REVIEW OF THE PRINCIPLES OF SIYASAH DUSTURIYYAH REGARDING THE REGULATION OF THE IMPLEMENTATION OF THE PEOPLE'S HOUSING SAVINGS (TAPERA)

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ABSTRAK

Penelitian ini bertujuan membahas review of the principles of Siyasah Dusturiyyah regarding regulations on the implementation of the People's Housing Savings Program. Jenis penelitian ini adalah penelitian kualitatif. Desain penelitian ini adalah penelitian kepustakaan. Hasil penelitian menunjukkan bahwa dengan problematika yang terdeteksi dalam regulasi pelaksanaan Tapera mengindikasikan adanya ketidaksejalanan dengan prinsip-prinsip siyasah Dusturiyyah. Kontradiksi dengan prinsip musyawarah (syura), keadilan substantif (al-'adl), kemaslahatan umum (maslahah), serta kepatuhan terhadap hukum yang sah (tha'at li al-imam) tentunya ikut ditabrak. Hal tersebut menunjukkan bahwa tujuan Tapera tidak tercapai sebagaimana yang diharapkan.

Kata Kunci: ***: Regulasi Pelaksanaan, Tabungan Perumahan Rakyat, Siyasah Dusturiyyah***

ABSTRACT

This study aims to discuss a review of the principles of Siyasah Dusturiyyah regarding regulations on the implementation of the People's Housing Savings Program. This study is qualitative in nature. The research design is a literature study. The results show that the problems detected in the Tapera implementation regulations indicate a discrepancy with the principles of Siyasah Dusturiyyah. Contradictions with the principles of musyawarah (syura), substantive justice (al-'adl), public interest (maslahah), and obedience to valid law (tha'at li al-imam) are certainly violated. This shows that the objectives of Tapera have not been achieved as expected.

Keywords: ***Implementation Regulations, Public Housing Savings, Siyasah Dusturiyyah***

INTRODUCTION

Social justice is a fundamental principle in the life of the nation and state as mandated in Article 33 paragraph (3) and Article 34 paragraph (2) of the 1945

Constitution of the Republic of Indonesia. This principle affirms that natural resources are managed for the greatest prosperity of the people and that the state is responsible for caring for the poor and neglected children. One concrete manifestation of efforts to achieve social justice in the field of housing is the establishment of the People's Housing Savings (TAPERA) policy by the Indonesian government. This policy is regulated in Law Number 4 of 2016 concerning People's Housing Savings, which aims to provide access to decent, safe, and affordable housing for all levels of society. Through the People's Housing Savings, the government seeks to address the gap in home ownership, especially for low-income communities (MBR) who often face difficulties in obtaining decent housing.[1]

Article 28H paragraph 1 of the 1945 Constitution of the Republic of Indonesia states that every person has the right to live in physical and spiritual prosperity, to have a place to live, and to enjoy a good and healthy environment, as well as the right to obtain health services. Therefore, the government guarantees the fulfillment of the community's needs for decent and affordable housing in a healthy, safe, harmonious, and sustainable environment throughout Indonesia.[2]

As one of the basic human needs, ideally every family should own a house, especially for low-income communities and those living in densely populated urban areas. The government is responsible for providing and facilitating the acquisition of housing for the community through the implementation of housing and residential areas as well as community self-reliance. The provision and facilitation of home ownership are a functional unity in the form of spatial planning, economic life, and socio-cultural life that can ensure environmental sustainability in line with the spirit of democracy, regional autonomy, and openness in the order of social, national, and state life.[3]

Housing is one of the basic human needs. According to Law No. 1 of 2011 concerning housing and residential areas, a house is a building that functions as a livable dwelling. Owning a house is a dream for many people. However, not all members of society can enjoy and own a decent, healthy, safe, and harmonious home. Therefore, efforts to develop housing and residential areas continue to be improved to provide more housing at affordable prices.[4]

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[1] Deva Diani and others, 'Penegakan Hukum Pada Kebijakan TAPERA Untuk Mewujudkan Keadilan Sosial Di Indonesia', *Jurnal Kajian Hukum Dan Kebijakan Publik| E-ISSN: 3031-8882*, 2.2 (2025), 948–56.

[2] Rasendryo Wahyu Ramadhanianto and Lutfian Ubaidillah, 'Analisis Yuridis Besaran Simpanan Peserta Tapera Berdasarkan Peraturan Pemerintah Tentang Penyelenggaraan Tabungan Perumahan Rakyat', *ALADALAH: Jurnal Politik, Sosial, Hukum Dan Humaniora*, 3.1 (2025), 16–28.

