

# Analysis of Housing Consumer Protection from the Victim's Perspective (Case Study of Residential "M" Project)

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## ABSTRACT

A portrait of residential "M" unclear consumer fate. Which consumers are structurally victimized. Thus, consumers need victim protection and victim support in restoring their rights and obtaining alternative solutions from the state that has an important role in the contribution of the residential "M" project. The methods used in this research are qualitative descriptive methods, in this study also using library studies. The results of this study is Indonesian Consumers Foundation (YLKI) has a role to play in protecting consumers. Which consumer advocates are clearly on the pole who want government intervention to protect consumers. The way through the dissemination of information about regulation of standardization of goods or services to serious threat to offenders. This is because, there is a situation where consumers are often and experience information blindness to make racial decisions in order to consume and use their services, then it is the country that has to provide it. But the state hasn't been able to provide it. So it looks like there's competition in the market mechanism, not only protecting consumers but also protecting producers. Here's a portrait of YLKI's services to residential "M" project consumers who complain about the clarity of their residence, as well as a pre-refund system that has no point.

**Keywords:** Consumer protection, YLKI, victim protection, victim support

## INTRODUCTION

Home or shelter is basic human needs that must be needs to be met, in addition to the need for food and clothing. Along with the development of times, the number of people also grows, which has implications for the growing need for housing. Because the supply of land is limited, the need for housing is difficult to fulfill (Green, 1996), especially for people with low low-income groups. Because on the one hand on the one hand, housing is a basic need, but on the other hand, for people with middle- and upper-income groups, houses can also be seen as an investment item (Budi, 2009).

Third-party interests are the interests of developers who provide housing needs at affordable prices for the community. Then to be able to meet the needs of the community, that is, as a consumer, not a few developers who innovate create a cross-cutting housing unit. From size to material selection that is relatively cheaper but still quality (Bhakti, 2019). One of them is Lippo Group through the residential "M" project. With prices starting at Rs.127 million that can be recycled for 20 years, residential "M" project apartment units are relatively affordable to workers with the minimum wage of the Jakarta DKI province as well as the minimum salary of the West Java district (UMK). Then the transactions between the society in particular who are consumers residential "M" project with the

third party that is the developer in meeting the needs of the place of residence or residence. Which took place in the July–August 2017 range, advertisements and promotions of the residential “M” project developer struck the public. For six months in a row, his ads appeared in all the major media, television, newspapers, and radio. Not to mention, public service corners, such as hospitals, modern markets, and even railway stations, were flooded with residential “M” project promotion. "Let's move to M" became the main tagline.

The price offered also attracts potential buyers, starting from Rs. 92 million. In the course of the transaction, there was a case of land liberation in this town of residential “M” project which dragged the residential “M” project in the corruption case into the criminal justice system. And it has a direct effect on the construction process of the residential “M” project, which ends up destroying the building. Because of the deficiency of the construction in the end poses the consumer is in a very vulnerable condition to the detriment because of the lack of guarantees on the safety of construction. While the marketing carried out such, allegedly grossly violates the provisions of Article 42 of the Act No. 20 Year 2011, which requires the developer to have assurances on the assurance of the provision of space, assurances on the rights of the land, asserting the status of ownership of the building, permits and construction assurance before making marketing. Finally, to date residential “M” project consumers still do not know the clarification on the construction of housing land, but these consumers are charged to keep their credit until payment. In addition, many of the consumers who make payments through the bank, where the bank is a third party to make credit to residential “M” project. Consumers who through the third party, ie represented by the bank, they are charged to pay until payment, should not be late payments, if late payment such food consumers will receive a fine from the bank. Not only that is experienced by consumers,

if consumers unilaterally stop, then consumers will be exposed to BI Checking. In addition to the rejection of the application for cancellation by consumers, if consumers cancel, down payment will be cancelled.

