INDONESIAN JOURNAL OF MULTIDISCIPLINARY SCIENCE

P-ISSN: 2808-5957
E-ISSN: 2808-6724

Strengthening legal certainty in the construction sector through the reconstruction of criminal sanctions for building failures

Khoirun Nasirin[*], Universitas Darul Ulum Islamic Center Sudirman, Indonesia
Naya Amin Zaini, Universitas Darul Ulum Islamic Center Sudirman, Indonesia
Wieke Dewi Suryandari, Universitas Darul Ulum Islamic Center Sudirman, Indonesia

[*]Email for Correspondence: saprolchoirun@gmail.com nayaaminzaini@gmail.com wiekedewi11@gmail.com

Keywords:

building failure

construction

criminal sanctions

legal certainty

ABSTRACT

The construction sector is vital for Indonesia's national economic development and infrastructure growth, serving as a foundation for public welfare and the built environment. However, the legal framework governing this sector faces significant challenges, particularly in addressing building failures and their associated accountability. The absence of clear definitions and specific criminal sanctions in Law No. 2 of 2017 on Construction Services creates legal uncertainty, undermining both accountability and enforcement mechanisms. This study analyzes regulatory gaps, focusing on weaknesses in existing legal provisions related to construction failures and exploring avenues for reconstructing criminal sanctions to enhance legal certainty and justice. Utilizing a normative juridical research method, the study identifies the ambiguity in defining construction failures and the lack of proportional sanctions as critical barriers to ensuring compliance, safety, and quality standards in the industry. The findings highlight the necessity for legislative reforms to provide a comprehensive definition of construction failure, establish proportional criminal sanctions, and implement effective dispute resolution mechanisms. Such measures aim to strengthen legal protections, foster industry accountability, and promote safer and higher-quality construction practices, contributing to the advancement of Indonesia's construction sector and public interest.

This is an open access article under the CC BY-SA license.

INTRODUCTION

Article 33 paragraph (4) of the 1945 Constitution of the Republic of Indonesia states: "The national economy is organized based on the principles of economic democracy with an emphasis on togetherness, efficiency, justice, sustainability, as well as attention to the environment, independence, and maintaining balance in the progress and unity of the national economy." Meanwhile, Article 33 paragraph (5) emphasizes that "Further provisions regarding the implementation of this article shall be regulated by law." The construction activities play a significant role in the development of the national economy and the welfare of society (Alaloul et al., 2021; Chollisni et al., 2022; Liu et al., 2020; Ogunmakinde et al., 2022; Saputra & Emovwodo, 2022). The construction sector contributes substantially to the formation of the built environment in a country (Al Rashid et al., 2020; Çimen, 2021; Erdogan, 2021). Therefore, regulations concerning the construction sector are very important for achieving legal certainty.

Construction services are a crucial sector in infrastructure development in Indonesia (Nugraha et al., 2020; Sebayang & Sebayang, 2020; Willar et al., 2021). Through this sector, the progress of development can be seen directly in physical forms. Users of services refer to the owners or employers who utilize construction services, while providers of services are parties that offer those services. The regulation of the working relationship between the users and providers of services must be outlined in a Construction Working Contract. Construction Services activities are important activities related to the provision or construction of physical infrastructure to meet various basic needs of the community, such as housing, and to support various activities in the fields of economy, education, social, and culture (Kapologwe et al., 2020; Pribadi et al., 2021; van Hoof et al., 2021). This activity also plays a role in enhancing the dignity and status of a nation, reflecting progress, greatness, excellence, and welfare. Therefore, activities in the Construction Services sector require primary

attention from society, especially in terms of legal regulations that govern the implementation of these activities (Kuitert et al., 2019). Among the objectives of organizing construction services are to create order in the implementation of construction services, ensure equality of position between users and providers of services in carrying out rights and obligations, and improve compliance with applicable laws and regulations. Compliance with these regulations is important to consider the legal aspects related to construction service activities, especially in relation to the Law on Construction Services.

Based on Article 1 number 10 of Law No. 2 of 2017, it is stated that "In the event that the implementation of construction services does not meet the standards of security, safety, health, and sustainability that result in building failure, that is the state of building collapse and/or the non-functioning of the building after the final handover of the construction service results due to the provider's error, then the service provider may be held accountable for the building failure." Furthermore, Article 67 emphasizes that "The service providers and/or users of services are obliged to provide compensation if a building failure occurs as referred to in Article 65 paragraphs (1), (2), and (3)." Article 98 states that "Service providers who do not fulfill their obligations to compensate for or repair building failures will be subject to administrative sanctions."

