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The Problem of Unavailability of Living for Low-Income Communities in Pekunden Rental Flats

*Masalah Tidak Tersedianya Tempat Tinggal
Bagi Masyarakat Berpenghasilan Rendah di
Rusun Sewa Pekunden*

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Abstract

Rental flat was built to facilitate low income communities to obtain temporary housing. However, the implementation of the flats was not on target because people who were unfit to live in the Pekunden flats were not disciplined by the UPTD. The legal umbrella for condominiums is contained in Law no. 20 of 2011. Likewise, flats in Semarang City have rules for implementing flats which are regulated in Mayor Regulation No. 7 of 2009. The aim of this research is to identify and analyze the implementation of the rental extension of the Pekunden Rental flat Mayor Regulation of Semarang City No. 7 of 2009 and find out and analyze what repressive efforts there are regarding the problem of unavailability of



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housing for low income communities in the Pekunden flats. The results of the research carried out were that the Semarang City Government in carrying out the provision of flats did not implement Law no. 20 2011, in practice there are still well-off flat residents living in flats. The conclusion and suggestion from this research is that in implementing the flats, the Semarang City Government does not confirm the termination time for residents to settle. This problem causes the low income communities queue list for Pekunden flats to increase and they never get their rights, so it is necessary to implement implementing regulations regarding termination times and special qualifications for lease extensions by Disperkim or discretion by UPTD. Regarding this problem, repressive efforts must also be found to overcome it.

KEYWORDS *Repressive Efforts, Residence, Low Income Communities, Rental Flat*

Rusunawa di bangun untuk memfasilitasi MBR agar memperoleh tempat tinggal sementara. Namun dalam implementasinya rusunawa tidak tepat sasaran dikarenakan para masyarakat yang tidak layak untuk menghuni rusunawa Pekunden tidak didisiplinkan oleh UPTD. Payung hukum rumah susun terdapat dalam Undang-Undang No. 20 Tahun 2011. Begitu juga rusunawa di Kota Semarang memiliki aturan pelaksanaan rusunawa yang diatur dalam Perwali No. 7 Tahun 2009. Tujuan dalam penelitian ini yaitu untuk mengidentifikasi dan menganalisis pengimplementasian perpanjangan penyewaan unit rusunawa Pekunden Perwali Kota Semarang No. 7 Tahun 2009 serta mengetahui dan menganalisis apa saja upaya represif atas permasalahan ketidaktersediaan tempat tinggal bagi MBR pada rusunawa Pekunden. Hasil dari penelitian yang dilakukan adalah Pemerintah Kota Semarang dalam melaksanakan penyediaan rusunawa tidak mengimplementasikan UU No. 20 Tahun 2011, pada praktiknya masih terdapat penghuni rusunawa yang sudah mampu yang tinggal pada rusunawa. Kesimpulan dan saran dari penelitian ini yaitu dalam pelaksanaan rusunawa, Pemkot Semarang tidak menegaskan terminasi waktu menetapnya penghuni. Permasalahan tersebut menyebabkan daftar antrean MBR rusunawa Pekunden semakin

banyak dan tak kunjung memperoleh haknya, jadi perlu diadakan peraturan pelaksana mengenai terminasi waktu dan pengkualifikasian khusus terhadap perpanjangan sewa oleh Disperkim atau diskresi oleh UPTD. Terkait adanya permasalahan tersebut juga harus ditemukan upaya-upaya represif untuk menanggulangnya.

KATA KUNCI *Upaya Represif, Tempat Tinggal, MBR, Rusunawa*

Introduction

Indonesia is one of the countries with the most dense population in the world. Judging from data from the Central Statistics Agency, Indonesia had 275 (two hundred and seventy five) million inhabitants in 2022, which is fourth in terms of population in the world.¹ Of several cities in Indonesia, Semarang City is one of the cities that accommodates and has a large population, with more than 1.5 (one and a half) million residents with an area of 373.7 km². In general, the level of urgency in needing a place to live in an area is obtained from the gap between the number of houses that have been built and the number of houses needed by the community, known as the backlog. The city of Semarang has a fairly high backlog level compared to other cities in Indonesia. The ownership level reached 105,141 units, while the residential backlog reached 80,990 units.² If we examine the backlog data, housing is a very priority for residents in the city of Semarang, which of course means that if each individual has a house with a limited area and the population is increasing all the time, then urban space will not be sufficient. Therefore, the government here is realizing a solution to this problem by building flats.