## **MATERIALS & METHODS**

The method used in this research is qualitative descriptive research. Qualitative research is a type of research that aims to understand social or human phenomena through in-depth and complex descriptions so that accurate data can be produced. A library study is a type of research used to gather and use information relevant to a problem being studied. In addition, researchers can obtain information from previous or similar research. Library studies are also related to theoretical research on evolving norms, values, and cultures. Based on the type of research, the data collection methods used in this study are document analysis, observation, interviews, and documentation. These techniques are necessary to collect and process data from the field in order to represent social perspectives and realities in the social environment.

## **RESULT**

### **Consumers as Market Victims**

It is the duty of the State to provide protection to victims. Victims shall be provided with an appropriate level of protection in cases where the victim is in serious danger. The State shall ensure that where victims, especially the most vulnerable, need protection (from the effects of evidence in court), the State shall allow them to testify by facilitating such protection, using all appropriate means in accordance with the relevant principles of the legal system (on the protection of victims) (Blackburn, 1993).

Crime is not clearly distinguished by the criterion of social disagreement. Where illegal behavior must first be evaluated negatively. For example, what happens in white-collar crime, which includes legal violations related to business or commercial

behavior as well as labor crimes against organizations, may actually involve practices that are acceptable in a particular business environment, even though there are consequences for consumers.

A system of civil law is acquired when damages are formally adjudicated in a court of law, and the general view is that criminal law evolves from civil law when crimes are identified as offenses against society in particular individuals and punishments are imposed on behalf of the state. According to sociologists such as Taylor et al. (1973), who argue that the law creates evil, the law cannot be clearly separated from other social institutions. Mechanisms for social control are centralized and formalized by those in positions of power, but laws are made and changed in response to public opinion. And government policy. Similarly, the operation of the criminal justice system is heavily dependent on factors such as budgetary constraints or administrative pressures, and laws that lack public support are difficult to enforce.

In the case of residential "M" project, the state is also not present in the context of pre-market control in the case of residential "M" project developers. In fact, it seems that the state is clearly on the side of residential "M" project, as indicated by the statement of Maritime Coordinating Minister Luhut Binsar Panjaitan, who fully supports residential "M" project. While thousands of consumers are trapped in the uncertainty of their legal status related to the residential "M" project promotion. As proof that consumers are the victims of the market in the case of residential "M" project is where Lippo's side every time polemics about the sale of unlicensed properties face the public. The so-called action is not a sale in the real sense, but only as proof of the seriousness of the prospective buyer by taking the Order Sort Number (NUP) at a certain cost. Many related consumer complaints fall into at least three categories. First, if the NUP is canceled, the money paid to the prospective buyer is non-refundable. Second, the openness of

information relates to licensing issues, where consumers have the right to obtain information, but Lippo refuses to provide it. Not only that, but no warranty can be given if consumers question access to the license. In addition, consumers who have paid the advance or down payment themselves reached 10% of the unit sales value of the apartment. Whatever they wanted to do, as a consumer he then questioned the security of handing over the key to residential "M" project's marketing staff. But the answers he received were not satisfactory. The residential "M" project cannot be sure when the keys will be handed over.

In this case, where consumers are one of the main pillars of the economic wheel. Without the presence of consumers, the economic wheel will be paralyzed and there will be no transactions. But ironically, the dominant position of the consumer as one of the main pillars is in many ways subordinate in the transaction system and even in the wheel of the economy as a whole. Even more tragically, the state as a regulator, which should be a balancer between consumer and business interests, is more of a tool to legitimize such subordinate positions and end up significantly marginalizing consumer rights. That's the most common portrait that reflects the situation and conditions of consumer protection in recent years. Some country indicators are not present in the protection of consumers and/or public interests, portrayed in some actual cases.

