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Political and Legal Dimension of the Implementation of the Tapera Program in the Protection of Private Workers' Rights: A Study in Urban Areas

Politik Hukum Penerapan Program Tapera Terhadap Perlindungan Hak Pekerja Swasta: Studi Masyarakat Perkotaan

Iskandar¹, Ryan Fachryan Lesmana Putra², Shinta Azzahra Sudrajat³

¹ Universitas Muhammadiyah Kuningan, Kuningan, Jawa Barat, Indonesia

² Universitas Muhammadiyah Kuningan, Kuningan, Jawa Barat, Indonesia

³ Universitas Muhammadiyah Kuningan, Kuningan, Jawa Barat, Indonesia

* Corresponding author: iskandar@umkuningan.ac.id

Abstract

The People's Housing Savings Program (Tapera) is a solution for people's welfare provided by the government with the aim of helping financial welfare related to decent housing. Law Number 4 of 2016 concerning People's Housing Savings (Tapera Law) is present as a legal basis for the community, especially private workers who have the right to have decent and affordable housing, where the government and other parties will be bound. However, problems occur when the Government sets a contribution of 2.5% which is deducted every month from workers' salaries. This study aims to regulate the management of Tapera funds in an accountable and professional manner to realize transparency in every management of funds collected from the community to be used for the purposes that have been set. The research method used is empirical research, with a statute approach, a conceptual approach and a sociological approach to law. Data sources are obtained from primary, secondary, and tertiary legal materials, which are collected through interview techniques, documentation, and decisions. Then, the data is analyzed prescriptively. The results of this study show that long-term welfare is not owned by private workers, because the impact of the reduction in obtaining decent and affordable housing creates an unstable financial impact.

Keywords

Legal Policy; Tapera; Workers.



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Abstrak

Program Tabungan Perumahan Rakyat (Tapera) menjadi solusi bagi kesejahteraan rakyat yang diberikan oleh pemerintah dengan tujuan dapat membantu kemaslahatan finansial terkait perumahan yang layak. Undang-Undang Nomor 4 Tahun 2016 tentang Tabungan Perumahan Rakyat (UU Tapera) hadir sebagai landasan hukum bagi masyarakat khususnya pekerja swasta yang memiliki hak untuk memiliki hunian yang layak dan terjangkau, di mana pemerintah dan pihak lain akan terikat. Namun, permasalahan terjadi ketika Pemerintah menetapkan iuran sebesar 2,5% yang di potong setiap bulan nya dari gaji, hal ini cukup memberatkan bagi pekerja. Penelitian ini bertujuan untuk mengatur pengelolaan dana Tapera secara akuntabel, profesional, dan transparansi dalam setiap pengelolaan dana yang dihimpun dari masyarakat untuk digunakan dengan tujuan yang telah di tetapkan. Metode penelitian yang digunakan adalah penelitian empiris, dengan pendekatan perundang-undangan (*statute approach*), pendekatan konseptual (*conceptual approach*) dan pendekatan sosiologi hukum (*sociological approach*). Sumber data diperoleh dari bahan hukum primer, sekunder, dan tersier, yang dikumpulkan melalui teknik wawancara, dokumentasi, dan keputskaan. Kemudian, data dianalisis secara preskriptif. Hasil studi ini menunjukkan bahwa kesejahteraan jangka Panjang tidak dimiliki oleh pekerja swasta, karena dampak pengurangan untuk mendapatkan hunia layak dan terjangkau membuat dampak finansial yang tidak stabil.

Kata Kunci

Politik Hukum; Tapera; Pekerja.

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Introduction

The housing problem in Indonesia is one of the main challenges faced by the government in its efforts to improve people's welfare. With a growing population and rapid urbanization, the need for decent housing is increasingly urgent.¹ Based on data from the Central Statistics Agency (BPS), the percentage of Indonesian people living in urban areas is estimated to increase and reach 66.60 percent in 2035 or in other words more than half of the population will live in urban areas. With this population structure and dynamics, the need for housing in Indonesia in the future will continue to increase so that efforts are needed to plan and provide decent housing.²

¹ Saiful Amin and Erwin Fahmi, "Tantangan Penanganan Permukiman Kumuh Dari Sudut Pandang Institusional: Studi Kasus Kolektif Di Kel. Bintaro Dan Kel. Banjar Kota Mataram," *Jurnal Muara Sain, Teknologi, Kedokteran, Dan Ilmu Kesehatan* 5, no. 2 (2021): 485–500.

² Ririn Kuncaraning Sari, Mayang Sari, and Rizqi Nafi' Syari'ati, "Statistik Perumahan Dan Permukiman 2022" (Jakarta, 2022).

The People's Housing Savings Program (Tapera) is one of the Indonesian government's strategic initiatives to address housing problems faced by the community.³ This program was launched based on Law Number 4 of 2016 concerning People's Housing Savings (UU Tapera). Tapera aims to create an inclusive and sustainable housing financing system. Through this program, the government seeks to bridge the gap between the financial capabilities of the community and the need for decent housing.⁴ Tapera is expected to help individuals and families save to buy or build a home, while providing easier and more affordable access to financing. Thus, Tapera plays an important role in supporting the government's vision to ensure that every citizen has access to decent and affordable housing.⁵

The Tapera program is regulated by the Tapera Law which is the legal basis for the implementation of this program. The Tapera Law establishes a clear framework for the management of housing savings funds, including the mechanism for collecting and distributing funds.⁶ This law also regulates the Tapera implementing agency which is responsible for managing funds and ensuring that the funds are used in accordance with the program's objectives. The legal certainty provided by the Tapera Law is expected to provide confidence to the community and other stakeholders in supporting this program.⁷

As a derivative of Law Number 4 of 2016 concerning Public Housing Savings (UU Tapera), on May 27, 2024, President Joko Widodo just stipulated Government Regulation Number 21 of 2024 concerning the Implementation of Public Housing Savings. The purpose of implementing the PP Tapera is as an effort by the government to overcome housing problems faced by the community. The government realizes that without adequate intervention, this housing problem can have a negative impact on the quality of life of the community and hinder overall socio-economic development. Therefore, Tapera is designed as an instrument to support the achievement of inclusive and sustainable national development goals. However, this policy is considered burdensome for the people, especially for private workers, because they are burdened with paying fees or contributions with a fairly high amount for private workers, namely 2.5% which is deducted from their monthly salary.⁸ Based on Pipit's statement, he is an employee at PT. Longris Cirebon, West Java⁹, and Muhammad Hulman as security at the company PT. Ayam Unggul Cirebon¹⁰ which in essence states that;

The tapera program (public housing savings) is not the right solution to be applied to private workers, because with a salary of Rp. 2,500,000.00 (two million five hundred thousand rupiah), based on the Cirebon regional minimum wage and deducted by 2.5% of

³ Yohanes Makias De, "Analisis Kritis Program TAPERA 'Tabungan Perumahan Rakyat' Bagi Kehidupan Umat Di Paroki Riam Batang Kalimantan Tengah," *Jurnal Pendidikan Agama Dan Teologi* 2, no. 3 (2024): 57–73.

⁴ Karya Bakti Kaban, "Penelitian Tingkat Kepuasan Kerja Karyawan Di Badan Pengelola Tabungan Perumahan Rakyat (BP TAPERA) Dengan Menggunakan Metode Human Resource Index (HR Index) Fredrick E. Schuster," *Kendali: Economics and Social Humanities* 1, no. 3 (2023): 143–63.

