

LEGAL STUDY ON THE PROCEDURES AND REQUIREMENTS FOR UNINHABITABLE HOUSING (RUTILAHU) FROM THE PERSPECTIVE OF LEGAL CERTAINTY

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Abstract : *The Uninhabitable Housing Program (Rumah Tidak Layak Huni – RUTILAHU) is one of the government policies aimed at guaranteeing the community's right to adequate housing. However, in its implementation, various problems are still encountered, particularly those related to the procedures and requirements for aid recipients, which have the potential to create legal uncertainty. Differences in the interpretation of the criteria for uninhabitable housing, application mechanisms, and the determination of aid recipients often trigger injustice and conflicts at the community level. Therefore, this study aims to examine, from a legal perspective, the procedures and requirements of the RUTILAHU program within the framework of legal certainty. The research method employed is normative juridical research, using a statutory approach and a conceptual approach. This study examines various laws and regulations, local government policies, and legal doctrines related to the implementation of the RUTILAHU program. The legal materials used consist of primary, secondary, and tertiary legal materials, which are qualitatively analyzed to obtain a comprehensive understanding of legal certainty in the procedures and requirements of the RUTILAHU program. The results of the study indicate that, normatively, the procedures and requirements of the RUTILAHU program have been regulated in various legal instruments; however, their implementation in practice has not fully reflected the principle of legal certainty. There are inconsistencies between regulations and practice, a lack of transparency, and weak operational standards in the verification process and the determination of aid recipients. These conditions result in legal uncertainty for beneficiary communities. Therefore, regulatory harmonization and the strengthening of oversight mechanisms are necessary to ensure that the implementation of the RUTILAHU program provides legal certainty, justice, and utility for the community.*

Keywords: *Uninhabitable Housing (RUTILAHU); procedures and requirements; legal certainty; public policy.*

I. INTRODUCTION

In recent decades, Indonesia has sought to implement a development model that emphasizes economic growth and increases in per capita income. The adoption of such a development model began with modernization across all aspects of social life, forming the conceptual framework underlying development policies and practices in Indonesia. The

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transition of political regimes over the past several decades toward a more comprehensive democracy has been regarded by many as an implication of development policies implemented under previous administrations. Social problems, both in the past and those that persist to the present, particularly those related to public welfare, have caused significant concern and demand serious attention from the government. Economic issues, social inequality, and unequal distribution of development outcomes have not yet succeeded in improving the prosperity of grassroots communities in a fair and equitable manner, as envisioned in the fifth principle of the state ideology, Social Justice for All Indonesian People (Ahmad Zainuri, 2021).

Poor segments of the population are widely distributed in rural areas. Numerous studies have revealed a strong correlation between socio-economic conditions and levels of education. Higher levels of education within a community are directly proportional to higher socio-economic conditions in a given region. Basrowi and Juariyah (2010), in their study, found that the higher the level of education attained by a community, the higher its socio-economic condition; conversely, the lower the level of education, the lower the socio-economic condition of the community (Suman A, *et al.*, 2019).

Housing is one of the fundamental human needs and holds a strategic position in ensuring human survival and dignity. The right to adequate housing is explicitly recognized as part of human rights, as stipulated in Article 28H paragraph (1) of the 1945 Constitution of the Republic of Indonesia. In this context, the state has an obligation to ensure the availability of adequate housing for all citizens, particularly for low-income communities that are vulnerable to unstable social and economic conditions (Jimly Asshiddiqie, 2007). As a manifestation of the state's responsibility, the government implements various housing programs, one of which is the Uninhabitable Housing Program (Rumah Tidak Layak Huni – RUTILAHU). This program aims to improve the quality of community housing so that it meets standards of health, safety, and livability. However, in practice, the implementation of the RUTILAHU program often gives rise to legal issues, particularly concerning the procedures and requirements for determining aid recipients. Unclear criteria, differences in interpretation among implementing officials, and weak dissemination of regulations are factors that contribute to legal uncertainty within the community (Deni Setiawan, 2018).

Legal certainty is one of the fundamental principles in a state governed by the rule of law (*rechtsstaat*). According to Utrecht, legal certainty implies the existence of clear rules that can serve as guidelines for the public, as well as protection against arbitrary actions by government authorities (E. Utrecht, 1986). In the context of the RUTILAHU program, legal certainty is essential to ensure that the community clearly understands its rights and obligations and receives fair and transparent treatment in the process of selecting aid beneficiaries. Without legal certainty, a program that is fundamentally intended to promote public welfare may instead give rise to social conflict and public distrust toward the government.

