



Study of Housing and Residential Area Implementation in West Kutai Regency

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Abstract

The government has a very important role in providing and giving housing and residential area facilities and assistance to the community through the implementation of housing and residential areas. The state is responsible for protecting all Indonesian people through the implementation of housing and residential areas so that people can live and occupy decent and affordable houses in healthy, safe, harmonious, and sustainable housing throughout Indonesia. In its implementation, several problems/factors caused the implementation of housing and residential areas to not run as expected. The purpose of this study is to examine the problems and efforts that have been made by the West Kutai Regency Government in the field of Housing and Residential Area Implementation. The study used legal research methods, namely by conducting Normative Juridical and Empirical Juridical legal research. The results of the study indicate that the problems of organizing housing and residential areas in West Kutai Regency are: (a) there is no Regional Regulation governing the Organization of Housing and Residential Areas; (b) the limited authority of the Housing, Residential Areas, and Land Service in organizing housing and residential areas in handling very complex settlements such as the fulfillment of basic clean water, sanitation infrastructure, and electricity networks; (c) the vast area of West Kutai Regency and the spread of residential areas resulting in a wide service coverage area, but few beneficiaries, this causes the cost value to increase but the beneficiaries do not match the value spent; (d) There are no regulations related to the West Kutai Regency Settlement Area Plan and related documents are still in process; and (e) There are no regulations regarding the development of residential housing in river/lake banks and building requirements that must have sanitation; Efforts made by the West Kutai Regency Government in the Implementation of Housing and Settlement Areas, namely: (a) providing assistance for the rehabilitation of residential housing with



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funds originating from the APBN, APBD, Province and APBD; (b) it is necessary to stipulate Regional Regulations on the Implementation of Housing and Settlement Areas to be a guideline for the regional government in carrying out government affairs in the field of housing and settlement areas; (c) facilitating, providing assistance and convenience to the community in providing housing along with supporting facilities and infrastructure, and (d) empowering the community in preventing the growth and development of slums is carried out through assistance and information services.

Keywords:

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1. INTRODUCTION

Based on Article 1 paragraph (3) of the 1945 Constitution of the Republic of Indonesia, it is stated that the State of Indonesia is a state of law so that law should be understood and developed as a unified system. In law as a unified system, there are several elements, namely institutional elements, instrumental elements, and subjective and cultural elements. The three elements of the legal system include law-making, law administering, and law adjudicating activities.

Based on the idea of a state of law (constitutionalism), the state needs to intervene as a state obligation to guarantee the right of every person to receive justice. Based on Article 28H paragraph (1) of the 1945 Constitution, it is stated that everyone has the right to live in physical and spiritual prosperity, to have a place to live, and to have a good and healthy living environment and the right to receive health services. These provisions have a very strategic role in the formation of the character and personality of the nation as one of the efforts to build a complete Indonesian person, with identity, independence, and productivity.

The right to reside is a human right, so it gives rise to responsibilities to the state for at least 3 things, namely: respecting, protecting, and fulfilling it. Furthermore, as a form of implementing this responsibility, the Government issued Law Number 4 of 1992 concerning Housing and Settlements, which was then revoked in 2011 and declared invalid with the enactment of Law Number 1 of 2011 concerning Housing and Settlements.

Regarding the right to reside, citizens, the state is responsible for protecting all Indonesian people through the provision of housing and residential areas so that people can reside and inhabit decent and affordable homes in healthy, safe, harmonious, and sustainable housing throughout Indonesia.

Currently, the community's need for housing and housing in various regions including in West Kutai Regency is very high, because housing is a primary need that cannot be negotiated. This primary need has created a new area for developers to create affordable and cheap housing. This is also a government program to provide decent housing for the

community as referred to in the Consideration of Law Number 1 of 2011 concerning Housing and Residential Areas.

The presence and existence of housing, especially in West Kutai Regency, need to pay attention to the aspect of feasibility itself and especially compliance with the rules outlined by the Law concerning Housing and Residential Areas.

Housing is a group of houses that function as a residential environment or residential environment equipped with infrastructure, facilities, and utilities. Settlements are part of a residential environment consisting of more than one housing unit that has infrastructure, facilities, and public utilities, and has supporting activities for other functions in urban or rural areas. Residential areas are part of the environment outside protected areas, both in the form of urban and rural areas, which function as residential environments or residential environments and places of activities that support life and livelihood.

