

# Analysis of Delays in the Handover of Infrastructure, Facilities, and Utilities by Housing Developers in the City of Semarang

## *Analisis Keterlambatan Penyerahan Prasarana, Sarana, dan Utilitas oleh Pengembang Perumahan di Kota Semarang*

Aurellia Sabryna Imanda✉  
Universitas Negeri Semarang, Indonesia  
[aurelliasabrynai@students.unnes.ac.id](mailto:aurelliasabrynai@students.unnes.ac.id)

✉ Corresponding email : [aurelliasabrynai@students.unnes.ac.id](mailto:aurelliasabrynai@students.unnes.ac.id)

### Abstract

The handover of infrastructure, facilities, and utilities (PSU) by housing developers must be carried out on time in accordance with Law Number 1 of 2011. In the City of Semarang, the PSU handover is specifically regulated under Law Number 7 of 2021. In practice, however, the handover of PSU is often delayed by housing developers. This delay causes confusion for the government when attempting to manage PSU within a housing complex, as full control remains with the developer. This study analyzes the factors behind the delays in PSU handovers by housing developers in the City of Semarang, as well as the resulting impacts on developers, residential environments, and homeowners. The findings indicate that the causes of delays



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can be categorized into internal factors—such as the developer’s ongoing interests in a housing area—and external factors—such as the unavailability of regional budget (APBD) funds from the government to manage the PSU

**KEYWORDS** *Delay in the Handover of PSU, Infrastructure, Facilities, Utilities, Housing Developer*

Penyerahan PSU yang dilakukan oleh pengembang perumahan harus dilaksanakan tepat waktu sesuai dengan yang di atur di dalam UU Nomor 1 Tahun 2011. Di Kota Semarang, penyerahan PSU sendiri di atur di dalam UU Nomor 7 Tahun 2021. Pada kenyataannya, penyerahan PSU sering diserahkan secara terlambat oleh pengembang perumahan. Hal ini menimbulkan adanya kebingungan dari pemerintah apabila ingin mengelola suatu PSU di sebuah perumahan sebab pengaturan penuh masih dipegang oleh pengembang perumahan. Penelitian ini menganalisis faktor yang melatarbelakangi keterlambatan penyerahan PSU yang dilakukan oleh pengembang perumahan di Kota Semarang beserta dampak yang ditimbulkan bagi pengembang, lingkungan perumahan, dan bagi penghuni perumahan. Hasil penelitian ini menunjukkan bahwa penyebab keterlambatan penyerahan PSU dapat dibagi menjadi faktor internal yang berasal dari masih adanya kepentingan pengembang di suatu perumahan dan faktor eksternal yang berasal dari belum tersedianya APBD dari pemerintah untuk mengelola PSU.

**KATA KUNCI** *Keterlambatan Penyerahan PSU, Prasarana, Sarana, Utilitas, Pengembang Perumahan*

## Introduction

In Article 28 H paragraph (1) of the 1945 Constitution of the Republic of Indonesia (UUD NRI 1945), it is emphasized that every Indonesian citizen has the right to reside in a decent place<sup>1</sup>. This regulation makes the state responsible for providing decent housing for Indonesians. This is evident from

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<sup>1</sup> Majelis Permusyawaratan Rakyat, “UUD Negara RI Tahun 1945,” 2000, 1–28, <https://www.mkri.id/index.php?page=web.PeraturanPIH&id=1&menu=6&status=1>.

the widespread development of both subsidized and commercial housing, typically built by housing or real estate developers<sup>2</sup>. It is emphasized in Article 1, paragraph 1 of the Minister of Home Affairs Regulation Number 3 of 1987 concerning the Provision and Granting of Land Rights for Housing Development Companies, which defines "Housing Development Companies as companies engaged in the field of housing development of various types in large quantities on a land area that will constitute a residential environment unit equipped with environmental infrastructure and social facilities needed by the resident community"<sup>3</sup>. This article highlights that housing development encompasses not only residential units but also the provision of Infrastructure, Facilities, and Utilities (PSU), which are integral to enhancing residents' quality of life. Adequate PSU contributes significantly to physical, mental, and social well-being, underscoring its essential role in creating livable environments. Consequently, the inclusion of well-planned PSU is a critical consideration in housing projects and often serves as a key factor influencing consumer housing preferences<sup>4</sup>. Social justice can largely only be achieved by the state, as the policies implemented by the government have the greatest impact on the development of structures relevant to political, economic, social, cultural, and ideological processes.<sup>5</sup>

There are many Infrastructure, Facilities, and Public Utilities (PSU) built by housing developers in a residential area. Infrastructure, as described in Article 1 number 21 of Law Number 1 of 2011 on Housing and Settlements, stipulates that

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<sup>2</sup> Juanita Astrid, Nia Kurniati, and Agus Suwandono, "Program Perumahan Rakyat Untuk Masyarakat Berpenghasilan Rendah Melalui Fasilitas Likuiditas Pembiayaan Perumahan Yang Tidak Layak Huni," *Acta Diurnal* 5, no. 1 (2021): 95–106.