On the other hand, as of mid-September last year, the permits already held by the developers of the property are still minimal. There are only 480 hectares of site permits and 84.6 hectares of land use permits (IPPT). Meanwhile, the change in the RTRW of the residential "M" project area, which was once a kind of industrial area, to a residential area has not been carved out. In the background there is a portrait of the unclear fate of the residential "M" project consumer. Which consumers are structurally victimized. Thus, consumers need victim protection and victim support in restoring their rights and obtaining alternative

solutions from the state, which plays an important role in the contribution of the residential "M" project project.

### **YLKI as Representative of the State**

The obligation to treat victims with respect and to recognize their rights and interests means that the State must ensure that victims have a real and appropriate role in the criminal justice system, that they (consumers as victims) are treated with respect during the process and that they are not deprived of their rights, particularly as a prelude to criminal proceedings. This requires States to take measures to progressively create the necessary conditions to facilitate the prevention of secondary victimization and unnecessary pressure on victims.

However, in the context of consumer protection, there are potential consumer abuses that have resulted in consumers becoming victims in the residential "M" project project market. Especially after the deputy governor of West Java said that DM, declared residential "M" project hadn't given permission. That's why YLKI took action to give public warning. In fact, the Ombudsman also did the same thing, even the Ombudsmen first and harder. Since August 2017 until now, YLKI has made several public warnings. It's done with consideration. First, the issue of licensing. At the moment, it should be assumed that the permit that residential "M" project has is only a location permit. However, the construction of an apartment requires many permits, such as IMB and AMDAL. The location permit is only required to ensure that the land is in accordance with its function. In this context, residential "M" project has not been able to show the public whether the project has all the necessary permits. Second, residential "M" project advertising, promotion and marketing practices. In the last five years, complaints to YLKI have been dominated by complaints about the apartment (about 450 cases). The case is similar, i.e. a dispute between a consumer and a

developer/manager triggered by advertising and marketing using pre-project sales strategies, i.e. offering or selling an existing apartment project. And that's what residential "M" project did, but they rejected the assumption that what he did was not offer/sell an apartment, but only offer a number of purchase (NUP). But in practice, NUP fees could be a tool to reduce the overall price of an apartment. In addition, consumer complaints in the real estate sector in YLKI are the highest experienced by residential "M" project consumers (43 percent). The average complaint is about the rejection of the consumer's cancellation request. When the consumer cancels, the deposit is canceled. This shows the inconsistency of residential "M" project advertising. Tragically, the consumer's complaints about YLKI to residential "M" project were never answered. In fact, the complaint was returned because the address was wrong. As well as many consumers who complain to hope to get a solution from YLKI, but not even a small point find a solution.

The consumers who have been victims of the residential "M" project project have been unclear about the problem of refund in advance, as well as there are many several victims who complain to YLKI get an unsatisfactory response, i.e. disturbing with undefined boundaries, not only that the consumers who complain to the ILKI are sometimes ignored as some consumers who have already been victims to the Meikkarta project. These consumers suffer repeated victimization, in this case consumers experience repeated victimization (injured consumer side), i.e. loss of advance money, because consumers who cheat to the bank must keep paying until payment, because if they do not pay it will be subjected to BI checking, plus they have to pay until payment but they experience uncertainty where they will pay. Since the arrest of residential "M" project's highest official in a corruption case, the land has remained empty until today. All activities of the residential "M" project project had to be

stopped. However, in this study found some victims who had complained to residential "M" project in applying for the withdrawal of money did not get a result, they waited without notice, until now even their money has not been returned. In this case, the state is not able to nucleate its sensitivity, which YLKI acts as a representative of the state has not been able to solve the consumer problem involved in the case of the residential "M" project project. YLKI must be present in order to prevent structural crimes that cause harm to consumers. In the case of residential "M" project, victim support can also be categorized in victimology, in Europe to promote support and assistance to victims of crime then will evaluate the activities of institutions such as Victim Support and the establishment of a Witness Protection Unit. by supporting and promoting the activity of these agencies, given that the agencies have performed their duties, but different if there are some victims who do not report them as victims to the police and do not get protection to get help, but to meet the needs of victims providing assistance and support to the victim of crime . In victim assistance has several dimensions, namely the provision of services, advocacy and inter-agency work. As well as responsible for the identification of the Witness Service, and still overseeing such activities.

