

# INFRASTRUCTURE, FACILITY AND PUBLIC UTILITY ASSISTANCE FOR PUBLIC HOUSING

**(Regulation of the Public Works and Public Housing Minister  
of the Republic of Indonesia No. 38/PRT/M/2015  
dated August 13, 2015)**

BY THE GRACE OF GOD ALMIGHTY  
THE MINISTER OF PUBLIC WORKS AND  
PUBLIC HOUSING OF  
THE REPUBLIC OF INDONESIA,

Considering :

- a. that to improve low-income people's access to decent housing, infrastructure, facility and public utility assistance are needed;
- b. that Regulation of the Public Housing Minister No. 04/2013 on Guide to Realizing Infrastructure, Facility and Public Utility Assistance for :Landed Housing Developed by Developers as already amended by Regulation of the Public Housing Minister No. 09/2014 has not been able to meet the need of development and the public so that it needs to be replaced;
- c. that based on the considerations as referred to in letters a and b, it is necessary to stipulate Regulation of the Public Works and Public Housing Minister on Guide to Infrastructure, Facility and Public Utility for Public Housing;

In view of :

1. Law No. 1/2011 on Housing and Residential Areas (Statute Book of 2011 No. 7, Supplement to Statute Book No. 5188);
2. Law No. 20/2011 on Flats (Statute Book of 2011 No. 108, Supplement to Statute Book No. 5252);
3. Government Regulation No. 27/2014 on the Management of State-/Regional Government-Owned Goods (Statute Book of 2014 No. 92, Supplement to Statute Book No. 5533);
4. Presidential Regulation No. 7/2015 on the Organization of State Ministry (Statute Book of 2015 No. 8);
5. Presidential Regulation No. 15/2015 on the Public Works and Public Housing Ministry (Statute Book of 2015 No. 16);
6. Regulation of the Public Works and Public Housing Minister No. 15/PRT/M/2015 on the Organization and Work Mechanism of the Public Works and Public Housing Ministry (State Gazette of 2015 No. 881);

**DECIDES :**

To stipulate :

**REGULATION OF THE PUBLIC WORKS AND PUBLIC HOUSING MINISTER ON INFRASTRUCTURE, FACILITY AND PUBLIC UTILITY ASSISTANCE FOR PUBLIC HOUSING.**

**CHAPTER I****GENERAL PROVISIONS****Article 1**

Referred to in this Ministerial Regulation as :

1. Infrastructure, facility and public utility assistance for public housing, hereinafter called PSU assistance, is the provision of PSU component for housing developers building public houses in the form of single house, row house, and flat simultaneously in housing locations built by development agent.
2. Housing is a group of houses as part of urban or rural residence equipped with infrastructures, facilities and public utilities as a result of the effort to meet the need for decent houses.
3. House is a building functioning as a decent home, family building means, reflection of self esteem and dignity of its occupants as well as an asset for its owner.
4. Public house is a house built to meet house need from low-income people.
5. Public housing is housing built to meet home need for low income people, consisting of a group of houses equipped with infrastructures, facilities, and public utilities.
6. Flat is a storeyed building built in one environment divided into functionally structured parts, either horizontally or vertically and constituting units each of which can be owned and used separately, particularly for home equipped with common part, common items and common land.
7. Public flat is a flat built to meet home need for low income people.
8. Infrastructure is basic physical complement for residential environment that meets certain standard of decent, healthy, secure and convenient home.
9. Facility is a facility within home environment used to support the organization and development of social, cultural and economic life.
10. Public utility is supporting complement for home environment service.

