

The Nature Of Real Estate Consumer Legal Protection Of Housing Facilities From Developers In Central Sulawesi Province

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ABSTRACT

This study aims to (1) identify and analyze the nature of real estate consumer legal protection from developers, (2) identify and analyze the effectiveness of real estate consumer legal protection, (3) analyze and explain the factors that influence real estate consumer legal protection for the fulfilment of facilities housing promised by the developer in the province of Central Sulawesi. This research uses philosophical research types of legal research, normative legal research and socio-legal research by using quantitative techniques on data sourced from primary and secondary data by analyzing the substance of real estate consumer legal protection by using juridical requirements as benchmarks and the hypothesis is tested using frequency distribution and multiple regression. The results of this study indicate that: the nature of real estate consumer protection provides guarantees for certainty of rights, social justice, harmony/peace, benefit, and balance to consumers, which form the basis of Law No. 1 of 2011 concerning housing and settlements, but empirically it has not been fully implemented correctly and responsibly by developers in Central Sulawesi Province. The effectiveness of legal protection for real estate consumers in fulfilling housing facilities promised by developers in Central Sulawesi Province empirically cannot be implemented properly and responsibly. Factors that influence real estate legal protection are supervision, developer legal awareness, real estate consumer legal awareness, facilities and infrastructure, and the implementation of sanctions; the most important factors influencing legal protection are legal oversight factors from the government, developers and real estate consumers.

Keywords: Nature; Legal Protection; Consumer Rights; Real Estate Facilities; Central Sulawesi Province.

INTRODUCTION

A house is not just for housing needs or a means of fostering a family, but in the public's view, housing ownership is a symbol of wealth, social status and economy, so investors try to get as much housing as possible in strategic areas in big cities because it can be a profitable business object if can be bought and sold, even can be rented. The need for housing at this time is increasingly causing socio-economic disparities from all levels of society (citizens) because there is no adequate housing for every family as a basic human need, especially low-income families; people living in slums and densely populated areas need the government's attention. Community and Higher Education Institutions can play a role in building the strength of the National economy. Housing development conditions have been carried out in various major cities in Indonesia, showing that for decades, developers have prioritized market demand in the form of luxury homes and medium-sized houses, which have been fought over by consumers and have never met market demand while on the other hand, very simple houses have not attracted the attention of developers because they are expected to experience loss or not being sold as planned and not even being able to provide guarantees for development in accordance with the purchasing power of the people over time, Indonesia's population is increasing rapidly, the limited supply of land causes the selling price of land and residential buildings to increase so that it does not reach the purchasing power of people with a weak economy this condition This will lead to conflict between residents. In the Islamic concept of legal protection, various resources, including land and buildings, are gifts or entrusted by Allah SWT to humans; humans must use them as effectively and efficiently as possible in producing to fulfil the common welfare in the world, namely for themselves and others because humans have dignity by Allah. There is no difference based on race, skin colour, or nationality, except because the difference lies in piety, faith, morals, and charity because it will be accounted for in the hereafter as stated in the Al-Qurán Surah An-nisa verse 58; Wa Idza Hakam Tun Bainan Naasi An Tahkumuu Bil Adl/I which means "and when stipulating laws between people so that you can stipulate fairly", by acting fairly is a mandate for law enforcers in establishing laws, judge's decisions and making laws must provide certainty, justice, the protection inherent in it, the order to act fairly is shown to humanity as a whole; thus justice must be carried out and upheld regardless of religion, descent or race.

The role of the government as the highest authority holder is to provide legal protection to all Indonesian people so that the economic life of the community is orderly and fair, especially every real estate developer must be based on the law because, in the business world, you can change the behaviour of business actors to seek as much profit as possible through the following means: ways that are contrary to legal ethics, in this regard, consumers need to be legally protected from possible losses they experience because housing business practices pay less attention to balance for the economic interests of economically weak communities to obtain

decent and affordable housing. The term the rule of law in the Indonesian constitutional system has been emphasized in the third amendment to the 1945 Constitution, which is contained in Article 1 paragraph (3) of the 1945 Constitution of the Republic of Indonesia, which states that "Indonesia is a state based on law" which was established on 9 November 2001, this formulation is also contained in the 1949 RIS constitution and the 1950 UUDS. When linked to the national objectives as stated in the fourth paragraph of the 1945 constitution, namely advancing public welfare, it can be concluded that the rule of law provides an obligation for the state to guarantee human rights (HAM) in obtaining a prosperous life. Indonesia as a welfare state means that the state is obliged to protect and prosper its people, among others, through guarantees for Indonesian citizens to have adequate housing, including the availability of housing facilities that function to support the implementation and development of socio-cultural and economic activities for consumers who are in residential areas. National development is essentially a comprehensive development in every region in Indonesia; this indicates Indonesia is a welfare state or a welfare state-type country. This theory began to experience rapid development, and the importance of the presence and role of administrative law was also increasingly felt. The sensitivity of administrative law to political developments is increasingly finding its actualization. The welfare state or welfare state is also called the modern legal state. The main objective lies not only in the implementation of the law alone but also in achieving social justice (social *gerechtigheid*) for all people. In the fourth paragraph of the Preamble of the 1945 Constitution, the role of the state in the economy has been clearly formulated, namely: "To protect the entire Indonesian nation and all of Indonesia's bloodshed and to promote public welfare, educate the nation's life and participate in carrying out world order based on freedom, eternal peace and justice." social". Here it is clear that the purpose of forming the Republic of Indonesia is to improve the economic structure and uphold the foundations of the national economy. It is also stated in the Preamble of the 1945 Constitution that to form a government (author's cursive) is to promote the greatest possible welfare for the Indonesian people and not the welfare of a group of Indonesian people only. Furthermore, based on 33 UUD 1945, it explains that the government's position in economic development bears a big responsibility in realizing the role of law in economic activity. Even in a market economy system (market economy), economic activities cannot be completely left to the market mechanism, based on demand and supply, but are also left to the government to regulate and supervise the running of the economy by using general and special State administrative, legal instruments. The concept of the welfare state was basically developed in the context of a market economy and in relation to a mixed economy system. The role of the state in the concept of the Welfare State, according to Briggs, is "to modify the play of market forces". The need for control and

restrictions on the operation of these market forces is to overcome negative elements that are not expected as outcomes or consequences of the operation of these market forces. Related to the legal objectives stated by several experts above and related to the Substance of Article 2 UUPK that consumer protection is organized as a joint effort based on 5 (five) relevant principles in national development, namely the principles of benefit, fairness, balance, consumer security and safety and legal certainty, it appears that the purpose of consumer protection Article 3 UUPK, is very closely related to the 5 (five) principles mentioned above, the purpose of Consumer Protection is explained as follows:

1. Increasing consumer awareness, ability and independence to protect themselves.
2. Raise the value and dignity of consumers by avoiding the negative excesses of using goods and/or services.
3. Increasing consumer empowerment in choosing, determining and demanding their rights as consumers.
4. Creating a consumer protection system that contains elements of legal certainty and information disclosure, as well as access to information.
5. Growing awareness of business actors regarding the importance of consumer protection so that honest and responsible attitudes grow in doing business.
6. Improving the quality of goods and/or services that guarantee the continuity of the business of producing goods and/or services, health, comfort, security and consumer safety.

