

# LEGAL RESPONSIBILITIES OF PROPERTY PROPERTIES AND BUSINESS WITHOUT LOCAL GOVERNMENT LICENSE (SURABAYA STATE COURT DECISION STUDY NUMBER: 268 /PDT.G/2021/PN.SBY)

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**Article history:** received 07 August 2023; revised 16 August 2023; accepted 02 September 2023

DOI: <https://doi.org/10.33751/jhss.v7i3.7623>

**Abstract.** The need for a house (place to live) is a basic human need guaranteed by the constitution of the Republic of Indonesia . This study aims to find out and analyze the legal responsibilities of seminar organizers and speakers followed by paid property business training if the property business seminar and training violates legal provisions. This research uses the type of normative legal research method because the research taken is a juridical analysis related to decisions in a decision, so it can be considered suitable when examined using literature studies and also using decision studies. The actions taken by Cipto Junaidi together with PT Cipta Permata Tiara by holding property business seminars and training have been identified as illegal acts . So as a result of these actions the organizers are required to provide legal accountability because they have caused harm to other people, namely the participants who attended the seminars and training held.

**Keywords:** property; local government; legal completion

## I. INTRODUCTION

One of the unlawful acts that frequently occurs is in the field of property business. The property business is undeniably a magnet in itself for property business people. This is closely related to the level of need for residential houses or places of business which have recently been implemented in a residential area concept. The need for a house (place to live ) is a basic human need guaranteed by the constitution of the Republic of Indonesia. Therefore, the state is obliged to be present to protect all Indonesian citizens through the implementation of housing and residential areas so that people are able to live and live in decent and affordable housing in healthy, safe, harmonious and sustainable housing throughout Indonesia. The implementation of Housing and Residential Areas must provide legal certainty for all stakeholders. This legal certainty is implemented to guarantee the right of every citizen to occupy, enjoy and/or own a proper home in a healthy, safe, harmonious and orderly environment, including those who wish to study or wish to pursue the property business sector. Property is any physical or intangible that is owned by a person or together with a group or belongs to a legal entity. The word property comes from English, namely "property" which means something that can be owned by someone. In Indonesia, the term "property" is synonymous with real estate, houses, land, shop houses, buildings or warehouses. Later, the term property shifted from its original meaning to be more specific in the sense of immovable property (land/building).

To meet the public's need to invest in the property sector, property business seminars have been held in

Indonesia. The seminar organizers and the property business referred to in this study were organized by PT Cipta Permata Tiara and Cipto Junaidi held in various major cities in Indonesia, including; Jakarta, Bekasi, Bali, Surabaya, Yogyakarta and Semarang. PT Cipta Permata Tiara is a company founded by Cipto Junaidi based on its deed of establishment engaged in trade, development and property services including the field of property management does not contain any permits regarding seminars or property business education, while Cipto Junaidi is only the copyright holder for his written work entitled : "The strategy is to buy lots of properties without money without mortgages. You don't have to wait for low prices," as registered with the Director General of Intellectual Property Rights Number: C00200904422. From the interesting title of the seminar accompanied by recognition as a teacher and property expert, to the presentation of prestigious housing projects, along with the promise to be guided so that they have their own housing project, many people are interested in participating in the seminar. Seminars are made which are followed by paid incentive guidance and in the end make participants take part in several types of investments by investing investment capital in the projects offered. The investment promised above is calculated for a period of at least 2 years. Seminar participants who invest in the project offered should have made a profit. However, the promised benefits were never fulfilled. For the unlawful act committed by Cipto Junaidi, 11 participants have filed a lawsuit at the Surabaya District Court with Case Number 268/PDT.G/2021/PN.SBY.

The judge is a law enforcer with the authority to decide a case. Judges have an important role in resolving a problem

through a judge's decision. In the Decision of the Surabaya District Court Number 268/PDT.G/2021/PN.SBY it was decided that on September 1, 2021 a decision had been handed down in essence "Declaring the Plaintiffs' Lawsuit Fuzzy or Unacceptable (Niet Ontvankelijke Verklaard / NO) on the basis of the consideration of the Assembly Judges in essence as follows:

1. That the Copyright is owned by Cipto Junaidi is qualified as proof of the expertise concerned in organizing training and the property business in the aquo Case, besides that regarding Cipto Junaidi's business expertise with a strategy without money and without capital has been reported in the newspaper;
2. That Cipto Junaidi has a permit for a seminar and book launch from the Indonesian National Police;
3. Whereas the seminar held by Cipto Junaidi was related to the Intellectual Property Rights seminar, which was then offered to the Plaintiffs and attended by the Plaintiffs with varying results.
4. That there are no facts regarding the investment offers because the money submitted by the Plaintiffs was to attend the advanced class learning process called the Splash Orange Class.
5. That the Plaintiffs were wrong in establishing the construction of their Lawsuit based on material gain is expected after attending an intellectual property seminar held by the Defendants with varying results.

