

The Analysis of Government Program Implementation in the Fulfillment of Home Needs for the Poor



Taupiqurrahman¹, Dian Khoreanita Pratiwi²

¹ Faculty of Law, Pembangunan Nasional “Veteran” University

² Faculty of Law, Pembangunan Nasional “Veteran” University

ABSTRACT: The state is responsible for protecting the entire Indonesian nation through the implementation of housing and settlement areas so that people are able to live and live in decent and affordable houses in a healthy, safe, harmonious and sustainable environment throughout Indonesia. Article 28H paragraph (1) of the 1945 Constitution stipulates that everyone 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 have the right to obtain health services. Then Article 28H paragraph (4) of the 1945 Constitution states that everyone has the right to have private property rights and these property rights may not be taken over arbitrarily by anyone. The research method used is empirical juridical research, which is to see the extent of the government's ability to provide housing for the poor. As for the results of the research, that the implementation of government programs in meeting housing needs for the poor, where the government has launched several programs, which include the construction of flats, special houses, assistance for the construction of infrastructure, facilities and utilities, housing financing assistance, and self-help housing stimulus assistance. Even though there have been many programs, not all residents have a decent place to live.

KEYWORDS: Government Programs, Home needs, Poor Community

I. INTRODUCTION

The state is responsible for protecting all Indonesians through the implementation of housing and residential areas so that people can live and live in decent and affordable homes in a healthy, safe, harmonious, and sustainable environment throughout Indonesia (Explanation of Shrimp Law No. 1 of 2011 on Housing and Residential Areas). It is stated in Article 28H paragraph (1) of the 1945 Constitution, that everyone has the right to live a prosperous life born and inwardly, residing, and getting a good and healthy environment and entitled to health services. Then Article 28H paragraph (4) of the 1945 Constitution states that everyone has the right to have private property rights and those property rights should not be taken over arbitrarily by anyone.

Article 28H is a strong basis for every citizen who will have rights to land, either in the form of property rights or other land rights as stipulated in Law No. 5 of 1960 concerning Basic Rules of Agrarian Principles (UUPA). Property rights or other land rights are the basis for everyone to build a house. The right to home is recognized as part of the Human Rights, especially economic, social, and cultural rights. The right is included in the Convention on Social and Cultural Economic Rights, ratified by Indonesia through Law No. 11 of 2005 concerning the Ratification of the International Covenant on Economic, Social and Cultural Rights (Academic Paper, Bill on Public Housing Savings:38)

Housing is a basic human need, ideally a home should be owned by every family including low-income people and people living in densely populated areas of the city. The state is responsible for providing and providing ease of housing acquisition for the community through the implementation of housing and residential areas as well as community empowerment. The provision and ease of acquisition of the house is a functional unity in the form of spatial, economic, and socio-cultural life that is able to ensure environmental sustainability in line with the spirit of democracy, regional autonomy, and openness in the order of public, national, and state life. (Explanation of Shrimp Law No. 1 of 2011 on Housing and Residential Areas)

That in order to improve the welfare of the community, especially the equalization of housing needs, the government provides opportunities to low-income people to have housing lending kapling ready to build or homeowner loans. In addition to these efforts, other efforts taken by the government, to meet the needs of the community for housing, especially in densely populated areas and the availability of land is very limited by implementing residential buildings according to the housing system. (Andi Hamzah, Jakarta : 2010)

The system of buildings / multi-storey buildings whose spaces can be used individually has long been known and implemented in various major cities in Indonesia, where the holder of the land rights is also the owner of the building. Originally it was a lease

The Analysis of Government Program Implementation in the Fulfillment of Home Needs for the Poor

relationship between the landlord and the landlord and the users of the spaces in the multi-storey building. (Adrian Sutedi, Jakarta:2010), 198.

Urban areas with complexity of problems that achieve 4.4% per year makes the need for urban housing increasing, while the availability of land is increasingly scarce. This scarcity leads to higher land prices in the city center, thus encouraging lower middle-income people to live in suburban areas away from work. For rural communities, there are still many who are middle-income and lower incomes, although the value of land is not as high as the price in urban areas, but because of economic limitations so that the community does not have a home or only has an uninhabitable house.