The purpose of housing administration is to fulfill housing needs as one of the basic human needs for the improvement and equity of social welfare, to guarantee the right of every citizen to occupy, enjoy and/or have a decent home in a healthy, safe, harmonious and orderly environment. As stated above, the purpose of housing consumer protection is clearly formulated and takes into account the substance of Article 2 UUPK as well as the explanation referring to the “philosophy” of national development, namely the development of a complete Indonesian human being based on the philosophy of the Republic of Indonesia, namely Pancasila, one of which regulates “Welfare for all Indonesian people”, in the sense of providing justice and welfare for all Indonesian people. In order to realize general welfare, the development of all Indonesian people, the government, the Regional Government is faced with meeting the need for houses as a place to live or shelter so that people are able to live and inhabit decent and affordable houses as well as a healthy, safe and harmonious environment. Article 28 H paragraph (1) of the 1945 Constitution of the Republic of Indonesia confirms that: “Everyone has the right to live in physical and spiritual prosperity, to have a home and to enjoy a good and healthy environment and has the right to receive health services. “Thus, based on the 1945 Constitution of the Republic of Indonesia and the Law of the Republic of Indonesia Number 32 of 1999 concerning Human Rights, it provides space for

freedom for people to have housing and live a decent life in accordance with the people's sense of justice. This can be seen in the provisions of article 27, paragraph (1), which reads: "Every Indonesian citizen has the right to freely move, move and reside within the territory of the Republic of Indonesia, and article 40, which reads ", Every person has the right to reside and decent living. Housing consumers can become objects of business activity from business actors (developers) with advances in science, telecommunication and information technology which also support the expansion of space. Movement of housing transactions to be able to cross the boundaries of a country. Housing business objects by business actors (developers) are introduced through advertisements, and promotions, in various ways, which are carried out by every business developer to attract the sympathy of housing consumers in meeting the need for attractive housing and supporting facilities, but on the other hand, there is an impact negative, namely the behavior of business actors (developers) in seeking large profits business actors promote housing marketing excessively, not in accordance with consumer expectations, it is not uncommon for the information conveyed not to be in accordance with reality or the promises of developers (developers) to provide various housing facilities that will be traded mark in a residential area. The problem of consumer protection is not just an individual problem but actually a common problem and a national problem; therefore, talking about legal protection for consumers means talking about justice for everyone, for example, fraudulent behaviour from developers or due to ignorance of housing consumers. For quality, guarantees for consumer safety and security in occupying residential buildings as well as factors for consumer education and awareness to all parties so that people will avoid possible losses. The commitment to protecting consumer interests is marked by symptoms of economic globalization, where economic activity continues to grow regardless of national boundaries, advances in communication and transportation technology, diversity and sophistication of goods and services, including the housing business, are also a consequence of economic globalization, namely free trade. The attitude of the Government and the People's Representative Council (DPR) to ratify the decisions of the World Trade Organization (WTO) is a wise step because this attitude is based on a national development policy that gives top priority to equitable distribution of development and results. Moreover, on the other hand, the development of the world economic order shows an unfair empirical reality, especially towards consumers.

The position of consumers as a weak party in the economic field, to ensure an implementation of consumer protection that can be recognized by the government, the United Nations has issued a UN General Assembly Resolution No 39/248 of 1985, the Guidelines for Consumer Protection which states that: "taking into account the interests and needs of consumers in all countries, particularly those

in developing countries, recognize in that consumers often face imbalances in economic, educational levels, and bargaining power, and bearing in mind that consumers are blessed have the right of access to non-hazardous products, as well as the right to promote just, equitable and sustainable economic and social development “. The resolution of the General Assembly of the United Nations (UN) means that consumers everywhere, from all nations, have certain basic rights, regardless of social status, namely to obtain clear, correct and honest information, the right to obtain security and safety, the right to write, the right to be heard, the right to be compensated. The right to obtain basic human needs, the right to a good and clean environment and the obligation to protect the environment, and the right to basic education. The United Nations urges all of its members to enforce these consumer rights in their respective countries. If one looks at it further, the United Nations (UN) decision is meant for each country to set forth consumer protection in a legal product, which has the force of law to compel business actors to comply with it by giving strict sanctions to business actors who are arbitrary and only prioritizing profits from its own business to protect the interests of consumers from unfair practices from business actors, the government has an obligation to protect consumers whose position is weak, especially the settlement of compensation. According to the Resolution of the Guidelines for Consumer Protection, there are three agendas that must be followed up by the government of each country.

1. Governments should establish legal and administrative instruments that enable consumers or other related organizations to obtain settlements through expeditions, fair, inexpensive and accessible formal and informal procedures to accommodate, especially the needs of low-income consumers (the needs at income can summers).
2. The government must encourage all business actors (enterprises) to resolve consumer disputes fairly, inexpensively and informally, and establish voluntary mechanisms, including advisory services and informal complaint procedures that can give consumers.
3. Availability of compensation settlement information and other dispute resolution procedures for consumers.

In Indonesia, the polemic about the need for government intervention in the field of consumer protection is also very much felt. According to Savigny and Bentham, there are two factors that influence the formation of law, namely the practice system that controls legal activity (external factors) and social interests, which are the object of the regulation (internal factors). Consumer protection in Indonesia began to receive attention from the government during the reform era, which was marked by the change in state leadership from Suharto to B.J. Habibie, the political climate has become more democratic when the struggle for consumer interests does not only mean the courage of the Government and the House of

Representatives to issue regulations oriented to consumer interests. The aspect of social interest also influences the formation of consumer protection law. Many problems must be faced by consumers, and entrepreneurs, and the government often ignores consumer rights, both in providing services to the community (public services) and selling products. The issue of purchasing a house, the quality of the building, unclear land titles/certificates or building permits, not to mention the PLN or PDAM services.

The presence of UUPK has brought consumer protection norms which are the criteria for measuring the existence of violations of consumer rights, which were originally expected by all parties as well as providing solutions for resolving cases that arise as the implementation of the law, to realizing a balance of protecting the interests of consumers and business actors in order to create a healthy economy. In addition, in the era of globalization, national economic development must be able to support the growth of the business world, which can improve the welfare of many people. Such as law enforcement officials, society, and legal culture have not put in place changes that are socially just. Enacting the Consumer Protection Act in Indonesia is actually not because of the government's awareness of its responsibility to protect the interests of its citizens or the national interest but rather because of international pressure, especially from the International monetary fund (IMF). This is understandable because consumers are not an organized and easily mobilized force, so the government does not regard consumers as a real political force. This condition will be different if it is applied to business actors; the government gives privileges to business actors because they are considered capable of making a large contribution to national economic development. In essence, the UUPK has provided equal position for consumers and business actors with the principles of fair equality and balance the activities of business actors who carry out economic principles to get the maximum possible profit with the maximum possible capital, which can strengthen the interests of consumers, directly or indirectly. To overcome the long and formal court process, UUPK provides an alternative way by providing dispute resolution outside the court, through conciliation, mediation and arbitration, according to Gary Goodpaster. Not all disputes can be effectively resolved through mediation. Mediation will function properly if it meets and complies with the following conditions:

1. The parties have comparable bargaining power.
2. The parties are concerned about the future relationship.
3. Against many issues that allow trade-offs.
4. There is an urgency or time limit to adjust
5. The parties do not have long-standing and deep-seated enmity.
6. When the parties have supporters or followers, they cannot be controlled.
7. Establishing China or defending rights is not more important than solving urgent problems.

8. If the parties are in a litigation process, the interests of other actors, such as lawyers and guarantors, will not be treated more favorably than mediation.

