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# Consumer Legal Protection in Landed House Sale and Purchase Transactions: Legal Study Between Consumers and Developers

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**Abstract:** *Landed house buying and selling transactions are one of the important sectors in the property industry. In this process, consumer protection is a crucial aspect to ensure that buyers' rights are protected, especially regarding clarity of information and property certification. This research aims to analyze the clarity of information and legality of property certification, in this case landed houses, and the accuracy in delivery time plays a role in providing protection for consumers in buying and selling landed houses. The methodology used is literature study and analysis of regulations in force in Indonesia, namely Law no. 8 of 1999, Law no. 1 of 2011, Law no. 5 of 1960 and the Civil Code. The research results show that clarity of information regarding house specifications and legality of the property as well as accuracy in the delivery time of the landed house provides legal protection for consumers. In addition, clear certification, such as a Certificate of Ownership, is very important to ensure legal certainty for consumers*

**Keyword:** *Buying and Selling Landed Houses, Consumer Protection, Clarity of Information, Consumer Rights, Property Certification*

## INTRODUCTION

In the sale and purchase transaction of a landed house, the legal relationship between the consumer and the developer (developer) is a very important aspect. The developer acts as the product provider (landed house) while the consumer is the party who buys and receives the product. This relationship is regulated by several legal instruments such as Law no. 8 of 1999 concerning Consumer Protection, Law no. 1 of 2011 concerning Housing and Settlement Areas, as well as other regulations governing developer responsibilities and consumer rights.

Landed house buying and selling transactions in Indonesia are often the subject of consumer complaints, especially regarding the clarity of information submitted by the developer and the

property certification status. Consumers are often faced with conditions where the information provided regarding the condition of the house or the legal status of the property is not completely clear, which has the potential to be detrimental. In this context, strong regulations and the implementation of effective consumer protection are needed to maintain a balance of rights between developers and buyers.

Other research related to legal protection for consumers was carried out by Muh. Anis from Hasanuddin University, Makassar, in his research entitled Consumer Protection in Home Ownership from Irresponsible Developers in Makassar City. This research was conducted in Makassar and highlights consumer legal protection in cases of developer default in house buying and selling transactions. Consumers are protected by Law no. 8 of 1999 concerning Consumer Protection, especially when developers fail to fulfill agreements. This research concludes that consumers have the right to demand compensation through both litigation and non-litigation (Muh. Anis, 2017). Hasyim Amrullah from the Batanghari Jambi Scientific Journal, his research highlights consumer legal protection regarding developer default and dispute resolution through mediation. Jovano Abraham Alfredo Apituley who researched Consumer Legal Protection against Developer Defaults in Home Ownership Credit Sale and Purchase Agreements in Property Businesses in Lex Privatum (Jovano Abraham Alfredo Apituley, 2024). Of these three studies, there are differences with my research in that I put more emphasis on aspects of consumer protection in landed house buying and selling transactions based on relevant regulations such as the Consumer Protection Law and the Housing and Settlement Area Law, providing a more thorough and comprehensive view of the relationship between consumers and developers in sales and purchase transactions for landed houses, both in terms of delays in delivery, changes to house specifications, and legality of certification. focuses more on general consumer protection in landed house transactions between consumers and developers. This involves analyzing the developer's obligations under the law and consumer rights broadly. The three previous studies tended to examine specific issues, such as developer default or the land certification process in certain contexts, such as Home Ownership Credit (KPR) or Sale and Purchase Agreements and focused on more specific dispute resolution mechanisms.

Landed house buying and selling transactions involve complex legal aspects because they involve property ownership which is protected by law. Consumers who buy landed houses are often faced with various legal risks, ranging from unclear information provided by the developer to problematic property certification status. Therefore, consumer protection in landed house buying and selling transactions is a very important aspect to ensure that the buyer's rights are protected. This study will examine how consumer protection is seen from a legal perspective, especially in the context of Law no. 8 of 1999 concerning Consumer Protection and Law no. 5 of 1960 concerning Basic Regulations on Agrarian Principles, as well as other related regulations.

