

Legal Protection for Flat Residents in Law Number 20 of 2011 Concerning Flat Houses

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Abstract. Regulation Number 20 of 2011 concerning Pads is an impression of Regulation Number 28 of 2002 concerning Structures because flats are a type of building. Ownership of flats generally occurs due to buying and selling between the seller/developer and the buyer/consumer. This research uses an analytical method with an empirical juridical approach or legal sociology is an approach to the problem by reviewing the regulations that have been implemented in society as positive law with implementing regulations including their implementation in the field. Protection for owners and residents of condominium units is regulated in Law Number 20 of 2011 regulating the marketing of condominiums. This marketing can be carried out before the construction of the flat is carried out, if this is done at least the developer must have: Certainty of space allocation, Certainty of land rights, Conviction of the possession status of the level, License for the development of the level, Assurance for the development of the level from the underwriter foundation. Showcasing completed during development has not yet been carried out, so it should go through a deal and buy authoritative understanding (PPJB) made before an approved authority, to be specific a Legal official. The PPJB contains conviction in regards to Land proprietorship status, Building Grant Possession, Accessibility of framework, offices, and public utilities, Improvement of no less than 20%, and things settled upon.

Keywords: Legal Protection, Flats, Consumers

1 Introduction

The government believes that it is important to design house-building ideas that allow residents of multi-story buildings to live together in different apartments that can be built horizontally and vertically.[1] The condominium system is used in this housing development to meet the needs of contemporary society, especially metropolitan society.

According to the Big Indonesian Dictionary, a house is defined as "a building for residence, a building in general (such as a building)".[2] A building is defined as a physical form resulting from construction activities that are integrated with its environment, whether

partly or wholly on land, in water, or both, and functions as a gathering place for people, according to Law Number 28 of 2002 About Buildings. carrying out its activities, whether for residence or domicile, religious, trade, social, cultural, or unique activities. The buildings are arranged based on the concepts of benefit, safety, balance, and environmental harmony. The structural design seeks to:

- a. Creating buildings that are functional and have a building layout that is harmonious and in harmony with its environment;
- b. Creating order in the administration of buildings to ensure technical reliability, starting from the aspects of safety, health, comfort, and convenience;
- c. Realizing legal certainty in building operations.

The following are 4 considerations that are the basis for prospective buyers:[3]

- a. Accessibility means that the location of the apartment is easy to reach by public/private transportation, close to the place of work compared to being outside.
- b. The price per unit is affordable according to the income of the prospective buyer and can be assisted with credit facilities for ownership of flats/condominium units.
- c. Security and comfort are also determining factors in choosing a place to live because they will provide a sense of security and comfort. This means that the place to live is cool, not noisy, and free of pollution.
- d. Benefits that will be achieved in the short and long term compared to deposit interest for both real buyers and for speculative purposes.

The main provisions regarding buildings are regulated in Law Number 28 of 2002. This law explains that a building must comply with several regulations, including: [4]

- a. Administrative requirements, namely requirements in the form of permits that are required as a condition for constructing an apartment. These permits are in the form of land rights and building construction permits (IMB);
- b. Technical requirements, namely requirements for location designation as well as building intensity and architecture and building reliability requirements which include safety, health, comfort, and convenience requirements.
- c. Ecological requirements, namely requirements that meet the environmental impact analysis in terms of building flats.

In addition, all buildings must be equipped with a Certificate of Functional Appropriateness issued by the local regent or mayor after inspection and testing of administrative and functional requirements, by Law Number 28 of 2002 concerning Buildings which is the parent of all regulations. regarding building construction. technical characteristics of a residence. Written documentation stating the suitability of a building is known as a Certificate of Functional Appropriateness. A Functional Eligibility Certificate helps provide peace of mind for apartment unit residents by stating that their apartment is suitable for use as a home. The following criteria must be met for the building to be considered functionally suitable for use:[5]

- a. Building safety is a level of protection for users and the environment, with the structure's load-bearing capacity being the main safety criterion. The benchmark is a structure that can withstand the load to its maximum level in various loading scenarios, including live load and dead load. This aims to ensure that building occupants can still save themselves if a collapse occurs.