<sup>3</sup> Menteri Dalam Negeri, "PERATURAN MENTERI DALAM NEGERI NOMOR 3 TAHUN 1987 TENTANG PENYEDIAAN DAN PEMBERIAN HAK ATAS TANAH UNTUK KEPERLUAN PERUSAHAAN PEMBANGUNAN PERUMAHAN" 1969, no. 1 (2008): 1–24.

<sup>4</sup> Asril Nizar et al., "Pengaruh Ketersediaan Prasarana Dan Sarana Utilitas Umum (PSU) Terhadap Harga Jual Perumahan Dalam Pengembangan Wilayah Kota Pematangsiantar," *Jurnal Regional Planning* 1, no. 2 (2019): 108–21, <https://doi.org/10.36985/jrp.v1i2.586>.

<sup>5</sup> Ramli, Asmarani. 2012. "Telaah Atas Reforma Agraria Untuk Keadilan Dan Kesejahteraan Dalam Tataran Teori Kebenaran." *Jurnal Ilmu Hukum Amanna Gappa* 20(1):50.

<https://scholar.google.com/scholar?q=+intitle:%27TELAAH%20ATAS%20REFORMA%20AGRARIA%20UNTUK%20KEADILAN%20DAN%20KESEJAHTERAAN%20DALAM%20TATARAN%20TEORI%20KEBENARAN%27>

"Infrastructure is the basic physical facilities of the residential environment that meet certain standards for the needs of a decent, healthy, safe, and comfortable living"<sup>6</sup>. The housing infrastructure includes road networks, wastewater drainage networks, stormwater drainage networks, and waste disposal sites. The types of infrastructure present in the housing are explained in Article 8 of the Minister of Home Affairs Regulation Number 9 of 2009 concerning Guidelines for the Handover of Infrastructure, Facilities, and Utilities in Housing and Settlements in the Region<sup>7</sup>. Infrastructure in housing and settlements is an important element in the development of residential areas because it supports the feasibility, comfort, and sustainability of the environment<sup>8</sup>.

Explanation regarding facilities is included in Article 1 number 22 of Law Number 1 of 2011 concerning Housing and Settlement Areas, which stipulates that: "Facilities are amenities within the residential environment that function to support the organization and development of social, cultural, and economic life". The types of facilities are explained in Article 9 of the Minister of Home Affairs Regulation Number 9 of 2009, which includes commercial or shopping facilities, public and governmental service facilities, educational facilities, health facilities, worship facilities, recreation and sports facilities, burial facilities, park and green open space facilities, and parking facilities. The development of these facilities is very important in supporting the quality of life of the residents. The availability of facilities is a complement to the infrastructure in environment that can support every activity that occurs within the residential environment<sup>9</sup>. Utilities are explained in Article 1, paragraph 23 of Law Number 1 of 2011, which states, "Public utilities are supporting facilities for

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<sup>6</sup> Presiden Republik Indonesia, "UU Nomor 1 Tahun 2011" 66, no. July (2011): 6–17.

<sup>7</sup> Menteri Dalam Negeri, "PERATURAN MENTERI DALAM NEGERI NOMOR 9 TAHUN 2009 TENTANG PEDOMAN PENYERAHAN PRASARANA, SARANA, DAN UTILITAS PERUMAHAN DAN PERMUKIMAN DI DAERAH DENGAN" 4, no. 1 (2009): 1–23.

<sup>8</sup> Annisa Mu'awanah Sukmawati and Nany Yuliasuti, "Efektivitas Pemanfaatan Fasilitas Sosial Di Perumahan Bukit Kencana Jaya Semarang," *Teknik PWK* 3, no. 3 (2014): 371–81.

