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HOUSING REGULATIONS FOR LOW-INCOME PEOPLE IN INDONESIA Erni HERAWATI¹, Suparjo SUPARJO², Ratih LESTARII³

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Abstract:

Indonesia had 11 million home backlogs in 2020, and 93% of this number are low-income and poor people. South Tangerang is one of the cities in Indonesia where private developers build 80% of the area, 50% of which is developed by three major companies. The existence of large-scale housing they have built has caused local people to move to the periphery of the housing or to places on the outskirts of the city. This paper analyzes how the regulations give companies the authority to control large land areas and how their impact low-income people. By using the socio-legal method, this study aims to reveal the implication of law in society. The results showed that large-scale housing did not fulfill the housing needs of low-income people in South Tangerang City. Regulations in the housing sector have yet to have any implications for fulfilling housing needs for low-income people. There are only a few houses that the local people can afford.



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INTRODUCTION

Indonesia had a high backlog of houses in 2020, it recorded 11 million home backlogs, and 93% of this number are low-income and poor people (Kementerian PUPR, 2022). This number is almost unchanged compared to the housing backlog in 2015 of 11.4 million households (Kementerian PUPR, 2016). To provide housing, especially for low-income people, President Joko Widodo established the one million houses program as one of the programs on his priority agenda (Nawa Cita), as outlined in the Medium-Term National Development Plan 2015-2019. It continued with the Economic Policy Package XIII by providing the ease of housing construction permits for low-income people. One of the subjects that can carry out housing development for the community is real estate development companies. South Tangerang City is one of the cities that has special conditions because most of its area was built by real estate development companies.

South Tangerang is located west part of Jakarta, the capital city of Indonesia. This city was previously part of Tangerang Regency and is newly formed based on Law No. 51/2008 concerning the Establishment of South Tangerang City in Banten Province. The expansion of South Tangerang City from Tangerang Regency is motivated by its history, formerly known as the Cipasera area (Ciputat, Cisauk, Pamulang, Serpong, and Pondok Aren). This area socially, culturally, and religiously have its characteristics and is a mixture of Betawi, Sundanese, and Settler communities (ANRI, 2013). When South Tangerang city was established, several areas of the city were already owned by private developers who had controlled the land on a large scale. Both small and large-scale developers have developed around 80% of the city (Administrator, 2011). Y.R., an official at the South Tangerang City Housing and Settlement Service, said three significant companies are developing large-scale housing, including PT Bumi Serpong Damai Tbk (Sinar Mas Land)

developing the BSD City, the Alam Sutera area built by P.T. Alam Sutera Realty Tbk, and the Bintaro area by PT. Jaya Real Properti Tbk. These developers are developing residential and settlement areas with a self-sufficient city concept (PT. Alam Sutera Realty Tbk, 2018; PT. Jaya Real Property Tbk, 2017; Sinar Mas Land, 2016; Sorento et al., 2020).

According to The Regional Development Planning Agency (Bappeda) of South Tangerang City, these major private developers control 50% of the area of South Tangerang, which is 7,326 hectares of the total 14,700 area of South Tangerang (Kompas.com, 2013). Medium and small developers develop the remaining 30% of the city. Based on data processing from the database of the Department of Housing, Settlement, and Land (Perkimta) of South Tangerang City (Dinas Perkimta, 2020), there are 165,392 houses that developers built in 2020, both individual and private companies, as well as government agencies. Unfortunately, from the housing development that has been carried out by the developer, contradicting facts show that the people's unmet housing needs still need to be lowered. The Ministry of Public Works and Public Housing (PUPR) of the Republic of Indonesia recorded an 11 million homes nationwide backlog. Of this number, 93% of the homeownership backlog is mostly informal Low-Income People (MBR) (Kementerian PUPR, 2022). Meanwhile, the South Tangerang City Regional Government Work Plan (RKPD) for 2022 recorded that the housing backlog in South Tangerang City reached 114,587 housing units, the most significant number in Pondok Aren District, with 35,052 housing needs (Badan Perencana Pembangunan Daerah, 2022). The area where P.T. Jaya Real Property built the Bintaro Jaya housing is located.

