

## ANALYSIS OF LEGAL PROTECTION FOR CONSUMERS PURCHASING APARTMENTS IN THE INDONESIAN LEGAL SYSTEM

<sup>1</sup>Herry Sudibyo  
[herryjatim@gmail.com](mailto:herryjatim@gmail.com)

---

Received: 26-11-2025

Revised: 08-12-2025

Accepted: 13-12-2025

---

### Abstract

The development of the property industry, particularly apartments, presents opportunities and challenges regarding consumer legal protection. Consumers who purchase apartment units often face issues related to information transparency, unclear agreements, delays in handover, and substandard building quality. This study aims to analyse legal protection for apartment buyers in the Indonesian legal system through legislative instruments such as the Consumer Protection Law, the Civil Code, and specific regulations on housing and residential areas. The research method used is a normative juridical approach that examines positive legal provisions, doctrines, and judicial practices. The study results show that legal protection for apartment buyers has been regulated in a normative manner. However, its implementation still faces various obstacles, especially regarding law enforcement and the certainty of consumer rights. Therefore, it is necessary to strengthen regulations, increase government supervision, and raise legal awareness among business actors to uphold the principles of justice, certainty, and consumer benefits.

**Keywords:** *legal protection, consumers, apartments, civil law, Indonesian law.*

---

<sup>1</sup> Universitas Airlangga

## INTRODUCTION

The Republic of Indonesia, as a state founded on the rule of law, upholds the principles of legal protection and safeguarding human rights for all its citizens. In this context, Article 28H paragraph (1) of the 1945 Constitution of the Republic of Indonesia affirms that every individual has the right to live in well-being, both materially and spiritually, to obtain adequate housing, and to enjoy a healthy environment. Housing holds a vital role in shaping the nation's character and identity and fostering the development of Indonesians into complete, independent, and productive individuals. Consequently, the state is responsible for guaranteeing the right to housing by providing decent and affordable homes.

Land conditions, availability, and increasing prices are significant problems in housing procurement, especially in urban areas. Vertical housing development can be considered the best alternative to address these issues. Vertical housing, or apartment buildings, are multi-story buildings constructed within a neighbourhood, divided into sections structured functionally in horizontal and vertical directions. These sections are units that can be owned and used separately, primarily for residential purposes, and are equipped with shared areas, facilities, and land.

With high demand for public housing and large-scale land use, land values and housing prices have risen, creating a domino effect accompanying housing procurement programs. In response to this, the government, through the Ministry of Housing and Settlements, issued the Minister of Housing and Settlements Decree No.

04/KPTS/M/1999, which set out strategic points for national housing and settlement development by encouraging vertical development in high-density areas, especially in large cities and metropolises. Vertical housing development affects land efficiency and prices.

However, many problems remain in the development of apartment buildings, including cultural, economic, technical, administrative, property management, and legal issues. This will result in particular losses for consumers. One issue that requires special and in-depth attention is the emergence of legal problems, including ownership, handover, and discrepancies in the specifications promised by the developer. Various problems experienced by apartment buyers include delays in unit handover, differences in building specifications, unclear ownership status, and developers' failure to fulfil their legal obligations to consumers.

It can be said that legal protection for consumers purchasing apartment units in Indonesia is an urgent issue that requires attention. Consumers are often weak due to their limited understanding of their rights and the power imbalance between them and developers. Law Number 8 of 1999 concerning Consumer Protection (UUPK) provides a legal basis for consumer protection, but its implementation often faces challenges. In addition, laws related to property, such as Law No. 20 of 2011 concerning Flats<sup>2</sup>, also play an essential role in regulating apartment transactions. The

---

<sup>2</sup> Undang-Undang Republik Indonesia Nomor 20 Tahun 2011 tentang Rumah Susun

same applies to the ownership status of the land on which the apartment building stands. The existence of Law No. 5 of 1960 on Basic Agrarian Principles and its implementing regulations helps clarify land status<sup>3</sup>. However, developers do not always comply with legal provisions, and law enforcement mechanisms are often ineffective. This causes losses for consumers, both financially and psychologically.

Based on this, law enforcement is necessary to protect consumers' legal rights when purchasing apartment units. According to Philipus M. Hadjon, the concept of legal protection includes two means: First, preventive legal protection. With preventive protection, legal subjects can submit objections or opinions before a government decision becomes final to prevent disputes. Secondly, repressive legal protection. Repressive legal protection aims to resolve conflicts. The General Court handles legal protection under this concept. Based on the above description, this study has produced findings on the dynamics of legal protection for consumers purchasing apartment units within the Indonesian legal system.

