

Public Housing Saving Program: A Comparative Legal Analysis between Indonesia and Singapore

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Abstract

This study aims to identify the inherent problems of the Public Housing Savings program (Tapera) and seeks solutions through law reforms to improve the effectiveness, transparency, and accountability of the program. This normative legal research employs comparative approach by analyzing the similar programs in Singapore. The Housing Development Board (HDB) in Singapore is selected as benchmark to evaluate the performance and regulation of Tapera in Indonesia. The study also applies a functional approach to explore the function and purpose of legal frameworks of Tapera and their impact in the implementation of the program. The results show that despite changes made through Government Regulation No. 21 of 2024 to improve Tapera's performance, there are still significant problems, including low public participation, transparency and accountability issues, and controversies related to mandatory contribution payments. This research emphasizes the importance of comprehensive and inclusive law reforms that take into account social and economic aspects to ensure that Tapera can be more effective in helping people own their own homes, as well as fulfilling the state's constitutional obligation to provide adequate housing for all citizens.

Keywords: Accountability; Comparative law; Law Reform; Public Housing; Transparency.

1. Introduction

Housing is one of the basic needs for every individual, but many people in Indonesia still do not have a decent place to live, with various contributing factors. One of the main factors is the high price of land and property. According to data from the Central Statistics Agency (BPS), in 2022, the average price of land in urban areas increased by 5.47% year-on-year, making it difficult for many low-income families to buy or rent a house that meets eligibility standards. In addition, the rapid pace of urbanization has caused housing demand in big cities to rise significantly. For example, in Jakarta alone, the housing backlog reached 1.1 million units in 2020. The supply of affordable housing is unable to keep up with this demand. Moreover, unstable economic conditions, including the inflation rate, which stood at 5.51% in 2022, contribute to the low purchasing power of the community. This caused many people unable to access available housing finance facilities, such as government-backed mortgage programs like the "FLPP" (Housing Financing Liquidity Facility), which still falls short in addressing the housing needs of low-income groups. Another influencing factor is the lack of effective regulations in ensuring the development of affordable and quality housing for all levels of society. Based on data from the Ministry of Public Works and

Housing, in 2023 housing deficit reached 11.4 million units in Indonesia.¹ This figure shows the urgent need for an effective solution to the housing problem. The state is primarily responsible for this problem because the state is obliged to protect the entire Indonesian citizens and promote public welfare through the implementation of housing development so that people have a decent and affordable place to live in a healthy, safe, harmonious and sustainable environment throughout the territory of the Republic of Indonesia.² In response to this challenge, the Indonesian government has passed Law Number 4 of 2016 on Public Housing Savings (Tapera), which aims to help people save and access housing finance more easily. This law is expected to be a significant step in meeting the need for adequate housing for all Indonesians.

Tapera is a mandatory savings program for workers that aims to help people possessing their own houses. However, in its implementation, according to the Public Housing Savings Management Agency, as of 2022, the number of workers registered in the Tapera program had only reached 4.2 million, while the government's target is to reach 13.1 million participants by 2024. Therefore, the current achievement is only around 32% of the expected target. Tapera still faces various challenges, such as the lack of public participation and ineffective management of Tapera funds. There are many concerns regarding transparency and accountability in the management of these funds which later affect the public trust and discourage the public to participate. Recently, the government has issued Government Regulation Number 21 of 2024 on Amendment to Government Regulation Number 25 of 2020 on the Implementation of Public Housing Savings (Tapera) to increase effectiveness, transparency and accountability in the management of Tapera funds. This regulation aims to improve the mechanism for channeling funds and ensure that the Tapera program can run more efficiently and can be accessed more easily by the public. However, the issuance of the Government Regulation Number 21 of 2024 has stimulated pros and cons toward the Tapera program. Some provisions in this Government Regulation are considered inappropriate, including the mechanism for channeling funds which seem to be too bureaucratic that may hinder the public's quick access to the benefits of this program. In addition, these regulatory changes do not adequately address the issues of transparency and accountability that have been highlighted. The new rules have the potential to increase administrative burdens and costs for workers, without the guaranty for improvement of the effectiveness in the management of Tapera funds. This has caused dissatisfaction and decreased public trust to the program.³ Furthermore, it has led to debate about how this program should be implemented to effectively help people own houses.