Flats are multi-storey infrastructure or buildings built in separate areas in segments that are arranged efficiently, both vertically and horizontally. A flat is an apartment unit whose primary intention is to

¹ Tim CNN Indonesia, "10 Negara Paling Padat Di Dunia, Salah Satunya Indonesia," Cnnindonesia.Com, 2022, 1.

² Disperakim Provinsi Jawa Tengah, "Buku Data PKPP Provinsi Jawa Tengah Tahun 2022," 2022, 32.

function separately from its main function as a residence.³ Flats are regulated in Law no. 20 of 2011 which is further regulated in Government Regulation no. 4 of 1998 which has been updated with Government Regulation no. 13 of 2021. The flats focused on in this research are public flats.

In its implementation, the procedure for obtaining permission to occupy a rental apartment requires special procedures, such as monthly income, mandatory Indonesian citizenship, and other things. Residential and rental regulations for flats in Semarang City use two special regulations to regulate their implementation, namely, Semarang Mayor Regulation No. 7 of 2009 concerning Occupancy and Rental of Rental Houses Owned by the Semarang City Government and Semarang City Regional Regulations (PERDA) Number 7 of 2018 concerning Amendments to Semarang City Regional Regulations Number 3 of 2012 concerning Business Services Levy in Semarang City.

Even though there is a legal umbrella for rental flats in the city of Semarang, in its implementation various problems have been found, one of which is that flat residents are not fit to live in rental flats due to sufficient financial needs to move to ownership, on the other hand, these residents do not have the intention. to switch to housing ownership from flats, while the Low Income Communities queue list at Pekunden flats is quite large. In Article 5 Paragraph 2 jo. Article 3 letter f Semarang Mayor Regulation No. 7 of 2009, basically states that the conditions for extending the occupancy of an apartment must be accompanied by acceptable reasons and implemented based on the applicable provisions. It can be found that the diction of "acceptable reasons" is not detailed because it does not provide specific qualifications regarding what is meant by acceptable reasons. This could be a legal vacuum, but Article 3 letter f states that residents of rental flats must have a low income and/or a minimum of the City Minimum Wage (UMK). If we examine in more depth the problems of rental flats which have been described above, it can be seen that there are *das sein* (implementation of regulations) which are not in accordance with *das sollen* (applicable legal regulations), regarding

³ Imanuel Rahmani, "Perlindungan Hukum Kepada Pembeli Dalam Kepailitan Pengembang (Developer) Rumah Susun," *Jurnal Hukum Bisnis Bonum Commune*, 2018, 73–88.

this matter it is stated in Article 5 Paragraph 2 which The point is that an extension to rent an apartment unit must be accompanied by an acceptable reason and be implemented based on the applicable provisions.

If the occupants of an apartment unit which is no longer fit for habitation, but are still allowed to live or occupy a rental flat, then they automatically violate the applicable rules (contrary to *das sollen* or applicable regulations). This is because the Semarang City Regional Technical Implementation Unit (UPTD) as the developer of the Pekunden flats also does not have the heart for the people living in the flat units to be evicted or evicted.

From the problems described above, a theoretical basis is needed in analyzing the legal problems regarding violations of occupancy in the Pekunden Rental Flats. The theoretical basis is defined as a medium for connecting related theories with research through explanations of several literature summaries. The theoretical basis is used so that researchers can carry out analysis of data collections encountered in the field. In this research, two types of theories will be used that are related to the problems to be studied, namely the Theory of the Nature of Law to test the second problem formulation and the Utilitarianism Theory to test the first problem formulation.

Based on the problems above, the author is interested in conducting a study on "Repressive Efforts on the Problem of Unavailability of Housing for Low-Income People in Pekunden Rental Flats".

Method

The approach used in this research is a qualitative approach so that with this qualitative approach more detailed and in-depth information can be extracted regarding a situation that occurs, then the type of research used is normative juridical legal research. The use of empirical juridical research methods begins with reviewing the results of previous research which is then continued by conducting research directly in the field to obtain more valid data information. The location in the research is Rusunawa Pekunden which is in the Pekunden Flats Complex, Jalan Pekunden, Semarang City, Central Java. The author conducted observations, interviews and documentation with research sources with the

aim of gaining an understanding of the implementation of Pekunden rental flats and to find out what requirements are needed to extend the rental of residential flats. Empirical juridical research uses primary data taken directly from people's lives through observation, interviews and documentation. Meanwhile, secondary data sources are obtained by researchers as support from primary sources, such as laws, textbooks and journal research results. The data source for this research is strengthened by tertiary data which provides explanations from dictionaries and news. This empirical research obtains data from the research location which is collected with the help of tools such as cellphones, cameras, printers and data verification.⁴