[3] Ramadhanianto and Ubaidillah.

[4] Kharis Kevin Febrian Ratag, Marthin Luther Lambonan, and Fonnyke Pongkorung, 'TINJAUAN HUKUM PENYELENGGARAAN TABUNGAN PERUMAHAN RAKYAT (TAPERA) DALAM PERATURAN PEMERINTAH NOMOR 21 TAHUN 2024', *LEX PRIVATUM*, 15.3 (2025).

The state considers it important for all Indonesian citizens to have the right to reside as part of the welfare of the Indonesian people. This is reflected in Article 28H paragraph (1) of the 1945 Constitution of the Republic of Indonesia (UUD NKRI 1945), which guarantees that the Indonesian people have the right to welfare in their lives, such as obtaining decent housing with a good living environment.[5]

Law No. 4 of 1992 concerning Housing and Residential Areas, which was later amended to Law No. 1 of 2011. This law explains that one of the duties of the State is to play an active role in realizing fair and adequate home ownership for every Indonesian citizen.[6]

However, recently there have been several controversies regarding tapera, one of which concerns the amount of tapera participants' savings as stated in Government Regulation Number 21 of 2024 concerning Amendments to Government Regulation Number 25 of 2020 concerning the Implementation of Public Housing Savings in Article 15, which explains that the amount of participants' savings is 3% of the worker's salary or wages, with the contribution being shared between the worker (2.5%) and the employer (0.5%).[7]

The public considers the amount of the contribution deduction to be very large, which is seen as adding to the burden on workers. This is because workers already bear the burden of contributions such as BPJS Health, BPJS Employment, and daily necessities such as electricity and fuel oil (BBM). [8]

In reviewing these regulations, Siyasah Dusturiyyah is a concept that is compatible for highlighting the relationship between the government and the people, one of which is in legislation.

Siyasah Dusturiyyah, which is Islamic constitutional politics that emphasizes the importance of morality and social justice in state administration. Siyasah dusturiyyah is based on the principles of deliberation (syura), substantive justice (al-'adl), public interest (maslahah), and obedience to valid law (tha'at li al-imam). These principles form a constitutional ethic that guides the exercise of power to be transparent, accountable, and in favor of the people. Thus, siyasah dusturiyyah is not only understood as a theological idea, but also as a paradigm of government that emphasizes integrity, public accountability, and protection of citizens' rights.[9]

The novelty of this study can be seen through the literature review, namely the results of previous relevant studies. Among the studies relevant to review of the

[5] Ratag, Lambonan, and Pongkorung.
[6] Ratag, Lambonan, and Pongkorung.
[7] Ramadhanianto and Ubaidillah.
[8] Ramadhanianto and Ubaidillah.
[9] Akhmad Hafi, Noormala Santi, and Akhmad Zaki Yamani, 'Relevansi Prinsip Siyasah Dusturriyah (Politik Ketatanegaraaan Islam) Terhadap Hierarki Peraturan Perundang-Undangan Di Indonesia', *Ahsan: Jurnal Ilmiah Keislaman Dan Kemasyarakatan*, 2025, 211–20.

principles of Siyasah Dusturiyyah regarding regulations on the implementation of the People's Housing Savings Program. M. Daffa Rizky Ansor et al. highlight the implementation of the principle of proportionality and the guarantee of legal certainty in public housing savings.[10] Adelia Salsabila Putri et al. focus on highlighting salary deductions for private sector employees for the implementation of public housing savings in the Fiqh Siyasah study.[11] Meanwhile, Ade Arianto Asril et al. focus on highlighting the implementation of housing savings according to Law No. 4 of 2016 from the perspective of legal protection.[12] On the other hand, Tazkiya Amalia Nasution focuses on the legal analysis of the People's Housing Savings Law from the perspective of Good Governance.[13] Kadek Apriliani et al. focus on a legal review of Law No. 4 of 2016 concerning the People's Housing Savings (Tapera).[14] Irfan Ghifari Arfananda and Anang Dony Irawan Suhendra focused on the legal analysis of Law No. 4 of 2016 concerning the implementation of the People's Housing Savings Program.[15] Probo Pribadi S.M and Rony Andre Christian Naldo focused on highlighting the salary deductions of participants in the People's Housing Savings (Tapera) program from a legal certainty perspective.[16] Mohd Haiqal Haziq, et al. Focus on the analysis of the public policy of the People's

[10] M Daffa Rizky Ansor, Aditya Nugraha, and Fayu Karmila, 'Implementasi Asas Proporsionalitas Dan Jaminan Kepastian Hukum Dalam Tabungan Perumahan Rakyat', *Jurnal Hukum Lex Generalis*, 5.10 (2024).