One form of state responsibility on housing and residential areas is coaching, namely in the form of: planning, regulation, control and supervision. Researchers look at how efforts to meet the needs of habitable housing the government has several programs, including the construction of flats, special houses, assistance in the construction of infrastructure, facilities, and utilities, housing financing assistance, and self-help housing stimulus assistance.

II. ROBLEM FORMULATION

Based on the description in the background above formulated the problem as follows:

- 1) What is the government's ability to provide housing needs for the poor?
- 2) What programs in providing home needs for the poor?

III. PURPOSE OF WRITTING

The purpose of this research is to give direction in stepping in accordance with the purpose of the research. The objectives in this peelitian are:

- 1) To know how the government can afford to provide housing needs for the poor.
- 2) To know what programs the government is doing in providing housing needs for the poor.

IV. METHODOLOGY

Method is the process, principles and procedures of solving a problem, while research is a careful examination, diligent and complete examination of a symptom to increase human knowledge, then the research method can be interpreted as the process of principles and ordinances to solve the problem faced in conducting research. Through the research process, analysis and construction of data that has been collected and processed (Soerjono Soekanto & Sri Mamudji, Jakarta:1985), 1. Specifically according to its type, nature and purpose, a legal study is distinguished into 2 (two) normative legal research and empirical legal research. Peter Mahmud Marzuki, Penelitian Hukum (Jakarta : Kencana, 2005), 25. In this study the method used is empirical research that is to see the extent of the government's ability in providing housing needs for people who are not able to.

V. RESULT

1) The government's ability to provide housing needs for the poor

Article 34 paragraph of the 1945 Constitution paragraph (1) explains that the poor and displaced children maintained by the state. paragraph (2) that the State develops a social security system for all people and empowers a society that is weak and incapable in accordance with the dignity of humanity. With regard to social security, the government together with House Of Representatives already discussed and established Law No. 11 of 2009 on Social Welfare. As for the sociological basis of the formation of this law is to realize a decent and dignified life, and to fulfill the right to the basic needs of citizens for the achievement of social welfare, the state organizes services and development of social welfare in a planned, directed, and sustainable.

Based on Article 9 of the law on social welfare that social security is held to ensure the poor, orphans displaced, elderly displaced, physically disabled, mentally disabled, physically and mentally disabled, ex-sufferers of chronic diseases who experience problems, socio-economic disabilities so that their basic needs are met. According to Article 28H paragraph (1) of the 1945 Constitution that everyone has the right to live a prosperous life born and inwardly, residing, and getting a good and healthy environment and entitled to health services.

Article 28H paragraph (1) explains the right of the constitution for every citizen to have a place of residence. The concept of housing does not mean it must have but a building to be occupied temporarily. Buildings must protect, which is why the establishment of a building, whether a private house or a space intended for public gatherings, must guarantee the birth of a sense of security. Whether you feel safe in a private or group (Irwan Kartiwan, Jakarta:2010), 1.

In meeting the needs of habitable housing, the government in this case the Ministry of Public Works and Public Housing as the person in charge of housing implementation launched several housing assistance programs. These programs include the construction of flats, special houses, assistance in the construction of infrastructure, facilities, and utilities, housing financing assistance, and self-help housing stimulus assistance. (Ministry of Public Works, Jakarta: 2017), 89.

The Analysis of Government Program Implementation in the Fulfillment of Home Needs for the Poor

2) What programs does the government undertake in providing housing needs for people who are not able to

Until 2020, there have been various developments related to Indonesia's home surgery program. The home surgery programs vary in type and name depending on the organizing institution, mostly from central and local government, but many others come from Corporate Social Responsibility programs organized by companies living in various parts of Indonesia (Dafyar Eliadi:2021) 185. In the implementation of the program, there are many stages carried out, both the planning stage, the implementation stage and the supervision stage. At the time of implementation or construction, all information on the construction must be done transparently (Taupiqurrahman, Jakarta: 2020) , 472. The programs undertaken by the government in the fulfillment of home needs, among others.

a. Special home programs

In fulfilling the government's obligations as referred to in the law on housing and residential areas, the government already provides special houses, as for special houses that have been built by the government can be seen in the table below.

