

# LEGAL POLITICS OF PUBLIC HOUSING SAVINGS FOR CITIZENS' DECENT AND AFFORDABLE HOUSING

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## Abstract

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This research explores the legal aspects of Indonesia's Housing Savings Law (*Tabungan Perumahan Rakyat*, Tapera). The study examines constitutional housing rights, challenges, and government involvement in housing financing, and underscores legal politics for equitable living environments. In line with Indonesia's 1945 Constitution, which aims to enhance the people's well-being, including their right to affordable and suitable housing, this is explicitly addressed in Article 28H, paragraph (1), emphasizing the right to live in physical and spiritual prosperity and have decent living conditions. The right to housing is clearly established as a human right in Law No. 39 of 1999 on Human Rights. However, challenges persist in providing affordable and accessible housing, as well as securing sustainable long-term funding. To address this, the government introduced Law No. 4 of 2016 on Public Housing Savings. This study examines the legal politics of this law, focusing on ensuring adequate and affordable housing for citizens. It emphasizes constitutional housing rights, challenges in meeting housing needs, and the government's involvement in housing financing. The study concludes by underlining the importance of legal politics in ensuring fairness and creating a secure living environment.

**Keywords:** Political Law, Public Housing Savings, Decent Housing, Human Rights

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## 1. INTRODUCTION

Each individual possesses the entitlement to dwell in a state of well-being, both physically and mentally, and to possess suitable living quarters, along with access to a favorable and healthful residential environment, as stipulated in Article 28H, paragraph (1) of the 1945 Indonesian Constitution. Therefore, the state ensures the satisfaction of its citizens' requirements for an affordable and respectable living space within the context of fostering fully developed, self-aware, self-reliant, and productive Indonesian individuals. The right to a place to live is a mandate contained in

the 1945 Constitution of the Republic of Indonesia and is clearly stated as Human Rights in Law No. 39 of 1999 concerning Human Rights (Budianto & Karo, 2021; Rusito & Suwardi, 2019; Salama & Lesmana, 2023). Attempting to address the demand for suitable housing continues to encounter challenges related to affordability, accessibility, and the provision of enduring, low-cost financial resources required to cater to housing, settlements, as well as urban and rural residential requisites (Asril et al., 2022; Handoko et al., 2022; Schwartz, 2012). In this case, the state must protect and provide access for all residents to the housing finance system accompanied by various facilities for

the construction and acquisition of houses, namely in the form of provision of land, infrastructure, facilities, and public utilities, permit fee relief, stimulant assistance, and fiscal incentives, as well as convenience and/or housing financing assistance in the form of long-term financing, guarantee or insurance scheme, and/or low-cost funds (Karyadi & Rizki, 2018; Pérez, 2018; Ansell, 2019).

The government issued Law No. 4 of 2016 concerning Public Housing Savings (hereinafter, referred to as the Tapera Law) in order to ensure legal certainty and accelerate the fulfillment of the availability of adequate and affordable housing so as to increase homeownership of the people so that their lives can be more prosperous. The Tapera Law is an implementation of the mandate of Law No. 1 of 2011 concerning Housing and Settlement Areas (Hall & Yoder, 2022; Yoder, 2020). Considering the information provided earlier, the authors will draw the problem, namely: How does the legal aspect of Law No. 4 of 2016 on Public Housing Savings contribute to the realization of human rights concerning affordable and suitable housing for the Indonesian population? The purpose of this study is to analyze the legal politics in Law No. 4 of 2016 concerning Public Housing Savings (Tapera) in the context of fulfilling human rights to decent and affordable housing for Indonesian people.