<sup>9</sup> Ade Saputro Sipayo, "Evaluasi Ketersediaan Sarana Lingkungan Perumahan Di Kawasan Perumahan Pao-Pao Permai Kota Sungguminasa Kabupaten Gowa" (2019).

residential environment services". In Article 10 of the Minister of Home Affairs Regulation Number 9 of 2009, utilities include clean water networks, electrical networks, telephone networks, gas networks, transportation networks, fire extinguishing services, and public street lighting facilities. The availability of utilities in a housing complex allows residents to meet their social and economic needs, thereby improving their overall quality of life.

The responsibilities of housing developers extend beyond the construction of residential units and supporting infrastructure, facilities, and utilities (PSU). Upon completion, developers are obligated to transfer the PSU to the relevant local government, as the management and maintenance of these public assets fall under the jurisdiction of local authorities<sup>10</sup>. A key objective of transferring PSU to local governments is to ensure its sustainability and prevent misuse by irresponsible developers. Minister of Home Affairs Regulation No. 9 of 2009 provides detailed guidelines on the transfer process, including a timeline requiring the handover within one year after the maintenance period. Once transferred, the PSU is officially designated as Regional Property (BMD)<sup>11</sup>. Despite existing regulations, many local governments report that developers have yet to transfer Public Service Facilities (PSU), creating challenges when residents file complaints. Issues such as unpaved roads, unauthorized fees for PSU use, or developers refusing to repair damaged facilities often arise, yet the local government lacks the authority to intervene due to the absence of formal handover. In Semarang City, this issue remains significant. According to the Housing and Settlement Area Office (Disperkim), as of 2024, only 47 PSUs from 159 PSUs had been officially received by the city government. This indicates a substantial shortfall, in violation of Regional Regulation No. 14 of 2011, which mandates that developers

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<sup>10</sup> Dadan Priatna, Leo Agustino, and Arenawati, "Evaluasi Program Penyediaan Prasarana Sarana Utilitas Perumahan Di Kota Serang (Studi Kasus Perumahan Bumi Agung Permai II Dan Perumahan Sukawana Asri)," *JDKP Jurnal Desentralisasi Dan Kebijakan Publik* 4, no. 2 (2023): 1–12, <https://doi.org/10.30656/jdkp.v4i2.6488>.

<sup>11</sup> Natasya Khairunnida and Budiman Rusli, "Implementasi Kebijakan Penyerahan Prasarana, Sarana, Dan Utilitas (Psu) Perumahan Di Kota Cirebon," 2025, <https://doi.org/10.24198/responsive.v8i1.61781>.

allocate 40% of housing land for PSU and transfer it to the local government<sup>12</sup>.

The delayed handover of PSU by developers in Semarang City has drawn particular attention from the local government. In response, various initiatives have been undertaken to encourage timely transfers, including outreach and socialization efforts targeting developers. Through the Housing and Settlement Areas Office (Disperkim), the city government consistently urges developers to complete the PSU handover within one year of project completion. Given that the process is monitored by the Corruption Eradication Commission (KPK), the central government has emphasized the urgency for local authorities to expedite the transfer of infrastructure, facilities, and utilities<sup>13</sup>, so the Disperkim hopes that developers can be more cooperative. The Semarang City Government often faces difficult challenges because not many developers are willing to be cooperative and instead exploit the PSU for their personal interests.

Usually, the main reason developers have not handed over the PSU to the Semarang City government is the developers' lack of trust in the local government to manage the PSU built by the developers. Developers believe that the government is not optimal in managing the PSU<sup>14</sup>. According to the government, delays in PSU handover by developers in Semarang City and other regions disadvantage residents, who are unable to fully access facilities that are rightfully theirs. Timely transfer enables residents to engage directly with local authorities in PSU management. Once handed over, the PSU can be jointly managed by the government and the community, reducing the burden on developers. Developers are no longer responsible for maintenance or damage, as such obligations shift to the local government. In contrast, if the handover has not occurred,

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<sup>12</sup> Puspa Susilawati and Djumadi Purwoadmodjo, "Tanggungjawab Pengembang Perumahan Dalam Penyerahan Fasilitas Perumahan Kepada Pemerintah Daerah," *Notarius* 12, no. 02 (2019): 669–77.

<sup>13</sup> Andi Patriadi et al., "Pendampingan Pemetaan Prasarana, Sarana Dan Utilitas Umum (Psu) Perumahan Berbasis Sig Di Kabupaten Magetan," *RESWARA: Jurnal Pengabdian Kepada Masyarakat* 4, no. 1 (2023): 568–75, <https://doi.org/10.46576/rjpkkm.v4i1.2529>.

