

Legal Implications of Issuing Building Use Rights Certificates Over Madiun City Public Housing Facilities



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ABSTRACT: This research analyzes the legal implications of issuing building use rights certificates (HGB) over public housing facilities in Madiun City. The case study at Housing X shows a violation of Regional Regulation Number 14 of 2017 regarding the developer's obligation to hand over public facilities. The issuance of HGB on land that is supposed to be a public facility raises a number of legal problems, including violations of the social function of the land, abuse of authority, and potential losses for the community. This research is research using the method *Socio Legal Research*. This research concludes that this practice can have an impact on canceling HGB certificates and open up opportunities for legal claims from both local governments and disadvantaged communities. This study recommends the need for stricter supervision of the implementation of relevant laws and regulations and consistent law enforcement to prevent the recurrence of similar incidents.

KEYWORDS: Building Use Rights, Public Facilities, Housing, obligations, Violations.

I. INTRODUCTION

The existence of housing facilities is vital for residents in carrying out all activities. Housing not only functions as a place to live, but also as a forum for meeting various community needs, be they social, economic or cultural. To improve the quality of life of residents, the existence of social facilities is a must. Public facilities or public utilities exist to meet the social, mental and spiritual needs of the community. Housing development aims to fulfill basic human needs and create a decent living environment. This includes meeting the needs for security, protection, tranquility, self-development, health, beauty, and other important aspects of human life. So, in housing development, developers are required to follow local government policies.(Suganda, 2019)

Discussions regarding housing policies cannot be separated from policies related to public facilities and public utilities in housing. The government and private sector have an important role in providing these supporting facilities. To ensure that policy implementation is effective, the government has issued various regulations, such as Law Number 4 of 1992 concerning Housing and Settlements (which was later replaced by Law Number 1 of 2011), Minister of Home Affairs Regulations Number 1 of 1987 and Number 9 2009, as well as Madiun City Regional Regulation Number 14 of 2017. These regulations regulate in detail the provision, delivery and management of social facilities and public facilities in a residential area.(Muhamad Rezky Pahlawan MP,2020)

In accordance with Madiun City Regional Regulation No. 14 of 2017 concerning the Provision, Delivery and Management of Housing and Settlement Infrastructure, Facilities and Utilities. In accordance with Article 14 paragraph 1 of Madiun City Regional Regulation Number 14 of 2017 concerning the Provision, Delivery and Management of Housing and Settlement Infrastructure, Facilities and Utilities states that The Regional Government requires developers to hand over housing and settlement infrastructure, facilities and utilities. The handover must be carried out no later than 1 (one) year after the maintenance period and in accordance with the site plan that has been approved by the regional government. Handover of these facilities can be carried out in stages if construction is planned in stages, or all at once if construction is carried out directly or not in stages. Managers of infrastructure, facilities and utilities cannot change the designation of infrastructure, facilities and utilities. Developers are allowed to provide social and public facilities without incurring significant losses, they are only obliged to hand over mature land to the Regional Government, then the Regional Government will then appoint the relevant agencies to carry out the construction of these facilities.

However, in fact, there is a case of conversion of Public Facilities land belonging to the Madiun City Government into Building Use Rights Certificate Number 693 dated 27 January 2012 in Kanigoro Village, Kartoharjo District, Madiun City by Developer Applying for permission to build housing does not match the number of houses being built. The land should have been a public facility belonging to the Madiun City Government, but instead a house was built for which a Certificate of Building Use Rights was issued by the Madiun City Land Office and the house was sold to another party.(Isnaini and Wanda, 2017)

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As a State Administrative Decree, the issuance of certificates must meet material and formal requirements. Material requirements include: the government organ that makes the decision must have authority, because the decision is a statement of will, the decision must not have any juridical defects, such as fraud, coercion or bribery. Decisions must be based on specific circumstances, and decisions must be able to be implemented without violating other regulations, and their content and objectives must be in accordance with the basic regulations. Formal requirements include: requirements related to the preparation and procedures for making decisions must be fulfilled, decisions must be given a form that is in accordance with the statutory regulations on which they are issued, requirements related to implementation of decisions must be fulfilled, and the time period between the reasons for making a decision and its announcement must be taken into account.(Francisca, 2022)

Based on the description above, the author is interested in conducting a more in-depth study of the case above, relating to the legal implications of issuing a Building Use Rights Certificate over public housing facilities in Madiun City. Thus, the author is interested in conducting legal research on this issue in the form of a thesis with the title: "Legal Implications of Issuing Building Use Rights Certificates on Public Housing Facilities in Madiun City"