The article is divided into several parts. Section 1 is an introduction that outlines the importance of housing as a human right and a critical factor in individual and communal well-being. This section introduces Indonesia's legal framework, emphasizing Article 28H, paragraph (1) of the 1945 Constitution and the Tapera Law, and then closes with the formulation of the main research questions that guided the entire study. Section 2 is a literature review that explores the legal and constitutional foundations of the right to housing in Indonesia and highlights relevant human rights laws and conventions. Section 3 is the research methodology with a mixed methods approach, covering empirical legal research and normative legal analysis. Section 4 describes the research analysis, which presents findings from empirical research and normative legal analysis. This section provides insight into the practical implementation and impact of the Tapera Law and analyzes the law's compatibility with the constitutional right to housing while assessing its effectiveness in addressing affordability and accessibility challenges. Finally, Section 5 is the conclusion, which directly addresses the main research questions raised in the introduction. This section brings together the main findings of the analysis and provides a nuanced understanding of the strengths and weaknesses of the Tapera Law.

## 2. LITERATURE REVIEW

Housing stands as a fundamental right, and an indispensable pillar of individual and communal well-being (Alonso-Fradejas, 2021; Flint & Jagers, 2021; Kader, 2021). It embodies the recognition that every person, regardless of their social or economic standing, possesses an innate entitlement to dwell in conditions that meet the standards of decency and suitability. Beyond merely providing shelter, housing encompasses an array of vital dimensions crucial to

human existence. It assures not only a roof overhead but also a sanctuary of security, safeguarding individuals and families from the vagaries of weather and external perils. Furthermore, housing upholds dignity, affording occupants the privilege of privacy and autonomy within their living spaces, and fostering self-worth and a sense of belonging (Baker, 2022). Health and well-being are intrinsically linked to housing, where access to clean water, sanitation, and a hygienic environment is pivotal in preventing illnesses and promoting a high quality of life (Ebi et al., 2020; World Health Organization [WHO], 2022). Education, too, finds its foothold in suitable housing, as it offers children a stable environment for learning and development. Housing's reach extends to economic stability, as affordable housing options free up financial resources for other essential needs. Moreover, it contributes to vibrant, cohesive communities that nurture social interactions and integration.

Indonesia's 1945 Constitution, with a specific emphasis on Article 28H, paragraph (1), serves as a critical legal framework that underscores the profound significance of housing rights in the lives of its citizens. This constitutional provision recognizes not only the right of individuals to reside in physical comfort but also to thrive in spiritual well-being while enjoying decent living conditions. It essentially acknowledges that housing is far more than just a structure; it is the cornerstone upon which individuals can build their lives, fostering not only physical comfort but also emotional and mental tranquility.

This constitutional commitment extends to the government, placing upon it the solemn responsibility to facilitate and guarantee access to affordable and suitable housing for all its citizens. In doing so, it aligns housing rights with the broader societal objective of elevating the overall well-being of the population. By ensuring that individuals have access to decent and affordable housing, the government can contribute significantly to creating environments that promote both physical and spiritual prosperity.

This legal framework, as highlighted by researchers like Islamiyati and Hendrawati (2019), underlines the vital role of legal politics in Indonesia. It emphasizes that the state's laws and policies should not only be in compliance with the Constitution but also should actively work towards fulfilling the constitutional rights of its citizens. In this context, the right to affordable and suitable housing emerges as an essential component of human rights, reflecting the government's commitment to ensuring that its people have the opportunity to lead dignified and fulfilling lives in secure living environments.

The right to housing is unequivocally recognized as a fundamental human right in Indonesia, an acknowledgment enshrined in the country's legal framework through Law No. 39 of 1999 on Human Rights. This crucial legislation has firmly established the principle that every individual should have access to adequate housing, signifying not just a privilege but an entitlement that the state is bound to uphold. It underscores the government's obligation not only to safeguard this right but also to make it accessible to all, irrespective of social or

economic disparities. However, despite the legal foundation being in place, substantial challenges remain in translating this right into practical solutions that meet the demands of the population. Researchers like Asril et al. (2022) and Handoko et al. (2022) have highlighted that these challenges encompass multifaceted issues, ranging from affordability and accessibility to the sustainability of housing solutions. The demand for affordable housing is substantial, given Indonesia's population size, but ensuring that it is accessible and sustainable over the long term poses a complex conundrum.