Along with population growth and development in various sectors that have occurred in West Kutai Regency, many housing and settlements have been established to meet the needs of community housing. The very rapid growth of settlements has resulted in the emergence of housing and settlement spatial planning problems, so they need to be arranged.

Based on the provisions of Article 12 paragraph (1) of Law Number 23 of 2014 concerning Regional Government as amended several times, most recently by Law Number 9 of 2015, one of the concurrent government affairs that is mandatory and related to basic services is the issue of public housing and settlement areas which includes several sub-affairs, namely: housing, settlement areas, housing and slum areas, infrastructure, facilities, and public utilities, as well as certification, qualification, classification, and Registration of the Housing and Settlement Area Sector.

The purpose of this study is to examine the problems and efforts that have been made by the West Kutai Regency Government in the field of Housing and Settlement Area Implementation.

2. THEORETICAL STUDY

2.1. Definition of Housing

According to Article 1 number 1 of Law Number 1 of 2011 concerning Housing and Residential Areas, what is meant by housing is a collection of houses as part of a settlement, both urban and rural, which is equipped with infrastructure, facilities, and public utilities as a result of efforts to fulfill habitable houses.

According to Hendrawan (2004) several concepts about houses: (1) houses as an embodiment of identity, houses as a symbol and reflection of the values of the personal tastes of its occupants; (2) houses as a place of intimacy, a sense of belonging, a sense of togetherness, warmth, love and a sense of security; (3) houses as a place to be alone and isolated. A place to escape from the outside world, from pressure and tension, from the routine world; (4) houses as roots and continuity; houses are a place to return to the roots and foster a sense of continuity in the series of processes to the future; (5) houses as a place for daily main activities; (6) houses as a center of social networks; and (7) houses as physical structures.

The housing problem in Indonesia is rooted in the shift in population concentration from rural to urban areas. The growth of urban populations in Indonesia is quite high, around

4% per year, higher than national growth, and tends to continue to increase. This shows a high tendency for cities to grow in Indonesia. Unfortunately, there is a mismatch between the level of ability and the need for human resources for employment in urban areas, resulting in the emergence of a social class with a very low economic level. Their homes and residences are nothing more than a place to survive amid city life. The quality of their settlements is considered low and does not meet a decent standard of living (Widyaningsih, 2006).

Various housing procurement programs have been carried out by the Government and the private sector (real estate). However, what has been done is not sufficient, both in terms of quality and quantity. In terms of quantity, it turns out that the Government and the private sector are only able to provide approximately 10% of housing needs, while the rest is built by the community itself. In terms of quality, many parties argue that the existing programs have not holistically touched on the social dimension of society, so improvements still need to be made.

Imbalance of supply and demand. The greatest need comes from the lower middle class, while there is a tendency for developers - especially private ones - to build for the upper middle class which does promise greater profits. Sustainability of houses and housing.

2.2. Definition of Settlement

According to Article 1 number (5) of Law Number 1 of 2011 concerning Housing and Residential Areas, what is meant by settlements is part of a residential environment consisting of more than one housing unit that has infrastructure, facilities, public utilities, and has supporting activities for other functions in urban or rural areas.

Article 1 number (3) of Law Number 1 of 2011 concerning Housing and Residential Areas, states that settlement areas are part of the living environment outside protected areas, either in the form of urban or rural areas, which function as a residential environment or residential environment and a place for activities that support life and livelihood.

A house cannot be viewed separately, because it is related to and must care about its social environment, so housing is an inseparable part of the social system of its environment. Housing planning must be viewed as a unit that is one with the surrounding environment, so there must be social spaces (shared spaces) for the community to interact with each other. Housing units are the organization of the need for privacy and the need for social interaction (Zulfie Syarief, 2000).

Housing planning must use an ecological approach, houses are seen as an inseparable part of the ecosystem. An uncontrolled housing development that does not pay attention to the environment is a problem that must be solved with an environmentally friendly technological approach.

Some criteria for decent settlements or residential areas are as follows: (1) guaranteed legal protection; (2) availability of services, raw materials, facilities, and infrastructure; (3) affordability; (4) habitability; (5) accessibility; (6) location; and (7) cultural suitability (Zulfie Syarief, 2000).

