

ABSTRACT

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PERLINDUNGAN HUKUM BAGI KONSUMEN TERHADAP PROSES JUAL BELI PROPERTI

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In the process of buying and selling a house from developers need several stages starting from making a purchase order, making PPJB, making AJB until making certificates. Based on Article 1 point 11 of the Government Regulation No.12 of 2021 About Amendments to Government Regulation No.14 of 2016 About Implementation of Housing and Residential Area state that at the stage of making PPJB involving a notary to make a notary deed in front of him. In the implementation of the process of buying and selling houses from developers which requires long stages does not rule out the possibility of potential losses for consumers in the future as happened in Decision No. 64/Pdt.G/2019/PN Jpa where the developer does not carry out the obligation to refund the money to the consumer as agreed and the notary who helped make the PPJB deed in front of him did not give a copy of the deed to the consumer so that he was made a co-defendant. The problem in this research is: (1) how does the Consumer Protection Act provide legal protection and certainty for consumers who are harmed by Breach of Contract by developers? (2) how does the legal responsibility of the notary for disputes that occur in the PPJB deed made in front of him?. The research method used is normative-empirical research with secondary data as the main source and supported by primary data in the form of interviews. The results in this research are the chronology and analysis of Decision No. 64/Pdt.G/2019/PN Jpa regarding claims for compensation due to developer breach of contract which is a form of legal protection for consumers who are harmed. The conclusion is that in the process of buying and selling houses from developers there is a potential losses for consumers because developers does not fulfill what they promised at the beginning, as happened in the Decision No.64/Pdt.G/2019/PN Jpa, Decision No. 20/Pdt.GS/2020/PN.Btm and information from the interviewees. Related to that consumers who are harmed by breach of contract by developers are protected by the Consumer Protection Law to obtain compensation and to ensure these rights the Consumer Protection Law provides a voluntary choice in relation to dispute resolution efforts to be resolved out of court or through court. Furthermore, if there is a dispute in the PPJB deed made in front of him caused by a notary violation, the notary is responsible administratively, civilly and criminally based on the mistakes he made.

Keywords : Legal Protection, Consumer, Breach of Contract, Notary

References: 75 (1979-2021)