In response to the persistent challenges in meeting the housing needs of its citizens, the Indonesian government took a significant step by enacting Law No. 4 of 2016 on Public Housing Savings, commonly referred to as the Tapera Law. This legislation represents a pivotal effort to address the complex issue of housing in Indonesia comprehensively. Its overarching objective is twofold: to establish legal certainty and to expedite the availability of adequate and affordable housing, with the ultimate goal of enhancing the quality of life for the nation's residents.

The Tapera Law is not an isolated piece of legislation but rather an essential component of a broader governmental commitment to addressing housing and settlement-related concerns. It aligns seamlessly with the mandate set out in Law No. 1 of 2011 concerning Housing and Settlement Areas, indicating a continuity of the government's dedication to tackling the housing challenge head-on. The introduction of this law signifies the government's recognition of housing as a pivotal element in citizens' well-being and its commitment to providing a legal framework that supports this vision.

The Tapera Law's significance extends beyond its legal provisions; it is a manifestation of a determined effort to bridge the gap between constitutional housing rights and practical implementation. It signifies a resolve to ensure that the right to affordable and suitable housing, enshrined in the Indonesian Constitution and human rights legislation, is not just an abstract notion but a reality that citizens can access and enjoy. It exemplifies how legal politics can be instrumental in driving policy changes that have a tangible impact on the lives of individuals and communities (Hall & Yoder, 2022; Yoder, 2020).

Legal politics occupies a central and transformative role in shaping housing policies and their harmonization with the overarching legal and constitutional principles of a nation. It transcends the mere articulation of policy objectives, delving into the intricate interplay between political dynamics, legal traditions, and the practical implementation of these policies. In the realm of housing rights and government interventions, a deep comprehension of the legal politics at play is fundamental for the realization of fairness and the establishment of secure living environments. Within this multifaceted arena, legal politics serves as the compass guiding housing policies toward their intended goals (Moser & Côté-Roy, 2021; Yates et al., 2023). It provides the necessary context to appreciate the motivations behind policy

decisions, which are often rooted in the intricate web of political interests, ideologies, and public sentiment. These factors can significantly influence the trajectory of housing policies, determining their effectiveness and their alignment with broader legal and constitutional principles. Moreover, legal politics encompasses the prevailing legal culture, which includes the norms, values, and traditions that shape how housing policies are perceived, interpreted, and enforced within a society. This cultural context can either facilitate or hinder the translation of legal principles into tangible actions. An understanding of these cultural nuances is crucial for crafting policies that resonate with the populace and for addressing any potential cultural barriers to their implementation (Saptomo, 2019; Pérez, 2018; Ansell, 2019).

### 3. RESEARCH METHODOLOGY

This research is qualitative research using normative legal research. Normative legal research is a scientific research procedure to find the truth based on the logic of legal scholarship from the normative side (Ibrahim, 2006).

In order to accomplish the research objectives that have been set, this research uses a statutory approach and a conceptual approach. The statutory approach method involves an analysis of applicable laws, including identifying and analyzing the contents of these laws. This method also involves research on cases related to the law under study. The conceptual approach method involves an analysis of existing legal concepts, including identifying and analyzing the contents of these concepts. This method also involves research on cases related to the legal concepts studied.

### 4. ANALYSIS AND RESULTS

Legal politics should align with the goals of the state and the prevailing legal framework of the respective country (Islamiyati & Hendrawati, 2019). In the case of Indonesia, these objectives and framework are outlined in the preamble of the 1945 Constitution of the Republic of Indonesia, particularly Pancasila, which gives birth to legal guiding principles. The National Legislation Program (Prolegnas) can be called an example of legal politics, but it is only part of the science of legal politics. Meanwhile, the science or study of legal politics does not only concern policy or the official direction of the law to be enforced but also concerns various matters related to that official direction, for example, what politics is the background, what legal culture surrounds it, and what kind of enforcement problems are faced.