<sup>14</sup> Susilawati and Purwoadmodjo, "Tanggungjawab Pengembang Perumahan Dalam Penyerahan Fasilitas Perumahan Kepada Pemerintah Daerah."



developers remain accountable for any issues arising within the housing area.

To ensure timely handover of Public Service Utilities (PSU) by housing developers, the Semarang City Government introduced a mayoral regulation outlining the transfer process. Initially, this mechanism was detailed in Semarang City Mayor Regulation No. 16 of 2020, which covered the provision, handover, and management of housing area utilities. However, on February 12, 2021, Semarang City Perwali No. 7 of 2021 was issued, amending the previous regulation. This updated regulation provides clear guidelines to help the Semarang City Government manage PSU transfers more effectively. According to the Semarang City Mayor Regulation, housing developers are obligated to transfer PSU within the specified timeframe. Developers who fail to do so—either within one year after the maintenance period or no later than five years after the issuance of the Housing Area Development Approval (KRK)—may face sanctions. These sanctions, outlined in Article 10, paragraph (7), include verbal warnings, written warnings, revocation of business licenses, and public announcements in the media.

This study aims to analyze the factors contributing to the delay in PSU handover in Semarang City, as well as the impacts experienced by housing residents, developers, and the surrounding environment due to these delays.

## Method

This study adopts a qualitative approach, utilizing document analysis and interviews as the primary data collection methods. The document analysis involves examining relevant legal and regulatory frameworks governing the transfer of Public Service Utilities (PSU), along with other supporting documents that offer insights into existing policies and their implementation. In addition, interviews are conducted with key stakeholders who possess direct knowledge of the PSU transfer process, including housing developers, government officials, and resident representatives. Purposive sampling is employed to deliberately select informants based on specific criteria relevant

to the research focus. This approach allows for an in-depth and comprehensive understanding of the issues surrounding PSU handover in Semarang City.

## Result & Discussion

### A. Factors Causing Delays in the Delivery of Infrastructure, Facilities, and Utilities by Housing Developers in Semarang City

In 2024, there were 159 housing PSUs recorded in the city of Semarang. By the end of 2024, only 47 PSUs have been handed over to the Semarang City Government. Here is the list of PSUs that have been handed over by housing developers in 2024 according to data from the PSU Division of Disperkim Semarang City.

**TABLE 1.** PSU data that has been submitted in 2024

NO	PENGEMBANG	NAMA PERUMAHAN	JENIS PSU
1	PT. Aji Saka Wiryana	Bukit Sukorejo	1. Jaringan jalan dan saluran 2. PJU (Penerangan Jalan Umum)
2	PT. Putra Wahid Pratama	Bukit Wahid	1. Fasum
3	PT. Indo Permata Usahatama	Puri Anjasmoro	1. Jaringan jalan & Saluran (1)
4	PT. Indo Permata Usahatama	Puri Anjasmoro	1. Jaringan jalan & Saluran (2)
5	PT. Agung Perkasa Lestari	Rowosari Megah Asri	1. Jaringan jalan & Saluran 2. Fasum



			3. Taman 4. Balai warga 5. PJU
6	Penyerahan Warga	Permata Tembalang	1. Jaringan jalan & saluran 2. PJU
7	Penyerahan Warga	Pondok Indraprasta	1. Jaringan jalan & saluran
8	PT. Bukit Semarang Jaya Metro	Bukit Kencana Jaya	1. Jaringan jalan & saluran 2. Taman 3. Fasum 4. Sarana Peribadatan 5. Area bermain 6. Sarana rekreasi dan olahraga 7. Sarana parkir 8. Sarana pendidikan (TK Puspa Kencana) 9. PJU
9	PT. Karyadeka Alam Lestari	Sarana Peribadatan Graha Taman Bunga	1. Sarana Peribadatan
10	PT. Indo Permata Usahatama	Tulus Harapan	1. Jaringan jalan & saluran
11	PT. Indo Permata Usahatama	Gemah Permai	1. Jaringan jalan & saluran
12	PT. Indo Permata Usahatama	Griya Mijen Permai	1. Jaringan jalan & saluran 2. Sarana pertamanan dan RTH 3. Pos Satpam 4. Balai Warga 5. PJU
13	PT. Indo Permata Usahatama	Tembalang Pesono Asri	1. Jaringan jalan & saluran
14	PT. Indo Permata Usahatama	Puri Dinar Elok	1. Jaringan jalan & saluran 2. Sarana pertamanan dan RTH 3. Fasum 4. Sarana peribadatan 5. Area parkir
15	PT. Indo Permata Usahatama	Pondok Hasanudin	1. Jaringan jalan & saluran 2. PJU

