

Tinjauan Yuridis Implementasi Peraturan Menteri PUPR No. 11/PRT/M/2019 terhadap Perjanjian Pengikatan Jual Beli Rumah Susun = Juridical Study on Implementation of Minister of General Working and People Housing Regulation Number 11/PRT/M/2019 on Provision of Sales and Purchase Agreement of Apartment

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Abstrak

Pembangunan rumah susun menjadi alternative solusi permasalahan perumahan di Indonesia di tengah-tengah kebutuhan tempat tinggal yang semakin meningkat. Salah satu aspek penting dalam rumah susun adalah perolehannya yang saat ini dapat dilakukan saat fisik bangunan rumah susun tersebut belum terbangun (pre-project selling) Mengantisipasi perkembangan dan kebutuhan tersebut, Pemerintah menerbitkan Peraturan Menteri PUPR No. 11/PRT/M/2019 tentang Sistem Perjanjian Pendahuluan Jual Beli Rumah. Namun, berbagai kalangan menganggap aturan tersebut tidak adil bagi pengembang. Aturan yang dianggap tidak adil dalam aturan tersebut adalah antara lain (1) ketentuan mengenai pemasaran yang membebankan tanggung jawab penuh kepada pengembang terhadap informasi yang disampaikan oleh agen pemasaran; (2) Pengembang wajib mengembalikan seluruh pembayaran dengan potongan 10% kepada konsumen. Dikarenakan aturan tersebut, kemudian timbul persoalan mengenai kesetaraan pengembang dan konsumen rumah susun dalam jual beli satuan rumah susun.

.....The development of Apartment across Indonesia has been an alternate solution amidst housing problems in Indonesia. One of the key aspects in Apartment subject is the provision of apartment which for the time being may be procured before the physical of apartment even exists (pre project selling). In consideration of the above complexities and development, the Government of Indonesia enacted Minister of General Construction and People Housing Regulation Number No. 11/PRT/M/2019. However, the promulgation has attracted criticism due to the provision contained in the regulation doesn't reflect the equality or fairness for the developer. Some of the provision being criticized are (1) provision for developer to fully take responsibility for every marketing activity conducted by external marketing agent; (2) Developer shall return full payment with deduction of 10% in case of cancellation by consumer. Notwithstanding the provision, questions are raised on the equality between developer and consumer in apartment transaction.