In contrast to legal politics, the political science of law dissects all elements in the legal system whose main elements are grouped by Friedman (2005) into three major elements, namely legal material, legal structure, and legal culture. In terms of thinking like this, legal science is not only seen as norms or positive law. In this case, the science of legal politics not only includes legal politics in the sense that it is the official direction of the state to enact or not enforce laws in order to achieve the goals of the state, but it also includes the background and the environment that affect it and the various problems faced to enforce it.

Some of the defining doctrines of legal politics expressed by some legal experts are as follows:

1. The legal politics concept, as outlined by Mahfud (2010), encompasses legal policies or official approaches regarding the enactment of laws, either through creating new legislation or replacing existing ones, intending to fulfill the objectives of the state.

2. From the perspective of Rahardjo (1991), legal politics denotes the process of making choices and determining the strategies to attain societal objectives through specific legal frameworks. It encompasses addressing fundamental questions, including 1) the objectives to be achieved within the prevailing system; 2) the most effective methods to employ in pursuing these objectives; 3) the timing and methods for legal modifications; 4) the feasibility of establishing a standardized framework to aid in the selection of objectives and the appropriate methods for their achievement.

3. The definition of legal politics according to Nusantara (1985) means that it can be interpreted as a legal policy to be implemented or implemented nationally by a particular state government.

According to most thinkers, the main goal of legal politics is to guarantee justice in society (Nusantara, 1985). Through the law, the government must balance public interests with other interests. The ideal of justice that lives in the souls of the people is nothing but a symbol of harmonizing these interests. In other words, the task of the government of a country is to achieve social justice.

The aim of law politics is not only to guarantee justice but also to create a peaceful life by maintaining legal certainty. When it is said that in a country there is legal certainty, it means that in that country a predetermined law applies as law, and the judges' decisions are constant according to the applicable laws. As a result, people will not doubt the applicable law, because the law is clear and the practice of law is clear.

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 environment and the right to obtain health services”.

Residence plays a pivotal role in influencing the identity and character of the nation, serving as a means to foster well-rounded, independent, and productive individuals within Indonesia.

The increasing need for housing and settlements is intricately tied to population factors, including population size, growth rate, and shifts in average family numbers. This challenge is particularly pronounced in major Indonesian cities such as Jakarta, Bandung, Surabaya, Semarang, and Medan. According to Parlindungan (2001), the construction of flats, especially in urban areas, is an absolute result of limited land for housing and the higher demand for housing. According to Eide et al. (1995), the right to adequate housing is a pillar of the Global Settlement Strategy:

“The right to adequate housing has received universal recognition by people of various nations... Every nation, without exception, has a number of obligations in terms of housing, for example, as evidenced by the creation of the ministry of housing or housing institutions, the allocation of funds for

the housing sector, and with policy programs and projects... Every citizen of a country, no matter how poor he is, has the right to expect that the government will pay attention to their needs for housing, and to accept the basic obligation to protect and improve housing and its environment, and not destroy or destroy it” (p. 150).

The definition of adequate housing is spelled out in the Global Strategy as a suitable individual space, appropriate lighting and ventilation, essential infrastructure, and suitable proximity to work and basic amenities, all at a reasonable cost. Since the adoption of the Universal Declaration on Human Rights (UDHR) in 1948, the right to adequate housing has become part of international human rights that are accepted and universally applicable. In the provisions of Article 25, paragraph (1) the UDHR states that:

“Every person has the right to an adequate standard of living for health and life and his family, including food, clothing, housing and health care and social services needed, and the right to be treated equally when unemployed, sick, disabled, widowed, elderly, and other inability to live a life that did not arise from his will”.

According to Nowak (2004), the International Covenant on Economic, Social and Cultural Rights has been ratified or approved by 108 countries. The text of the Covenant contains perhaps the most significant foundation for the right to housing among all the existing legal principles, which contain rules on international human rights. The provisions of Article 11, paragraph (1) of the Covenant on Economic, Social and Cultural Rights states that:

“The States Parties to the present Covenant recognize the right of everyone to an adequate standard of living for himself and his family, including adequate food, clothing and housing, and to the continuous improvement of living conditions. The States Parties will take appropriate steps to ensure the realization of this right, recognizing to this effect the essential importance of international co-operation based on free consent” (United Nations [UN], 1966).

