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Legal Politics of Implementing Public Housing Savings in Government Regulation Number 21 of 2024 based on the Siyasaah Maliyah Perspective

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Abstract

The Tapera Programme is designed to assist Indonesians, particularly those who need financial support to purchase their first home. However, shortly after the programme's official enactment under Government Regulation (PP) No. 21 of 2024, it faced significant public criticism. The policy was viewed as burdensome for low-income workers and unfair to middle-income earners. Despite strong opposition, the government maintained its stance, asserting that the Tapera Programme would not be delayed. This research examines three key aspects: 1) the political and legal reasoning behind the formulation of policies in PP No. 21 of 2024 concerning

the Tapera Implementation Programme; 2) a comparative study of the implementation of similar housing savings programmes in other countries; and 3) an assessment of the Tapera Programme from the perspective of *Siyasah Maliyah*, or Islamic financial governance. Using a normative juridical research approach, the study employs both legislative and conceptual methodologies. The research reveals that the Tapera Programme is intended to support low-income communities (MBR) by easing the financial burden of home ownership through interest incentives on mortgage payments. However, the proposed implementation mechanism was unclear, and the absence of a dedicated fund management body led to concerns about potential corruption. The study also finds that, unlike in other countries where housing savings funds are voluntary and often integrated with pension schemes, Tapera contributions are mandatory, with funds restricted to housing purposes. Lastly, the *Siyasah Maliyah* review highlights that the programme must comply with Islamic financial principles, ensuring it provides benefits to the public while adhering to ethical financial practices, such as avoiding interest (*riba*). This research provides policy insights, comparative perspectives, and an evaluation of Tapera from an Islamic financial governance standpoint, offering valuable recommendations for improving the programme and ensuring its alignment with public interest and Islamic law.

Keywords

Legal Politics; Tapera; PP No 21 of 2024; Siyasah Maliyah.

I. Introduction

In 2024, President Joko Widodo passed Government Regulation (PP) No. 21 Year 2024, which is a revision of PP No. 25 Year 2020 on the Implementation of Public Housing Savings (Tapera). This regulation is a follow-up to Law No. 4/2016 on Public Housing Savings and aims to improve and expand the scope of the Tapera programme. In Article 1 point 11 of PP 21/2024, it is stipulated that Tapera participants are every Indonesian citizen (WNI) and foreign citizen (WNA) who works in Indonesia with a minimum working period of 6 months and has paid Tapera deposits. This arrangement reflects the inclusiveness of the programme, which not only targets local workers but also eligible foreign workers. The Tapera programme is essentially designed to help Indonesians, especially those who need financial support to own their first home. However, a few days after the PP was officially enacted, the Tapera programme policy faced criticism from the public. The programme is considered burdensome for low-income workers and not fair enough for middle-income earners. Despite strong opposition from the public, the government stood firm on their decision and stated that the Tapera programme would not be delayed.

This article reads the same as Article 1 paragraph (3) of the Tapera Law: *"Tapera participants, hereinafter referred to as participants, are every Indonesian citizen and foreign citizen holding a visa with the intention of working in the territory of Indonesia for at least 6 (six) months who have paid deposits"*.

There are several notes regarding the implementation of TAPERA, namely:

First, workers and employers are obliged to participate in the Tapera programme by paying contributions of 2.5 per cent of workers' salaries and 0.5 per cent of employers' income, in accordance with the provisions of Article 15 paragraph (2) of PP No. 25 of 2020. However,

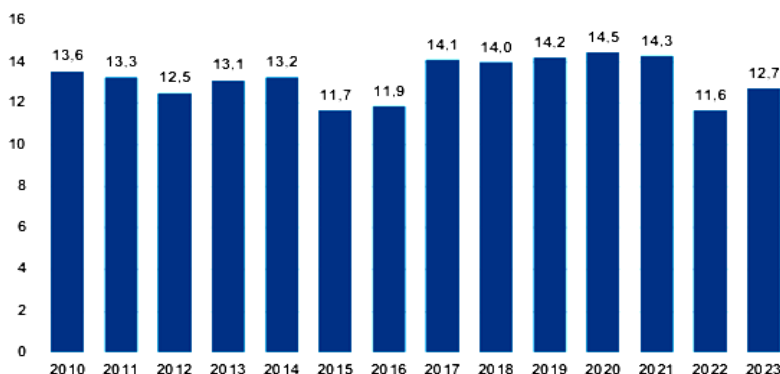
workers do not automatically obtain Tapera benefits such as Home Ownership Loans (KPR), house construction, and house renovation.

Second, participant savings funds managed by BP Tapera do not guarantee a definite return. This return is determined subjectively by BP Tapera. Unlike the BPJS Ketenagakerjaan Old Age Security (JHT) fund, which provides a minimum return equivalent to the average interest rate on government bank deposits. So far, the returns given to JHT participants are generally 1 to 2 per cent higher than the interest on government bank deposits.