### **Services provided to Victim Support**

These services include the provision of information, practical assistance and emotional support. The information provided includes the operation of the criminal justice system, claims for compensation and housing, and the medical needs of victims. Emotional support consists of listening and providing comfort and reassurance to victims, but does not usually include counseling as a volunteer (Williams: 1999: 90).

### **Advocacy given to Victim Support**

As an intergovernmental liaison agency, it must be able to influence the development

of government policies relating to victims, so in a way you can see its involvement in advocacy from the inside. Such concerns include the recognition of the rights of victims of crime, the expansion of victim services in the creation of social welfare, and the provision of services to victims in the improvement of specific victim services. The advocacy is about the recognition of the right to information and explanation, protection, compensation and respect and assistance.

### **Community and Inter-Agency Work on Victim Support**

This victim assistance is seen in the form of working partnerships and interagency work with criminal justice agencies as well as with other communities and related organizations. Victim services are involved with many partnerships and agencies (Spalek, 2006, p. 97). Inter-agency partnerships can be seen through their interaction in solving the problem of crime victims in institutions and public participation.

### **Consumer Protection Services as Victims of Markets and States**

In this case, consumer protection services to avoid being a victim of the crime of marketing transactions and markets then YLKI is present to deal with all forms of structural crime of sale. This service includes the provision of information. Mediator between consumers and entrepreneurs. In the socio-legal change in consumer fraud: From victim-offender interactions to global networks it identifies five categories embedded in the consumer protection movement, namely: (1) economic crime, (2) consumer fraud, (3) victims, (4) non-response to complaints and consumer deception, and (5) case studies.

As we now see, a group of business forces are setting up foundations with the primary purpose of preserving the environment. There are also companies that are willing to build public confidence in YLKI. There are various business groups that have renewed

their business orientation. However, this attempt to increase corporate social responsibility is merely a corporate strategy to attract consumers in order to draw contextualization of the global market. Consumer advocates are clearly on the pole that wants government intervention to protect consumers. The way through the dissemination of information on the regulation of standardization of goods or services to serious threat to offenders. This is because there is a situation where consumers are often and experience information blindness to make racial decisions to consume and use their services, then it is the country that has to provide it. But the state hasn't been able to provide it. So it looks like there is competition in the market mechanism, which not only protects consumers, but also protects producers. Here's a portrait of YLKI's services to residential "M" project consumers who complain about the clarity of their residence, as well as the system of advance refunds that they are looking for.

### **Advocacy: Creating a Consumer Sacrifice Policy**

Law enforcement management plays an important role in promoting victim advocacy programs. Intergovernmental liaison agencies, need to be able to influence the development of government policies related to victims, so in a way, you can see its involvement in advocacy from the inside. These concerns include the recognition of the rights of victims of crime, the expansion of victim services in the creation of social welfare, and the provision of services to victims. In this case, Coordinator Advocacy of the National Consumer Protection Agency (BPKN) Rizal E Halim suggested that the municipality that has ordered a unit in residential "M" project to continue to investigate all related administrative supplies. This is done to avoid any conflict that may arise. and ask consumers who have fulfilled their obligations but have not yet acquired their rights to coordinate with the developer. If there is no agreement, the

consumer can complain directly to the BPKN RI offices. BPKN RI will continue to monitor in accordance with Act 8 of 1999 on Consumer Protection, related to the case of suspected bribery management licensing residential "M" project development project.

