords: Housing; Infrastructure; Facilities; Utilities

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INTRODUCTION

The development of human needs for houses is now not limited to ordinary residences, but also requires infrastructure, facilities and public utilities of housing as a support for daily life. This is as stated in Article 20 paragraph (2) of Law Number 1 of 2011 concerning Housing and Residential Areas which states that Housing includes houses or housing along with public infrastructure, facilities, and utilities. The existence of housing facilities has a very important role for housing residents in carrying out all their activities ((Adiwira, 2016). Housing not only serves as a place to live but also to meet social, economic and cultural needs. To improve the quality of life of housing residents, the availability of social facilities is needed. Social facilities are activities and materials that serve the needs of the community in providing social, mental and spiritual satisfaction.

The goal of housing and settlement development is to create an environment and human living space that is in accordance with the essential needs of life, namely the fulfillment of needs including, security, protection, tranquility, self-development, health and beauty and other needs in

the preservation of human life. 2 Discussing housing policies in general, it is inseparable from discussing social facilities and public facilities policies ((Rahmad et al., 2023).

A greater role of the Government and the private sector is needed in the procurement of housing support facilities. To implement the policy well, the government issues regulations and standards that regulate the procurement of social facilities and public facilities in a residential environment (Rizki, 2013). These regulations include Law Number 4 of 1992 concerning Housing and Settlements. Then it was replaced by Law Number 1 of 2011 concerning Housing and Residential Areas. Regulation of the Minister of Home Affairs Number 1 of 1987 concerning the Handover of Environmental Infrastructure, Public Utilities and Housing Social Facilities to Regional Governments which was then replaced again with the Regulation of the Minister of Home Affairs Number 9 of 2009 concerning Guidelines for the Handover of Infrastructure, Facilities, and Housing and Settlement Facilities in the Regions.

Regarding the process of handing over residential infrastructure, facilities, and utilities, the Central Government in the Regulation of the Minister of Home Affairs Number 09 of 2009 concerning Guidelines for the Handover of Infrastructure, Facilities, and Utilities of Housing and Settlements in the Regions states that for every area of land that has been freed, developers are obliged to provide land for infrastructure, facilities, and utilities covering an area of 40 percent of the existing land. which must later be handed over to the Regional Government, and it is also emphasized that residential infrastructure, facilities, and utilities that have been completed for more than 5 (five) years can be directly accepted by the Regional Government and those that have been built for less than 5 (five) years but more than 1 (one) year can be handed over to the Regional Government formally and physically (Fauzani, 2023).

However, the process of handing over infrastructure, facilities, and utilities to the Regional Government is not easy to implement, this is because there is still a difference in perception between housing developers and the Regional Government. One of the policy instruments to encourage the delivery of housing infrastructure, facilities, and utilities that has been carried out by the Regional Government is by issuing Regional Regulation Number 10 of 2014 concerning the Provision, Delivery, Utilization of Infrastructure, Facilities and Utilities in Housing and Residential Areas, which states that every housing developer is obliged to provide infrastructure, facilities, and utilities in accordance with calculation standards the proportion of land use area stipulated in the site plan, which must then be submitted to the Regional, but the procedures for the delivery of housing infrastructure, facilities, and utilities are still not regulated in this Regional

Regulation, so the Regent Regulation regarding the procedures for the delivery of housing infrastructure, facilities, and utilities needs to be issued immediately.

Previous research conducted by Rahmad et al (2023) also discussed the delivery of infrastructure, facilities, and utilities for housing and settlements in Tanah Datar Regency. The study found that the problem that often occurs in the handover of housing and settlement infrastructure, facilities, and utilities from developers to local governments is the lack of socialization of regulations regarding the Handover of Infrastructure, Facilities, and Utilities of Housing and Settlements. Another research conducted by Supriadi (2021) is to analyze the role of local governments in the implementation of housing in Makassar City, the results of the study show that the role of the Makassar City Regional Government in the implementation of housing, especially the supervision of the delivery of housing infrastructure, facilities, and utilities is by collecting data, collecting, giving reprimands, administrative and criminal sanctions.

The implementation of the policy of handing over infrastructure, facilities, and utilities also needs to be studied, based on previous research conducted by Khairunnida & Rusli (2025) found that the existing implementation regulations have provided clear guidelines, but there are still obstacles in terms of developer awareness, completeness of documents, and the effectiveness of supervision. Based on the description above and several studies that have been carried out previously, the researcher in this study will research related to the analysis of the handover process of housing infrastructure, facilities, and utilities that have been carried out in Indonesia.