In essence, the law is one of the social rules aimed at maintaining order in social life. To maintain this order, the law must protect the interests of society in a balanced way with regard to the interests that exist in that society. Every individual in social life wants the fulfilment of these interests as much as possible. But on the other hand, the fulfilment of these interests must not harm the interests of other individuals. In this case, the state plays a role in establishing regulations as an instrument to create order and peace in society. The importance of the state's role in providing protection to consumers is motivated by the existence of an imbalance in the position between developers/developers and consumers. Economically, business actors have a higher position when compared to consumers; this is because consumers can be considered as parties who have a dependence on various products available on the market, which are provided by business actors causing the bargaining position of consumers towards business actors to be weak. The role of law in economic development is to protect, regulate and plan economic life so that the dynamics of economic activity can be directed toward progress and prosperity for the whole community. Law and economics are two subsystems of a social system that interact with one another. The interaction between the two subsystems will become clear if we take an approach from legal and community studies. With such an approach, the law is not only seen as an autonomous set of norms but also as a social institution that is actually closely related to various social aspects of society. This means that the main legal task, especially in the field of economic law, is to always maintain and make safeguards so that the implementation of economic development will not sacrifice the rights and interests of the weak. Only in this way the law still has a role in economic development. Economic developments will affect the legal map; otherwise, legal changes will have a broad impact on the economy. For example, deregulation carried out by the government, which is basically a legal product, has proven to have a broad impact on national economic life. It is recognized that the law can play a role as a tool that encourages the creation of economic efficiency. Brian Edgar Butler stated that "Law as a Tool to Encourage Economic Efficiency". This view explicitly recognizes that law has an important role in creating economic efficiency in a country. This is also the goal to be achieved by Law No. 8 of 1999 concerning consumer protection and Law No. 1 of 2011 concerning Housing and Settlements. With the enactment of law number 8 of 1999 concerning consumer protection, according to article 9, business actors are required to provide correct information regarding the availability of advertised goods and services and even violations of these provisions, according to article 62, can be subject to criminal sanctions for a maximum of 5 (five) years and a maximum fine of 2

(two) billion. Real estate developers must be responsible for what is promised in advertising brochures and site plans (master plans), so implicitly, the UUPK has acknowledged that good faith must exist before the agreement is signed so that pre-contract promises can be held accountable in the form of compensation due to the breach of pre-contract promises lies in the principle of good faith in article 1338 paragraph (3) of the Civil Code which should have been enforced before the agreement was signed. In particular, arrangements regarding the right to housing can be found in various laws and regulations, specifically relating to housing, which has been regulated in the Law of the Republic of Indonesia Number 1 of 2011 concerning Housing and Residential Areas. Indonesia through the implementation of housing and residential areas so that people are able to live and live in decent and affordable houses in a healthy, safe, harmonious and sustainable environment in all parts of Indonesia. Based on the legal text, the law must be placed as a source of State ideology by the government, and society must be guided as a benchmark for assessing legal justice within the framework of the rule of law, specifically arrangements regarding the right to housing granted by the state can be found in the Law of the Republic of Indonesia Number 1 of 2011 concerning Housing and Residential Areas, abbreviated as UUPKP. The background for the issuance of the Housing and Settlements Act is:

1. Because Law Number 4 of 1992 concerning housing and settlements has not fulfilled the need for housing regulations which regulate it thoroughly so as to facilitate the occurrence of deviations from the nature and purpose of owning decent and affordable housing, it has not met the expectations that everyone has the right to live in physical and spiritual prosperity.
2. The government's role has not been maximized in supervising housing and residential area providers; that pays little attention to the balance of housing interests for the community, especially for low-income people, housing and settlements have not been fulfilled in one housing area that is balanced and equipped with adequate facilities and infrastructure capable of ensuring environmental sustainability in an orderly manner. The life of the nation and state.

The right of everyone to occupy adequate housing is recognized by the legislators of Law Number 1 of 2011 concerning housing and residential areas (called UUP-KP) containing legal norms that adequate housing and residential areas can be fulfilled, can be enjoyed professionally and equally for all people, can be reached by making it easy for low-income people to obtain housing through the organizers of housing and residential areas in one functional unit, economic and socio-cultural life and ensuring environmental sustainability in the social life order of the nation and state. Therefore, to address the needs of low-income people in obtaining decent and affordable housing, every developer/developer in the Real Estate housing business needs to provide, designate, and control

housing not only for middle and upper economic communities but also provide equal opportunities for their needs. Housing for low-income people in an area in a balanced manner between simple, medium and luxury homes equipped with public facilities, infrastructure and utilities that function to support the implementation and development of social, cultural and economic life, especially access roads, drainage, sanitation and green open spaces become a dream as recreation both in urban and rural areas. The legal concept of balanced housing is stated in Article 1 number 1 of the regulation of the Minister of Public Housing of the Republic of Indonesia number 7 of 2013 concerning amendments to the regulation of the Minister of People's Housing Number 10 of 2012 concerning the implementation of housing and residential areas with balanced occupancy (hereinafter referred to as Permenpera no 7/2013 and Permenpera number 10/2012), which states that balanced housing is housing and residential areas that are built in a balanced manner in a certain composition in the form of single houses and row houses between simple houses, medium-sized houses and luxury houses. The issuance of this joint decree is to avoid creating residential neighbourhoods by grouping dwellings. According to Aswar Mungkasa, the concept of balanced housing has been known for a long time in urban planning and urban sociology as an effort to maintain the sociological balance of society. The basic idea is that the existence of various social strata in one residential area will guarantee the creation of harmony among the various existing strata. In order to guarantee legal certainty in controlling and utilizing housing for low-income people as well as providing legal protection for the community for the availability of infrastructure, facilities and public utilities, actions taken by the government against housing construction organizers that do not meet the licensing criteria are regulated in the provisions on fines in law no. 1 of 2011 concerning Housing and Settlement Areas, Article 151, shall be subject to a maximum fine of Rp. 5,000,000,000. (five billion rupiah) and additional punishment in the form of rebuilding housing according to the agreed criteria, specifications, infrastructure requirements, facilities and public utilities. In addition to imposing sanctions, the government has also taken other ways to deal with the problem of managing public housing, which has a different philosophy from managing commercial housing, which from the start was intended for business purposes because the function of public housing is used for residential purposes, not for business purposes, so acts in the form of leasing or transferring ownership of public houses to other parties can be punished under the provisions of article 152 law number 1 of 2011 in the form of a maximum fine of Rp. 50,000,000.- (fifty million rupiah) for people who rent or transfer their ownership of public houses to other parties because public houses are houses that are held for low-income people. With the increasing human needs for land and buildings, the number of people in the world is increasing, while the available land area is also

decreasing, along with the narrowing of land in urban areas, in many big cities, flat housing developments extend towards the outskirts of the city, which were previously used for rice fields, plantations, coastal reclamation land which has changed its function to a residential location. Land as a transaction object requires more careful regulation; when land value continues to increase from time to time, the effect of economic value on the existence of land for housing development.

The implementation of housing development is not just about the availability of houses because the concept of residential real estate includes houses and the availability of public facilities and social facilities in a residential area or environment. Other occupants. Availability of public facilities, social facilities and public utilities based on article 1 number (2) of law number 1 of 2011 concerning housing and settlements and followed up with the enactment of the Minister of Home Affairs regulation number 9 of 2009 concerning the delivery of environmental infrastructure, public utilities and housing social facilities to the responsibility of the developer/developer is stipulated in Article 9 PMDN number 9/2009 which is the obligation of the developer/developer to clarify the availability of public infrastructure, facilities and utilities in the form of places of worship and green open space facilities so that local governments and the public can supervise and take over maintenance and repairs so that opportunities for developers to abuse housing facilities can be avoided. Developers/developers in a residential area must be accompanied by complete infrastructure, facilities and public utilities, as stated in Article 11, paragraphs (1) and (2) of the Government Regulation of the Republic of Indonesia number 12 of 2021 concerning the administration of housing and settlement areas that:

- 1) Housing planning consists of:
 - a) Home planning and design
 - b) Planning infrastructure, facilities and public housing utilities
- 2) Housing planning is part of settlement planning that is integrated with the system of infrastructure, facilities and public utilities in urban areas or rural areas

The unavailability of land for public facilities and social facilities as stated in the site plan that has been mutually agreed upon by the local government and the developer/developer may be subject to administrative sanctions and fines to developers who do not build housing in accordance with the criteria, specifications, requirements, infrastructure, facilities and utilities. In general, as stipulated in Articles 150 and 151 of Law number 1 of 2011 concerning housing and settlements, this is a consumer right to sue the developer if what has been promised has not been fulfilled in accordance with the applicable provisions. In principle, the need for housing in Indonesia generally increases every year because it has become a basic need for society, especially in urban areas; due to the increasing population of Indonesia, the need for land and buildings is increasing, while

available land is increasingly scarce. Demand for change will tend to increase even though land/land, especially in cities, is increasingly limited and expensive to trade, thus attracting interest from real estate developers or developers to join the housing business because it is influenced by high-profit factors.