Indonesia is currently facing a crisis of home ownership needs known as backlog. Backlog is an indicator in the Strategic Plan (Renstra) and RPJMN that measures the gap between housing needs and supply.

Based on the latest Susenas data from the Central Statistics Agency (BPS), Indonesia has a very high average home ownership backlog of 13 million units with a fluctuating trend since 2010. In 2022, Indonesia recorded a housing backlog of 11.6 million units, which is the best achievement in the last 14 years. Of this number, 93% came from the Low-Income Community (MBR) group, and 60% of this MBR group are those who work in the informal sector (KemenPUPR, 2022). However, in 2023, the national housing backlog figure actually increased to 12.7 million units. This is a serious concern for the government that the provision of housing for the people is still a big challenge in an effort to realise the ideals of national development.

Figure 1. Home Ownership Backlog (Million Units)



Source: Susenas - BPS (2023) and PUPR (2022)

The government must transparently explain the urgency and main objectives behind the implementation of the Tapera programme, both substantively and technically. Substantively, how much the effectiveness of the Tapera programme can overcome the problem of the percentage of the national housing backlog compared to other housing sector policies that are oriented both on the supply side and the demand side. Technically, the government also needs to explain what is the basis for determining the total deduction of Tapera membership fees of 3% with a cost-sharing mechanism ("gotong royong"). Then, what is the target of housing financing that can be funded through the Tapera programme. Furthermore, what level of utilisation of the KPR / KBR / KRR scheme by Tapera participants can be realised in the future. Based on the explanation above, there are the following problem formulations:

1. How is the Political Law and Government Reasons Behind the Formation of policies in Government Regulation (PP) No. 21 of 2024 concerning the Tapera Implementation Programme?

2. How is the Comparative Study of the implementation of the Tapera Programme in several countries?
3. How is the *Siyasah Maliyah* Review of the Tapera Programme in Government Regulation (PP) No. 21 of 2024?

This research aims to explain the legal politics and rationale behind the government's policy formation in Government Regulation (PP) No. 21 of 2024 on the Tapera Implementation Programme. This research will analyse the legal bases as well as the social, economic, and legal factors that influenced the formation of the policy, including the establishment of a 3% discount on membership fees with a cost-sharing mechanism ("gotong royong"). In addition, this research aims to conduct a comparative study of the implementation of the Tapera Programme with similar housing savings programmes in several countries, in order to identify strengths and weaknesses and draw lessons that can be applied to improve the implementation of Tapera in Indonesia. This research will also conduct a *siyasah maliyah* review of the Tapera Program in PP No. 21 of 2024, analysing its suitability with the Islamic economic principles of this program.

Benefits of Research This research is expected to provide significant benefits to various parties. For the government and policymakers, this research will provide a deeper understanding of the legal foundations and rationale behind the formation of the Tapera Programme policy, as well as provide recommendations to improve the effectiveness and efficiency of the programme. For academics and researchers, this research provides a useful comparative study for further research on housing policy and adds to the academic literature on public policy analysis from a *siyasah maliyah* perspective. For the general public and Tapera participants, this research will provide clear and transparent information regarding the objectives and benefits of the Tapera Programme, thereby increasing public understanding and participation

in the programme. In addition, for the housing and economic sectors, this research provides analysis that can be used to improve housing strategies and programmes, encouraging more effective and sustainable implementation of housing policies in accordance with the principles of social and economic justice.

II. Method

This research uses normative juridical research which consists of two main approaches, namely legislative and conceptual.¹ The statutory approach is used to analyse various relevant legal regulations, including Laws, Government Regulations etc. While the conceptual approach is used to understand the legal concepts underlying these regulations. While the conceptual approach is used to understand the legal concepts underlying these regulations.²

The sources of research materials used include three main types, namely primary, secondary and tertiary.³ Primary sources include original documents such as laws among others: Article 28H of the 1945 Constitution, Law No 4 of 2016, Government Regulation (PP) No 25 of 2020, PP No 21 of 2024. Secondary sources include legal literature such as books, journals, and scientific articles that discuss related topics. Meanwhile, tertiary sources include the views of legal experts in the form of opinions or analyses published online or in print media.⁴

¹ Soerjono Soekanto, Sri Mamudji, *Normative Legal Research: A Brief Review*, (Jakarta: Rajawali Pers, 2001), 13

² Peter Mahmud Marzuki, *Legal Research*, (Jakarta: Kencana Prenadamedia Group, 2016), 134

³ Muhaimin, *Legal Research Methods* (Mataram: Mataram University Press, 2020), 62.

⁴ Peter Mahmud Marzuki, *Legal Research*, (Jakarta: Kencana Prenadamedia Group, 2016), 181.

