
Planning your dream home safely: Understanding Regulations and Avoiding Public Housing Savings Breaches

Rosita Salabay¹, Yohana Watofa², Isak Mansawan³

^{1,2,3} School of Law (STIH) Manokwari, Indonesia

Correspondent : rositasalabay62@gmail.com¹

Received : June 21, 2024

Accepted : July 24, 2024

Published : August 31, 2024

Citation: Salabay, R., Watofa, Y., Mansawan, I. (2024). Planning your dream home safely: Understanding Regulations and Avoiding Public Housing Savings Breaches. Sinergi International Journal of Law, 2(3), 247-260.

ABSTRACT: The reality is that having a decent home is still the dream of most people, especially those with middle to lower income. The scarcity between the need and availability of houses is still an unresolved problem, so access to decent and affordable housing is still very limited. This study investigates Government Regulation Number 25 of 2020 and Law Number 4 of 2016, which respectively regulate the operation of the Public Housing Savings Fund (Tapera). The purpose of this study is to understand the Tapera regulations and identify administrative violations that may occur. This research method uses a descriptive approach to understand regulations and identify forms of administrative violations and sanctions in the implementation of Tapera. The results show that to ensure the continuity of the program, the management of Tapera funds must be carried out in a transparent and accountable manner. The government and financial institutions must ensure that fund management is carried out with high transparency and accountability. Administrative sanctions imposed for violations of the provisions of this law are very important to ensure the stability and sustainability of the Tapera program.

Keywords: Public Housing Savings, Fund Management, Transparency.



This is an open access article under the CC-BY 4.0 license

INTRODUCTION

Housing is one of the basic human needs that cannot be ignored. The right to a decent place to live has been protected by the 1945 Constitution of the Republic of Indonesia, which is strengthened by Human Rights Law Number 39 of 1999. These two laws affirm that the right to a fair place to live is a basic right of every citizen. This reflects the importance of housing in creating an environment that supports the well-being and quality of life of every individual. (Adawiyah et al., 2024)

According to Article 40 of Law No.39 of 1999, "everyone has the right to a place to live and a decent life." Fulfilling housing needs provides a sense of security and boosts an individual's confidence to improve financial capabilities, form a family, and prepare for a better future. By having a decent place to live, a person can focus more on developing themselves and their families, and contribute more effectively to community development. Therefore, efforts to provide adequate housing should be a priority in national development policy, to ensure that every citizen can enjoy their right to adequate shelter.(Saputra, 2022)

However, the reality is that owning a decent home is still an unattainable dream for most people, especially those with middle and low incomes. The scarcity between the need and availability of houses continues to be an unresolved problem, so access to decent and affordable housing is still very limited.(Gudiato, 2024)

The gap in meeting housing needs is not only caused by an inadequate supply of houses, but also by the many challenges faced by low-income communities (MBR). One of the main obstacles is low purchasing power, which makes it difficult for many MBR families to access decent housing. In addition, limited access to the housing finance system is also a significant obstacle. Many existing financing programs are not designed to effectively reach low-income households, so they are unable to take advantage of available housing loans.

This condition creates inequality in the fulfillment of equitable and decent housing needs for all levels of society. As a result, many low-income families are forced to live in inadequate neighborhoods, which negatively impacts their quality of life. This inequality calls for more inclusive and effective policy interventions from the government and the private sector. There needs to be a concerted effort to expand access to affordable housing finance and increase the purchasing power of low-income families, so that they can also enjoy the right to adequate housing in accordance with the spirit of the 1945 Constitution of the Republic of Indonesia and Human Rights Law No. 39 of 1999.(Wijaya et al., 2023)

To overcome the housing problems still faced by low-income people, the Indonesian government Law No. 4 of 2016 established the Public Housing Savings (Tapera) program. To obtain home financing, Tapera is a long-term fund saving program. The goal of the program is to help low-income people gain access to low-cost housing. With Tapera, public funds are managed collectively, creating a system that allows participants to help each other provide cheap, long-term funds needed for housing finance.

Article 124 of Law Number 1 Year 2011 on Housing and Settlement Areas led to Tapera, which emphasizes how important it is to provide public funds for housing purposes. Through this program, the government hopes to reduce disparities in housing access between different layers of society. With transparent and accountable fund management, Tapera is expected to be an effective solution in meeting the housing needs of low-income citizens, as well as encouraging more equitable housing development throughout Indonesia.(Asril et al., 2022)

However, while Tapera is designed as a solution to address the housing gap, there are substantive gaps in the regulations that could indicate a possible repeat of the failures of previous programs, such as Bapertarum - PNS Analysis of the academic draft for the Draft Tapera Law and Law No.