The Surabaya District Court Decision Number 268/PDT.G/2021/PN.SBY was strengthened by the Surabaya High Court Decision Number 771/PDT/2021/PT SBY Surabaya High Court Decision, where the Appellate Judge in his consideration agreed and justified the decision of the Panel of Judges First Level, because in its legal considerations it has correctly and correctly described all circumstances and reasons which form the basis of the decision. This case has permanent legal force where in the Decision of the Supreme Court of the Republic of Indonesia Number 2290 K/Pdt/2022 jo No. 771/PDT/2021/PT SBY jo 268/PDT.G/2021/PN.SBY rejected the cassation request filed by the Cassation Petitioner on the basis that the decision of the *judex facti*/Surabaya High Court which upheld the decision of the Surabaya District Court was not against the law and/or law. At this writing the author limits himself to the Surabaya District Court Decision Number 268/PDT.G/2021/PN.SBY. As a whole, from the existing regulations relating to holding property seminars and training, there are explicit weaknesses in the laws and regulations. This is where Law Number 28 of 2014 Concerning Copyright (hereinafter referred to as the Copyright Law) does not explicitly stipulate whether the copyright owner through his copyrighted work is qualified as an expert or not related to the copyrighted work. In the provisions of Article 74 paragraph (1) letter d of the Copyright Law it only stipulates that the legal power of a creation includes, among other things, being deleted for violating religious norms, moral norms, public order, state defense and security or statutory regulations.

Apart from that, other weaknesses can be viewed in terms of government supervision of permits to organize education and property training organized by private legal entities or individuals, even though the provisions have been stipulated in Article 13 letter k of Law Number 1 of 2011 concerning Housing and Residential Areas. (Hereinafter abbreviated as UUPR) Juncto Article 12 Juncto Article 13 Government Regulation Number 88 of 2014 Concerning the Development of Housing and Residential Areas. Based on the above issues related to the basic considerations of the Panel of Judges stated in the District Court Decision Number 268 / Pdt.G / 2021 / PN.SBY, the Author feels the need to conduct research related to the permit to hold seminars, along with property business training required in laws and regulations invitation. This study aims to find out and analyze the legal responsibilities of seminar organizers and speakers followed by paid property business training if the property business seminar and training violates legal provisions.

## II. RESEARCH METHODS

Based on the research taken, namely juridical analysis of a decision, this research uses the normative legal research method or also known as doctrinal legal research. This research uses the type of normative legal research method because the research taken is a juridical analysis related to decisions in a decision, so it can be considered suitable when examined using literature studies and also using decision studies. So in this normative legal research the legal research that is carried out is by studying the problems contained in the research. In examining the legal issues in this study, the author uses the Statute Approach, Case Approach, and Conceptual Approach.

## III. RESULTS AND DISCUSSION

### *Surabaya District Court Decision Number 268/Pdt.G/2021/PN Sby*

This research uses a case study of the Decision of the Surabaya District Court Number 268/PDT.G/2021/PN.SBY dated September 1, 2021 which decides that the claim cannot be accepted, where on the background of the problems examined by the author in this study, the judge decides on the basis of consideration as follows:

1. Incentive guidance on intellectual property rights carried out by the seminar organizers for 3 (three) different classes, namely Pioneer, Splash Orange class and the same book class where the class distinctions will result in the results obtained by seminar participants also differing from one to another. others and the results in practicing the knowledge gained from the seminar as well.
2. Some of the incentive guidance participants continued to attend the Splash Orange class and some continued to the Astu Book class and some did not continue to the Splash Orange class or the Astu Book class;

3. That what is meant by an unlawful act according to the civil world.

#### *Surabaya High Court Decision Number 771/PDT/2021/PT SBY*

The decision of the Surabaya High Court Number 771/PDT/2021/PT SBY dated 13 December 2021 stated that after the Panel of Judges at the Appellate Level read and examined and examined carefully the a quo case file along with an official copy of the decision of the Surabaya District Court dated 1 September 2021 Number 268 /Pdt.G/2021/PN Sby., as well as other letters related to this case, including the memorandum of appeal and counter memorandum of appeal submitted by the parties or their proxies, in which the memorandum of appeal has no new legal facts that can cancel or change the a quo decision. Based on the above considerations, the Panel of Judges at the Appellate Level approved and justified the decision of the Panel of Judges at the First Level.