One of the causes of difficulty in building housing for the community is the high price of land. However, both high land and house prices can be factors that influence each other. Land prices significantly affect house prices; on the other hand, house prices also influence land prices (Wu & ZHENG, 2011). Developers are concerned that the high price of land will affect the selling price of houses, yet the developer's decision strongly influences the increase in land prices (Murdaningsih, 2017). The development carried out by large developers in South Tangerang is one of the factors for the increase in land prices. In 2015, South Tangerang was one of the cities that showed a significant trend of increasing land prices, with an average of 20.47% from 2010 – 2014 (Elmanisa et al., 2016). YR stated that large-scale housing development has brought new residents into South Tangerang City and has shifted the settlements of local people towards the outskirts of large-scale housing an impact. Meanwhile, low-income people who need houses primarily reside in local community settlements around large-scale housing. Therefore, this paper focuses on Indonesian regulations regarding the existence of large-scale housing concerning the fulfillment of the housing need of low-income people and also tries to describe how low-income people in South Tangerang struggle to meet their housing needs.

METHODS

This study is non-doctrinal research that used a socio-legal research method. The primary data were from observations and interviews. Observations were made to select, record, and understand behaviors and phenomena (Singleton et al., 1988) and then provide them in systematic analysis, primarily to obtain an overview of the situation in large-scale housing and local settlements. Interviews were conducted with four types of informants. The first informants were the South Tangerang Housing and Settlement Service and the Local Revenue Office officers. The second informant was a real estate agent, the owner of a real estate agency company in South Tangerang. The third informants were Betawi community leaders who understand the culture and thoughts of the Betawi people, especially the local community in South Tangerang. The last informants were

from the local community who lives in some local settlements in South Tangerang, where low-income people live. This research chose some local people to describe how the local community met their housing needs. They were selected based on the criteria as residents of South Tangerang who have been domiciled in the city and understand the history of large-scale housing development in their area since birth. In addition, the informants must live in local settlements and locate near large-scale housing. This research took these data to give understanding according to the required social context (Neuman, 2014) and significantly strengthen information about the affordability of the local community to buy a small house in Large-Scale Housing. The four types of informants were selected based on purposive sampling following the problems and objectives raised in this empirical research. As legal research, this paper provides an analysis of the regulations of housing needs for low-income people.

RESULT AND DISCUSSION

Housing Regulations for Low-Income People The 1945 Republic Indonesian Constitution stipulates, "Every person shall have the right to live in physical and spiritual prosperity, to have a home and to enjoy a good and healthy environment and shall have the right to obtain medical care." The provisions regarding the fulfillment of housing needs are then elaborated in Law no. 1 of 2011 concerning Housing and Settlement Areas (Law No. 1/2011). The general explanation emphasizes the state's obligations in housing and settlement affairs that the state has the responsibility to protect its citizens through the provision of housing availability so that they can own and live in decent and affordable housing that is healthy, safe, harmonious, and sustainable. Law No. 1/2011 stipulates that houses provided for low-income people are categorized as public housing, single houses, or modest row houses. Government Regulation No. 64/2016 low-income people are defined as people with limited purchasing power and need government support to get a house. This regulation stated that to achieve the program's targets, there would be a simplification, reduced licensing fees, and community accessibility to get houses.

Law No. 1/2011 has been an amendment in Law no. 11/2020 concerning that the private sector can provide housing, but they are obliged to build a balanced housing concept. This regulation is expected to create an inclusive city by providing affordable housing for every class of society (Zahrah & Gamal, 2018). Regulation of Ministry Public Works and Public Housing No. 10/2012 stated that balanced housing is housing and residential areas built in a balanced way with a specific composition in the form of individual and row houses between small, medium, and luxury houses, or in the form of flats between public and commercial. Balanced housing has been regulated since 1992 with a ratio of 6:3:1 (Probondaru, 2018). It has been changed to a ratio of 3:2:1, that is, three modest houses compared to two medium-sized houses and one luxury house. Government Regulation No. 12/2021, article 21 E stipulates that a luxury house is a house with a selling price above 15 times the price of a public house set by the Central Government, a medium-sized house is a house with a selling price of at least three times to 15 times the price of a public house set by the Central Government.