Housing issues constitute a complex matter, as they are not merely related to the physical construction of houses, but also involve a wide range of other sectors in the provision process, such as land affairs, the building materials industry, environmental sustainability, as well as social, economic, and cultural aspects of society. All of these elements play a role in creating harmonious community life. Therefore, housing development cannot be separated from comprehensive settlement planning and constitutes an important component in efforts to

improve the quality of life of the community, particularly in the economic sphere, in order to enhance productivity (Rizal Muchtasar, *et al.*, 2023).

Based on the conditions of Indramayu Regency as previously described, there are several issues that need to be addressed, one of which is the problem of uninhabitable housing. According to data recorded in the Profile Book of the Housing and Settlement Areas Office of Indramayu Regency 2023, there were approximately 14,600 uninhabitable houses in Indramayu Regency during the period from 2018 to 2023.

In efforts to address the problem of uninhabitable housing, Indramayu Regency is also supported by similar programs from the Ministry of Public Works and Public Housing (PUPR), known as the Self-Help Housing Stimulant Assistance (Bantuan Stimulan Perumahan Swadaya – BSPS), as well as a similar program from the Provincial Government of West Java, known as the Uninhabitable Housing Program (Rumah Tidak Layak Huni – RTLH).

The implementation of the Uninhabitable Housing Rehabilitation Program is the responsibility of the Housing and Settlement Areas Office of Indramayu Regency and involves various institutions, including the Regional Development Planning Agency (BAPPEDA) of Indramayu Regency, the Social Affairs Office of Indramayu Regency, as well as the village and sub-district levels. At the local level, the program involves village officials in collaboration with neighborhood leaders (RT/RW) and local community figures.

In implementing the social assistance program for uninhabitable housing, Indramayu Regency has received special attention from the Minister of Social Affairs of the Republic of Indonesia, marked by the construction of 93 housing units in Eretan Kulon Village, which was officially inaugurated on 29 September 2025. Therefore, improvements in services, program implementation, and social assistance mechanisms are required to be transparent and accountable in order to enhance economic conditions and improve the welfare of the community in Indramayu Regency (Kartini M, 2024).

The problem becomes increasingly complex when there is a discrepancy between normative regulations and their implementation in practice. Several studies indicate that the implementation of housing policies is often influenced by non-juridical factors, such as local political interests, the subjectivity of implementing officials, and weak administrative oversight (Riawan Tjandra, 2019). This condition indicates a gap between *das sollen* and *das sein* in the implementation of the RUTILAHU program, which ultimately obscures the principle of legal certainty.

Based on the foregoing discussion, an in-depth legal study is required concerning the procedures and requirements of the Uninhabitable Housing Program (RUTILAHU) from the perspective of legal certainty. Such a study is important to assess the extent to which existing regulations provide clarity, consistency, and legal protection for the community, as well as to formulate recommendations for improvement in order to achieve the implementation of the RUTILAHU program that is just and characterized by legal certainty.

Research Questions:

1. How is the mechanism for the requirements of receiving RUTILAHU social assistance based on applicable legal provisions in order to ensure legal certainty for the community?
2. How is the RUTILAHU social assistance policy implemented by the local government of Indramayu Regency for the beneficiaries who have received the assistance to date?

II. RESEARCH METHOD

This study uses a normative juridical research approach, which examines law as norms or rules applicable within society. Normative juridical research focuses on the analysis of legislation, legal principles, doctrines, and relevant court decisions related to the issues under study. This method is employed to examine the legal regulations regarding the procedures and requirements of the Uninhabitable Housing Program (RUTILAHU) from the perspective of legal certainty.

III. RESULTS AND DISCUSSION

1. The Dimension of Legal Certainty in the Social Assistance Policy for Uninhabitable Housing (RUTILAHU)

Legal certainty is an essential element in the implementation of public policy, particularly social assistance policies that directly affect the basic rights of the community. In the context of the Uninhabitable Housing Social Assistance (RUTILAHU) policy, legal certainty functions as an instrument to ensure clarity of the rights and obligations of the community and to prevent arbitrary actions by government officials. Based on the research findings, the dimension of legal certainty in the RUTILAHU policy can be analyzed comprehensively through several aspects, namely regulatory certainty, procedural certainty, consistency in implementation, policy transparency, and legal protection for the community.

The first dimension of legal certainty in the RUTILAHU policy lies in regulatory certainty and the clarity of legal norms that form the basis for program implementation. Normatively, the RUTILAHU policy has an adequate legal foundation, ranging from legislation in the housing sector to technical policies issued by local governments. However, the study shows that these regulations are still general in nature and do not yet provide detailed guidelines regarding the indicators of uninhabitable houses and the criteria for aid recipients.