Law No. 2 of 2017 on Construction Services does not regulate criminal sanctions. However, building failures are regulated in Article 34 of Government Regulation No. 29 of 2000 on the Implementation of Construction Services, which defines building failures as conditions in which buildings do not function, either wholly or partially, in technical, functional, safety, health, and public safety aspects, due to the errors of service providers and/or users after the final handover of construction work. Article 31 of Government Regulation No. 29 of 2000 states that construction work failure is a condition of construction work results that do not conform to the specifications agreed upon in the construction work contract, either wholly or partially, resulting from the errors of either users or service providers.

It is important to conduct a thorough evaluation of the existing criminal sanctions related to building failures. The current legal framework often fails to reflect justice and does not provide adequate accountability for all parties involved, both service providers and users. This evaluation is necessary to identify weaknesses in the existing regulations and seek solutions that can strengthen legal accountability, ensuring that every violation is subject to appropriate and fair sanctions. Clearer and firmer sanctions will contribute to the enhancement of justice and legal certainty in the construction sector. The lack of clarity and ambiguity in the current sanction regulations often leads to conflicts and disputes among the related parties, which in turn prolongs legal proceedings and creates uncertainty for industry players. With the existence of firm and transparent sanctions, it is hoped that various interpretations can be reduced, and compliance with regulations can be improved, thus creating a safer and more secure construction environment. Based on the brief exposition provided, this paper attempted to discuss the existing regulations regarding legal sanctions in cases of building failure, the weaknesses of the regulations, and efforts to reconstruct legal sanctions regulations in construction failures.

This study aims to analyze the existing regulatory uncertainties and identify weaknesses in the current legal sanction regulations. The research contributes to the legal field by addressing critical gaps and ambiguities in existing regulatory frameworks, particularly concerning legal sanctions. By analyzing the uncertainties and identifying weaknesses in the current regulations, this study provides a foundation for enhancing legal clarity and consistency. The findings offer valuable insights for lawmakers and legal practitioners, facilitating the development of more robust and comprehensive legal provisions. Additionally, this research supports efforts to improve enforcement mechanisms and ensure fair and effective legal outcomes, ultimately contributing to the advancement of legal systems and governance.

METHOD

This study employs a normative juridical research method to analyze the legal framework governing criminal sanctions for building failures in the construction sector. This method focuses on examining existing legislation and related legal norms to evaluate their application and interpretation within regulatory contexts. The research draws on primary legal sources such as statutes and secondary materials to investigate the adequacy and effectiveness of current regulations concerning building failures.

The statute approach is used to systematically review relevant legal provisions, such as those outlined in construction laws and regulations governing criminal accountability in the sector. This approach identifies gaps and inconsistencies within the legal framework and evaluates the need for reconstructing sanctions to enhance legal certainty and accountability. The conceptual approach complements the analysis by exploring the underlying legal principles and theoretical constructs that support the reform of regulatory measures. Together, these approaches provide a comprehensive basis for proposing improvements to strengthen legal protections and promote accountability in the construction industry.

RESULTS AND DISCUSSION

Regulatory Uncertainty Regarding Legal Sanctions in Cases of Building Failures

Criminal legal policy fundamentally contains preventive elements, where threats and imposition of penalties are expected to provide a deterrent effect against building failures in Indonesia. In the Indonesian Penal Code (KUHP), Article 359 regulates negligence that may result in the death of another person, stating that anyone who due to negligence causes the death of another person can be sentenced to a maximum prison term of five years. Article 201 of the Penal Code addresses building damage, stating that a person may be sentenced to prison for four months and two weeks if their negligence results in the destruction of a building. However, Law No. 2 of 2017 on Construction Services does not regulate criminal sanctions related to construction failures. Construction failures are not covered by this law as forms of deviations or non-conformities in the work results or errors in the stages of construction, which include planning, execution, and supervision of construction or buildings.