II. RESEARCH METHODS

In this research, the method used is the Socio Legal Research method. The character of the Socio Legal Research Method can be identified into two things, namely, First, Socio Legal Research studies carry out textual studies, articles in laws and regulations and policies can be analyzed critically and explain their meaning and implications for legal subjects. In this case It can be explained how the meaning contained in these articles harms or benefits certain groups of society and in what ways. The two Socio Legal Research studies developed new methods resulting from the marriage of legal methods with social sciences. These studies tend to be taken in an interdisciplinary approach to explain very broad legal phenomena such as power relations in the social, cultural and economic context in which the law exists.(Arrasyid, 2021)

III. RESULTS AND DISCUSSION

Building Use Rights

In accordance with the Basic Agrarian Law (UUPA) article 35 Building Use Rights (HGB) is the right to build and own buildings on land that is not one's own. The HGB period is limited to 30 years and can be extended for a maximum period of 20 years. HGB can occur on state land or privately owned land. In the case of privately owned land, there needs to be a formal agreement between the land owner and the party obtaining the HGB. In accordance with Article 36 of the UUPA, legal subjects who are entitled to have building use rights are Indonesian citizens and legal entities established and domiciled in Indonesia.

This requirement is cumulative, meaning that both elements must be met simultaneously. Based on the provisions of Article 21 of Government Regulation Number 40 of 1996 concerning Business Use Rights, Building Use Rights and Land Use Rights, the types of land that can be granted building use rights are limited to three categories, namely land owned by the state, land with management rights, and land which are privately owned (property rights).(Susanto, Dwisvimiar and Agustina, 2023)

Provisions for the period for granting HGB are regulated in Article 25 to Article 29 of Government Regulation Number 40 of 1996. Article 25 states that Building Use Rights on State Land and Management Rights land are granted for a maximum period of thirty years, which can be extended to twenty year. After the rights period and extension expire, the former right holder can renew the Building Use Rights on the same land. An application for an extension or renewal of rights can be made if the land is still being used properly in accordance with the conditions, characteristics and purpose of granting the rights, and the rights holder fulfills all the specified requirements. In addition, the land must comply with the applicable Regional Spatial Plan. For Building Rights on Management Rights land, an extension or extension requires ownership rights from the Management Rights holder. Article 27 stipulates that an application for an extension or renewal of Building Use Rights must be issued no later than two years before the expiration of the right, and recorded in the land book at the Land Office. In Article 29 it is stated that Building Use Rights over Freehold land are granted for a maximum period of thirty years. Renewal of rights can be carried out through an agreement between the Building Use Rights holder and the Ownership Rights holder, by making a deed by the Land Deed Official, and the rights must be registered. HGB related to investment approved by the government, both domestic and foreign capital, must comply with the provisions regarding Location Permits, which are regulated in the Regulation of the Minister of State for Agrarian Affairs/Head of the National Land Agency Number 2 of 1999 concerning Location Permits.(Rahmi, 2010)

Provisions regarding registration of Building Use Rights (HGB) are regulated in Article 38 of the UUPA and Articles 38, 39 and 40 Government Regulation 18 of 2021. Article 39 Government Regulation 18 of 2021 states that HGB grants must be registered at the Land Office. HGB on state land or Management Rights land comes into effect from the time the registration is carried out by the Land Office. Article 38 states that HGB over freehold land is granted through a deed made by the Land Deed Official, and must be registered at the Land Office. For grants of HGB by the state or of a public nature, registration marks the date of birth of the HGB. Meanwhile, the granting of HGB is based on an agreement between the Ownership Rights holders, which is private, registration is carried out for the benefit of a third party.

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Article 35 paragraph (3) UUPA states that Building Use Rights (HGB) can be transferred, this is clarified in Article 45 Government Regulation 18 of 2021. HGB transfers can occur through sale and purchase, exchange, capital participation, grants and inheritance, and must be registered at the Land Office. For transfers resulting from buying and selling, except those carried out through auctions, as well as for exchanges, capital investments and grants, it is necessary to use a deed from the Land Deed Making Officer (PPAT). Buying and selling carried out through auction must be proven by an Auction Minute, while preservation due to inheritance requires a will or certificate of inheritance from the authorized agency.