Result & Discussion

A. Regulations and Implementation of Legislation in Pekunden Rental Flats

Pekunden rental flats are flats built by the Semarang city government as one of the programs in an effort to fulfill housing and settlement needs, especially in urban areas due to the dense population which is not balanced with the amount of land available. As is known, in urban areas the amount of land is inadequate, so this alternative for building flats is considered appropriate and very beneficial, especially for low-income people, this is very helpful. Therefore, the enthusiasm of community members, especially those with low incomes, towards the construction of these flats is very high, especially since the rental prices are very affordable for community members. This is proven by the large number of community members who register to be able to rent these rental flats, giving rise to a waiting list.⁵

As members of the community who have met the requirements to become residents of the flat, the Semarang City Government which is related to the management of the Flats makes the laws and regulations and the Code of Conduct as well as the rights and obligations that must be

⁴ Matthew B Miles and A Michael Huberman, *Qualitative Data Analysis: An Expanded Sourcebook* (sage, 1994).

⁵ Akhlan Ikhwanasyah, Nyoman Sumaryadi, and Prio Teguh, "Implementasi Kebijakan Rumah Susun Sederhana Sewa Di Unit Pengelola Rumah Susun I Tambora Kota Administrasi Jakarta Barat Provinsi DKI Jakarta," *Management Studies and Entrepreneurship Journal (MSEJ)* 4, no. 1 (2023): 409.

obeyed by the residents of the flat and also the sanctions that will be applied. if they do not comply with the rules or regulations that have been made by the Semarang City Government. However, not all of these laws and regulations are implemented or obeyed by either the residents of the flats or the authorities. The following is a table between the implementing regulations for Pekunden Flats and their implementation:

TABLE 1. Implementation of Regulations in the Mayor of Semarang No. 7 of 2009

No	Legislation (Semarang Mayor Regulation No. 7 of 2009)	Field Implementation in Pekunden Rental Flats
1.	Article 5 Paragraph (2): "The term of the Rental Agreement is valid for two years and can be extended for acceptable reasons and implemented in accordance with the provisions of the applicable laws and regulations."	The extension is only based on periodic rental payments to the Semarang City UPTD, without an acceptable reason (results of an interview with the Semarang City Rusunawa UPTD, on Monday, January 8 2024 at 10.30 WIB located at the Semarang City Rusunawa UPTD office).
2.	Article 8b: "Rented House Occupants have the obligation to pay house rent levies and all fees determined in accordance with applicable regulations." Article 11 paragraph (1): "Payment of rent levies is made every month no later than the 10th of the month in question."	There are many residents of rental flats who do not comply, it is proven that there are arrears recorded in rent levies and contributions that should be paid every month (results of interviews with UPTD Rusunawa Semarang City, on Monday, January 8 2024 at 10.30 WIB located at the office UPTD Rusunawa Semarang City).
3.	Article 9a: "transferring rental rights to another person without any reason"	There are residents of flats who transfer their houses to other parties (family or relatives or friends) without notifying the relevant parties (results of interviews with the UPTD Rusunawa City of Semarang, on Monday, January 8 2024 at 10.30

No	Legislation (Semarang Mayor Regulation No. 7 of 2009)	Field Implementation in Pekunden Rental Flats
		WIB located at the UPTD Rusunawa City office Semarang).
4.	Article 9b: "change all or part of the rooms and/or the form of the rental house without written permission from the Head of Service"	There are apartment residents who renovate the rooms in the apartment units they rent without notifying the Head of Department (results of observations and interviews with UPTD Rusunawa Semarang City, on Monday, January 8 2024 at 10.30 WIB located at the UPTD Rusunawa Semarang City office).
5.	Article 9i: "keeping pets except ornamental fish in the aquarium"	There are apartment residents who keep pets other than fish in the apartment units they rent (results of interviews with UPTD Rusunawa Semarang City, on Monday, January 8 2024 at 10.30 WIB located at the UPTD Rusunawa Semarang City office).
6.	Article 20a: "if the occupant violates the provisions/prohibitions and obligations, the rental agreement can be cancelled unilaterally by the Head of the UPTD"	There are several residents who do not comply with regulations or prohibitions but their agreement has not been cancelled by the UPTD. (results of an interview with the UPTD Rusunawa Semarang City, on Monday, January 8 2024 at 10.30 WIB located at the UPTD Rusunawa Semarang City office).
7.	Article 20d: "if you do not pay the rent levy for three consecutive months you must leave the apartment and the residence will be replaced by another prospective occupant according to the waiting list"	There are a number of apartment residents who have not paid rent levies for three consecutive months without being issued by the authorities (results of interviews with the UPTD Rusunawa City of Semarang, on Monday, January 8 2024 at 10.30