## RESEARCH METHODOLOGY

This study uses a literature review method with a normative legal approach. All discussions are based on a review of relevant laws and regulations, legal textbooks, scientific articles, prior research results, and court decisions related to consumer

---

<sup>3</sup> Undang-Undang Republik Indonesia Nomor 5 Tahun 1960 tentang Peraturan Dasar Pokok-Pokok Agraria

protection in the purchase of apartment units<sup>4</sup>. The selected literature focuses on publications from the last two decades, providing an up-to-date picture of the issues under study<sup>5</sup>.

In the review process, the researcher selected various primary legal sources, including Law Number 8 of 1999 concerning Consumer Protection, Law Number 20 of 2011 concerning Apartments, and Law Number 5 of 1960 concerning Basic Agrarian Principles, as well as several related ministerial regulations. In addition, fundamental classical literature, such as Philipus M. Hadjon's thoughts on legal protection, was also used as a theoretical reference. The analysis was conducted using content analysis techniques to identify the principles of legal protection, find regulatory gaps, and assess the implementation of legal norms in practice. The results of the analysis were then synthesised to provide a comprehensive picture of legal protection for consumers purchasing apartment units. This way, the research did not collect field data but relied on available legal documents and academic literature.

## RESULTS AND DISCUSSION

Legal protection for consumers purchasing apartment units depends not only on the extent to which legal regulations have been established, but also on how these regulations are implemented in practice. There is often a discrepancy between what is written in

---

<sup>4</sup> Johnny Ibrahim. (2016). *Teori & Metodologi Penelitian Hukum Normatif dan Empiris*. Depok: Prenada Media Grup.

<sup>5</sup> Putusan Mahkamah Agung Nomor 1404 K/Pdt/2015 tentang sengketa jual beli unit apartemen.

the rules and the reality experienced by consumers, so that the issue is not limited to normative aspects, but also concerns the effectiveness of law enforcement itself. The law serves as a tool to protect human interests, maintain public order, and realise social justice. Law enforcement is a process aimed at discovering the ideals of law, namely justice, legal certainty, and beneficial law. The process of law enforcement does not always proceed as envisioned in the legislation. In its implementation, certain factors influence the law enforcement process. The law serves to protect human interests. For human interests to be protected, the law must be enforced. The law's implementation can proceed normally and peacefully, but it can also occur due to violations of the law. In this case, the law that has been violated must be enforced.

Law enforcement refers to the application or implementation of legal norms as standards of conduct in traffic and social and state relations. From a subjective perspective, law enforcement can be undertaken by various actors. It may be understood as individuals' effort to uphold the law in a limited or narrow sense. In a broader sense, law enforcement encompasses all legal subjects within every legal relationship. Any individual who applies normative rules, whether by acting or refraining from acting in accordance with prevailing legal norms, is considered to be enforcing or upholding the law. More narrowly, law enforcement, when viewed in terms of its subjects, refers specifically to the actions of authorised law enforcement officials whose role is to ensure that legal provisions

are adequately implemented. These officials have the authority to employ coercive measures to maintain compliance with the law.

From the foregoing explanation, it can be understood that law enforcement essentially seeks to position the law, both in its narrow, formal sense and in its broader, material sense, as a standard of conduct in every legal action. This applies to legal subjects and law enforcement officials who are formally mandated to ensure the proper functioning of legal norms within social and state life. Lawrence M. Friedman emphasises that the effectiveness of law enforcement is determined by three interrelated elements: the legal structure, the legal substance, and the legal culture. The legal structure refers to the institutions and apparatus responsible for enforcing the law, while the legal substance concerns the content and quality of the prevailing laws and regulations. In contrast, legal culture refers to the customs within certain community groups that are obeyed by the community<sup>6</sup>. In line with this, Soerjono Soekanto<sup>7</sup> argues that five factors influence law enforcement: the legal factors themselves, law enforcement factors, factors that support law enforcement, community factors, and cultural factors.

### **Concept of Legal Protection**

When discussing consumer protection, we are talking about one side of the correlation between the economic and ethical

---

<sup>6</sup> Friedman, L. M. (1975). *The legal system: A social science perspective*. New York: Russell Sage Foundation.