The aim of criminal legal policy in Indonesia is to create a preventive effect against violations that can lead to losses, including building failures. In this regard, the threat of punishment is expected to encourage actors in the construction sector to act cautiously and comply with established standards. Article 359 of the Indonesian Penal Code (KUHP) concerning negligence leading to death provides a legal basis for imposing penalties on those who fail to pay attention to safety and potentially cause loss of life. This article indicates that criminal law functions not only as a punitive tool but also as a preventive instrument that can reduce the risk of building failures. Article 201 of the Penal Code clarifies that negligent acts resulting in the destruction of buildings can be subject to criminal sanctions. The prison sentence of four months and two weeks can be interpreted as a preventive measure for individuals or parties involved in the construction process so that they are more careful in carrying out their duties and responsibilities. However, despite several provisions in the Penal Code that may be applicable to negligent actors, the ambiguity and gaps in specific criminal sanctions regarding construction failures remain a serious issue.

One major weakness in the current laws is that Law No. 2 of 2017 on Construction Services does not include criminal sanctions for construction failures. This creates a significant legal gap, where violations in the construction process, whether in planning, execution, or supervision—are not adequately regulated. The absence of specific criminal sanctions may reduce the sense of accountability among construction actors, considering they are not faced with clear legal consequences in the event of failure in the projects they manage. As a result, construction service providers may feel less pressured to adhere to safety and quality standards, potentially increasing the risk of construction failures that can have serious implications for public safety. The execution of construction work is very vulnerable to disputes. Therefore, Article 88 of Law No. 2 of 2017 on Construction Services regulates a dispute resolution mechanism, which begins with consensus discussions as the first step. If consensus discussions do not result in an agreement, the parties have the option to pursue other avenues, either through litigation or non-litigation resolution, which must be clearly stipulated in the construction work contract. This way, the parties have choices in dispute resolution procedures based on mutual agreement and in accordance with applicable legal provisions.

1) Construction Services: According to Article 1 paragraph (1) of Law No. 2 of 2017 on Construction Services, Construction Services are defined as construction consulting services and/or execution of construction work.
2) Building Failure: Article 1 paragraph (10) of Law No. 2 of 2017 on Construction Services states that Building Failure is a condition of building collapse and/or the non-functioning of a building after the final handover of the results of Construction Services.
3) Construction Work: Article 1 paragraph (3) of Law No. 2 of 2017 on Construction Services mentions that Construction Work includes some or all activities related to the construction, operation, maintenance, demolition, and reconstruction of a building. In every construction work, the owner and users of services must pay attention to aspects of security, safety, health, and sustainability.
4) Dispute: A dispute is a disagreement or case that can be resolved either through courts or outside courts, arising from disagreements between parties who feel harmed by the party they consider to be the cause of the loss.

Failures in construction work refer to conditions where the results of construction do not comply with the specifications previously agreed upon in the construction work contract, either partially or entirely, as a result of negligence by the service user or service provider. In this case, the planner, executor, and supervisor of the construction are not obligated to repair or replace construction work failures that are not caused by their own errors. Generally, construction accidents begin with incidents, namely discrepancies between the implementation of construction and the established plans, which can then develop into accidents due to worker negligence, causing obstacles, disturbances, and losses. This understanding is based on the assumption that the

construction management system throughout all stages of the asset life cycle has been properly prepared and implemented.

Data on construction accidents indicate a potential disorder in the execution of construction services, both during the execution phase and throughout the asset life cycle. This includes low competency of construction workers, the use of components and materials that do not meet standards, equipment malfunctions, failures of construction elements, lack of working methods, weak supervision, and incompleteness in design and construction planning. Building failures can occur due to both technical and non-technical factors. Technical factors include deviations from specifications that do not conform to contract agreements, while non-technical factors may involve inadequate pre-contract processes, the inability of the business entity or workforce, and weak managerial governance among the parties involved in construction projects. Some potential causes of building failures include:

1) Errors in planning or design, which may include design mistakes or calculation errors, such as structural loads that are not properly accounted for, the selection of unsuitable materials, or columns spaced too far apart;
2) Mistakes in the execution of construction that lead to structural failure, such as rebar that is not bonded properly or welding that is not completed satisfactorily;
3) Foundation failures, such as a foundation that is unsuitable for the type of soil;
4) The lack of operational and maintenance guidelines that should be prepared by the design consultant to ensure ease and safety in usage. These guidelines need to be adjusted by the contractor based on the design and construction concepts;
5) Negligence in utilization, such as not considering the live load capacity of a building or neglecting the use of a road segment.