METHODS

The specifications in this study are descriptive analysis. Descriptive research is research that is intended to make a description (descriptive) of situations or events. In the sense of descriptive research, it is the accumulation of basic data in a purely descriptive manner that does not need to seek or explain interrelationships, test hypotheses, make predictions, or obtain meaning and implications, although research that aims to find these things can also include descriptive methods. In this study, the author used a data analysis method in the form of qualitative analysis. The qualitative analysis is carried out through reasoning based on logic to be able to draw logical conclusions, before being compiled in the form of a research report. Data analysis carried out qualitatively for the drawing of conclusions is not only aimed at revealing the truth, but also aims to understand the solution of the problems raised.

This research is descriptive analysis and the data obtained are carefully analyzed and interpreted. The data analysis used in this study is the Miles and Huberman data analysis model,

including data collection, data reduction, data presentation, and conclusion drawing ((Sugiyono, 2021).

RESULTS AND DISCUSSION

Legal Basis for the Administration of the Process of Handing Over Housing Infrastructure, Facilities, and Utilities in Indonesia

Law Number 26 of 2007 concerning Spatial Planning

One of the contents in the spatial plan is the spatial structure plan, including the settlement center system plan and the infrastructure network system plan. In the internal system, the settlement center is an activity service center with an infrastructure network system, including a transportation network system, an energy and electricity network system, a water resource network system, a waste and sanitation system, and a telecommunication network system. In the spatial planning of the district area, Housing and Settlement Areas are basic human needs and are also determinants of public health. Healthy housing and residential areas cannot be separated from the availability of facilities, infrastructure and utilities in the residential environment, such as clean water, sanitation, transportation, social services, and Green Open Space. Green Open Space consists of public green open space and private green open space with the proportion of public green open space at least 20 percent of the district area and the proportion of private green open space at least 10 percent of the district area. The proportion of green open space of 30 percent of the district area is a minimum measure to ensure the balance of the urban ecosystem, both the balance of the hydrological system and the microclimate system, as well as other ecological systems, to increase the availability of clean air needed by the community, and at the same time can increase the aesthetic value of the city. To further improve the function and proportion of green open space in the district, the government, the community and the private sector are encouraged to plant plants on top of their buildings.

Government Regulation Number 26 of 2008 concerning National Spatial Planning

Strategies for increasing access to urban services and regional economic growth centers, including maintaining linkages between urban areas, between urban areas and rural areas, between urban areas and surrounding areas; developing new growth centers in areas that have not been served by growth centers. Strategies to improve the quality and reach (accessibility) of infrastructure network services, which include improving the quality of the infrastructure network and realizing integration between land, sea, and air transportation services; encouraging the development of telecommunication infrastructure, especially isolated areas; improving the energy grid to optimally utilize renewable and non-renewable energy, as well as realizing the integration

of the electricity supply system; improving the quality of the infrastructure network to realize the integration of the water resources network system; improve the oil and gas transmission and distribution network, as well as realize an optimal national oil and gas network system.

Government Regulation Number 15 of 2010 concerning the Implementation of Spatial Planning

The plan to provide public green open space is carried out distributed manner according to the hierarchy of service levels, land allocation, and certain functional needs. Regional Governments by their authority in realizing plans to provide public green open space through the use of public abandoned land, restoration of open space functions, land acquisition; gradual budget allocation to implement the provision of public green open space; development of partner cooperation with the community in increasing the provision of public green open spaces.

Implementation of the Process of Handing Over Housing Infrastructure, Facilities, and Utilities in Indonesia

Following Law Number 01 of 2011 concerning Housing and Settlement Areas, the central and regional governments issued policies to overcome settlement problems with programs. Housing implementation, which includes housing planning and housing development, includes:

1. Housing Planning. Housing planning it includes: Housing Planning and Design, and Housing Infrastructure, Facilities, and Public Utility Planning.
2. Housing Development, in housing development includes: a) Housing and Infrastructure Development, Facilities, and Utilities.
3. Improving Housing Quality.
4. Housing utilization, Housing control.