The legal material processing method used includes a series of steps, starting from editing, classification, verification, analysis, to drawing conclusions. Editing is done to ensure the accuracy and readability of the legal documents collected. Classification is used to organise legal materials based on certain themes or topics. Verification was conducted to ensure the validity and reliability of the information obtained from these sources. Analysis was conducted to identify patterns, trends and implications of the legal materials collected. Finally, conclusion drawing was conducted to summarise the important findings found during the research process.

The method of analysing legal materials applied is qualitative juridical. This method focuses on evaluating data without involving numbers, emphasising more on legal analysis through deductive and inductive inference processes. The assessment is carried out using formal and argumentative thinking to gain a deep understanding of the relevant legal aspects.⁵

III. Legal Politics of Implementing Public Housing Savings in Government Regulation Number 21 of 2024

The term political law, *etymologically* derived from the Dutch term *Rechtspolitiek*. This term is a form of the words *rechts* and *politiek*.⁶ In Indonesian, *rechts* means law, and *politiek* means *regulation* or policy.⁷ Based on this explanation, legal politics is briefly interpreted as legal

⁵ Muhammad Sidiq Armia, *Determination of Legal Research Methods & Approaches (Banda Aceh: Indonesian Institute for Constitutional Studies (LKKI), Faculty of Sharia and Law, Ar-Raniry State Islamic University, Banda Aceh, 2022)*, 39

⁶ Isharyanto, *Legal Politics*, (Surakarta : CV Kekata Group Publisher, 2016), 3

⁷ KBBI Online Dictionary, <https://kbbi.web.id/beleid>

policy.⁸ Policy means a series of concepts and principles that are the outline and basis of the plan in the implementation of a job, leadership, and way of acting.⁹ According to Mahfud MD, Legal Politics is a *legal policy* about laws that will be enforced either by the enactment of new laws or by replacing old laws in the context of state objectives.¹⁰

Legal Politics in the context of the Tapera Program can be linked to the historical, sociological, juridical, and political foundations that affect the formation and implementation of this program. Housing savings as a form of state responsibility regarding guaranteeing public access to one of the human rights, namely the right to housing.

1. Historical Foundations

The historical foundation of the People's Housing Savings Program (Tapera) began in the era of the administration of President Susilo Bambang Yudhoyono (SBY) in 2012. This program was initiated as part of the National Legislation Program (Prolegnas) by the House of Representatives together with the government with the main goal of providing a housing savings scheme that can help low-income people own their own homes. Initially, in the draft of the Tapera Bill in 2012, the amount of contributions proposed was 3%, with a cost-sharing scheme where 2.5% was paid by workers and

⁸ The author gives the intention that legal politics is briefly interpreted as a legal policy designed by the government to achieve certain goals in society. In this context, legal politics encompasses a variety of government decisions and actions that are outlined in the form of regulations, regulations, or laws that aim to address specific issues or achieve broader public policy goals. The legal policy not only includes the formulation of legal norms and rules, but also how these rules are implemented and implemented to achieve the desired results by the government.

⁹ Kartono, *Judicial Review in Indonesia*, Journal of Legal Dynamics Vol. 11 Special Edition February 2011
<https://dinamikahukum.fh.unsoed.ac.id/index.php/JDH/article/download/258/250>

¹⁰ Irfan Nur Rachman, *Judicial Legal Politics as a Source of National Legal Development*, (Jakarta: Rajawali Pers, 2020), 17

0.5% by employers. However, at first the draft was not fully clear in its operational mechanisms and no special body was proposed to manage the fund, leading to concerns of potential corruption.

The debate in the community has also increased, and this has resulted in several extensions of the discussion of the Tapera Bill until 2014. The issues that were the focus of discussion included the mechanism of fund management, beneficiary criteria, and supervision and transparency of the use of funds. In 2014, the Tapera Bill was not successfully passed due to the need for substantial improvements. However, in 2015, this bill was repropose and finally successfully passed into Law Number 4 of 2016 concerning Public Housing Savings in 2016. The process of formulating this law involves a long process and various discussions to ensure that this program can run effectively and efficiently. After the passage of the Tapera Law, to further regulate its implementation, the government issued Government Regulation (PP) No. 25 of 2020 which explains the operational mechanism of Tapera, including fund management, participant requirements, and benefit disbursement procedures.

One of the important provisions in this PP is mandatory for every worker with a minimum income of UMR and at least 20 years old to become a Tapera participant. In 2024, the government then issued Government Regulation No. 21 of 2024 which expands the reach of Tapera membership by setting a wider implementation stage. This latest regulation requires the registration of Tapera participants by employers within seven years after the regulation is passed, starting from civil servants, the TNI, and the National Police, and then expanded to employees of SOEs, BUMDs, and the private sector. The urgency of the Tapera program is further strengthened by this new regulation, affirming the government's commitment to improving access to decent housing for the people of Indonesia.