2.3. Slums

Settlement comes from the word housing in English which means housing, settlement gives meaning to a collection of settlers along with their attitudes and behavior in the environment.

Initially, regencies/cities were small-scale settlements, then experienced development due to population growth, socio-economic changes, and interactions with other regencies/cities. Population growth is not balanced by the development of facilities and infrastructure and increased urban services what happens is that some urban areas experience environmental decline that has the potential to create slum areas. As a result, the emergence of slum areas in several areas of the city/regency is something that cannot be avoided, these slum areas grow naturally.

According to Article 1 number 13 of Law No. 1 of 2011 concerning Housing and Residential Areas, it is explained that slums are settlements that are not habitable due to irregular buildings, high building density, and the quality of buildings facilities, and infrastructure that do not meet the requirements. And, slum housing is housing that has experienced a decline in the quality of its function as a place of residence. Slums are residential areas that are highly dense, poor, lack access to infrastructure, and unsafe land rents. Some of the problems that are often encountered in this slum area are slums, limited facilities and infrastructure, and high crime rates that affect the development of the surrounding area.

According to Rindrojono (2013), the factors that cause the growth of slums in urban areas are: (1) urbanization factors; (2) urban land factors; (3) infrastructure and facilities factors; (4) social and economic factors: and (5) spatial planning factors:

According to Khomarudin (1997), the main causes of the growth of slums are as follows: (1) high urbanization and migration, especially for low-income groups; (2) difficulty finding work; (3) lack of strict implementation of legislation; (4) environmental improvements that are only enjoyed by homeowners and low citizen discipline; and (5) increasingly narrow residential land and high land prices.

According to Nawagamuwa (2003), slum conditions can reflect the economic, social, and cultural conditions of the residents of the settlement. The characteristics of slum areas can be seen from: the physical appearance of the buildings that are increasingly under construction, namely the many temporary buildings that stand and appear neglected or without maintenance.

According to Budiharjo (2011), the characteristics of slum settlements can be caused by housing factors and infrastructure factors. In addition, the criteria for improving slum settlements can be seen from social and physical symptoms.

The characteristics of slum settlements are reflected in: (1) semi-permanent and non-permanent housing factors (irregular layout; building status generally does not have a building permit; high building and population density; uninhabitable building conditions and close distances between buildings; and lack of environmental health in settlements); (2) infrastructure factors (accessibility/roads; drainage; clean water; wastewater; and garbage).

According to Eko Budiharjo (2011), the condition of slum settlements in urban areas is greatly influenced by the physical and social characteristics of the community. The physical and social characteristics that are estimated to influence urban slums are: income level,

expenditure level, education level, livelihood factors, land and building ownership status, number of family members, and community assessment of their residential environment.

2.4. Government Affairs in the Field of Housing and Residential Areas that are the Authority of the Regency/City Regional Government Based on Law No. 23 of 2014

The essence of Regional Government is the implementation of government affairs by the regional government and regional people's representative council according to the principles of autonomy and assistance tasks with the principle of the broadest possible autonomy in the system and principles of the Unitary State of the Republic of Indonesia as referred to in the 1945 Constitution of the Republic of Indonesia.

Different from Law No. 32 of 2004 where the details of the division of Government Affairs Between the Government, Provincial Regional Government, and Regency/City Regional Government are further regulated in Government Regulation Number 38 of 2007, in Law No. 23 of 2014 concerning Regional Government the division of Government Affairs Between the Government, Provincial Regional Government, and Regency/City Regional Government is contained in its attachment. The division of affairs based on Law No. 23 of 2014 is based on the principles of accountability, efficiency, externalities, and national strategy.

Based on these principles, the criteria for Government Affairs that are the authority of the Regency/City Region are:

1. Government Affairs whose location is in the Regency/City Region;
2. Government Affairs whose users are in the Regency/City Region;
3. Government Affairs whose benefits or negative impacts are only in the Regency/City Region; and/or
4. Government Affairs whose use of resources is more efficient if carried out by the Regency/City Region.

Mandatory Government Affairs related to Basic Services include: education; health; public works and spatial planning; public housing and residential areas; security, public order, and community protection; and social.

