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Ensuring Housing Rights: Legal Analysis of Rusunawa Implementation in Purbalingga Regency

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Abstract

This study discusses the legal framework and the implementation of the management and occupancy system of Simple Rental Flats (Rusunawa) in Purbalingga Regency, which are intended for low-income communities (MBR). The purpose of this research is to analyze the compliance of Rusunawa implementation in Purbalingga with applicable national and regional legal regulations. The research method used is normative juridical, employing a statutory approach and secondary data consisting of laws, government regulations, official documents, and information from related agencies. The findings indicate that the development and management of Rusunawa in Purbalingga are in accordance with Law Number 20 of 2011, Government Regulation Number 12 of 2021, Ministry of Public Works Regulation No. 14/PRT/M/2017, and Purbalingga Regional Regulations. However, ongoing supervision and improvements in technical regulations are necessary to ensure that the social benefits of Rusunawa are maximized and sustainable.

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Keywords

Rusunawa, Housing Law, Low-Income Communities, Rusunawa Management, Purbalingga Regency.

A. Introduction

The problem of providing decent housing for low-income communities (MBR) is a critical issue faced by many regions in Indonesia, including Purbalingga Regency. MBR often struggle to access adequate housing due to economic limitations, land scarcity, and high land and building prices. Although more dominant in large cities, the increasingly rapid urbanization is also starting to impact areas like Purbalingga. As a result, many MBR are forced to live in uninhabitable housing, overcrowded areas, or even in disaster-prone zones. Constitutionally, Article 28H paragraph (1) of the 1945 Constitution of the Republic of Indonesia emphasizes that "every person has the right to live prosperously, physically and spiritually, have a place to live, and obtain a good and healthy environment". This becomes the main legal basis that obligates the state to provide decent housing for all people, including MBR.

Purbalingga Regency Government has attempted to address this issue by constructing simple rental flats (Rusunawa) as an alternative housing option for MBR, including factory workers, low-ranking civil servants (ASN), and the general public who do not yet own a house. However, the construction of Rusunawa does not immediately solve all problems, as there are still challenges in management, unit distribution, and public understanding of the legal status of this housing. Additionally, the uneven provision of supporting facilities such as public transportation, sanitation, and green open spaces around Rusunawa also presents its own challenges in guaranteeing the quality of life for its residents.

More technically, regulations concerning apartments have been arranged in Law Number 20 of 2011 concerning Apartments, which regulates aspects of construction, ownership, and apartment management. Furthermore, there are implementing regulations such as Government Regulation Number 12 of 2021 concerning the Implementation of Housing and Settlement Areas, and the Ministry of

Public Works Regulation No. 14/PRT/M/2017 concerning Technical Requirements for Apartment Buildings. At the regional level, Purbalingga Regency Regional Regulation Number 28 of 2018 concerning the Implementation of Housing and Settlement Areas contains regional policies in providing decent housing, including the construction of Rusunawa, as a form of basic public service.

Rusunawa (Simple Rental Flats) emerges as one of the solutions initiated by the government to address the need for decent housing for low-income communities (MBR), especially in areas experiencing land limitations and high property prices. Through this program, the government provides vertical housing units with an affordable rental system and adequate basic facilities, enabling MBR to still live in a decent and humane environment. Furthermore, Rusunawa also plays a role in organizing settlement areas more efficiently, reducing slum areas, and supporting equitable housing development in various regions, including Purbalingga Regency.

The legal aspect plays an important role in ensuring the management and ownership of Rusunawa runs according to its objectives, namely to provide decent housing for low-income communities fairly and appropriately. Without a clear legal basis, the management of Rusunawa has the potential to cause deviations, such as renting units to unauthorized parties, misuse of facilities, and even social conflicts among residents. Clear legal provisions are also needed to regulate the rights and obligations of residents, rental period limits, selection procedures, and the responsibility of the local government as the manager, thus creating legal certainty, accountability, and legal protection for all parties involved.

The purpose of this writing is to analyze the legal regulations and provide information regarding rental flats (Rusunawa) in Purbalingga Regency. Based on the problems above, the author formulates the problem as follows: i. How is the legal regulation regarding the management and ownership of Rusunawa at the National and Regional levels? ii. How is the rental flat (Rusunawa) in Purbalingga Regency?

This research uses the normative juridical method with a statutory approach, by examining legal regulations that regulate the

management and ownership of apartments, especially Simple Rental Flats (Rusunawa), both at the national level such as Law Number 20 of 2011 concerning Apartments, Government Regulation Number 12 of 2021 concerning the Implementation of Housing and Settlement Areas, and the Ministry of Public Works Regulation No. 14/PRT/M/2017 concerning Technical Requirements for Apartment Buildings and the Purbalingga Regency Regional Regulation (Perda) Number 28 of 2018 concerning the Provision and Handover of Housing and Settlement Area Infrastructure, Facilities, and Utilities. This research aims to analyze the rental flats available in Purbalingga.