#### *Supreme Court Decision Number 2290 K/Pdt/2022*

The case in this study has obtained permanent legal force as decided by the Supreme Court of the Republic of Indonesia Number 2290 K/Pdt/2022 jo 771/Pdt/2021/PT.Sby jo 268/Pdt.G/2021/PN.Sby dated 26 July 2022 where the judge decided that the decision of the *judex facti*/Surabaya High Court upholding the decision of the Surabaya District Court did not conflict with the law and/or statutes with the following considerations:

1. *judex facti* decision which states that the lawsuit cannot be accepted or the lawsuit escapes is the correct decision according to procedural law.
2. Whereas the *posita* and *petitum* of the plaintiff's lawsuit are not mutually supportive and inconsistent. On the one hand, the plaintiff argued that the defendants promised financial benefits after attending the seminar, but the *petitum* of the lawsuit stated that the defendants committed an unlawful act.

#### *Interview Results with Dr. H. Rasji, SH., MH As Vice Chancellor I and Lecturer in Legal Philosophy, Constitutional Law, University of Tarumanagara*

The author ended data collection through interviews with informants in order to obtain comprehensive study results by conducting interviews with Mr. Dr H Rasji, SH., MH as Deputy Chancellor I and Lecturer in Legal Philosophy, Constitutional Law, Tarumanegara University on December 9, 2022. The expert qualifications academically refer to the Indonesian National Qualifications Framework (KKNI) are people who already have a Doctoral or Doctoral degree. While those with bachelor's and master's degrees are classified as operators or management. Therefore, if someone does not have a Doctoral degree, they cannot be classified as an expert academically. However, in the IQF there are equalizations of experts based on profession or occupation and are equated with academic experts, and their works, benefits or uses are recognized in society, such as painting experts, dancing experts and bone

fracture experts, even if they only graduate from elementary, junior high or high school. SENIOR HIGH SCHOOL. On the other hand, if an expertise is only based on announcements in a newspaper, then it cannot qualify as an expert because the newspaper is only propaganda in nature, the benefits of which are aimed at the person or party that published the newspaper announcement. Furthermore, someone who writes a book is then registered in a copyright protection. The author is generally qualified to have expertise related to the method or strategy he wrote, but his expertise is not linear or significant because expertise still requires recognition from the community. Recognition of a knowledge of expertise can be viewed from the Philosophy of Axiology of Deontology, namely whether the knowledge taught by the person is contrary to the applicable regulations or not. In the background that the author describes, such as teaching participants to tie up land, then offering it to the community, while the status of the land being offered is unclear and the housing project being offered does not have legality and does not have a building permit (IMB), axiologically, deontologically, such knowledge is of course very weak because contrary to applicable regulations and suspected as an act of criminal fraud.

Judging from the purpose or the axiology of the actions of the seminar organizers, it cannot be justified because they offer a housing project that appears to be legally valid, while those who offer it do not have legality, and the housing project offered does not fulfill the stipulated permits, including; do not yet have a business entity, license as a developer company and building permits. Furthermore, the act is related to the teachings of binding land, making drawings and then offering housing projects in the pictures to the public, ontologically empirically having no experience as a housing developer. Teaching the community to offer land that does not belong to them for housing philosophically has no truth. Likewise, the teaching of being able to become a developer without money and without capital in terms of a rationalist ontology philosophy, namely a knowledge based on reason is very unreasonable because, let alone being a developer, building private houses only requires money, let alone building housing projects, of course, you must have capital that is manifested in the Company's capital in its deed of establishment.

Philosophically, to test a skill must be seen from its purpose, if the skill has a good purpose then the expertise can be recognized as true, otherwise if not then it cannot be recognized as a true expert knowledge. Judging from the axiology of deontology, there are no provisions governing the method used by the organizers of the seminar in this study, because it is clear in the Housing Law that the status of the land offered must be clear and that all permits have been obtained. Seminars are held based on papers on buying property without money without capital if it is considered as the expertise of the person concerned, but when viewed from the things that are taught, such as offering something without being based on the right rules and the right experience then axiologically deontologically, teleological axiology, empiricism ontology and rationalist ontology, such expert

knowledge is very weak and cannot be recognized as true expert knowledge.