4/2016 indicates that there are potential problems in the implementation of this program. These potential problems could include a lack of transparency in fund management, a lack of effective oversight, and difficulties in equitable access for all participants.(Izza et al., 2024)

In addition, funds for housing are distributed and recovered regulated by Law No. 1/2011 on Housing and Settlement Areas. According to Article 123 paragraph (1), "public funds" are public funds deposited in financial institutions in various forms, such as savings, current accounts, time deposits, certificates of deposit, and other similar forms. These funds are deposits that are routinely kept for a certain period of time, and withdrawals can only be made in accordance with certain conditions agreed in the agreement. In addition, these funds are used to obtain financing or credit from financial institutions to build, repair, and purchase property.

As such, it is important for these funds collected from the public to be managed properly and transparently. Good management will ensure that the objective of the Tapera program can be achieved, which is to provide reasonable and cheap access to housing for low-income people. Transparency in fund management is also key to building public trust in this program, so that they are willing to participate and save their funds in Tapera. With an efficient and accountable fund management system, Tapera is expected to be able to provide a real solution to the housing problem in Indonesia, as well as support more equitable housing development throughout the country.(Gagundali, 2020)

In addition, everyone has the right to live in physical and mental prosperity, a place to live, and a good and healthy environment, according to Article 28H paragraph (1) of the 1945 Constitution of the Republic of Indonesia. The state is responsible for ensuring that its citizens have a good and cheap place to live. This is in line with the goal of developing a whole, independent, productive, and self-reliant Indonesian human being. In this context, the state, through various policies and programs, seeks to ensure that every citizen can enjoy this basic right without exception.

Tapera, as one of the concrete steps from the government to fulfill this right, must be carried out with the principles of transparency, accountability and fairness. Transparency is needed so that the public can monitor the management of the funds they save, so that trust in this program can be maintained. Accountability ensures that every fund managed by Tapera is used in accordance with the stated objectives, namely to provide access to decent and affordable housing. Fairness ensures that every citizen, all people, especially those from low-income families, have the same opportunity to access this program. By applying these three principles, Tapera is expected to function effectively and make a real contribution in overcoming housing problems in Indonesia.(Hasim, 2023)

However, potential problems in the implementation of Tapera must be anticipated. Experience from previous programs shows that without strict supervision and high transparency, such programs are prone to irregularities and misappropriation. The government must ensure that existing regulations are strong enough to address these potential problems and provide a sense of security for program participants.

To optimize the benefits of the Tapera program, every stakeholder must understand and comply with the regulations. Effective socialization and education regarding Tapera should be provided to

the public, so that they understand their rights and obligations as program participants. In addition, effective oversight and transparency in the management of funds must be guaranteed to ensure that the program can achieve its objectives without irregularities. In addition, the government must also ensure that there are no overlapping policies that may hinder the implementation of Tapera. Coordination between various related agencies, It is crucial for agencies such as the Department of Public Works and Housing, the Department of Finance, and other financial institutions to work together to support the success of this program.(Santoso et al., 2022)

In the long run, Tapera has great potential to help address housing problems in Indonesia, especially for low-income residents. With good, clear, and accountable management, this program can provide significant benefits to the community, increase access to decent and affordable housing, and support sustainable economic development.

However, the success of Tapera relies not only on the current regulations, but also on the commitment of all parties to implement it with integrity and responsibility. The public must play an active role in participating in this program, while the government and financial institutions must ensure that the management of funds is carried out with high transparency and accountability.(De, 2024)

Fulfillment of housing needs is a basic right of every citizen that must be protected by the government. One of the government's initiatives is the Tapera Program to realize this right. However, the success of this program is highly dependent on the understanding and active participation of all relevant parties, as well as transparent and accountable management. Only with good cooperation between the government, financial institutions, and the community, the Tapera program can run successfully and produce real benefits for every Indonesian citizen.(Ihwan et al., 2022)

Previous research by Ade Arianto Asril et al (2022) discussed the laws related to the implementation of the Public Housing Savings (Tapera). The novelty value of this research lies in the discussion of forms of administrative violations and sanctions that were not discussed in previous studies. The purpose of this study is to understand Tapera regulations and identify administrative violations that can occur. This research also aims to contribute to the existing literature and provide guidance for the government and the public in managing the Tapera program effectively and transparently.

Therefore, this article formulates several problem formulations as follows; first, how does government regulation No. 25 of 2020 and Law No. 4 of 2016 regulate the implementation of people's savings? And what are the forms of violations and sanctions according to the applicable laws?

METHOD

This research method is written descriptively to provide a comprehensive overview of the approach used in this article. The descriptive method was chosen to understand regulations and

identify forms of administrative violations and sanctions in the implementation of the Public Housing Savings Account (Tapera). PP No 25 of 2020 and Law No 4 of 2016 are discussed in this study to analyze the provisions governing the administration of Tapera. Data is collected through a review of relevant literature and official documents, and then qualitative analysis to identify potential problems in the implementation of this program. It is hoped that this method can provide clear guidelines for the government and the public in managing the Tapera program effectively and transparently.