Meanwhile, a tiny house is only mentioned as a house with a total floor area and selling price following the provisions of the legislation. This house usually has an area of 27 or 36 square meters. The developer must build balanced housing in one expanse. In Article 36 of Law no. 11/2020, these obligations can be converted into 1) public flats located in the same area or 2) public housing development fund, which the Agency carries out for the Acceleration of Housing Implementation.

Even though there are provisions regarding balanced housing obligations, developers still need to comply with them fully. For example, the balanced housing policy in the Philippines needs help monitoring developer compliance (DARIO G. PAMPANGA et al., 2014). Likewise, until 2013

in Indonesia, there were only a few developers who complied with the obligations, namely Telaga Kahuripan Housing (Bogor Regency) covering an area of 750 Hectares, Bukit Semarang Baru Housing in Semarang Regency covering an area of 1,250 Hectares, Bukit Baruga Housing in Makassar City covering an area of 1,000 Hectares, Driyorejo Housing in Gresik district covering an area of 1,000 Hectares, and Kurnia Jaya Housing in Batam city covering an area of 100 Hectares (Mungkasa, 2013).

Large-Scale Housing and Its Relation to High Prices House Large-scale housing development by large companies in south Tangerang started when the city still needed to be established. The existence of large-scale housing began with the Government's policy to support investment in Indonesia. From the 1980s until the early 1990s, privatization and liberalization were the central policies in the land sector, leading to land commercialization (Ismail, 2012). The Government released the October Package in 1993 to facilitate investment. Through this package, foreign investment and project approval procedures have been simplified and decentralized to the district level (Saidi, 1998). To follow up on the deregulation of the October 1993 Package, the Minister of State for Agrarian Affairs/Head of the National Land Agency issued Regulation No. 2/1993, which regulates Location Permits for companies that will use the land for housing investment. Applications for land with the right to construct buildings are set at a maximum of 5 hectares. However, the possibility is still given to obtain land exceeding this provision by applying it to the minister. In 1999, the regulation of Location Permit was amended, that housing and settlement development companies were limited to acquiring land up to 400 hectares in one province and 4,000 hectares throughout Indonesia. However, this provision excluded public companies so that some developers could control more than 4,000 hectares of land in only one province. Until 2020 the regulation regarding location permits has been amended four times, and the provisions concerning land control have stayed the same.

In South Tangerang City, several companies own more than 400 hectares of land in one expanse. PT Bumi Serpong Damai Tbk has controlled about 5,950 hectares for the development of Bumi Serpong Damai City (BSD City) only in Banten Province (Sinarmas Land, 2019), and since 2011 has owned 10,000 hectares throughout Indonesia (Sinar Mas Land, 2020). The Alam Sutera area only occupies an area of 800 hectares in South Tangerang City; in other areas, the company developed the 2,600-hectare township of Suvarna Sutera (PT. Alam Sutera Realty Tbk, 2018). Meanwhile, Bintaro Jaya has built a housing area of 1,173 hectares (PT. Jaya Real Property Tbk, 2017). Elmanisa et al. analyzed that land control by developers is the cause of the increase in property prices to the saturation point because of their power in determining prices (Elmanisa et al., 2016). It is feared that it will lead to the speculative behavior of developers. They will raise the price of land to attract buyers that the property to be purchased will bring investment benefits as it has the prospect that prices will continue to rise.