The text in international law that deals mostly with housing issues is International Labor Organization (ILO) Recommendation No. 115 concerning Housing for Workers, 1961. This recommendation contains a number of articles that acknowledge the importance of the housing issue, and strengthen the legal basis for the right to housing. Having noted in its preamble that the ILO constitution recognizes a large number of the obligations of organizations to continue program programs to meet the provisions on adequate housing, Recommendation No. 115, 1961 states that:

“There must be an objective national policy on housing for..., (ensure) that adequate and good housing accommodation and an adequate living environment can be obtained by each worker and his family. Priority scale should be given to those most in need” (ILO, 1961).

As per Kurnia (2005), the foundation for safeguarding human rights through the legal framework in Indonesia is encompassed within Paragraph IV of the Preamble to the 1945 Indonesian Constitution, Article 28A to Article 28J in Chapter XA of the 1945 Indonesian Constitution, Law No. 39 of 1999 concerning Human Rights, as well as Law

No. 26 of 2000 concerning Human Rights Courts. The provisions of Article 28I paragraph (4) of the 1945 Constitution of the Republic of Indonesia clearly state that the protection, advancement, enforcement, and fulfillment of human rights are the responsibility of the state, especially the government. This is also explained in Article 71 of Law No. 39 of 1999 concerning Human Rights which states:

“The government is obliged and responsible for respecting, protecting, upholding and advancing human rights as regulated in this law, other laws and regulations, and international human rights law accepted by the Republic of Indonesia”.

Based on the order of the law, it is clear that the government has the responsibility to honor, safeguard, enforce, and advance human rights. The government’s foundation for establishing regulations pertaining to suitable housing is grounded in the national constitution, specifically in Article 28H, paragraph (1) of the 1945 Indonesian Constitution.

Furthermore, it is underscored as the foundational premise for the government to establish regulations regarding housing as a suitable living space, as indicated in the deliberations outlined in Law No. 1 of 2011 concerning Housing and Settlement Areas, which are as follows:

a. The entitlement of each individual to reside in both physical and psychological well-being, to possess a dwelling, and to inhabit a favorable and wholesome living environment is acknowledged as a fundamental human necessity. This holds an exceedingly significant position in molding the identity and disposition of the nation, constituting a crucial endeavor to nurture a comprehensive Indonesian individual who is self-aware, self-reliant, and industrious.

b. The state holds the duty of safeguarding the entire Indonesian populace by executing housing and settlement area policies that enable individuals to inhabit affordable and suitable residences within healthful, secure, harmonious, and sustainable residential environments all across Indonesia.

c. It is imperative for the government to assume a more active role in furnishing facilities and aid for housing and settlement areas to the public through the implementation of region-centric housing and settlement areas, as well as fostering community self-reliance. This will result in the creation of a cohesive unit encompassing physical spatial planning, economic activities, and socio-cultural aspects, all of which contribute to environmental conservation and align with the principles of democracy, regional autonomy, and transparency within the societal, national, and state frameworks.

d. Whereas regional progress and advancement that disregard equitable considerations for the welfare of low-income individuals have led to challenges in the populace’s access to suitable and reasonably priced housing options.

e. Considering that Law No. 4 of 1992 related to Housing and Settlements no longer aligns with the current progress and necessities for adequate and affordable housing and settlements in a healthy, safe, harmonious and orderly environment so that it needs to be replaced.