RESULT AND DISCUSSION

Implementation of Public Housing Savings (Tapera) based on PP No. 25/2020 and Law No. 4/2016

Tapera or public housing savings is an innovative program designed to help people save funds regularly within a certain period of time. Only housing financing can be used Tapera funds or returned along with the results of management after the membership period ends. Indonesian citizens and foreigners who have a visa and have worked in Indonesia for at least six months. With Tapera, it is hoped that the community can more easily access cheap, long-term funds to meet decent and affordable housing needs.

According to Article 1 point 4 of Law No. 4/2016 on Public Housing Savings, a person is considered a worker if they work by receiving wages or other rewards in accordance with the provisions of laws and regulations. Tapera funds are deducted directly from the salary or wages of self-employed workers and workers who work for employers. As for independent workers, they can set aside part of their income to be deposited in the Tapera program. With this scheme, Tapera seeks to reach all levels of the working community in Indonesia, providing opportunities for them to own decent and inexpensive homes. (Suyasa, 2020)

Labor is essential for national development, so it is very important to protect labor legally. To guarantee the basic rights of workers and ensure that everyone has equal opportunities and is served fairly, these protections are made, which will ultimately realize welfare for the workers or laborers.

In discussing workers' rights, there are two main categories - basic rights and non-basic rights. Human rights are rights that a worker is born with, and if these rights are taken away from a worker, they diminish his or her human dignity and worth. On the other hand, non-basic rights are rights that are established through regulation and are non-basic in nature, which are given to workers to support their welfare and protection in the work environment. (Febiola & Sitabuana, 2022)

Labor rights include several important aspects that must be fulfilled by the employer. First, workers are entitled to the wages they receive as workers after fulfilling their obligations. They are also entitled to facilities that meet the agreements or requirements that have been agreed by the employer. Workers must also be treated well, in accordance with their human dignity.

In addition, a worker is entitled to the guarantee of a reasonable and decent living from his/her employer, as well as fair and balanced treatment between himself/herself and his/her coworkers, protection and safety of self, and his/her interests during the employment relationship. In addition, workers are entitled to an explanation and clarity from their employer regarding their status, time, and manner of work. Workers have the right to object if these rights are not fulfilled, except in certain situations as determined by the supervisory staff.(Syafrida et al., 2020)

In the employment relationship between workers and employers, each party has obligations. For example, workers are obliged to perform their work in accordance with the agreed contents of the agreement. They must also obey the provisions and instructions of the employer as well as pay losses and fines if in the course of performing their duties damage or loss occurs due to intentional or negligent acts.

In addition, workers must behave properly and carry out obligations as stipulated by company regulations and collective bargaining agreements, or agreed upon in employment agreements. By fulfilling these obligations, workers not only ensure harmonious working relationships but also maintain trust and professional integrity in the workplace.(Titihalawa et al., 2023)

Article 65 of Law No. 4/2016 regulates the rights of a person participating in the Tapera program. These rights include the ability to use funds deposited in Tapera, receive returns of deposited funds, as well as the proceeds of fertilization, as a Tapera participant. In addition, participants have the right to obtain information about the condition and performance of Tapera funds, as well as about the location and value of fund assets and fertilization.

Each Tapera participant must regularly pay monthly deposits on time and in the amount set by BP Tapera. The obligation to become a Tapera participant applies to workers who are at least 20 years old or married at the time of registration, and for self-employed workers with income below the minimum wage, they can also register if they meet other conditions that may be stipulated.(Asril et al., 2022)

all types of workers, such as prospective civil servants, employees of the state civil apparatus, TNI soldiers in state-owned, regional, village, and private companies, as well as workers employed by the government receiving salaries or wages even though they are not included in these categories. Registration of workers by employers is carried out to BP Tapera as Tapera participants, while independent employees must register with BP Tapera themselves.

Membership in Tapera will end in several situations, namely when the worker retires, reaches the age of 58 for self-employed workers, individuals who die, or individuals who do not qualify as participants for five consecutive years. Terminated memberships are entitled to fertilization and return of savings, which will be distributed proportionally within three months after their membership ends. Workers who can return as Tapera self-participants after retirement or reaching 58 years of age.(Asril et al., 2022)

To manage the Tapera program, Law No. 4/2016 established BP Tapera. BP Tapera is a legal entity responsible to the Tapera Committee, with headquarters in the capital city of the Republic of Indonesia, and has the right to open branches wherever necessary. In the event of insufficient operational costs of BP Tapera, the initial capital is based on the 2018 state budget of 2.5 trillion

rupiah, consisting of 2 trillion rupiah for managed funds and 500 billion rupiah for investment, the shortfall will be partially covered from the Tapera Fund fertilization.(Asril et al., 2022)

BP Tapera is responsible for the regulation, supervision, and implementation of Tapera administration to safeguard the interests of participants. One of its main responsibilities is to establish operational policies for Tapera management, ensure that participants' interests are protected, and select custodian banks, banks, and finance companies. In addition, BP Tapera is also responsible for establishing guidelines for agreements with institutions involved in Tapera management, and ensuring that self-employed workers and employers fulfill their deposit obligations.