⁵ Ade Arianto Asril, Anis Rifai, and Arina Novizas Shebubakar, "Penyelenggaraan Tabungan Perumahan Menurut Undang-Undang Nomor 4 Tahun 2016 Ditinjau Dari Perspektif Perlindungan Hukum," *Jurnal Magister Ilmu Hukum (Hukum Dan Kesejahteraan)* 7, no. 1 (2022): 1–24.

⁶ Tazkiya Amalia Nasution, "Analisis Yuridis Undang-Undang Tabungan Perumahan Rakyat Ditinjau Dari Perspektif Good Governance," *Lex Renaissance* 4, no. 6 (2021): 833–46.

⁷ Pandu Dewanto, "Rekonstruksi Pertimbangan Hakim Terhadap Putusan Sengketa Perdata Berbasis Nilai Keadilan," *Jurnal Ius Constituendum* 5, no. 2 (2020): 303–23.

⁸ Muammar Syarif, "Polemik Program Tapera: Benarkan Bisa Menyelesaikan Permasalahan Kepemilikan Rumah?," *The Conversation*, 2024.

⁹ Pipit, Employee of PT. PT. Longris Cirebon West Java, Cirebon, 11/06/2024

¹⁰ Muhammad Hulman, Security PT. Ayam Unggul Cirebon, Cirebon, 11/06/2024

income is a form of extortion against workers. In addition, the tapera program is very unreasonable, where a 2.5% deduction is very unlikely to be able to buy a house with the current very expensive land price. Economist Nailul Huda stated that the implementation of the PP on Tapera with the provision of 2.5% needs to be questioned, because the Tapera program was implemented when the Indonesian people's economy was not yet stable, so it would burden the community.¹¹ In addition, considering that the Tapera program is not a new program but has existed and been in effect for the past 6 years, the backlog problem has not yet been resolved.¹² Nailud Huda's statement, in line with the views of the Indonesian Employers Association (APINDO) which firmly stated its rejection of the implementation of Tapera because the source of financing for participants is also charged to employers, considering that the burden on employers is currently quite heavy because other costs determined by the government are also borne by companies such as BPJS Kesehatan workers. In addition, APINDO is of the view that the implementation of Tapera is a form of extortion, because Tapera can only be taken when workers retire.¹³

Furthermore, talking about the regulation of the implementation of Government Regulation Number 21 of 2024 concerning the Implementation of Public Housing Savings cannot be separated from the aspect of legal objectives. Theoretically, the objectives of law in Indonesia include three main aspects, namely legal certainty, justice, and benefit.¹⁴ Legal certainty refers to the existence of clear and reliable regulations, which provide definite guidelines for society. Justice relates to the distribution of benefits and burdens proportionally and non-discriminatory. Meanwhile, usefulness emphasizes the pragmatic aspect of the law, namely the extent to which the law is able to provide real benefits to society.¹⁵

The dynamics of the implementation of PP Number 21 of 2024 concerning TAPERA regarding the protection of private workers' rights include various important aspects such as contribution obligations, benefits obtained, transparency of fund management, and supervision of program implementation. Reflecting on the Tapera program in the previous year, where there were still many loopholes in the community.¹⁶ in 2020-2021 the Financial Supervisory Agency (BPK) found problems in the management of tapera funds, it was stated that BP Tapera had not returned savings to 124,960 retired civil servants or their heirs amounting to Rp. 567.45 billion. Based on BPK's admission, the Tapera program has not been fully implemented.¹⁷ Seeing this case, of course, it raises the question of how Tapera is implemented through PP Number 21 of 2024 concerning Tapera, regarding the protection of private sector workers' rights.

¹¹ Nailul Huda and Bhima Yudhistira, "Tapera Untuk Siapa? Membedah Untung Rugi Program Tabungan Perumahan Rakyat," 2024.

¹² Syarif, "Polemik Program Tapera: Benarkan Bisa Menyelesaikan Permasalahan Kepemilikan Rumah?"

¹³ Amalia Nasution, "Analisis Yuridis Undang-Undang Tabungan Perumahan Rakyat Ditinjau Dari Perspektif Good Governance."

¹⁴ Henry Aspan, "The Role of Legal History in the Creation of Aspirational Legislation in Indonesia," *International Journal of Research and Review* 7, no. 6 (2020): 40–47.

¹⁵ Asep Saepudin Jahar, Raju Moh. Hazmi, and Nurul Adhha, "Construction of Legal Justice, Certainty, and Benefits in the Supreme Court Decision Number 46P/HUM/2018," *Jurnal Cita Hukum (Indonesian Law Journal)* 9, no. 1 (2021): 159–78.

¹⁶ Huda and Yudhistira, "Tapera Untuk Siapa? Membedah Untung Rugi Program Tabungan Perumahan Rakyat."

¹⁷ Haris Fadhil, "BPK Temukan Rp 567 M Dana Tapera 2020-2021 Belum Dikembalikan Ke Pensiunan," Detiksumbangsel, 2024.

The implementation of Government Regulation Number 21 of 2024 concerning Public Housing Savings (Tapera) has a significant impact on private workers, both in terms of positive and challenging aspects. The positive impact is that private workers now have more structured access to obtain housing financing through savings managed by the Tapera Management Agency (BP Tapera). This provides an opportunity for them to own a decent home, especially for workers with limited access to housing credit. This program is also considered to be able to improve the long-term welfare of workers by encouraging home ownership as a basic need. Professional fund management by BP Tapera also provides a guarantee of transparency and accountability.

However, on the other hand, there are several negative impacts that are felt, especially for workers with low incomes. The obligation to contribute 3% of salary (with details of 2.5% borne by workers and 0.5% by employers) reduces their monthly net income. This can be an additional burden, especially for contract and freelance workers whose income is not fixed. In addition, TAPERA benefits cannot be immediately enjoyed by all participants because there are minimum participation requirements and priority of beneficiaries based on ability to pay. Other concerns arise regarding the potential for misuse or ineffective management of funds, although BP TAPERA is guaranteed to be transparent. To reduce these negative impacts, strategic steps are needed, such as intensive socialization to workers so that they understand the benefits and mechanisms of this program. The contribution scheme should also be made more flexible, especially for workers with irregular incomes. Strict supervision of fund management is essential to ensure that TAPERA funds are used according to their intended purpose. In addition, the government can consider providing additional subsidies for low-income workers so that they are not too burdened by contribution obligations.

Based on the results of the literature search, several studies were found related to this research topic, namely research by Nesya Tania, Jason Novienko, and Dixon Sanjaya entitled "Legal Theory Study on the Implementation of Public Housing Savings Products". In the results of their research stated that not everyone has access to financing in obtaining a house and the inequality between income factors and income factors that are not evenly distributed so that it burdens workers and employers as well as conflicts of norms and inconsistencies in guidelines for the formation of laws. The similarity between the two is that they both discuss the legal study of TAPERA.

Meanwhile, according to Ihsan, Aunur Rofiq, and Khusnudin in their research on the Polemic of Public Housing Savings (TAPERA), they stated that public policy and governance as well as the polemic of TAPERA require an in-depth analysis to be able to understand the implications for society. The similarity between the two is that they both discuss the study of TAPERA. In addition, research by I Gusti Ngurah Aristiawan, entitled "Legal Analysis of the Policy of Public Housing Savings Participation for Workers in Indonesia" focuses on conflicts from the community, especially workers and employers, as well as an analysis of the policy of public housing savings participation for workers in Indonesia. This study aims to provide a comprehensive understanding of the legal politics behind the implementation of the TAPERA Program and its impact on the protection of private sector workers' rights. Through in-depth analysis and constructive policy recommendations, this study is expected to contribute to increasing the effectiveness of the Tapera Program in improving the welfare of private sector workers in Indonesia.