According to the explanation of Law No. 1 of 2011 on Housing and Settlement Areas, it is determined that the general policy for housing development is directed at:

a. Fulfilling the requirement for proper and reasonably priced housing within a healthful and secure setting, backed by infrastructure, amenities, and communal services in a sustainable manner, and that mirrors the essence of Indonesian community identity.

b. Ensuring the presence of affordable, enduring financial resources to address the necessities of dwellings, housing, settlements, and both urban and rural residential spaces.

c. Achieving a well-matched and equitable housing scenario that aligns with proficient and impactful spatial planning and land utilization.

d. Granting utilization privileges without undermining the sovereignty of the state.

e. Boosting an environment conducive to foreign investment.

According to Isnaini and Adnan (2018), executing housing and settlements, whether in densely populated urban zones or rural regions necessitating expanded land availability, requires a structured and legally assured management approach. Both national and local administrations should facilitate the acquisition of residences for low-income populations through a phased housing development strategy that involves furnishing financial resources and/or constructing essential infrastructure, amenities, and public services within residential vicinities (Ansell et al., 2018). This is in accordance with the provisions stipulated in Article 3 of Law No. 1 of 2011 concerning Housing and Settlement Areas, that housing and residential areas are organized for:

a. Providing legal certainty in the implementation of housing and settlement areas.

b. Facilitating the organization and advancement of regions alongside the even-handed dispersion of inhabitants by promoting the expansion of residential spaces and localities in alignment with spatial configurations, striving for equitable outcomes, particularly among low-income households.

c. Amplifying the exploitation and application of natural resources for housing expansion, all the while safeguarding environmental functionalities, spanning both urban and rural settings.

d. Empowering stakeholders in housing development and residential areas.

e. Supporting development in the economic, social, and cultural fields.

f. Verifying the actualization of an inhabitable and reasonably priced dwelling within a wholesome, secure, harmonized, organized, systematically planned, interconnected, and enduring setting.

Furthermore, following the provisions in Article 118 to Article 128 Chapter X regarding funding and the financing system in particular regulated in Article 124 of Law No. 1 of 2011 concerning Housing and Settlement Areas, it is regulated that in relation to Tapera, it will be regulated separately by law. Tapera is aimed at low-income people so they can have a decent house, this program is expected to help the community in terms of financing, and in 2016 the government issued the Tapera Law and on May 20, 2020, President Joko Widodo signed PP No. 25 of 2020 concerning

the Implementation of Public Housing Savings (hereinafter referred to as the PP Implementation of Tapera) as the basis for the Tapera Management Body (BP) to immediately operate in order to collect and provide long-term sustainable low-cost funds to finance livable and affordable housing for participants. PP Tapera implementation is a form of implementation of the provisions of Article 28H paragraph (1) of the 1945 Indonesian Constitution states:

“Everyone 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 obtain health services”.

The implementation of Tapera PP is a continuation of the Tapera Law and PP No. 1 of 2011 concerning Housing and Settlement Areas.

Furthermore, it was emphasized as the foundation for the government to establish provisions on Tapera as determined in the considerations considering the Tapera Law, which are as follows:

a. That the state guarantees the fulfillment of the citizens' needs for a decent and affordable place to live in the framework of developing a complete, self-identified, independent, and productive Indonesian human being derived from Indonesia's 1945 Constitution.

b. Considering the ongoing challenges in meeting the demand for suitable housing due to the lack of sustainable, low-cost funds for public housing financing.

c. Recognizing the necessity for establishing a housing savings mechanism by the state to amass and provide long-term affordable funds for housing financing.

d. Whereas the laws and regulations in the housing sector and the social security system have not comprehensively regulated the implementation of housing savings, so a more complete, detailed, and comprehensive regulation is needed.

e. Bearing in mind the considerations outlined in sections a, b, c, and d, there is a clear need to enact legislation concerning Public Housing Savings.

Having a decent and cheap home is now a challenge for everyone. Limited land makes land and building prices more expensive so people, especially those with low incomes, find it difficult to have their own place to live. In this case, the state must protect and provide access for all residents to the housing finance system accompanied by various facilities for the construction and acquisition of houses, namely in the form of providing land, infrastructure, facilities, and public utilities, permit fee relief, stimulant assistance, and incentives fiscal, as well as convenience and/or housing financing assistance in the form of financing, guarantee or insurance schemes, and/or long-term low-cost funds through the Tapera program which applies to all groups of society so that Indonesians can have decent houses at affordable prices according to their abilities (Ansell et al., 2018; Ansell, 2019).