2. Philosophical foundations

The philosophical foundation of the Tapera Program (People's Housing Savings) in Indonesia can be built on the principles of human rights mandated by the 1945 Constitution of the Republic of Indonesia and international documents that support the right to live in a decent housing environment. First, the Tapera Program is rooted in the principle that every citizen has the right to a prosperous life, which includes the right to have a decent place to live and get a good and healthy living environment. This is in accordance with the mandate of Article 28 paragraph (1) of the 1945 Constitution which affirms the constitutional right to a decent place of residence for every person. Second, Tapera's philosophical foundation also takes inspiration from Law Number 39 of 1999 concerning Human Rights in Indonesia, which explicitly recognizes the right of every individual to have a decent and adequate place to live. This reflects Indonesia's commitment to protecting basic human rights, including the right to decent housing. In addition, as a country participating in the Rio de Janeiro Declaration and various international initiatives initiated by the United Nations Centre for Human Settlements, Indonesia takes an approach that is in line with the principles of Agenda 21 and the Habitat II Declaration.

In this context, housing is considered a basic human need and is a fundamental right for everyone to occupy a decent and affordable residence. Tapera's philosophy is also inspired by the spirit of equal access to housing outlined in Agenda 21, which emphasizes the importance of providing affordable and decent housing for all communities. Thus, Tapera is not only an instrument of housing policy, but also a concrete effort to realize human rights in the housing sector in Indonesia, through the provision of housing savings funds that can be accessed by various levels of society. Overall, Tapera's philosophical foundation reflects Indonesia's

commitment to ensuring that all its citizens have access to decent housing, in line with the principles of human rights, social justice, and sustainable development.

The implementation of national-scale housing savings requires support from various other pillars of housing development. In this regard, the Government and/or local governments are obliged to ensure that the implementation of the housing savings scheme runs in an integrated manner with a sustainable housing development planning program. Ease of access to the housing financing system needs to be done.

3. Juridical Foundations

The juridical basis for the right to a house in Indonesia can be found in several important legal regulations, which include the 1945 Constitution of the Republic of Indonesia (1945 Constitution), Law Number 4 of 2016 concerning Public Housing Savings (Tapera), Government Regulation Number 25 of 2020 concerning the Implementation of Tapera, and Government Regulation Number 21 of 2024 which regulates changes to Tapera. First of all, the 1945 Constitution expressly guarantees the right to home as part of human rights. Article 28H Paragraph (1) of the 1945 Constitution states that everyone has the right to live a prosperous life both physically and mentally, including the right to have a good and healthy place to live and environment. This mandate shows that the state has an obligation to protect and provide decent housing facilities for all its citizens. Then, Law Number 4 of 2016 concerning People's Housing Savings (Tapera) became a concrete legal basis that regulates housing savings schemes to help low- and middle-income people own houses. Tapera establishes obligations for workers and employers to contribute regularly to these funds, which are then used to finance home ownership. Government Regulation Number 25 of 2020 further explains Tapera's operational mechanism, including

membership requirements, fund management, and benefit disbursement procedures. This regulation regulates in detail how Tapera funds can be used and is regulated to ensure the effectiveness and transparency of the program. Finally, Government Regulation Number 21 of 2024 concerning Tapera is the latest revision that adds new provisions to expand the reach and improve the implementation of the program. This reflects the government's commitment to addressing the housing backlog and ensuring that the right to a home is juridically guaranteed to all Indonesian citizens. Overall, the juridical foundation provided by the 1945 Constitution, the Tapera Law, and its implementing regulations (PP No. 25/2020 and PP No. 21/2024) provide a solid legal framework to protect and fulfill the right to home as part of human rights in Indonesia.

4. Sociological Foundations

Housing is one of the basic human needs. Houses not only function to provide housing for humans and are the greatest asset that a person has, but also have a very strategic role in shaping a person's character and personality, so they must be fostered and developed for the sake of continuity and improvement of the quality of life of the community. Meeting the need for housing, especially for middle- and low-income people in Indonesia, still faces obstacles, the most important of which is that there are still financial constraints for the community, namely low purchasing power and limited access to the housing financing system.

IV. Comparative Study of Implementing Public Housing Savings in Government in Various Countries

1. Singapore

CPF is a mandatory savings scheme contributed by workers and employers. Contributions are calculated as a percentage of the monthly salary, with rates varying depending on the age and marital status of the worker. These contributions are credited to each worker's individual CPF account. The amount of Central Provident Fund (CPF) contributions in Singapore is indeed 37% of the monthly salary. The composition of this contribution consists of 20% paid by the employee and 17% by the employer. This contribution obligation is mandatory for workers and employers in the formal sector, ensuring that all formal workers have a consistent contribution to their pension fund. However, for workers in the informal sector, participation in the CPF is voluntary. Informal sector workers can choose to apply to the CPF and start depositing contributions voluntarily, providing flexibility for them to take advantage of the benefits offered by the CPF according to their financial capabilities and needs. This approach allows the CPF to include more workers, while still taking into account the economic realities of informal workers who may not have a stable income.