In regard to the housing saving programs, there have been several relevant studies including those which were conducted by Suhartono, Sanyoto, Nugroho and Yulianto. The study on the effectiveness of the subsidized housing loan program (KPR) in Indonesia by Suhartono, S. (2020) shows that the program successfully increased access to housing for low-income communities but also faced challenges in administration and transparency. Another study by Sanyoto, A. and Nugroho, H. (2019) focused on housing models in developing

¹ Mendra Wijaya and Handrisal Handrisal, 'Kebijakan Penyelenggaraan Perumahan Masyarakat Berpenghasilan Rendah Di Kabupaten Lahat Provinsi Sumatera Selatan', *KEMUDI: Jurnal Ilmu Pemerintahan*, 6.01 (2021), 37–51 <<https://doi.org/10.31629/kemudi.v6i01.3579>>.

² Urip Santoso, *Pengaturan Hukum Perumahan* (Jakarta: Kencana Prenadamedia Group, 2016).

³ Jud Mathews, 'Minimally Democratic Administrative Law', *Administrative Law Review, Forthcoming, Penn State Law Research Paper No. 8-2016*, 605–60. Available at SSRN: <https://ssrn.com/abstract=2736426> or (2016), <<https://doi.org/10.2139/ssrn.2736426>>.

countries and found that the success of housing programs often depends on community participation and ease of access to financing.

In his study on the Impact of Urbanization on Housing Availability in Major Cities of Indonesia, Yulianto, B. (2021) identifies the challenges faced by housing programs amid rapid urbanization. In addition, a study entitled "Comparative Study of Housing Savings Programs in Asia" by Zhang, L. and Chen, Y. (2020) compares the effectiveness of housing savings programs in several Asian countries, providing insights into best practices that could be applied in Indonesia. Last but not least, in a study entitled "Transparency and Accountability in the Management of Housing Funds in Indonesia" Martini, R. (2022) discusses issues that hinder public trust in government housing programs.

This work differs from previous studies as it focuses more on the Tapera program as a mandatory housing savings model, highlights issues of community participation and fund management. While earlier research primarily focused on subsidized housing loans (KPR) and international models, this work deeply explore the regulatory and implementation aspects of Tapera, as well as examine the pros and cons of the recent regulatory changes that have been implemented. The main objective of this research is to analyze the challenges faced by the Tapera program, including the lack of community participation and effectiveness of fund management, as well as to evaluate the impact of the latest Government Regulation on the effectiveness of this program. Furthermore, this study aims to conduct a comparative analysis with other country that have similar housing programs to provide recommendations that could enhance the performance of the Tapera program in Indonesia.

2. Method

This normative legal research employs a functional, statutory and comparative approaches. The authors explore the functions and purposes of the legal regulations involved in the Tapera program. It is necessary to understand how these legal norms operate in practice and their impact on the effectiveness of housing programs like Tapera. In regard to this, the authors have made study and analysis of regulations and policies relating to Tapera, including Government Regulations and implementation guidelines. In addition, the authors have made a comparative study with Singapore aiming at comparing the legal framework and outcomes of the Tapera program with housing programs in Singapore, such as the Housing Development Board (HDB), which is known for its effectiveness and well-planned approach. By analyzing relevant legal documents and identifying best practices from Singapore, this study can evaluate the support provided by the existing legal norms in achieving the goals of Tapera. The results of this analysis are used to provide recommendations for improving the implementation of the Tapera program in Indonesia.