[11] Adelia Salsabila, Paisol Burlian, and Muhamad Sadi Is, 'Pemotongan Gaji Pegawai Swasta Untuk Penerapan Tabungan Perumahan Rakyat: Kajian Fiqh Siyasah', *Journal of Judicial Review*, 27.1 (2025), 229–52.

[12] 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*, 7.1 (2022), 1 <https://doi.org/10.36722/jmih.v7i1.1185>.

[13] Tazkiya Amalia Nasution, 'Analisis Yuridis Undang-Undang Tabungan Perumahan Rakyat Ditinjau Dari Perspektif Good Governance', *Jurnal Lex Renaissance*, 6.4 (2021), 833–46 <https://doi.org/10.20885/jlr.vol6.iss4.art13>.

[14] Kadek Apriliani, I Gusti Ayu Sita Maharani, and Dennis Santoso Ratu, 'Tinjauan Yuridis Terhadap Undang Undang Nomor 4 Tahun 2016 Tentang Tabungan Perumahan Rakyat (Tapera)', *Jurnal Hukum Saraswati*, 6.2 (2024), 742–53.

[15] Irfan Ghifari Arfananda and Anang Dony Irawan, 'Analisis Yuridis Undang-Undang Nomor 4 Tahun 2016 Tentang Penyelenggaraan Tabungan Perumahan Rakyat', *Unizar Law Review*, 8.1 (2025), 38–50.

[16] Probo Pribadi SM and Rony Andre Christian Naldo, 'PEMOTONGAN GAJI PESERTA TABUNGAN PERUMAHAN RAKYAT (TAPERA)', *JURNAL PANAH KEADILAN*, 4.2 (2025), 1–13.

Housing Savings by the Government of the Republic of Indonesia.[17] Ahmad Kamaruddin et al. focus on the Normative and Implementative Analysis of the People's Housing Savings (TAPERA) from the perspective of Maqasid al-Syari'ah.[18] Rasendryo Wahyu Ramadhanianto and Lutfian Ubaidillah focus on the legal analysis of Tapera participants' savings based on government regulations on the implementation of the People's Housing Savings Program.[19] Muchammad Solehudin et al. focus on the legal analysis of self-employed workers in relation to the People's Housing Savings Program.[20] Yuli Sinta Nur Amalia, et al. focus on discussing the essence of determining tapera savings contributions based on Government Regulation No. 21 of 2024, an amendment to Government Regulation No. 25 of 2020.[21] Lukmansyah et al. focus on highlighting the People's Housing Savings (TAPERA) through a critical study from the context of workers.[22] Yeti Kurniati and Ihsanul Maarif focus on highlighting the normative conflict of the tapera program against workers' economic rights from the perspective of labor law and welfare law.[23] Deva Diani et al. focus on highlighting law enforcement in TAPERA policies to achieve social justice in Indonesia.[24] Kharis Kevin Febrian Ratag et al. focus on the legal review of the implementation of the People's Housing Savings (Tapera) in Government Regulation No. 21 of 2024.[25]

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[17] Mohd Haiqal Haziq and Ranti Marshanda Sintiana, 'Analisis Kebijakan Publik Tabungan Perumahan Rakyat Oleh Pemerintah Republik Indonesia', *JIMU: Jurnal Ilmiah Multidisipliner*, 4.01 (2025).

[18] Ahmad Kamaruddin, Khaerul Aqbar, and Muh Ihsan Dahri, 'Analisis Normatif Dan Implementatif Tabungan Perumahan Rakyat (TAPERA) Dalam Tinjauan Maqāṣid Al-Syarī'ah: Normative and Implementative Analysis of the Public Housing Savings Program (TAPERA) in the Light of Maqāṣid Al-Syarī 'Ah', *AL-MUNTAQA: Jurnal Studi Islam Dan Bahasa Arab*, 1.3 (2025), 835–57.

[19] Ramadhanianto and Ubaidillah.