The main difference between the Central Provident Fund (CPF) in Singapore and the People's Housing Savings Program (Tapera) in Indonesia is that the CPF is part of a more comprehensive pension fund. In Singapore, CPF is not only used for housing needs, but also covers various other aspects such as pension, healthcare, and investment. One of the unique features of CPF is that self-employed workers are only required to contribute to the

MediSave account, which is specifically used for health needs. This is in contrast to Tapera, which focuses exclusively on providing housing for its members. In addition, in the CPF, the contribution of self-employed workers is voluntary, providing flexibility for them to choose whether they want to participate or not, while Tapera tends to impose mandatory contributions for all formal workers in the absence of a special voluntary component for self-employed workers. The CPF approach reflects a more holistic and flexible system, designed to meet the various financial needs of its citizens.

Singapore is an excellent example of implementing a developmentalist approach to social welfare, which has managed to align economic and social goals effectively. This approach can be seen in the implementation of the Central Provident Fund (CPF), which not only functions as a pension fund, but also as a mechanism to manage the housing, healthcare, and investment needs of its people. The CPF places a focus on self-funding and community participation in managing their own funds, by giving individuals significant control over their savings. This not only promotes financial independence, but also promotes long-term economic stability and sustainable social well-being in Singapore. This approach proves that by balancing economic and social interests, a country can achieve stable economic growth while comprehensively paying attention to the social needs and well-being of its people.

2. China

The Housing Provident Fund (HPF) in China is a program that demonstrates the government's commitment to addressing housing problems and promoting homeownership among its citizens. The amount of contributions charged to workers and employers ranges from 5 to 20% of the monthly salary, depending on the region and local policies. These funds are collected regularly and are arranged to be used in home purchases, renovations, or

repairs, as well as for specific health and retirement purposes. One of the advantages of HPF is its lower interest rate compared to commercial banks, usually around 3.5%. This makes HPF an attractive option for participants who want to borrow funds at a more affordable cost to buy or repair their homes. These low interest rates also support the long-term goal of the HPF to encourage homeownership among the Chinese public.

Participation in the HPF is mandatory for formal workers and employers in the formal sector. This obligation demonstrates the Chinese government's serious commitment to supporting the housing program and ensuring that all formal workers can benefit from the program. However, there is no involvement from the informal sector in the HPF. Informal workers, who often have irregular or unstable incomes, are not required to contribute to these funds. This decision may be based on the administrative and economic challenges associated with collecting contributions from informal workers, as well as differences in their accessibility to the banking and financial systems. Overall, the HPF reflects a strategy focused on economic formalization and increasing home ownership in China. By offering low interest rates and encouraging the active participation of formal workers, the HPF makes a significant contribution to housing stability and social well-being in the country, while adapting to the unique social and economic conditions of its people.

The main difference between the Housing Provident Fund (HPF) in China and the People's Housing Savings Program (Tapera) in Indonesia is the approach to private sector participation in the program. In China, the HPF involves the full involvement of the formal sector, both in terms of workers and employers. Formal workers are required to contribute to the HPF as part of national policies to promote homeownership and facilitate access to more

affordable housing. Employers also have an obligation to contribute, reflecting the commitment of the private sector to support their employees in obtaining decent housing. On the other hand, Tapera in Indonesia provides more optional options for the private sector. Although Tapera contributions are mandatory for all formal workers, especially those registered as participants, the program does not directly involve the full involvement of employers in supporting housing savings funds.

In this context, companies have a lighter responsibility in their direct contribution to the program, although they still support the program through terms and policies that allow their workers to participate optimally. These differences in approaches reflect different policy strategies in addressing housing challenges in both countries. In China, the full involvement of the formal sector demonstrates a strong commitment from the government and businesses to ensure affordable housing is available to all citizens. Meanwhile, in Indonesia, an approach that gives more room for the private sector to adapt to housing policies reflects efforts to strike a balance between economic needs and social policies in addressing the national housing problem.

The success of the Housing Provident Fund (HPF) in China is reflected in its significant contribution to the development of social housing in Shanghai in 1996. About a quarter of the city's social housing development projects are funded through the HPF scheme. The program not only gives formal workers access to finance the purchase or repair of their homes at lower interest rates, but also effectively mobilizes large funds to support the development of public housing. This success demonstrates the important role of the HPF in facilitating affordable and sustainable housing access for city dwellers, while strengthening social and economic stability at the local level. As such, the HPF is not only an important financial

instrument but also an integral part of the Chinese government's strategy in achieving inclusive and sustainable housing development goals.