3. Discussion and Analysis

3.1. Ratio Legis of the Government Regulation Number 21 of 2024 on Amendments to the Government Regulation Number 25 of 2020 on the Implementation of Public Housing Savings

The Government Regulation Number 21 of 2024 on Amendments to the Government Regulation No. 25 of 2020 on the Implementation of Public Housing Savings aims to increase effectiveness, transparency, and accountability in the management of Tapera funds. Basically, Tapera was basically established to implement one of the mandates contained in the 1945

Constitution. Article 28 letter H stipulates that everyone has the right to live in physical and mental prosperity, have a place to live, get a good and healthy environment and the right to obtain health services. There are some constraints in fulfilling the need for public housing in Indonesia including the absence of cheap financing scheme for public housing program. In response to this, the government introduced a housing saving program called Tabungan Perumahan Rakyat (Tapera) and issued relevant regulation to address various challenges faced in its implementation.

According to the Public Housing Savings Management Agency, as of 2022, the number of workers registered for the Tapera program had only reached 4.2 million. As compared to the government's target which is expected to reach 13.1 million participants by 2024, the current achievement is only 32% of the expected target. This figure shows the lack public participation and suboptimal fund management. Therefore, the Government has change the regulation in effort to improve the mechanism for channeling funds, ensure more efficient regulation, and increase supervision of fund management to avoid misuse and increase public trust.⁴

The main objective of these changes is to ensure that Tapera funds can be managed properly and provide maximum benefits for people in need, so that this program can be more effective in helping people to possess their own houses. This policy is expected to be able to ensure protection, especially for workers. For that purpose, the government should take necessary actions as follows:⁵ (1) compiling and making regulations or policies, (2) supervising the implementation of the regulations, (3) providing services, (4) organizing justice and actions against violations of laws and regulations, and (5) fostering industrial relations.

It is claimed that the amendment of the relevant regulation has been made based on comprehensive study and passed all necessary procedures such as internal and external consultations to ensure the transparency and public participations so it has satisfied the issue of legality and validity as intended in Hans Kelsen's theory.⁶ However, the amendment of the Government Regulation Number 25 of 2020 on the Implementation of Public Housing Savings with the Government Regulation Number 21 of 2024 has created controversies. This new regulation has been criticized for some of its inadequacies.

At first, the concept of Tapera program is inconsistent with the spirit of Article 28 paragraph (1) of the 1945 Constitution which advocates the state's obligation to provide access to decent housing for its people states. The Article provides that "everyone has the right to obtain work and a livelihood that is worthy of humanity." Whereas, Tapera gives people with unexpected financial burden in the form of mandatory savings that must be set aside from salaries. It seems that the government swifts its responsibility to the people. Secondly, the obligation for workers to set aside a portion of their income for housing saving program in Tapera as governed in Section 5 of the mentioned Government Regulation, has harmed the principles of economic freedom and freedom of contract. It is so because workers are required to participate in the program without having an option for not setting aside their income. In addition, there are also concerns about transparency and accountability in the management of funds collected through this program, as well as questions regarding the

⁴ Auditya Firza Saputra, 'Partnership Consultation: An Alternative Solution to the Nonexistent Collective Bargaining Right in the Indonesian Ride Hailing Gig Economy Sector', *Yuridika*, 37.1 (2022), 93–124 <<https://doi.org/10.20473/ydk.v37i1.34599>>.

⁵ Aloysius Uwiyono, Siti Hajati Hoesin, Widodo Suryandono, and Melania Kiswandari, *Asas-Asas Hukum Perburuhan* (Depok : Rajawali Pers, 2018).

⁶ A. Hamid S. Attamimi, *Ilmu Perundang-Undangan Dasar Dan Pembentukannya* (Yogyakarta: Kanisius, 1998).

extent of the state's obligation to provide adequate housing for its citizens as highlighted in Article 28 Paragraph (1) of the 1945 Constitution. The third is relating to problem is the collection of administrative fees from participants as governed in Section 15. Even though the amount of the administrative fee is relatively small, it remains increase a financial burden upon the participants who in the same time are saving money to buy a house.