Method

This study uses an empirical legal research type, to explore legal politics in the implementation of the Tapera program to protect the rights of private workers. By using the empirical legal method, it can be seen how the law works in society in this case, namely PP PP Number 21 of 2024. As a empirical legal research, the approaches used are the statute approach and the conceptual approach, and the sociological approach. The reason for using this approach is to explain a legal practice in the social life of society, its causes, what factors influence it, the background and so on. Also to test the empirical validity of a regulation or legal statement, so as to be able to predict a law that is in accordance with Indonesian society or not.

This study will rely on primary data from field data. The materials for analysis consist of primary legal materials carried out on private workers in urban areas in this case using a research sample of workers in the DKI Jakarta and West Java areas. The secondary legal materials come from a review of literature such as books, scientific articles, and documents related to this research. And tertiary legal materials. The data collection techniques in this empirical legal research include tracing data in the field conducted through interviews with private workers. Also through documentation and literature.

The data analysis used is Prescriptive analysis, namely analysis that provides arguments for the results of research that has been carried out. The prescriptive analysis begins by defining the main objective of the research, which is to identify how the implementation of Tapera can meet the housing needs of private sector workers, and to assess its impact on urban communities. Relevant data, such as the level of participation of private sector workers in the Tapera program, the availability of affordable housing, and legal and administrative constraints in its implementation, are collected from various sources, including government data, community surveys, and stakeholder interviews. After the data is collected, it is cleaned and processed to ensure its accuracy.

Results and Discussion

A. Legal Framework and Regulation of PP Number 21 of 2024 concerning TAPERA as the Basis for Implementing the Tapera Program

The People's Housing Savings Program (TAPERA) is an Indonesian government initiative to provide decent housing facilities for the community.¹⁸ Prior to the enactment of Government Regulation Number 21 of 2024 concerning Public Housing Savings (TAPERA), Law Number 4 of 2016 concerning the Implementation of Public Housing Savings or the Tapera Law became a crucial legal basis in the implementation of the TAPERA program in Indonesia.¹⁹ The Tapera Law was ratified on May 20, 2020 by President Joko Widodo, and was followed by the issuance of Government Regulation Number 25 of 2020 concerning the Implementation of Public Housing Savings or PP Tapera. However, not long after the PP Tapera came into effect, the Government through President Joko Widodo again issued PP No. 21 of 2024 concerning Amendments to

¹⁸ Neysa Tania, Novie Jason, and Dixon Sanjaya, "Kajian Teori Hukum Progresif Terhadap Implementasi Produk Tabungan Perumahan Rakyat," *Perspektif* 26, no. 2 (2021): 73–87.

¹⁹ Muhammad Nur Khaliq, "Demokrasi Dan Kebijakan Publik Dalam PP Nomor 21 Tahun 2024 Tentang Tabungan Penyelenggaraan Perumahan Rakyat," *Mauriduna; Journal of Islamic Studies* 5, no. 1 (2024): 113–28, <https://doi.org/10.37274/mauriduna.v5i1.1307>.

Government Regulation Number 25 of 2020 concerning the Implementation of Public Housing Savings.²⁰

The newly ratified PP Tapera has brought controversy among the public, entrepreneurs, and politicians. Where there are criticisms of PP No. 21 of 2024 as stated by Lasarus, a member of Commission V of the Indonesian House of Representatives. Lasarus assessed that the Tapera Law is basically intended to be good for people who intend to own a house, but the derivatives of the Tapera Law actually burden the public and entrepreneurs, this is the impact of the lack of transparency and listening to input from various parties in the formation of PP No. 21 of 2024 concerning Tapera.²¹ According to Agus Pambagyo, a Public Policy observer, who stated that the establishment of Tapera regulations is not a new program, but rather there have been similar programs known as low-cost housing programs in Indonesia. This program was first initiated at the Healthy Housing Congress in August 1950 in Bandung.²²

The legal framework for the formation of PP Number 21 of 2024 concerning TAPERA refers to several relevant laws and regulations, including:²³

1. 1945 Constitution

Article 28H states that everyone has the right to live in physical and spiritual prosperity, to have a place to live, and to have a good and healthy living environment. This article explicitly recognizes the right of every individual to live in prosperity both physically and mentally. Physical prosperity includes basic needs such as food, clothing, and shelter, while mental prosperity includes the psychological and emotional aspects of well-being. The right to housing is recognized as an important component of overall well-being. Adequate housing is one of the basic human needs. Without safe and adequate housing, individuals will have difficulty meeting other needs, such as health, education, and employment.²⁴ Thus, the right to housing is an important foundation for the realization of other rights. The right to housing is also recognized in various international human rights instruments, such as the Universal Declaration of Human Rights and the International Covenant on Economic, Social, and Cultural Rights.²⁵ Indonesia as part of the international community also recognizes and is committed to fulfilling this right. The regulation of housing provision is the government's responsibility to ensure that housing development takes into account environmental and social aspects. Sustainable development must consider environmental impacts and ensure that residential areas are not only comfortable to live in but also safe and sustainable for the future.²⁶

²⁰ Sayang Bidul et al., "Critical Analysis of the Implementation Challenge of Law No. 4 of 2016 on the Maintenance of People's Housing Savings," *Strata Law Review* 2, no. 2 (2024): 127–39.

²¹ Matius Alfons Hutajulu, "Ketua Komisi V DPR Kritik PP Tapera: Tak Dengar Masukan Semua Pihak Baca Artikel Detiknews, 'Ketua Komisi V DPR Kritik PP Tapera: Tak Dengar Masukan Semua Pihak' Selengkapnya <https://News.Detik.Com/Berita/d-7362953/Ketua-Komisi-v-Dpr-Kritik-Pp-Tapera-Tak->," detikNews, 2024.

²² Amalia Nasution, "Analisis Yuridis Undang-Undang Tabungan Perumahan Rakyat Ditinjau Dari Perspektif Good Governance."

²³ Tania, Jason, and Sanjaya, "Kajian Teori Hukum Progresif Terhadap Implementasi Produk Tabungan Perumahan Rakyat."

²⁴ James Yoseph Palenewen, *Hak Dan Kepemilikan Rumah Susun Perspektif Undang-Undang Nomor 20 Tahun 2011* (Bandung: Widina Bhakti Persada Bandung, 2023).

²⁵ Ridha Wahyuni, "Perlindungan Hak Atas Tempat Tinggal Warga Terdampak Penggusuran Di Kawasan Perkotaan Berdasarkan Perspektif HAM," *Jurnal Yuridis* 9, no. 1 (2022): 37–55.

²⁶ Budi Setiyono, *Model Dan Desain Negara Kesejahteraan (Welfare State)* (Undip Press: UPT Percetakan UNDIP, n.d.).