In addition, to ensure that the land has risks under control, BP Tapera supervises investment managers, custodian banks, and banks or finance companies in carrying out their functions. BP Tapera also evaluates the management of Tapera and ensures efficient use of operational costs, and sets the allocation of funds for fertilization, utilization, and reserves.(Susantio & Beatrice, 2024)

BP Tapera may request and receive information from investment managers, custodian banks, and finance companies relating to the management of Tapera funds. BP Tapera is also responsible for supervising their compliance in fulfilling their obligations, representing the interests of participants and establishing procedures for the appointment of investment managers, custodian banks, and banks or finance companies. In addition, in the course of its operations, BP Tapera has the authority to establish rules and procedures for the procurement of goods and services, as well as set guidelines for cooperation agreements.

BP Tapera may also impose administrative sanctions on ineligible participants or employers, cooperate with other parties to regulate and supervise the management of Tapera, cooperate with the government, local governments, and other relevant parties, and collect deposits from participants or employers.(Asril et al., 2022)

To make up for the shortfall in the initial capital management proceeds, BP Tapera may use a portion of the Tapera Fund fertilization proceeds to finance its operations. However, they must establish clear procedures for assigning identity numbers, opening accounts, and providing information to participants. In addition, BP Tapera is responsible for setting Tapera operational policies and overseeing the management of the Tapera Fund, including the preparation and publication of Tapera management reports. BP Tapera is also responsible for establishing relevant regulations and standard procedures for the management of the Tapera Fund.(DEWANTO & MM, n.d.)

A commissioner manages the BP Tapera Commission, who is assisted by four deputy commissioners made up of professionals. Their term of office is five years, and they have the ability to be promoted once more during their next term. According to the Tapera committee's recommendations, the president selects the commissioners and deputy commissioners. They may not hold any other position in a legal or governmental body simultaneously.(Kaban, 2023)

The President has the authority to dismiss the commissioners and deputy commissioners of BP Tapera based on the recommendation of the Tapera committee on several grounds: if they die,

submit a written resignation, experience a permanent obstacle that hinders their duties, engage in actions detrimental to BP Tapera, are unable to perform their duties properly, or are sentenced to imprisonment by a court with a decision that has permanent legal force for a criminal offense. (Asril et al., 2022)

These assets are strictly allocated to various operational and investment activities in accordance with established policies and objectives. BP Tapera's sources of assets consist of several sources, including proceeds from asset development, the government's initial capital, and a portion of the Tapera fund's fertilization proceeds, which are used to cover the operational costs of managing the initial capital. (Harikusuma & Ubed, 2020)

BP Tapera's operations involve expenditures for salaries, benefits of commissioners, deputy commissioners, and employees, as well as non-personnel costs such as procurement of goods needed to perform daily tasks. In contrast, BP Tapera's investment objective is to increase the value of assets through the procurement of capital goods and investments in the country that are profitable and safe.

BP Tapera's asset management is carried out prudently to ensure that the management of funds carried out achieves optimal results and is transparent. This is in accordance with the principles of good fund management and applicable regulations, so that BP Tapera can fulfill its responsibilities in managing Public Housing Savings effectively and responsibly to the participants. (Rangkuti, 2023)

Thus, BP Tapera plays an important role in maintaining and developing its assets in order to support the sustainability of the Public Housing Savings program and ensure that the funds managed provide maximum benefits for participants and society in general.

Administrative offenses and sanctions under the applicable law

As stipulated in Article 72 of Law No. 4/2016 on Public Housing Savings, participants, employers, BP Tapera, banks/financing companies, custodian banks, and investment managers may be subject to administrative sanctions if they do not comply with the regulations. Such violations include several actions. First, workers and self-employed workers who do not fulfill their obligations as participants but have an income of at least the minimum wage. Second, employers who do not register their employees as Tapera participants. Third, both new and existing employers who do not report to the Custodian Bank the movement or mutation of employees. (Gagundali, 2020)

Deposits and fertilization results must be submitted no later than three months after membership ends. The employer is also responsible for paying the deposits due to itself and collecting the deposits due to the workers who are participants. If the employer or self-employed workers are not eligible to deposit the deposits into the participant's account managed by the Custodian Bank, they may be subject to administrative sanctions. (Haviazzahra & Sebyar, 2024)

The Custodian Bank is required to record every transaction in each participant's account. If banks or financing institutions fail to report housing finance disbursements to the Custodian Bank and BP Tapera, they may also be subject to administrative sanctions. On the other hand, employers

have the responsibility to fulfill various other obligations, such as registering workers as participants, deducting deposits from salaries or wages, depositing deposits for which they are responsible, and submitting the results of deductions for deposits for which workers are responsible as participants, with a list of details in accordance with the schedule.