Law No. 2 of 2017 on Construction Services stipulates that the responsibility of service providers for building failures is limited to a period corresponding to the lifespan of the construction specified in the work contract. If the lifespan of the construction exceeds 10 years, the service provider is obligated to be responsible for building failures for a maximum of 10 years, calculated from the date of final handover. After this period, the responsibility shifts to the user of the construction services. In a competitive construction business, cost control is crucial for the success of the projects being executed by contractors. In practice, many construction projects experience cost overruns or delays. Excessive costs in project execution are often caused by a lack of planning, coordination, and cost control from the contractor. Construction problems are generally divided into two main categories:

1) Cost, Quality, and Time Issues: Such as project delays that increase costs and workmanship quality not meeting standards. Every construction project is expected to produce quality buildings at efficient financing and completed within a limited time. In the construction world, issues related to cost, quality, and time are common challenges that are often interconnected. Delays in completing construction projects can lead to significant cost increases. When a project does not finish on schedule, ongoing operational costs like equipment rentals, worker wages, and continuous material costs can accumulate. Therefore, if a project exceeds its deadline, additional costs may also be required to expedite the completion process, such as overtime for workers or procuring materials at higher costs to speed up the process. As a result, poor time management impacts not only the budget but can also affect the overall profitability of the project. Quality of work is also a major concern in construction projects. Every project is expected to produce buildings that meet certain quality standards, according to predetermined specifications. However, if the pressure to complete the project on time is too great, it can lead to compromises in quality. For instance, in an effort to meet deadlines, contractors might use cheaper materials or overlook important testing procedures. This can result in unsafe buildings that do not conform to expected standards, potentially causing long-term issues, such as structural damage or even posing risks to the safety of its occupants.
2) Coordination and Management Control Issues: Construction processes involve many parties, including project owners, consultants, contractors, material suppliers, and workers. Cost control is crucial because construction requires substantial investment and is at risk of failure. Coordination and control are critical aspects of construction project management, especially due to the involvement of various parties with different roles and responsibilities. Each construction project has numerous stakeholders, ranging from the project owner who finances the activities, the consultant who designs and plans the project, to the contractor responsible for executing it in the field. Material suppliers and workers also play vital roles in ensuring that all elements of the project run smoothly. Therefore, the ability to coordinate these various parties is crucial for ensuring that the project can be completed on time, within budget, and with the expected quality.

One of the main challenges in construction project management is cost control. Construction typically involves significant investments, and failure to control costs can lead to serious financial problems. Failures in

cost control can be attributable to various factors, including design changes, delays in material delivery, or lack of communication among the parties involved. For example, if the contractor cannot effectively coordinate with material suppliers, it could cause delays that impact the project budget. In this case, cost control is not merely an administrative issue but also requires a solid strategy to respond quickly and effectively to potential problems.

In construction contracts, especially for government projects, the parties involved must ensure compliance with formal aspects according to applicable regulations. Concerning criminal law, government projects often face issues that stem from procedural defects. If investigators can prove the existence of intent in violating procedures, then the elements of a crime may be deemed fulfilled, which will override any civil agreements stated in the construction contract. To avoid such procedural defects, the contracting parties must ensure that all formal aspects and the procedures for awarding work comply with legal provisions. Negligence in fulfilling these procedures, even if merely negligent, may be considered a criminal act. As a solution, each party must possess compliance standards articulated in the form of procedural fulfillment checklists before the construction contract is signed. Furthermore, problems can also arise from the substance of the construction contract, for both government and private projects. These substantive issues generally arise from material defects in the execution of the contract, indicating shortcomings in the fulfillment of the agreement regarding the subject of the construction contract. Such material defects not only have civil legal consequences, such as claims for damages or other civil actions but may also entail criminal consequences.

In choosing a service provider, it is important to consider compatibility in the field, ensuring a balance between capability, workload, and performance of the service provider. The principle of balance can serve as a foundation for the existence of the contract and as a reason for testing the validity and acting as a requirement for the agreement's legality. The chosen service provider, as well as the user of the service, has obligations (performances) that must be fulfilled in accordance with the agreement. This performance constitutes the essence of the obligation, which under Article 1234 of the Civil Code is divided into three forms: To deliver something, to do or execute something, and not to do or refrain from doing something.