B. Legal Regulations Concerning the Management and Ownership of Rusunawa at the National and Regional Levels

Law Number 20 of 2011 concerning Apartments is the main legal basis regulating the construction, management, ownership, and utilization of apartments, including Rusunawa. This law distinguishes between owned apartments and rental apartments, where Rusunawa falls under the category of public apartments provided by the government for rent by low-income communities. Article 54 explains that public apartments can be built by the government and managed by the relevant agencies. Article 55 paragraph (1) states that public apartments are intended for communities that meet certain criteria, and Article 56 emphasizes that residents only have rental rights, not ownership rights over the apartment units. This law emphasizes the importance of social justice in providing decent housing through clear and fair regulations.

Meanwhile, Government Regulation Number 12 of 2021 concerning the Implementation of Housing and Settlement Areas further regulates the technical implementation of Law No. 20 of 2011, including the responsibility of the local government in the construction and management of rental apartments. Article 10 paragraph (2) explains that the local government has the authority in constructing public apartments that meet technical and administrative requirements. Furthermore, the Ministry of Public Works Regulation No. 14/PRT/M/2017 regulates in detail the technical requirements for

apartments, including minimum standards for facilities, infrastructure, and public utilities. This regulation also serves as a reference in ensuring that Rusunawa buildings meet habitable quality standards. Articles 6 and 12 of this regulation emphasize technical provisions regarding building structure, ventilation, lighting, safety, and sanitation, which must be fulfilled by the apartment organizers.

Purbalingga Regency is regulated under Purbalingga Regency Regional Regulation Number 28 of 2018 concerning the Implementation of Housing and Settlement Areas, which contains regional policies for providing decent housing, including the construction of Rusunawa, as a form of basic public service to the community.

Legally, the management of Simple Rental Flats (Rusunawa) is the responsibility of the local government, but it can also be delegated to a third party appointed through an official cooperation mechanism. The manager has several important tasks, including maintaining the building and common facilities, supervising the use of housing units according to their designated purpose, distributing housing units to low-income communities appropriately, collecting retribution or rental fees orderly, and providing basic services such as clean water, electricity, and sanitation. These provisions aim to guarantee the sustainability of Rusunawa's function as decent, safe, and affordable housing, as well as to create order within the vertical housing environment.

The ownership of Rusunawa units is purely rental-based, not personal ownership, so residents only have the right to occupy the unit for a certain period according to the agreed rental agreement. Because of its rental apartment status, Rusunawa units cannot be inherited, sold, or transferred to other parties in any form according to Law Number 20 of 2011 concerning Apartments. This aims to ensure that Rusunawa remains intended for low-income communities who genuinely need it, and to prevent the misuse of housing rights. Resident rights are also limited to the determined rental period and can be extended according to evaluation, so they remain under the control of the local government as the manager.

C. Analysis of Rental Flats 9Rusunawa) in Purbalingga Regency

1. History of Rental Flats in Purbalingga Regency

The establishment of Rental Flats (Rusunawa) in Purbalingga Regency began in 2011 as a response to the need for decent housing for industrial workers in the artificial hair sector, numbering more than 30,000 people. Many of them came from surrounding regencies such as Pemalang, Batang, and Banyumas, so they had to make daily trips to Purbalingga for work. To address this issue, the Purbalingga Regency Government proposed the construction of Rusunawa to the Ministry of National Housing since two years prior. This proposal was finally approved in 2010 with the allocation of a grant of Rp 30 billion to build 99 housing units planned to be completed in 2011.

The construction of Simple Rental Flats (Rusunawa) in Purbalingga Regency is part of the local government's efforts to provide decent housing for low-income communities (MBR). Located on Jl. Raya Tobong, Kelurahan Kembaran Kulon, this Rusunawa consists of four floors with a total of 58 units of type 36 housing.

The construction of this Rusunawa was funded through a grant from the central government amounting to Rp 15 billion and was the first one built in Purbalingga. Since its operation in 2019, this Rusunawa has been occupied by more than 50 people, with a maximum rental period of three years which can be extended according to need assessments. The management of Rusunawa is carried out by the Purbalingga Regency Housing and Settlement Office, which is also responsible for maintenance, supervision, and providing basic services for residents. This step aligns with the national policy in providing decent vertical housing for low-income communities, as well as an effort by the local government to organize settlement areas and improve the welfare of its residents.

Based on a report from Radar Banyumas, since its operation in 2019, the Simple Rental Flats (Rusunawa) in Purbalingga Regency have been occupied by more than 50 people. Although the rental period is limited to a maximum of three years and can be extended if residents do not yet own their own house, there is a dynamic of residents coming and going, causing tenant changes before the rental period ends.