Table 1. Number of Special Houses by Province in 2015-2017

No	Propinsi	2015	2016	2017	Total
1	Aceh	642	52	492	1.186
2	North Sumatra	28	35	151	214
3	West Sumatra	25	401	307	733
4	Riau	20	21	100	141
5	Jambi	221	13	150	384
6	South Sumatra	110	29	100	239
7	Bengkulu	80	70	71	221
8	Lampung	50	137	0	187
9	Bangka Belitung	192	118	0	310
10	Riau Island	53	89	95	237
11	Jakarta	0	16	0	16
12	West Java	171	140	0	311
13	Central Java	61	85	50	196
14	DI Yogyakarta	0	16	100	116
15	East Timur	20	43	154	217
16	Banten	64	61	0	125
17	Bali	0	12	0	12
18	East Nusa Tenggara	200	208	205	613
19	West Nusa Tenggara	45	363	100	508
20	West Kalimantan	147	163	12	322
21	Central Kalimantan	179	13	100	292

The Analysis of Government Program Implementation in the Fulfillment of Home Needs for the Poor

22	South Kalimantan	0	30	51	81
23	East Kalimantan	0	56	50	106
24	North Kalimantan	441	233	101	775
25	North Sulawesi	144	63	200	407
26	Central Sulawesi	351	119	201	671
27	South Sulawesi	574	187	309	1.070
28	South East Sulawesi	0	230	1	231
29	Gorontalo	334	281	210	825
30	West Sulawesi	624	215	104	943
31	Maluku	121	267	150	538
32	North Maluku	20	294	300	614
33	Papua	1208	1173	230	2.611
34	West Papua	281	810	441	1.532
	Total	6406	6043	4535	16.984

Source: Ministry of Public Works

A special house is a house that is built or available to meet special needs such as fishing communities, people living in scattered locations on the outer islands, remote areas, and disadvantaged areas and disaster victims communities. Based on the data above, the available homes were 16,984 houses in 2015 as many as 6,406, in 2016 as many as 6,043 and in 2017 decreased by only 4,535 homes.

b. Simple flats rental program

Real estate housing is distinguished into 2 (two) types, namely horizontal housing and vertical housing. Horizontal development form is a single family house or a separate house and stand alone, two families house that is two units of houses that are attached to each other and two row houses or houses attached to the sides then the form of vertical buildings the flat or walk up apartment is a residential flat unit located on 1-4 floors or apartment evaluator that is a residential flat with a height of more than 5 floors (Gunanegara, Jakarta: 2018), 222.

The fulfillment of the right to a home is a national issue whose impact is felt throughout the country. This can be seen from the number of low-income people who have not been able to inhabit a decent home, especially in urban areas that resulted in the formation of slums. The fulfillment of housing needs can be done through the construction of flats as part of housing development given the limitations of land in urban areas. The construction of flats is expected to encourage urban development as well as a solution to improve the quality of settlements. The implementation of flats aims to:

- 1) Ensure the realization of livable and affordable flats in a healthy, safe, harmonious, and sustainable environment and create integrated settlements to build economic, social, and cultural resilience;
- 2) Improving the efficiency and effectiveness of the utilization of space and land, as well as providing green open space in urban areas in creating a complete and harmonious and balanced residential area with attention to the principles of sustainable development and environmentally sound
- 3) Reduce the area and prevent the onset of housing and slums;
- 4) Direct the development of suitable, balanced, efficient, and productive urban areas;
- 5) Meet the social and economic needs that support the lives of residents and communities while prioritizing the goal of meeting the needs of decent housing and settlements, especially for low-income people;
- 6) Empowering stakeholders in the field of housing development;

The Analysis of Government Program Implementation in the Fulfillment of Home Needs for the Poor

- 7) Ensure the fulfillment of the needs of decent and affordable flats, especially for low-income people in a healthy, safe, harmonious, and sustainable environment in an integrated system of housing and settlement governance; and.
- 8) Provide legal certainty in the provision, habitability, management, and ownership of flats