11. Low-income community, hereinafter abbreviated into MBR is community that have limited purchasing power and that they need government support to have houses.
12. Site Plan is a site plan for the construction of houses/plots with all supporting elements within certain scale and land borders.
13. Pre-construction verification of PSU assistance is the act of assessing a proposal for PSU assistance covering administrative, technical and location checking.
14. Post-construction verification of PSU assistance is the act of assessing the result of construction activities of PSU assistance carried out by target groups covering administrative and technical checking.
15. Housing development agent, hereinafter called development agent, is anybody and/or government realizing the development of housing and residence.
16. Anybody is an individual or legal entity.
17. Legal entity is a legal entity set up by Indonesian citizen engaged in the development of housing and residential area.
18. State-owned goods, hereinafter abbreviated into BMN is all goods bought or acquired with APBN fund or originating from legal acquisition.
19. Grant is a change in the ownership of goods from central government to regional government, from regional government to central government, from regional government to another, or from central government/regional government to other party, without receiving replacement.
20. Goods/service supplier is a corporate body or individual providing goods/construction work/consulting service/other service.
21. Working unit of PSU assistance, hereinafter called working unit, is a proxy of budget user /proxy of goods user appointed by the Minister.
22. Commitment making official, hereinafter called PPK, is an official responsible for procuring goods/services.
23. Central government is the president of the Republic of Indonesia holding the power of the government of the Republic of Indonesia assisted by vice president and ministers as referred to in the Constitution of the Republic of Indonesia of 1945.
24. Regional government is the regional head as the executor of regional government to lead the realization of government affairs that becomes the authority of autonomous region.
25. Ministry is the Public Works and Public Housing Ministry.
26. Minister is the minister in charge of government affairs in the field of public works and public housing.

## CHAPTER II

## AIM AND SCOPE

## Article 2

This guide is aimed at ensuring that PSU assistance is given in an efficient, effective, transparent and accountable manner and benefits MBR in obtaining new houses, either single houses, row houses or flats.

## Article 3

The scope of regulation on PSU assistance covers:

- a. target group and requirements of providing PSU assistance;
- b. phases of providing PSU assistance; and
- c. funding.

## CHAPTER III

## TARGET GROUP AND REQUIREMENTS OF PROVIDING PSU ASSISTANCE

## Part One

## Target Groups

## Article 4

- (1) The target group of PSU assistance is MBR.
- (2) PSU assistance as referred to in paragraph (1) is given through development agent constructing public housing.
- (3) PSU assistance as referred to in Article 4 paragraph (2) is given to public housing in the form of single house, row house, and flat, with the components of PSU assistance covering :
  - a. road;
  - b. non-green belt;
  - c. sanitation;
  - d. drinking water;
  - e. place of worship;
  - f. electricity networks; and
  - g. street lighting.
- (4) The types of PSU assistance components for public housing as referred to in paragraph (3) will be stipulated by ministerial decree.

## Part two

## Administrative Requirements

## Article 5

- (1) Administrative requirements that must be met by development agent in applying for PSU assistance consist of:
- format of application form for the provision of PSU assistance and complement;
  - document of questioner for providing PSU assistance in the form of single house and row house; and
  - document of questioner for providing PSU assistance in the form of flat.
- (2) Format of application form for PSU assistance and its complement as referred to in paragraph (1) letter a consists of format A, format B, format C, format D, format E, format F, format G, and format H as contained in Attachment I which is an integral part of this Ministerial Regulation;
- (3) Document of questioner of providing PSU assistance in the form of single house and row house as referred to in paragraph (1) letter b is contained in Attachment II which is an integral part of this Ministerial Regulation; and
- (4) Document of questioner of providing PSU assistance in the form of flat as referred to in paragraph (1) letter c is contained in Attachment III which is an integral part of this Ministerial Regulation.

## Article 6

The application form as referred to in Article 5 letter a is accompanied by:

- site plan validated by the regency/municipal government or the Provincial Government of the Special Capital Region of Jakarta;
- document of business legality;
- document of housing development project legality;
- technical document of housing project;
- a statement of readiness from the development agent to construct public housing, covering readiness to sell houses to MBR at price based on house sale price limit according to the law and regulation;
- a written statement from the public housing development agent to hand land for the construction of PSU to the regional government;
- a written statement from the regency/municipal government or the Provincial Government of the Special Capital Region of Jakarta to support the realization of PSU assistance and preparedness of land (clean and clear); and

- h. a written statement from the regency/municipal government or the Provincial Government of the Special Capital Region of Jakarta to receive post-construction PSU assistance assets.
- i. a written statement that would-be buyers of public houses are MBR.

#### Article 7

The document of business legality as referred to in Article 6 letter b, covers copies of :

- a. company deed;
- b. letter of bank's support;
- c. list of company experiences;
- d. certificate of corporate body (SBU) and construction service business permit (SIUJK) for development agent realizing PSU assistance through direct appointment;
- e. taxpayer code number (NPWP) and having met taxation obligation of the past year (annual tax returns/ SPT);
- f. trade permit (SIUP);
- g. business site permit (SITU) or statement of domicile; and
- h. company registry certificate (TDP) or certificate of business.