No	Legislation (Semarang Mayor Regulation No. 7 of 2009)	Field Implementation in Pekunden Rental Flats
		WIB located at the UPTD Rusunawa City office Semarang).
8.	Article 20e: "Residents who have violated the rental agreement and are unwilling to vacate the residence after receiving three warnings, will be forced to vacate by authorized officials in accordance with the provisions of the applicable laws and regulations."	Many flat residents do not comply with the rental agreement, even though they have received notification letters or warnings more than three times from authorized officials and remain/live in the rental flat unit (results of interviews with UPTD Rusunawa Semarang City, on Monday, January 8 2024 at 10.30 WIB located at the UPTD Rusunawa office, Semarang City).

Sources: *Research results by researchers on Semarang Mayor Regulation no. 7 of 2009 and its implementation*

In the context of the discrepancy between *das sein* and *das sollen* in regulations and the implementation of regulations in Pekunden rental flats, this will result in a gap in legal objectives between the objectives of the central government and the implementation of regulations or actions that have been implemented by the Semarang City government, in this case Disperkim and UPTD City. Semarang.

In this problem, the government cannot be solely blamed, apart from the Semarang City government, the residents of Pekunden rental flats are also part of the implementation of regulations that have been made by the central government and the Semarang City government itself which aims to ensure that the entire community has an income. People in Semarang City can gradually obtain protection and facilities in the form of Pekunden rental flats. This goal was not achieved not only as a result of the Semarang City government's lack of firmness in implementing the regulations that had been formulated, but also the residents of the Pekunden flats themselves, because on the other hand, the residents of the Pekunden flats who had lived in the flats for a long time and already have sufficient financial income and do not have the awareness to move from the unit

they currently live in. That there are still many other Low Income Communities (MBR) who are still waiting on the waiting list or waiting list who really need a place to live. In fact, the waiting list is increasing every year. The results that can be drawn regarding the impacts that occur due to the existence of *das sein* and *das sollen* are that the Semarang City UPTD must be firm and there is also a need for awareness from the residents of the Pekunden flats who have lived in the flats for a long time and already have sufficient financial income to provide opportunities for other Low Income Communities to be able to live in government-made flats.

B. Implementation of the rental extension of Pekunden Semarang City Rental Flats in Semarang Mayor Regulation No. 7 of 2009

The focus taken from the research results that have been described is the crucial article contained in Semarang Mayor Regulation No. 7 of 2009, namely regarding the extension of occupancy of rental flat units. The article in question is Article 5 Paragraph (2) which reads as follows: *"The term of the Rental Agreement is valid for two years and can be extended for acceptable reasons and implemented in accordance with the provisions of the applicable laws and regulations."*

Basically, the article confirms that the extension is based on the time after two years of occupying the apartment and an extension can be carried out if there is an acceptable reason and the extension is carried out in accordance with the provisions of the applicable laws and regulations. There are three things that are problems in its implementation, namely the absence of discipline regarding the time period for residents of apartment units who have lived for a long time, the unclear diction *"acceptable reasons"* and the diction *"carried out in accordance with the provisions of the applicable legislation"*.

First, regarding discipline related to the period of time for residents of apartment units who have lived for a long time. This is a problem, in that residents are not disciplined to leave the flats, which results in Low Income Communities on the queue or waiting list not getting the

opportunity to live in Pekunden rental flats. In the absence of discipline for residents of apartment units who have lived for a long time, the residents of these apartment units also do not have the awareness to leave and buy a private house.

Then regarding diction, the second reason the diction is a problem is because there is no explanation in the Mayor Regulation. When viewed abstractly, the lack of clarity in these two dictions is just a trivial problem that can be improvised in its implementation. However, on the contrary, the unclear meaning of these two dictions actually gives rise to legal problems. In essence, this verse is a "rubber verse" which in the legal field is often referred to as a "*rubber article*." In understanding statutory law, a regulation or provision which is referred to as a "rubber article" or an article which has multiple interpretations is essentially a norm which does not meet the qualifications of the principle of legality, that a statutory provision must explain clear reasons (*nullum crimen, nulla poena sine lege certa*) so that it does not result in various interpretations which are crucial for legal certainty.⁶ Essentially a rubber article is an article whose meaning is very subjective originating from the regulator or law maker and other parties so that it can give rise to various interpretations (multiple interpretations).⁷

The first diction that will be discussed is the diction "acceptable reasons". This diction is a diction that creates a very high level of ambiguity. In relation to its implementation, the Semarang City UPTD admitted that the diction was a rubber article and responded to this with an assumption that the UPTD felt was correct. In the context of extending the occupancy of Pekunden rental flats through an extension of the rental agreement which is carried out for two years, the UPTD only carries out the extension without any questions related to "acceptable reasons", but only instructs the residents of the flat units to complete the administrative requirements, and will spontaneously pass the extension qualification stage. And residents of Pekunden rental flats can continue their residence

⁶ Amri Dunan and Bambang Mudjiyanto, "PASAL KARET UNDANG-UNDANG INFORMASI DAN TRANSAKSI ELEKTRONIK BERMASALAH," *Majalah Semi Ilmiah Populer Komunikasi Massa* 3, no. Nomor 1 (2022): 30.