- b. Building Health has a good level of health for the occupants and the environment. Building health requirements include requirements for ventilation systems, lighting, sanitation, and use of building materials.
- c. There is a level of comfort in the building for residents and the surrounding environment. A comfortable space for movement and connection between spaces, indoor air quality, views, as well as vibration and noise levels, are the requirements for a building. A proper and functional room layout, appropriate room dimensions, and a layout that moves around the room comfortably all contribute to a comfortable environment for mobility.
- d. Convenience The building provides convenience for all its users. Condition Convenience is the ease of connection to, from, and within the building, as well as the completeness of facilities and infrastructure in the use of the building.

Law Number 20 of 2011 concerning Flats is a reflection of Law Number 28 of 2002 concerning Buildings because flats are a type of building. Compared to landed houses, these apartments are more affordable and easily accessible to all groups. As a result, apartment construction is growing rapidly to meet people's housing needs.[6]

Pads are portrayed as "multi-story structures worked in a climate, separated into parts that are organized practically in even and vertical bearings" in Article 1 Number 1 of Regulation Number 20 of 2011 concerning Pads. Particularly for private structures, these are units that can each be possessed and utilized independently, furnished with Normal Parts, Normal Articles, and Normal Land.[7] Common parts as mentioned in Article 1 number 1 of Regulation Number 20 of 2011 concerning Pads are parts of an apartment that are jointly owned inseparably by all owners of the apartment unit and are intended for shared use, such as lifts, stairs, hallways, foundations, building roofs, public spaces and others.[8] Common goods are objects and structures that are not part of the apartment complex in question but are located on "common land" and are intended for shared use. For example, buildings for places of worship, parking lots, sports fields, landscaping, children's play areas, and so on. These goods and buildings are also joint property that belongs to the owners of the apartment units.[5] Common land is a certain plot of land on which the apartment building in question stands, whose rights status, boundaries, and area are certain. The land does not belong to the owners of the apartment units on the ground floor, but like the common share, it is also the collective right of all owners of the apartment units in the apartment building concerned.

Ownership of flats generally occurs due to buying and selling between the seller/developer and the buyer/consumer. A Deal and Buy Understanding is an arrangement containing the privileges and commitments between the vender/designer and the purchaser/consumer.[9] The Deal and Buy Arrangement is normally a one-sided deed of understanding made by the merchant or engineer, where the understanding is standard since it contains conditions that are viewed as significant by the vender or engineer. This Deal and Buy Arrangement is dependent upon the arrangements of Regulation Number 1 of 2011 concerning Lodging and Settlement Regions, which states in Article 42 passage 1, that solitary houses, column houses, and additionally pads that are still under development can be fabricated. promoted through a primer deals and buy understanding framework by legal arrangements. The Deal and Buy Arrangement is additionally controlled in the Pronouncement of the Priest of Public Lodging Number 09/KPTS/M/1995 concerning Rules available to be purchased and Buy Arrangements.[10]

2 Methodology

This research uses an analytical method with an empirical juridical approach or legal sociology, namely an approach to the problem by reviewing the regulations that have been implemented in society as positive law with implementing regulations including implementation in the field.[2] The focus of this research is to discuss issues regarding the regulation of flats as stated in number 20 of 2011 concerning pads and shopper insurance with an investigation of regulation number 8 of 1999 concerning customer security. Purchaser security is characterized as a lawful instrument made to safeguard the satisfaction of shopper privileges. Along these lines, each exchange can be safeguarded by this regulation and religion controls this. The information investigation strategy used to look at the issue of legitimate insurance for buyers in apartment ownership is by using data analysis methods through data selection that produces descriptive data, namely data from theoretical foundations, legal concepts, and legal doctrine.

3 Results and Discussion

3.1 Indonesia as a rule of law country must also pay attention to the principles for establishing law in the form of the 1945 Constitution.

Based on the Amendment to the 1945 Constitution Article 28 H:

1. Each individual has the privilege to reside in physical and otherworldly thriving, the option to have a spot to live, a fair living climate, and the option to get wellbeing administrations.
2. To achieve equality and justice, everyone receives facilities and special treatment to obtain the same possibilities and benefits.
3. Everyone has the right to social security that will enable them to develop fully into respectable members of society.
4. Everyone has the right to have private property rights which cannot be taken over by anyone unilaterally.