[20] Muchammad Solehudin, Muhammad Mashuri, and Dwi Budiarti, 'Analisis Yuridis Terhadap Pekerja Mandiri Terkait Dengan Tabungan Perumahan Rakyat', *Interdisciplinary Explorations in Research Journal*, 3.2 (2025), 633–39.

[21] Yuli Sinta Nur Amalia, Gunawan Hadi Purwanto, and M Yasir, 'ESENSI PENETAPAN IURAN SIMPANAN TAPERA BERDASARKAN PERATURAN PEMERINTAH NOMOR 21 TAHUN 2024 TENTANG PERUBAHAN ATAS PERATURAN PEMERINTAH NOMOR 25 TAHUN 2020 TENTANG PENYELENGGARAAN TAPERA', *Judge: Jurnal Hukum*, 6.01 (2025), 101–8.

[22] M Asif Nur Fauzi and Yuharso Hadi, 'Tabungan Perumahan Rakyat (TAPERA) Kajian Kritis Dari Konteks Pekerja', *AL-UJRAH*, 4.01 (2025), 19–39.

[23] Yeti Kurniati and Ihsanul Maarif, 'KONFLIK NORMATIF PROGRAM TAPERA TERHADAP HAK EKONOMI PEKERJA DALAM PERSPEKTIF HUKUM KETENAGAKERJAAN DAN HUKUM KESEJAHTERAAN', *Inovasi Pembangunan: Jurnal Kelitbangan*, 13.2 (2025).

[24] Diani and others.

[25] Ratag, Lambonan, and Pongkorung.

The fundamental difference from previous studies is that this study specifically focuses on highlighting to review of the principles of Siyasah Dusturiyyah regarding regulations on the implementation of the People's Housing Savings Program. Therefore, based on this new perspective, the results of this study can contribute to the discussion on the regulation of the implementation of the People's Housing Savings (TAPERA) based on based on the principles of Siyasah Dusturiyyah.

RESEARCH METHOD

This research is qualitative research. The research design is literature research. This research focuses on review of the principles of Siyasah Dusturiyyah regarding regulations on the implementation of the People's Housing Savings Program.

RESEARCH RESULTS AND DISCUSSION

Review of the Principles of Siyasah Dusturiyyah Regarding Regulations on the Implementation of the People's Housing Savings Program (TAPERA)

Tapera itself is managed by the Tapera Management Agency (BP Tapera), a legal entity specifically established to manage Tapera, which is based in the capital city. BP Tapera receives its initial capital from the state budget and is considered separate state property. Currently, Tapera is in the public spotlight, especially among employees. The government issued Government Regulation No. 21 of 2024 concerning Amendments to Government Regulation No. 25 of 2020 concerning the Implementation of Public Housing Savings, which in Article 15 of the Government Regulation states that the amount of participants' savings is 3% of the worker's salary or wage and that the contribution will be borne jointly by the worker at 2.5% and 0.5% by the employer. The explanation is that the deduction from employees' salaries for Tapera contributions is 3%, with 2.5% borne by the employee and 0.5% borne by the company, while for self-employed workers, the 3% Tapera contribution must be borne by themselves. [26]

For example, if the average salary of workers in Indonesia is around IDR 3,000,000 per month, then if 3% of the total salary is deducted for Tapera contributions, it will amount to IDR 90,000 per month and IDR 1,080,000 per year. If, over the next 10 to 20 years, the total contribution of these workers is between IDR

[26] Ramadhanianto and Ubaidillah.

10,800,000 and IDR 21,600,000, with such a small amount, will there be houses at such low prices in the next 10 to 20 years? Of course, it will not be enough to buy a house, so there needs to be a review of the Tapera contribution.[27]

On the other hand, the government also requires employers to register their employees as Tapera participants. Employers who do not register their employees as Tapera participants and do not pay participant savings and collect participant savings will be subject to administrative sanctions.[28]

The government's Tapera policy, although well-intentioned, was not carefully considered from the perspective of low-income workers and is not in line with the principle of benefit. Tapera does not provide the same benefits to all participants; it can only be used to finance the purchase of a first home, the construction of a first home, or the renovation of a first home. Tapera financing requirements are limited to low-income groups or those with a maximum salary of IDR 8 million per month who do not yet own a home. There is uncertainty regarding the actual benefits that participants will receive, especially if they do not meet the requirements to obtain a home. Concerns about fund returns and development results are also a concern for participants. [29]

The 3% contribution is a significant additional burden, and the promised benefits remain questionable. Given the poor management of public funds in the past, there are further doubts about the effectiveness of this policy.[30]

The obligation to involve entrepreneurs in the housing savings program (Tapera) raises questions about public interest and legal fairness. The main issue is the incompatibility between the fixed Tapera contribution of 3% and the economic insecurity experienced by many entrepreneurs.[31]

[27] Ramadhanianto and Ubaidillah.
[28] Ramadhanianto and Ubaidillah.
[29] Ramadhanianto and Ubaidillah.
[30] Ramadhanianto and Ubaidillah.
[31] Solehudin, Mashuri, and Budiarti.