3. Malaysia

The Employees Provident Fund (EPF) in Malaysia is one of the crucial programmes in securing the financial future of workers in the country. This program requires a contribution of 11% of the monthly salary by the worker and 12-13% from the company. This system is mandatory for all employees, both in the private and public sectors, guaranteeing that every worker has the necessary financial protection for their retirement. The contribution made by the company is also part of their social responsibility to ensure the long-term well-being of employees. For workers in the informal sector, participation in the EPF is voluntary. This gives them the flexibility to choose whether they want to set aside a portion of their income for the future under EPF protection. While not required, this option provides an opportunity for informal workers to build their own retirement savings without the same attachments that formal workers experience. Nonetheless, the presence of EPF still provides a strong incentive to participate in the program due to its competitive interest rates and long-term benefits offered.

The EPF in Malaysia has proven to be a stable foundation in building financial security for millions of workers in the country. Investments from these contributions are used for a variety of purposes, including investing in profitable financial instruments to increase the value of funds available for retirement. The system also plays a role in the broader economy by providing a long-term source of funds for infrastructure development and other national economic projects. The professional and transparent management of EPF has won the public's trust and produced good results in the long run. This reflects the Malaysian government's commitment to ensuring

that every worker has fair and secure access to their financial security, as well as supporting sustainable national economic growth. Thus, EPF in Malaysia is not only an instrument of social protection but also a key driver in driving financial inclusion and improving the overall quality of life for its population.

The significant difference between the People's Housing Savings Programme (Tapera) in Indonesia and the Employees Provident Fund (EPF) in Malaysia lies in the nature and function of each in the context of pension funds. Tapera in Indonesia is specifically designed to provide support for participants in financing or acquiring housing, with the main goal of improving access to affordable housing. Although Tapera has a pension fund element because the contributions collected can also be used for retirement purposes, the main focus remains on the housing aspect. On the other hand, EPF in Malaysia is a comprehensive pension fund program, where contributions from workers and companies are not only kept and managed for retirement purposes, but also for profitable investments. EPF offers a dividend distribution mechanism or investment proceeds to its participants, which is one of the main advantages of this program. The return on this investment is in addition to the contributions that have been paid, which helps to increase the value of the pension fund available to EPF participants. In addition, EPF also provides flexibility and various investment options to its participants to maximize the yield of the funds they manage. These investment options include a variety of financial instruments such as stocks, bonds, and properties, which are selected based on each participant's risk profile and financial goals. Thus, EPF not only acts as a pension fund provider but also as an investment manager that has the potential to provide long-term benefits to its participants.

Overall, these differences reflect the different focuses and objectives of the two programs in managing and providing benefits from pension funds to their participants. Tapera is more focused on providing affordable housing, while EPF in Malaysia offers more than just financial security for retirement, but also as a potential investment instrument to increase the value of pension funds through dividend distribution and profitable investment returns.

4. France

France is one of the countries that uses a contractual savings system for its housing savings. Housing savings in France are called Plan D'epargne Logement (PEL) which was introduced in 1970 and Compte D'epargne Logement (CEL) which was introduced in 1965. PEL itself is a development of the CEL concept that has been introduced first. Both the PEL and CEL schemes are offered to participants by French banks to date.¹¹

5. Brazil

The Minha Casa Minha Vida program in Brazil is an ambitious government initiative to address the housing deficit problem in the country in a structured and focused way. This program stipulates a contribution of 10% of the monthly salary for its participants, who come from formal workers who have never received or participated in the government's housing program before. This approach is designed to provide housing opportunities for those who did not previously have access to or received assistance from similar housing programs. One of the main characteristics of Minha Casa Minha Vida is that the program does not exceed the maximum working wage limit set by the program. This aims to ensure that the program can cover a wide range of communities,

¹¹ Loic Chiquier, *Housing Provident Funds, Housing Finance Policy in Emerging Markets*, eds. Loic Chiquier and Michael J. Lea, The International Bank for Reconstruction and Development, Washington DC, 2009

including those with low or moderate incomes, as well as ensure equal access to affordable housing opportunities.

This program also emphasizes the provision of housing that suits local needs and conditions. Thus, Minha Casa Minha Vida not only provides financial assistance, but also collaborates with developers and the private sector to build housing projects that meet safety, quality, and accessibility standards for program participants. Overall, Minha Casa Minha Vida reflects the Brazilian government's commitment to providing holistic and sustainable housing solutions for its citizens. By focusing on providing affordable housing, the program not only reduces the housing backlog, but also supports local economic growth by creating new jobs in the construction sector and strengthening social stability at the community level.