From the description above it can be concluded that axiologically if the goal is not good then the teleology is not fulfilled by knowledge.

#### *Legal Construction Implementation of Property Seminars, Education and Training in Housing and Settlement Area Law*

Basically the holding of property seminars is not contained or regulated in UUPKP No. 1 of 2011 or in P3KP Number 88 of 2014, but only regulates the implementation of education and training in the field of housing and residential areas in this case held in collaboration with the Regional Government, universities and/or other educational and training institutions. The problem is whether property is the same as housing, as mentioned in chapter 1 of this study. According to Dhaniswara K. Harjono; Property is any physical or intangible that is owned by a person or together with a group or belongs to a legal entity. The word property comes from English, namely "property" which means something that can be owned by someone. In Indonesia, the term "property" is synonymous with real estate, houses, land, shop houses, buildings or warehouses. Later, the term property shifted from its original meaning to be more specific in the sense of immovable property (land/building). So it is quite clear that property and housing are the same because property is a term in English while in Indonesian it is called real estate, house, land, shophouse, building, or warehouse. Returning to the Seminar above, it has been explained that it is not regulated in the law on housing and residential areas. According to the Big Indonesian Dictionary, a seminar is defined as a meeting or trial to discuss a problem under the leadership of an expert (professor, expert, and so on). In Wikipedia, the free encyclopedia explained, Seminars are regular meetings held by someone who is carrying out his duties. Seminar comes from the Latin word *semin* which means seed or from the word *seminarium*, which means the land where seeds are planted. So, the seminar means a place for the seeds of wisdom. The policy in question is of course based on academic teaching, either at a university or a professional commercial organization in a particular field.

Seminars in terminology have the meaning as an activity to convey a scientific work in the form of knowledge from an academician, which is presented to seminar participants so that they can make the same decisions regarding scientific work between sources and participants. According to Rasji, seminars can be interpreted as disseminating or narrating knowledge to the general public by presenting experts in the same field, one, two or more. So based on the explanation above, it can be summarized that a seminar is in principle a meeting held to convey or discuss a scientific work in the form of science and/or to discuss a particular issue or theme that is determined under the leadership of an expert or several experts, and is attended by many seminar participants to discuss certain issues set. Apart from that, based on Article 12 paragraph (1) UUPKP it is

explained; The Government, in carrying out the guidance of the administration of housing and settlement areas, has the duties and authorities in accordance with their respective functions in this regard by the Government, provincial governments and district/city governments. The coaching function is meant as an effort by the Government to increase the capacity and participation of stakeholders in the administration of housing and residential areas, one of which is to organize education and training in the housing and residential areas sector.

In Article 13 paragraph (1) P3KP is explained; Education and training are carried out in collaboration with the Regional Government, universities and/or other educational and training institutions with the aim of increasing the capacity and competence of stakeholders in the administration of housing and settlement areas. Where in practice the holding of seminars should be carried out by government agencies, educational institutions and/or institutionalized private institutions, such as; seminars in the field of Health are organized by Health-Institutions such as Hospitals and/or Medical Profession Associations, seminars in the field of Education are organized by Educational Institutions such as Universities, seminars in the field of law are organized by Institutions in the field of law or Advocate Profession Associations, seminars in the field of property are organized by Associations of Property Professions, Government and Educational Institutions, and others. Then, what about the property seminar organized by PT Cipta Permata Tiara and Cipto Junaidi in the aquo case? The seminar organized by PT Cipta Permata Tiara and Cipto Junaidi as the Defendants based on the facts of the trial revealed that they had held a property seminar with the theme "Strategy to Buy Many Properties without capital, without debt and without KPR" without having cooperation with government institutions or agencies as referred to in Article 13 P3KP above.