In addition, employers must periodically update their employees' data regarding their Tapera membership, and keep all reports showing details of monthly deposit payments in accordance with the schedule set by BP Tapera. By June 30 of the following year at the latest, BP Tapera must submit a program management report and annual financial statements to the Tapera Committee. Each worker must also pay deposits every month. In addition, investment managers and custodian banks must provide reports to BP Tapera. (Gagundali, 2020)

In the design of financing systems for social policies in the housing sector, it is important to emphasize quality over the amount of funds available. Although a large amount of funding exists, it does not guarantee good and sustainable management. Therefore, the allocation of available funds should be carefully managed to build and improve feedback loops that work together with the entire social policy system. It is not only necessary to mobilize national funds (APBN) to increase the amount of funds available, but also to strengthen the fiscal space that supports social policies effectively. (MUHAMMAD, 2024)

To achieve this goal, the integration of social and economic policies, both at the individual and national levels, is crucial as they support each other and provide mutual benefits. This approach will ensure the sustainability and effectiveness of the Tapera program, which provides maximum benefits to all participants and supports efforts to build decent housing for all people. The implementation of Tapera should reflect a strong commitment to providing decent housing for all Indonesians, while also supporting economic stability and social welfare through transparent, accountable, and sustainable management of the fund over the long term.

Administrative sanctions are imposed to ensure that all parties comply with legal provisions in the implementation of the Tapera program. With consistency and firmness in the application of these sanctions, it is expected that this program can run effectively and provide optimal benefits for all participants, including self-employed workers and workers. In addition, the efficient management of Tapera funds will play a crucial role in supporting national economic stability and have a positive impact on the development of decent housing in Indonesia. (Adib, 2022)

In this context, supervision and enforcement by BP Tapera as well as compliance from all parties involved play a crucial role in ensuring the success of this program. Solid cooperation between workers, employers, and financial institutions involved is key to ensuring compliance with established requirements, which ultimately aim to provide decent and affordable housing for every Indonesian. Therefore, the Tapera program not only helps workers become better off, but is also an important part of the nation's sustainable development.

The implementation of strict management and supervision is the main key in ensuring the efficiency and sustainability of the Tapera program. The involvement of all parties in complying with regulations and performing their duties responsibly will maintain the security of Tapera funds and support national economic stability. Therefore, these actions benefit program participants and

also contribute significantly to the development of more inclusive and sustainable housing in Indonesia.

As stipulated in Law Number 4 Year 2016 on Public Housing Savings, the legal basis that regulates various aspects related to the provision of affordable and sustainable housing funds for Indonesian citizens. This law regulates the principles and objectives of the Public Housing Savings (Tapera) program, the management of Tapera funds, and the participation and responsibilities of all parties involved. The law also provides for administrative sanctions that may be imposed on violators of the provisions to ensure compliance and successful implementation of Tapera.

The principles and objectives of Tapera as stipulated by this Law include efforts to provide suitable housing for all Indonesians, by ensuring transparent, accountable, and sustainable management of funds. Responsible for the management of Tapera is the Public Housing Savings Management Agency (BP Tapera), which is responsible for supervising and regulating the implementation of this program and ensuring that all parties comply with the applicable provisions. The administrative sanctions provided for in this Law are important to enforce discipline and ensure the effectiveness of the program, so that violations of Tapera provisions can be dealt with firmly and consistently for the continuity of this program. (Asril et al., 2022)

The principles and objectives of this Law emphasize the importance of providing access to adequate housing for all Indonesians. Tapera (Tabungan Perumahan Rakyat) is designed as an instrument to achieve this goal by collecting funds from participants and using them for housing finance. The management of these funds is overseen by BP Tapera or the public housing savings management agency, tasked with collecting, developing, and allocating these resources. BP Tapera in collaboration with the Custodian Bank and Investment Manager is responsible for the management and distribution of Tapera funds. (Pamungkas & Hariri, 2022)

The Tapera Committee has a central role in providing strategic direction and overseeing BP Tapera. This committee is tasked with ensuring effectiveness and efficiency in the management of collected funds. The management of Tapera includes various activities such as collection of funds from participants, investment for fund growth, and distribution of funds for housing finance. In this process, transparency and accountability are considered crucial aspects. Therefore, the law strictly regulates reporting and supervision to ensure that funds are used to achieve the stated objectives. (Sari, 2021)