The principle of balance in construction contracts is crucial to ensure that all parties receive their rights without feeling disadvantaged. Applying this principle by aligning the capabilities of service providers with the workload can support the success of construction projects and promote order in the execution of construction services. Article 65 of Law No. 2 of 2017 on Construction Services regulates the protection for users against building failures, including provisions regarding retention periods or maintenance periods. This form of legal protection for users is also manifested through administrative sanctions for service providers who neglect their obligations. These administrative sanctions are regulated in Articles 89-102 of Law No. 2 of 2017 on Construction Services and include written warnings, administrative fines, temporary suspension of construction services, blacklisting, license freezing, and/or license revocation. The aim of imposing these administrative sanctions is to ensure that service providers fulfill their obligations according to established standards, serving as a form of legal protection for users. The legal consequences of building failures demand that the parties responsible for the resulting losses provide compensation and accept sanctions. The responsibility of construction service providers includes compensating for losses arising from building failures or construction work. This obligation is outlined in the construction contract, which governs the rights and duties of the construction service providers or contractors in accordance with the agreement between the parties.

Criminal provisions in construction services have actually been regulated in older legislation, specifically in Article 43 of Law No. 18 of 1999 on Construction Services. However, this provision is no longer in effect as it has been replaced by Law No. 2 of 2017 on Construction Services, which no longer includes specific criminal sanctions related to building failures. This change brings positive effects for construction service providers since they are no longer faced with criminal threats in the event of building failures. The resolution of such issues is now limited to civil and administrative mechanisms. However, on the other hand, this creates legal uncertainty in practice. The absence of specific criminal regulations in the new law means that construction service providers may still face criminal threats under general criminal offenses, such as fraud or embezzlement, and even other specific criminal acts. This creates an area of ambiguity since Law No. 2 of 2017 on Construction Services does not clarify that disputes over building failures should be resolved solely through civil and administrative channels. The absence of clear regulations poses a risk for construction service providers who could be subjected to criminal legal actions that are not directly related to building failures. This situation may also lead to unrest among construction service providers due to the uncertainty surrounding the procedures for resolving disputes over building failures.

The lack of clarity regarding the regulation of the elements of acts and types of criminal sanctions in the procurement of goods for infrastructure development creates obstacles to fair and measurable law enforcement. Without specific regulations regarding applicable actions and sanctions, there is uncertainty in protecting the

rights of construction service providers, particularly when there are allegations of deviations in infrastructure projects. This can result in inconsistent handling that risks harming those who actually adhere to the

The Weaknesses of Regulation and Reconstruction Efforts in Legal Sanctions Regarding Construction Failures

The lack of a clear definition of "construction failure" in legal regulation in Indonesia poses a serious challenge in law enforcement and accountability. The absence of a detailed definition leads to difficulties in identifying specific parameters that fall under the category of construction failures, whether caused by technical or administrative factors. Without this clarity, both construction service providers and clients often cannot ascertain the extent of their responsibilities if issues arise, whether intentional or due to unintentional procedural or technical errors. This ambiguity encompasses various aspects, such as the quality of materials used, the accuracy of designs, and compliance with construction standards. For example, in situations where a structure experiences damage due to the use of inappropriate materials, it becomes challenging to assess whether this should be considered a construction failure or merely a correctable technical procedural error without severe legal consequences. Similarly, in administrative aspects, mistakes that may occur at the planning or contract execution stage are not always clear on whether they fall within the category of construction failure or are merely considered administrative neglect that requires correction. This lack of clarity creates a confusing situation for both construction service providers, who must ensure compliance with regulations, and clients, who are entitled to certainty regarding the services they receive. Law enforcement agencies also encounter difficulties in determining a legal basis to prosecute parties deemed at fault due to the absence of clear standards on what constitutes a construction failure. This can lead to inconsistent case resolutions, where legal decisions for similar situations may differ due to the lack of uniform legal references.

The absence of criminal sanctions in Law No. 2 of 2017 concerning Construction Services is a significant weakness in the legal framework regarding construction failures in Indonesia. Criminal sanctions serve as an essential deterrent tool in enforcing discipline and accountability within the construction sector. Without clear criminal provisions, construction practitioners may feel less compelled to adhere to the safety and quality standards expected, as they do not face significant legal risks in the event of construction failures. This legal vacuum is particularly problematic when construction failures involve elements of criminality, such as gross negligence that could lead to substantial losses or even loss of life. In such cases, law enforcement will struggle to act against perpetrators who may have acted recklessly or with malicious intent. For instance, if a construction project experiences severe failure due to the use of substandard materials leading to building collapse, without firm criminal sanctions, it is hard to enforce accountability against the responsible parties. The absence of criminal sanctions can result in injustice for victims suffering from construction failures. In situations where material losses or loss of life occur, victims and their families may feel frustrated when no adequate legal mechanisms exist to demand accountability. This may create a perception that the construction sector is not fully accountable for public safety, which in turn can undermine public confidence in the industry.