In the construction of rent stacking must be easily affordable for the community, close to the workplace or place of study in order to increase productivity and efficiency of work and learning and improve the quality of life of the advocates As for the rusunawa that has been built in the period 2015-2017 can be seen in the table below:

Table 2. Number of Flats By Province in 2015-2017

No	Propinsi	2015	2016	2017	Total
1	Aceh	248	151	100	499
2	North Sumatra	333	332	30	695
3	West Sumatra	85	387	330	802
4	Riau	35	103	256	394
5	Jambi	50	30	140	220
6	South Sumatra	328	414	97	839
7	Bengkulu	0	90	0	90
8	Lampung	126	432	274	832
9	Bangka Belitung	131	0	0	131
10	Riau Island	208	227	263	698
11	Jakarta	1765	314	83	2.162
12	West Java	1233	774	514	2.521
13	Central Java	931	1252	274	2.457
14	DI Yogyakarta	325	250	378	953
15	East Timur	939	796	717	2.452
16	Banten	303	164	70	537
17	Bali	236	125	0	361
18	East Nusa Tenggara	311	196	142	649
19	West Nusa Tenggara	170	114	104	388
20	West Kalimantan	105	297	387	789
21	Central Kalimantan	0	47	70	117
22	South Kalimantan	48	77	100	225
23	East Kalimantan	155	180	230	565
24	North Kalimantan	35	70	0	105
25	North Sulawesi	166	172	194	532

The Analysis of Government Program Implementation in the Fulfillment of Home Needs for the Poor

26	Central Sulawesi	482	157	180	819
27	South Sulawesi	398	579	307	1.284
28	South East Sulawesi	164	275	151	590
29	Gorontalo	96	181	230	507
30	West Sulawesi	185	275	0	460
31	Maluku	323	91	0	414
32	North Maluku	164	407	227	798
33	Papua	349	0	0	349
34	West Papua	70	82	156	308
Total		10497	9041	6004	25.542

Source : Ministry of Public Works

The data above shows that within 3 (three) years the new government built 25,542 simple flats, in 2015 as many as 10,497 units, 2016 as many as 9,041 units and 2017 of 6,004. With the distribution of the use of 27.87% of rusunawa development activities intended for low-income people and 17.03% reserved for the Indonesian National Army.

The figure is still categorized as small, compared to the number of people who are increasing while the land is getting higher in value. Moreover, like the big cities in Indonesia, with the selling value of land that can be penetrated by Rp. 15.000.000/M³, the size of middle-income people down will be very difficult to buy with such a large value, if they buy land covering an area of 100/M³, then the concerned should spend a fee of Rp. 1.500.000.000 (Fifteen billion). If only umr income (Rp.4.267.369), then to raise money that much takes 351 months or 29 years. Therefore, the making of rusunawa for underprivileged people is a way out guaranteeing the rights of citizens to have a place to live as urged in Article 28H paragraph (1) of the 1945 Constitution and the value of social justice for all Indonesians.

c. Assistance in the construction of infrastructure, facilities, and utilities

In Article 1 paragraph (1) regulation of the Minister of Public Works and Public Housing concerning Amendments to the Regulation of the Minister of Public Works and Public Housing No. 38/Prt/M/2015 concerning Infrastructure, Facilities, and Public Utilities Assistance for Public Housing that assistance in the construction of infrastructure, facilities, and utilities is the provision of assistance components for housing that builds public houses in the form of single houses or row houses, which are stimulants in housing sites built by construction actors.

Livable houses are not only related to the condition of buildings that are in accordance with standards but accessibility to infrastructure, facilities, and utilities in housing and residential areas must also be fulfilled so that the residential area can be said to be habitable. Therefore, the Ministry of Public Works has provided assistance in the construction of such facilities intended for public houses in the form of single houses, row houses, and flats. The provision of such assistance is stimulant (government assistance for low-income people to encourage and improve the power in improving the quality of homes and the construction of new homes along with public infrastructure, facilities, and utilities). In 2015 the government provided 25,379 assistance and in 2016 25,520.

d. Self-help housing stimulant assistance

In Article 1 number 9 of Law No. 1 of 2011 concerning Housing and Residential Areas that what is meant by self-help houses are houses built on the initiative and efforts of the community. In an effort to meet the needs of the community, the government has implemented the assistance of self-help housing stimulants or better known as home surgery systems. Where the home surgery program is carried out by the central government through the ministry of public works and public housing as well as the provincial and district governments / cities. In the implementation of home surgery, the government recruited a team of individual consultants for the implementation of home surgery programs in accordance with the legislation and no budget irregularities and the accuracy of the target.