The sales value of land tax objects (NJOP) data from the Regional Revenue Office of South Tangerang City shows that the land value in large-scale housing is higher than in other areas. There are three zones in the highest NJOP class located in the North Serpong District, where the Alam Sutera large-scale housing is located, with the value of Rp. 7,455,000 - another three highest NJOP classes are Rp. 6.805.000, - Rp. 6,195,000, - and Rp. 5,625,000 - located in Pondok Aren, Serpong, and North Serpong Districts (Badan Pendapatan Daerah Kota Tangerang Selatan, 2020). According to the South Tangerang City Regional Tax Office appraiser, NJOP always stated a land value below the market price. Market price data confirm that the highest land market price in each sub-district located in housing built by developers, specifically in Serpong, North Serpong, and Pondok Aren

sub-districts, the highest land price recorded is on a large-scale housing location with a value of Rp. Rp. 10,000,000, - per meter squares (Bapenda Kota Tangerang selatan, 2018). According to G.S. (Principal of Real Estate Agency Company in South Tangerang), the price of a small house in a large-scale housing estate can reach 1.5 billion rupiahs. At the same time, in the suburbs, it is around 300 to 400 million rupiahs.

The high price of houses in Large-Scale Housing, of course, will only be able to be purchased by the upper class. The 50% occupation of South Tangerang by large-scale housing will bring the upper class to inhabit half the area of the city. For low-income people, the Government provides financial assistance for developers who build houses for them, but it requires that the houses constructed be public. While the obligation to provide balanced housing only determines providing tiny houses. Therefore, a small house differs from a public one and does not always refer to low-income people.

According to the Decree of the Minister of Public Works and Public Housing No. 587/KPTS/M/2019, The City of South Tangerang is in zone II, which determines the conditions for MBR to be able to get a landed house with facilities provided by the Government, the maximum income per month is Rp. 6,000,000, - and the maximum house price for 2020 is Rp. 168,000,000. However, the fact is that there are no houses with such prices in South Tangerang. YR explained it made the City government's policy regarding housing and settlements for low-income people is intended for something other than new housing development because the high price of land causes a high-cost house, and the Government's subsidy scheme needs to meet the requirements. YR added that with a price above 1 billion rupiahs for a small house, it is impossible to have a house that meets the requirements to get a government subsidy. To anticipate the problem of high land prices, the City Government can only reserve land for future house development plans if the purpose of land use has been determined. This is because the Government's financial system only allows for budget allocations with a particular need to purchase a plot of land. Eventually, housing and settlement policies for low-income people in South Tangerang are more directed toward home renovation programs for poor houses owned by low-income people in local settlement areas. In addition, the City Government's policy to provide housing for low-income people is also directed at the construction of public flats, which are currently just starting to be built with an integrated system with commuter lines, namely transit-oriented development (TOD).

The land acquisition policy for housing indicates that the Government's policy is to give more privilege to investors by providing access to land use without maximum restrictions, as Mohamad et. All stated that housing affordability for low-income people depends on the developmental goal of the state (Mohamad et al., 2021). This is because the problem of housing affordability for the community does not only include housing problems but also involves sustainable economic, social and environmental dimensions. Affordable housing will give dignity to the community and provide a safe, healthy, ecological and resilient place to live (Golubchikov & Badyina, 2012). The Government can provide regulations to prevent investors from setting high land prices that will have an impact on house prices, as has been done by the Hong Kong government in controlling the distribution of land for housing (Li et al., 2016). Likewise, the Cambodian Government is concerned with human rights in the land sector by protecting vulnerable or marginalized people (Cismas & Paramita, 2016). If it is analyzed in the context of justice, Fernandez et al. stated that large-scale land control by investors has resulted in socioeconomic inequality, which, if it is linked to the difference principle in Rawls's theory, means that institutions, in this case, the state, have a strong bargaining position to concern for the people interests (Montilla Fernández & Schwarze, 2013).