⁷ Yosephus Mainake and Luthvi Febryka Nola, "Dampak Pasal-Pasal Multitafsir Dalam Undang-Undang Tentang Informasi Dan Transaksi Elektronik," *Pusat Penelitian Badan Keahlian DPR RI* 12, no. 16 (2020): 2.

safely and peacefully. This raises problems regarding waiting lists or queue lists for Low Income Communities (MBR). The queue list or waiting list is a list containing low-income people who need a suitable place to live or shelter in the form of a rental flat, which in this focus is the *Pekunden rental flat*.

At this stage, discretionary methods should be implemented by the Semarang City government to overcome this problem. If we examine further, the main intention of the Semarang City Government in establishing flats is to provide facilities and assistance in the form of temporary housing to low-income people who do not have a place to live, and after that it is hoped that flat unit tenants who have been given time to live in rental flats, can now own a residence or privately owned house, thereby giving other low-income residents the opportunity to obtain a place to live temporarily that is habitable until they can obtain their own home.⁸

Therefore, discretion must be exercised by the Semarang City UPTD or Disperkim to overcome this problem, because if discretion is not exercised, the Semarang City Government's efforts to continue to provide temporary housing in the form of habitable rental flats will not be realized due to the continued residence of the unit occupants. old rental flats that have never moved or left the *Pekunden rental flats*.

Sjachran Basah defines that *freies ermesen* is an independent nature to act on one's own initiative, with the exception that in its implementation the legal acts must be in accordance with the applicable legal values, as stipulated in the rule of law based on Pancasila.⁹ If concluded, discretion is a legal action carried out by a government organ or body outside of what has been stipulated in a statutory regulation on its own initiative, and carried out in accordance with the values of Pancasila. Discretion can be misused in its implementation, but the discretion referred to in this case is discretion with good intentions. The discretion referred to here is in order to achieve the government's goals in relation to

⁸ Dinas Perumahan dan Kawasan Permukiman Kota Semarang, "Biaya Unit Rusun *Pekunden Kota Semarang*," [rusun.disperkim.semarangkota.go.id](https://rusun.disperkim.semarangkota.go.id/index.php/home/rusun/13), 2019, 1, <https://rusun.disperkim.semarangkota.go.id/index.php/home/rusun/13>.

⁹ Mery Farida, "Problematika Konsep Diskresi Dalam Penyelenggaraan Administrasi Pemerintahan Pasca Undang-Undang Cipta Kerja," *Jurnal Ilmiah Hukum Dan Hak Asasi Manusia* 1, no. 1 (2021): 14.

flats in order to achieve the target of providing adequate housing facilities for Low Income Communities who still do not have a place to live.

The discretion that the Semarang City UPTD can exercise in relation to the extension of residents who have lived in Pekunden flats for a long time is to carry out "acceptable reasons" by conducting a survey of residents who have lived for a long time. From the results of interviews conducted by the author, there are people who earn a monthly income of up to IDR 7,000,000 (seven million rupiah) per month. With the discretion of the Semarang City UPTD which has the authority to extend the rental agreement for occupancy, it would be a good idea if the UPTD conducted interviews or conducted research surveys with one of the residents of the Pekunden rental flats who already have financial and economic capabilities, also those who have lived long enough to be able to provide Low Income Communities who do not yet have a habitable residence that is on the waiting list for Semarang City flats.

The next problem is regarding the diction "carried out in accordance with applicable statutory provisions". In the results of interviews conducted by the author with UPTD and Disperkim Semarang City on Monday, January 8 2024, the definition of the diction is that it is implemented based on the laws and regulations in use or in force. This law can be considered equivalent to or above Semarang Mayor's Regulation No. 9 of 2007. The laws and regulations regarding flats that apply above are Law no. 20 of 2011 concerning Flats, Government Regulation no. 13 of 2021 concerning the Implementation of Flats, and Semarang City Regional Regulation no. 7 of 2018 concerning Semarang City Business Services Levy which was updated with Semarang City Regional Regulation (PERDA) Number 10 of 2023.