The Regional Government organizes concurrent government affairs according to the principle of autonomy and assistance tasks with the principle of the broadest possible autonomy in the system and principles of the Unitary State of the Republic of Indonesia as referred to in the 1945 Constitution. The authority of the Regency/City Government related to the housing and residential areas is as follows:

1. Housing
 - a. Provision and rehabilitation of houses for disaster victims in the district/city.
 - b. Facilitation of the provision of houses for people affected by the relocation program of the district/city Regional Government.
 - c. Issuance of housing construction and development permits.
 - d. Issuance of building ownership certificates (SKBG).
2. Residential Areas.
 - a. Issuance of construction and development permits for residential areas.
 - b. Arrangement and improvement of the quality of slum areas with an area of less than 10 (ten) ha.

3. Housing and Slum Areas

Prevention of housing and slum areas in district/city areas.

3. Infrastructure, Facilities, and Public Utilities (PSU)

4. Implementation of housing public utilities (PSU).

5. Certification, Qualification, Classification, and Registration in the Housing and Residential Area Sector.

3. RESEARCH METHOD

3.1 Time and Place

The research was conducted from June to September 2024 in West Kutai Regency. East Kalimantan Province.

3.2. Approach Method

This research uses a legal research method, namely by conducting Normative Juridical and Empirical Juridical legal research (Marzuki, 2008).

The research stages are: (1) identification of problems faced in the implementation of housing and residential areas in West Kutai Regency; (2) inventory of required legal materials and analysis of legal materials; (3) data collection and analysis; and (4) reporting.

3.3. Data Collection and Analysis

Data collection was carried out through literature studies, observations, situation analysis, interviews, and discussions. Interviews were conducted with government officials, community leaders, developers, and communities related to research activities. Data analysis was carried out descriptively and qualitatively.

4. RESULTS AND DISCUSSION

4.1. General Description of West Kutai Regency

Based on Law Number 2 of 2013, West Kutai Regency was divided into 2, namely West Kutai Regency and Mahakam Ulu Regency. West Kutai Regency has an area of 20.384.6 km² consisting of 16 sub-districts and 194 villages/wards. The population in 2024 is 186.581 people consisting of 98.069 men and 88.512 women, the population density ranges from 3.12 - 232.80 people per km². The percentage of the poor population between 2020-2024 was 13.78%; 15.38%; 15.38%; 14.69% and 14.39% respectively with human development indexes of 71.19; 72.07; 72.92; 73.72 and 74.50 respectively. Housing and settlements in West Kutai Regency are located on riverbanks, plains, and hillsides. The majority of the population is the Dayak indigenous community. Housing in West Kutai Regency consists of various types of houses, such as commercial houses, public houses, self-help houses, special houses, and state houses. The main problems in the housing sector today are licensing, land, and financing.

4.2. Study of Conditions and Problems in the Provision of Housing and Residential Areas in West Kutai Regency

The results of the study showed that the problems or obstacles faced in the provision of housing and residential areas in West Kutai Regency are as follows:

1. In West Kutai Regency there is no Regional Regulation governing the Provision of Housing and Residential Areas, the existing provisions are only in the form of the Regent's Regulation on Uninhabitable Houses.
2. Limited authority of the Housing, Residential Areas, and Land Service in the context of implementing housing and residential areas in handling very complex settlements such as the fulfillment of basic clean water, sanitation infrastructure, and electricity networks. The aspects of parameters for preventing and handling slum areas such as building structures, environmental roads, provision of drinking water, environmental drainage, wastewater management, waste management, and fire protection. Specifically the prevention or handling of slum areas which are the current focus, in completing the prevention or handling of slum areas, it is a joint task of the PKP Working Group which is currently not running optimally.
3. The Department of Housing, Residential Areas, and Land Affairs for housing and residential area affairs in the last 5 (five) years has attempted to resolve the issue of Uninhabitable Houses (RTLH).
4. Problems related to settlement infrastructure in the form of problems related to clean water management, environmental sanitation, development of building and environmental planning, and development of settlement areas in West Kutai Regency are the vast area of West Kutai Regency and the spread of community settlements which result in a wide service coverage area, but few beneficiaries, this causes the cost value to increase but the beneficiaries do not match the value issued.
5. Regarding the Regulations related to the West Kutai Regency Settlement Area Plan, there are none and related documents are still in process; The Housing Development and Development Plan does not exist; the Detailed Spatial Plan for the Regency is available; Building and Environmental Plan does not exist yet.
6. In terms of regulations regarding the Implementation of Housing and Settlement Areas which are very necessary such as regulations regarding the development of housing settlements in river/lake banks and building requirements that must have sanitation.