The main problems that often arise in consumer-developer relationships include delays in handing over property, changes to house specifications and land and building legality issues. This study focuses on the legal obligations that must be fulfilled by developers as well as the rights that consumers have in each stage of the sale and purchase transaction of landed houses, so the problem in the research is "How is the clarity of information and legality of property certification, in this case, landed houses and the accuracy of delivery time? play a role in providing protection for consumers in buying and selling landed houses?" The aim of this research is to analyze the clarity of information and legality of property certification, in this case landed houses, and the accuracy in delivery time plays a role in providing legal protection for consumers in buying and selling landed houses.

The novelty of this research is the use of a combination of legal frameworks, namely Law no. 8 of 1999 concerning Consumer Protection and Law no. 1 of 2011 concerning Housing and Settlement Areas and Law. No. 5 of 1960 concerning Basic Regulations on Agrarian Principles simultaneously. Previous research may only emphasize one of these laws, but this research links them in an integrated manner to discuss the rights and obligations of both parties as a whole. Thus, the novelty of this research lies in its comprehensive and theoretical approach, as well as a broader multi-variable discussion compared to previous studies which tend to focus on specific issues in house buying and selling disputes.

## METHOD

This research is legal *research*, which focuses on legal studies on positive law. *The problem* approach used is the philosophical *approach*, the *statutory* approach and the conceptual approach. The legal materials used in this study are primary legal materials in the form of laws and regulations relating to research problems and secondary legal materials, namely legal materials that provide explanations of primary legal materials, such as legal books, journals relating to the problem.(Marzuki P.M, 2009)

Analysis of legal materials is carried out by first identifying the collected legal materials, then describing them, systematizing them based on legal scientific theories and legal concepts, principles, or principles of law. The analysis uses descriptive analysis, which is based on legal reasoning (*legal reasoning*), legal interpretation (*legal interpretation*), and legal argumentation (*legal argumentation*) in a coherent manner. Furthermore, conclusions are drawn using the deductive method of thinking, namely concluding the results of research from things that are general to specific things.

## RESULTS AND DISCUSSION

Another issue is the right to information. This right to information is very important, because inadequate information conveyed to consumers can also be a form of product defect, namely what is known as defective instructions. The right to clear and correct information is intended so that consumers can obtain a correct picture of a product, because with this information, consumers can choose the product they want/suit their needs and avoid losses due to errors in product use. This information can be conveyed either verbally or in writing, either by the developer or through print media, brochures and electronic media. Because correct, clear and honest information regarding the conditions and guarantees of goods and/or services can have a significant impact on increasing consumer efficiency in choosing products and increasing their loyalty to certain products, so that it will provide benefits for both parties.

Unclear information that is often conveyed by developers can cause problems for consumers in the future. For example, information regarding the size of the building, the physical condition of the house, and public facilities around the location are often different from reality. This can be considered a violation of consumer rights regulated in the Consumer Protection Law.

Another thing that often happens is delays in handing over landed houses by developers. In this case, consumers are often at a disadvantage because they have made payments, but the house has not been delivered according to the schedule set. Delays in delivery can also be caused by various factors, such as problems with licensing, developer financial problems or other technical obstacles. To protect consumers, Article 45 of Law no. 8 of 1999 concerning Consumer Protection gives consumers the right to resolve disputes through available mechanisms, such as mediation, arbitration or litigation.

Another problem is changing the specifications of the house from what was previously promised by the developer, which is another problem that often causes disputes. Developers sometimes make changes to designs, building materials or sizes without the consent of consumers. This violates Article 4 letter c of Law no. 8 of 1999, which requires business actors to provide correct, clear and honest information to consumers. If the specifications of the house delivered do not match the initial agreement, the consumer has the right to demand that the developer make repairs or compensate for the changes.