16	PT. Indo Permata Usahatama	Griya Banyumanik Asri	1. Jaringan jalan & saluran 2. PJU
17	PT. Indo Permata Usahatama	Graha Wahid	1. Jaringan jalan & saluran 2. Playground 3. Taman 4. Sarana Parkir 5. Sarana olahraga 6. Mushola 7. PJU

Sources: PSU Sector of the Housing and Settlement Area Office of Semarang City

### 1. Internal Factor

The internal factors causing the delay in the PSU are factors that originate from within the housing developer. This internal factor is caused by the actions of the developers, which delay the handover of the PSU. Based on the results of the interview conducted with the Staff of the PSU Division at Disperkim, which directly handles the provision, management, and handover of PSU in Semarang City, it was explained that there are several requirements that must be met by housing developers in Semarang City to hand over PSU to the government. The requirements are in accordance with what is stated in Article 10 paragraph (3) of the Semarang Mayor Regulation Number 7 of 2021, namely general requirements, technical requirements, and administrative requirements. It is further explained in paragraph (4) that the general requirements include the location and area of the PSU in accordance with the KRK (City Plan Description) and in accordance with the licensing documents and technical specifications of the building. For the technical requirements, it is further explained in paragraph (5) as technical provisions based on regulations related to housing development. Finally, the administrative requirements explained in paragraph (6) are as follows:

- a. letter of application for the handover of PSU to the

- mayor;
- b. photocopy of the electronic ID of the applicant/authorized representative;
  - c. photocopy of the deed of establishment for legal entities;
  - d. KRK document that has been approved by the local government;
  - e. map of the PSU Housing land plots;
  - f. original Notice of Tax Payable for Land and Building Tax;
  - g. original proof of payment for Land and Building Tax (Regional Land and Building Tax Payment Slip)
  - h. evidence of land possession by the developer designated as PSU;
  - i. in the case where the control over the land designated for PSU is not in the name of the developer, attach the sale and purchase deed to be submitted to the local government; and
  - j. estimated price/data of the selling value of the transferred PSU object.

These requirements must be met by housing developers and are not difficult to fulfill, according to Mrs. Yofita Nufi Putri, Staff of the PSU Division. The numerous requirements do not pose an obstacle for housing developers, causing delays in their submission of PSU. Thus, it can be concluded that the requirements for the handover of PSU as stated in Article 10 of the Semarang City Regulation Number 7 of 2021 are not a factor underlying the delay in the handover of PSU by housing developers in Semarang City. In the process of housing development carried out by the developers, there are no major challenges in the construction process. According to Mr. Suryadi, the housing developer at Green Oase Housing in Semarang City, essentially, if the developer meets the technical requirements in the form of regulations set by the relevant authorities, the construction process will proceed smoothly until completion. Initially, before constructing housing, the developer must obtain building establishment approval

for the designated land. The permit is obtained from the Investment Coordinating Board and One-Stop Integrated Services (DPMPTSP).

The permit issued by DPMPTSP is in the form of a Building Permit Approval (PBG), which can only be issued once the developer has met all the specified requirements. Only after the PBG is issued can the housing developer proceed with the construction of residential buildings on the land. The place where the land will be developed for housing cannot be 100% constructed for residential buildings for the occupants. In accordance with Regional Regulation Number 14 of 2011 concerning the Spatial Planning of Semarang City for the Years 2011-2031, from the land granted permission for residential building construction, only 60% can be built for residential buildings and the remaining 40% must be allocated for building Public Social Facilities (PSU).

Developers are also required to comply with these regulations to avoid the risk of sanctions. The process of residential construction is rarely influenced by climatic factors such as weather conditions, whether it is the rainy season or the dry season; the process of residential construction will remain the same. The factor of the Covid-19 pandemic that occurred a few years ago also did not become an obstacle to housing development. The factor affecting the delay in housing development comes from sales. Housing developers themselves depend on cash flow. If the housing market is lacking buyers or interest, cash flow can decrease, directly affecting the development of PSU, which may be delayed. This is because the budget for completing the facility construction is decreasing. The continuously declining cash flow can also cause housing developers to incur losses due to the imbalance between income and expenses<sup>15</sup>.

