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Implementation of the Public Housing Savings Act to Meet Community Board Needs

Melia¹, Rasji².

¹Universitas Tarumanagara, Jakarta, Indonesia, meliamelia475@gmail.com.

²Universitas Tarumanagara, Jakarta, Indonesia, rasji@fh.untar.ac.id.

Corresponding Author: meliamelia475@gmail.com¹

Abstract: According to Law of the Republic of Indonesia Number 4 of 2016 concerning Public Housing Savings, it is a long-term fund savings program that is useful in using it for housing financing. So in this writing the author wants to study further regarding the Implementation of the Public Housing Savings Law to Meet the Needs of Community Boards. With normative research methods, the nature of the research is descriptive, using secondary data types using a statutory approach, and analyzed qualitatively. The results and discussion are that this program focuses on increasing access to housing for the community, reducing social disparities, and ensuring that basic needs such as housing are met. By emphasizing the importance of designing policies that not only meet basic needs but also maximize benefits for the entire community. By focusing on better access to housing, efficient fund management, and social welfare, public housing savings are expected to provide broad and sustainable benefits for the Indonesian people, thereby ensuring that the program runs in accordance with applicable legal provisions, which can increase effectiveness and public trust.

Keyword: Public Housing Savings, Fulfillment of Needs, Society.

INTRODUCTION

Indonesia is a country of law. According to the 1945 Constitution of the Unitary State of the Republic of Indonesia, law is a rule that protects society so that it is not separated from society which hopes to create an atmosphere that protects, provides certainty, creates justice and peace. As a form of realizing peace and tranquility, rules were created to regulate the lives of every citizen (Aviva, 2023)

According to the 1945 Constitution of the Unitary State of the Republic of Indonesia, law is a rule that protects society so that it is not separated from society which hopes to protect, provide certainty, create justice and peace. As a form of realizing peace and tranquility, rules were created to regulate the lives of every citizen. Article 28H paragraph (1) of the 1945 Constitution of the Republic of Indonesia states that: "Every person has the right to live in physical and spiritual prosperity, to have a place to live, and to have a good and healthy living environment and the right to receive health services." Therefore, the state guarantees the

fulfillment of citizens' needs for adequate and affordable housing in order to develop complete, authentic, independent and productive Indonesian people. (Gagundali, 2020)

Fulfillment of housing needs is a mandate from the 1945 Constitution and also human rights in Article 40 of Law Number 39 of 1999 concerning Human Rights which states that "every person has the right to a place to live and a decent life." Apart from that, having housing needs fulfilled can provide a sense of security for everyone to be confident in their economic ability to raise a family by preparing a better future generation. (Asril, 2022)

According to Law of the Republic of Indonesia Number 4 of 2016 concerning Public Housing Savings, it is a long-term fund savings program that is useful in using it for housing financing. Based on Law Number 4 of 2016 and Government Regulation Number 25 of 2020 concerning the Implementation of Public Housing Savings, participants in public housing savings are every Indonesian citizen (WNI) and foreign citizen (WNA) who holds a visa with the intention of working in Indonesian territory for at least a short time. 6 (six) months that have paid the deposit.

However, the pros and cons of the public housing savings program itself have created a new polemic for low-income communities. Therefore, it is hoped that the public housing savings program can be an alternative financing solution to make it easier to get a house with the support of the Home Ownership Credit or Home Construction Credit financing scheme. However, the challenge for the future is that the existence of this program can be an effective solution, how quickly the government can overcome this problem with the aim of determining membership fees for the public housing savings program, the majority of people, both workers and business actors who will be affected, will take a stance of rejection regarding the program. public housing savings.

From the perspective of individual workers, the amount of contributions deducted is 2.5% from workers and 0.5% from employers, while for independent workers, they bear the full 3% deduction in addition to public housing savings membership contributions. In terms of benefits, the public housing savings program is seen as not very attractive to workers. This is different from other programs such as the Social Security Administering Agency, whose benefits can be enjoyed by all groups of participants. Workers who participate in the public housing savings program cannot withdraw savings funds before the participation period ends. From the perspective of business actors, they are obliged to bear the cost-sharing burden of 0.5% per worker which is paid every 10th of each month for membership fees in the public housing savings program. This of course has implications for a significant increase in business costs, especially for labor-intensive companies.

Apart from that, in the Public Housing Savings Law number 4 of 2016, there are substantive gaps which indicate that this public housing savings program could repeat the failure of the civil servant housing savings consideration body program. (Putra, 2019) Previously, the public housing savings management body in 2022, only served civil servant participants and there were those who failed to get a house but there was a return of savings from participants of the former civil servant housing savings consideration agency (retired before December 31 2020). (Simbolon et.al., 2024).