The deduction of private sector employees' salaries for the implementation of the People's Housing Savings (Tapera) in Government Regulation No. 21 of 2024, which stipulates that all employees, from civil servants (PNS) to self-employed workers, are required to pay 2.5% of their basic salary for the implementation of this regulation. This applies to all members of the public without exception, which makes the public feel burdened by this. The purpose of the establishment of PP No. 21 of 2024 concerning the People's Housing Savings is to provide decent housing for the community so that people's lives will be better. With this program, it is hoped that the community will have a good quality of life. However, the community feels that there is an additional burden because the costs for Tapera must be deducted directly from their salaries. This causes the community to be far from prosperous due to the implementation of this regulation.[32]

The Tapera program is not in accordance with the principle of proportionality, because Tapera participants with middle to high incomes do not receive any benefits other than savings and interest that can be withdrawn when their membership ends, which is not in accordance with their contributions, and participants with low incomes feel that the 2.5% contribution is burdensome because they have other income burdens. Article 39 letter d of the Tapera Law seems to obscure the responsibility of BP Tapera to be held accountable in court for the negligence of third parties appointed by BP Tapera.[33]

The People's Housing Savings Program (Tapera) is a government policy that aims to expand access to decent housing for all Indonesian citizens. One of its main provisions is a mandatory contribution of 3% of income, which applies not only to formal workers but also to self-employed workers. However, the implementation of this policy has drawn criticism, mainly because it is considered

[32] Salsabila, Burlian, and Is.
[33] Ansor, Nugraha, and Karmila.

unfair and ineffective, especially for self-employed workers who generally have irregular incomes and are in vulnerable economic conditions.[34]

Problems include heavy contribution burdens, weak accountability, minimal protection for vulnerable groups, low public participation, unequal access, bureaucratic procedures, and untimely policy implementation.[35]

It is understandable that the problems with the Tapera program demonstrate weak legal protection, because on the one hand, the program violates one of the sources of all law, namely one of the principles of Pancasila, namely social justice for all Indonesian people. The problems detected in the Tapera implementation regulations indicate a discrepancy with the principles of siyasah Dusturiyyah. Contradiction with the principle of musyawarah (syura), Syura also allows the community to participate in the decision-making process, so that the resulting policies are more inclusive and representative. Effective implementation of this principle can address contemporary challenges in governance and promote more sustainable and socially just policies.[36] The principles of substantive justice (al-'adl), public interest (maslahah), and obedience to legitimate law (tha'at li al-imam) were certainly violated.

Constitutional politics, namely Islamic state politics that emphasizes the importance of morality and social justice in state administration. Siyasah dusturiyyah is based on the principles of deliberation (syura), substantive justice (al-'adl), public interest (maslahah), and obedience to valid law (tha'at li al-imam). These principles form a constitutional ethic that guides the exercise of power to be transparent, accountable, and in favor of the people. Thus, siyasah dusturiyyah is not only understood as a theological idea, but also as a paradigm of government that emphasizes integrity, public accountability, and protection of citizens' rights.[37]

CONCLUSION

Based on the results and discussions described above, it can be concluded that the problems detected in the Tapera implementation regulations indicate a

[34] Solehudin, Mashuri, and Budiarti.

[35] Kamaruddin, Aqbar, and Dahri.

[36] Sumardi Efendi, 'Prinsip Syura Dalam Pembentukan Kebijakan Publik Menurut Hukum Islam', *CONSTITUO: Journal of State and Political*, 3.1 (2024), 69–78.

[37] Hafi, Santi, and Yamani.

discrepancy with the Principles of siyasah Dusturiyyah. Contradictions with the principles of musyawarah (syura), substantive justice (al-'adl), public interest (maslahah), and obedience to valid law (tha'at li al-imam) are certainly violated.

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