One of the housing developers in Indonesia, namely Ir. Ciputra stated that one of the reasons for the increase in land value was the location factor in terms of the physical land that was immovable, and in an economic sense, a location was largely determined by the procurement and development of facilities and infrastructure along with their regulation and control as well as the factors of livelihood and surrounding life. In running the housing business, developers are required to maintain a good name or business credibility in running the business; without credibility, the company's success and success in developing the residential real estate business will be difficult to achieve. To protect the rights of housing consumers, developers are required to have good faith in conducting a real estate (housing) business with the principle of mutual benefit, which is carried out both directly and indirectly by involving the community with the principle of mutual support. The catastrophe that befell real estate consumers in Palu City occurred in 2020 as an important event related to the Berlian Indah housing project; housing residents were impressed by the planning for the construction of a housing complex equipped with tempting facilities and infrastructure as many as 227 units to be built for type 45 housing, then Abdul Aziz Bachmid et al. were encouraged to buy a house in the residential location after hearing the company manager's explanation explaining that this housing has become a real estate benchmark in Palu City because it will be equipped with road facilities as wide as 7 meters, green open space covering 30% of the building area and equipped with drainage facilities. And sanitation, it turns out that after occupying the housing site, what was promised has not been fulfilled. As for the access road to the housing complex, it is only a 5-meter wide road, drainage for water disposal from the house has not been facilitated (it has not been built yet), and even 30% green open space is not fulfilled because the locations are separated so that green open space cannot be built (Radar Sulteng 7 November 2020). News media nuances of the post revealed the case of the Saluopa guerilla housing with the company name PT. Poso Utama Sejahtera has a housing address in central Kayama; Poso Kota has built 100 units of type 36 real estate housing and six units of type 45; it turns out that after the community occupied the housing, they experienced a flood disaster when heavy rains, came due to the unavailability of drainage and sanitation facilities and even Social services in the form of worship facilities were not available as promised by the company so that the occupants objected to the local government of Poso Regency to facilitate objections to the company PT. Poso Utama Sejahtera, however, has not succeeded even though the local government has summoned and warned company representatives to comply with what has been

promised regarding drainage, sanitation and worship facilities that must be available.

What happened to the residents of Palu City and Poso City, residents of real estate housing also experienced residents of Banua India housing in Parigi Moutong Regency for the attitude of the company PT. Satria Kencana Pratama for not providing drainage facilities and children's play areas, as the facilities promised in the brochure so that to deal with the threat of flooding, real estate residents build their own continuous drainage from house to house even though in marketing the company manager guarantees drainage as infrastructure which should take precedence. The problem is that the need for real estate housing in Central Sulawesi is increasing from year to year, the need for land for housing and residential areas in the form of social facilities and public facilities as well as the environmental infrastructure needed by the people who inhabit them, is not sufficient, to address increasingly complex problems in legal protection. The Housing Real Estate indicates that the importance of law plays an essential and urgent role in regulating and protecting housing consumers, especially in Central Sulawesi, optimizing the use of a multi-dimensional and integrated approach, upholding customary and cultural values as customary law and local wisdom. Based on this description, legal protection becomes essential and urgent for residential real estate consumers for residential facilities as well as supervision and sanctions, which are very important to optimize.

RESEARCH METHODS

Research Approach

This type of research is empirical legal research; in this study, the researcher combines normative legal research and empirical research in this research because it focuses on legal norms that are scattered in various laws and regulations that are relevant to the object under study. Whereas empirical research, in this case, requires researchers to analyze, among other things, the extent to which gaps occur between aspects of relevant laws and regulations (law in the book) as *das sollen* with facts in the field/reality or legal reality in society (law in action) which often called *das sein* or legal reality in the order of norms. This research will explain the dependent variable and the independent variable or influencing factors, as well as a study of gaps in legal substance, multiple legal interpretations, and inventory of consumer law Real estate housing for housing facilities from developers in Central Sulawesi Province. Furthermore, this research is descriptive in nature, usually also called descriptive taxonomic research; therefore, descriptive research seeks to describe a number of variables with regard to problems that arise due to the legal protection of real estate housing consumers for housing facilities from developers in Central Sulawesi Province. The research was carried out by observing and distributing questionnaires to the

population of housing consumers and elements of the government of Central Sulawesi Province.

Types and Data Sources

This research requires two types of data from different data sources, namely:

1. Primary data: in the form of empirical data obtained directly at the research location (field research) through the active role of the respondent in the interview (interview) as well as from the results of filling in the form of answers to the questions contained in the questionnaire while the answers to the questionnaire from the respondents are closed and confidential and solely eyes will be used for scientific purposes.
2. Secondary data is in the form of data obtained through library research such as literature books, legal magazines, legal, scientific works and legislation that are closely related to the object under study.

Population and Sample

Population In this study, the focus is on all citizens who live in the province of Central Sulawesi, which has a very large area where the provincial government of Central Sulawesi covers an area of 61,841,129 km² and has brought 13 districts and one city considering the large population available so it is deemed necessary to draw samples using random methods (random). The random sampling method can support effective and efficient research at several predetermined research locations. The output of using the random sampling method is respondents who are considered to have represented the interests of other respondents, and the validity of the data collected can be accounted for

RESEARCH RESULTS AND DISCUSSION

Analysis of Research Results

The third formulation of the problem is to identify and analyze the factors that influence the legal protection of real estate consumers in Central Sulawesi. The independent variable factors are supervision (X1), legal awareness of business actors (X2), legal awareness of real estate consumers (X3), facilities and infrastructure (X4), legal sanctions (X5), and while the dependent variable (Y) is real estate consumer legal protection.

Multiple Linear Regression Analysis

To find out and analyze the factors that influence the legal protection of real estate consumers for housing facilities from developers in Central Sulawesi Province. The influencing factors or independent variables are supervision (X1), legal awareness of business actors (X2), legal awareness of real estate consumers (X3), facilities and infrastructure (X4), legal sanctions (X5), and while the affected or

dependent variable is the exercise of rights to real estate facilities from developers in Central Sulawesi Province (Y). To test the truth of the three (3) hypotheses, multiple regression statistical analysis was used with the help of the SPSS 16 program. The results of this study had passed the validity and classical assumption tests and were declared eligible to be analyzed using the multiple linear regression statistical analysis model. To briefly know the magnitude of the partial coefficient, the regression coefficient and the significance and determination of the index (R²) third hypothesis (3). The results of the multiple linear regression equation to see the effect of the dependent variable on the independent variable can be shown in the following table:

Table 12 Results of Multiple Regression Calculations

Coefficients^a								
Model		Unstandardized Coefficients		Standardized Coefficients	t	Sig.	Collinearity Statistics	
		B	Std. Error	Beta			Tolerance	VIF
1	(Constant)		2.910	1.980	1.470	.145		
	Supervision	.098	.144	.069	.682	.497	.368	.070
	Legal Awareness of Business Actors	-.003	.098	-.004	-.031	.975	.384	-.003
	Consumer Legal Awareness	.187	.103	.177	1.819	.072	.312	.184
	Facilities and infrastructure	.454	.092	.497	4.943	.000	.577	.454
	Implementation of Sanctions	.068	.130	.047	.521	.604	.188	.054
a. Dependent Variable: Execution of rights over real estate facilities from developers in Central Sulawesi Province								