Property certification, especially regarding land and building ownership status, plays an important role in providing legal certainty to buyers. Without a valid certificate, consumers are at risk of facing legal problems in the future, such as claims of ownership by third parties or other legal problems. The Ownership Rights Certificate (SHM) is the highest certification that gives full rights to the land owner and this certificate must be available before the transaction is carried out.

Problems related to land certification are a serious issue in property transactions. Developers who sell property without clear certification or property that is in dispute can legally harm consumers. Therefore, consumers must ensure that the property they purchase has valid certification before carrying out the transaction. If the developer fails to hand over the land certificate after payment has been made in full, consumers can file a lawsuit to demand the certificate, or request cancellation of the transaction and a refund.

Land certificates are the main guarantee for consumer protection in landed house buying and selling transactions. The Basic Agrarian Law emphasizes that without a valid certificate, ownership of land and buildings on it can be questioned and potentially face lawsuits. Therefore, before making a transaction, consumers must check the authenticity of the certificate and ensure that the property to be purchased is not under dispute or mortgaged. In the event that the developer offers a home that does not yet have full certification (for example, the certificate is still in process), consumers should be careful and ask for a written guarantee from the developer to ensure that the property will be certified soon without any legal problems.

### **Legal Protection in Sale and Purchase Transactions of Landed Houses**

The development of the property industry in Indonesia is increasingly rapid, especially in sales and purchase transactions for landed houses. However, behind this growth, there are a number of challenges that consumers often face when interacting with developers. In this context, legal protection for consumers is a very important issue, considering the many cases where consumer rights are ignored or violated by irresponsible developers. This can include defaults such as delays in handing over the house, building specifications that do not comply with the agreement, and land certification problems.

To overcome this problem, the government has issued several important regulations aimed at protecting consumers, such as Law no. 8 of 1999 concerning Consumer Protection and Law no. 1 of 2011 concerning Housing and Settlement Areas. These two laws provide a strong legal basis to ensure that consumers obtain their rights at every stage of the sale and purchase transaction of a landed house. However, in practice, implementing this legal protection still faces various challenges, both in terms of implementing regulations and developer compliance with applicable regulations.

The legal protection provided by the state is external legal protection. External legal protection comes from the authorities through regulations in the form of laws and regulations. Legal protection is prepared by legislators to anticipate injustice experienced by one of the parties to the contract and anticipate exploitation carried out by one party who has a superior bargaining position than the other party (Moch. Isnaeni, 2017).

Legal protection to protect the interests of the parties which is built on the basis of an agreement, outlined in the contract clauses is internal legal protection. Internal legal protection can be created properly if the parties have a balanced bargaining position. A balanced bargaining position of the parties can properly protect the interests of the parties and can give birth to a healthy contract. The parties to the contract have actually built internal legal protection that was created by themselves based on the agreement (Moch. Isnaeni, 2017).

## CONCLUSION

In sales and purchase transactions for landed houses, the legal relationship between consumers and developers is strictly regulated in Law no. 8 of 1999 concerning Consumer Protection, Law no. 1 of 2011 concerning Housing and Settlement Areas, Law no. 5 of 1960 concerning the Basic Agrarian Law and the Civil Code. Developers have a legal obligation to provide clear information, provide property with promised specifications and hand over houses and land certificates on time. Consumers, on the other hand, have the right to obtain correct information, legal protection and delivery of the house according to the agreement. Clear and effective legal protection will improve the balance between the rights and obligations of both parties, as well as reduce the potential for disputes in landed house buying and selling transactions. Legal protection that comes from the state is legal protection through regulations in the form of laws and regulations. Legal protection is prepared by legislators to anticipate injustice. If a developer is proven to have violated consumer rights, the Consumer Protection Law gives the government the authority to impose administrative sanctions or criminal sanctions, including fines and imprisonment, on those who violate. This legal protection aims to ensure that consumer rights are protected throughout the process of buying and selling landed houses, so that consumers are not harmed by irresponsible developer practices.

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