The theory of utilitarianism is used to test the first problem formulation and as a benchmark for assessing the solution provided by the author in the form of a good exercise of discretion regarding the diction "acceptable reasons" which are useful for its implementation. Examined from the seven variables that have been described in the theoretical basis sub-chapter, the exercise of discretion to carry out in-depth selection of the occupants of the Pekunden flats and the formation or revision of the latest Mayor's Regulations to determine the maximum term of occupancy at the Pekunden flats can be said to have been successful. This is because

those on the queue, which is quite large in number, will immediately get the right to live in the Pekunden flats and will get happiness in the form of having their needs met for housing.

C. The Government's Preventive and Repressive Efforts on the Problem of Unavailability of Housing for Low-Income People in Pekunden Rental Flats

Based on the results of research carried out in the form of interviews with UPTD Semarang City as the developer of Pekunden rental flats and the Semarang City Disperkim as the person responsible for the construction of rental flats in Semarang City, it can be seen that the government has implemented preventive and repressive efforts to overcome the problem. unavailability of housing for low-income people in rental flats throughout Semarang City, including Pekunden rental flats. Preventive efforts implemented by the Semarang City Government include:

- a. Socialization;
- b. Coaching;
- c. Supervision;
- d. Construction of flats on state-owned land.

Socialization is an educational activity, providing knowledge, studies or regulations so that they can be obeyed and implemented.¹⁰ Socialization is a process throughout life that is related to the mechanisms by which an individual learns various things, such as social norms and values. Socialization requires the activeness of all targeted individuals to want to become one in a community or social group. The activity in question can be obtained through training and adaptation mechanisms.¹¹ The context of the socialization referred to in this preventive effort is socialization that discusses the awareness of apartment unit residents regarding the

¹⁰ Nur Azwani Mansor, "Perbezaan Sosialisasi Gender Dalam Ruang Lingkup Budaya," *RABBANICA-Journal of Revealed Knowledge* 1, no. 1 (2020): 16.

¹¹ Rina Kastori, "Sosialisasi: Pengertian, Tujuan, Fungsi, Dan Jenisnya," Kompas.com, 2022, 1, <https://www.kompas.com/skola/read/2022/09/01/090000869/sosialisasi-pengertian-tujuan-fungsi-dan-jenisnya>.

importance of maintaining environmental cleanliness, safety and comfort, and discusses the awareness of apartment unit residents not to stay in Pekunden rental apartments forever, due to the large number of lists queue or waiting list from other Low Income Communities.

The development is carried out as a form of government effort to encourage people who have lived in Pekunden rental flats for a long time to be able to move to the stage of housing ownership. Development in Pekunden rental flats is carried out door to door to several residents of the flat units who, according to the Semarang City UPTD as the developer, are no longer fit to occupy the flats for certain reasons, such as occupying the flat units within a certain period of time. for quite a long time, they are quite capable in financial and economic terms.

Supervision is an action that has the intention of monitoring something in a social community carried out by certain individuals or bodies who are given special authority from statutory regulations. The supervision carried out by UPTD as a preventive effort to overcome the problem of unavailability of housing for low-income people in rental flats is not carried out as in Article 19 of Semarang City Mayor's Decree No. 7 of 2009, but rather supervision of residents of flat units which is reviewed by UPTD. In carrying out this supervision, the UPTD did not use the interview or door-to-door method, but used another method, namely by ordering the security guard to monitor and interact with the residents of the apartment unit so that if there were residents of the apartment unit who were capable of financial or economic matters, it can be recorded by the UPTD to be used as consideration when the extension of occupancy of the Pekunden rental flat is due. UPTD did not conduct independent interviews with each resident of the Pekunden flat unit because the UPTD realized that if they used this interview method, the flat unit occupants would lie and try to trick the UPTD in various ways. Therefore, the UPTD used an approach method through security guards or officers guarding the Pekunden flats because they felt they had quite close social relations with the residents of the Pekunden rental flats.

The next preventive effort is to build rental flats on state-owned land in the city of Semarang. This effort was conveyed by the Semarang City Disperkim in relation to dealing with the problem of unavailability of housing for low-income people in rental flats. In essence, in this effort the

government is trying to reduce the queue or waiting list for low-income people who need a place to live massively or in quite large numbers. If examined more closely, this form of preventive effort can be said to be less effective, the objectives achieved are quite subjective and the intention is to reduce the queue list which is quite large, but this will take quite a long time and be very expensive for the government. In practice, the infrastructure development process generally takes a long period of time and the number of people with low incomes increases over the years.