Ambiguously interpreted legal norms create room for differing interpretations at the implementation level, thereby weakening legal certainty. Hans Kelsen emphasizes that the law must be formulated clearly and systematically in order to function as a definite behavioral guideline for society (Hans Kelsen, 1978). The lack of clarity in the norms of the RUTILAHU policy has the potential to obscure the legal objectives as a means of social control and protection of citizens' rights. In addition, the lack of synchronization between central regulations and local policies also affects legal certainty. Differences in the substance of these regulations lead to confusion in implementation, particularly in determining technical standards for housing eligibility. This situation highlights the importance of regulatory harmonization to ensure that the RUTILAHU policy can be implemented uniformly and with legal certainty.

Legal certainty is also reflected in the clarity and orderliness of the procedures for implementing the RUTILAHU policy. These procedures include stages such as proposal submission, data collection, verification, determination of aid recipients, and house rehabilitation. The study indicates that although these procedures have been administratively established, their implementation is not yet fully consistent or easily understood by the community. The lack of dissemination regarding RUTILAHU procedures causes the public to be uncertain about the application mechanism and assessment criteria. As a result, the

community is placed in a vulnerable position, dependent on the subjectivity of implementing officials. Utrecht states that legal certainty requires that the public be able to anticipate the legal consequences of every action taken (E. Utrecht, 1986).

Procedural uncertainty has the potential to undermine the sense of justice and public trust in the government. Another dimension of legal certainty is the consistency and uniformity of policy implementation. The study shows that the implementation of the RUTILAHU policy is not yet fully consistent, both across regions and among implementing officials. Differences in interpreting the criteria for uninhabitable houses and the verification mechanism result in unequal treatment of the community under similar conditions. From the perspective of legal certainty theory, uniform application of the law is an essential requirement to guarantee equality before the law. Gustav Radbruch emphasizes that without legal certainty, justice cannot be effectively realized (Gustav Radbruch, 1950). Therefore, the differences in the implementation of the RUTILAHU policy indicate that the dimension of legal certainty in the policy remains weak.

Transparency is an important element in ensuring legal certainty in public policy. The study shows that the availability of information regarding aid quotas, lists of recipients, and the reasons for approval or rejection of RUTILAHU assistance applications is still limited. This lack of transparency has the potential to create negative perceptions and suspicions of practices that do not comply with the principles of good governance. From the perspective of administrative law, transparency and accountability are part of the general principles of good governance (AUPB). Riawan Tjandra states that transparency in public services is a prerequisite for realizing legal certainty and protecting the rights of the community.

Without transparency, the RUTILAHU policy is difficult to evaluate objectively and has the potential to result in maladministration. The dimension of legal certainty in the RUTILAHU policy is also closely related to the availability of mechanisms for legal protection for the community. The study shows that complaint and objection mechanisms regarding decisions on aid recipients have not been regulated in detail or implemented effectively. This situation leaves the community without clear legal channels to defend their rights. Philipus M. Hadjon emphasizes that legal protection for the people is a fundamental element in a state governed by the rule of law, aimed at preventing arbitrary actions by the government (Philipus M. Hadjon, 2011). Without clear mechanisms for legal protection, the RUTILAHU policy has the potential to violate the principles of legal certainty and administrative justice.

The weak dimension of legal certainty in the RUTILAHU policy has a significant impact on the achievement of the policy's objectives. Unclear regulations and procedures not only hinder the effectiveness of the program but also have the potential to cause social conflicts at the community level. This aligns with Sudikno Mertokusumo's view that the law must be able to provide order and justice in a balanced manner. Therefore, strengthening the dimension of legal certainty in the RUTILAHU policy needs to be carried out through the formulation of more detailed norms, the development of clear and accessible standard operating procedures, and the enhancement of oversight and legal protection mechanisms for the community. In this way, the RUTILAHU social assistance policy can be implemented consistently, transparently, and with legal certainty.

2. Implementation of the Uninhabitable Housing Social Assistance Policy by the Local Government of Indramayu Regency

The Local Government of Indramayu Regency has implemented the Uninhabitable Housing Social Assistance (RUTILAHU) policy as part of efforts to fulfill the community's right to adequate housing. This policy is carried out under the authority of the local government in the housing and settlement sector, aiming to improve the quality of housing for low-income communities. The implementation of the RUTILAHU program in Indramayu Regency follows stages of planning, data collection, verification, determination of aid recipients, and the construction or rehabilitation of houses. The study shows that, normatively, the local government has established a legal basis and guidelines for the implementation of the RUTILAHU program. However, in practice, the policy's implementation has not yet been fully optimal. During the data collection and verification stages for prospective aid recipients, inaccuracies in targeting still occur due to limitations in integrated data and differences in interpretation regarding the criteria for uninhabitable houses. This situation aligns with Edward III's view that the success of policy implementation is greatly influenced by the clarity of policy standards and objectives (George C. Edward III, 1980). In addition, coordination among the regional agencies involved in the implementation of the RUTILAHU program in Indramayu Regency has not been fully effective. Weak coordination has resulted in delays in implementation and inconsistencies in the application of procedures. From the perspective of administrative law, every governmental action must be carried out in a coordinated manner and in accordance with the general principles of good governance (Riawan Tjandra, 2014).