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<sup>15</sup> Felicia O.O Sarayar, Robby J Kumaat, and Mauna Th. B Maramis, "Dampak Pandemi Covid-19 Terhadap Kredit Pemilikan Rumah (KPR) Fasilitas Likuiditas Pembiayaan Perumahan (FLPP) Di Indonesia," *Jurnal Berkala Ilmiah Efisiensi* 22 No 7, no. 7 (2022):

In the process of handing over the PSU, Mr. Suryadi does not perceive any factors that are entirely the fault of the housing developer. Generally, the factors causing delays attributed to the developer are because the developer still has interests in the residential area. Usually, the developer is still carrying out development and managing the housing, so they automatically cannot hand over the PSU yet. In the Green Oase housing development, the development has currently reached stage 3, which involves the construction of infrastructure and facilities. Currently, there are already several houses that have been occupied by residents. The developer plans to proceed to phase 4 by the end of 2025. The handover of the PSU to the Semarang City Government will be carried out after all construction phases are completed. As long as the PSU has not been handed over to the government, the management of the PSU is entirely in the hands of the housing developer. In its management, the developer directly intervenes if there is any damage to the PSU located in the Green Oase Housing Complex in Semarang City. For the maintenance of the PSU itself, the housing developer collects fees from the residents. The fee is used to maintain the roads by hiring a cleaning team to sweep the roads every day. The fee is also used to maintain the cleanliness of the park and the mosque located within the Green Oase housing complex.

For electrical disturbances, the housing developer is not responsible because after the electrical network is completed by the developer, the developer immediately donates it to State Electricity Company (PLN). So, the management of electricity after it is endowed will be directly handled by PLN, so if there is an electricity disruption in the housing area, the residents can directly contact PLN. The same goes for water; after the water supply system is completed, the housing developer waives the system to Regional Drinking Water Company

(PDAM). After being endowed, all water management is handled by PDAM, so if there is any damage or trouble such as a water outage, the residents can directly contact PDAM. Although it is possible that some residents may complain to the housing developer, residents can directly contact PLN or PDAM to address the issues they are experiencing.

With the PSU not yet handed over and the management still fully handled by the developer, it is not a concern for the residents. As stated by Mrs. Novita Kinaya, a resident of the Green Oase housing complex in Semarang City, many residents are not too worried if the housing developer has not yet handed over the PSU. Although the residents also know that the obligation of the housing developer is to hand over the PSU to the government once it is completed, the delay in the handover of the PSU does not significantly impact the residents' daily lives. As long as the PSU has not been handed over, the housing developer is still maintaining the existing PSU in the housing complex so that the residents do not feel any lack. Rather than the delayed handover of the PSU, what concerns the residents more, according to Mrs. Novita Kinaya, is that the PSU built does not match what was promised initially in the brochure when buyers intended to purchase the housing. Because this means that the contract between the developer and the housing residents was not agreed upon at the time of the housing transaction. Housing residents can certainly sue the housing developers who violate all the contracts that have been made in accordance with modern contract law theory<sup>16</sup>.

## 2. External Factor

The factor causing the delay in the handover of the PSU comes from outside the housing developer. This factor comes from the government related to the budget

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<sup>16</sup> Halimah Rida and Pranoto, "Analisis Perbandingan Kekuatan Mengikat Pra Kontrak Dalam Hukum Kontrak Di Indonesia Dengan Hukum Kontrak Di Eropa Kontinental," *Jurnal Privat Law* 7, no. 1 (2019): 55, <https://doi.org/10.20961/privat.v7i1.30100>.



used to receive the PSU. This external factor contradicts the assumption that the delay in handing over the PSU is entirely the fault of the housing developers. According to the statement made by Ms. Yofita Nufi Putri as a PSU Field Staff, it was explained that there are no policies or regulations issued by the Semarang City Government that are considered to hinder developers from handing over PSU. However, in reality, during the process of handing over the PSU, the PSU that has been completed by the developer and is to be handed over can be rejected by the government. This is because the PSU submitted by the developer does not comply with the policies issued by the government. These policies are not all in the form of laws but can also be in the form of technical regulations that must be adhered to by housing developers. The government also believes that the delayed handover of PSU is due to the housing developers being less aware of the importance of handing over PSU. However, this opinion from the government was immediately rejected by Mr. Suryadi as the housing developer, because every housing developer is certainly aware of their obligation to hand over the PSU after it has been successfully established. The issue is that the government's role here is lacking, which is considered to burden the housing developers due to inconsistent policies that cause the housing developers to delay handing over the PSU, not in accordance with the previously determined schedule.