Law No. 4/2016 stipulates administrative sanctions if a person, employer, BP Tapera, bank, finance company, custodian bank, or investment manager does not comply with the regulations. Sanctions that may be imposed include written warnings, administrative fines, announcement of the employer's non-compliance, application of interest on deposits for late returns, suspension of business license, and revocation of business license, according to Article 72 of the Law. Government Regulations further regulate how these sanctions are applied. (Muhtar et al., 2023)

A very important final stage of any legal regulation, including administrative law regulations, is the establishment of sanctions. Administrative sanctions are used to stop actions prohibited by administrative law or regulate behavior to comply with applicable provisions. Administrative sanctions are "reparatoir" in nature, aiming to restore the situation as it was before the violation

occurred. In contrast, criminal sanctions focus on punishment of the perpetrator. The process of enforcing these administrative sanctions is carried out by state administrative officials without the need for judicial procedures; this is in contrast to the process of enforcing criminal sanctions which requires judicial institutions to participate. (Rondonuwu, 2019)

The Financial Services Authority (OJK) is an independent institution not influenced by other parties that is tasked with regulating, supervising, examining and investigating the financial services sector. Capital markets, banking, insurance, pension funds, financing institutions, and other financial institutions are supervised by the OJK. OJK has the authority to set operational policies relating to supervision, monitor the implementation of supervisory duties, give written orders, select authorized managers, apply administrative sanctions, and grant or revoke business licenses or individual licenses. (Rahyani, 2012)

In addition, the purpose of administrative and criminal sanctions distinguishes them. While criminal sanctions inflict suffering on the violator, administrative sanctions are aimed at the actions of the violator. Administrative sanctions are given to stop the violation and restore the situation. Criminal sanctions can only be imposed by a criminal judge through a judicial process. (Herlina, 2019)

Financial Services Authority (OJK) Regulation Number /POJK.04/2018 regulates the management of Tapera funds. This regulation helps custodian banks and investment managers manage the mobilization, fertilization, and utilization of Tapera funds. The purpose of Tapera is to collect and provide long-term low-cost housing financing funds to meet the needs of decent and affordable housing for participants. (Gagundali, 2020)

In the management of Tapera, BP Tapera and to provide funds to participants, the Custodian Bank enters into a Tapera Fund Collective Investment Contract. In addition, to fertilize Tapera funds, the investment manager forms a Tapera Fund Fertilization Collective Investment Contract with the Custodian Bank. All these activities are conducted in accordance with the regulations stipulated in the Tapera Fund Collective Investment Contract.

OJK may impose administrative sanctions against any person who violates OJK regulations. Administrative sanctions may include written warnings, administrative fines, restriction of business activities, suspension of business activities, revocation of business license, cancellation of approval, and cancellation of registration. OJK may also impose additional administrative sanctions or specific actions against individuals who violate these regulations. (Gagundali, 2020)

Administrative sanctions in the management of Tapera funds are an important instrument to ensure compliance with existing regulations and prevent misuse of funds. These sanctions also serve to maintain integrity and accountability in the management of housing funds to maximize benefits for Tapera participants. According to In order to realize a stable and sustainable economy and provide fair welfare to all Indonesian people, the national economic development program must be implemented in a comprehensive, transparent and accountable manner, as described in Law of the Republic of Indonesia Number 21 of 2011 concerning the Financial Services Authority. This program must also be supported by good governance that continuously monitors and supervises the program. (Aprita, 2021)

The national economy consists of a financial system, which consists of the financial system and all financial services activities, which function as a link between various productive activities involved in the national economy. As a result, the regulation and supervision of financial services activities by the OJK is very important to ensure the stability and sustainability of the national economy. (Nur'aini, 2023)

Overall, Law No. 4/2016 on Public Housing Savings is an important step towards meeting the needs of the Indonesian people for decent and affordable housing. Accountable, transparent, and sustainable management of Tapera funds, as well as the application of strict administrative sanctions for violations of the provisions, are key to achieving this goal. The organization responsible for the regulation and supervision of the financial services industry, the Financial Services Authority, has a crucial role in ensuring that the management of Tapera funds is carried out properly in accordance with existing regulations. (Tania et al., 2021)

CONCLUSION

Government Regulation Number 25 of 2020 and Law Number 4 of 2016 regulate the Public Housing Savings (Tapera). This study found that the management of Tapera funds must be carried out in an open and fair manner to ensure the sustainability of this program. Therefore, the government and financial institutions must ensure that fund management is conducted with high transparency and accountability. The management of Tapera funds involves a variety of activities, ranging from collecting participant funds, investing to cultivate funds, to channeling funds for housing finance. Accountability and transparency are key in this process. Administrative sanctions imposed if the provisions of this law are violated are very important to ensure the stability and sustainability of the Tapera program.