In practice, the preventive measures described above do not work effectively. Socialization, guidance and supervision efforts are considered less effective because they are only carried out based on formal interests and are sometimes rarely implemented, the residents of the apartment units also do not respond to these preventive efforts seriously and are not encouraged to move or buy their own residence, because feel comfortable and feel less pressured by the management to buy a house for their own residence.

Repressive efforts are implemented if preventive efforts do not work effectively or are less effective in their implementation. Repressive efforts are efforts that are carried out more firmly with the intention that undesirable things do not continue to happen. Repressive efforts in their implementation are coercive and a follow-up procedure to previous efforts. In this case, the government has implemented repressive measures against residents of apartment units who are no longer fit to live in. From the results of interviews, the repressive efforts implemented by the government so far include:

- a. *Tuku Lemah Oleh Omah* Program;
- b. Home Ownership Credit (KPR) Program in the form of subsidized housing construction;
- c. Making implementing regulations that determine the period of time for residents of rental flats to stay.

The *Tuku Lemah Oleh Omah* Program is a provincial government program to facilitate low-income people to own their homes privately. The meaning of the words "*Tuku Lemah Oleh Omah*" is "Buy Land Get a House". As the name of the program suggests, this program helps people with low incomes to build houses that are suitable for private ownership. The *Tuku Lemah Oleh Omah* program is a program created by Ganjar

Pranowo as Governor of Central Java. This program is able to fulfill residents' needs for housing without a down payment (DP) and without installments.¹² Residents who do not yet own land will be assisted systematically, residents are asked to pay off their land in installments in a way that will be assisted through the credit process at banks, and the Central Java provincial government will help build houses on the land.¹³ The obstacles faced in this fairly good program are at the initial stage, namely the stage for purchasing land. For some residents of Pekunden rental flats, land in Semarang City is still far from affordable.

Then the KPR or Home Ownership Credit program is a method where payment is made in installments through the banking system until it is paid in full.¹⁴ Meanwhile, what is meant by Subsidized KPR is credit/financing for home ownership that receives assistance and/or ease of purchasing a home from the government in the form of low-cost, long-term funds and housing acquisition subsidies issued by the Implementing Bank, both conventionally and according to sharia principles.

Subsidized housing is affordable housing and is intended for low-income people, with affordable installments and flat interest. Cheap down payment and it is located on the outskirts of town and is small. Subsidized Home Ownership Credit has a pattern of placing funds from the government and Bank Indonesia as well as funds from banks referred to by the government. Currently, the KPR subsidy program that is in effect is the Housing Financing Liquidity Facility (FLPP) program, which is an interest subsidy provided by the bank over time until the credit is completed or, more precisely, KPR credit applicants receive flat credit interest until the credit period ends.¹⁵

¹² Admin Sahabat Ganjar, "Program Tuku Lemah Oleh Omah Inovasi Ganjar Pranowo Wujudkan Mimpi Maulana Untuk Memiliki Rumah," Sahabatganjar.Com, September 2023, 1, <https://sahabatganjar.com/2023/09/22/program-tuku-lemah-oleh-omah-inovasi-ganjar-pranowo-wujudkan-mimpi-maulana-untuk-memiliki-rumah/#:~:text=>

¹³ Pemerintah Provinsi Jawa Tengah, "2023, Ganjar Tuntaskan Bantuan 615 Rumah Lewat 'Tuku Lemah Oleh Omah,'" Jatengprov.Go.Id, 2023, 1, <https://jatengprov.go.id/publik/2023-ganjar-tuntaskan-bantuan-615-rumah-lewat-tuku-lemah-oleh-omah/>.

¹⁴ R Juli Moertiono, "Perjanjian Kredit Pemilikan Rumah Dalam Perspektif Teori Perlindungan Hukum," All Fields of Science Journal Liaison Academia and Society 1, no. 3 (2021): 253.

¹⁵ Admin Detik Finance, "Ini Perjalanan Program Rumah Subsidi Dari Masa Ke Masa," Finance.Detik.Com, 2014, 1, <https://finance.detik.com/properti/d-2577060/ini-perjalanan-program-rumah-subsidi-dari-masa-ke-masa>.

In its implementation, the Home Ownership Credit program can be said to be quite good, effective, and can pay for privately owned houses in installments to the bank and buyers can choose the type themselves according to their desired budget. However, what is an obstacle in practice in relation to the capabilities of several residents of Pekunden rental flats is the problem with BI-Checking. Because this program collaborates with banks, there are several residents whose BI-Checking is bad and cannot carry out the government program in the form of Home Ownership Credit (KPR). It is the government's duty to help bring order to the residents of the apartment units to improve the bad BI-Checking.