Based on existing legality, PT Cipta Permata Tiara is a company founded by Cipto Junaidi engaged in trade, development and property services, does not have licensing documents as a seminar organizer or property education and/or training, while Cipto Junaidi is solely a rights holder. copyright on his writing entitled "Strategy to buy lots of property without money without KPR No need to wait for low prices" and registered with the Director General of Intellectual Property Rights Number: C00200904422. Based on the fact of legality, according to the researcher, it is necessary to test the capacity of the Defendants in holding property seminars, training and education, then whether the theme of the seminar is a problem that needs to be solved scientifically, and the material presented in the property seminar, training and education can be qualified as scientific knowledge. and under the leadership of an expert or several experts? Apart from that, according to the researcher, it is also necessary to study whether a copyright owner is automatically qualified as an expert, so that he automatically has the capacity and is permitted to organize seminars or property education and/or training. Permission in Dutch terms is called *vergunning*. The definition of permission

according to the Big Indonesian Dictionary (KBBI) is permission or a statement granting. While the term permit has the meaning of allowing, allowing, or not prohibiting.

In this regard, in Article 1 paragraph 14 of Government Regulation Number 5 of 2021 Concerning the Implementation of Risk-Based Business Licensing (hereinafter referred to as "PP Risk-Based Business Licensing") Permits are defined as approval from the Central Government or Regional Government for the implementation of business activities that must be fulfilled by the Actor business before carrying out its business activities. Where previously in Article 1 paragraph 6 of Government Regulation Number 24 of 2018 Concerning Electronically Integrated Business Licensing Services it was explained; Business Permits are permits issued by OSS Institutions for and on behalf of ministers, heads of institutions, governors, or regents/mayors after Business Actors carry out Registration and to start businesses and/or activities until prior to commercial or operational implementation by fulfilling the requirements and/or Commitment. Furthermore, Article 39 of Government Regulation Number 24 of 2018 concerning Electronically Integrated Business Licensing Services states; OSS Institutions issue Commercial or Operational Permits based on Commitments to meet standards, certificates and/or licenses; and/or registration of goods and services, then through Government Regulation Number 5 of 2021 Concerning the Implementation of Risk-Based Business Licensing, business licenses are differentiated into low risk, medium low and high medium risk, and high risk.

Business licensing for low risk qualifications is sufficient to use a Business Identification Number (NIB) in contrast to businesses with medium-low and medium-high qualifications. Individuals or Legal Entities Must meet the requirements regarding standard certificates whose fulfillment is determined based on relevant Ministry regulations, specifically for Housing Development and Residential Areas located under the authority of the Ministry of Public Works and Public Housing and related Regional Governments. Based on the business sector stated in the deed of establishment, PT Cipta Permata Tiara explained that it is engaged in property development and services including property management. So that this business field is associated with the Indonesian Business Field Standard Classification (KBLI) 2020 Online Single Submission Risk Based Approach (OSS-RBA) or Risk-Based Business Licensing included in the KBLI 68200 group, which explains the obligations of business licensing, one of which includes; Each Property Trade Intermediary Company (P4) is required to have at least 2 (two) Experts and Company Branch Offices have at least 1 (one) Expert. The expert referred to is proven by a Property Trade Intermediary Competency Certificate. The provisions contained in the OSS RBS are in accordance with the Regulation of the Minister of Trade Number: 105/M-DAG/PER/12/2015 Concerning the Implementation of Indonesian National Work Competency Standards for Real Estate Main Group in the Property Trade Intermediary Sector Juncto Regulation of

the Minister of Trade Number: 106/M-DAG /PER/12/2015 Concerning the Indonesian National Qualifications Framework in the Property Trade Intermediary Sector Juncto Regulation of the Minister of Trade Number 51/M-DAG/PER/7/2017 Concerning Property Trade Intermediary Companies which essentially determines that every Property Trade Intermediary Company (P4) must be registered in the P4 Association, pass the established Competency Standards, and have at least 2 certified experts.

Accordingly, the trial found the fact that PT Cipta Permata Tiara was not registered with the Ministry of Trade as a company engaged in property management, which evidence was strengthened by a Response Letter from the Secretariat General of the Minister of Trade explaining that PT Cipta Permata Tiara was not registered as the owner of SIUP – P4 at the Ministry of Trade. On the other hand, in the aquo case, it seems that the Defendants feel they have permission to organize seminars and training or property education only by having a Business Identification Number and the resource person is the author of a book, even though the Business Identification Number in the two Government Regulations above only functions as a Business Identification Number. meet the requirements to apply for further Business Permits. Therefore, based on the description above, the Defendants should have obtained permits to conduct seminars, training and property education from the Ministry of PUPR and the local Regional Government, as well as present experts in the field of implementing development and residential areas (see requirements regarding business operational permits and standard certificate requirements in business permits for the lower middle class and above), instead of the permit for holding seminars, training or property education, the property is instead based on an operating permit from the Police as considered by the Surabaya District Court of Justice in the aquo case.