The charge of administrative fees could be detrimental especially for those with low or middle incomes who may experience financial difficulties in doing saving. Data released by relevant institutions confirm that in August-September 2022 almost all provinces with the highest poverty rates have low average wage levels and minimum wage standards. In addition, there are also questions on the issue of fairness and equity in the program. The collection of administrative fees may affect equitable access to the Tapera program, especially among participants with low incomes.⁷

Section 13 that governs the management of Tapera funds also becomes the subject of criticism. This particularly relates to the issue of transparency and accountability in the management of funds collected from participants. There is no adequate information on how the funds are managed and used. In regard to accountability issue, clear criteria for fund management, adequate supervision, and transparent reporting procedures are urgently needed to prevent misuse or inappropriate investment decisions. Efficiency in fund management is also a major concern because complicated or bureaucratic administrative processes can hinder the optimal use of funds to purchase houses for program participants. Furthermore, there is a need to adopt safe and secure fund management system to prevent the risk of loss or misuse. In order to increase the effectiveness and public acceptance on the program, it is important to educate participants about how the program works, the benefits they get, and their rights and obligations as participants.

There is also concern relating to the distribution of Public Housing Saving to the participants who have entered into retirement. There must be a guaranty that the retired participants can remain enjoy the benefit of the program without being exposed to uncertainty or administrative difficulties. This issue gained more attention following the 2021 report by the Financial Audit Agency (BPK), which highlighted serious problems in the Public Housing Savings program (Tapera). The report revealed that funds amounting to IDR 567 billion, which should have been returned to hundred thousand of participants, were not disbursed on time. On the other side, the Tapera operator has claimed that all participant savings have been repaid. These facts disclose the existence of problem in the management and disbursement of Tapera funds leading to concerns over the program's transparency, accountability, and efficiency. Refund delay does not only create uncertainty for participants who are supposed to receive their savings back upon retirement or exit from the program, but also reflects deficiencies in the existing system of fund management and oversight. In regard to this, significant improvements in fund management and further oversight are needed to ensure that the Tapera program can function effectively in delivering the promised benefits to its participants.⁸

Based on Section 46 of the Government Regulation Number 25 of 2020 on the Implementation of Public Housing Savings (Tapera), workers who fail to pay the financial

⁷ Rizky Amalia, 'Non-Competition Clause Dalam Perjanjian Kerja', *Yuridika*, 26.2 (2011), 117–28 <<https://doi.org/10.20473/ydk.v26i2.266>>.

⁸ Tareq Muhammad Aziz Elven and Shalahuddin Ahmad Al-Muqorrobin, 'Consolidating Indonesia's Fragile Elections Through E-Voting: Lessons Learned from India and the Philippines', *Indonesian Comparative Law Review*, 3.1 (2021), 63–80 <<https://doi.org/10.18196/iclr.v3i1.11298>>.

contributions for Tapera may be subjected to administrative sanctions in the form of written warnings, fines, and suspension of certain rights in the program.⁹ This has been criticized for suppressing workers and pressing employers who must ensure that financial contributions are paid on time to avoid sanctions.¹⁰ The fine may further burden the low-income workers, while the suspension of certain rights may impact workers' access to the promised benefits, such as housing finance facilities.¹¹ These administrative sanctions may also create uncertainty and injustice among workers and employers, which later may affect the trust to Tapera and discourage the participation to the program.¹²

A comprehensive evaluation is needed to ensure that the application of sanctions do not increase the burden on workers and employers, but rather provide positive incentives for participation in the Tapera program. It is also necessary for the government to consider the more inclusive and equitable measures to encourage the payment of financial contributions, so that this program can achieve its objectives without causing unnecessary pressure on participants.¹³

As highlighted by G. Jellinek, the law is essentially a form of manifestation of the will of the state. In regard to this, the manifestation of the ruler's will into a concrete rules must not experience juridical deficiencies which later may result in defects or illegal actions. From this perspective, the failure to return funds to participants who have retired or left the program illustrates a system failure that may violate the above principle. Law enforcement must pay attention on the utility aspect of the law since the law is made to give benefit for the societ.¹⁴ Therefore, the state should provide legal certainty and protection of the rights of participants, especially by returning their savings. Delay in returning the funds not only reflects administrative failure, but also indicates a violation of the constitutional rights of citizens. In short, legal protections should ensure that the participants get their due without having to face uncertainty or financial loss.¹⁵