The Analysis of Government Program Implementation in the Fulfillment of Home Needs for the Poor

Home surgery activities are divided into 2 (two) namely in the form of new development and in the form of quality improvement. For more details can be seen in the table below:

Table 3. Number of Home Surgery Programs in Indonesia

Number	Year	Sum
1	2015	82.234 Unit
2	2016	97.888 Unit
3	2017	105.663 Unit
Total		285.785 Unit

Source: Ministry of Public Works

Data on the number of admissions to the Home Surgery Program (HSP) is seen from year to year there is always an increase. But the HSP program has more quality improvement than new development. Where in 2015 of 82,234 housing units, the new construction was only 19,987 or 24.03%, in 2016 new development was only 1,007 or 1.03% and in 2017 there were no new developments. Therefore, the concept of HSP is a program that has not touched many people, especially the poor who do not have a home. The government should build new homes for those on low incomes, especially those who are going to get married or newly married. After the new development for those who will hold a wedding, they can benefit from the government's means of assistance so that their rights are in accordance with Article 28H paragraph (1) of the 1945 Constitution and the value of social justice for all Indonesians is fulfilled.

e. Home Ownership Loan Distribution Facility with Housing Financing Liquidity Facility

Of the various programs that have been conducted by the government, one of them is the distribution of credit. This program involves several parties, namely the developer and the banking/financing institutions. With the agreement between the government and financing institutions and in accordance with the prevailing regulations set interest rates only 7.25% per year. With an interest rate of 7.25% is already quite low, but the distribution of subsidized housing with a long period of time, that can reach a period of 15-20 years. While the value of the house exceeds the figure of Rp 100,000,000 (one hundred million). If the interest rate is 7.25% per annum, then if the installment for 20 Years then the recipient of the credit facility or debtor will pay an interest rate of 145% or with an interest amount of 145,000,000 (one hundred four outuh five million rupiah. When totaled with the principal of the loan, the debtor has an obligation to pay principal plus interest of Rp, 245,000,000 (Two hundred and forty-five million rupiah).

With the credit distribution system, the ownership of land rights whether it is property rights or building use rights are tied to dependent rights. Deed of Granting of dependent rights and certificate of dependent rights as one of the basis for the bank to conduct foreclosure guarantees. The deed and certificate as the basis for the auction conducted by the creditor. So if we assume low-income people borrow credit facilities with a term of 20 years. After 10 years running, the concerned does not accept the installment payment anymore, meaning the customer has paid approximately Rp. 122.500.000. However, due to the debtor's inability to pay off the loan, the house must be auctioned or released by the homeowner.

Whereas the constitution guarantees the right of citizens to own a home and a place to live. In addition, the legal consideration of housing and residential areas states: first that everyone has the right to live a prosperous life born and inwardly, reside, and get a good and healthy environment, which is a basic human need, and which has a very strategic role in the formation of the character and personality of the nation as one of the efforts to build a whole Indonesian people , self-reliant, independent, and productive. Second, the state is responsible for protecting all Indonesians through the implementation of housing and residential areas so that people can live and live in decent and affordable homes in healthy, safe, harmonious, and sustainable housing throughout Indonesia. With the inability of the community to pay off the facilities and then carried out bail, it is slightly contrary to the law, the 1945 Constitution and the value of social justice principles for all Indonesians.

VI. CONCLUSION

- 1) The form of the implementation of Article 28H paragraph (1) of the Constitution of the Republic of Indonesia where everyone has the right to live a prosperous life born and inwardly, reside, and get a good and healthy living environment. The government and/or local government are responsible for the construction of public houses, special houses, and state houses. For people who cannot afford it, the government meets the needs of housing by organizing public houses.