The transfer of HGB over Management Rights land requires permission from the Management Rights holder, while the transfer of Ownership Rights land requires approval from the relevant Ownership Rights holder. The law differentiates the conditions for preserving HGB between state land and land with Management Rights or Ownership Rights. HGB over Freehold land will result in an agreement, and the transfer can only be registered if supported by a deed from the authorized PPAT. PPAT must verify the authority of the transferor and recipient of rights. If the HGB owner does not enable redirection, then redirection cannot be carried out. (Sirait *et al.*, 2020)

If the HGB recipient is not the entitled party, the HGB must be released first before being given rights to the land according to its function. If this procedure is not followed, Article 40 UUPA in conjunction with Article 46 paragraph (4) states that HGB can be deleted for several reasons, including the end of the rights period, granting before the end of the period, or revocation for the public interest. This provision is also explained in Article 35 jo. Article 46, which states that HGB can be removed due to the expiry of the specified period, revocation by an authorized official, or due to non-fulfillment of the rights holder's obligations. If the rights are not released or transferred within the specified time period, the rights will be legally removed due to administrative defects. (Arrasyid, 2021)

The following are the stages in granting Building Use Rights in accordance with the provisions of the Regulations and Laws:

1. Article 37 of Law Number 5 of 1960 concerning Basic Regulations Agraria Building Use Rights Occur:
 - a. regarding land controlled directly by the State; due to Government determination;
 - b. regarding owned land; because the agreement is in authentic form between the owner of the land in question and the party who will obtain the right to use the building, which intends to give rise to that right.
2. Article 38 Government Regulation 18 of 2021 concerning Management Rights, Land Rights, Flats and Land Registration Building rights Occur
 - a. The right to use buildings on National Land is granted by the Minister's decision to grant the right.
 - b. Building use rights on land Management rights are granted by a decision granting rights by the Minister based on the approval of the Management Rights holder.
 - c. Building use rights on freehold land occur through the granting of rights by the owner of the freehold with a deed made by the Deed Making Office. Land.
 - d. Decisions as referred to in paragraph (1) and paragraph (21) and deeds made by the Land Deed Maker Office as referred to in paragraph (3) can be made electronically.

The granting of building use rights can be removed for several reasons. This provision is regulated in Article 40 of Law Number 5 of 1960 concerning Basic Agrarian Principles and Article 46 of Government Regulation 18 of 2021 concerning Management Rights, Land Rights, Flats, and Land Registration, including:

1. Chapter 40 Law Number 5 of 1960 concerning Basic Regulations Agraria Building use rights are removed because:
 - a. the term expires;
 - b. terminated before the term expires because a condition not met;
 - c. released by the right holder before the term expires;
 - d. revoked in the public interest;
 - e. abandoned;
 - f. the land is destroyed;
 - g. provisions in article 36 paragraph (2).
2. Article 46 Government Regulation 18 of 2021 concerning Management Rights, Land Rights, Flats and Land Registration Building use rights are removed because:
 - a. expiry of the period as stipulated in the decision to grant, extend, or renewal his rights;
 - b. His rights are canceled by the Minister before the term ends because:
 - 1) failure to fulfill the provisions of obligations and/or prohibitions as intended in Article 42 and or Article 43;

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- 2) failure to fulfill the conditions or obligations contained in the agreement granting building use rights between the building use rights holder and the ownership rights holder or agreement utilization of Management Rights Land;
- 3) administrative defects; or
- 4) court decisions that have obtained permanent legal force;
- c. changed its rights to other Land Rights;
- d. voluntarily released by the right holder before the term time end;
- e. released in the public interest;
- f. revoked based on the Law-Law;
- g. designated as Land Abandoned;
- h. designated as Destroyed Land;
- i. termination of the rights grant agreement or agreement use of land for building use rights over ownership rights or management rights; and/or
- j. the right holder no longer meets the conditions as the subject of the right.