Analysis of the *ratio legis* of the Government Regulation Number 21 of 2024 on Amendments to Government Regulation Number 25 of 2020 on the Implementation of Public Housing Savings does not rule out the possibility that these issues are also related to the existing political dynamics. Public policies, including Tapera are often influenced by certain political interests, both in the formulation process and its implementation. Changes of regulations and policies may reflect the government's efforts to align the program with a broader political agenda, or to respond to pressure from various parties.¹⁶ Therefore, it is important to continuously monitor and evaluate the implementation of the program in order

⁹ Lintang Yudhantaka, 'Keabsahan Kontrak Jual Beli Rumah Susun Dengan Sistem Pre Project Selling', *Yuridika*, 32.1 (2017), 84 <<https://doi.org/10.20473/ydk.v32i1.4793>>.

¹⁰ Mohammad Hazyar Arumbinang, 'Problems and Dilemmas: ASEAN Commitments in Disaster Management', *Indonesian Comparative Law Review*, 4.1 (2022), 17–25 <<https://doi.org/10.18196/iclr.v4i1.13219>>.

¹¹ Urip Santoso, 'Pengelolaan Tanah Asset Pemerintah Kota Surabaya', *Yuridika*, 25.1 (2010), 1–12 <<https://doi.org/10.20473/ydk.v25i1.214>>.

¹² Andanti Tyagita, 'Prinsip Kebebasan Berserikat Dalam Serikat Buruh Sebagai Upaya Perlindungan Dan Penegakan Hak Normatif Pekerja', *Yuridika*, 26.1 (2011), 1–16 <<https://doi.org/10.20473/ydk.v26i1.259>>.

¹³ Collins Parker, 'Administrative Law in Namibia: Its Current State, Challenges, and Proposals for Law Reform', *The Comparative and International Law Journal of Southern Africa* 42.1 (2009), 115–27.

¹⁴ Ahmad Sukardja, *Hukum Tata Negara Dan Hukum Administrasi Negara Dalam Perpektif Fikih Siyasah* (Jakarta: Sinar Grafika, 2014).

¹⁵ Philipus M Hadjon, *Perlindungan Hukum Bagi Rakyat Indonesia (Suatu Studi Tentang Prinsip-Prinsipnya, Penanganannya Oleh Pengadilan Dalam Lingkungan Peradilan Umum Dan Pembentukan Peradilan Administrasi)* (Surabaya: PT Bina Ilmu, 2007), pp. 33–34.

¹⁶ Kevin M. Stack, 'An Administrative Jurisprudence: The Rule of Law in the Administrative State', *Columbia Law Review*, 115.7 (2015), 1985–2018.

to ensure that its main objective of providing decent housing for the people can be achieved without being distracted by irrelevant political interests.

3.2. The Need for Reform

The obligation of governments to provide adequate shelter for their citizens is an important responsibility that is recognized globally. Every country is responsible to ensure that basic housing needs are met, as affirmed in various national constitutions and international legal instruments, such as the Universal Declaration of Human Rights and the International Covenant on Economic, Social and Cultural Rights. Governments around the world are expected to take concrete steps to provide access to safe, decent and affordable housing for all citizens, without discrimination. This includes the provision of adequate infrastructure, the implementation of supportive regulations, as well as the development of housing assistance programs for underprivileged groups. By fulfilling the basic needs of its citizens, the government contributes to the creation of social stability, the eradication of poverty and the overall improvement of quality of life. This is in accordance with the global commitment to realize the principles of social justice and human rights, which are recognized by all countries as part of a concerted effort in achieving shared prosperity.¹⁷

Each country has different legal arrangements or schemes in providing houses for citizens which are tailored to their respective social, economic and cultural conditions. These variations reflect different approaches to meet the adequate housing needs of their citizens. This diversity is closely related to the legal system that applies in each country. The legal system, be it civil law, common law, religious law, or customary law¹⁸ plays an important role in designing and implementing housing programs. The underlying theory of the relationship between legal systems and housing schemes is the theory of law and economic development. According to this theory, a country's legal system has a significant influence on economic development, including housing. An effective and adaptive legal system tends to encourage investment and innovation in the housing sector, while a rigid and inflexible legal system may hinder the development of the sector.