Similar research results reported by the Boyolali Regency DPRD Assistance Team (2018) stated that the problems in organizing housing and residential areas in Boyolali Regency were: (1) the problems in residential infrastructure were characterized by, among others, the suboptimal regional drinking water supply system, low service and management of proper sanitation environmental health activities in the form of wastewater sanitation and 3R waste management; limited land for water absorption when there is flooding and the fulfillment of infiltration wells in residential areas, the suboptimal availability of IPAL (Wastewater Management Installation); there are still many settlements in areas that are not in accordance with their designation, green infrastructure and energy saving efforts have not been developed, some land is not certified; the suboptimal handling of urban slum areas and the low quality of housing services, there are still many uninhabitable houses (RTLH), low provision of habitable houses and the uneven integration of infrastructure networks in overcoming environmental degradation in slum areas; and (2) issues concerning policy, up to now regarding housing and residential areas, the Boyolali District Government does not yet have a Regional Regulation regarding Housing and Residential Areas.

Stated by the Deputy Minister of Housing and Settlement Areas (Wamen PKP), revealed that 3 main problems in the housing sector must be resolved in the implementation of the 3 Million Houses Program. The three problems include land, licensing, and financing (<https://www.detik.com/properti/berita/d-7681829/terkuak-ini-3-masalah-utama-sektor-perumahan>).

Problems in organizing housing and residential areas in Indonesia include:

1. Land limitations: Land available for the development of new housing and settlements is limited.
2. Population growth: High population growth is not balanced by the addition of the number of houses.
3. Housing quality: The quality of housing for low-income residents is low.
4. Licensing: Many housing complexes are unlicensed.
5. Financing: People's purchasing power is low due to high selling prices.
6. Infrastructure: Inadequate infrastructure and facilities.
7. Order: Many houses are located on illegal land.
8. Slums: Many housing and slum settlements do not have building orders.
9. Waterlogging: Waterlogging triggers the emergence of new slum areas.

4.3. Study of the Implications of the Implementation of New Rules that will be Regulated in the Regional Regulation on the Implementation of Housing and Residential Areas and Its Impact on the Financial Burden of the West Kutai Regency area

Housing and settlements are basic human needs that function as a place to live or a dwelling used by humans to protect themselves from the weather and other disturbances. This shows the main function and basic function of housing and settlements as a form of fulfilling human needs. Another function of the house is a place to live to develop individual life and family life. Thus, houses and settlements have a very strategic role, including realizing national development which is essentially the development of the whole Indonesian people.

The existence of a house standing on a plot of land is very clear, the status of a house needs strong legal protection. Legal protection of land plots for these houses can provide peace and legal certainty for their occupants, especially for people with low economic levels. Given the above, a regulation is needed that is expected to be able to regulate better and adapt to developments in the era of housing and settlements. In the General Section of the Republic of Indonesia Law Number 1 of 2011 concerning Housing and Residential Areas, it is stated that the State is also responsible for providing and facilitating the acquisition of houses for the community through the implementation of housing and residential areas and community self-reliance. The provision and facilitation of the acquisition of houses is a functional unity in the form of spatial planning, economic life, and socio-culture that can guarantee environmental sustainability, in line with the spirit of democracy, regional autonomy, and openness in the order of life in society, nation, and state.

The responsibility of local governments in the development of housing and residential areas is carried out in an integrated manner and takes into account existing settlements

without being exclusive so that the quality of the environment and aspects concerning the lives and culture of the residents become the concern of decision makers and developers. At the development stage, housing and settlements are designed based on a balanced residential environment (Decree of the Minister of Public Housing Number 4/KPTS/BKP4N/1995).