In connection with holding property seminars, training or education in an interview with Wahyu Edi Purnomo, he agreed in principle to explain, Regarding seminar permits, property education or training is regulated in Government Regulation Number 88 of 2014 which refers to housing and settlement areas, in this case the applicant must have first join the developer association (Developer) and already have permission from the Regional Government, and the implementation must be known by government agencies and developer associations. In line with the thoughts of the Tengerang City Government expert, in an interview with Tarumanagara University experts explained; Regarding the legal certainty of organizing seminars or training and property education as regulated in Article 13 PP-P3KP provides an example; Is Peradi as an Advocate association able to carry out Advocate Profession Special Education (PKPA) independently? of course not because according to the Advocates Law, Advocates Associations must cooperate with Higher Education Institutions. So that is the case with the implementation of property training and education providers must cooperate with the Regional Government or Higher Education

Institutions.

In accordance with the facts revealed in the aquo case, in the decision handed down by the Panel of Judges of the District Court who decided; Whereas the seminar held by Cipto Junaidi was related to the Intellectual Property Rights seminar, which was then offered to the Plaintiffs and attended by the Plaintiffs with varying results. Then the decision was upheld by the Surabaya High Court. The researcher disagrees with the contents of the decision because the holder of a copyright is not automatically qualified as an expert in their field, so that the copyright holder has the competence to hold seminars or training and/or education in the field of property as stated in a book entitled; "The strategy is to buy lots of properties with money, no capital, no debt and no mortgages" referred to in the Case aquo. The researcher's legal argument is in line with the statement of expert Agung Damar Sasongko as the Head of Sub Directorate of Legal Services and Collective Management Institutions Director General of Intellectual Property Ministry of Law and Human Rights in a direct interview with the Researcher who explained; "Regarding expert qualifications, this is not the authority of the Copyright Law, but if you look at Article 1 Number 2 of the Copyright Law, the Author is a person or several persons who individually or jointly produce a creation that is unique and personal. . So that means actually there is no qualification whether he is an expert or not, but when he writes down or puts his ideas in a concrete form, then his copyright is born, regardless of whether he is an expert or not. Then the expert added that the Copyright Law does not reduce the effectiveness of other regulations or laws. In his explanation, the expert gives a parable; Related to that, I want to give a logical thinking to Mr. You have a house that has been certified. It's a house that belongs to you, meaning you are free to use it, then you invite your friends to have a party, even to stay the night. Regulations in the community there regulate "Guests 1 x 24 hours must report". This means that even though you have exclusive rights to the house that belongs to your father, you still have to be bound by the rules that exist in the community there. So by rights I own the copyright to the book, but there are other regulations that must apply and be obeyed.

Experts in relation to Property Education and Training in Article 12 paragraph (3) Government Regulation Number 88 of 2014 PP-P3KP, are classified as people who have expertise in planning and designing houses as well as planning infrastructure, facilities and public utilities and have expertise certificates. Rasji as an expert from Tarumanagara University explained, the expertise of a writer protected under copyright is not linear or significant because an expertise still requires recognition from the community. On the other hand, if an expertise is only based on announcements in the newspaper, then it cannot qualify as an expert because the newspaper is only propaganda in nature, the benefits of which are aimed at the person or party that published the newspaper announcement .

### *Legal Responsibilities of Cipto Junaidi and PT Cipta Permata Tiara*

The case started with seminars and training activities organized by Cipto Junaidi and PT Cipta Permata Tiara which were held in December 2015, April 2016, August 2016, October 2016, November 2016 and May 2018 with the seminar and training theme "strategy to buy many properties without debt without money without KPR and Incentive guidance classes". Where seminars and training are held in various big cities in Indonesia such as Jakarta, Bekasi, Bali, Surabaya, Yogyakarta and Semarang. To attract the public's interest, the organizers are carrying out promotions on various social media and several other media with promotions by holding free seminars with the theme: "Strategy to buy property without money, without capital, without debt and without mortgages." and participate in the seminar program. and to further convince the participants the organizers brought students who were considered to have gained success from participating in the training and seminars that had been held. After attending the free seminar that was given, at the end of the seminar the organizers began offering full day classes if you want to learn more about the strategy of buying many properties for the seminar at a cost of Rp. 5,000,000. Because they felt that the seminar they attended was very promising, many participants continued to attend it without feeling that there was a modus operandi going on in it. And it turns out that without any explanation given beforehand that after the full day class there will be a paid follow-up class of IDR 35,000,000 or what is called an intensive guidance class. As a result, many of the participants who took part in the full day class chose to withdraw due to limited funds, while the rest of the participants who had enough money decided to continue taking part in the Intensive Guidance Class by paying a fee of Rp. 35,000,000 was transferred to Cipto Junaidi's personal account with the promise that the participants would be guided until they were able to have their own housing projects.