In this article, the author also finds that strict supervision and high transparency are necessary to anticipate potential problems in the implementation of Tapera. The government must ensure that existing regulations are strong enough to address these potential problems and provide a sense of security for program participants. Thus, the Tapera program can run successfully and produce tangible benefits for all Indonesians.

REFERENCE

- Adawiyah, N., Sihombing, J. A., Mar'ah, S., & Kemala, P. (2024). Analisis Kebijakan Perumahan Subsidi di Indonesia Policy Analysis Of Subsidized Housing In Indonesia. *El-Mal: Jurnal Kajian Ekonomi & Bisnis Islam*, 5(6), 3064–3075.
- Adib, F. (2022). *REKONSTRUKSI REGULASI USAHA PENGEMBANG PERUMAHAN YANG BERBASIS NILAI KEADILAN*. UNIVERSITAS ISLAM SULTAN AGUNG.
- Aprita, S. (2021). Kewenangan Otoritas Jasa Keuangan (OJK) Melakukan Penyidikan: Analisis Pasal 9 Huruf C Undang-Undang Nomor 21 Tahun 2011 Tentang Otoritas Jasa Keuangan. *Jurnal Ilmiah*

Planning your dream home safely: Understanding Regulations and Avoiding Public Housing Savings Breaches

Salabay, Watofa, and Mansawan

Universitas Batanghari Jambi, 21(2), 550–563.

- Asril, A. A., Rifai, A., & Shebubakar, A. N. (2022). Penyelenggaraan tabungan perumahan menurut Undang-Undang Nomor 4 Tahun 2016 ditinjau dari perspektif perlindungan hukum. *Jurnal Magister Ilmu Hukum: Hukum Dan Kesejahteraan*, 7(1), 1–24.
- De, Y. M. (2024). Imam dan Dialog Sosialnya (Analisis Kritis Program TAPER “Tabungan Perumahan Rakyat” Bagi Kehidupan Umat di Paroki Riam Batang Kalimantan Tengah). *Jurnal Pendidikan Agama Dan Teologi*, 2(3), 57–73.
- DEWANTO, D. R. I. R. D., & MM, A. (n.d.). *LAPORAN PENELITIAN DETERMINING THE KEY SUCCESS FACTORS IN THE ORGANIZATION OF BP. TAPER*.
- Febiola, S., & Sitabuana, T. H. (2022). Analisis perlindungan hukum ketenagakerjaan terhadap pekerja/buruh di Indonesia. *Prosiding Serina*, 2(1), 535–542.
- Gagundali, K. C. I. (2020). Sanksi Administrasi atas Pelanggaran Undang-Undang Nomor 4 Tahun 2016 Tentang Tabungan Perumahan Rakyat. *LEX ADMINISTRATUM*, 8(1).
- Gudiato, C. (2024). *Pemilihan Rumah Impian: Mengupas Strategi Pemilihan Rumah Impian Masa kini Menggunakan Metode SAW*. Uwais Inspirasi Indonesia.
- Harikusuma, R. M., & Ubed, R. S. (2020). *Peran PT Sarana Multigraya Finansial dalam Likuiditas Pembiayaan Perumahan*.
- Hasim, A. (2023). Perlindungan Terhadap Lingkungan Hidup Merupakan Bentuk Penerapan Green Constitution Dalam UUD Tahun 1945. *At-Tanwir Law Review*, 3(1), 18–32.
- Haviazzahra, N., & Sebyar, M. H. (2024). Analisis Hukum Kepesertaan Pekerja Mandiri Dalam Pelaksanaan Program Penyelenggaraan Tabungan Perumahan Rakyat. *Aliansi: Jurnal Hukum, Pendidikan Dan Sosial Humaniora*, 1(5), 102–120.
- Herlina, N. (2019). Penerapan Sanksi Administrasi Dalam Hukum Perlindungan Konsumen. *Jurnal Ilmiah Galuh Justisi*, 7(2), 190–203.
- Ihwan, M., Fadillah, C., Hidayah, S. N., & Sumardiana, B. (2022). Pemenuhan Hak Atas Rumah Layak Huni Bagi Masyarakat Miskin. *Jurnal Pengabdian Hukum Indonesia (Indonesian Journal of Legal Community Engagement) JPHI*, 5(1), 89–101.
- Izza, S. R., Franssisca, M. L., & Nurcahya, W. F. (2024). Analisis Dampak Fasilitas Likuiditas Pembiayaan Perumahan (FLPP) Terhadap Kesejahteraan Masyarakat Berpenghasilan Rendah (MBR). *Journal of Law, Administration, and Social Science*, 4(5), 738–749.
- Kaban, K. B. (2023). PENELITIAN TINGKAT KEPUASAN KERJA KARYAWAN DI BADAN PENGELOLA TABUNGAN PERUMAHAN RAKYAT (BP TAPER) DENGAN MENGGUNAKAN METODE HUMAN RESOURCES INDEX (HR INDEX) FREDRICK E. SCHUSTER. *KENDALI: Economics and Social Humanities*, 1(3), 143–163.
- MUHAMMAD, K. I. (2024). *PERAN KOPERASI SIMPAN PINJAM DAN PEMBIAYAAN SYARIAH (KSPPS) DALAM MENGEMBANGKAN USAHA KELONTONG (Studi pada Anggota KSPPS BMT UGT Nusantara Cabang Pringsewu, Lampung)*. UIN Raden Intan Lampung.
- Muhtar, M. H., Tribakti, I., Salim, A., Tuhumury, H. A., Ubaidillah, M. H., Imran, S. Y., Laka, I., Saragih, G. M., Iping, B., & Amin, F. (2023). Konsep Hukum Indonesia. *Global Eksekutif Teknologi*.
- Nur’aini, U. (2023). Perbankan Syariah sebagai Penguat dalam Sistem Perekonomian Nasional. *SCHOLASTICA: Jurnal Pendidikan Dan Kebudayaan*, 5(1), 1–9.
- Pamungkas, T. J., & Hariri, A. (2022). Tanggung Jawab Negara dalam Pemenuhan Jaminan Sosial Persepektif Welfare State. *Media of Law and Sharia*, 3(4), 270–283.