Following the provisions of Article 1, point 1 of the Tapera Law, Tapera is a storage that is carried out by participants periodically for a certain period of time which can only be used for housing financing and/or returned along with the results of fertilization after participation ends. Participants

from Tapera according to the provisions of Article 1, point 3 are every Indonesian citizen and foreign citizen holding a visa to work in Indonesian territory for at least six months who has paid deposits. Even though it is prioritized for low-income people, Tapera is still mandatory for all circles, both workers and employers. This program is a solution to owning a house for low-income community, the funds that have been saved in Tapera will later be used as a source of costs for building cheap and decent houses for low-income Tapera participants. The MBR category is those who have a maximum income of four million rupiah per month and are entitled to buy a landed house, while those who earn seven million rupiah per month are entitled to buy a flat. In the provisions of Article 24 paragraph (1) of the Tapera Law it states that: “The use of TAPERA funds is carried out to finance housing for participants”, then clarified in Article 25, paragraph (1) of Tapera Law that housing financing for Tapera participants includes financing of home ownership, house construction, and house repairs. Tapera operates based on principles of collaborative cooperation, mutual advantage, non-profit orientation, financial prudence, accessibility, autonomy, fairness, sustainability, responsibility, transparency, transferability, and trustworthiness. So, if we see from the principle of Tapera management, this law requires Tapera to be carried out jointly and to assist one another participant in offering sustainable, cost-effective funds over the long term to cater to the requirements of participants for suitable and reasonably priced housing. Tapera fund management must provide the maximum benefit for participants for housing finance. Tapera management is not for profit but prioritizes the use of Tapera fund development proceeds to provide maximum benefit for participants. Tapera fund management is carried out carefully, thoroughly, safely, and in an orderly manner and can be reached and easily accessed by participants. The results of the use of Tapera are expected to form an independent community so that it can meet the basic needs of a livable house and must be enjoyed proportionally by the participants. Tapera activities take place continuously and continuously to achieve Tapera's goals, as well as the implementation of Tapera must be carried out accurately, and can be accounted for. Access to information on the implementation of Tapera is given completely, correctly, and clearly to participants. Tapera's portability is designed to ensure uninterrupted security, even in cases where participants switch jobs or reside within the boundaries of the Republic of Indonesia. Tapera is based on trust funds, meaning that the funds collected from the participant's savings and the results of the fertilization are funds entrusted to BP Tapera to be managed properly in the framework of housing financing for participants.

Article 17, paragraph (1) of the Tapera Law regulates Tapera savings to be paid by employers and workers, while the amount of the contribution is regulated in Article 15, paragraph (1) and paragraph (2) of the Tapera administration that the amount of participant contributions is set at three percent of the worker's salary with a pattern of being shared between the employer of 0.5% and the worker of 2.5%, while for the self-employed 3% it is borne

alone. This pattern is a positive thing because the regulations stipulate that all workers are required to join the Tapera program with a cooperation system.

## 5. CONCLUSION

Each individual possesses the entitlement to experience physical and mental well-being, access suitable housing, and inhabit a wholesome and salubrious living environment, as articulated in Article 28H, paragraph (1) of the 1945 Constitution of the Republic of Indonesia. Therefore, the state ensures the realization of citizens' requirements for an adequate and reasonably priced living space within the context of nurturing well-rounded, self-aware, self-sufficient, and productive Indonesian individuals. Given that Law No. 4 of 1992 related to Housing and Settlements no longer corresponds with the evolution and requirements of providing suitable and economical housing and settlements within a sound, secure, balanced, and organized environment, there arises a necessity for its replacement by the enactment of Law No. 1 of 2011 concerning Housing and Settlement Areas. The endeavor to address the requirement for sufficient housing continues to encounter challenges in terms of affordability, and accessibility, as well as securing sustainable, cost-effective, and long-term funding to cater to the demands of housing, settlements, and both urban and rural residential environments. Law No. 4 of 2016 concerning Public Housing Savings is a tool to regulate Tapera which will manage community funds together and assist one another among participants in offering sustainable, cost-effective funds over the long term to cater to the requirements of participants for suitable and reasonably priced housing.