<sup>7</sup> Soekanto, S. (1983). *Faktor-faktor yang mempengaruhi penegakan hukum*. Jakarta: Rajawali.

spheres. In business activities, there is a mutually beneficial relationship between businesses and consumers. Companies profit from transactions with consumers, while consumers obtain satisfaction by fulfilling their needs for specific products. In such a relationship, there is often an imbalance of power between the two parties. Consumers are usually in a weak position and can therefore be exploited by business actors who are socially and economically powerful<sup>8</sup>.

Thus, there are four main reasons to protect consumers. First, protecting consumers is tantamount to protecting the entire nation, as mandated by the national development objectives in the Preamble to the 1945 Constitution. Second, protecting consumers is necessary to shield them from the negative impacts of technology use. Third, protecting consumers is essential to create a healthy physical and spiritual competitive climate for business actors to maintain the continuity of national development. Fourth, protecting consumers is necessary to ensure that the consumer community provides development funds.

Consumers are often faced with problems of misunderstanding or uncertainty regarding the utilisation, use, or consumption of goods and/or services provided by business actors due to the lack or limitation of the information supplied. In addition, consumers are often faced with an unbalanced bargaining position (their bargaining power is very weak compared to that of

---

<sup>8</sup> Kusumadewi, Y., & Sharon, G. (2022). *Hukum Perlindungan Konsumen*. Yogyakarta: Lembaga Fatimah Azzahrah.



business actors). This is reflected in standard agreements prepared unilaterally by business actors, and consumers must accept and sign without being able to bargain or “take it or leave it”<sup>9</sup>.

### **Legal Protection from the Perspective of Islamic Rules and Law**

Consumer protection encompasses all measures designed to guarantee legal certainty and shield consumers from harmful practices in transactions involving goods and services. Its primary objective is to uphold consumer rights while ensuring businesses take responsibility for their products and services. As stipulated in Law No. 8 of 1999 on Consumer Protection, it is defined as a series of efforts to secure legal certainty to protect consumers. This highlights the crucial role of law in establishing fair conditions between consumers and business actors, enabling consumers to exercise their rights while requiring business actors to fulfil their obligations<sup>10</sup>.

Furthermore, legal protection is an effort provided by the state, society, or specific institutions to ensure that the rights of individuals or groups are protected from all forms of violation or abuse and provide a mechanism for resolution if these rights are violated<sup>11</sup>. This concept aims to create justice, legal certainty, and benefits in relationships between individuals and between

---

<sup>9</sup> Ibid

<sup>10</sup> Daeng, M. Y., Makkininnawa, S. Y., & Daeng Yusuf, M. F. (2024). Hukum perlindungan konsumen. Pekanbaru: Taman Karya.

<sup>11</sup> Lesmana, M., & Anindita, S. L. (2021). Perlindungan Hukum Pembeli Apartemen Terkait Transparansi Informasi Status Hak Atas Tanah Bersama Apartemen: Legal Protection of Apartment Buyers Related to Transparency of Shared Land Rights Status Information. *Reformasi Hukum*, 25(2).

individuals and institutions. Such legal protection is provided to society through legal means that are both preventive and dispute resolution in nature, to encompass the recognition, respect, and enforcement of individual rights.

According to Philipus M. Hadjon, legal protection is the protection of human dignity and the recognition of the human rights of legal subjects, based on legal provisions against arbitrariness, derived from Pancasila and the rule of law<sup>12</sup>. Furthermore, Rahardjo states that legal protection is a process in which the law protects individuals from rights violations, whether by other individuals, groups, or the state<sup>13</sup>. Law enforcement officials provide this legal protection to guarantee the continuity and recognition of a person's fundamental rights through legal regulations and decisions.

From the various definitions provided by the experts above, it can be concluded that legal protection is an effort provided by the state through its legal apparatus to protect the rights of individuals or community groups from violations or abuses that can cause harm. This concept aims to create justice, legal certainty, and benefits for every individual in a law-based society. Preventive and repressive measures to ensure the fulfilment of the rights and obligations of every individual. Legal processes that provide justice and clarity for the injured party. Protection of human rights is

---

<sup>12</sup> Philipus M. Hadjon, *Perlindungan Hukum bagi Rakyat Indonesia* (Surabaya: Bina Ilmu, 1987)

<sup>13</sup> Saputri, E. M., Waspiah, W., & Arifin, R. (2019). *Perlindungan Hukum Terhadap Konsumen Dalam Hal Pengembang (Developer) Apartemen Dinyatakan Pailit*. *Jurnal Hukum Bisnis Bonum Commune*, 2(2).

regulated by legislation to prevent abuse of power or violations of rights.