Common law countries tend to promote a stronger concept of individual land ownership. This is due to principles that provide individuals with greater freedom to manage and utilize their properties. In this context, private housing development can progress more rapidly because of the flexibility in regulations and clearer property rights. In contrast, civil law countries often implement stricter rules regarding land use and ownership. These regulations may aim to protect public interests, ensure sustainable land use, or regulate more planned urban development. However, this approach can hinder private housing development due to the more stringent limitations on what landowners can do with their properties.

Different legal approaches contribute to the varying levels of ease in housing development across different countries. Countries with flexible legal systems tend to have housing regulations that adapt more readily to the changing needs of society, as seen in France, Germany, and Brazil. In contrast, countries with rigid legal systems often face challenges due to housing and urban planning regulations that are difficult to modify. The

¹⁷ Joseph Dainow, 'The Civil Law and the Common Law: Some Points of Comparison', *The American Journal of Comparative Law*, 15.3 (1966), 419 <<https://doi.org/10.2307/838275>>.

¹⁸ Fernanda Nicola, 'Family Law Exceptionalism in Comparative Law', *The American Journal of Comparative Law*, 58.4 (2010), 777–810 <<https://doi.org/10.5131/ajcl.2010.0002>>.

detailed regulations typically result in stricter rules that can slow down private housing development, as government control over land use is more extensive.

The difference of legal systems in each country can lead to variations in government-supported housing schemes. The theory of law and economic development states that the legal system in each country has a significant influence on the rules, policies, and incentives that affect the availability, accessibility, and characteristics of the housing schemes that develop in each country. The Government Regulation Number 21 of 2024 on Amendment to the Government Regulation Number 25 of 2020 on the Implementation of Housing Savings reflects how housing regulations and policies are designed, implemented, and enforced to achieve the desired social and economic goals in Indonesia.¹⁹

In a global context, the administration of international law also plays an important role in determining housing schemes in different countries.²⁰ International organizations, multilateral treaties and global legal regimes can influence housing-related rules, policies and practices at the national level. For example, the United Nations (UN) has issued several declarations and guidelines related to the right to adequate housing, which can serve as references for member states in developing national housing policies. Regional organizations such as the European Union have also issued directives and regulations that harmonize tenancy and land ownership rules among its member states, which are then adopted into national legal systems.²¹

Singapore and Indonesia have different legal systems where Singapore adopts common law system and Indonesia adopts civil law system.²² These differences in legal systems affect the housing schemes in each country. In Singapore, individual land ownership is stronger, which encourages housing development by the private sector. The Singapore government also implements flexible and adaptive housing policies, such as public housing programs (HDB) that can be tailored to the needs of the community.²³ The Singaporean government is responsible for the construction and management of public housing for the majority of the population. The scheme is supported by various subsidies and financial assistance that enable low- to middle-income residents to own their own houses.

The government housing scheme in Singapore is managed by the Housing and Development Board (HDB), which is responsible for the planning and construction of public housing. HDB builds various types of flats, ranging from 1-room to 5-room and executive flats, which are offered to Singaporeans with certain criteria, such as citizenship, minimum age of 21, and household income limits. The government provides various subsidies and grants, including the Additional CPF Housing Grant (AHG) and Special CPF Housing Grant (SHG), to assist citizens in purchasing HDB flats. One of the main schemes is the Built- To-

¹⁹ Beni Ahmad Saebani, Syahrul Anwar, and Ai Wati, *Perbandingan Sistem Hukum Pidana* (Sukoharjo: Pustaka Setia, 2016).

²⁰ Julia Beckett and Heidi O. Koenig, *Public Administration and Law, Public Administration and Law* (Routledge, 2015) <<https://doi.org/10.4324/9781315701479>>.

²¹ Djoni Sumardi Gozali, *Pengantar Perbandingan Sistem Hukum* (Bandung: Nusa Media, 2020).