Based on the conclusion of the article above, the Indonesian people have rights, including:

1. The right to live in physical and spiritual prosperity;
2. Right to residence; And
3. The right to a decent and solid living climate and the option to get wellbeing administrations.
4. Satisfaction of these privileges should initially be laid out on a legitimate premise, in particular with the issuance of Regulation Number 20 of 2011 concerning Pads (Rusun Regulation). This regulation replaces the past regulation, in particular Regulation Number 16 of 1985 concerning Pads and the Executing Guidelines of Regulation Number 16 of 1985 as Unofficial law (PP) Number 4 of 1988 concerning Pads.

5. Flats are a new housing model in Indonesia. In the past, Indonesia recognized three patterns of urban housing procurement systems, including:
 - a. Housing built by the private sector is of good quality, expensive, and intended for people with high incomes, especially Europeans and foreigners.
 - b. Housing that is procured for personal use, whether private or by a business entity. This includes housing for civil servants, private employees, and others.
 - c. Village housing. Housing in the village is housing for indigenous people, which accounts for two-thirds of existing houses.[1]

Ownership of apartment units at this time, if a sale and purchase occurs, must be done before a Land Deed Official (PPAT). "Because the transfer of rights is a cash legal act, the ownership rights to the apartment unit in question are handed over to the buyer when the sale and purchase deed is completed by the PPAT." [9]

The latest law, namely Regulation Number 20 of 2011, replaces Regulation Number 16 of 1981 and is the reason for building pads. The order of Regulation Number 20 of 2011 was not accompanied by changes to implementing regulations, such as government regulations. Gaps in perception between regions can occur because there are no official regulations. It is recommended that every legal change be followed by the creation of implementing regulations. Current legislation relating to apartments is as follows:

1. Law NO 20 of 2011 concerning Flats.
2. Government Regulation Number 4 of 1988 concerning Flats.
3. Declaration of the state serve for Public Lodging Number: 06/KPTS/BKP4N/1995 concerning Rules for Making Deeds of Foundation, Articles of Affiliation and Local laws of Relationship of Level Inhabitants.
4. Regulation of the State Minister for Public Housing Number 15/PERMEN/M/2007 concerning Procedures for Forming Associations of Residents of Simple Owned Flats.
5. Apart from that, the Civil Code (Civil Code) also applies regarding agreements made.
6. Law No. 8 of 1999 concerning Consumer Protection.

In Indonesia, apartment construction is carried out to sell them to residents at a later date. Marketing is carried out while still paying attention to the rules regarding other transactions. Regulation Number 5 of 1960 concerning Fundamental Agrarian Guidelines and Unofficial law Number 24 of 1997 concerning Area Enrollment are two more regulations besides those already listed that must be taken into account. These regulations include those relating to land rights.

Law Number 20 of 2011 concerning Flats has established guidelines for the construction of flats in Indonesia. However, the construction of flats in Indonesia was previously regulated in Law Number 16 of 1985, and this provision was found in Article 2 of that law which only had three principles, namely:

1. Principle of general welfare,
2. Principles of justice and equality, as well
3. The principle of harmony and balance in life.

In the mean time, in Regulation Number 20 of 2011 concerning Pads, there are a larger number of standards than in Regulation Number 16 of 1985 concerning Pads. In Article 2 of Regulation Number 20 of 2011 concerning Pads, there are 13 standards, specifically:

1. The principle of welfare The principle of welfare is the condition of meeting the needs of adequate housing for the community so that they can develop themselves so can carry out their social functions.
2. The principle of justice and equity The principle of justice and equity is to provide development results in the area of apartments so that they can be enjoyed proportionally and equally for all people.
3. The principle of nationality The principle of nationality is to provide a basis for the ownership of the flat to be utilized as much as possible for the national interest.
4. The guideline of reasonableness and comfort The rule of moderateness and accommodation is to provide a basis so that the results of apartment construction can be reached by all levels of society, as well as encouraging the creation of a conducive climate by providing convenience for low-income communities.
5. Concept of usability and efficiency To maximize the potential of land resources, design technology, and a healthy building materials industry and provide maximum benefits for the welfare of the people, efficiency and usability provide a framework for managing flats.
6. The idea of mutual support and freedom. The ideas of freedom and togetherness are the basis for apartment management based on initiative, self-help, and community involvement so that they can develop self-confidence, competence, and strength as well as foster cooperation between community stakeholders.
7. The principle of partnership The principle of partnership is to provide a basis for the implementation of flats to be carried out by the government and regional governments by involving business actors and the community with the principle of mutual support.
8. The rule of concordance and equilibrium The standard of harmony and balance is to provide a basis for the management of flats to be carried out by realizing harmony and balance in space utilization patterns.
9. Principle of integration The principle of integration is to provide a basis for flats to be managed in an integrated manner in terms of policy and planning, implementation, utilization, and control.
10. The principle of health is to provide a basis for the construction of flats to meet healthy house standards, environmental health requirements, and healthy living behavior.
11. The principle of hunger and hunger By maintaining environmental balance and adapting With needs continuing to increase along with the rate of population growth and limited land, the principle of sustainability aims to provide a basis for the continuity of flats.

12. Guidelines for safety, comfort, and convenience. Apartment buildings must be able to support loads, be protected from the dangers of fire and lightning, and meet the requirements for space comfort and movement between rooms, air conditioning, views, vibration, and noise, as well as requirements for ease of connection to, from, and inside the building, as well as the completeness of infrastructure and facilities.
13. The principle of safety, comfort, and convenience The principle of safety, comfort, and convenience are to provide a basis so that the management and use of flats can guarantee the building, environment, and residents from all disturbances and security threats; orderliness in carrying out residential life and social life; as well as regularity in fulfilling administrative provisions.

Regulation Number 20 of 2011 concerning Pads likewise contains the targets of laying out pads. In Article 3 of the Pads Regulation, the aim of establishing flats is to:

1. Guarantee the making of pads that are bearable and reasonable in a sound, protected, amicable, and manageable climate and make coordinated settlements to fabricate monetary, social, and social strength.
2. Expanding the proficiency and adequacy of room and land use, as well as giving green open space in metropolitan regions in making the most incredibly complete, amicable, and adjusted neighborhoods by passing judgment on the standards of reasonable and naturally sound turn of events.
3. Diminish the region and forestall the rise of lodging and ghetto settlements.
4. Coordinating the advancement of metropolitan regions that are agreeable, adjusted, effective, and useful.
5. Satisfy social and monetary requirements that help the existences of inhabitants and the local area while as yet focusing on the objective of addressing the requirements for satisfactory lodging and repayment, particularly for low-pay individuals.
6. Engaging partners in the field of condo development.
7. Guarantee that the requirement for respectable and reasonable pads is met, particularly for low-pay networks, in a solid, protected, amicable, and supportable climate in a coordinated lodging and settlement the board framework.
8. Give legitimate conviction in the arrangement, inhabitation, the executives, and responsibility for.

Apartment buyers, especially business apartment buyers in Bandung, need to pay attention to several factors. Flats built by business or development actors can be obtained through sale and purchase transactions or other means, for example by binding the sale and purchase first.

Law No. 20 of 2011 regulates the marketing of flats. This marketing can be carried out before the construction of the flat is carried out, if this is done at least the developer must have:

1. Conviction of room distribution.
2. Sureness of land privileges.
3. Assurance of the possession status of the loft.
4. License for the development of pads.

5. Ensure for the development of the condo from the underwriter establishment

Marketing carried out during construction has not yet been implemented, so it must go through a sales and purchase binding agreement (PPJB) made before an authorized official, namely a Notary. PPJB contains certainty regarding:

1. Land ownership status.
2. Ownership of IMB.
3. Availability of public infrastructure, facilities, and utilities.
4. Development of at least 20% (twenty percent).
5. What was agreed upon?

A certificate of functional fitness, a certificate of ownership rights to the condominium unit, and a certificate of ownership rights to the condominium unit building are proof that the construction of the condominium has been completed. Commercial apartments can be bought, sold, or rented to own.

A deed must be made before an authorized official, for example, a Notary or Land Deed Official (PPAT), to control both simple and commercial flats. In addition, the agreement must be submitted to PPPSRS, the Association of Owners, and Residents of Flats.