6. Mexico

Infonavit and Fovisste are two major housing programs in Mexico that have different mechanisms and goals, but both aim to provide affordable housing access for the Mexican people. Infonavit (*Instituto del Fondo Nacional de la Vivienda para los Trabajadores*) is a government agency established in 1972, which aims to provide housing financing to formal workers in Mexico. The amount of Infonavit contributions comes from a contribution of 5% of the monthly salary of each worker and company. The program is mandatory for all formal workers in Mexico, so it covers both the private and public sectors. These contributions are collected regularly and used to provide down payment (DP) assistance as well as housing financing at lower interest rates than those offered by commercial financial institutions. Infonavit also provides flexibility for its participants to use these funds in buying, repairing, or building houses.

On the other hand, *Fovisste (Fondo de la Vivienda del Instituto de Seguridad y Servicios Sociales de los Trabajadores del Estado)* is a

similar program aimed specifically at workers in the public or government sectors. Fovisste also collects a contribution of 5% of the monthly salaries of workers and companies, with the main goal of providing housing financing with competitive interest rates and down payment assistance to its participants. The program is in addition to the Mexican government's efforts to ensure that all levels of society, including government employees, have access to decent housing. Infonavit's success in leading affordable housing development in Mexico can be seen from its contribution to reducing the housing backlog and improving access to affordable housing for Mexican citizens. The program not only provides financing at lower interest rates, but also actively participates in the construction of various large-scale housing projects across the country. Through this approach, Infonavit has managed to create a significant social and economic impact, by providing decent housing for millions of Mexican families. In addition, Infonavit also plays an important role in improving the quality of life and social stability in communities throughout Mexico. By providing financial assistance to formal workers, the program not only helps in meeting basic housing needs, but also supports local economic growth by creating new jobs in the construction and property sectors.

Infonavit also continues to adapt to changing housing market conditions and community needs to ensure its relevance in providing effective and sustainable housing solutions. Overall, Infonavit's success in delivering innovative and sustainable housing solutions in Mexico reflects the commitment of the government and communities to addressing housing challenges, as well as providing a useful example for other countries in developing inclusive and effective housing strategies.

The differences between Infonavit and Tapera include several key aspects that reflect the differences in the approach, scope, and

specific goals of each program. First, in terms of approach and scope of participants, Infonavit and Tapera have significant differences. Infonavit in Mexico focuses on formal workers, both from the private and public sectors, who are required to contribute 5% of their monthly salary to receive housing benefits, including low-interest financing and down payment assistance. Meanwhile, Tapera in Indonesia also requires contribution contributions but is more focused on providing housing savings funds to buy or repair houses, with no additional obligations for employers. Second, in terms of the mechanism for providing and managing funds, Infonavit has a structured system to collect and manage contributions from workers and companies, as well as allocate these funds for housing financing efficiently. The program is also directly involved in the construction and management of massive housing projects across Mexico, while Tapera in Indonesia relies more on the banking and finance sectors to provide financing facilities to its participants.

Below is a comparison table between housing programs in several countries including Indonesia (Tapera), Singapore (CPF), Brazil (Minha Casa Minha Vida), Mexico (Infonavit and Fovisste), and Malaysia (EPF):

Table 1: Comparison between housing programs in several countries including

| Country Name | Program Name | Mechanism | Difference with Tapera | Success |
|--------------|--------------|--|---|---|
| Indonesian | Tapera | 3% of salary contribution, used for housing fund | The main focus is on providing housing savings funds. | Helping to increase access to housing for low-income communities. |

| Country Name | Program Name | Mechanism | Difference with Tapera | Success |
|--------------|--------------------------------|--|---|--|
| Singapore | CPF (Central Provident Fund) | Contribution 37% of monthly salary (Employee: 20%, Employer: 17%) | Provides pension and health funds, including MediSave. | Success in aligning economic and social goals by ensuring long-term financial well-being for Singaporeans. |
| Brazil | Minha Casa Minha Vida | Contribution 10% of monthly salary, received housing DP assistance | A special program for workers who have never received government housing assistance before. | Success in reducing the housing backlog and improving access to housing for the wider community in Brazil. |
| Mexico | Infonavit | Contribution 5% of salary, housing DP assistance | Paid directly company. | Successfully leading the way in the development of affordable housing and providing better access to housing for formal workers in Mexico. |
| Malaysia | EPF (Employees Provident Fund) | Contributions 11% from workers, 12-13% from companies | It is a pension fund that can be invested, with a dividend distribution mechanism. | Provide long-term financial protection and support profitable investments for its participants in the private and public sectors. |

This table covers several important aspects of each housing program, including the funding mechanism, key differences with Tapera, and the success or impact that the program has achieved in providing affordable housing access to its communities. In general, there

are several significant differences between the People's Housing Savings Program (Tapera) in Indonesia and the home savings fund program in various countries. In Malaysia and Singapore, savings programs for housing are part of the pension fund program. This means that the contributions collected can not only be used to buy a house, but can also be used for other needs such as pension funds.