Not only did they receive the lure, but at the end of the property business training session, the participants were offered various types of investments with tempting profits, including the Splash Orange Project with a promised profit sharing of 20% (twenty percent) from several projects. housing scattered in several areas and under the Splash Orange Project, including; Jakarta, Bekasi, Bandung, Semarang, Yogyakarta, Surabaya and Bali. In the end, the participants began to realize that there was something odd about this training. Where the participants realized. In the end, the participants realized that the strategy to buy property taught by Cipto Junaidi was nothing more than a trick strategy and was very dangerous if implemented because it was very vulnerable to lawsuits. In addition, there were several participants who took part in the investment program offered by the organizers but have not received any profit until now. From the program and several stages of seminars and training carried out by the organizers, it can be said that they carried out the modus operandi in it. This can be seen starting from the organizers holding free seminars to attract

the interest of many people and after that to convince him again to drag the students who they feel have succeeded in implementing the material that was taught even though in reality these students have only succeeded in securing land and making housing designs accompanied by with a plan to calculate the value of sales. It doesn't stop there, the organizers are again using mode by saying that there will be additional classes but these classes are paid, this affects the psychology of the participants to take part because they want to get success. It doesn't stop there, the next mode is to make investment offers with the lure of very profitable profits. But everything is just a ruse carried out by the organizers in order to gain profit.

In addition, the seminars and training held by PT Cipta Permata Tiara do not have licensing documents as organizers of property seminars, property training or investment companies. That every activity must be based on the existence of a permit and obtained according to the procedures described in the regulations. Before holding a seminar, organizers are required to first submit an application through the One-Stop Integrated Service (PTSP). The permit application is intended to prevent misuse of activities where after obtaining a permit, the seminar and training activities will be given by experts as resource persons in talks or trainings requested by the local government where the seminar is held. After identification of unlawful acts committed by the organizers of the seminar and training, henceforth there must be legal accountability given. There is one theory of legal responsibility, where according to Hans Kelsen, a concept related to the concept of legal obligation is the concept of legal responsibility (liability). Someone said to be legally responsible for a particular action is that he can be subject to a sanction in the case of the opposite act. Normally, in cases of sanctions imposed on individual perpetrators (delinquents) it is because their own actions make that person responsible. The subject of responsibility and the subject of legal obligation are the same. There are 2 (two) types of accountability that are distinguished, namely accountability based on fault and absolute responsibility.

It was further explained that the terminological distinction between legal obligation and legal responsibility is required when sanctions are not or not only imposed on delinquents, but also on individuals who are legally related to them. The relationship is determined by the rule of law. Corporate responsibility for an offense committed by its organs can be an example. Legal accountability is very much needed if someone suffers a loss due to the behavior of another person. This is based on the theory of legal certainty which states that legal certainty is the foundation of a country in implementing applicable laws or regulations. Sudikno Mertokusumo interprets that "Legal certainty is protection for justice seekers against arbitrary actions which mean that someone will be able to obtain something expected in certain circumstances. This means that the party seeking justice wants to know what is the law in a certain matter before starting a case and providing protection for justice seekers.

The idea of individualist justice requires that a sanction must be given to an individual action if the act has been planned and intended as such by the individual actor and the intention is a prohibited act. The principle of sanctioning individuals is legally responsible not only if objectively the act was committed illegally but if the result of the act was intended even without wrongful intent or if the result occurred without intent or premeditation. Based on the description above, the legal responsibility of the organizer of the seminar in this case is Cipto Junaidi together with PT Cipta Permata Tiara as the provisions stipulated in Article 1365 of the Civil Code (KUHPperdata) which states that an unlawful act (Onrechtmatigedaad) is "every act violating the law that causes harm to other people, obliges the person who because of his mistake to issue the loss, compensates for the loss. The action taken by Cipto Junaidi together with PT Cipta Permata Tiara as the organizer of the seminar which had harmed and plunged the seminar participants was by providing compensation as a result of holding the seminar and investing in it. Legal responsibility is for the mistakes of Cipto Junaidi and PT Cipta Permata Tiara in giving a seminar on "a strategy to buy lots of property without debt without money without mortgages" which is not in accordance with the provisions of the applicable laws and regulations. And as the opinion of J. Satrio, Unlawful Acts (Onrechtmatigedaad) are acts or omissions that violate the rights of other people or conflict with the legal obligations of the perpetrator, or violate decency or violate decency or decency in paying attention to self-interests and other people's goods in social life. Meanwhile, a person who because of his wrong doing such an act has caused harm to another person, is obliged to compensate him.

