

## ABSTRACT

*Pre Project Selling as a real property marketing system for under construction house basically requires law foundation since the positive law and regulation, particularly in Indonesia, does not exist yet. The occurrence of Perjanjian Pengikatan Jual Beli (PPJB/ Buying and Selling Engagement Agreement) which becomes the legal foundation between property developer and consumers is merely an initiative from those parties based on the right of freedom of arranging a contract since it is not regulated in BW (Burgerlijk Wetboek – Civil Code). Yet, the process of making a contract is relevant with the characteristics of BW Book III which are open and optional law. Thus, PPJB is categorized into an anonymous agreement (onbenoemde contracten). However, since it has contained an agreement with particular rights and obligations, PPJB is also Conditional Agreement.*

*It is just like a dynamic characteristic of business which should have proper law foundation still. The law perspective which can follow the dynamics of business matters is legal agreement, not land law. Using PPJB as an instrument to market an under-construction residential, which does not bind the clauses to particular form, causes PPJB can be arranged in a standard form by the developers. A standard contract is common in business as long as it does not contain standard clauses which are forbidden by Consumer Protection Law.*

*Contract as a business matter is made due to ensuring legal assurance of the business content itself. Further, a contract is expected to raise a fairness and equity. A good law foundation should be able to provide equal law protection for the related parties when they arrange a law agreement. Law agreement between property developer and consumers which is reflected in PPJB is categorized into consumer contract. PPJB contract shows an unequal bargaining position among the related parties so that internal law protection which expected by the weak party (consumer) results does not clearly appear in the contract's content. At this condition, it requires external protection which comes from government intervention.*

***Keywords: Pre Project Selling, PPJB, standard contract, legal protection***