According to Mr. Suryadi, a housing developer in Semarang City, this government policy often changes and is inconsistent. For example, after the developer finished building the road using K250 type paving. As a housing developer, Mr. Suryadi has already considered the appropriate paving to be used for building residential roads. After everything is built and ready to be handed over, the government requires the road to be constructed with K300 type paving or even replaced with asphalt. This will certainly add unexpected costs because the PSU that does not meet the regulations will be rejected

by the government. In addition, for example, if the developer has completed construction in stages 1 and 2. At that time, UPL-UKL (Environmental Management Efforts-Environmental Monitoring Efforts) did not encounter any issues, then suddenly the government issued a new policy requiring the construction of phases 1 and 2 to be altered to comply with the new policy regulations. These sudden changes in regulations actually burden the housing developers because they have to redo what has already been built and adjust it to the new regulations. The rejection by the government results in delays in handover because when the developer submits according to the scheduled timeline and it is then rejected by the government, the housing developer must make corrections, which will obviously take additional time, causing the scheduled handover of the PSU to be postponed.

Another external factor that the housing developers consider to be the cause of the delay in the handover of PSU is the availability of budget from the local government. Several times, Mr. Suryadi, as the housing developer, has often faced rejection from the government when handing over the PSU because the government still does not have the budget listed in the APBD to maintain the PSU from the housing development. One such incident occurred in Lombok, when Mr. Suryadi's team handed over several PSUs, one of which was street lighting. The local government in Lombok rejected the PSU because they did not have sufficient APBD to manage the PSU. The management ultimately still lies in the hands of the housing developer. Management can be carried out by the housing developer until the government is ready to allocate its budget.

Normally, this can take 10-15 years, until the regional budget for public social facilities (PSU) is approved, at which point the management shifts to the developer. The budget constraints are what prevent developers from handing over the PSU to the city or local government.

Moreover, for large-scale housing developers, the budget allocated will certainly be larger because the PSU to be managed will also be of higher quality. Nevertheless, based on the legal theory, local governments are still obligated to fully manage public service utilities (PSU) in accordance with Article 87 of Law Number 1 of 2011. This provision affirms that, once the PSU has been officially handed over, its management becomes the full responsibility of the local government<sup>17</sup>. In the city of Semarang, for large-scale and exclusive housing, such as the Plamongan Indah housing complex, the PSU has not yet been handed over because the Semarang city government still does not have the appropriate APBD to finally take over the facilities in these large housing complexes to be managed by the government. So, the assumption that the delay in the handover of PSU is entirely due to the developer's fault cannot be justified because there are certainly other external factors beyond the control of the housing developer that cause the delay in the handover of PSU.

## B. The Impact of Delayed Delivery of Infrastructure, Facilities, and Utilities by Housing Developers in Semarang City

### 1. Towards Housing Residents

The delay in the handover of the PSU does not significantly impact the housing residents. According to Mr. Suryadi, a housing developer in Semarang City, the residents of the housing complex are not too concerned if the housing developer has not yet handed over the PSU to the government. This was also confirmed by one of the residents of the Green Oase Housing Complex in Semarang City, Mrs. Novita Kinaya, who stated that the delay in the handover of the PSU would

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<sup>17</sup> Jocelyn Cherieshta, Audrey Bilbina Putri, and Rasji, "Penguraian Konsep Tanggung Jawab Dalam Filsafat Hukum : Dari Dimensi Individu Ke Masyarakat," *Jurnal Ilmiah Wahana Pendidikan* 24, no. 7 (2024): 28–42.

not affect her daily life. Housing residents are more concerned if the developer does not build the PSU as promised from the beginning. Or if the PSU in the housing complex is damaged but the developer neglects it. Housing residents will definitely raise issues and file complaints about that. Although the residents of the housing complex know that the PSU must be handed over after construction, they do not interfere in regulating the timing of the handover because it is outside the residents' authority. Housing residents are also not concerned about who will manage the housing PSU, whether it is the developer or the government, as long as the PSU is managed and maintained properly. As long as the PSU has not been handed over, Mrs. Novita, as a resident of the Green Oase housing complex, has also been asked to contribute to the management and maintenance of the PSU within the housing area. The collection of this fee does not burden Mrs. Novita and the other residents of the housing complex because the fee is clearly allocated for the maintenance of the PSU. However, according to Mr. Suryadi as the housing developer, the continuously collected fees may eventually burden the residents, so it would be better if the PSU were handed over to the government. Because the PSU will be managed by the government, all costs incurred by both the housing residents and the housing developers for maintaining and servicing the PSU can be reduced, and they will not have to pay fees for it.