2. Law Number 1 of 2011 concerning Housing and Residential Areas.

This regulation is the legal basis for the implementation of housing and residential areas. To realize the right to decent housing, the Indonesian government has implemented various policies and programs. Law No. 1 of 2011 concerning Housing and Residential Areas regulates the implementation of decent and affordable housing and residential areas. The goal is to ensure that every citizen can have access to decent housing.²⁷ The government also runs various public housing programs such as housing subsidies, self-help housing stimulus assistance, and the construction of flats for low-income communities.²⁸ These programs aim to address housing shortages and improve the quality of settlements.

In Law Number 1 of 2011 concerning Housing and Residential Areas, the government's obligation to provide housing for the people is regulated in several articles. One of them is Article 5, which states that the central government and regional governments are obliged to ensure the realization of decent and affordable housing and residential areas for the community. In addition, Article 15 also emphasizes that the government is responsible for regulating, directing, controlling, and supervising the implementation of housing and residential areas in order to achieve decent housing for the entire community. The provision of decent housing is part of the government's efforts to ensure the human rights of every citizen to obtain decent housing, as mandated in Article 28H of the 1945 Constitution.²⁹ The implementation of this regulation aims to improve people's welfare through housing that is not only physically decent but also supports healthy and comfortable environmental conditions.

In addition, Article 123 paragraph (1) letter b, emphasizes that the mobilization and accumulation of funds for the development of housing and residential area financing systems includes housing savings funds, meaning that this is done through periodic savings over a certain period of time, and withdrawals can only be made if the conditions agreed upon in the agreement have been met.

3. Law Number 4 of 2016 concerning Public Housing Savings:

The law is the main basis for the formation and implementation of TAPERA. The formation of TAPERA through Law Number 4 of 2016 reflects the commitment of the Indonesian government to address housing issues and ensure that all people can have access to decent and affordable housing. With a professionally managed savings mechanism, TAPERA is expected to be a long-term solution to housing needs in Indonesia.³⁰

PP Number 21 of 2024 regulates various important aspects, including the mechanism for collecting and managing TAPERA funds, requirements and procedures for participation, and the rights and obligations of participants. The government through this PP stipulates that every worker, whether working in the formal or informal sector, is required to be a TAPERA participant. The funds collected from participant contributions

²⁷ Tim Pendamping DPRD Kabupaten Rembang, "Draft Laporan Akhir Naskah Akademik Rancangan Peraturan Daerah Kabupaten Rembang Tentang Penyelenggaraan Perumahan Dan Kawasan Permukiman" (Rembang, 2022).

²⁸ Atin Meriati Isnaini and Lalu Adnan Ibrahim, "Hak Warga Negara Dalam Pemenuhan Lingkungan Tempat Tinggal Yang Layak Ditinjau Dari Perspektif Hukum Hak Asasi Manusia," *Jatishwara* 33, no. 1 (2018): 1–13.

²⁹ I Gusti Ngurah Aristiawan, "Analisis Hukum Terhadap Kebijakan Kepesertaan Tabungan Perumahan Rakyat Bagi Pekerja Di Indonesia," *Raad Kertba* 7, no. 2 (2024): 1–8.

³⁰ Marip Pasah, Maria Yohana, and Henry Winata, "Urgensi Penerapan Tapera Bagi Pegawai Swasta Di Indonesia," *CAUSA: Jurnal Hukum Dan Kewarganegaraan* 5, no. 2 (2024).

will be managed by the TAPERA Management Agency (BP) which is responsible for investing the funds in order to obtain optimal and safe results.

In general, the Government Regulation (PP) on Tapera was issued with several main objectives designed to improve public welfare through the management of the People's Housing Savings (TAPERA) fund. One of the main objectives is to improve housing accessibility for the community.³¹ In this context, housing accessibility means efforts to provide affordable and decent housing for all levels of society, including those with low and middle incomes. This regulation is expected to reduce the gap in access to housing which has been a major problem in various regions. With this policy, the government is expected to be able to help people in need to have a safe and comfortable place to live, so that they no longer have to live in less than decent conditions.³²

In addition, another important goal is to regulate the management of TAPERA funds in a professional and accountable manner. Transparency and accountability in fund management are very important to ensure that funds collected from the community are used in accordance with the stated objectives.³³ With transparent management, the community can monitor the use of these funds, thereby creating trust between the government and the community. Accountability in this case means that every use of funds must be accounted for openly and in accordance with applicable regulations. This will prevent misuse of funds and ensure that funds are actually used to help the community in terms of housing.

Another objective of this PP is to improve community welfare through a sustainable housing program.³⁴ A sustainable housing program does not only focus on providing houses, but also on other aspects that support the welfare of residents, such as adequate infrastructure, a healthy environment, and access to public facilities such as education, health, and transportation. With this program, it is hoped that the community will not only get a place to live, but also a better quality of life. This increased welfare will have a positive impact on the productivity and quality of life of the community as a whole. The implementation of PP Tapera is expected to be a strong foundation for the government's efforts to increase access to affordable housing, ensure transparent and accountable fund management, and improve community welfare in a sustainable manner. Effective implementation of this regulation will be an important step in addressing various housing and social problems faced by the community today.

B. Participants, Contributions, Management and Benefits of Tapera Funds

Overall, there are not many changes from PP 25 of 2020 to PP Number 21 of 2024. Regarding important aspects in the implementation of tapera such as participation, contributions, benefits, management and supervision, they still refer to PP 2020, namely as follows:

1. Tapera participants;

In an effort to expand the reach of the People's Housing Savings program, PP Tapera stipulates that all workers, both formal and informal, are required to become

³¹ Alson Naibaho, Puguh Aji Hari Setiawan, and Hartana, "Tabungan Perumahan Rakyat Atau Tambahan Penderitaan Rakyat (TAPERA)," *Mutiara: Multidisciplinary Scientific Journal* 2, no. 12 (2024): 1–10.

³² Viona Margaretha, "Mengurai Dampak Kebijakan Tapera Terhadap Masyarakat Indonesia: Sebuah Kajian Hukum Dan Sosial," *Milthree Law Journal* 1, no. 1 (2024): 93–118.

³³ Margaretha.

³⁴ Maulina Ulfanur et al., "Kebijakan Pemerintah Terhadap Tapera Di Indonesia; Analisis Prinsip Ekonomi Syariah," *Jurisprudensi; Jurnal Ilmu Syari'ah, Perundang-Undangan Dan Ekonomi Islam* 16, no. 1 (2024): 277–93.

TAPERA participants. Formal workers cover various categories, including civil servants (PNS), private employees, and members of the TNI and Polri. This obligation does not only apply to those who work in the government sector or large private companies, but also includes all employees who work in various industries and other sectors.³⁵ Thus, every individual who has formal worker status must be registered and participate in the TAPERA program, which aims to provide a guarantee of better access to housing, as stated in Article 1 paragraph 11 of PP No. 21 of 2024 that Tapera 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 Savings.

In addition to formal workers, this regulation also covers informal workers, namely those who work independently without a work relationship with a particular institution or company. Informal workers include various professions such as traders, farmers, fishermen, and other freelancers. For example, a trader who manages a small business in a traditional market, a farmer who works on his own land, or a fisherman who operates independently in Indonesian waters, are all required to become TAPERA participants with the provision that they are 20 years old or married, this provision is stated in Article 5 of PP Number 25 of 2020.

By making TAPERA participation mandatory for all workers, both formal and informal, the government is trying to ensure that every worker has an equal opportunity to benefit from this housing program. Through the TAPERA program, workers are expected to save regularly for their future housing needs. This is a significant step in supporting the achievement of the national goal of providing decent and affordable housing for all Indonesians, as well as strengthening an inclusive and sustainable social protection system.