Source: SPSS data processing and output results, 2022

Furthermore, in the table above, it can also be explained the influence of the five (5) independent variables on the dependent variable, which can also be shown in the form of a multiple linear equation as follows:

$$Y = a + b(X)$$

Where:

- a. Constant =
- b. Supervision (X₁) =
- c. Legal awareness of business actors (X₂) =
- d. Consumer legal awareness (X₃) =
- e. Sarana dan prasarana (X₄) =
- f. Legal sanctions (X₅) =

Based on the table above obtained from the results of the regression test, the estimated multiple regression function obtained is:

$$Y = 2,910 + 0,98X_1 - 0,003X_2 + 0,187X_3 + 0,454X_4 + 0,686X_5$$

- The constant value is 2.910, which means that the exercise of the right to facilities has a positive value where a positive sign means a unidirectional influence between the independent and dependent variables. This means that if the variables of Supervision, Legal Awareness of Business Actors, Legal Awareness of Consumers, Facilities and Infrastructure and Implementation of Sanctions are worth 0, per cent then they can be assumed to have a fixed value.
- The regression coefficient of the Supervision variable is 0.098, which is positive; this states that if the Supervision variable is increased with the assumption that the variables outside the Supervision variable are fixed, then the exercise of rights to the facility being measured is considered constant. The positive sign means that it shows a unidirectional influence between the independent variable and the dependent variable.
- The regression coefficient of the variable Legal Awareness of Business Actors is -0.003. This value indicates a negative (opposite) effect between the variables of legal awareness of business actors and the exercise of rights to facilities. This means that if the variable of legal awareness of business actors increases by 1%, then the variable of exercising rights over facilities will decrease by 0.003. Assuming that other variables remain constant.
- The regression coefficient of the Consumer Legal Awareness variable is 0.187, which states that if the Consumer Legal Awareness variable is increased, assuming that the variable is outside the Consumer Legal Awareness variable, then the exercise of rights to facilities as measured increases by 0.187, which means it is constant. The positive sign means that it shows a unidirectional influence between the independent variable and the dependent variable.
- The regression coefficient of the Facilities and Infrastructure variable is 0.454, which states that if the Facilities and Infrastructure variable is increased with the assumption that the variables outside the Facilities and Infrastructure variables are fixed, then the exercise of rights to the facilities measured increases by 0.454, which means it is constant. The positive sign means that it shows a unidirectional influence between the independent variable and the dependent variable.
- The regression coefficient of the Implementation of Sanctions variable is 0.048, stating that if the variable of Implementation of Sanctions is increased with the assumption that the variables are outside the variable of Implementation of Sanctions, then the exercise of rights to facilities that is measured increases by 0.048, which means it is constant. The positive sign means that it shows a unidirectional influence between the independent variable and the dependent variable.

Discussion

1. The Influence of Supervision on the Implementation of Rights to Real Estate Facilities from Developers in Central Sulawesi Province

Supervision is a process of observing the implementation of work activities carried out in accordance with the previous plan so that errors and deviations do not occur, which can create losses for real estate consumers and real estate development organizers/developers for deviations from the standards of facilities, infrastructure and public utilities that have been set according to the site. Plan or site plan. Supervision is carried out by the government, local government, communities and real estate developers on the implementation of real estate development, intended to guarantee real estate consumer rights in the form of not being limited to the availability of the building itself but including the availability of public facilities and social facilities in order to enhance the dignity of consumers. Real estate as government responsibility in public service. Efforts to prevent housing construction organizers from providing public facilities or social facilities as promised either through brochures/advertisements or site plans or site plans that have been approved by the local government, in accordance with Article 11 paragraph (1) and paragraph (2) PMDN number 9 of 2009 Regarding the guidelines for handing over infrastructure, facilities and utilities for housing and residential areas to the local government, it is stated that the developer is required to hand over the infrastructure, facilities and housing utilities to the regional government no later than one year after the maintenance period and according to the site plan that has been approved by the local government. , therefore to ensure that there are losses incurred by real estate developers as a result of not knowing and not understanding the housing real estate facilities needed by the residents of the built environment, the government, in this case, the housing and settlement service, real estate developers, real consumers estate that must be pro-active in monitoring it. The system of supervision and legal protection has been regulated in related regulations, and theoretically, it is sufficient enough to be carried out by the government in accordance with the nature of legal protection, welfare, benefit, justice, certainty, balance, and health in accordance with the concept of public service. In implementing the implementation of real estate development in Central Sulawesi Province, there are obstacles in fulfilling public rights in the form of public facilities, infrastructure and utilities that do not meet standards, namely that there are still real estate developers who ignore public facilities and social facilities that have been agreed upon in the master plan (site). Plan), and according to the results of this study, real estate developers often do not comply with the standard site plan or master plan, namely developers who have business licenses with small capital, so they tend to only seek as much profit as possible.

Based on the results of a simple regression analysis that there is influence or no oversight of the legal protection of real estate consumers, it is proven that supervision has so far been impressed by real estate consumers, and therefore more intensive oversight is needed through the housing and settlement services, developers/developers, community/ real estate consumers if they want to increase legal protection for real estate consumers in Central Sulawesi. The concept of supervision is carried out by the government, the housing and settlement service, developers/real estate, and the consumer community is carried out to oversee every implementation of housing and settlement development. The need for integrated cooperation related to real estate protection, the government is responsible for overseeing the fulfilment of facilities, infrastructure and utilities generally promised by developers with a tendency of an average score of $2.17 < 3.00$ or not close to 3, giving strict sanctions to developers who violate and do not choose to cut. Using descriptive analysis, there are still 65% of respondents responded that the supervision carried out by developers on the organizers of facilities, infrastructure and public utilities shows that is rarely carried out, with an average value of $2.04 < 3.00$; this response suggests that real estate developers are not optimal in supervising the construction of housing facilities promised in the site plan or site plan. Based on the results of interviews with the head of the Palu city housing and settlement service represented by the service secretary, namely Mr Ilyas Ladjintjo, ST., M.Sc, who gave instructions that supervision of the construction of facilities and infrastructure by developers in the Palu city area is carried out by related agencies based on the presence of complaints from housing consumers, the relevant department will check the truth of the complaint, the report on the results of the supervision is submitted to the developer. Supervision carried out by real estate consumers using descriptive analysis found that 65 people (65%) of respondents stated that supervision of real estate facilities was rarely carried out by consumers, 20 people (20%) of respondents stated that there was always supervision and 14 people (14%) of respondents stated that never carried out supervision on the grounds that he was busy with work, even though he had sufficient education, seemed indifferent to supervision of public facilities.

2. The Effect of Legal Awareness of Business Actors on the Implementation of the Right to Real Estate Facilities from Developers in Central Sulawesi Province

The concept of legal awareness of business actors/developers can be seen at the level of knowledge, understanding, attitude and behaviour when it is related to real estate consumer protection against Law Number 8 of 1999, Law Number 1 of 2011, housing facility standards, advertising/promotion according to plan The main (site plan) of good faith in accordance with the concept of legal protection is the welfare of real estate consumers in accordance with the nature of justice, benefit, certainty, balance in public services.