Meanwhile, consumer protection efforts in Indonesia are grounded in several principles and objectives believed to guide practical implementation. With clear principles and goals, consumer protection law has a firm foundation—the principles of consumer protection. Based on Article 2 of the UUPK, consumer protection is carried out as a joint effort, guided by five principles relevant to national development: the principle of benefit emphasises that every effort to implement consumer protection should aim to provide the most significant possible advantage to consumers and business actors as a whole. Fairness ensures broad participation from all citizens while giving consumers and business actors a fair opportunity to exercise their rights and fulfil their obligations. The principle of balance highlights the need to harmonise the interests of consumers, business actors, and the government, covering both material and non-material aspects. Furthermore, the consumer safety and security principle underscores the importance of guaranteeing that consumers are protected in the use, consumption, and utilisation of goods and services. Finally, the principle of legal certainty ensures that both business actors and consumers comply with the law and receive justice in the implementation of consumer protection, with the state responsible for safeguarding this certainty.

From an Islamic legal perspective, consumer protection is part of efforts to maintain justice and benefit, and to avoid injustice in

transactions. Islam emphasises that the relationship between seller and buyer must be based on the principles of al-‘adalah (justice), al-amanah (honesty/trust), and al-ihsan (kindness). Transactions must not be detrimental to either party, as emphasised in the fiqh rule “lā dharar wa lā dhirār” (there should be no harm and no causing harm to others).

For example, the Qur’an also provides a normative basis for consumer protection in QS. Al-Muthaffifin verses 1–3, Allah condemns those who cheat in measurements and weights. This verse is widely understood as a prohibition against cheating in buying and selling, including product specifications, delivery times, and unfulfilled promises. Thus, apartment developers who fail to fulfil their obligations, such as delays in handing over units or discrepancies in building specifications, have committed acts prohibited by Islamic law.

In addition, the contract concept in Islamic law emphasises the importance of clear and transparent agreements between the parties. Contracts that contain elements of gharar (uncertainty), tadlis (deception), or ghabn (intentional loss) are considered invalid or void. Therefore, standard contracts unilaterally drafted by developers without allowing consumers to understand or negotiate the contents of the agreement have the potential to conflict with Sharia principles.

In the context of legal protection, Islamic law emphasises normative aspects and demands moral and social responsibility from business actors. The Prophet Muhammad SAW once said:

“Whoever deceives us is not one of us” (HR. Muslim). This hadith reinforces the strict prohibition of manipulative practices that harm consumers. Thus, Islamic law places consumer protection not only as a legal obligation, but also as a moral and religious obligation. From this description, it can be concluded that legal protection in the Islamic perspective shares the same objectives as those of positive law: protecting consumer rights and ensuring justice in legal relationships. However, Islamic law offers a broader dimension because, in addition to being oriented towards legal certainty, it also emphasises ethics, morality, and social responsibility as part of worship and the practice of Sharia values.

### **The Urgency of Legal Protection for Apartment Consumers**

Issues regarding land availability and high land prices in urban areas have made vertical housing development a reliable alternative solution. Apartments have emerged as the answer to housing needs, but their development is not without complex issues, including cultural, economic, technical, administrative, property management, and legal aspects. In the legal context, consumers often face significant losses, such as delays in unit handover, discrepancies between building specifications and brochures, unclear ownership status, and developers’ failure to fulfil their legal obligations.

The literature review shows that this issue cannot be separated from the imbalance between consumers and developers. Consumers are in a relatively weak position due to their limited understanding of the law, lack of access to information, and the

dominance of developers in drafting standard contracts. This condition has implications for the high potential for exploitation and consumer losses. Although the Consumer Protection Law (Law Number 8 of 1999 concerning Consumer Protection) has provided a legal basis for protecting consumer rights, its implementation is still far from optimal. The same applies to Law No. 20 of 2011 on Flats, which regulates apartment transactions, and Law No. 5 of 1960 on Basic Agrarian Principles, which should provide certainty regarding land status. In practice, developers do not always comply with legal provisions, while law enforcement mechanisms are often considered ineffective.