2. TAPERA Contribution

The amount of TAPERA participant contributions is determined in Article 15 of PP No. 21 of 2024, namely for formal workers, which include civil servants (PNS), private employees, and members of the TNI and Polri, TAPERA contributions are set at 3% of their basic salary or monthly wages. The provisions for the amount of TAPERA savings set at 3% of the worker's monthly wages or income are regulated by a mechanism for sharing responsibility between workers and employers. For participants from formal workers, the contribution is borne jointly by the employer and worker. In this case, the employer is responsible for covering 0.5% (zero point five percent) of the worker's total monthly income, while the worker themselves are required to cover 2.5% (two point five percent) of their monthly income. This division of responsibility is intended to ease the financial burden that must be borne by workers, while ensuring that employers also contribute to the national housing program managed by Tapera.

This mechanism not only provides convenience for workers, but also ensures that employers play an active role in supporting the welfare of their workers. With this shared contribution, workers do not have to bear the entire burden of contributions themselves, which may be felt especially heavy for those who have family members or other expenses. Employers, both in the government and private sectors, are required

³⁵ Eva Darwisah Harahap and Rakhmat Kurniawan, "Analisis Sentimen Komentar Terhadap Kebijakan Pemerintah Mengenai Tabungan Perumahan Rakyat (TAPERA) Pada Aplikasi X Menggunakan Metode Naïve Bayes," *Jurnal Teknik Informatika Unika ST. Thomas (JTIUST)* 9, no. 1 (2024): 166–75.

to deduct and deposit the workers' portion of the contribution regularly every month, ensuring that the contributions are collected properly and on time.

For example, a civil servant (PNS) with a basic salary of Rp 6,000,000 per month will pay Tapera contributions of 2.5% of his basic salary, which is Rp 150,000, while the employer (government) will add a contribution of 0.5% of the basic salary, which is Rp 30,000, so that the total contribution paid becomes Rp 180,000 per month. Likewise with private workers who have a monthly salary of Rp 8,000,000, where the worker will pay 2.5% or Rp 200,000, and the employer contributes 0.5% or Rp 40,000, making the total Tapera contribution Rp 240,000 every month. This contribution distribution is also applied to members of the TNI and Polri, where the relevant agencies cut their salaries for the workers' share by 2.5% and add 0.5% from the agency. This scheme not only encourages good cooperation between workers and employers, but also ensures that Tapera funds can be collected optimally to support the development of decent and affordable housing for all participants.

With this proportional and fair contribution arrangement, it is expected that the TAPERA program can run more effectively, provide significant benefits, and achieve the goal of increasing access to decent housing for all workers in Indonesia. The division of responsibilities between workers and employers is also expected to increase awareness and shared concern for the importance of contributing to this national housing program. For informal workers, including traders, farmers, fishermen, and other independent workers, the Tapera contribution amount is also set at 3% of their monthly income. Informal workers are responsible for depositing this contribution independently through various channels provided by the Tapera management body, such as banks, post offices, or digital platforms. For example, a trader who has a monthly income of IDR 4,000,000 must pay a contribution of 3%, which is IDR 120,000 per month. A farmer with a monthly income of IDR 3,500,000 will pay a contribution of IDR 105,000 per month, and a fisherman with a monthly income of IDR 4,500,000 will pay a contribution of IDR 135,000 per month.

With this proportional contribution determination, the Tapera program is expected to run sustainably and effectively, providing real benefits for all participants in an effort to increase access to decent and affordable housing. Regular and routine contribution payments, both by employers for formal workers and independently by informal workers, will ensure the sustainability of the Tapera program and support the achievement of national goals in providing decent housing for all Indonesian people.

3. Benefits of TAPERA;

The main benefit offered by the People's Housing Savings (TAPERA) program is various forms of housing financing assistance designed to meet the various housing needs of the community. One of these benefits is the provision of housing credit that allows Tapera participants to obtain loans with more affordable interest rates and easier terms compared to conventional housing credit. This housing credit aims to help participants buy their first home, so that they can have a decent and stable place to live. In addition, Tapera also offers home renovation credit, which gives participants the opportunity to repair or renew the condition of their home. This is very important to ensure that the residence they own is always in good condition and comfortable to live in.

In addition to housing and renovation loans, Tapera also provides housing down payment assistance. This assistance is designed to help participants who have difficulty

collecting the initial funds usually needed to buy a house. With the down payment assistance, participants can more easily access home ownership without having to wait until they are able to collect the full down payment. This is expected to accelerate the home ownership process for many families, especially those in the lower middle income segment. Not only that, Tapera also provides an opportunity for participants to withdraw their housing savings after meeting certain requirements. One of the main requirements is reaching retirement age. Upon reaching retirement age, participants can withdraw all or part of the funds they have saved during their working years, which can then be used for various purposes, including buying a house, renovating a house, or other needs related to housing. In addition to retirement age, participants can also withdraw funds after meeting a certain participation period, which is regulated by the provisions applicable in the Tapera program. This participation period is usually set to ensure that the funds collected are significant enough to provide optimal benefits for participants.

Overall, the benefits offered by Tapera cover various important aspects that can support the welfare of participants in the long term. Through various forms of financial assistance and ease in withdrawing savings funds, Tapera strives to ensure that every participant has fair and equal access to decent and affordable housing. Thus, this program not only helps participants in owning a home, but also contributes to improving the quality of life and socio-economic stability of the community as a whole.

4. TAPERA Fund Management;

The sources of Tapera funds consist of the results of collecting and cultivating participant savings, the results of returning credit or financing from participants, the transfer of PNS housing savings assets managed by the PNS Housing Deliberation Agency, endowment funds, and other funds permitted based on the provisions of laws and regulations, as stated in Article 63 of PP No. 21 of 2024. For funds sourced from endowments and other funds, management is carried out separately from sources obtained from participants.

The People's Housing Savings Fund (TAPERA) is managed by a special agency known as the People's Housing Savings Management Agency (BP Tapera). BP Tapera has a very vital role in ensuring that all funds collected from participants are managed properly, in accordance with established principles. The main task of BP Tapera is to ensure that fund management is carried out in a transparent, accountable, and professional manner. Transparency in fund management is essential to create trust among participants, as participants need to know how their funds are used and managed. BP Tapera is responsible for providing regular and open financial reports to the public, which include details on receipts, expenditures, and allocations of funds.

Accountability is another pillar upheld by BP Tapera. Every use of funds must be accounted for clearly and precisely. This means that BP Tapera must comply with strict audit standards and be subject to external and internal supervision to ensure there are no irregularities in the management of funds. This accountability also includes BP Tapera's responsibility to report on the performance of Tapera fund investments, including the results and impacts on housing programs supported by the funds. Thus, every decision taken by BP Tapera must be based on the best interests of participants and the national housing program.

To realize the principles of transparency, accountability, and professionalism in managing Tapera funds, BP Tapera took a strategic step by appointing one or more

investment managers and custodian banks within a maximum of three months since it started operating. This appointment is a crucial step to ensure that fund management is carried out with high standards and in accordance with applicable regulations. The custodian bank selected is a commercial bank that has a permit from the Financial Services Authority (OJK) to run a securities and other assets custody service business. The role of this custodian bank includes receiving dividends, interest, and other rights arising from the securities stored and completing securities transactions, which means they represent the interests of account holders who are their customers with full responsibility.