The Ability of Low-Income People to Meet Housing Needs Historically, the residents of South Tangerang consist of the Betawi, Sundanese and Chinese (Erwantoro, 2014). The determination of South Tangerang as a residential area has made big developers come and build large-scale housing. The arrival of people who come and live in large-scale housing has brought residents from outside to the city of South Tangerang (ANRI, 2013). Kd (a member of the Betawi community in South Tangerang) stated that in Ciater (part of Serpong Regency), where he lived, the Betawi people used to be the majority. However, currently, there are 30% left, and the rest are settlers. Kd said that the growth of South Tangerang City has resulted in the transfer of land belonging from residents to individuals or companies, both prominent and non-large, who are looking for land for housing development.

Based on the location permit regulations, it is determined that large-scale housing developers who already have government permits are entitled to acquire land in a predetermined location. With this permit, they bought land owned by local people directly. YAS (informant, a member of Betawi Cultural Organization) said that the Betawi people, who used to be the majority community, were known as people who owned extensive lands. They have released much of their land to the outsider and large-scale housing developers. Meanwhile, The Betawi people are very attached to where they live. For the Betawi suburban community, such as South Tangerang, their livelihood comes from selling crops on their farms. However, many Betawi people lost their land, shelter, and livelihood by transferring their land ownership rights to housing companies. They live in the narrow land they have left as a place to live and where many low-income people live. It shows that the existence of large-scale housing has an impact on the local community. This phenomenon has also occurred in Kota Harapan Indah in Bekasi City, where the acquisition of land owned by local communities has, directly and indirectly, forced the community to give space for housing development and made them leave their hometown (Pratomo et al., 2021). Based on the observations in South Tangerang, the large-scale housing has built a wall fence that surrounds the housing they built. This wall fence then forms the enclaves and localizes local settlements, and obviously, it divides the location between large-scale housing and local settlements.

From the problems concerning local communities and housing backlog, there were questions addressed to low-income people on how they have tried to meet their housing needs. So, we have interviewed several local people to gather information on two things: 1) Are there any local people who have bought tiny houses in large-scale housing? Accompanied by reasons for the answer (Q1); and 2) How do local people meet their housing needs, especially for adults who need housing? (Q2). Interviews were conducted in selected locations, including Setu Village, Cilenggang, and Rawa Mekar Jaya. One location is in Kampung Dadap, a local settlement in the middle of a housing site built by a large-scale developer. The results show in the following table.

Table 1. The Ability of Local People to Buy a Small House in Large-Scale Housing and How to Meet their Housing Needs

| Informants | Location | Answer Q 1 | Answer Q 2 |
|------------|--|---------------------------|---|
| Inf. 1 Rj | Kampung Setu (Kelurahan Setu) | No one, not affordable | Buy a small piece of land in the local settlement area and build their own house. Instead of buying a tiny house from developers Living with parents in the Family House |
| | | | - Living in a small-rented row house |
| Inf. 2 Fz | Babakan Semapal (Kelurahan Cilenggang) | No one, not affordable | Living with parents in the Family HouseLiving in a small-rented row house |



| | | | - | Looking for an affordable house outside the city |
|------------|---|---------------------------|---|---|
| Inf. 3 Wt | Rawa Mekar Jaya (Kelurahan Rawa Mekar Jaya) | No one, not affordable | | Living with parents in the Family House Living in a small-rented row house |
| Inf. 4 Mdr | Kampung Dadap, (Kelurahan Rawa Buntu) | No one, not affordable | | Living with parents in the Family House Living in a small-rented row house |

Source: Primary data (interview), 2021-2022

The table shows that all informants stated that to meet the housing needs, the community did not choose to buy a small house in Large-Scale Housing because of the high price and unaffordable. According to the informants, most people who need houses prefer to live in a small rented row house or have to live with their parents in the family home. A small rented row house (commonly known as "Rumah petak") is two or more small houses in a row. Every housing unit usually has three separate rooms: living room, bedroom, kitchenette and bathroom, and it is usually a low-cost rented house. Furthermore, Rj from Setu Village explained that since 2003 there had been no more government-subsidized houses in South Tangerang. Those still have large land areas usually build small-rented row houses to rent out to migrants who work in large-scale housing near their settlement. When the son or daughter of the owner of a tiny rental house is married and cannot afford to buy a house, the parents will usually give their son or daughter one of the housing units. Meanwhile, those who intend to own their own house will choose to buy a small house outside the city, which is cheaper.