#### *Construction of Unlawful Acts Surabaya District Court Decision Number: 268/PDT.G/2021/PN.SBY*

The unlawful act referred to in this research is related to the Civil field as the provisions stipulated in Article 1365 of the Civil Code (KUHPperdata) states that an unlawful act (Onrechtmatigedaad) is "any unlawful act that brings harm to other people, obliges the person who because it was wrong to issue the loss, compensate for the loss. The case started with seminars and training activities organized by Cipto Junaidi and PT Cipta Permata Tiara which were held in December 2015, April 2016, August 2016, October 2016, November 2016 and May 2018 with the seminar and training theme "strategy to buy many properties without debt without money without KPR and Incentive guidance classes". However, the implementation and the impact that the participants received after participating in the activity caused some participants to realize that they had suffered a loss so that several participants reported this case to the Surabaya District Court because the participants felt lied to and harmed by the seminar. The lawsuit filed by several seminar and training participants was recorded in the Surabaya District Court Decision Number 268/PDT.G/2021/PN.SBY dated 1 September 2021 which decided that the lawsuit could not be accepted. this is because based on the judge's

consideration that the lawsuit does not meet the requirements for filing a lawsuit formally or materially. Among them are that Cipto Junaidi can be qualified as an expert, that this seminar has a permit from the police and there are no facts related to investment.

Then, because they were not satisfied with the judge's decision given at the Surabaya District Court, the reporters filed an appeal to the Surabaya High Court, but in their decision the judge decided that the Panel of Judges at the Appellate Level agreed and justified the decision of the Panel of Judges of the First Level. Then the non-acceptance of the lawsuit filed was further strengthened by the Governor's Decision regarding the lawsuit. Where the decision of the Supreme Court is a decision that is final, binding and has permanent legal force. The lawsuit should not have been rejected by the court because basically the case was an unlawful act. Where it can be seen from the definition of an unlawful act which states that every act violates the law if it brings harm to other people and requires the person who committed the act to compensate for the loss. And it is clear that in this case the organizers of the seminar and training activities had a negative impact in the form of losses to the participants. In addition, the actions carried out by the organizers are also acts that violate applicable laws. Based on the theory, the act committed by the administrator is an unlawful act. The unlawful act referred to in this research is related to the Civil field as the provisions stipulated in Article 1365 of the Civil Code (KUHPerdata) states that an unlawful act (*Onrechtmatigedaad*) is "any unlawful act that brings harm to other people, obliges the person who because it was wrong to issue the loss, compensate for the loss. then based on this understanding, the actions carried out by the organizers of seminars and training activities can be said to be unlawful acts because the actions taken by the organizers have an impact in the form of losses received by seminar and training participants

#### IV. CONCLUSION

The actions taken by Cipto Junaidi together with PT Cipta Permata Tiara by holding property business seminars and training have been identified as illegal acts. So as a result of these actions the organizers are obliged to provide legal accountability because they have caused harm to other people, namely for the participants who attended the seminars and training held. The legal responsibility that can be given by Cipto Junaidi together with PT Cipta Permata Tiara as the organizer of the seminars and training has been regulated in the Civil Code or known as the Civil Code where it is contained in Article 1356 of the Civil Code which states that "Every act violates the law which causes loss to another person, obliges the person who due to the mistake of issuing the loss, compensates for the loss. Then the action taken by Cipto Junaidi together with PT Cipta Permata Tiara as the organizer of the seminar which had harmed and plunged the seminar participants was by providing compensation as a result of holding the seminar and carrying out the investment in it. Legal responsibility is for the mistakes of Cipto Junaidi

and PT Cipta Permata Tiara in providing property seminars and training on "strategies to buy lots of properties without debt without money without KPR" which are not in accordance with the provisions of the applicable laws and regulations.

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