BP Tapera appoints custodian banks with conventional and sharia principles to ensure that the services provided can reach all segments of society, including those who choose financial services based on sharia principles. These conventional and sharia custodian banks must be able to carry out their duties professionally, maintain the integrity of the funds managed, and transparently report all transactions made. They are required to submit an annual financial report of the Tapera Fund that has been audited by a public accountant to BP Tapera, which is part of an effort to maintain transparency and accountability in fund management.

On the other hand, the investment manager appointed by BP Tapera is responsible for managing and developing funds through various safe and profitable investment instruments. This investment manager is required to submit an annual financial report related to the Collective Investment Contract (KIK) in order to cultivate the Tapera Fund to BP Tapera. This report must contain complete information about investment performance, strategies implemented, and results obtained, so that BP Tapera can ensure that participant funds develop optimally and in accordance with the objectives that have been set. In addition, banks or financing companies involved in the distribution of housing finance are also required to report the implementation of the distribution to BP Tapera and the custodian bank. This report must include details on the amount of financing distributed, beneficiaries, and the condition and progress of the housing projects funded. With this structured and transparent report, BP Tapera can monitor and evaluate the effectiveness of the housing finance program, ensuring that the funds distributed are actually used for the intended purpose and provide maximum benefits to participants.

Overall, these steps are an integral part of BP Tapera's efforts to maintain participant trust and ensure that the funds managed provide optimal results. Transparency, accountability, and professionalism applied in every aspect of Tapera fund management will create a more efficient and effective system, helping to achieve the national goal of providing decent and affordable housing for all Indonesians. Through strict supervision and accurate reporting, BP Tapera can ensure that every fund managed is used wisely and provides a significant positive impact. With this clear and comprehensive legal and regulatory framework, PP Number 21 of 2024 is expected to be a strong basis for the implementation of the Tapera program effectively and efficiently. The government hopes that through Tapera, a sustainable and inclusive housing financing system can be created, which will ultimately help reduce the housing backlog in Indonesia and improve people's welfare.

C. Legal Impact of Implementing the Tapera Program on the Rights of Private Workers

Tapera is a form of savings or deposits by participants, where within a specified period of time it will be returned to participants to be used for housing financing, this is as explained in Article 1 paragraph 1 of PP Number 21 of 2024. The provisions for the amount of participant savings each month are 3% with the intention of being an effort by the government to provide long-term community welfare, so that every Indonesian person has decent housing.³⁶ However, the Implementation of the People's Housing Savings Program (TAPERA) has a direct impact on several aspects of private workers' rights in Indonesia. Here is a detailed explanation of these rights:

1. Right to a Living Wage

The People's Housing Savings Program (TAPERA) requires contributions to be paid by both workers and employers. The amount of the contribution set is 3% of the worker's wages. Of the total 3%, the employer is responsible for paying 0.5%, while the workers themselves must bear the rest, which is 2.5% of their wages. The consequence of this regulation is that the net wages received by workers will be reduced by 2.5% every month. Although this percentage may seem small in nominal terms, the impact can be more significant, especially for workers with low incomes. This 2.5% reduction can affect their ability to meet their daily needs. In the context of household economics, every rupiah has an important meaning, especially for those who live on the minimum income limit. When net wages are reduced, even by only 2.5%, low-income workers must make adjustments in their financial management.

For low-income workers, any reduction in take-home pay can mean sacrificing some basic necessities or reducing their quality of life. For example, a 2.5% reduction in the wages of a worker earning Rp2,000,000 per month would reduce their income by Rp50,000. That amount of money could mean one or two meals for the family, or transportation costs for several days. For those who are already struggling to meet their daily needs, this reduction can add to the mental and emotional burden, as they have to find ways to cover the shortfall. This is as stated by Ahmad Zulfan Fahmi, an employee at PT. Kaldu Sari Nabati Indonesia Majalengka.³⁷

Zulfan stated that the implementation of the Tapera program is quite worrying, especially for us workers in companies with salaries of 2-3 million. Because the principle of this program is mandatory and as workers are required to pay part of our salary to be put into the savings program. With my current salary which is only enough for the family's monthly expenses, plus another 2.5% must be spent for the Tapera program which I don't know when it will be returned. Maybe for other people 2.5% feels small, but if you think about it 2.5% has quite an impact on monthly expenses. Because if you calculate the expenditure of 2.5% of my salary, then you have to spend around Rp. 75,000.00 - Rp. 80,000.00 per month. Where the money should be used to pay for electricity, buy groceries, or additional snacks for children, now you have to find another way to manage money more carefully to cover the 2.5%. I think the Tapera program is useless because currently workers can take a more certain KPR house without having to wait for retirement.

In an uncertain economic climate, having an emergency fund is essential. However, with a 2.5% reduction, workers' ability to save is further limited. This means

³⁶ Makias De, "Analisis Kritis Program TAPERA 'Tabungan Perumahan Rakyat' Bagi Kehidupan Umat Di Paroki Riam Batang Kalimantan Tengah."

³⁷ Ahmad Zulfan Fahmi, Employee of PT. Indonesian Vegetable Sari Kaldu Majalengka, Majalengka, June 18, 2024.

they have less money to invest in education, health, or retirement, all of which are essential for long-term well-being. Additionally, the impact of this reduction may be felt more acutely by workers with dependents. Those who have children, parents, or other family members to support will feel the added stress of ensuring that everyone's needs are met on less income. So while 2.5% may seem small on paper, in reality, this reduction can have a significant impact on the well-being and financial stability of low-income workers.

Concerns about the implementation of the tapera program were not only felt by Zulfan, but also by Samsul Taher, Security at PT. Cikarang Listrindo.³⁸

According to Taher, the Tapera program is not suitable for workers with limited income, especially since it is mandatory, therefore I reject the Tapera program. The main reason for rejecting this program is because the salary deduction for the Tapera contribution which is mandatory and cannot be rejected, even though it is only 2.5%, still greatly affects my financial well-being, especially as a worker with a limited income, with the current economy where every rupiah is very important for daily needs. My salary as a security worker is not large. With the 2.5% deduction for Tapera, the income I receive is decreasing. This has a major impact on my ability to meet basic needs such as food, transportation, and children's school fees. The increase in the price of goods also makes the situation even more difficult. Maybe this program is beneficial in the long term, but for me and many other low-income workers, the direct impact of the salary cut is certainly very pronounced. We need a full income to meet our daily needs more than benefits that we might only be able to feel in the future. Maybe if this program is really implemented, I will be forced to reduce some expenses that are actually important. For example, I have to be more economical in buying food, reduce electricity usage and so on.

However, not all workers reject the Tapera program, not a few workers also consider the Tapera program a good step to be implemented for private workers, as stated by Anisa Amalia, SE, also one of the workers at PT. Kaldu Sari Nabati Indonesia Majalengka, who serves as an operator.³⁹

According to Anisa, the Tapera program is a good program to implement for workers in Indonesia, especially corporate workers, because through this program all workers will be helped to get a house, although the return of the funds after retirement or several years in the future, but this program can be considered as an investment in old age. As for the contribution of 2.5% in my opinion, it is not something that is burdensome enough for everyone, especially assisted by the company. Like me with a salary of Rp. 2,500,000.00 (two million five hundred thousand rupiah), only spending around Rp. 65,000.00 (sixty five thousand rupiah) per month, I think it is a savings for my old age and for my children later.