Legal protection between real estate developers and real estate consumers is regulated in Law Number 8 of 1999; business actors have rights and obligations in carrying out real estate development and responding in the event of consumer complaints about facilities, infrastructure and public utilities that are harmed because they have been promised either through promotion/advertising as well as a master plan (site plan) approved by the government. As for the developer's obligations in Law number 1 of 2011 namely guaranteeing the availability of facilities, infrastructure and public utilities as a legal obligation, the business actor (developer) is responsible if the implementation of real estate development does not fulfil its obligations, the developer must be legally responsible for errors in carrying out his obligations. The responsibility of the developer, which has been analyzed descriptively, shows that there are responses from respondents stating that the developer knows, understands and can properly implement Law number 8 of 1999, Law number 1 of 2011, and PP number 12 of 2021; this is evidenced by the responses of respondents with an average value of $2.65 < 3.00$ and data on frequency values, namely 34 people (34%) of respondents who stated that developers know what their rights and obligations are related to with real estate facilities in the site plan. Each implementation of real estate development that will be carried out by the developer is first introduced to the public through advertising promotions in the hope of getting the attention and interest of consumers to buy real estate; advertisements must meet the requirements not to be misleading, must meet ethical and moral requirements and not justify any means to looking for profit. The results of the descriptive analysis show that there are respondents' responses stating that promotional advertisements do not mislead consumers with an average value of $2.58 < 3.00$, the highest limit for the rating category weight; this is evidenced by the responses of 46 respondents (46%) of respondents who stated that they knew that advertising not misleading, as many as 49 people (49%) said they did not know and there were only five people (5%) respondents who said they did not know that advertising misled consumers. To find out whether business actors have the awareness not only to pursue profit alone but what is, more important, to maintain public trust in company profits. The descriptive research results obtained data that there was a tendency for respondents to know with an average value of $2.57 < 3.00$, evidenced by the number of respondents' response frequency, namely 47 people (47%) of respondents who said they could know that developers not only pursue profits but what is more important is maintaining company profits, 43 people (43%) of respondents said they did not know, and ten people (10%) said they did not know. The legal awareness of real estate developers is influenced by the developer's knowledge of Law number 8 of 1999 concerning consumer protection, Law number 1 of 2011 concerning housing and settlements, standard facilities, infrastructure and public utilities, real estate development business permits (IMB), master

plans (site plan), and honest clan/promotion. The legal protection for real estate consumers in Central Sulawesi, according to the descriptive analysis, is quite positive and real because the developer's income is quite good, and the cultural influence is quite good in understanding and running a business; it must be in good faith, the developer has legal awareness in doing business. The results of research on the legal awareness of developers turn out to be quite influential and significant in Central Sulawesi, so the hypothesis from the authors is not proven, especially since the legal awareness of developers is lacking.

3. The Influence of Consumer Legal Awareness on the Execution of Rights to Real Estate Facilities from Developers in Central Sulawesi Province

Legal protection for real estate consumers is regulated in Law Number 8 of 1999 and Law Number 1 of 2011, namely that every real estate consumer has an understanding and knowledge of certain rules, judgments against the law, and behaviour according to applicable law. The concept of real estate consumer legal awareness requires that consumers have the dignity to have the right to live and the right to enjoy housing facilities and infrastructure required by the developer; consumers can pay attention to the developer's promises as outlined in brochures, site plans, which are distributed or marketed by the developer, legal awareness through planning standards for housing public facilities, infrastructure and utilities. Infrastructure standards at least: a. road network, b. drainage (rainwater drainage), c. provision of drinking water, d. sewerage (sanitation), and e. garbage dump. Standard facilities, at least in the form of a. green open space, and b. public facilities. Public utility standards at least the availability of electricity grid. This theory of legal protection requires that real estate consumers have the same dignity, rights and obligations between consumers and real estate developers because the main objective of the law is to create an orderly social order, create order and balance and maintain legal certainty. From the results of the study using descriptive analysis, information was obtained that there was an influence, but not significant, between legal awareness of real estate consumers and consumer legal protection. The variable indicator of real estate consumer legal awareness assessed by respondents is the knowledge and understanding of real estate consumer law regarding Law number 8 of 1999 and Law number 1 of 2011, indicating that consumers are less aware of the contents and benefits of these laws, according to the results of the descriptive analysis with the value average $2.20 < 3.00$, as evidenced by the frequency level which leads to less or not knowing the contents and benefits of Law number 8 of 1999 and Law number 1 of 2011, with a total of 68 people (68%) respondents, and 32 people (32%) of respondents know the contents of the law. The level of legal awareness of real estate consumers regarding their understanding of standard housing facilities, infrastructure and public utilities indicates that there is a tendency to

lack knowledge and understanding of these housing facility standards, according to the results of the descriptive analysis with an average value of 2.32 <3.00, as evidenced by frequency level which also leads to less and not even knowing with a total of 68 people (68%) respondents, and only 32 people (32%) respondents who stated they could know the contents and benefits of government regulation number 12 of 2021 concerning changes to PP number 14 of 2016 concerning the administration of housing and settlement areas. The conclusions of the authors on the influence of real estate consumer legal awareness on real estate consumer legal protection for the utilization of real estate housing facilities have an effect but not significant (not significant); in other words, real estate consumer legal awareness is lacking, despite education, income, and legal culture quite good, but consumers are passive. Normatively and the theory of legal effectiveness are not in accordance with the expectations of this consumer protection regulation, so the author's hypothesis is proven.

4. The Influence of Facilities and Infrastructure on the Implementation of the Right to Real Estate Facilities from Developers in Central Sulawesi Province

Facilities and infrastructure are the operational activities of real estate developers/developers. To build housing, the developer takes various stages, starting from real estate planning, real estate development, and real estate utilization. The scope of housing includes housing and infrastructure, public facilities and utilities that meet certain standards in accordance with the need for decent, healthy, safe and comfortable housing, facilities (environmental facilities) that function to support the development of socio-cultural and economic life in residential areas and public utilities (supporting equipment for residential environmental services). Developers or developers, in principle, can directly carry out the construction of real estate with their own hands; in practice, developers or developers often use the services of third parties who have experience and expertise in the field of construction services, with appointed partners (construction services) who will provide services. Construction services are required to have an individual business registration certificate domiciled in their area in accordance with applicable regulations. In this study, houses that are still under construction can be marketed through a preliminary sale and purchase agreement (PPJB) system if they meet the certainty requirements for a. land ownership status, b. the thing that was agreed, c. ownership of the main building construction permit, d. availability of facilities, infrastructure and public utilities, and e. housing development of at least 20%. Everything promised by the developer in marketing binds the sale and purchase (PPJB) for the parties. Based on the results of the descriptive analysis of each indicator of the facilities and infrastructure variables, namely:

- a) The results of the study show that the developer fulfils the certainty of land ownership status and clear IMB ownership with

an easily identifiable trend which is evidenced by an average value of $2.58 < 3.00$, which is also evidenced by the frequency of 57 people (57%) of respondents who stated that they knew the location of the implementation of housing and settlement development, as well as 43 people (43%) of respondents who said they lacked and did not know a clear and easily accessible location for real estate development.

- b) The results of the study show that real estate developers have clear business licenses. There is also a respondent's assessment that all marketed real estate development operators have official business licenses from the government with an average score of $2.62 < 3.00$. This is in accordance with the evidence on the number of frequencies, namely as many as 63 people (63%) of respondents said they could know, and the remaining 37 people (37%) of respondents said they lacked and did not know that real estate developers have business licenses from the local government.

The results of this study indicate that advertisements or promotions for the implementation of real estate development receive public responses because they know that promotional advertisements are more easily known and understood by consumers, with an average value of $2.58 < 3.00$. This can be proven through the number of respondents' responses, namely 51 people (51%) respondents knew, and the remaining 49 people (49%) respondents stated they lacked and did not know that real estate housing advertisements circulating contained true or correct information regarding infrastructure, facilities and public utilities that are advertised and circulating in the market. The conclusions of the authors from the results of research on the influence of facilities and infrastructure and the factor of the developer having a business license, certainty of land ownership status, terms agreed upon, availability of real estate facilities, construction of real estate housing of at least 20% and the legality of the site plan or site plan from the local government locally, advertising promotion is understood correctly, has quite a positive and real (significant) effect, especially the legal awareness of real estate developers.