Legal uncertainty for construction service providers is a crucial issue in the legal framework concerning construction failures in Indonesia. The ambiguity regarding the appropriate types of sanctions for construction failure cases leads to confusion and uncertainty among service providers. In such circumstances, service providers may find it challenging to predict the legal consequences of their actions or omissions, which in turn can affect their decisions in executing construction projects. Construction failures are often handled with inconsistent legal approaches. Some cases may be considered general criminal offenses, such as fraud or negligence, while others may be categorized as corruption offenses. This diverse approach creates confusion for service providers, as they cannot clearly understand whether their actions would be deemed unlawful and, if so, what types of sanctions might be imposed. This uncertainty can encourage defensive behavior, where service providers focus more on avoiding legal risks than on meeting the necessary quality and safety standards. Legal uncertainty may also hinder innovation and efficiency in the construction sector. When service providers feel threatened by the prospect of unclear legal sanctions, they may be reluctant to take innovative steps or adopt new methods that could enhance the quality and efficiency of construction work. This can result in stagnation in the development of the construction industry, where best practices and the latest technologies are not widely adopted.

Formulating a more specific definition of construction failure is crucial for enhancing clarity in legal regulations within the construction field. Currently, ambiguity in the definition of construction failure can pose problems for law enforcement and accountability for service providers. Therefore, it is necessary to revise the law or draft additional regulations that can provide a comprehensive definition of construction failures, which encompasses both technical and administrative aspects. A clear and specific definition will help establish precise parameters regarding what is meant by construction failure. This includes explanations of conditions that can be deemed faults, negligence, or even criminal acts. For instance, such a definition could encompass failures caused by design defects, mistakes in construction execution, or non-compliance with existing

regulations. With a clear definition in place, service providers and other related parties can more easily understand their responsibilities concerning the execution of construction projects. A well-formulated definition can also facilitate the law enforcement process. With clear criteria, law enforcement can more easily determine whether an action falls under the category of construction failure and whether that action meets the elements of error required for prosecution. This will reduce the space for varying interpretations and ensure that all parties involved in the construction sector are treated fairly and consistently.

Drafting specific criminal sanctions within the Construction Services Law is essential for providing legal certainty for service providers and related parties in the construction industry. With specific criminal provisions in place, there will be clarity regarding the legal consequences that can be faced if a construction failure is caused by gross negligence or intentional acts. This serves to encourage service providers to be more cautious and responsible in project execution, considering the greater legal risks involved if violations occur. The criminal sanctions imposed should be proportional to the level of wrongdoing committed and the impact of the resulting losses. For instance, in cases of negligence leading to substantial losses or even loss of life, the sanctions applied should be heavier compared to cases that result only in minor financial losses. Thus, service providers will be more motivated to implement high safety and quality standards in every project they undertake to avoid severe legal sanctions. Specific criminal sanctions can also enhance the integrity and professionalism within the construction industry. Service providers who realize that they may face criminal penalties for careless or intentional actions will be more inclined to practice best practices and comply with all applicable regulations. This will also positively impact the overall reputation of the construction industry, as the public will trust that construction projects are being executed to high standards and that service providers are accountable for their work results.

CONCLUSION

The criminal law policy regarding construction failures in Indonesia faces challenges stemming from unclear definitions and the absence of specific criminal sanctions in Law No. 2 of 2017 on Construction Services, leading to legal uncertainty for service providers. While provisions in the Criminal Code address negligence and building damage, the lack of explicit sanctions for construction failures diminishes accountability and creates confusion, especially when service providers may face disproportionate sanctions under unrelated laws, such as the Anti-Corruption Law, for technical or administrative errors. This ambiguity hinders fair law enforcement, stifles innovation, and creates unrest among industry players, emphasizing the urgent need for clearer definitions of "construction failure" and the establishment of proportional criminal sanctions to ensure accountability, enhance safety standards, and foster trust in the construction sector. Future research should explore comparative legal frameworks, the economic impact of legal uncertainty, risk management integration, and the role of alternative dispute resolution, alongside leveraging technology and understanding cultural dimensions, to inform reforms and promote sustainable industry practices.