In addition to Anisa Amalia, the attitude of supporting the Tapera program for private workers was also expressed by Tarsim Alias Baiyong, one of the workers at PT. Ayam Unggul Cirebon who serves as security.⁴⁰

According to Baiyong, he basically does not understand the Tapera program because it has not been implemented, but if Tapera is indeed intended for the welfare of workers in the form of providing houses, then this is a good step because it can be given to children later. As for the contribution of 2.5% of my salary of Rp. 2,500,000.00, it is not a burden, because besides working as a security guard, there is also a side job that can cover expenses for Tapera contributions. As long as the management of Tapera funds is clear and open, I strongly agree with the government program, but if Tapera funds have the potential to be corrupted, it should be stopped now.

³⁸Samsul Taher, Security PT. Cikarang Listrindo, Cikarang, June 13, 2024

³⁹Anisa Amalia, Operator PT. Majalengka Indonesian Vegetable Sari Broth, Majalengka, 18/June/2024.

⁴⁰Tarsim, Security PT. Ayam Unggul Cirebon, Pasaleman Cirebon, 13/June/2024

Based on the results of interviews with workers, it shows that the implementation of the Tapera program for private sector workers in Indonesia has triggered various deep pros and cons. On the one hand, Tapera is designed to help workers, especially those with low and middle incomes, own a home. In an increasingly expensive property market, Tapera offers a solution by providing funds that can be used as a down payment or home installments. For many workers who have difficulty saving up to buy a home, Tapera is an effective way to achieve their dream of owning a home. In addition, Tapera not only functions as housing savings, but also as a long-term investment. When workers reach retirement age, the funds that have been collected can be used for other needs or as additional pension funds, providing a sense of security and financial security in the future. As a government program that is structured and supervised by an official institution, Tapera gives workers confidence that their funds are well managed and used according to the program's objectives. The program also supports the development of the national housing and property sector, improving the quality of life of workers and driving economic growth by increasing demand in the construction and property sectors.

However, on the other hand, many private sector workers have voiced concerns about the additional financial burden imposed by the program. The 2.5% salary cut for Tapera is felt to be burdensome, especially for those with low and middle incomes who already have difficulty adjusting to daily expenses. In addition, many workers are doubtful about when they will feel the benefits of the program. Because the funds that are cut can only be used to buy a house or disbursed when workers reach a certain age, the short-term benefits are not immediately visible, making the program seem less likely to provide tangible benefits in the near term. The lack of flexibility is also a major criticism, because Tapera is mandatory for all workers regardless of their financial condition or personal preferences. Workers who already own a house or have other investment plans feel they do not have the option to allocate their funds according to their own needs and priorities. Concerns about the management and transparency of the funds have also been raised, although supervised by the government, some workers remain concerned about the potential for misuse of funds or the government's inability to manage the funds effectively. Trust in the managing institution is an important factor influencing workers' perceptions of Tapera. In addition, Tapera competes with other existing home financing schemes, such as Home Ownership Credit (KPR), which many workers consider to be more flexible and provide greater certainty. For those who already have a KPR or other home financing plan, Tapera may not be relevant to their needs.

2. Managing Workers' Consumptive Power

One significant impact of TAPERA is that participation in the program is mandatory for all private sector workers. This means that workers do not have the option to refuse or exit the TAPERA program. For some workers, this may be perceived as a restriction on their freedom to manage their personal finances and choose the investment or savings methods they consider most profitable. Although the funds collected in TAPERA are managed for good purposes, workers do not have direct control over the use of these funds until they are eligible to withdraw or utilize TAPERA funds. The funds collected in TAPERA are managed by BP TAPERA, and workers do not have direct control over the use of these funds. Workers can only withdraw or utilize TAPERA funds in accordance with applicable provisions, for

example after reaching retirement age or under certain conditions stipulated by regulations.

The implementation of a 2.5% contribution rate for TAPERA participants will also have a significant impact on reducing people's consumption power. This cut reduces the net income received by workers each month, so they have less money to spend. This reduction can affect various aspects of daily life, from basic needs such as food and clothing to spending on education and health. Over time, this decrease in purchasing power can lead to a reduction in demand for goods and services in the market, which can ultimately slow down the rate of economic growth. This domino effect can be felt by various sectors, from retail, manufacturing, to the service sector, all of which depend on consumer spending to survive and grow.⁴¹ When purchasing power declines, domestic consumption will also decline, which in turn can affect business sectors that depend on consumer demand.

The decline in consumption resulting from the reduction in workers' disposable income has a significant and widespread impact. When the 2.5% TAPERA contribution was imposed, workers' net wages were reduced, causing them to be more careful in managing their personal finances. Spending priorities will shift, with a greater focus on primary needs such as food, transportation, and housing. Secondary and tertiary needs, such as new clothes, electronics, entertainment, and recreation, will likely be reduced or even eliminated from the household budget. As stated by Sri Wahyuni as an employee at PT. Adelpho TransAsia Indonesia, Melawai Jakarta, with a salary of Rp. 4,000,000.00 per month.⁴²

Based on Sri Wahyu's statement, I rejected the Tapera program because the salary deductions for this program greatly affect my daily expenses. With the cost of living continuing to increase, these deductions require me to be stricter in managing my household finances. Every month, my salary will be allocated for essential needs such as paying rent, electricity, water, food, children's education costs, and transportation. With the deductions for Tapera, the budget for daily needs becomes tighter. I think it might be better if this program is voluntary, so that workers can choose whether or not to participate. In addition, perhaps an option could be given to determine the percentage of deductions that are in accordance with each worker's ability. The government could also consider other forms of assistance that are more direct and do not burden workers' monthly expenses.

This decline directly affects the retail sector, which includes sales of everyday consumer goods to luxury goods. Retail stores, both large and small, will experience a significant decline in sales as consumers postpone or limit purchases of goods considered non-essential. As a result, retail businesses may face excess inventory, decreased revenue, and ultimately potential workforce reductions or even store closures. In addition to retail, the restaurant sector will also feel the impact. Dining out, often considered a recreational or luxury activity, will decrease as purchasing power decreases. Restaurants, cafes, and other food establishments may experience a decrease in the number of customers, which will affect their daily revenue. This can force business owners to reduce operating costs, which often means reducing working hours for staff, or in some cases, laying off employees.

⁴¹ Huda and Yudhistira, "Tapera Untuk Siapa? Membedah Untung Rugi Program Tabungan Perumahan Rakyat."

⁴²Sri Wahyuni, Marketing PT. Adelpho TransAsia Indonesia, Jakarta, June 15, 2024

The entertainment and other services sectors, such as cinemas, theme parks, spas and fitness centers, have also been affected by the decline in consumption. Entertainment activities are often the first expenditures that consumers cut when they are facing financial pressures. The decline in visits to entertainment venues has not only reduced the revenues of these businesses but also affected their supporting industries, such as food and beverage suppliers, security providers and cleaning services. Therefore, although the goal of TAPERA is to improve workers' welfare in the long term, it is important for the government and employers to consider the short-term impact on people's purchasing power and find solutions that can balance both aspects.