Some general provisions must be met in planning a residential environment in an urban area, namely:

1. The residential environment is part of the urban area.
2. Must meet the administrative, technical, and ecological requirements of every housing development plan, both carried out by individuals and housing business entities.
3. Urban residential neighborhood planning.
4. Provision of infrastructure and facilities for the residential environment.
5. The residential environment must provide an environmental center that houses various sectors of activity (economic, social, and cultural), from the smallest environmental scale (250 inhabitants) to the largest scale (120,000 inhabitants) in which it is housed and integrated with development.

Examples of Housing Facilities, Infrastructure, and Utilities Delivery Process in Indonesia Study on Tanah Datar Regency (Rahmadi et.al, 2023)

Based on the provisions of Article 19 of the Regulation of the Minister of Home Affairs, Regulation of the Minister of Home Affairs Number 9 of 2009 concerning Guidelines for the Delivery of Infrastructure, Facilities, and Utilities of Housing and Settlements in the Regions and Article 14 paragraph (1) of the Regulation of the Regent of Tanah Datar Number 44 of 2022 concerning Guidelines for the Delivery of Infrastructure, Facilities, and Utilities of Housing and Settlements in the Regions, explaining the procedures for the delivery of infrastructure, facilities, and utilities of housing and settlements are carried out through: preparation; implementation of handovers; and post-handover. In the Tanah Datar Regency Government, in accordance with the regulations on functions and descriptions of duties, the Public Housing, Settlement and Environment Office is tasked with coordinating the planning, implementation, operation and maintenance as well as monitoring and evaluating the management of facilities, infrastructure and public utilities of housing and settlements according to the area of the designated area.

In the site plan document issued by the Public Housing and Environment Office, there is a clause prohibiting changing the site plan, and if changes are made, the site plan is canceled and accompanied by a statement from the developer will not change the site plan in accordance with what is submitted to the Regional Government, clause. The next stage is the submission stage. At this stage of the handover, it must be in accordance with the Regulation of the Minister of Home Affairs Number 9 of 2009 concerning the Handover of Infrastructure, Facilities and Utilities of Housing and Settlements. The handover referred to in the Regulation of the Minister of Home Affairs is the handover of all or part of environmental infrastructure, facilities and utilities in the form of land and buildings in the form of assets. After the asset meets the requirements, the responsibility for managing infrastructure and facilities. and the utility is handed over to the local government. The housing that has been handed over, the maintenance is carried out by the local government through the Public Housing, Settlement Areas and Environment Office. In essence, developers are only obliged to hand over mature land to the local government and local government through the relevant regional apparatus that will build these social facilities. But the problem becomes different when it comes to the developer's promise to prospective residents and their housing marketing strategy. The lack of clarity on the responsibility of a social facility and public facilities to meet consumer needs results in the neglect of consumer interests. Also, the problem of not implementing the handover of social facilities and public facilities by

developers to the local government results in opportunities for developers or third parties to abuse these facilities.

The handover of Public Infrastructure, Facilities and Utilities of Housing is carried out on a voluntary basis in accordance with Article 2 paragraph (2) of Presidential Regulation Number 36 of 2005 concerning Land Acquisition for the Implementation of Development for the Public Interest which states that land acquisition other than for the implementation of development for the public interest by the Government or local governments is carried out by buying and selling, exchanging and exchanging or other means voluntarily agreed upon by the parties concerned. Then in Presidential Regulation Number 71 of 2012 concerning the Implementation of Land Acquisition for Development for the Public Interest, it is stated that the release of rights is the activity of severing legal relations from the party entitled to the state through BPN. Furthermore, in Article 96 paragraph (1), it is further stated that the release of the rights of the Land Acquisition Object is carried out by the Entitled Party to the state in the presence of the Head of the local Land Office by making a minutes of the release of the rights of the Land Acquisition Object. In accordance with the Regulation of the Minister of Home Affairs Number 9 of 2009 concerning Guidelines for the Handover of Infrastructure, Facilities, and Utilities of Housing and Settlements in the Regions, Article 1 number 4 which means the handover of infrastructure, facilities and utilities is the handover of land with buildings and/or land without buildings in the form of assets and management responsibilities from the developer to the Government.