²² Try Hardyanthi and others, 'Inflicting Death Penalty to Sexual Offenders: A Comparison between Indonesia and Saudi Arabia', *Indonesian Comparative Law Review*, 4.1 (2021), 34–42 <<https://doi.org/10.18196/iclr.v4i1.15072>>.

²³ Adellya Salsabila Hermawan, Sondang Maria Sijabat, Dustin Orlando Exaudi, and Donna Muhamad Bagsa Abdurrahman, 'Tantangan Dan Peluang Dalam Sistem Jaminan Sosial: Analisis Perbandingan Konsep Pembiayaan Dan Manajemen Jaminan Sosial Di Indonesia Dan Singapura', *Diponegoro Private Law Review*, 9.1 (2022), 88–104.

Order (BTO), where flats are built to order and allocated through a lottery process, with priority for newly married couples, families with children, and senior citizens.²⁴

Apart from new flats, Singaporeans can also purchase resale HDB flats in the secondary market, which offers more flexibility in terms of location and size. For the purchase of resale flats, grants such as the CPF Housing Grant and Enhanced CPF Housing Grant (EHG) are available. HDB also provides rental housing schemes for residents who cannot afford to buy a home, with certain eligibility criteria, including low household income. For senior citizens, there is the Silver Housing Bonus (SHB) which encourages the sale of large houses and the purchase of smaller HDB flats with a cash bonus, as well as Community Care Apartments which offer community care and services. Upgrading programs, such as the Home Improvement Program (HIP) and Neighborhood Renewal Program (NRP), are designed to improve the comfort and safety of older HDB flats as well as neighborhood amenities. Government housing schemes in Singapore are comprehensive and designed to cater to the needs of various segments of society, from young families to senior citizens, with a range of affordable ownership and rental options.

Singapore's housing laws are primarily governed under the Housing and Development Act (Cap. 129), first enacted in 1960. This Act regulates the ownership, management, and development of residential properties and ensures the availability of affordable housing for citizens. By virtue of this Act, the Housing and Development Board (HDB) was established. This institution is responsible for the planning, development, and management of public housing in Singapore. Key provisions related to the HDB can be found in Section 5, which outlines the Board's functions, including the authority to purchase land, design and construct housing, and sell or lease flats to eligible Singaporean citizens. Eligibility criteria for purchasing HDB flats are detailed in Section 23, which stipulates that applicants must be Singaporean citizens of at least 21 years old and meet certain household income limits. Additionally, the government provides various subsidies and grants to assist low-income families, including the Additional CPF Housing Grant (AHG), Special CPF Housing Grant (SHG), and Enhanced CPF Housing Grant (EHG), as outlined in relevant regulations under the Act.

The purchase of HDB resale flats is also strictly regulated, including a Minimum Occupation Period (MOP) requirement before flats can be sold or rented out. HDB also manages rental housing schemes for citizens who cannot afford to buy a house through the Public Rental Scheme and Interim Rental Housing. Housing policies for senior citizens include the Silver Housing Bonus (SHB), which encourages the sale of large houses and the purchase of smaller flats with cash bonuses, as well as Community Care Apartments that offer community care and services. Upgrading and renewal programs, such as the Home Improvement Program (HIP) and Neighborhood Renewal Program (NRP), are designed to improve the quality and comfort of HDB housing.²⁵

Indonesia also has rules related to land use and ownership which sometimes become obstacles to housing development. Although the Indonesian government has set out Public Housing Saving (Tapera program), its implementation is more limited and less flexible than that of in Singapore. Like in Singapore, the international administration of law also plays a

²⁴ Brilliant Aditya Prawira Arafat and Vicko Taniady, 'Pemenuhan Hak Masyarakat Miskin Terhadap Perumahan Dan Permukiman Yang Layak Di Perkotaan Indonesia: Studi Perbandingan Singapura Dan Australia', *Jurist-Diction*, 4.2 (2021), 559 <<https://doi.org/10.20473/jd.v4i2.25753>>.