The legal politics for the formation of the Tapera Law is an implementation of the mandate of Article 124 of Law No. 1 of 2011 concerning Housing and Settlement Areas. The main substance in the Tapera Law includes principles and objectives, Tapera management which includes the mobilization, fertilization, and utilization of Tapera funds, the Tapera Committee, BP Tapera, Tapera guidance and management, Tapera asset management, rights and obligations, reporting and accountability, supervision, and administrative sanctions.

The Tapera Law also regulates the transfer of institutions and all of their assets from the existing institution, namely the Civil Servant Housing Savings Advisory Board into BP Tapera. The law politics of the Tapera Law intends to raise Tapera funds so that they can be used for:

1. Providing fulfillment to everyone for the right to live in a state of physical and spiritual well-being, to possess adequate dwelling space, and to experience a favorable and healthful living environment is upheld, following the stipulations outlined in Article 28H, paragraph (1) of the 1945 Constitution of the Republic of Indonesia.

2. Providing fulfillment of the needs and availability of housing for low-income people who are still experiencing a fairly high gap, both in terms of the gap between built houses and needed houses as well as the number of needs each year.

3. Providing solutions to housing financing problems, including the purchasing power of low-

income people, availability of funds, access to financing sources, and financing sustainability.

4. Providing long-term effective funds for low-income housing finance namely funds with affordable interest rates that are also able to overcome mismatches between the period of paying fees and the repayment period or tenor of home ownership credit.

There needs to be a representation of Tapera fund owners from workers and employers in the Tapera Committee as regulated in Article 54 of the Tapera Law. BP Tapera should have played an active and communicative role in communicating the substance of the Tapera Law and the Government Regulation on the Implementation of Tapera to the public as well as convincing the public that the mandate of BP Tapera comes from the 1945 Constitution of the Republic of Indonesia and this is where the function of the state is present to fulfill the people's human rights to fulfill a proper place to live. The process of appointing an investment manager and custodian bank should go through an open process following the principle of public service (openness of public information).

The research has certain limitations. Firstly, it concentrates primarily on the political and legal dimensions of the Tapera Law in Indonesia, excluding an in-depth examination of other potential influencers contributing to the realization of the right to suitable and affordable housing, such as economic, social, and cultural factors. Secondly, the study predominantly relies on legal analysis, possibly overlooking the firsthand experiences and viewpoints of individuals and communities impacted by the Tapera Law. Lastly, the research is constrained to the analysis of pre-existing literature and legal documents, lacking primary data collection or empirical research components.

Several avenues for future research can be considered. Firstly, conducting empirical research to collect on-the-ground data regarding the implementation and consequences of the Tapera Law. This may encompass surveys, interviews, and case studies to comprehensively understand the perspectives and experiences of individuals and communities impacted by the legislation. Secondly, delving into the socio-economic factors contributing to Indonesia's housing affordability crisis and the intersection of these factors with the Tapera Law. This could entail economic data analysis, comparative studies with other nations, and an examination of the influence of housing policies and market dynamics. Thirdly, investigating the efficacy and efficiency of the Tapera Law in fulfilling its objectives, including assessing the Tapera program's performance, gauging housing finance accessibility for low-income individuals, and evaluating the law's impact on narrowing the housing gap. Lastly, it explores the role of civil society organizations, advocacy groups, and grassroots movements in molding housing policies and championing the rights of marginalized communities. This research avenue could involve an in-depth study of the strategies, challenges, and achievements of these entities in influencing housing policies and advancing social justice.

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