## **2. Towards The Environment**

According to Mrs. Yofita Nufi Putri, a staff member in the PSU sector, there is an impact on the residential environment caused by the delay in the handover of PSU. The impact felt in the residential area is related to uneven environmental development. The delayed handover of the PSU caused the area to miss out on development planning deliberations (musrenbang) or government funding allocated for development. The delay in the handover of PSU also affects the regional

assistance that is difficult for the community in the housing area to obtain. Assistance from the government is necessary to maintain the continuity of the environment.

### 3. Towards The Developer's Reputation

According to the statement made by Ms. Yofita Nufi Putri as the Staff of the PSU Division, to reduce the impact of the delay in the handover of PSU to developers, steps have already been taken by the government. At the beginning, before the developer starts the housing construction, when they first request the building permit approval (PBG) from the Spatial Planning Office, they have already coordinated with the DPMPTSP to provide an early notification that the developer is required to build 40% of the land for PSU from the total land that will be developed for housing, accordance with Article 3 paragraph (1) of the Semarang Mayor Regulation Number 7 of 2021 concerning the Mechanism and Procedure for The Provision, Handover, and Management of Infrastructure, Facilities, and Utilities in Residential Areas<sup>18</sup>. In addition to that notification, the developer has also been warned from the beginning that it is mandatory to hand over the PSU to the government after it is completed, in accordance with the mandate of Permendagri Number 9 of 2009. If the developer delays the handover of PSU beyond the specified time, the government will issue the first warning letter. If the first warning letter (SP 1) is ignored by the housing developer, the PSU department will send a second warning letter (SP 2). Then, if SP 2 is also ignored by the housing developer, the developer's permit to carry out housing development issued by Distaru and DPMPTSP Kota Semarang may be revoked.

However, the statement made by the government

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<sup>18</sup> Walikota Semarang, "Peraturan Walikota Semarang Nomor 7 Tahun 2021 Tentang Perubahan Atas Peraturan Walikota Semarang Nomor 16 Tahun 2020 Tentang Mekanisme Dan Tata Cara Penyediaan, Penyerahan, Dan Pengelolaan Prasarana, Sarana, Dan Utilitas Kawasan Perumahan," 2021.

was not agreed upon by Mr. Suryadi as the housing developer. If the developer delays the handover of the PSU, the government does not reprimand the developer by issuing a warning letter. The warning letter is issued by the government if the housing developer constructs housing without permission. So this warning is given at the beginning by the government to regulate developers in building housing that must obtain a permit. But this rarely happens because before constructing a building, developers must meet the requirements for building construction, namely obtaining a building permit (IMB) in accordance with Article 26 paragraph (1) of Law Number 1 of 2011 concerning Housing and Settlements. However, if the developer consistently delays the handover of PSU, the licensing for the next housing project by the developer may become stricter or take longer. DPMPTSP in this case can make it more difficult to grant permits to housing developers who have a track record of delays in delivering PSU. For the consumers themselves, represented by the statement from Mrs. Novita Kinaya, the housing developer's delay in handing over the PSU does not tarnish the developer's reputation.

The reputation of the developer will remain intact even if the housing developer is late in submitting the PSU to the government. It is different if the developer violates the agreement made with the consumers, as this will tarnish the developer's reputation in the eyes of the consumers. Developers who have violated agreements or broken promises made between the developer and residents, or can be said to have committed a breach of contract, can be sued by consumers or in this case, the housing residents. Consumers can sue if the facilities promised by the developer do not match the agreement. Consumers can also sue developers who neglect the damage occurring in the Public Service Unit (PSU) without taking any action to repair the housing PSU.



## Conclusion

In the city of Semarang, the factors causing the delay in the handover of PSU by developers are divided into two categories: internal factors and external factors. The internal factor that is the main cause of the delay in the handover of PSU is that the housing developers still have interests in the residential area. Besides internal factors, the delay in the handover of PSU is also caused by external factors related to the budget that the government must allocate to manage PSU. The impact of the delay in handing over the PSU does not significantly affect the residents' lives. Housing residents are more concerned if the PSU is not built as promised or if the PSU is damaged and not repaired. The delay in the handover of the PSU does not affect the developer's reputation either. Developers will still be noticed and will continue to attract consumers who buy housing. However, significant delays in the handover of PSU by developers can impact the permits granted by Distaru and DPMPTSP to the developers if they plan to establish housing again in the future. The delay in the handover of PSU will affect the development planning deliberation (musrenbang) assistance that will not be provided by the government to residential areas that have not handed over PSU due to the causes attributed to the developer.

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