Prospective Rusunawa residents are required to meet several requirements, including: Indonesian citizens domiciled in Purbalingga Regency, falling into the low-income community category, not owning a house, and completing documents such as photocopies of Electronic ID Cards (KTP), Family Cards, marriage certificates or other supporting documents, as well as letters of confirmation of not having a place to live from the local village or sub-district government. In addition, prospective residents must include a statement of maximum income of Rp 2 million certified by the local village or sub-district government, as well as an income certificate from the agency or company where they work, and a statement of willingness to pay rent with sufficient stamp duty.

2. Rental Flats (Rusunawa) in Purbalingga Regency

Purbalingga Regency now has Simple Rental Flats (Rusunawa) intended for low-income communities (MBR). This Rusunawa is located on Jalan Walik, Kelurahan Kembaran Kulon, Kecamatan Purbalingga, and has been completed and is ready for occupancy. The Head of the Purbalingga Regency Housing and Settlement Office (Dinrumkim), Zaenal Abidin, explained that the rusunawa building consists of four floors with varying rental prices, starting from Rp250,000 per month for the fourth floor up to Rp400,000 per month for the first floor. The difference in rental prices is not due to differences in facilities, but rather the accessibility of each floor, where the lower floors have easier access.

Zaenal added that all floors have the same facilities, with room sizes of 3 x 6 meters equipped with two beds and a bathroom. This tiered rental system is intended to remain affordable for all MBR segments while considering access comfort. Registration for prospective residents has been open since March 8th and will close on March 20th. With the presence of this rusunawa, the local government hopes to improve the housing quality of low-income communities and support efforts to address settlement problems in Purbalingga Regency.

3. Facilities at Rusunawa Purbalingga

Facilities owned by rusunawa (general):

a. Room units: 58 units
b. Hall
c. Mosque
d. Bathrooms
e. Parking area

Facilities per room:

a. Living room
b. Dining room
c. Main bedroom
d. Children's bedroom
e. Kitchen]
f. Laundry area

Other facilities, among others:

a. Electricity with 900Watt token
b. PDAM water and well water

4. Figure of the Building and Facilities of Rental Flats in Purbalingga Regency

Figure 1. Building Photo



Figure 2. Front View



Figure 3. Facilities (Children's Bedroom)



Figure 4. Facilities (Main Bedroom)



Figure 5. Kitchen



5. Conclusion of the Analysis

Based on the data and applicable regulations, the analysis of Simple Rental Flats (Rusunawa) in Purbalingga Regency shows that the construction of this vertical housing is a strategic solution by the local government to address the need for decent housing for low-income communities (MBR), especially industrial workers in the artificial hair sector who dominate the local economy. Since its initiation in 2010 and operational since 2019, Rusunawa on Jalan Walik, Kelurahan Kembaran Kulon, has provided 58 housing units with a tiered rental system based on floor accessibility, along with adequate facilities for both private and communal needs.

From a regulatory perspective, the construction and management of this Rusunawa refer to several national legal bases, such as Law Number 20 of 2011 concerning Apartments, especially Article 14 which states that apartments can be in the form of ownership or rental, and Articles 54 and 55 which regulate the management of rental apartments by local governments. Government Regulation Number 12 of 2021 concerning the Implementation of Housing and Settlement Areas also emphasizes the government's involvement in guaranteeing housing provision for MBR. Meanwhile, the Ministry of Public Works Regulation No. 14/PRT/M/2017 provides a technical basis for the construction and management of apartments, including aspects of minimum facilities, building structure, and resident comfort standards.

At the regional level, the existence of Purbalingga Regency Regional Regulation Number 28 of 2018 concerning the Provision and

Handover of Housing and Settlement Area Infrastructure, Facilities, and Utilities, as well as Regional Regulation Number 4 of 2024 concerning the Implementation of Housing and Settlement Areas, becomes an important instrument in implementing the Rusunawa program. This Regional Regulation contains regulations regarding the social function of apartments, management based on affordability and equity principles, and sustainability principles. By referring to all these regulations, it can be concluded that Rusunawa in Purbalingga Regency has been built and managed legally, systematically, and according to its designated purpose. However, for long-term effectiveness, continuous evaluation of the rental aspects, resident rotation, and facility maintenance is needed to avoid creating new burdens for the region and the community.

D. Conclusion

From a legal aspect, the management and ownership of Rusunawa have been clearly regulated through Law Number 20 of 2011, PP Number 12 of 2021, as well as the Ministry of Public Works Regulation No. 14/PRT/M/2017, and reinforced by Purbalingga Regency Regional Regulation Number 28 of 2018 and Regional Regulation Number 4 of 2024. These regulations stipulate that Rusunawa is rental-based, cannot be privately owned, and is managed by the local government to guarantee affordability, equity, and the sustainability of housing provision. Although normatively it is already in accordance, intensive supervision of field implementation is still needed so that the social objectives of Rusunawa can be achieved maximally.