- Rahyani, W. S. (2012). Independensi Otoritas Jasa Keuangan Dalam Perspektif Undang-Undang Nomor 21 Tahun 2011 Tentang Otoritas Jasa Keuangan (The Independence Of The Financial Services Authority Perspectives In Law Number 21 Year 2011 Concerning The. *DAFTAR ISI*, 361.
- Rangkuti, A. (2023). *Analisis Restrukturisasi Pembiayaan Bermasalah serta Urgensi Pembaharuan Akad Pasca Covid-19 di BSI Aceh*. Universitas Islam Negeri Ar-Raniry.
- Rondonuwu, D. E. (2019). Tinjauan Yuridis Terhadap Penegakan Hukum Lingkungan Administratif Menurut Undang-Undang Nomor 32 Tahun 2009. *Lex Privatum*, 6(9).
- Santoso, R., SOFIYANIYATIN, L., Maulidizen, A., SARI, F. P., SIHAB, M., ROSIANA, M., KOSASIH, K., MAHANANI, E., Sari, D., & ABDUROHIM, A. (2022). *KONSEP DAN IMPLEMENTASI MANAJEMEN STRATEGI (Concept and Implementation of Strategic Management)*.
- Saputra, J. (2022). Upaya Pemerintah Mengurangi Kemiskinan Dengan Program Bedah Rumah di Kota Jambi. *ILTIZAM Journal of Shariah Economics Research*, 6(2), 241–249.
- Sari, S. P. (2021). *PENERAPAN ENTERPRISE RISK MANAGEMENT (ERM) DALAM TRANSFORMASI ORGANISASI (STUDI KASUS PADA TRANSFORMASI ORGANISASI BAPERTARUM-PNS MENJADI BP TAPER)*. STIE Indonesia Banking School.
- Susantio, C., & Beatrice, M. (2024). Badan Bank Tanah Indonesia dengan Land Bank Agency Belanda: Studi Komparasi. *UNES Law Review*, 6(3), 8518–8538.
- Suyasa, I. G. D. (2020). PENGATURAN TENAGA KERJA ASING DI INDONESIA DALAM PERSPEKTIF PENDEKATAN KEDAULATAN NEGARA. *Journal de Facto*, 7(1), 86–107.
- Syafrida, S., Safrizal, S., & Suryani, R. (2020). Pemutusan hubungan kerja masa pandemi Covid-19 perusahaan terancam dapat dipailitkan. *Pamulang Law Review*, 3(1), 19–30.
- Tania, N., Novienco, J., & Sanjaya, D. (2021). Kajian Teori Hukum Progresif Terhadap Implementasi Produk Tabungan Perumahan Rakyat. *Perspektif: Kajian Masalah Hukum Dan Pembangunan*, 26(2), 73–87.
- Titihalawa, B. A., Latupono, B., & Pattipawae, D. R. (2023). Perjanjian Kerja Antara Pelaku Usaha Dengan Tenaga Kerja Dalam Perjanjian Hubungan Industrial. *PATTIMURA Law Study Review*, 1(1), 269–279.
- Wijaya, M., Wallang, M., & Prihatin, P. S. (2023). Lesson Learn Pengelolaan Sektor Infrastruktur Perumahan di Kawasan Perbatasan Indonesia dan Malaysia. *I-Com: Indonesian Community Journal*, 3(4), 1856–1869.