

# INTERNATIONAL JOURNAL OF MULTIDISCIPLINARY FUTURISTIC DEVELOPMENT

## Utilization of Community Land by PT PLN (Persero) Based on Law Number 30 of 2009 Concerning Electricity

Lalu Junhairi<sup>1\*</sup>, Salim HS<sup>2</sup>, Aris Munandar<sup>3</sup>

<sup>1-3</sup> University of Mataram, Lombok, Indonesia

\* Corresponding Author: **Lalu Junhairi**

### Article Info

**P-ISSN:** 3051-3618

**E-ISSN:** 3051-3626

**Impact Factor (RSIF):** 8.31

**Volume:** 07

**Issue:** 01

**Received:** 01-12-2025

**Accepted:** 03-01-2026

**Published:** 05-02-2026

**Page No:** 19-29

### Abstract

Study this done for knowing and analyzing How is it? Arrangement utilization land for interest common in Indonesia and how Mechanism Licensing Land Use and Land Granting compensation or change make a loss for the community whose land used by electricity providers. The type of research used is study law Empirical. Results from study This Arrangement utilization land owned by public For procurement network electricity owned by PT.PLN (Persero) according to regulation legislation in Indonesia is regulated in Article 33 Paragraph 3 of the 1945 Constitution, Article 2 Paragraphs 1 and 2 of Law no. 5 of 1960 concerning UUPA, Article 30 of the Law Number 30 of 2009 Concerning Electricity, Articles 15 and 31 of ESDM Regulation No. 13 of 2025 concerning Free Space Network Electric Power Transmission and Compensation for Land, Buildings and/or Plants Located Below Free Space Network Electric Power Transmission. Mechanism licensing utilization land and systems giving compensation or change make a loss for the community whose land is being used For procurement or development network electricity by PT.PLN (Persero) is Calculation magnitude Compensation on land, buildings, and/ or plants that are under the Free Space as intended in Article 12 paragraph (1) letter b is carried out by the Appraisal Agency Compensation Electricity based on agreement Work The same with Network Owner. In implementing calculation magnitude Compensation on land, buildings, and/ or plants located under free space, assessment agency Compensation Electricity must convey plan implementation calculation magnitude Compensation to the Minister. Submission plan implementation calculation magnitude Compensation as referred to in paragraph (2) is carried out online through system information business service support power electricity. Delivery plan implementation calculation magnitude Compensation as referred to in paragraph (3) is completed including BAPT which has registered by the Minister, document agreement Work The same between Network Owners and Assessment Institutions Compensation Electricity, schedule implementation calculation magnitude Compensation and composition team implementation calculation magnitude Compensation.

**DOI:** <https://doi.org/10.54660/IJMFD.2026.7.1.19-29>

**Keywords:** Community Land, PLN, Electricity, Permits, Compensation

### 1. Introduction

Electricity is one of the primary needs for society in the modern era today this, everyone uses it for various interests, starting from just lighting until for business good small level or large level. So, size benefit electricity for need public so government obliged for provide service electricity for public Good it's in town as well as in the village.

On the island of Lombok there are two areas that have vital position in utilization power electricity that is city Mataram and East Lombok, Mataram is center Mother city province archipelago southeast west so that need service optimal electricity, while central Lombok is the largest district and has the most populous on the island of Lombok so that need will electricity must be

optimal.

In implementation service electricity on the island of Lombok often No always walk as expected, often happen conflict interest between community and party's holder permission business electricity in matter This is PT. PLN Persero related with use land for power pole.

Pole electricity is one of the tool For deliver current electricity to remote areas and often utilise land or land owned by the community For stick pillars said, when public give in a way Like willing the land For need electricity so matter This No become problem, but what becomes problem is when There is society that does not Want to give the land or even if they Want to they No agreed with replacement money loss given by the holder permission electricity in matter This is PT. PLN (Persero).

For overcome problem This so We return to rule the laws applicable in Indonesia. Indonesia is a country based on law in accordance with Article 1 Paragraph 3 of the Law Invite the 1945 Constitution of the Republic of Indonesia furthermore written in the 1945 UUDNRI), therefore everything must have rules or policies that regulate it, including the issue of land use for the benefit of electricity. Furthermore, Article 33 Paragraph 3 states that the earth and water and the natural resources contained therein are controlled by the state and used for the greatest prosperity of the people.

In Article 2 paragraph (1) of Law Number 5 of 1960 concerning Basic Agrarian Regulations (UUPA), it is stated that:

Based on the provisions in Article 33 paragraph (3) of the 1945 Constitution and matters as referred to in Article 1, the earth, water and space, including the natural resources contained therein, are controlled at the highest level by the State as an organization of all Indonesian people.

At a glance, it can be seen that the state's right to control exceeds the right to ownership, as well as other rights known in society. In fact, the state's right to control as stated in paragraph (1) gives the state the authority to:

1. regulate and organize its allocation, use, supply and maintenance;
2. determine and regulate the rights that can be owned over (parts of) the earth, water and space;
3. determine and regulate legal relationships between people and legal actions concerning earth, water and space.

With Thus the country has right For control land as regulators and administrators. The state also has the authority for make rule about use, provision and anything related with policy land. In addition, the state also has authority determine and regulate rights that can be owned from earth, water and space space as well as arrange relationships its laws. The position of the state in field land is as regulator on mastery and use land shared by the state with the people <sup>[1]</sup>.