Based on the analysis results, it can be concluded that the construction of Simple Rental Flats (Rusunawa) in Purbalingga Regency is a form of local government responsibility in guaranteeing the availability of decent housing for low-income communities (MBR). This construction is carried out with support funds from the central government and is managed by the local Housing and Settlement Office. Rusunawa in Purbalingga has a tiered rental system, adequate facilities, and strict resident regulations, thus being able to become a

concrete solution to the limitations of land and the high price of landed houses in the area.

The Purbalingga Regency Government needs to draft implementing regulations such as a Regional Regulation (Perbup) concerning Rusunawa management and needs to improve the quality of Rusunawa management, both in terms of technical services, rental system transparency, and facility maintenance. Regular evaluations of building conditions, unit occupancy, and resident rotation are important to ensure that Rusunawa occupancy is truly targeted and not misused by unauthorized parties. In addition, the provision of supporting facilities such as transportation access, green open spaces, and environmental security also needs to be improved to support the quality of life of residents.

Furthermore, legal education for the community regarding the status and legal provisions of Rusunawa needs to be intensified to prevent misunderstandings regarding unit ownership rights. The local government is also advised to draft operational technical guidelines (juknis) for Rusunawa management that are responsive to field dynamics, and to build participatory complaint and supervision mechanisms that allow residents to actively participate in overseeing the Rusunawa program. With this, the social function of Rusunawa as transitional housing towards housing independence for MBR can be realized sustainably.

E. References

Azwir, Azima, 'Spatial Adaptation of Simple Rental Apartment (Rusunawa) Residents Kaligawe in Semarang City', 2, 2021, pp. 647–56

Efendi, Hermiana E, 'Purbalingga Has Rusunawa for the Less Fortunate', Dwipanews <https://www.dwipanews.com/2019/03/purbalingga-miliki-rusunawa-untuk-warga-kurang-mampu> Accessed at 9.35 AM. Date 13/04/2025

Galang Taufani, Suteki, Research Methodology Law: Philosophy, Theory, and Practice (RajaGrafindo, 2020)

Harahap, A H, Implementation of Simple Rental Apartment Management Based on Regional Regulation Number 1 of 2015 in Pekanbaru City, 2022 <http://repository.uir.ac.id/id/eprint/11408 https://repository.uir.ac.id/11408/1/171010361.pdf>

Indonesia, Republic, Constitution of the Republic of Indonesia Year 1945, Jdih.Bapeten.Go.Id, 1945, pp. 1–49 <https://jdih.bapeten.go.id/en/dokumen/peraturan/undang-undang-dasar-negara-republik-indonesia-tahun-1945>

Indonesia, Republic, Law (UU) Number 20 Year 2011 Concerning Apartments

PUPR, Ministry, 'Glossary of Infrastructure Financing and KPBU Terms', Simantu.Pu.Go.Id, 2019, pp. 1–203 <https://simantu.pu.go.id/personal/imgpost/198302072009011004/post/20200213152012__F__Kamus_Istilah_Pembiayaan__KPBU_2019_3.pdf>

Putri, Asyifa Sabrina, 'Handling Housing and Settlement Problems in Purbalingga', Kompasiana <https://www.kompasiana.com/asyifasabrinaputri8278/6516d2f2ae1f0735ab5cc752/penanganan-permasalahan-perumahan-dan-permukiman-di-purbalingga?lgn_method=google&google_btn=onetap> Accessed at 9.45 AM. Date 12/04/2025

Regency, Regulation, Regional Regulation Number 28 Year 2018 Concerning the Provision and Handover of Housing and Settlement Area Infrastructure, Facilities and Utilities

Sutanto, Dandy Himawan, 'Policy and Implementation of Handing Over Public Housing Facilities and Utilities in Pamekasan Regency', Syntax Literate ; Jurnal Ilmiah Indonesia, 6.2 (2021), p. 1489, doi:10.36418/syntax-literate.v6i2.5352

Website of the Housing and Settlement Office titled "Rusunawa" accessed at 9.45 AM. Date 13/04/2025. https://dinrumkim.purbalinggakab.go.id/bidang-perumahan/rusunawa

Website Radar Banyumas, titled "50 people have occupied Rusunawa, Tenants still come and go" accessed at 9.45 AM. Date

13/04/2025 https://radarbanyumas.disway.id/read/24611/50-orang-sudah-tempati-rusunawa-penyewa-masih-keluar-dan-masuk

Wongso, Sinta, Yuhelson Yuhelson, and Bernard Bernard, 'Legal Protection for Apartment Residents Regarding the Dualism of Apartment Resident Association Formation', Jurnal Multidisiplin Indonesia, 2.8 (2023), pp. 2073–89, doi:10.58344/jmi.v2i8.417

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