

FIRM REGISTRATION AND EXPERT CERTIFICATION OF CONSTRUCTION SERVICES COMPANY IN INDONESIA A CRITICAL REVIEW

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***Abstract:** Firm Registration, Expert Certification is a message written in Construction Service Law as well as in Government regulation No. 28 Year 2000 about Work and Roles of Construction Service Community. Construction Services Development Board decision No. 11 year 2006 is a board decision that the function is as a regulator and a manager of firm registration and expert certification. Therefore, to know the response of construction service community and organizers about that decision, this research is needed. The aim of this research is to investigate stakeholders' responses about the need of registration and certification as well as how to manage them. The respondents are socialization participants; consist of professional association elements, company associations, counselor of construction services development board, university elements, experts and Chamber of Commerce and Industry. Respondents that filling up questionnaires were 58 people or 29, 8 % of all attending participants come from all elements. Collected data were analyzed qualitatively in three steps, they are: data reduction by reading the transcript of interviews, writing and analyzing the questionnaire answers and documents gained, and making notes from those data. The data summary then written in narrative texts, tables and charts. The results are : (1) Construction Services Development Board regulation No. 11 year 2006 about certification and registration of construction service company can be applied because it is appropriate to the law, (2) The improvement of service in construction service development institution in region should be increased, (3) Construction Services Development Board needs to improve the institution particularly in objective assessment as an independent institution, so the assessment will satisfy the customer.*

***Keywords:** Registration, Certification and construction services company development*

I. INTRODUCTION

A. Background

According to Tilaar (2004) - his research about the application of real principle study to get expert certificate of construction services firm taking Central Sulawesi as a case study, the conclusion is that the application of real principle to get certificate cannot be implemented optimally. Then he gives important solutions, such as the need of expertise and skill training intensively for the development of human resources in construction services in Indonesia.

In accordance with data at construction improvement and human resources association in Department of Public Work (2005) that construction services companies in Indonesia are consist of 121506 contractors and 3424 consultants. Those companies are concentrated in western Indonesia as many as 61.4% and 69.6% for contractors and consultants, respectively. Both contractors and consultants are dominated by small companies that are 90% for contractors and 91% for consultants. Funds for construction market segment, whether from State Budget of Expenditures and Incomes (APBN), Region Budget of

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Expenditures and Incomes (APBD) or infestation from State Government Enterprises (BUMN), Region Government Enterprises (BUMD) and Private Sectors, every year are increased which is in 2002 was 88 trillion, then in 2003 increased to 107 trillion. Moreover, in 2004 was 160 trillion while in 2005 was as much as 163 trillion. If every sector is elaborated, construction service markets are: transportation sector is 42 %, oil-gas sector is 3 %, electricity and water resources sectors are 23 %, drinking water and sanitation sectors are 9 %, housing sector is 21 %, and telecommunication sector is 2 %. (BPS, 2007)

Department of Public Work (2006), one of counselors of Construction Service Companies in Indonesia, is an institution that very keen to implement construction market policy in the future. Training containing anything related to (1) trainings for national construction companies to be competitive, professional and can compete both nationally and internationally, (2) improvement of efficiency and accountability of construction service supply without Collusion, Corruption, and Nepotism, (3) Improvement of technology application as well as the use of materials and equipment in fields to guarantee the quality of constructions, (4) the improvement of competence of construction workers to be professional and the improvement in coordination between sectors including support in financial capital and (5) guarantee in supporting conducive atmosphere in business. Beside that, it is really expected that National Construction Services Development Board (Lembaga Pengembangan Jasa Konstruksi Indonesia=LPJKN) and Regional Construction Services Development Board (Lembaga Pengembangan Jasa Konstruksi Daerah=LPJKD) capable to encourage research and development, education and training, certification and registration as well as the improvement of arbitration, mediation and expert assessor roles.

By studying data and desires of people concerned with construction service development in Indonesia, then LPJKN issued decision letter No. 11 year 2006. Afterwards, counselor institution (Department of Public Work) elongate the application of Firm

Certificate (Sertifikat Badan Usaha= SBU), through its various recommendations for construction services company development in Indonesia and can strengthen bargaining position to answer the challenges from construction service suppliers in Indonesia (Sarwono,H.2007).

Based on that background, investigations are needed towards competent people particularly the elements of company associations, profession associations, the elements of construction services counselor, and chamber of commerce and industry, about responses and reactions toward policy issued by LPJKN and Department of Public Work as one of LPJKN counselors.