The Analysis of Government Program Implementation in the Fulfillment of Home Needs for the Poor

- 2) In meeting the need for livable housing, the government has launched several programs, which include the construction of flats, special houses, assistance for the construction of infrastructure, facilities and utilities, housing financing assistance, and assistance for self-help housing.

REFERENCES

- 1) Andi Hamzah, (1990), *Dasar-Dasar Hukum Perumahan*, Jakarta, Rineka Cipta.
- 2) Adrian Sutedi (2010), *Hukum Rumah Susun dan Apartemen*, Jakarta, Sinar Grafika.
- 3) Dafyar Eliadi, (2021) *Implementasi Program Pembangunan Rumah Sederhana Sehat (PRSS), di Kota Tangerang*, Jurnal Ilmiah Muqoddimah.
- 4) Gunanegara (2018), *Mengenal Hukum Agraria & Real Estate Law*, Jakarta, Tatanusa.
- 5) Irwan Kartiwan, (2010), *Wajah Jasa Konstruksi di Indonesia, Tinjauan Keberpihakan*, Jakarta, Gapeksindo, Gramedia Pustaka Utama.
- 6) Kementerian Pekerjaan Umum, Sekretariat Jenderal, Pusat data dan Informasi, (2017) *Buku Informasi Statistik*, Jakarta.
- 7) Naskah Akademik, *Rancangan Undang-Undang tentang Tabungan Perumahan Rakyat*.
- 8) Peraturan Menteri Perencanaan Pembangunan Nasional / Kepala Badan Perencanaan Pembangunan Nasional Nomor 7 Tahun 2018 tentang Koordinasi, Perencanaan, Pemantauan, Evaluasi, Dan Pelaporan Pelaksanaan Tujuan Pembangunan Berkelanjutan.
- 9) Peraturan Menteri Pekerjaan Umum Dan Perumahan Rakyat Republik Indonesia Nomor 10/Prt/M/2019 Tentang Kriteria Masyarakat Berpenghasilan Rendah Dan Persyaratan Kemudahan Perolehan Rumah Bagi Masyarakat Berpenghasilan Rendah.
- 10) Peter Mahmud Marzuki (2005), *Penelitian Hukum*, Jakarta, Kencana.
- 11) Soerjono Soekanto & Sri Mamudji (1985), *Penelitian Hukum Normative Suatu Tinjauan Singkat*, Jakarta, Raja Grafindo Persada.
- 12) Taupiqurrahman, (2020), *Bela Negara: Norma, Internalisasi Nilai Bela Negara dan Penegakan Hukum (Pemberdayaan Masyarakat Dalam Pembangunan Konstruksi Sarana Air Minum Sebagai Implementasi Bela Negara)*, Jakarta, Kencana.
- 13) Undang-Undang Dasar Negara Republik Indonesia 1945.
- 14) Undang-Undang Nomor 5 Tahun 1960 tentang Peraturan Dasar Pokok-Pokok Agraria.
- 15) Undang-Undang Nomor 20 Tahun 2011 tentang Rumah Susun (Lembaran Negara Republik Indonesia Tahun 2011 Nomor 108, Tambahan Lembaran Negara Republik Indonesia Nomor 5252).
- 16) Undang-Undang Nomor 1 Tahun 2011 tentang Perumahan dan Kawasan Permukiman (Lembaran Negara Republik Indonesia Tahun 2011 Nomor 7, Tambahan Lembaran Negara Republik Indonesia Nomor 5188).
- 17) Undang-Undang Nomor 11 Tahun 2005 tentang Pengesahan International Covenant on Economic, Social and Cultural Rights (Lembaran Negara Republik Indonesia Tahun 2005 Nomor 118, Tambahan Lembaran Negara Republik Indonesia Nomor 4557).
- 18) Millennium Development Goals, Sambutan Dari United Nations Resident Coordinator Di Indonesia, Menteri Negara Perencanaan Pembangunan Nasional/ Kepala Badan Perencanaan Pembangunan Nasional. Paskah Suzetta, Posisi Kita Sekarang: Status Pencapaian Mdns Indonesia.