Agreements made between consumers and business actors must also be based on the Rev. KUH. In the Pdt KUH, we will get to know about agreements which are one of the sources of agreements that arise as well as the conditions for the validity of agreements contained in Article 1320 of the Pdt KUH. Agreement Deed Number 0103MTCM/00VIII/05 agrees on several rights and obligations of the parties including the establishment of PPPSRS.

Regulation Number 8 of 1999 concerning Buyer Assurance (UUPK) connects with shopper security. All activities required to guarantee lawful sureness to safeguard shoppers are designated "buyer insurance". (Article 1 section 1 UUPK). What is implied by "legitimate assurance" is a guarantee that a person will receive what is legally required so that he or she feels safe. Every consumer is given UUPK legal protection. According to Article 2 UUPK number 2, consumers include Every person who uses goods or services offered in society, whether for their interests, the interests of their family, the interests of other people, or the interests of other living creatures. , is considered a consumer.

Consumers in flats are people who buy goods in the form of flat roofing from developers/business actors and also residents. An occupant is a person who occupies a flat, whether as owner or non-owner. The formation of the UUPK is:

1. increment purchaser mindfulness, capacity, and freedom to safeguard themselves;
2. raise the nobility of buyers by keeping them from negative abundances in the utilization of merchandise or potentially benefits;
3. expanding buyer strengthening in picking, deciding, and requesting their freedoms as customers;
4. make an arrangement of shopper insurance that contains components of lawful conviction and data exposure along with admittance to data;

5. increment the attention to business entertainers in regards to the significance of customer security with the goal that a legitimate and dependable demeanor in business can create;
6. work on the nature of merchandise or potentially benefits, guaranteeing the coherence of business creation of products and additionally benefits, wellbeing, solace, security, and wellbeing of buyers.

Consumers in the UUPK have rights and obligations, namely:

Consumer rights are:

1. the option to solace, security, and wellbeing in consuming products and additionally benefits;
2. the option to pick products or potentially benefits and acquire said merchandise as well as administrations by the swapping scale and conditions and certifications guaranteed;
3. the option to right, clear, and fair data with respect to the condition and assurance of merchandise as well as administrations;
4. the option to have conclusions and protests heard with respect to the merchandise or potentially benefits utilized;
5. the option to get proper promotion, assurance, and endeavors to determine buyer security debates;
6. the option to get purchaser direction and schooling;
7. the option to be dealt with or served accurately and truly and not in a biased way;
8. the option to get remuneration, pay, as well as substitution, if the merchandise and additionally benefits got are not by the understanding or are not as they ought to be;
9. privileges controlled in other legal arrangements.

Consumer obligations are:

1. peruse or adhere to data directions and methodology for the utilization or use of merchandise and additionally benefits, for security and wellbeing;
2. have honest intentions in completing exchanges to buy products and additionally benefits;
3. pay as per the concurred swapping scale;
4. Follow suitable lawful goal endeavors for shopper security questions.

4 Closing

Pertinent arrangements connecting with pads incorporate Regulation No. 20 of 2011 concerning Pads, Unofficial law Number 4 of 1988 concerning Pads, Declaration of the State Pastor for Public Lodging Number: 06/KPTS/BKP4N/1995 concerning Rules for Making Deeds of Foundation, Articles of Affiliation and Local laws of Relationship of Level Inhabitants, Clerical Guidelines State Public Lodging Number 15/PERMEN/M/2007 concerning Procedures for Forming Associations of Residents of Simple Owned Flats. Apart

from that, the Civil Code also applies to agreements made, Law no. 8 of 1999 concerning Consumer Protection.

Protection for owners and residents of condominium units is regulated in Law Number 20 of 2011 regulating the marketing of condominiums. This marketing can be carried out before the construction of the flat is carried out, if this is done at least the developer must have: Certainty of space allocation, Certainty of land rights, Sureness of the proprietorship status of the level, License for the development of the level, Assurance for the development of the level from the underwriter organization.

Showcasing completed during development has not yet been carried out, so it should go through a deals and buy authoritative understanding (PPJB) made before an approved authority, to be specific a Legal official. The PPJB contains conviction in regards to Land proprietorship status, Building Grant Possession, Accessibility of framework, offices, and public utilities, Improvement of no less than 20% (20%), and Things settled upon.

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