²⁵ Bayu Kharisma, 'Good Governance Sebagai Suatu Konsep Dan Mengapa Penting Dalam Sektor Publik Dan Swasta (Suatu Pendekatan Ekonomi Kelembagaan)', *Buletin Studi Ekonomi*, 19.1 (2014), 11.

role in shaping housing schemes in Indonesia. As a member of the World Trade Organization (WTO) and a partner of the European Union, Singapore, is bound by international rules and agreements that can affect the housing sector, particularly regarding foreign investment and financing.²⁶ On the other hand, Indonesia is also influenced by the programs and requirements of international financial institutions, such as the World Bank and IMF, which often stipulate housing policies as part of aid programs. Overall, the different legal systems and international legal administrative contexts have given housing schemes in Singapore and Indonesia different characteristics. Singapore tends to have more flexible, market-oriented housing schemes supported by an adaptive legal system, while Indonesia still faces challenges related to regulation and implementation of more limited housing programs.²⁷

The Indonesian government should take necessary action to improve the national housing scheme, especially in relation to the Public Housing Savings (Tapera). The existing regulation on Tapera has some inadequacies and is considered not responsive to the needs of the community, so its implementation has not been optimal yet. Therefore, comprehensive and integrated legal reforms are urgently needed to optimize the role and function of Tapera program. First, in order to ensure that the Tapera program can reach most of Indonesia's population who are generally of low-income, the scope of Tapera participants should be expanded, not only limited to formal workers, but also to reach people who work in the informal sector.²⁸ Furthermore, to ensure the sustainability of the program, the Tapera funding scheme should be regulated in more detail, both in terms of participant contributions and government budget support. In addition, the Tapera fund disbursement mechanism for home purchases must also be facilitated and accelerated, in order to better assist low-income people in realizing their dream of owning their own home. Incentives and disincentives also need to be considered, such as providing tax breaks for participants who are diligent in saving, as well as sanctions for those who are not compliant, in order to encourage community participation.²⁹

4. Conclusion

Each country has different rules regarding housing schemes, which are tailored based on the social and economic conditions as well as the needs of the local community. In Singapore, the Housing and Development Board (HDB) plays an important role in providing affordable and quality housing for its citizens. Singapore's housing laws cover various aspects, from ownership and management to subsidies and grants, and are supported by repair and renewal programs to ensure housing comfort and safety. In Indonesia, effort to fulfill the need for public housing has been made among others by introducing Public Housing Saving Program (Tapera). Although new regulation has been issued to improve the program, however, its implementation still faces various challenges, including the lack of participation

²⁶ Neysa Tania, Jason Novienco, and Dixon Sanjaya, 'Kajian Teori Hukum Progresif Terhadap Implementasi Produk Tabungan Perumahan Rakyat', *Perspektif*, 26.2 (2021), 73–87 <<https://doi.org/10.30742/perspektif.v26i2.800>>.

²⁷ Fauzan Muhammadi, Nor Fahimah Mohd Razif, and Rahimin Affandi Abdul Rahim, 'Architecting Hybrid Contract in Al-Rahn: A Comparative Study between Malaysia and Indonesia', *Indonesian Comparative Law Review*, 6.1 (2023), 62–76 <<https://doi.org/10.18196/iclr.v6i1.20699>>.

²⁸ Putri Wartina Lestari, Sonny Dewi Judiasih, and Bambang Daru Nugroho, 'Inheritance Rights of Extramarital-Children after the Constitutional Court Decision of 2010', *Indonesian Comparative Law Review*, 6.1 (2023), 46–61 <<https://doi.org/10.18196/iclr.v6i1.19655>>.

²⁹ Muhammad Yudha Prawira and Fatra Alamsyah, 'The Implementation of Mutual Legal Assistance between Indonesia and Switzerland Regarding Asset Recovery', *Indonesian Comparative Law Review*, 5.2 (2023), 58–74 <<https://doi.org/10.18196/iclr.v5i2.17435>>.

from the public. The relevant Government Regulation has been criticized for its inadequacies. Despite of exposing the low income participants with more financial burden, there is also a question on transparency and accountability in managing the funds collected from public housing saving. Law reforms is necessary to ensure that every citizen has fair and equitable access to decent and affordable housing and to support sustainable and inclusive community development.

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