As expected, public housing savings can be a way out for Indonesian citizens to obtain financing to obtain housing as a basic need for every human being as a place of shelter and a means of family development. However, to what extent can public housing savings be implemented nationally, considering that each region in Indonesia has different problems and strategies in the housing procurement system, so looking at this, public housing savings which are a very basic basic need for human survival consist of: The need for clothing, food and shelter is appropriate from a beneficial perspective. Based on the description above, the author wishes to study further regarding "Implementation of the Public Housing Savings Law to Meet Community Board Needs."

METHOD

Method is the thinking used in general studies and evaluations in assessing a technique for creating knowledge in a certain way for those who carry out the procedure. (Soekanto, 1983) Research is an instrument used by humans to develop, develop and develop knowledge. So the essence of research methods is to be systematic in compiling knowledge. (Purwati, 2020) Basically, research methods are certain legal scientific activities that are based on a certain method of systematic thinking, which aims to study certain legal phenomena by conducting research on these problems.

The type of research used in this writing is normative legal research. Descriptive nature of research, legal approach. The data analysis technique in research is qualitative analysis (data analysis that does not use numbers), but uses laws and legal principles and provides words for existing findings using images and arguments.

RESULTS AND DISCUSSION

Public Housing Savings are savings made by participants periodically within a certain period of time which can only be used for housing financing and/or returned along with the proceeds after membership ends. The implementation of Law Number 4 of 2016 concerning Public Housing Savings provides a clear legal basis for providing access to housing finance for all Indonesian people.

Through a professionally managed savings system, people, especially those with low incomes, can have better access to decent and affordable housing. However, implementing this law does not rule out the possibility that the challenge of providing housing for the people can be achieved effectively, so that the government is trying to overcome the housing backlog problem and provide long-term solutions regarding ownership or access to adequate housing.

Meeting community needs is a joint responsibility between the government, the private sector and the community itself. Through various policies and programs, the government tries to ensure that people's basic needs are met fairly and equally, so that social welfare can be realized. This is to ensure that all levels of society can access the resources, goods and services necessary to live a decent life. Community needs cover various aspects such as food, clothing, shelter, health, education, transportation, work and a safe environment.

Welfare is a system of social, material and spiritual life that includes a sense of inner and outer safety that enables every citizen to fulfill their physical, spiritual and social needs for themselves and society. The welfare state theory basically emphasizes the role of the state in ensuring social welfare through intervention in various areas of community life, including the provision of public services.

To achieve a just and prosperous welfare in society which is the determining factor for development policy. People's welfare shows a measure of the results of community development in achieving a better life which includes: increasing capabilities and equal distribution of basic needs (food, housing, health) and secondary protection, improving living standards, income levels, better education, and increasing attention to culture and human values and third, expanding the economic scale and availability of social choices of individuals and nations.

The application of people's welfare theory in public housing savings is because this program focuses on increasing access to housing for the community, reducing social disparities, and ensuring that basic needs such as housing are met. Fulfillment of basic housing needs as part of citizens' social rights.

Public housing savings seeks to improve community welfare through equitable access to housing, state intervention to support disadvantaged groups, and improving the quality of life of the community as a whole. This program reflects the main principles of welfare theory,

where the state plays an active role in ensuring social welfare through inclusive and sustainable policies.

Benefit theory in legal, economic and social contexts focuses on how laws and policies can maximize welfare and benefits for society. In relation to public housing savings, utility theory, often related to welfare economic theory, refers to the idea that policies and laws should be designed to maximize total profits and societal welfare. This involves assessing how various actions and policies can provide the maximum benefit to the greatest number of people.

The benefit of law is that it can achieve order and tranquility in people's lives, because of the existence of orderly laws. Likewise, Satjipto Raharjo stated that the theory of legal utility (usefulness) can be seen as a tool for society to create order and regularity. Basically, the implementation of the law must provide benefits or usefulness for the community to create order and tranquility in community life, because there is an orderly law. (Supriyono, 2016)

The utility theory in public housing savings emphasizes the importance of designing and implementing policies that not only meet basic needs but also maximize benefits for the entire community. By focusing on better housing access, efficient fund management, and social welfare, public housing savings are expected to provide broad and sustainable benefits for the Indonesian people. With the aim of increasing people's access to decent housing by providing a savings system that makes it easier for them to save and obtain financing. This maximizes social benefits by reducing housing shortages and improving quality of life.

Positive legal theory is a stream in legal studies that focuses on law as it is (positive) and does not attempt to assess justice or legal ethics. In law enforcement in Indonesia, which prioritizes certainty, usefulness and justice, one should not only look at it from one angle or use only one theory. However, law enforcement should also prioritize benefits for society, where benefits can be seen from the public's attitude towards existing laws as in the theory of utilitarianism which assesses the level of people's happiness with the law and looks at the law not only in terms of the content of legal norms but also the psychological and social impacts. in society as a creator of benefits and justice. So that in its application there should be an appropriate comparison in the implementation of justice that creates certainty, usefulness and justice.