### **Community & Inter Agency Work: YLKI presents to meet the needs of lost consumers**

The current residential "M" project case is a failure of state supervision. But in this case, YLKI has been warning the public from the beginning not to make any transactions related to the residential "M" project project. It's like a complaint about residential "M" project s down payment problem, which can't be withdrawn anymore, while he says it's refundable. Also, there's no problem with the model of the property that was ordered, although the advertisement mentions the model. Then from that, YLKI has been injured or preventive related to the pre-project sale that residential "M" project did among others:

1. Encourage the public to be careful and, if necessary, delay the booking and/or purchase of an apartment unit in the City of residential "M" project until the status of permission is clear. Don't get caught up with the bragging and promises of fasum/fasos by the developers. Before signing the booking document, read it carefully, and when paying the booking fee there should be official documents, not with a temporary receipt,
2. The government should take strong action, if necessary, to impose sanctions for any form of breach of license and the exploitation of the legal gap by the developer and then to the detriment of the consumer,
3. YLKI urges the management of residential "M" project to stop any form of promotion, advertising, and other forms of offerings on the residential "M" project Apartment product until all licenses and legal aspects have been met by the developer. The residential "M"

project doesn't pretend that he's already signed an IMB, while what's actually happening is the IMB application process.

YLKI is present in meeting the needs of consumers residential "M" project has been lost as an inter-agency partner, but YLKI has not been able to similar consumer protection agencies seem unable to be the focus of consumer complaints, especially the National Consumer Protection Agency (NCP), which should be more powerful. Also, the presence of BPSK (Consumer Dispute Resolution Agency), still seems far from the hope for consumers to seize their rights. So far, YLKI has only been present to receive complaints from residential "M" project consumers, but has not been able to respond and follow up on consumer cases that have already been victims of the Meikart project.

## **CONCLUSION**

YLKI must be present to prevent structural crimes that result in consumer harm. In victim assistance has several dimensions, namely the provision of services, advocacy and inter-agency work. As well as being responsible for the identification of the witness service, and still overseeing such activities. Consumer advocates are clearly on the pole that wants government intervention to protect consumers. The way through the dissemination of information on the regulation of standardization of goods or services to serious threat to offenders. This is because there is a situation where consumers are often and experience information blindness to make racial decisions to consume and use their services, then it is the country that has to provide it. But the state hasn't been able to provide it. So it looks like there's competition in the market mechanism, which not only protects consumers, but also protects producers. Here's a portrait of YLKI's services to residential "M" project consumers, who complain about the clarity of their residence, as well as the system of advance refunds that they are looking for. As for the

creation of the Prokuban (consumer) policy, it is done so as to avoid any disputes that may arise. and ask consumers who have fulfilled their obligations but have not yet acquired their rights, to coordinate with the developer. If there is no agreement, the consumer can complain directly to the BPKN offices of RI.

A portrait of residential "M" project 's unclear consumer fate. Which consumers are structurally victimized. Therefore, consumers need victim protection and victim support in restoring their rights and obtaining alternative solutions from the state, which plays an important role in the contribution of the residential "M" project. How a consumer complaint about YLKI to residential "M" project was never answered. In fact, the complaint was returned because the address was wrong. As well as many consumers who complain to hope to get a solution from YLKI, but not even a small point find a solution. The consumers who have been victims of the residential "M" project project have been unclear about the problem of refund in advance, as well as there are many several victims who complain to YLKI get an unsatisfactory response, i.e. disturbing with undefined limits, not only that the consumers who complain to the ILKI are sometimes ignored, as some consumers who have already been victims of the residential "M" project project. These consumers suffer repeated victimization, in this case consumers experience repeated victimization (injured consumer side), i.e. loss of advance money, because consumers who cheat to the bank must keep paying until payment because if they do not pay it will be subjected to BI checking, plus they have to pay until payment but they experience uncertainty where they will pay. In this case, the state is unable to nucleate its sensitivity, which YLKI acts as a representative of the state has not been able to solve the problem of consumers trapped in the case of the residential "M" project, the country is absent.

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