Legal certainty in the implementation of the RUTILAHU policy in Indramayu Regency heavily depends on the clarity of the procedures and requirements established by the local government. Based on the study's findings, the procedures for applying for RUTILAHU assistance have been regulated through regional regulations and mayoral regulations. However, in practice, these procedures are not yet fully understood by the wider community. The lack of dissemination has resulted in the public being unclear about both the application mechanism and the reasons for the rejection of assistance requests.

This procedural ambiguity has implications for weakening legal certainty for the community. According to Utrecht, legal certainty requires clear and predictable rules so that the public can know their rights and obligations with certainty (E. Utrecht, 1986). If the procedures and requirements are not communicated transparently, the legal objective of providing protection to the community cannot be optimally achieved.

In the context of Indramayu Regency, differences in the application of the criteria for uninhabitable houses across sub-districts have been observed. This indicates the absence of uniform technical standards in the implementation of the RUTILAHU program. Such differences have the potential to create unequal treatment and contradict the principles of justice and legal certainty.

Based on the study's findings, several factors hinder the implementation of the RUTILAHU policy in Indramayu Regency. First, regulatory factors, namely the existence of general and ambiguously interpreted norms, which lead to differing interpretations at the implementation level. Second, human resource factors, namely the limited number of officials with technical competence and legal understanding in program implementation. Third,

oversight factors, namely the suboptimal mechanisms for monitoring and public complaints regarding the RUTILAHU program.

These factors indicate that policy implementation is determined not only by the existence of regulations but also by the institutional capacity and legal culture of government officials. This aligns with Lawrence M. Friedman's view that a legal system consists of structure, substance, and legal culture (Lawrence M. Friedman, 1975). Without the support of these three elements, public policy is difficult to implement effectively. The suboptimal implementation of the RUTILAHU policy in Indramayu Regency has a direct impact on legal certainty and the protection of citizens' rights. Procedural and requirement ambiguities place the community in a vulnerable position, making them susceptible to maladministration. From the perspective of legal protection, the local government should ensure the existence of fair, transparent, and accountable mechanisms at every stage of the social assistance program's implementation (Philipus M. Hadjon, 2011).

Therefore, efforts are needed to improve the situation through regulatory harmonization, the development of more detailed standard operating procedures, and the enhancement of oversight and public participation. In this way, the implementation of the RUTILAHU social assistance policy in Indramayu Regency can proceed in accordance with the principles of legal certainty, justice, and public benefit.

IV. CONCLUSION

Based on the results of the research and discussion regarding the implementation of the Uninhabitable Housing Social Assistance (RUTILAHU) policy by the Local Government of Indramayu Regency from the perspective of legal certainty, several conclusions can be drawn as follows:

1. Normatively, the RUTILAHU social assistance policy already has an adequate legal basis and clear legitimacy within the regulatory system. However, the regulations regarding procedures and requirements for aid recipients are still general and not formulated in detail, leaving room for differing interpretations at the implementation level. This condition indicates that the legal norms have not yet fully provided legal certainty for the community as beneficiaries of the RUTILAHU program.
2. The implementation of the RUTILAHU policy in Indramayu Regency does not yet fully reflect the principles of legal certainty. This is evident from the inconsistent application of procedures, differences in the assessment standards for uninhabitable houses, and suboptimal dissemination of policy information to the public. As a result, the community lacks clarity regarding the application mechanism, verification process, and the reasons for acceptance or rejection as aid recipients, creating legal uncertainty and potential injustice.
3. From the perspective of legal certainty, the RUTILAHU policy still faces several weaknesses, including unclear legal norms, weak procedural certainty, non-uniform policy implementation, and limited transparency and accountability in program execution. In addition, mechanisms for legal protection and public complaints regarding administrative decisions within the RUTILAHU program have not been effectively regulated or implemented, leaving the community's position as legal subjects insufficiently protected.
4. The weak legal certainty in the RUTILAHU policy affects the optimal achievement of the program's objectives as an instrument for improving community welfare. This uncertainty has the potential to trigger social conflicts, reduce public trust in the local government, and

facilitate maladministration in the delivery of social assistance. Therefore, strengthening legal certainty is an urgent necessity in the implementation of the RUTILAHU policy.

Based on these overall findings, it can be concluded that the implementation of the Uninhabitable Housing Social Assistance (RUTILAHU) policy by the Local Government of Indramayu Regency still requires improvements in both normative and practical aspects to align with the principles of legal certainty, justice, and the legal benefit for the community.

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