#### Article 8

The document of housing development project legality as referred to in Article 6 letter c, covers copies of:

- a. location permit;
- b. certificate of land title; and
- c. building construction permit (IMB).

#### Article 9

The technical document of public housing project in the form of single house, row house and flat as referred to in Article 6 letter d, covers copies of :

- a. data of housing location;
- b. site plan for public housing project in the form of single house, row house and flat already approved the regency/municipal government or the Provincial Government of the Special Capital Region of Jakarta,
- c. schedule for the realization of public housing project in the form of single house, row house and flat; and

- d. location for PSU has already been drawn in the site plan and approved by the regency/municipal government or the Provincial Government of the Special Capital Region of Jakarta.

### Part Three

#### Technical Requirements

##### Article 10

- (1) Technical requirements that must be fulfilled by development agent of public housing in the form of single house, row house and flat to apply for PSU assistance consist of :
- preparing land for the construction of PSU;
  - for flats, holding a certificate of function worthiness i (SLF) and observing the reliability of building consisting of safety, health, convenience and accessibility.
- (2) Provisions on technical requirements of PSU accord with housing construction permit and minimum service standard of housing and residence.

### Part Four

#### Location Requirements

##### Article 11

- (1) Location requirements that must be fulfilled by development agent of public housing in the form of single house and row house cover:
- location must accord with the spatial layout plan of the regency/municipality or the Provincial Government of the Special Capital Region of Jakarta;
  - location must be equipped with a site plan approved by the regency/municipal government or the Provincial Government of the Special Capital Region of Jakarta;
  - land must not be disputed;
  - location for housing must accord with a site plan and have a capacity of accommodating at least 100 (a hundred) units of house;
  - the number of houses proposed to receive PSU assistance must be at least 50 (fifty) which have been built when pre-construction verification is done;
  - houses must be built according to the proposal conveyed by development agent, regency/municipal government and provincial government to the Minister;
  - houses must be built no later than January 1 of the previous year until verification is done; and

- h. houses must be built according to the site plan approved by the relevant agency in the regency/municipality or the Provincial Government of the Special Capital Region of Jakarta.

(2) Location requirements that must be fulfilled by development agent of public housing in the form of flat cover:

- a. location must accord with the spatial layout plan of the regency/municipality or the Provincial Government of the Special Capital Region of Jakarta;
- b. location must be equipped with a site plan approved by the regency/municipal government or the Provincial Government of the Special Capital Region of Jakarta;
- c. land must not be disputed;
- d. public flat must be built no later than January 1 of the previous year; and
- e. houses must be built according to the site plan approved by the relevant agency in the regency/municipality or the Provincial Government of the Special Capital Region of Jakarta.

#### CHAPTER IV

#### PHASES OF GRANTING PSU ASSISTANCE

##### Part One

##### General

##### Article 12

The phases of granting PSU assistance consist of :

- a. proposal for PSU assistance;
- b. designation of location for housing receiving PSU assistance;
- c. physical construction of PSU assistance; and
- d. reporting.

##### Part Two

##### Proposal for PSU Assistance

##### Article 13

A proposal for PSU assistance is made through the following phases:

- a. development agent files a written application to the regency/municipal government;
- b. the regency/municipal government proposes a location for PSU assistance to the provincial government with a copy addressed to the Ministry;

- (3) Physical construction of PSU assistance is subjected to spot supervision by construction management consultant, spot supervisor, board of technical directors, and regional coordinator set by working unit appointed by the Minister.
- (4) Construction management consultant (MK) is tasked with and responsible for :
- controlling activities of the construction of PSU assistance according to schedules;
  - coordinating activities of the construction of PSU assistance with the relevant party, starting from planning, pre-construction, construction to utility phases;
  - supervising and controlling construction of PSU assistance; and
  - reporting weekly and monthly progresses of physical activities and other matters related to physical construction of PSU assistance to the working unit through the commitment-making official.
- (5) Regency/municipal spot supervisor is tasked with and responsible for :
- supervising and controlling construction of PSU assistance in the relevant regency/municipality;
  - coordinating with the relevant agency with regard to construction of PSU assistance in the relevant regency/municipality;
  - giving directives to developers and/or service providers in terms of technical and administrative matters according to the work plan and conditions (RKS);
  - checking and approving administrative and technical matters;
  - taking responsibility for the truth of physical report prepared for an official report of payment;
  - reporting weekly and monthly progresses of physical activities and other matters related to physical construction of PSU assistance to the working unit through the commitment-making official; and
  - facilitating coordination in the handover of PSU assistance assets in the relevant regency/municipality.
- (6) The regency/municipal board of technical directors is tasked with and responsible for :
- coordinating construction of PSU assistance in the relevant regency/municipality;
  - taking active part in supporting construction of PSU assistance in the relevant regency/municipality;
  - monitoring and evaluating construction of PSU assistance in the relevant regency/municipality;
  - reporting the monitoring and evaluation of realized PSU assistance to the working unit through the commitment-making official;
  - following up on the management and maintenance of the results of activities related to realization of PSU assistance in the relevant regency/municipality; and
  - facilitating coordination in the handover of PSU assistance assets in the relevant regency/municipality.
- (7) Provincial coordinator is tasked with and responsible for :