B. Problems

Due to the fact that there are mountainous demands from construction service community toward improvement in construction services industry in Indonesia to have a high competition, so the improvement for construction service industry development needs better quality of services. Demands toward construction services industry is that it has to be certified technical guarantors supported by certified experts. For companies, they have to be registered in Construction Services Development Board. However, how far the responses of competent people about the LPJKD management to get certificate? Then how is LPJKD management in accordance with firm registration in 2007?

C. Aim of Research

Based on those problems, the aim of this research is to know the desires of competent people towards the need of workers' certification including its management model, and registration of Firm Certificate including the management.

D. Research Benefits

This research is expected will be beneficial:

1. As an input to construction services development board and its counselors to arrange the implementation of strategic steps in order to fulfill the construction businessmen's needs.

2. As an input to all elements in construction service people to take roles in efforts to increase the existence construction services companies in Indonesia.
3. As an information and reference for researchers and observers of construction industries in the future.

II. Literature Review

II.1. The Existence of Construction Services Development Board

Rahardjo, A. (2007), points out that the mechanism of Construction Services Development Board needs to be synergized with government policies, because these days the board is organized by society organization. Furthermore, it is pointed that regulation of LPJKN No. 11 year 2006 should be published by government, not by LPJKN. As a suggestion, Rahardjo, A. (2007) said that: basically the function of LPJK is to give recommendation while government as the regulator.

Due to LPJKN No. 11 Year 2006 has not being accommodated, hence Public Work Minister Letter No. IK 01.06-Mn/126 date 22 December 2006 was issued. That is about the application of Firm Certificate in Construction Services Supply process is extended until the end of March 2007.

The history of the issue of Law No. 18 year 1999, including its contents, accommodates more desires of construction service community. According to Tamin R.Z. (2007), the reformation to come into democracy is similar. USA needs more than 300 years to be like now while we in Indonesia needs a shorter time. Therefore, the existence of Construction Services Development Board suits the Law. Hence, the ongoing work can be continued by improving the services so can increase the existence of construction services industry in Indonesia.

When we observe, what is admitted by Hillebrandt (1988) in Suprpto H.G. (2007) describe that construction is a long process, tough and involve lots of people, so he suggests that LPJK become an institution with special functions that later can give positive effects in development of construction industry

sector in Indonesia. Professionalism is a desire of construction service companies in Indonesia because of complex problems handled, like financial management, human resources, equipment and time management (Tilaar, 2003). Those demands show that the existence of LPJK as an independent institution is absolutely needed. Duty and authority that can be done are ideas that coming up in national conferences, by involving all competent sides and effort to study from the same institutions in the world.

Construction Services Development Board (LPJK), as aimed in Construction Services Law No. 18 year 1999 article 31 verses 3, is aiming to develop the activities of national construction services. Then the formation as an institution can develop construction services in Indonesia as well as involve the roles of society in the application of national construction services.

Several written duties of LPJK are (1) Conduct and encourage research and construction services development, (2) Carry out education and training of construction services, (3) Carry out workers registration, (4) Carry out construction services firm registration and (5) increase the roles of arbitrates, mediation and expert assessors in construction service areas (profil LPJK, 2007). LPJK carries out accreditation process toward construction services firm associations and professional construction service associations regarding competence and mechanism to do certification for association members. Registration process in regions is done by Regional Construction Services Development Board (LPJKD) placed in capital city of every province.

In accordance with the authority, LPJK has functions as (1) organizer of construction services community roles who have needs and activities related to effort and duties in construction services and (2) a place for communication, coordination and consultation between construction services community, government and customers, between Indonesian construction services operators and the foreigner ones, and everything related to construction services problems including all activities inside Indonesia or in other countries (Profil LPJK, 2007).

II.2. Certification/Registration and the Basic Laws

Basically, certification is (1) a proof of acknowledgement in determining classification and qualification of competence and capability in construction service sector, whether in personal form or in the form of company (2) a proof of acknowledgement of personal competence and capability of professional skills in construction services sector according to specific field of study and skill as well as expertise. On the other hand, registration is an activity of LPJK to determine the competence of companies according to classification and qualification that formed in firm certificate.