REFERENCES

Al Rashid, A., Khan, S. A., G. Al-Ghamdi, S., & Koç, M. (2020). Additive manufacturing: Technology, applications, markets, and opportunities for the built environment. *Automation in Construction*, *118*. https://doi.org/10.1016/j.autcon.2020.103268

Alaloul, W. S., Musarat, M. A., Rabbani, M. B. A., Iqbal, Q., Maqsoom, A., & Farooq, W. (2021). Construction sector contribution to economic stability: Malaysian gdp distribution. *Sustainability (Switzerland)*, *13*(9). https://doi.org/10.3390/su13095012

Chollisni, A., Syahrani, S., Dewi, S., Utama, A. S., & Anas, M. (2022). Concept of creative economy development-strengthening post COVID-19 pandemic in Indonesia. *Linguistics and Culture Review*, *6*. https://doi.org/10.21744/lingcure.v6ns1.2065

Çimen, Ö. (2021). Construction and built environment in circular economy: A comprehensive literature review. *Journal of Cleaner Production*, *305*. https://doi.org/10.1016/j.jclepro.2021.127180

Erdogan, S. (2021). Dynamic nexus between technological innovation and buildings Sector's carbon emission in BRICS countries. *Journal of Environmental Management*, *293*. https://doi.org/10.1016/j.jenvman.2021.112780

Kapologwe, N. A., Meara, J. G., Kengia, J. T., Sonda, Y., Gwajima, D., Alidina, S., & Kalolo, A. (2020). Development and upgrading of public primary healthcare facilities with essential surgical services infrastructure: A strategy towards achieving universal health coverage in Tanzania. *BMC Health Services Research*, *20*(1). https://doi.org/10.1186/s12913-020-5057-2

Kuitert, L., Volker, L., & Hermans, M. H. (2019). Taking on a wider view: public value interests of construction clients in a changing construction industry. *Construction Management and Economics*, *37*(5). https://doi.org/10.1080/01446193.2018.1515496

Liu, C., Dou, X., Li, J., & Cai, L. A. (2020). Analyzing government role in rural tourism development: An empirical investigation from China. *Journal of Rural Studies*, *79*. https://doi.org/10.1016/j.jrurstud.2020.08.046

Nugraha, A. T., Prayitno, G., Situmorang, M. E., & Nasution, A. (2020). The role of infrastructure in economic growth and income inequality in Indonesia. *Economics and Sociology*, *13*(1). https://doi.org/10.14254/2071-789X.2020/13-1/7

Ogunmakinde, O. E., Egbelakin, T., & Sher, W. (2022). Contributions of the circular economy to the UN sustainable development goals through sustainable construction. *Resources, Conservation and Recycling*, *178*. https://doi.org/10.1016/j.resconrec.2021.106023

Pribadi, K. S., Abduh, M., Wirahadikusumah, R. D., Hanifa, N. R., Irsyam, M., Kusumaningrum, P., & Puri, E. (2021). Learning from past earthquake disasters: The need for knowledge management system to enhance infrastructure resilience in Indonesia. *International Journal of Disaster Risk Reduction*, *64*. https://doi.org/10.1016/j.ijdrr.2021.102424

Saputra, R., & Emovwodo, S. O. (2022). Indonesia as Legal Welfare State: The Policy of Indonesian National Economic Law. *Journal of Human Rights, Culture and Legal System*, *2*(1). https://doi.org/10.53955/jhcls.v2i1.21

Sebayang, A. F., & Sebayang, L. K. (2020). Infrastructure Investment and Its Impact to Regional Development. *Economics Development Analysis Journal*, *9*(3).

van Hoof, J., Marston, H. R., Kazak, J. K., & Buffel, T. (2021). Ten questions concerning age-friendly cities and communities and the built environment. *Building and Environment*, *199*. https://doi.org/10.1016/j.buildenv.2021.107922

Willar, D., Waney, E. V. Y., Pangemanan, D. D. G., & Mait, R. E. G. (2021). Sustainable construction practices in the execution of infrastructure projects: The extent of implementation. *Smart and Sustainable Built Environment*, *10*(1). https://doi.org/10.1108/SASBE-07-2019-0086