

Tinjauan yuridis perlindungan konsumen terhadap praktik jual-beli perumahan secara pre-project selling = Legal analys consumer protection upon the practice of buy and sell housing by pre-project selling

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Abstrak

Permasalahan konsumen perumahan sebagian besar diakibatkan karena adanya praktik penjualan perumahan secara pre-project selling yang marak dilakukan pengembang. Skripsi ini membahas mengenai perlindungan hukum yang diberikan kepada konsumen perumahan, ditinjau dari segi peraturan-peraturan yang mengatur kegiatan pre-project selling di Indonesia. Penelitian ini merupakan penelitian yuridis-normatif normative legal research dan dianalisis secara kualitatif dengan cara menganalisis bahan pustaka.

Hasil penelitian ini menunjukkan bahwa kegiatan pre-project selling diatur dalam Undang-Undang No. 1 Tahun 2011 dan Undang-Undang No. 20 Tahun 2011. Selain itu terdapat peraturan yang berkaitan dengan praktik pre-project seling dimaksudkan untuk memenuhi kebutuhan perlindungan konsumen. Berdasarkan analisis Putusan Badan Penyelesaian Sengketa Konsumen BPSK No. 02/BPSK-Kab.Bogor/Pts/I/2014, No. 06/Pts.Arb/BPSK/IV/2016, No. 006/A/.BPSK-DKI/X/2016, dan No. 15/Pts.BPSK/BPSK/I/2014, Konsumen mengalami kerugian akibat perbuatan Pengembang yang melakukan kegiatan pre-project selling, serta sulit untuk meminta ganti rugi berupa pengembalian sejumlah uang yang telah dibayarkan kepada pengembang. Pengembang sebagai pelaku usaha telah melanggar ketentuan yang diatur dalam Undang-Undang No. 8 Tahun 1999 tentang Perlindungan Konsumen. Adapun Peraturan pre-project selling yang ada, ternyata belum cukup memberikan perindungan kepada konsumen terhadap resiko praktik pre-project selling di Indonesia.

Saran Penulis terhadap permasalahan dalam skripsi ini ialah pengembang yang melakukan praktik pre-project selling harus memenuhi persyaratan pemasaran secara pre-project selling yang diatur dalam Undang-Undang No. 1 Tahun 2011 dan Undang-Undang No. 20 Tahun 2011. Hal ini dikarenakan, adanya penyimpangan yang dilakukan terhadap ketentuan tersebut dapat merugikan konsumen dan melanggar ketentuan dalam Undang-Undang Perlindungan Konsumen. Diperlukan Lembaga dari pemerintah yang secara khusus mengawasi praktik pemasaran dan jual beli perumahan secara pre-project selling, serta edukasi kepada konsumen mengenai resiko praktik pre-project selling. Selain itu, diperlukan ketentuan dalam peraturan pelaksana mengenai penyelenggaraan perumahan, yang bertujuan untuk memberikan perlindungan terhadap dana konsumen yang telah dibayarkan kepada pengembang agar tidak disalahgunakan untuk kepentingan lain.

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The problem of housing consumers is largely due to the sales of housing practice in pre project sales which made rampant by developers. This thesis discusses about the legal protection afforded to housing consumers, in terms of the rules which govern pre project selling activities in Indonesia. This research is a juridical normative research normative legal research and analyzed qualitatively by analyzing library

materials.

The results of this study indicate that pre project selling activities are regulated in Law no. 1 of 2011 and Law no. 20 of 2011. In addition, there are regulations relating to the practice of pre project selling intended to meet the needs of consumer protection. Based on the analysis of Consumer Dispute Settlement Agency BPSK Decision No. 02 BPSK Kab.Bogor Pts I 2014, No. 06 Pts.Arb BPSK IV 2016, No. 006 A .BPSK DKI X 2016, and No. 15 Pts.BPSK BPSK I 2014, the Consumer suffer losses due to the action of the Developer who engages in pre project selling activities, and it is difficult to request compensation in the form of a refund of the amounts paid to the developer. Developers as business actors have violated the provisions stipulated in Law no. 8 of 1999 on Consumer Protection. The existing pre project selling regulation, it is not enough to provide protection to the housing consumer against the risk due to the practice of pre project selling in Indonesia.

Suggestion Writer to problem in this thesis is developer who do practice of pre project selling must fulfill requirement of marketing by pre project selling as regulated in Law no. 1 of 2011 and Law no. 20 of 2011. The reason is that any irregularities committed against such provisions may harm consumers and violate provisions in the Consumer Protection Act.. Government agencies that specifically oversee the practice of marketing and sell housing by pre project selling, as well as education to consumers about the risks of pre project selling practices are also very important. In addition, there is a need for provision in government regulation concerning the conduct of housing, which aims to provide protection against consumer funds that have been paid to the developer not to be misused for other purposes.