Then construction services are meritorious services in (1) construction plan, (2) carrying out construction works, and (3) construction supervision (Law No.18 Year 1999). Construction works are all or part of activities of planning, carrying out and supervision that involved (1) architectural, (2) civil, (3) mechanical, (4) electrical, (5) environmental arrangement.

Therefore, certification of skills or expertise and firm registration are fulfillment of obligation requirements for construction service companies so they can practice the construction service business in Indonesia.

Regulation that is used as a basic law in registration process is based on (1) Law No. 18 Year 1999 about construction service article 1 verses 8, (2). Government Regulation No. 28 year 2000 about the roles of construction service people article 1 verses 4 and 5. Based on those laws LPJK issued LPJK regulation No. 11 year 2006 used as stipulation in doing business registration that prepare service in construction service sectors in Indonesia. The aim of LPJK regulation No. 11 year 2006 is to determine the stipulation about registration arrangement that involve classification, qualification and certification personal firms that prepare service in construction service sectors in Indonesia. The scopes of LPJK regulation includes (1) type and business forms, (2) business classification, (3) qualification business, (4) private business and companies, (5) technology and fund risks, (6) competence limits, real capability and work

conversion value, (7) alteration of classification and qualification, (8) integrated jobs and join venture business.

By having certificates for professional people worked in construction service companies who have business certificates, the quality control in construction implementation is a guarantee (Tilaar,2002) as well as strengthen the application of construction management as desires of construction services community as a capital in competition faced in global era (Zaenal,A.2002, Asnudin,A.2005 dan Muh.Abduh dkk, 2007).

II.3. Registration Process and Certification

Registration process and certification of construction services business are effort to have construction service business class based on (1) classification is classify the business based on area and sub area of works, and (2) qualification is classification of business based on grade of competence and capability in business. Institution has authority and function according to government regulation No. 28 year 2000: (1) national boards determine the norms and regulations in national level, (2) regional boards, in doing their function, hold on to norms and regulations determined by national boards. With that authority, boards can do registration towards (1) national or foreign companies that have classification and qualification certificates and (2) national or foreign construction workforces who have work skills or work expertise certificates. The scopes of the arrangement of construction service business registrations consist of (1) stipulation about certification implementation, (2) realization and evaluation of certification, (3) implementation of registration and sanctions

The registration of construction service companies as well as professional workforce that have certificates at least can face the global challenges, global market that faced by construction service business today (Iwan, N. 2007 dan Sarwono,H. 2007).

III. Research Methodology

Research methodology is a scientific way has been used to achieve data with certain aims. Academic way means that the activities are

based on scientific methods (Sugiyono,1999). These scientific methods are combination of rational and empirical approaches (Suriasumantri,1978). Rational approach gives a coherent and logic paradigm, while empirical approach gives a frame work of empiric in ensuring a truth.

Qualitative analysis method is used if the primarily and secondary data achieved are in words, sentences, schemes, and pictures (Sugiyono,1999). In this research, the primarily data is from the respondents' answers of questionnaire, as well as structured interviews and secondary data is in the form of documents related to regulations that have been used in construction service management that is processed by qualitative analysis methods.

Data analysis with qualitative approach consists of three activities: data reduction, data display and conclusion writing. Qualitative analysis in research in observing the implementation of LPJK regulation No 11 Year 2006 about the Registration of Construction Service Business for Central Sulawesi for year 2007 is done by following ways:

Data reduction is done by reading the interview transcripts, answers of questionnaire, and analyzed documents, then make notes based on those data. Beside notes, data is also made into summary and present data display in narrative texts, tables, and graphs.

Then data of survey result is analyzed and being discussed. The result of analysis and discussion give description in the form of narrative texts about everything related to firms and registration of skill or expertise certification.

IV. Analyses and Discussions

4.1. Respondents

Survey was done by researchers when there was a socialization activity of LPJK Decision No. 11 year 2006 about Registration of Construction Service Business. The participants were the boards of Construction Services Company Association, Association of Professions, the boards of Central Sulawesi

Chamber of Commerce and Industry and Central Sulawesi Construction Services Counselor. The numbers of sample were 168 people and the responses gained from respondents were 58, with questionnaire distribution is shown in the table and bar chart below:

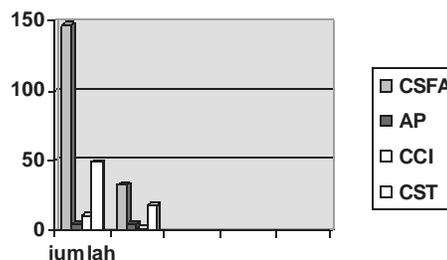


Chart 4.1. Questioner Distributions

Table 4.1. Questioner Distributions

No.	Elements	Amount	
		Sample	Response
1.	Construction Services Firm Association (CSFA)	147	33
2.	Association of Profession (AP)	5	5
3.	Chamber of Commerce and Industry (CCI)	11	2
4.	Construction Services Trainer (CST)	49	18
Total Amount		168	58

The amount of filled and given back questionnaire is 28.9 %. It is sufficient to represent all elements attended in the socialization of LPJK regulations program and have a good appreciation towards messages given.

4.2. Registration Process

Respondent appreciation towards registration process held by LPJK up to the end of 2006 is shown on the table 4.2:

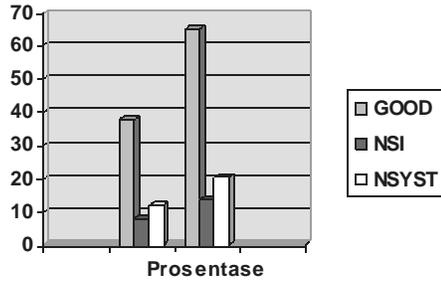


Chart 4.2. Registration Process

Table 4.2. Registration Process

No	Response	Number of Response	%
1.	Good	38	65,52
2.	Need Service Improvement	8	13,79
3.	Need System Improvement	12	20,69

On the chart above, the left side shows the number respondents while on the right side shows its percentages.

Data shown on table and graph above depict several things related to registration process would be done by Central Sulawesi Construction Services Development Board. Most respondents (65.52%) have opinion that registration processes done in the last recent years were good, so registration of 2007 can be done.

Some respondents (13.79 %), however, asked service improvement or improvement in quality services to satisfy the stakeholders.

In contrast, other respondents (20.69 %) even suggest system improvement in order to accommodate a huge number of members while workforces are still limited. Furthermore, online system has inadequate workforces and has limited time.

The anxiety about limited time becomes the topic pointed out by Public Work Minister as one of LPJK trainers.

4.3. The Availability of Regional Association Certification Committee (KSAD)

Table 4.3 represents the percentage of response towards Regional Association Certification Committee involvement that will do certification in region level as follow:

Most respondents (70,69 %) support the involvement of KSAD as an accredited association certification committee that can do firm certification in region level, with expectation that certification process become more effective and efficient as well as to facilitate the implementation of certification in region level.

Chart 4.3. The Involvement of KSAD

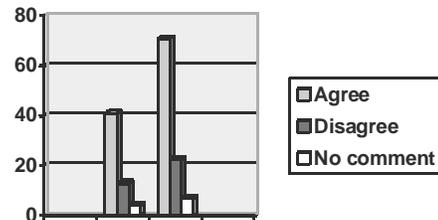


Table 4.3. The Involvement of KSAD

No	Response	Number of Response	%
1.	Agree	41	70,69
2.	Disagree	13	22,41
3.	No comment	4	6,90

There were some respondents (22.41 %) who are not agree with an argument that (1) human resources in region level still need empowerment program and board capacity building. Empowerment program particularly is in all networks both in central and all areas in province level. That way, all networks can access and prepare all firm needs on time, (2) enable subjectivity and no interest conflicts in region level.

In some regions in Indonesia there are great quantity of misleads in giving certification to firms by accredited associations. According to Sulistiyo (2006), LPJKN has ceased some

associations who did such practice. The existence of auditor that formed based on LPJK Decision No. 11 Year 2006 can give solution of that anxiety by sanction given in according to the implemented laws.

4.4. The involvement of Firm Registration Implementer (BPRU)

There is board strengthening in LPJK due to Regional Firm Registration Implementer (BPRU) will be formed as a permanent working unit in Regional LPJK that has duty to implement registration in region level.

It is expected that the existence of this board will assist Regional LPJK in firm registration in region level according to work quality and decided time target.