To broaden the information above, some questions were asked to local people who live in local settlements surrounding the large-scale housing by asking their opinion about the affordability of owning a small house in Large-Scale Housing. The questions are: 1) What is their opinion about the price of a small house in Large-Scale Housing? (Q3); 2) Can they afford to buy a small house in Large-Scale Housing? (Q4); 3) if they get a subsidy from the Government, can they afford to buy a small house in Large-Scale Housing? (Q5). This study obtained 34 answers from local people, and for Q3, all of them stated that a small house in large-scale housing was expensive and, therefore, they did not intend to buy the house. The answers for Q4 and Q5 are summarized in the following table:

Table 2. Local People's Opinion on The Affordability to buy a House in Large-Scale Housing (Q4 and Q5)

| | ··· 2 -/ | | | | | | |
|---|----------------------|--------|--------------------------------|---|------|--|--|
| | Answer | | o buy a house in le Housing | The affordability of buying a small house in large-scale housing with subsidies | | | |
| | | Amount | (%) | Amount | (%) | | |
| 1 | Very affordable | 0 | 0 | 0 | 0 | | |
| 2 | Affordable | 5 | 14.7 | 8 | 23.5 | | |
| 3 | Affordable but hard | | | | | | |
| | to buy | 11 | 32.4 | 11 | 32.4 | | |
| 4 | Cannot afford to buy | 17 | 50 | 14 | 41.2 | | |
| 5 | Unable to buy | 1 | 2.9 | 1 | 2.9 | | |
| | Total | 34 | 100 | 34 | 100 | | |

Source: Primary data (interview), 2021-2022

The table above shows that none of them stated that the price of tiny houses in large-scale housing was very affordable, even though they received subsidies from the Government. Those who claim that they can afford it even though it is hard to buy and those who admit that they could not buy it remain the same in number even though they receive subsidies from the Government. The number of informants who can afford to buy will increase if they receive government subsidies, and those who cannot afford it will decrease if they receive subsidies from the Government. However, the answers above show that even though the Government provides housing subsidies for them, the amount still needs to significantly change their opinion about being able to afford a small house in large-scale housing. This information shows that some of South Tangerang's local people need a house, but unfortunately, they cannot afford it because of the high price of the house. However, their optimism about owning a house will increase slightly if they get subsidies from the Government. It means that there needs to be more than government subsidies.

CONCLUSION

Land and housing regulations for large-scale housing development in Indonesia are not in favor of low-income people. In South Tangerang City, where most of the area is the settlements built by developers, most of which are controlled by three large companies that control 50% of the location of the existing settlements. These companies build large-scale housing and dominate the area of the city. The control of the large land area by these major developers in South Tangerang is highly supported by land occupation regulations that do not limit the land area to be controlled by public companies. However, more than this, housing is needed to solve the housing backlog problem for low-income people. High land prices cause the inability to implement government subsidies to provide low-cost and affordable housing for low-income people. The balanced housing program has yet to be fully implemented, especially for the benefit of low-income communities. The developers of large-scale housing did not comply with balanced housing regulations, and with the high housing prices, developers have promoted their housing only for the upper class. Local communities and low-income people still struggle to meet their housing needs in a high-price situation. The South Tangerang City Government can only carry out the house renovation program for low-income people, which is carried out in local settlements where low-income people live. Those previously displaced by large-scale housing developments have to live with their parents in family houses or move to remote locations to find affordable housing. Flats, as an alternative to implementing balanced housing development by large-scale housing, still need challenges in their implementation because the policy has just been enacted.

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