Implementation mechanism for handing over infrastructure, facilities and public utilities by the developer to the Madiun City Government

Based on the provisions of article 6 of Madiun Mayor's Regulation Number 23 of 2019 concerning Guidelines for the implementation of Madiun City Regulation Number 14 of 2017 concerning the Provision, Handover and Management of housing and settlement infrastructure, facilities and utilities, it explains that the handover is carried out using 2 mechanisms, namely administrative handover and physical delivery. Administrative handover is carried out after the site plan is ratified before the building permit is issued using several mechanisms, including: submitting an application for administrative handover, providing proof of rights to the land to be built, providing details of the construction specifications or site plan, type and number of objects to be handed over to local government. Furthermore, the delivery of public utilities in physical form must be in accordance with the site plan that has been approved by the government in accordance with article 8 letter e of Madiun Mayor Regulation Number 23 of 2019. (Gunadi, 2018)

Public infrastructure, facilities and utilities that have been transferred to the Regional Government will then be managed by the Regional Government based on the provisions of applicable laws and regulations. Public infrastructure, facilities and utilities can be utilized by the general public provided that the function and ownership status of these assets are not changed. The process of handing over housing and settlement infrastructure, facilities and public utilities from the developer to the Madiun City Government is carried out and supervised by the Housing and Settlement Area Service. This process requires the involvement of external parties such as the Madiun City National Land Agency as a facilitator to facilitate the handover process. Apart from that, there is a need for good faith from the housing developer to support the smooth running of the process. It should be emphasized that external parties only act as facilitators and are not directly involved in the handover process. The entire process must be carried out in accordance with the provisions of applicable laws and regulations. Good faith is an important element in implementing Madiun Mayor Regulation Number 23 of 2019 concerning Guidelines for implementing Madiun City Regulation Number 14 of 2017 concerning the Provision, Delivery and Management of infrastructure, facilities and utilities for housing and settlements. In administering regional government, coordination is needed in running the government well so that the implementation of Madiun Mayor Regulation Number 23 of 2019 concerning Guidelines for implementing Madiun City Regulation Number 14 of 2017 concerning the Provision, Delivery and Management of infrastructure, facilities and utilities for housing and settlements can run well. (Felix Kurniawan, 2019)

After handing over the regional infrastructure/public utility assets, the receiving regional equipment is recorded in accordance with the regulations, including regionally owned goods. Article 14 of Madiun Mayor's Regulation Number 23 of 2019 explains that after handing over the infrastructure, facilities and utilities as intended in Article 4 letter c, the Mayor hands over the management of the infrastructure, facilities and utilities to BPKAD to be managed as Regional property.

In accordance with Madiun Mayor Regulation Number 23 of 2019 concerning Guidelines for implementing Madiun City Regulation Number 14 of 2017 concerning the Provision, Delivery and Management of infrastructure, facilities and utilities for housing and settlements, article 16 states that every developer is obliged to equip housing and settlements with infrastructure, facilities and utilities with a proportion of at least 40% of the total area of land developed. Article 24 of Madiun City Regional Regulation Number 14 of 2017 in conjunction with Article 17 of Madiun Mayor Regulation Number 23 of 2019. If any developer or individual violates the provisions of obligations then the developer/developer/individual will be subject to administrative sanctions in the form of a warning, delay in granting a permit, with fifty million rupiah and blacklisted (Seventina Monda Devita, 2021)

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Legal Implications of Issuing Building Use Rights Certificates on Public Housing Facilities in Madiun City in Violation of Regional Regulation Number 14 of 2017 Madiun City

The issuance of a Building Use Rights Certificate (HGB) over public housing facilities has significant legal consequences, especially if in its implementation there is a violation of the obligation to provide public facilities by the developer or a violation of applicable regulations. Based on *Regional Regulation Number 14 of 2017 concerning Management of Regional Property Madiun City*, there are provisions governing the management of regional assets, including public housing facilities which become part of regional property after being handed over by the developer in accordance with article 11. (ana silviana, 2017)

Article 11

1. Every Non-Storage Housing Developer is obliged to provide Infrastructure, Facilities and Utilities in a proportion of at least 40% (forty percent) of the land area being developed.
2. Every Flat Housing Developer is obliged to provide Infrastructure, Facilities and Utilities in a proportion of at least 40% (forty percent) of the land area being developed.
3. The type of Infrastructure, Facilities and Utilities and the area of land allocated for the provision of Infrastructure, Facilities and Utilities as intended in paragraph (1) and paragraph (2) are stated in the Site Plan which is legalized by the Housing and Settlement Area Service.

Violation of this provision can give rise to a number of legal implications, both for developers, HGB holders and local governments, including:

1. Violation of the Obligation to Provide Public Facilities

Based on Article 6 Madiun Mayor Regulation Number 23 of 2019 jo 20 Regional Regulation Number 14 of 2017, that the handover is carried out using 2 mechanisms, namely administrative handover and physical handover.