The gained survey results are shown in following table and chart:

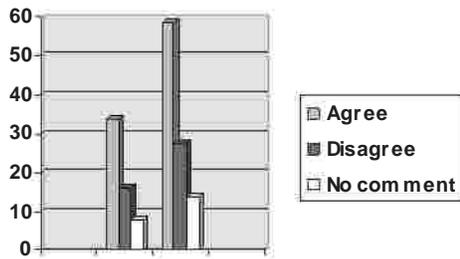


Chart 4.4. The Involvement of Work Unit (BPRU)

Table 4.4. The Involvement of Work Unit (BPRU)

No	Response	Number of Response	%
1.	Agree	34	58.62
2.	Disagree	16	27.59
3.	No comment	8	13.79

work results: (1) process is done objectively; (2) service quality can satisfy the customers, (3) well coordinated and has a clear procedure of operational standard.

On the other hand, 27.59 % respondents disagree due to their anxiety that the work unit may (1) increase the board bureaucracy, (2) has subjective assessments, (3) cannot fulfill customer needs, or not on time.

4.5. Determination of Grade 1

In LPJK Regulation No. 11 Year 2006 about registration of construction services business, contractor classifications were changed and these changes have been supported by LPJK Trainer element and accommodate the mandate of Law No. 18 Year 1999 Construction Services.

The change that has been questioned is about Grade 1. Grade 1 is related to personal/private business that can join construction services process with budget up to 100 million rupiahs.

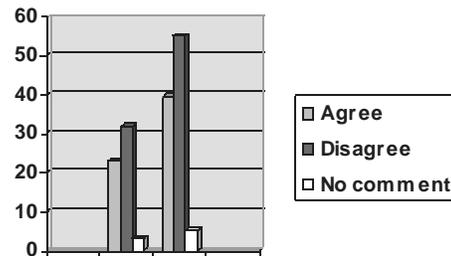


Chart 4.5. Determination of Grade 1

Table 4.5. Determination of Grade 1

No	Response	Number of Respondents	%
1.	Agree	23	39,66
2.	Disagree	32	55,17
3.	No comment	3	5,17

Most respondents (58.62 %) agree with the existence of work unit that is responsible to firm registration in region level with

Table 4.5 above represents several things related to the determination of Grade 1 for private business that can join construction

services process with budget up to 100 million rupiahs as follow:

- ✦ Most of respondents (55.17 %) do not agree with the existence of Grade 1 because: (1) it can limit the chance of a firm to have job, its function can be done by using 'self-management' by job implementer, (2) problems may occur in the firms to get technical guarantor, (3) the needs of engineering workforces increase while today they are still limited.
- ✦ In the contrary, some respondents (39.36 %) agree with the existence of Grade 1 (1) as a supplier specialization services that produce professional works, (2) the process should be transparent and follow the regulations, (3) the bargaining value of certified engineers will be improved.
- ✦ Mandate of Law No. 18 Year 1999 about Construction Services and Government Rules No. 28 Year 2000 about efforts and roles of construction services community is a base which is used to determine private business (Grade 1) that can do construction works with qualification and classification determined by institution, which is with minor risk, simple technology and insignificant expenses.

4.6. Determination of Grade 5

Especially for new construction services business who wants to join in Grade 5 category or without any work experience but has financial capital as much as one billion rupiahs according to what written in firm's notary certificate, the responses of respondents are shown in the table and chart 4.6 below :

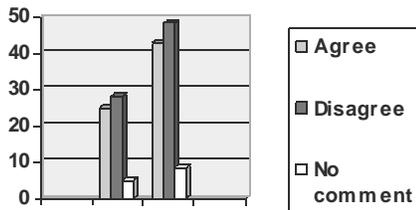


Chart 4.6. Determination of Grade 5

Table 4.6. Determination of Grade 5

No.	Response	Number of Respondents	
1.	Agree	25	43,10
2.	Disagree	28	48,28
3.	No comment	5	8,62

Based on the result of those data analyses, it is described about several things that related to determination of Grade 5 for new firms or without any work experiences but have financial capital as much as one billion rupiahs according to what written in firm's certificate are as follow:

- ✦ Mostly, that is 48.28 % of respondents do not agree with assumption that (1) work experience is absolutely needed because experience is needed to manage resources not only finance but also human resources, tools, time and work quality control.
- ✦ However, some respondents (43.10 %) do agree based on several reasons: (1) The realization of project still uses certified and experienced engineers, (2) At the beginning of works make partnership with experienced business, (3) marketing target for grade 5 is sufficiently available in every region.