The local government asks developers to hand over infrastructure, facilities and utilities for housing and settlements which are carried out no later than 1 (one) year after the maintenance period and in accordance with the layout plan that has been approved by the local government in stages or all at once. All social facilities and public facilities that have been handed over to the local government based on the applicable laws and regulations, the rights, authorities and responsibilities for their management are fully transferred to the relevant local government. If developers, private business entities and the community want to cooperate in the management of facilities that have been handed over to the local government for the purpose of continuing development, then the developer is required to repair and maintain the facilities in question and cannot change the designation of these facilities. Furthermore, to solve this, the Regency Government must stipulate Regent Regulation Number 44 of 2022 concerning Guidelines for the Handover of Infrastructure, Facilities, and Housing and Settlement Utilities in the Regions whose material content is guided by the Regulation of the Minister of Home Affairs Number 9 of 2009 concerning Guidelines for the Handover of Infrastructure, Facilities, and Housing and Settlement

Utilities in the Regions, but this regulation does not contain sanctions for developers who do not hand over Infrastructure, Facilities, and Residential Utilities, both administrative and criminal sanctions.

Study on Sidoarjo Regency (Supriyanto, 2017)

In the implementation of the policy of handing over infrastructure, facilities, and utilities, the Sidoarjo Regency Regional Government identified various problems, both problems related to policies, administration, handover processes, supervision, maintenance, financing, and weaknesses of the developer. In terms of regulation, the obstacles faced are policies in the past, namely location permit documents that do not clearly state the location of infrastructure, facilities, and utilities, area, and even the designation of infrastructure, facilities, and utilities, making it difficult for the Sidoarjo Regency Regional Government to collect, the weakness of existing policies, namely sanctions and prohibitions, and weak law enforcement against housing developers who neglect to submit their obligations. The problems faced by the Sidoarjo Regency Regional Government are the incompleteness of ownership documents owned by developers, the developer's negligence in their obligations, weak coordination between agencies, the weakness of the developer, and the lack of a complete and detailed database related to infrastructure, facilities, and utilities. In the process of supervision, maintenance, and financing, there are problems faced by the Sidoarjo Regency Regional Government, namely the weak monitoring team in the field, there are no standard and comprehensive provisions for the delivery of infrastructure, facilities, housing utilities, and budget limitations. Efforts to overcome the problem of handing over infrastructure, facilities, and utilities to housing are very necessary, by prioritizing good service to the community. Considering the goals and roles of each of these parties must be carried out consistently in the process of handing over infrastructure, facilities and utilities, both the Sidoarjo Regency Regional Government and the developer, so that synergy is produced that can create sufficient infrastructure, facilities and utilities, both in quantity and quality for the benefit of the community. Alternative strategies that can be done are to set short-term, medium-term, and long-term goals. To achieve these goals, it is necessary to monitor, evaluate, and report periodically, so that the process of handing over housing infrastructure, facilities, and utilities can run professionally by following procedures and process stages consistently, as well as providing positive feedback for efforts to improve the quality of housing infrastructure, facilities, and utilities services to the community.

CONCLUSION

In the implementation of the policy of handing over infrastructure, facilities, and utilities, Regional Governments in Indonesia have been successfully identified related to various problems, both problems related to policies, administration, handover processes, supervision, maintenance, financing, and weaknesses of developers. The problems faced by the Regional Government are the incompleteness of ownership documents owned by developers, negligence of developers in their obligations, weak coordination between agencies, weaknesses of developers, and lack of a complete and detailed database related to infrastructure, facilities, and utilities. In the process of supervision, maintenance, and financing, there are problems faced by the Regional Government, namely the weak monitoring team in the field, there are no standard and comprehensive provisions for the delivery of infrastructure, facilities, housing utilities, and budget limitations. Efforts to overcome the problem of handing over infrastructure, facilities, and utilities to housing are very necessary, by prioritizing good service to the community. Considering the goals and roles of each of these parties must be carried out consistently in the process of handing over infrastructure, facilities and utilities, both the Regional Government and the developer, so that synergy is produced that can create sufficient infrastructure, facilities and utilities, both in quantity and quality for the benefit of the community. Alternative strategies that can be done are to set short-term, medium-term, and long-term goals. To achieve these goals, it is necessary to monitor, evaluate, and report periodically, so that the process of handing over housing infrastructure, facilities, and utilities can run professionally by following procedures and process stages consistently, as well as providing positive feedback for efforts to improve the quality of housing infrastructure, facilities, and utilities services to the community.

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