Administrative handover is regulated in article 7 Madiun Mayor Regulation Number 23 of 2019 which states that administrative submission must be carried out after the site plan is ratified and before the building construction permit is issued with the following mechanism:

- 1) The applicant submits a request for administrative handover of infrastructure, facilities and utilities to the Mayor with a copy to the Regional Secretary and Verification Team, by attaching the following requirements: FC KTP, Deed of Establishment, Proof of Land Rights, Site Plan approved Regional Government and Development Completion Schedule.
- 2) The Verification Team processes requests for delivery of infrastructure, facilities and utilities administratively in accordance with statutory provisions;
- 3) The Verification Team invites the applicant to explain Plan, site plans, schedules, drafting agreements.
- 4) If based on the research results there are still requirements that have not been fulfilled in accordance with the provisions, the Team notifies the applicant to immediately complete the missing requirements and submit them back to the Verification Team
- 5) If the preparations as intended are complete, then the signing will take place.

Physical handover is regulated in Article 8 of Madiun Mayor Regulation Number 23 of 2019:

Infrastructure, facilities and utilities to be physically handed over must meet the following requirements:

- 1) for infrastructure, land and buildings that have been completed and maintained;
- 2) for facilities, land ready for construction or land and buildings that have been completed and maintained; 3) for utilities, land and buildings have been completed and maintained.
- 4) in accordance with standards, technical and administrative requirements determined by the Regional Government and functions as it should;
- 5) in accordance with the site plan that has been approved by the Regional Government; And
- 6) has undergone maintenance by the developer for a maximum of 6 (six) months from the completion of the construction of housing infrastructure, facilities and utilities.

In accordance with Madiun Mayor Regulation Number 23 of 2019 concerning Guidelines for implementing Madiun City Regulation Number 14 of 2017 concerning the Provision, Delivery and Management of infrastructure, facilities and utilities for housing and settlements, article 16 states that every developer is obliged to equip housing and settlements with infrastructure, facilities and utilities with a proportion of at least 40% of the total area of land developed. Article 24 of Madiun City Regional Regulation Number 14 of 2017 in conjunction with Article 17 of Madiun Mayor Regulation Number 23 of 2019. If any developer or individual violates the provisions of obligations then the developer/developer/individual will be subject to administrative sanctions in the form of a warning, delay in granting a permit, with fifty million rupiah and blacklisted (Seventina Monda Devita, 2021)

2. Violation of the Function and Designation of Public Facilities

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Article 144 of Law Number 1 of 2011 concerning Housing and Areas Settlement states that the legal entity that organize development housing and area settlement it is prohibited to convert public infrastructure, facilities and facilities outside its function.

Based on data obtained by the author, There is a case of conversion of Public Facilities land belonging to the Madiun City Government into Building Use Rights Certificate Number 693 dated 27 January 2012 in Kanigoro Village, Kartoharjo District, Madiun City by Developer The plan approved by the Madiun City Government is 35 housing complexes, but in practice the developer applying for an HGB permit with a site plan of 38 does not match the number of houses approved by the City Government. Madiun. The developer submitted a site plan permit for 38 development plans to the BPN Office by manipulating files that should have made the land a Public Facility belonging to the Madiun City Government, but instead a house was built for which a Building Use Rights Certificate was issued by the Madiun City Land Office. (Dahfid, 2017; Danny Robertus Hidayat, 2018)

In this case the parties developer proven to have violated the provisions of article 11 of Regional Regulation Number 14 of 2017 jo. Based on Article 6 Madiun Mayor Regulation Number 23 of 2019 as well Article 144 of Law Number 1 of 2011 concerning Housing and Areas Settlement. Party developer has not yet carried out the handover of public facilities at Housing government Madiun City. (Kurniawan, 2021)

Legal consequences for developer which does not provide social and public facilities according to its function. In article 162 of Law Number 1 of 2011 concerning Housing and Areas Settlement give special treatment to the body law/developer/developer where the violation he made received criminal sanctions and an aggravation of three times the criminal fine. Based on substance the article clearly explain that the developer/developer which changes the social facilities provided to Residents of Housing explain that every developer obliged to provide social facilities and general as much as 40% of the land area of housing development. (Dahfid, 2017)

Developer which issues HGB over public facilities without considering the function and designation of the land is legally flawed or null and void which is in line with Article 40 Law Number 5 of 1960 concerning Basic Basic Regulations Agraria jo. article 46 letter (f) Government Regulation 18 of 2021 Building Use Rights Remove Because revoked based on Violation of the Regional Government Law. (ana silviana, 2017)