4.7. Conditionals of Firms

The most important conditional in a firm is having a Firm Guarantor (PJBU), Technical Guarantor, and Sector Guarantor that all guarantors have to have certificates that have been registered in LPJK. However, not all regions in Indonesia can fulfill the requirements of guarantors. Yet, based on questionnaire fulfilled by respondents, the result can be shown in following table and chart:

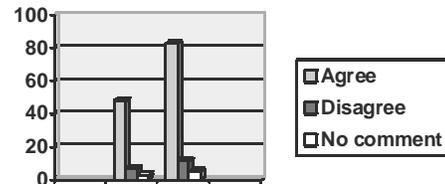


Chart 4.7. Conditionals of Firms

Table 4.7. Conditionals of Firms

No.	Response	Number of Respondents	%
1.	Agree	48	82,76
2.	Disagree	7	12,07
3.	No comment	3	5,17

Both chart and table represent several things related to conditionals that a firm must have:

- ✚ The majority of respondents (82,76 %) agree based on reasons: (1) demand of being professional in running a business, (2) create more work fields for technical workforce (engineers), (3) give more confidence of responsibility towards public/ service users.

- ✚ The rest of respondents (12,07 %), however, do not agree due to (1) financial limitation in recruiting professional workforces/engineers, especially for minor scale of business (Grade 2 to Grade 4) and (2) adjustments are needed to adjust the condition of every region where generally human resources (engineers) are still limited.

4.8. The Limitation of Competency and Real Capability

The competency of available workforce and business real capability in project implementation become very important in accordance with a transparent and accountable data delivery. The competency of expert workforces with their various responsibilities is a professional and high quality service from a competitive construction service firm. Thus, the response of respondents about competency and real capability can be looked at following table and chart :



Chart 4.8. The Limitation of Competency and Real Capability

Table 4.8. The Limitation of Competency and Real Capability

No.	Response	Number of Respondents	%
1.	Agree	46	79,31
2.	Disagree	5	8,62
3.	No comment	7	12,07

1. In majority, that is 79.31 % of respondents agree with argument about competency and real capability based on some reasons: (1) for avoiding problems may come up to the service users (owners) in the time of the project is carrying out, in maintenance time, and when the facilities (buildings) are established (2) professional works in carrying out the projects are achieved, and (3) become an advantageous reference for construction service firm.
2. Nevertheless, some respondents (8.62 %) do not agree with reasons: (1) difficult to be fulfilled by small scale firms (Grade 2, 3 and 4) and (2) limitation of capability in managerial and financial resources.

4.9. Recommendation for Registration

Recommendations given by respondents in relation to registration and certification in accordance with LPJK Regulation No.11 Year 2006 are represented by table and chart below:

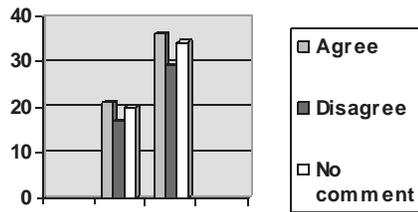


Chart 4.9. Recommendation

Table 4.9. Recommendation

No.	Response	Number of Respondents	%
1.	Agree	21	36,21
2.	Disagree	17	29,31
3.	No comment	20	34,48

There are some recommendations given by respondents about registration process done by LPJK in order to achieve optimal works:

- ✚ Some respondents (36.21 %) recommend about the need of service system improvement in LPJK so can satisfy the customers.
- ✚ Other respondents (29.31 %) recommend that human resources needs to be improved, particularly in relation with meeting the demands of services mandated in LPJK Regulation No. 11 Year 2006.
- ✚ There are 34.48 % of respondents expect that all ongoing process should be done objectively.

V. Conclusion and Suggestion

Based on the results of data analysis and recommendations given, the conclusion of this research is:

Conclusion

1. Regulation of LPJK No. 11 Year 2006 can be carried out by LPJK because it appropriate with mandate of Law No. 18 year 1999 Article 31 verses 3 and Government Regulation No. 28 year 2000, (Article 8 (1) and (5), Article 12 (1), (2) and (3) as well as Article 12 (3) and Government Regulation No. 29 year 2000 Article 4 (2b).

2. Improvement in Services is undoubtedly needed due to the increasing work of LPJK with the existence of new board.
3. The improvement of board capacities is needed in preparing required workforce and equipment so can work optimally and objectively. Hence, services that suitable for customers can be fulfilled.

Suggestion

1. It is expected that certification can be done online, whether in information or in doing registration.
2. Furthermore, in payment system for registration and certification fee better through banking payment.

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