3. Impact of Legal Implications

The People's Housing Savings Program (TAPERA) carries with it significant legal implications for employers in Indonesia. One of the main obligations of employers is to register all their workers as TAPERA participants and to deduct contributions of 2.5% of workers' salaries in accordance with the provisions set by the government. This legal obligation is not just an administrative formality, but a responsibility that must be fulfilled seriously by every employer. Employers are required to ensure that each of their workers has been registered in the TAPERA program and that contributions have been deducted and deposited on time. This obligation aims to ensure that every worker, especially those with low incomes, has the opportunity to benefit from this housing program in the future. However, failure to comply with this obligation can result in serious legal consequences. The government has set strict administrative and legal sanctions to ensure compliance with this program. Administrative sanctions can be in the form of financial fines that must be paid by employers who are negligent or intentionally fail to register their workers and do not deduct contributions. The amount of this fine can be quite significant and can increase the financial burden on the company.

In addition to fines, there are also more severe legal sanctions imposed on employers who do not comply with TAPERA provisions. Employers who are negligent or intentionally fail to fulfill their obligations to register workers in the TAPERA program and make appropriate contribution deductions may face more serious legal action. The government has stipulated that actions that violate these provisions will not only result in the imposition of administrative fines, but can also result in criminal charges.

These criminal charges are intended to serve as a deterrent and ensure that employers take their responsibilities seriously. Employers who willfully ignore or evade their obligations under the TAPERA program are not only harming their workers, but are also breaking state law. These criminal actions can include a variety of more severe and significant penalties than just financial fines. Criminal penalties may include imprisonment for employers who violate. This imprisonment is expected to serve as a stern warning to other employers not to commit similar violations. In this case, the law not only serves as a tool to enforce the rules, but also as a deterrent to future violations. With the threat of imprisonment, employers are expected to be more careful and responsible in complying with the provisions of TAPERA.

In addition to imprisonment, criminal action may also include the seizure of the company or personal assets of the employer who is found guilty. This asset seizure is an effort to ensure that the perpetrators do not profit from their unlawful actions. It

can also provide compensation or restitution for workers whose rights have been violated. The expected deterrent effect of this criminal sanction is not only to impact the individual or company that violates it, but also to send a strong message to the entire business community. By implementing criminal sanctions, the government wants to emphasize that the TAPERA program is a serious and important policy for the welfare of workers, and violations of it will not be tolerated. This also shows the government's commitment to protecting workers' rights and ensuring that every worker receives the benefits promised through this program. These legal implications also have a long-term impact on a company's reputation. Companies that are found to be non-compliant with TAPERA provisions can lose the trust of workers, the community, and even investors. A bad reputation for legal compliance can affect a company's performance and its relationships with various stakeholders.

4. Reduced Job Opportunities

The implementation of the People's Housing Savings Program (TAPERA) has a broad impact on the economy and labor market in Indonesia. One of the possible impacts is the reduction in employment opportunities. This impact can be viewed from various perspectives, including the financial burden on companies, decreased purchasing power, and implications for the housing and construction sectors. With the obligation of workers in the tapera program, of course, companies are required to deposit Tapera contributions of 0.5% of workers' wages. Although this percentage seems small, for companies with a large number of employees, the total contributions that must be paid can be significant. In an unstable economic situation or for companies operating with small profit margins, this additional financial burden can affect business continuity. Some companies may be forced to make efficiencies, which can be in the form of reducing the number of employees or even closing unprofitable business units. This reduction can be done through termination of employment (PHK), termination of new recruitment, or not extending temporary employee contracts. This is as stated by Asep Sopiana, an employee at PT. Famatex Cipadung Kota Bandung who serves as HRD.⁴³

According to Asep Sopiana, the Tapera program has two sides, on the one hand this program is good because it aims to improve the welfare of the community through savings for future homes. However, on the other hand, the Tapera program not only burdens the community but also companies. Where every month workers have to spend 2.5% of their salary and the company spends 0.5% even though it is considered small but if calculated it will have an impact on the company's burden. When viewed from the benefits and disadvantages, the disadvantages are greater for both workers and companies. If the Tapera program is still implemented, it is possible that companies will find a way out by limiting worker recruitment or even laying off existing workers because the company's expenses are quite large for workers plus if a disaster occurs like Covid-19, of course the company does not want to lose, especially now that sophisticated machines can work effectively and efficiently and are more profitable for the company. The Tapera program may be implemented but the provisions must be changed again, for example there is no obligation to become a Tapera participant, and the return of funds does not need to wait until retirement.

As for small and medium enterprises (SMEs), which often have limited capital and resources, they may have greater difficulty adjusting to the additional burden of TAPERA contributions. This could force some SMEs to close their businesses,

⁴³Asep Sopiana, HRD PT. Famatex Textile Bandung, Cipadung, 13/June/2024

resulting in job losses for many workers who depend on this sector. The ripple effect of this decline in consumption creates a negative cycle for the economy. As these sectors experience a decline in revenue and reduce the number of employees, unemployment increases, which in turn reduces the overall purchasing power of the community. This cycle can continue and worsen the economic situation, especially if there is no adequate intervention or stimulus from the government to stabilize the situation. Despite the increase in state revenue, the amount received is not comparable to the economic losses in other sectors. The negative impact of mandatory contributions to the Tapera program is much greater, especially on Gross Domestic Product (GDP), business surplus, worker income and employment.

Conclusion

Despite the increase in state revenue, the amount received is not comparable to the economic losses in other sectors. The negative impact of mandatory contributions to the Tapera program is much greater, especially on Gross Domestic Product (GDP), business surplus, worker income and employment. Managing TAPERA funds professionally and accountably as well as transparency and accountability in fund management will be important goals to ensure that funds collected from the community are used in accordance with the stated objectives. With transparent management, the community can monitor the use of these funds, thereby creating trust between the government and the community. Accountability in this case means that every use of funds must be accounted for openly and in accordance with applicable regulations. This will prevent misuse of funds and ensure that funds are actually used to help the community in terms of housing. The Government Regulation (PP) was born to improve community welfare through a sustainable housing program. A sustainable housing program not only focuses on providing housing, but also on other aspects that support the welfare of residents, such as adequate infrastructure, a healthy environment, and access to public facilities such as education, health, and transportation. With this program, it is hoped that the community will not only get a place to live, but also a better quality of life. This increased welfare will have a positive impact on the productivity and quality of life of the community as a whole. The implementation of the TAPERA Government Regulation (PP) is a strong foundation for the government's efforts to increase access to affordable housing, ensure transparent and accountable fund management, and improve community welfare in a sustainable manner. Effective implementation of this regulation will be an important step in addressing various housing and social problems faced by the community today.

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Short Biography of The Author

Iskandar, SH, MH is a lecturer at the Muhammadiyah University of Kuningan, with a focus on legal science. His educational background is in Criminal Law (S1) at Syiah Kuala University. And a Masters (S2) at UIN Sunan Gunung Djati Bandung. Some of his written works have focused on the fields of law, politics, and human rights.

Ryan Fachryan Lesmana Putra, SH, MH is a lecturer at the Muhammadiyah University of Kuningan, with a scientific focus in the field of civil law. His educational background is a Bachelor of Law at UIN Sunan Gunung Djati Bandung. And a Masters (S2) at UIN Sunan Gunung Djati Bandung. Several of his written works have focused on the field of Civil Law.

Shinta Azzahara Sudrajat, SH, MH is a lecturer at the Muhammadiyah University of Kuningan, with a scientific focus in the field of civil law. Her educational background is a Bachelor of Law at UIN Sunan Gunung Djati Bandung. And a Masters (S2) at UIN Sunan Gunung Djati Bandung. Several of her written works have focused on the field of Civil Law.