Communities who are disadvantaged by losing access to public facilities can file objections or lawsuits to request the restoration of the function of these public facilities. Regulated in Law as following:

- a. Law Number 26 of 2007 concerning Spatial Planning:
 - 1) Article 61: The public has the right to submit objections to the implementation of spatial planning plans that conflict with the public interest.
 - 2) Article 69: Misuse of space utilization that is not in accordance with the spatial planning plan may be subject to administrative, civil or criminal sanctions.
 - b. Law Number 5 of 1960 concerning Basic Regulations on Agrarian Principles (UUPA):
 - 1) Article 4 paragraph (1): The right to land must be in accordance with the social function and must not conflict with the public interest.
 - 2) Article 16 paragraph (1): Building Use Rights (HGB) can only be granted for needs that are compatible with the function of the land.
 - c. Law Number 30 of 2014 concerning Government Administration:
 - 1) Article 17 paragraph (2): Any administrative decision that does not comply with procedures can be cancelled.
 - 2) Article 18 paragraph (1): Decisions that violate the general principles of good governance (AUPB) can be considered invalid.
 - d. Law Number 25 of 2009 concerning Public Services Article 51: Abuse of authority in public services may be subject to administrative or criminal sanctions.
3. Abuse of Authority in Issuing HGB Certificates

Issuance of HGB over Public Facilities can only be done after going through an evaluation process and official approval from Mayor or authorized official. If the HGB issuance process is carried out without following the established procedures, then this action can be considered an abuse of authority. Officials involved in issuing HGB unlawfully may be subject to administrative, disciplinary or even criminal sanctions in accordance with the provisions in *Law Number 30 of 2014 concerning Government Administration*. HGB certificates issued illegally can also be canceled through a court decision. HGB certificates issued due to abuse of authority may be deemed invalid and cancelled. HGB holders can also be asked to return the land to its original status as a public facility. Law Number 31 of 1999 concerning the Eradication of Corruption Crimes, Article 2 paragraph (1): Abuse of authority that is detrimental to state finances can be subject to corruption. Criminal Code (KUHP) Article 421: Officials who abuse their authority for personal gain can be punished. (Krisita *et al.*, 2023)

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4. Potential Lawsuits by the Community

Housing public facilities are assets intended for the benefit of the housing community. Based on Article 23 paragraph of Regional Regulation Number 14 of 2017, supervision and guidance on utilization regarding the delivery, management and utilization of infrastructure, facilities and utilities must be carried out periodically to prevent misuse. If the public feels disadvantaged by the issuance of HGB over public facilities, they have the right to file an objection or legal action to protect their rights. (Yudhis Tira Cahyono, 2019)

The Land Office can be sued by the community or groups of residents who feel disadvantaged. A lawsuit can be filed through the State Administrative Court (PTUN) to cancel the HGB certificate or through the general court to claim compensation. If a legal violation is found in the issuance of HGB, the developer or HGB holder can be asked to return the land to its original function or compensate for losses experienced by the community. Which is in accordance with Law Number 32 of 2009 concerning Environmental Protection and Management: Article 65 paragraph (1): Every person has the right to a good and healthy living environment, including access to public facilities. As well as the Civil Code (KUHPperdata): Article 1365: Unlawful acts that harm other parties must be compensated. (Santoso, Dharmawangsa Dalam Selatan and Timur, 2015)

IV. CONCLUSION

Granting Building Use Rights (HGB) over public housing facilities based on Regional Regulation Number 14 of 2017 of Madiun City involves structured stages, starting from handing over public facilities by the developer to supervision after granting the HGB. Each stage is regulated in related articles to ensure that regional property is utilized optimally, according to its intended purpose, and supports the interests of the community. This process also reflects the principles of accountability, transparency and legal certainty. Violation of the obligation to hand over public facilities, misuse of land functions, or misuse of authority in issuing HGB can result in legal defects/nullity of the certificate issued. Local governments, developers, land offices can face various legal consequences, including certificate revocation, community lawsuits, and criminal or civil prosecution. Therefore, management of public facilities must be carried out carefully, transparently and in accordance with applicable regulations. In addition, the injured party, especially the public, has the right to file a legal claim. Regional governments, developers and HGB holders may also be subject to administrative, civil or criminal sanctions in accordance with applicable regulations. Therefore, the issuance of HGB must be carried out in compliance with all applicable provisions to prevent potential conflicts and losses.

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