5. The Influence of Implementation of Sanctions on the Exercise of Rights to Real Estate Facilities from Developers in Central Sulawesi Province

Real estate development plans are basically in great demand by the public; by real estate developers, it is always related to land ownership as a place for housing areas to be established; the land has a very strategic value so that, in fact, in everyday life, the house has economic value, making the community as interested people scramble to take advantage of it. Opportunities in order to have their own real estate. In conditions like this, market laws must apply where there is demand; there is supply, so real estate business relationships require legal means. Through advertisements, real estate developers hope that the advertisements shown will attract the interest of

people who need housing; the position of advertisements as promotions is still unclear in the legal system in Indonesia. Therefore, it can potentially cause harm to consumers due to advertisements and information not matching reality. If withdrawn in the field of contract law, advertising, although not yet qualified as an offer, is generally known that Article 1320 of the Civil Code requires four things for an agreement to arise, one of which is that the parties have mutually expressed their will to close the agreement, meaning that here there is an agreement required for the birth of an agreement. Legal sanctions are in the form of administrative sanctions in which the consumer dispute resolution agency (BPSK) has the authority to impose sanctions on real estate developers who violate the provisions of Article 136 paragraph (1) of government regulation number 13 of 2021 concerning the administration of housing and settlements as follows:

- 1) Any person or legal entity that undertakes the construction of housing infrastructure, facilities and public utilities that are not in accordance with plans, designs and permits or does not meet the requirements shall be subject to administrative sanctions in the form of:
 - a) Written warning
 - b) Temporary suspension of construction implementation
 - c) Revocation of incentives
 - d) Demolition order
- 2) Procedures and mechanisms for the imposition of administrative sanctions are carried out as follows
 - a) Written warnings are given two times within five working days
 - b) Ignoring written warnings is subject to administrative sanctions in the form of temporary suspension of construction implementation
 - c) Ignoring the revocation of incentives is subject to administrative sanctions in the form of building demolition no later than three months after the demolition order was given

The legal sanctions in this study use the application of strict legal sanctions for developers who do not provide housing facilities according to the developer's agreement with real estate consumers in Central Sulawesi Province.

Based on the results of the descriptive analysis of the variable indicators of legal sanctions shows the responses of respondents who stated they did not know that strict legal sanctions had been applied correctly to developers who were detrimental to real estate consumers with an average value of $2.24 < 3.00$, this can be proven through The frequency of respondents' responses were 71 people (71%) respondents stated that they lacked or did not know and the remaining 29 people (29%) respondents stated that they knew that legal sanctions had been strictly and clearly enforced against developers who were proven to be detrimental to consumers.

Respondents who stated that they did not know that strict legal sanctions had been applied correctly to developers who did not

comply with the housing facility standards promised by the developer with an average value of 2.17 <3.00; this was evidenced by the frequency of respondents' responses as many as 78 people (78%) of respondents stated that they did not know enough or did not know, and the remaining 22 people (22%) stated that they knew that legal sanctions had been strictly and correctly applied to developers who were proven not to comply with the standard of facilities promised by real estate developers.

The writer's conclusion regarding the results of the descriptive analysis is that it is influential but not real, especially for developers who have clear housing business permits and facilities and infrastructure that are not in accordance with the master plan (site plan) detrimental to the public's rights, for developers who violate it is published through the mass media so that the public can find out developers who have bad intentions. This hypothesis is proven.

Theory Relevance With Research Results

1. Legal Purpose Theory

From the author's analysis through the philosophy of legal research approach associated with regulation and theory, the purpose of the law is legal justice, legal benefits, and legal certainty, including social justice in the Islamic concept of seeing the realization of benefits for mankind which includes benefits in the life of the world and the hereafter, the concept of customary law is harmony and the balance shows that the substance of the principle of development of national law in Pancasila and the 1945 Constitution is linked to Law Number 1 of 2011 concerning housing and settlements, linked to the theory of the objectives of western law, customary law and Islamic law are clearly interrelated with the second problem formulation, how to protect real estate consumer law in fulfilling housing facilities promised by developers in Central Sulawesi:

Normatively, it is associated with the theory of the purpose of law from Gustav Radbruch's point of view. Namely, law is the development of the values of legal justice, legal certainty, and the benefits of the law. Therefore justice must be the main element of the law; without justice, a rule does not deserve to become law. Closely related to the nature of consumer legal protection, namely social justice (Islamic law), harmony (customary law), the principles of legal certainty, expediency, justice and balance (UUPK).

The concept of the rule of law, law enforcement, is very important in regulating public order; the task of law enforcement is to uphold the norms that live in society.

The theory of legal objectives in the formulation of the first problem and regulations in Law Number 8 of 1999 concerning consumer protection and law number 1 of 2011 concerning housing and settlements have a clear and close relationship.

The normative application of the rule of law principle, both in theory and regulation regarding residential real estate in Central Sulawesi

Province, is influential but not real, meaning that the nature of consumer protection is not running optimally so that the hypothesis from the first problem formulation is concluded to be proven.

So the analysis of questions related to the nature of real estate consumer protection, it is suggested that there be additional principles of social justice in addition to the principles of benefit, fairness and legal certainty and balance.

2. Legal Protection Theory

The consumer protection law and the law on housing and settlements are based on ensuring the welfare of the community and increasing the dignity of real estate consumers through law (UUPK). A healthy economy. The consumer protection law is incorporated into economic law for the sake of welfare from the results of economic development, indirectly encouraging business actors in the implementation of real estate development to have a sense of responsibility. Using a legal research philosophy approach, associated with the hypothesis of the first problem formulation and associated with the theory of legal protection, then:

- 1) Normatively, the theory of legal protection from Philips M. Hadjon's point of view, namely preventive and repressive legal protection in the form of dispute resolution, is closely related to the effectiveness of consumer legal protection, namely the right to correct and honest information, the good faith of the developer in the agreement, and the fulfilment of infrastructure standards. Adequate housing facilities and utilities.
- 2) The concept of a rule of law state that housing is a basic human need whose fulfilment is a human right for every Indonesian citizen in the 1945 constitution of the state, namely creating a just and prosperous society that is evenly distributed materially and spiritually.
- 3) The theory used in the formulation of problem two (2) and the regulation of law number 8 of 1999 concerning consumer protection and law number 1 of 2011 concerning housing and settlements have a clear and close relationship.
- 4) The normative application of the principle of consumer protection, both in theory and regulation regarding residential real estate in Sulawesi, is having an effect, but it is not real, meaning that the essence of consumer protection is not running optimally.
- 5) The hypothesis of the second problem formulation is concluded that it is proven.
- 6) So the analysis of the question of how effective real estate consumer protection is, is suggested so that the theory of legal protection can be maintained and used by future researchers.

3. Legal Effectiveness Theory

The third research focus (3), namely, the factors that influence the legal protection of real estate consumers for housing facilities from developers in Central Sulawesi Province associated with the theory of legal effectiveness from Anthony Allot, suggests that the law will be effective if the purpose of its existence and application can prevent acts that are unwanted can eliminate chaos. Therefore the law as a protection of human interests must be internalized, implemented and enforced. In addition, according to Soerjono Soekanto's¹ opinion, five (5) factors must be considered in law enforcement; namely, legal substance factors, legal structure factors (law enforcement), legal culture factors, facilities and facilities factors, and community legal awareness factors are also relevant and if connected with the research results that researchers have described, that theory can be defended and used in further research. The factors put forward by Lawrence M. Friedman and Soerjono Soekanto above are related to one another because they are the main thing in law enforcement and are a measure of effectiveness in law enforcement. The use of an empirical legal research approach is associated with the hypothesis with the third problem formulation that occurred in Central Sulawesi Province using multiple linear statistics, so from the results of the fifth study (5), the independent variables, namely supervision, legal awareness of business actors, legal awareness of consumers, facilities and infrastructure, and legal sanctions have a positive effect on consumer legal protection for housing facilities as evidenced by descriptive results with an average value of 2.08.