The application of positive law in public housing savings ensures that the program runs in accordance with applicable legal provisions, which can increase the effectiveness and trust of the public in public housing savings by referring to the legal system implemented by a country, which includes laws, regulations and decisions laws that are officially recognized and implemented by state institutions. This law is the law that applies and is accepted in practice, regardless of whether it is considered fair or not. relates to how the laws and regulations governing the program are implemented and followed.

Positive legal theory plays an important role in ensuring that public housing savings are carried out in accordance with applicable regulations, with a focus on the implementation, compliance and enforcement of existing laws. This ensures that the program operates with transparency, fairness, and effectiveness in achieving housing goals for the community.

Therefore, so that this program can be implemented effectively, the government must focus on the availability of housing and community preferences in providing housing, thereby encouraging integration between the provision of housing by developers with sustainability-based regional development strategies. To strengthen efficiency in the housing market, both central and regional governments also need to encourage increasing the role of social housing in providing housing for low-income people. The focus of providing housing for disadvantaged groups of people is social housing which can be provided by the government itself

Meanwhile, subsidized houses that are built must be close to the economic center of the community and connectivity access is required. In increasing the supply of public housing, the government can focus on utilizing abandoned buildings. The government also provides equal treatment between owned and rented residences. The government needs to encourage

strengthening the rental housing market in urban areas. This is done by establishing and ensuring the implementation of regulations related to the criteria for livable houses. Apart from that, the government can also encourage policies that are pro-long-term tenants and policies that support residential owners to rent out their units.

CONCLUSION

Implementation of the Public Housing Savings Law to Meet Community Board Needs on public housing savings to meet community needs. In the theory of people's welfare, this program focuses on increasing access to housing for the community, reducing social disparities, and ensuring that basic needs such as housing are met. Fulfillment of basic housing needs as part of citizens' social rights. According to the benefits of public housing savings, it emphasizes the importance of designing and implementing policies that not only meet basic needs but also maximize benefits for the entire community.

By focusing on better housing access, efficient fund management, and social welfare, public housing savings are expected to provide broad and sustainable benefits for the Indonesian people. Meanwhile, looking at positive law in public housing savings, it ensures that the program runs in accordance with applicable legal provisions, which can increase the effectiveness and trust of the public in public housing savings by referring to the legal system implemented by a country, which includes laws, regulations, and legal decisions that are officially recognized and implemented by state institutions.

REFERENCE

- Asril, Ade Arianto et. al.. Penyelenggaraan Tabungan Perumahan Menurut Undang-Undang Nomor 4 Tahun 2016 Ditinjau Dari Perspektif Perlindungan Hukum. *Jurnal Magister Ilmu Hukum (Hukum Dan Kesejahteraan)* Volume 7 Nomor 1 Januari 2022 <https://jurnal.uai.ac.id/index.php/JMIH/article/view/1185/pdf>
- Aviva, Faradistia Nur. Pengaruh Teori Positivisme Hukum Dan Teori Utilitarianisme Hukum Dalam Penegakan Hukum Indonesia. *JRP: Jurnal Relasi Publik* Volume 1 Nomor 4 November 2023 <https://doi.org/10.59581/jrp-widyakarya.v1i4.1837>
- Gagundali, Kevin C.I.. Sanksi Administrasi Atas Pelanggaran Undang-Undang Nomor 4 Tahun 2016 Tentang Tabungan Perumahan Rakyat. *Lex Administratum*. Volume 8 Nomor 1 Januari-Maret 2020 <https://ejournal.unsrat.ac.id/v3/index.php/administratum/article/view/28449/27805>
- Purwati, Ani. *Metode Penelitian Hukum Teori Dan Praktek*. (Surabaya :CV. Jakad Media Publishing, 2020). hal 3
- Putra, Henriko Ganesha et. al. Tabungan Perumahan Rakyat (TAPERA) Dan Penerapannya Di DKI Jakarta, *Jurnal Muara Sains, Teknologi, Kedokteran, dan Ilmu Kesehatan* Volume 3 Nomor 2 Oktober 2019 <https://doi.org/10.24912/jmstkk.v3i2.5630>
- Simbolon, Yusuf Sofiyandi et.al. "Ribut Soal Tapera: Kebijakan "Harga Mati" untuk Turunkan Angka Kekurangan Perumahan Nasional?". *Makalah Special Report* (Jakarta: FEB UI, 4 Juni 2024).
- Supriyono. Terciptanya Rasa Keadilan, Kepastian Dan Kemanfaatan Dalam Kehidupan Masyarakat. *Jurnal Ilmiah Fenomena*. Volume 14 Nomor 2 2017 <https://unars.ac.id/ojs/index.php/fenomena/article/view/802/575>
- Soekanto, Soerjono. *Tata Cara Penyusunan Karya Tulis Ilmiah Bidang Hukum*. (Jakarta: Ghalia Indonesia, 1983), hal. 57.