- a. coordinating construction of PSU assistance in the province;
- b. taking active part in supporting construction of PSU assistance in the province;
- c. monitoring and evaluating construction of PSU assistance in the province;
- d. reporting the monitoring and evaluation of construction of PSU assistance to the Director General of Housing Provision; and
- e. facilitating coordination in the handover of PSU assistance assets in the province.

## Part Five

### Reporting

#### Article 24

- (1) In conducting spot supervision of physical construction of PSU assistance, construction management consultant shall convey weekly and monthly reports approved by spot supervisor and technical board of directors and known by regional coordinator.
- (2) The reports as referred to in paragraph (1) are submitted to the working unit appointed by the Minister.
- (3) The working unit shall convey the reports as referred to in paragraph (2) to the Minister through the Director General of Housing Provision.
- (4) The Directorate of Public and Commercial Houses shall monitor and evaluate the granting of PSU assistance.

## CHAPTER V

### FUNDING

#### Article 25

The Ministry shall allocate fund from the State Budget (APBN) for the realization of PSU assistance.

#### Article 26

- (1) Payment for the realization of PSU through direct appointment as referred to in Article 20 paragraph (1) is made based on the number of houses built.
- (2) Payment for the realization of PSU through public appointment as referred to in Article 21 paragraph (1) is made based on the number of public houses built at the time when pre-construction verification is made.

## CHAPTER VI

## BMN GRANTS

## Article 27

- (1) The use of goods using State Budget (APBN) fund for the construction of PSU assistance shall be done through the transfer of PSU to the regional government or agency receiving assistance through grants according to the law and regulation.
- (2) Grants are given to transfer components of PSU assistance.
- (3) The grants as referred to in paragraph (2) are given through the following phases:
  - a. application for grants from would-be recipient;
  - b. setting up an internal team;
  - c. filing a written statement to receive goods;
  - d. filing a proposal;
  - e. approval;
  - f. handover; and
  - g. abolition from the list of BMN.
- (4) BMN components of PSU assistance that have been granted cannot be
  - a. changed to other function;
  - b. used by other parties; and/or
  - c. transferred to other parties.
- (5) Grants from the components of PSU assistance are made according to the law and regulation concerning BMN grants.

## CHAPTER VII

## CONCLUSION

## Article 28

When this Ministerial Regulation begins to take effect, Regulation of the Public Housing Minister No. 04/2013 on Guide to Realizing Infrastructure, Facility and Public Utility Assistance for Landed Housing Built by Developers as already amended by Regulation of the Public Housing Minister No. 09/2014, is revoked and declared null and void.

Article 29

This Ministerial Regulation shall come into force as from the date of promulgation.

For public cognizance, this Ministerial Regulation shall be promulgated by placing it in the State Gazette of the Republic of Indonesia.

Stipulated in Jakarta

On August 13, 2015

THE PUBLIC WORKS AND PUBLIC HOUSING MINISTER OF  
THE REPUBLIC OF INDONESIA,

sgd.

M. BASUKI HADIMULJONO

Promulgated in Jakarta

On August 18, 2015

THE LAW AND HUMAN RIGHTS MINISTER OF  
THE REPUBLIC OF INDONESIA,

sgd

YASONNA H. LAOLY

STATE GAZETTE OF THE REPUBLIC OF INDONESIA  
OF 2015 NO. 1216

Editor's note :

- Attachments are not carried for technical reasons.

(S)