Efforts made by the West Kutai Regency Government related to the Implementation of Housing and Residential Areas in West Kutai Regency, namely as follows:

1. Assisting the rehabilitation of residential housing with funds originating from the APBN, Provincial APBD, and APBD, namely as follows: (1) in 2017 as many as 335 houses; (2) in 2018 as many as 188 houses; (3) in 2019 as many as 241 units; (4) in 2020 as many as 217 houses; (5) in 2021 as many as 104 houses; (6) in 2022 as many as 470 houses; and (7) in 2023 as many as 507 houses.
2. Establishing a Regional Regulation of West Kutai Regency on the Implementation of Housing and Residential Areas will be a guideline for the regional government in organizing government affairs in the field of housing and residential areas, as well as a guideline for developers and/or developers in running their businesses in building housing and settlements in West Kutai Regency. In general, the establishment of this Regional Regulation of West Kutai Regency on the Implementation of Housing and Residential Areas will also be a guideline for planning, development, utilization, and control activities including institutional development, funding and financing systems, as well as regulating the role of the community in a coordinated and integrated manner.
3. Facilitating, and providing assistance and convenience to the community in providing housing along with supporting facilities and infrastructure.
4. Empowering the community in preventing the growth and development of slums is carried out through assistance and information services.

The implications of implementing the new system that will be regulated in the Regional Regulation of West Kutai Regency concerning the Implementation of Manpower are that the regional government policy after the enactment of the Regional Regulation must be able to:

1. Realize order in the Implementation of Housing and Residential Areas;
2. Realize justice for all stakeholders in the Implementation of Housing and Residential Areas.
3. Provide legal certainty for all stakeholders in carrying out their duties and authorities as well as their rights and obligations in the implementation of Housing and Residential Areas.
4. In terms of regional finance, the existence of the Regional Regulation of West Kutai Regency concerning the Implementation of Housing and Residential Areas certainly has consequences/implications for regional finances. The implications and impacts of implementing the new system on regional finances are that adequate budget allocation is needed for the implementation of Housing and Residential Areas in West Kutai Regency.

To overcome the problem of housing and settlement area management, the government and the community can make various efforts, namely:

1. Enforce existing regulations
2. Balanced housing: ensuring that all levels of society have decent access to housing.

3. Increasing the role of government: The government can supervise housing development, enforce sanctions, and provide socialization.
4. Increasing land consolidation: The government can carry out land consolidation for land management in large cities.
5. Optimizing the Land Bank: The government can optimize the Land Bank to provide certainty of land availability for housing development.
6. Developing housing finance: The government can finance housing through People's Housing Savings (Tapera), Savings-Based Housing Financing Assistance (BP2BT), and Government and Business Entity Cooperation (KPBU).
7. Preventing slums: The government can supervise control, and formulate community participation.
8. Housing planning training: The government can conduct housing planning training.
9. Cross-sector coordination: The government can coordinate across sectors, regions, and stakeholders

(Quoted from IA <https://www.google.com/search?client=firefox-b-d&q=cara+mengatasi+masalah+penyelenggaraan+perumahan+dan+kawasan+permukiman>)

5. CONCLUSION

Based on the results of the research and discussion, the following conclusions were drawn:

1. Problems in the implementation of housing and residential areas in West Kutai Regency, namely: (a) there is no Regional Regulation governing the Implementation of Housing and Residential Areas, the existing provisions are only in the form of the Regent's Regulation on Uninhabitable Houses; (b) limited authority of the Housing, Residential Areas, and Land Agency in the implementation of housing and residential areas in handling very complex settlements such as the fulfillment of basic clean water, sanitation infrastructure, and electricity networks; (c) The vast area of West Kutai Regency and the spread of residential areas resulting in a wide service coverage area, but few beneficiaries, this causes the cost value to increase but the beneficiaries do not match the value issued; (d) There are no regulations related to the West Kutai Regency Residential Area Plan and related documents are still in process; and (e) There are no regulations regarding the development of residential housing in river/lake banks and building requirements that must have sanitation.
2. Efforts made by the West Kutai Regency Government in the Implementation of Housing and Residential Areas, namely: (a) assisting the rehabilitation of residential housing with funds originating from the State Budget, Regional Revenue and Expenditure Budget of the Province, and Regional Revenue and Expenditure Budget; (b) it is necessary to stipulate Regional Regulations on the Implementation of Housing and Residential Areas to be a guideline for the regional government in carrying out government affairs in the field of housing and residential areas; (c) facilitating, providing assistance and convenience to the community in providing housing along with supporting facilities and infrastructure, and (d) empowering the community in preventing the growth and development of slums through assistance and information services.

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