Research findings show that existing legal protection is more formal and declarative, and does not fully guarantee certainty and justice for consumers. Government oversight mechanisms for developers are not yet functioning optimally, while efforts to resolve disputes through the Consumer Dispute Settlement Agency (BPSK) and the courts are not widely accessible to the public due to costs, time constraints, and limited legal knowledge. As a result, many consumers choose to resolve issues informally, even though this often disadvantages them. Therefore, these findings emphasise that legal protection for apartment consumers is an urgent issue that requires planned and systematic measures. Strengthening government oversight, reformulating fairer standard contract clauses, and increasing consumer legal awareness are key to creating a healthy and equitable vertical housing ecosystem.

## CONCLUSION

Based on the results of the literature review and discussion, it can be concluded that legal protection for consumers purchasing apartment units in Indonesia still faces various serious challenges. The development of vertical housing is indeed a solution to the limitations of urban land. Still, in practice, it has given rise to many legal problems, including delays in unit handover, discrepancies in building specifications, uncertainty about ownership status, and developers failing to fulfil their obligations. Consumers are in a weak position due to their limited understanding of the law, access to information, and the existence of standard contracts that tend to favour developers. Although legal instruments such as Law No. 8 of 1999 concerning Consumer Protection (UUPK), Law No. 20 of 2011 concerning Flats, and Law No. 5 of 1960 concerning Basic Agrarian Principles are available, their implementation has not been fully effective. Law enforcement mechanisms are often considered weak, and government oversight has not been optimal in ensuring consumer certainty and fairness.

Thus, legal protection for apartment consumers must be strengthened through three main approaches: (1) improving the effectiveness of law enforcement and government supervision of developers, (2) reformulating standard contracts to be more balanced between rights and obligations, and (3) increasing consumer legal literacy through public education. These efforts are expected to create fairer, more balanced, and more protective of consumer rights housing development in Indonesia.

## REFERENCES

- Anggraini, O. E., Yulifa, W. R., & Santoso, A. P. A. (2020, September). Perlindungan hukum bagi konsumen atas garansi produk dalam hukum bisnis. *Prosiding Seminar Nasional Hukum, Bisnis, Sains dan Teknologi*,
- Daeng, M. Y., Makkininnawa, S. Y., & Daeng Yusuf, M. F. (2024). *Hukum perlindungan konsumen*. Pekanbaru: Taman Karya.
- Friedman, L. M. (1975). *The legal system: A social science perspective*. New York: Russell Sage Foundation.
- Hadjon, P. M. (1987). *Perlindungan hukum bagi rakyat Indonesia*. Surabaya: Bina Ilmu.
- Johnny Ibrahim. (2016). *Teori & Metodologi Penelitian Hukum Normatif dan Empiris*. Depok: Prenada Media Grup.
- Kementerian Perumahan dan Permukiman Republik Indonesia. (1999). *Keputusan Menteri Perumahan dan Permukiman Nomor 04/KPTS/M/1999*. Jakarta: Kementerian Perumahan dan Permukiman RI.
- Kusumadewi, Y., & Sharon, G. (2022). *Hukum perlindungan konsumen*. Yogyakarta: Lembaga Fatimah Azzahrah.
- Lesmana, M., & Anindita, S. L. (2021). Perlindungan hukum pembeli apartemen terkait transparansi informasi status hak atas tanah bersama apartemen: Legal protection of apartment buyers related to transparency of shared land rights status information. *Reformasi Hukum*, 25(2).
- Putusan Mahkamah Agung Nomor 1404 K/Pdt/2015 tentang sengketa jual beli unit apartemen.



- Saputri, E. M., Waspiyah, W., & Arifin, R. (2019). Perlindungan hukum terhadap konsumen dalam hal pengembang (developer) apartemen dinyatakan pailit. *Jurnal Hukum Bisnis Bonum Commune*, 2(2).
- Soekanto, S. (1983). *Faktor-faktor yang mempengaruhi penegakan hukum*. Jakarta: Rajawali.
- Undang-Undang Republik Indonesia Nomor 5 Tahun 1960 tentang Peraturan Dasar Pokok-Pokok Agraria.
- Undang-Undang Republik Indonesia Nomor 8 Tahun 1999 tentang Perlindungan Konsumen.
- Undang-Undang Republik Indonesia Nomor 20 Tahun 2011 tentang Rumah Susun.