In addition, in both countries, informal workers are subject to voluntary contributions, giving people the flexibility to choose whether or not they want to participate in the program. This flexibility allows people to have more control over how they manage the funds that have been raised. In Indonesia, Tapera contributions are mandatory for all formal workers, and the funds collected can be used for a variety of purposes, including building or buying a house. However, for people who do not use the funds for housing purposes, Tapera contributions will basically function like a pension fund. This means that although the main goal of the program is to provide decent housing, there is flexibility in the use of funds for participants who may have different needs. It is different from Mexico, where the Infonavit program charges housing savings fund contributions entirely to companies. This means that contributions to the housing fund are fully covered by the employer, not the worker. This approach demonstrates a strong commitment from the private sector to support the housing needs of their workers, while easing the financial burden of workers. However, as in other countries, this policy must be adjusted to economic conditions and the company's capacity to bear these costs. On the other hand, in a country like China, housing savings programs do not involve informal workers at all. This policy may be based on the assumption that informal workers do not have a stable and reliable income to contribute regularly to housing savings funds. Therefore, these programs tend to focus on formal workers who have a steady and reliable source of income. This policy reflects a more segmented approach to

addressing housing needs, focusing on the groups of workers who are considered most capable of contributing consistently.

These differences in housing policy approaches in different countries reflect variations in government responses to the unique social and economic conditions in each country. Each country adjusts their programs based on factors such as income levels, employment structures, and national policy priorities. For example, flexibility in the use of funds in Malaysia and Singapore may reflect a greater level of confidence in individuals' ability to manage their own funds. Meanwhile, policies in Mexico that charge companies with contributions show a greater role for the private sector in supporting workers' housing needs. In Indonesia, the mandatory approach for all formal workers emphasizes the importance of collectivity and shared responsibility in providing decent housing for all walks of life.

V. Review of Siyasaḥ Maliyah

The Tapera Program analysis uses the perspective of siyasaḥ Maliyah, which means the perspective of public policy in Islam, providing an in-depth view of how this program can be assessed from the perspective of justice, utility, and efficiency in the context of Islamic values. First of all, in terms of justice, Tapera can be seen as an effort to fulfill the human right to decent housing, in line with the principles of social justice in Islam. Islam encourages the provision of social protection for people in need, including affordable and decent housing facilities. By providing access to low-income people to own a home through this savings scheme, Tapera can be seen as an implementation of the values of distributive justice in Islam. Second, in terms of benefits, Tapera is expected to provide long-term benefits for its participants. In the context of Maliyah siyasaḥ, a policy is considered good if it provides real and sustainable benefits for the community. Tapera is designed to

help communities overcome difficulties in homeownership, which is a basic need for family well-being and social stability. In terms of efficiency, *Siyasah Maliyah* emphasized the importance of good and transparent management of public funds. *Tapera* must be run with high efficiency to ensure that the funds collected from participant contributions are used effectively for the specified purpose, which is to support home ownership for low-income communities. Transparency in fund management and accountability for the use of public funds is very important in the context of Islamic values that demand integrity and honesty in public affairs. In the context of *Maliyah's siyasah*, it is important to ensure that *Tapera* not only provides individual benefits but also provides broader social benefits for society as a whole. The program should strengthen social solidarity and create equality in the opportunity for all citizens to have a decent home, without discrimination or unfair personal gain. In addition, *Tapera* must also consider sustainability principles in its management. These policies must be designed to last in the long term, given the complex challenges in housing issues and the growing needs of the community. This approach is in line with Islamic values that emphasize the importance of sustainable development and environmental protection. Finally, *Siyasah Maliyah* emphasized the importance of active community participation in policy formulation and implementation. *Tapera* must involve the community broadly in the decision-making process to ensure that their needs and aspirations are well met through this program. This participation not only increases the legitimacy of the program but also ensures that the policies taken take into account the real interests and needs of the community. Overall, the analysis of the *Tapera* Program using the perspective of the *Maliyah siyasah* shows that this program can make a significant contribution in fulfilling the right to decent housing for the Indonesian people, in line with the values of justice, utility, efficiency, sustainability, and participation in Islam

VI. Conclusion

The Legal Politics of the Tapera implementation aims to help house financing for Low-Income Communities (MBR) by making it easier to pay for Home Ownership Loans (KPR) installments. Beneficiaries will receive interest incentives so that mortgage installments become cheaper. However, the proposed mechanism was considered unclear, coupled with the lack of a new body proposed to manage the funds at the time. This creates negative sentiment in society, where Tapera is considered a potential area of corruption for the government. The practice in some countries where housing savings programs are part of pension fund programs and informal workers are imposed voluntarily, means that people are given the freedom to use the funds that have been collected, not just for housing savings. In Indonesia, Tapera's contribution will be the same as a pension fund for those who do not use it for home construction. The implementation of Tapera based on the review of *siyasaḥ maliyah* must provide benefits to the community and not violate Islamic law.

VII. References

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DECLARATION OF CONFLICTING INTERESTS

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