The next repressive effort is the drafting of implementing regulations that determine the period of time for residents of rental flats to stay. This effort is carried out with the aim of ordering or disciplining the residents of Pekunden rental flats and other rental flats in Semarang City so that they can move or leave the flats after the time period specified in the statutory regulations has been reached. This repressive effort was conveyed by the Semarang City Disperkim when the author conducted an interview. However, this effort is still in the planning stage, and it is still unknown whether the Regional Regulation will be issued.

From the research that has been discussed, the author has other solutions that can help the government in overcoming housing problems that continue to occur. The solution that will be provided is repressive in nature, with the intention of reducing the waiting list for the need for flats and providing ownership of housing for Pekunden flats residents who are no longer fit to live in and the main aim of this repressive solution is to overcome the problem of unavailability of housing for the community. low income in Pekunden rental flats. The procedure for the solution that will be provided by the author involves several parties in its implementation, namely the Semarang City Government as the developer of the Pekunden rental flats, the Bank in Indonesia as part of the financing, and the developer or developer of subsidized housing units as the provider of subsidized housing units.

Residents of apartment units who are unfit to live in will be provided with adequate subsidized housing facilities using the procedures that will be examined in this research. The big picture of the procedure in question is as follows. Residents of flat units who are no longer fit to live in flats will

be given the obligation to pay funds as savings to fulfill the down payment (DP) for the purchase of subsidized housing provided by the subsidized housing developer by depositing it with banking partners and also paying for the unit. rental flat. This mechanism will be implemented continuously over a certain period of time. After the period in question has expired, the residents of the apartment units who are no longer suitable for habitation will be moved to subsidized housing. After the occupant of an apartment unit who is no longer fit for habitation has been moved to a subsidized housing unit, the next obligation of the occupant is to pay the installments in accordance with the agreement between the occupant of the apartment unit and the bank during the period agreed between the prospective purchaser of the subsidized housing unit and subsidized housing developers.

This procedure was implemented as a repressive effort due to inefficient preventive efforts regarding occupancy violations that occurred in Pekunden rental flats. The theory of the nature of state law in this research is used to test whether the solution to repressive efforts to the problem of unavailability of housing for Low Income Communities in Pekunden flats can be considered effective or not. The theory of the nature of state law which is related to the topic of this second discussion is the repressive theory/repressive law. The nature of the repressive law in this research is indeed to force the residents of the flats to immediately leave their residential units, but certainly not accompanied by aggressive violence as stated in written in the theory of Nonet and Selznick. Repressive efforts here are still based on law (*rechtstaat*) and do not rely on power alone (*machtstaat*) and are aimed at the benefit of society, in this case the Low Income Communities on the waiting list. So that testing solutions by the theory of the nature of repressive state law can be said to be effective.

Conclusion

The implementation of the Pekunden flats is weak in terms of legal certainty regarding the termination of residence time and special qualifications if an extension of the rental agreement is to be carried out. This legal uncertainty is stated in Article 5 paragraph (2) of Perwal no. 7

of 2009 which discusses the time period for extending the lease. This is one of the main problems that causes problems regarding the unwillingness of Low Income Communities to live in Pekunden rental flats. Testing the theory of utilitarianism against the data findings of the first problem formulation as a benchmark for assessing the solution provided by the author in the form of a good exercise of discretion regarding the diction "acceptable reasons" is useful for its implementation which can be said to be successful. This is because those on the queue, which are quite large in number, will immediately get the right to live in the Pekunden flats and will get happiness in the form of having their needs met for housing.

To overcome the problem of unavailability of housing for Low Income Communities in Pekunden flats, Disperkim and UPTD Semarang City implemented preventive and repressive efforts. Preventive efforts are carried out by conducting outreach, coaching, supervision and building flats on state-owned land. Then there were repressive efforts by implementing the Tuku Lemah Oleh Omah program, the Subsidized KPR housing program and the making of new regulations regarding rental periods. In practice, preventive measures are not implemented strictly by the Semarang City UPTD as the manager of the Pekunden flats, on the other hand, the construction of other rental flats on state-owned land takes a lot of time and money to build. Meanwhile, repressive efforts have their own obstacles, namely the high price of land in the Tuku Lemah Oleh Omah program, poor BI checking of residents of Pekunden flats in the Subsidized KPR housing program and the long time required to create new implementing regulations. Testing repressive efforts by the theory of the nature of state law against the data findings of the second problem formulation can be said to be effective because it aims for the benefit of society, in this case the Low Income Communities on the waiting list.

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