Research Findings

- a. The concept of consumer law protection in Central Sulawesi, in terms of the results of the research and analysis of the authors, suggests that there should be an additional principle of supervision as the main principle in real estate consumer protection in addition to the four existing ones, namely: 1. The principle of supervision, 2. The principle of justice, 3. The principle of expediency, 4. the principle of legal certainty, and 5. the principle of balance
- b. Consumer law protection has four basic protection of interests, namely:
 - 1) The interest of supervision is the interest in how to provide guarantees to real estate consumers in utilizing the real estate facilities used.
 - 2) Private interests, namely the interests of how to guarantee consumers the availability of adequate housing.
 - 3) The public interest is the interest in how to guarantee the availability of real estate facilities to support the development

¹ Soerjono Soekanto and Sri Mamudji, (1985). Normative Legal Research. King of Grafindo Persada. Jakarta

of socio-economic and cultural life as well as supporting equipment for residential services (public utilities).

- 4) Interests in legal protection, namely interests that want real estate consumers and developers to receive legal protection that is balanced and fair in the implementation of consumer protection, and the state guarantees legal certainty.
- c. The concept of legal protection for real estate consumers must practically fulfil the following requirements:
 - 1) There is legal protection for real estate consumers that fulfils the philosophical principles, juridical principles, sociological principles, and fair supervision principles.
 - 2) The developer's legal awareness in fulfilling consumer rights to adequate housing facilities is due to the knowledge and application of Law number 1 of 2011, standard facilities, infrastructure and public housing utilities, as well as government, community oversight and legal sanctions
 - 3) Awareness of real estate consumer law regulates how knowledge, understanding, attitude and behaviour of real estate consumer law.
- d. So, from the analysis and observations of the authors, it is suggested that there be an additional principle of supervision in the consumer protection law in addition to the principles of benefit, fairness, balance and legal certainty, and it is suggested that a Law on guarantees for the procurement of facilities and infrastructure and public utilities be made because the problem of housing facilities is such an important issue because is a means of public space facilities that can provide benefits for housing consumers in interacting with fellow residents.

CONCLUSIONS AND RECOMMENDATIONS

Conclusion

From the discussion of the problem of real estate consumer legal protection for housing facilities from developers in Central Sulawesi Province and in Indonesia in general, it can be concluded as follows:

1. The essence of the objective of real estate consumer law protection is to fulfil housing facilities from developers in Central Sulawesi Province in order to provide assurance of certainty of consumer rights as a manifestation of legal objectives.
2. The effectiveness of legal protection for housing real estate facilities promised by developers in Central Sulawesi Province has not guaranteed consumers' rights to correct and honest information, the good faith of developers in agreements and adequate standards of infrastructure and public utilities.
3. Factors that influence the fulfilment of real estate consumer rights to housing facilities from developers in Central Sulawesi Province, from the results of the fifth study (5) the independent variables, namely supervision, legal awareness of business actors, legal awareness of consumers, facilities and

infrastructure, and legal sanctions have an influence on the protection of real estate consumer rights to housing facilities promised by developers in Central Sulawesi Province. This can be proven by the results of statistical analysis of multiple linear regression with probability (P) $F_{count} = 0.000 < 0.05$ with a simultaneous contribution of only 35%, where the contribution is still low.

Suggestion

In connection with the conclusions of the research results in this dissertation, as stated above, then the suggestions are as follows:

1. It is recommended that brochures or advertisements in the implementation of housing development in Central Sulawesi Province be carried out in earnest by taking into account the principle of good faith in the national contract law so that in its implementation, it has binding power for the parties.
2. It is suggested that the developer's agreement with real estate consumers in fulfilling public facilities and social facilities in Central Sulawesi Province is prepared by taking into account legal objectives, which include justice, legal benefits and legal certainty and not taking advantage of the weaknesses of real estate consumers.
3. It is suggested to developers that carrying out housing development is not profit-oriented but pays attention to how real estate consumers earn a decent life in accordance with the standard of facilities and infrastructure that has been approved by the local government.

REFERENCES

- [1] Abdullah Emile Quemar Alamudy, 2022, legal protection for housing consumers for the misuse of social facilities and public facilities to become business land, journal of living law, volume 14: number 2: 87-102
- [2] Anjeliana, R., Risma, A., & Arief, A. (2021). Legal protection in online lending and borrowing agreements on the Akulaku application. Qawanin Journal of Law, 2(1). <http://103.133.36.88/index.php/qawaninjih/article/view/336>
- [3] Aryani, N., Qahar, A., & Bima, M. R. (2022). According to Government Investors in Selling Stocks Online (Online Trading). See Journal of Science, 3(1). <https://journal.fh.umi.ac.id/index.php/view/article/view/389/137>
- [4] Dahlan, M., & Liemanto, A. (2017). Legal protection of the constitutional rights of adherents of local religions in Indonesia. Law Arena, 10(1), 20–39. <https://arena.hukum.ub.ac.id/index.php/arena/article/view/251/252>
- [5] Faradilla, E., Khalid, H., & Sufran, M. (2021). Legal Protection for Consumers in Drugs That Do Not Have a Distribution

- Permit. *Qawanin Journal of Law*, 2(1).
<https://jurnal.fh.umi.ac.id/index.php/qawaninjih/article/view/320>
- [6] I Wayan Aditya Indrayana, AA Sagung laksmi dewi, 2022, implementation of developer obligations in the provision of public facilities and housing social facilities in Badung district, *legal analogy journal* volume 4 number 1: 37-43
- [7] Indrayana, I. W. A., Dewi, A. A. S. L., & Suryani, L. P. (2022). Implementation of Developer Obligations in Provision of Public Facilities and Housing Social Facilities in Badung Regency. *Journal of Legal Analogy*, 4(1), 37–43. <https://www.ejournal.warmadewa.ac.id/index.php/analogiHukum/article/view/5041>
- [8] Kirana, A. R. A., Abbas, I., & Rustan, M. (2021). Analysis of Legal Protection for Consumers Related to the Sale of Counterfeit Branded Goods Through Online Transactions Based on Civil Law. *Qawanin Journal of Law*, 2(1). <http://103.133.36.88/index.php/qawaninjih/article/view/344>
- [9] Muhammad Dahlan, airin liemanto, 2017, legal protection of the constitutional rights of adherents of local religions in Indonesia, *journal of the legal arena* volume 10 number 1: 20-39.
- [10] Oemar Alamudy, A. E., Roestamy, M., & Suhartini, E. (2022). Legal Protection for Housing Consumers for the Misuse of Social Facilities and Public Facilities to Become Business Land. *Scientific Journal of Living Law*, 14(2), 87–102. <https://ojs.unida.ac.id/livinglaw/article/view/6358/3134>
- [11] Qurania, F., & Sutiawati, S. (2021). Legal Protection for Action Masses as Victims of Repressive Actions Carried Out by Police Personnel. *Qawanin Journal of Law*, 2(1). <http://103.133.36.88/index.php/qawaninjih/article/view/325>
- [12] Soerjono Soekanto and Sri Mamudji, 1985. *Normative Legal Research*. King of Grafindo Persada. Jakarta
- [13] Sugiarto, R., Aswari, A., & Abbas, I. (2020). Consumer Protection for Electronic Toll Card Policy. *Qawanin Journal of Legal Studies*, 1(1), 27–58. <http://103.133.36.88/index.php/qawaninjih/article/view/48/39>
- [14] Syahrudin Nawi, 2021. *Normative Legal Research Vs Empirical Legal Research*. Crete Cup Print. Makassar.
- [15] Syahrudin Nawi, 2021. *Sociology of law and the theory of legal effectiveness*. Crete Cup Print. Makassar.