Besides being regulated in constitution, the government also makes policy in the form of regulation legislation that regulates in a way specific related with electricity that is Law no. 30 of 2009, in Article 11 Paragraph 1 it is stated that: provider electricity Can carried out by business entities state-owned, business entity owned by region, business entity private, cooperative or society. Next in Article 11 Paragraph

2 it is stated that: provider electricity for interest general must own permission business provision electricity

Based on chapter the then PLN in matter This is state-owned company provider electricity must own permission business electricity for operational walk legally. Next in Article 30 of the Electricity Law explained that: the holder permission business provider electricity must give compensation on use land, buildings and plants affected project electricity

Based on the Article so when holder permission business electricity in matter This is PT. PLN Persero using land right owned by inhabitant or public for development building or use pole electricity, then must There is change the loss given to owner land in accordance with applicable rules.

However, as already explained, its implementation in the field often No in accordance with what is expected, sometimes happen conflict between community and PLN even Can So to table trial. Based on the author's description expose on the background back above, then writer formulate relevant issues with the title that was raised namely how is it Arrangement utilization land For interest common in Indonesia and how Mechanism Licensing Land Use and Land Granting compensation or change make a loss for the community whose land used by electricity providers.

## 2. Research Method

Type of research used is study law Empirical Empirical law (or juridical empirical / sociological) is approach study law that focuses on reality implementation law in society, not only on text regulations, with observe behavior people and events laws that occur in the field through primary data (interviews, observations) to see How law functioning, obeyed, or rejected in a way real, often complementing study normative.

## 3. Discussion

### 3.1. Regulations on the Use of Community-Owned Land for the Procurement of Electricity Networks Owned by Pt.Pln (Persero) According to Statutory Regulations in Indonesia

Land is a gift from Almighty God for the welfare of the Indonesian people, and therefore, the Indonesian people's relationship with it is eternal and fundamental. If this relationship is not properly and carefully structured, it will lead to poverty for the majority of Indonesians, injustice, decay, and prolonged, structural disputes and conflicts. <sup>[2]</sup>

Land is the basic matrix of the spatial system. Land is a tangible land area, used, controlled, and serves as a place of life and livelihood for all Indonesians. In reality, various forms of land use and land ownership have been implemented by the people. In reality, the term "space" in today's spatial planning almost certainly refers to land or soil. Therefore, every spatial planning initiative will mean the restructuring or reorganization of land use and land ownership by the people.

The challenge facing spatial planning is how to implement various public development interests on land parcels that are already bound by various private land rights. The ongoing arrangement of land use and land ownership within the community to align with the public interest, as represented in spatial plans, will always have profound implications, especially for the people whose land is directly affected. In

<sup>1</sup> Winahyu Erwiningsih, State's Right to Control Land, Total Media, Yogyakarta, 2009, p. 83.

<sup>2</sup> Spatial Planning from a Land Perspective by: Iwan Isa, Director of Land Management – National Land Agency. Accessed January 5, 2026

the past, this alignment process was often resolved through "eviction."

Arrangement usage land or land arranged in constitution namely Article 33 paragraph 3 which reads "Earth and water and space space used as much as possible for prosperity of the people"

Furthermore, explained in Article 2 paragraphs 1 and 2 UUPA

Article 1 "On the basis of provision in Article 33 paragraph (3) of the Basic Law and matters as intended in Article 1, earth, water and space space, including riches nature contained inside it it's at the level highest controlled by the State, as organization power all the people. Paragraph 2 Right to control from the country in question in paragraph (1) of article This give authority to: a. organize and administer designation, use, supply and maintenance earth, water and space space b. determine and regulate relationships law between people with earth, water and space space, c. determine and regulate relationships law between people and actions laws concerning earth, water and space space.

The article clarifies that the state's authority to regulate/organize the use and utilization of land is limited to its objective, namely for the greatest possible prosperity of the people. Likewise, Article 2 paragraph (2) of the UUPA letters b and c contains a mission to provide legal certainty and just legal protection to the people in cultivating their land. The provisions of the UUPA above, including Article 14, then became the philosophical basis for the drafting of the Spatial Planning Law, namely that spatial planning cannot be separated from the ideals of achieving national and state life, guaranteeing the real realization of social justice for all Indonesian people, within the framework of the Unitary State of the Republic of Indonesia.

Since its enactment in 1992, spatial planning has not been able to function properly due to the lack of implementing regulations. It was only 12 years later that the Spatial Planning Law (24/1992) finally had implementing regulations, namely Government Regulation Number 16/2004 concerning Land Use. Given its urgency, several provisions in PP 16/2004 were then elevated to articles in the new Spatial Planning Law, Law 26 of 2007.

Legal protection and strengthening of people's rights to land are well accommodated in Government Regulation Number 16/2004 concerning Land Use, namely that the determination of spatial plans does not affect the legal status of people's relationships with the land. Furthermore, it is also stipulated that after the determination of a spatial plan, land administration services are provided if the terms and conditions for land use and utilization are met in accordance with the spatial plan. This provision has a very effective function in realizing spatial utilization in accordance with spatial plans, namely based on the environment and sustainable development.

Sustainable development, in essence, is an effort to find a balance between the carrying capacity of the land and the socio-economic factors of the communities that use the land. Therefore, in the context of land management, sustainable development is an effort to balance economic, social, and environmental factors, so that land use and utilization can improve the community's economic welfare, while still reflecting the principles of social justice and environmental sustainability. Harmonizing these factors will always be a challenge for land-related decision-making.

Land is the primary source of prosperity and livelihood for

communities, and therefore, it must be optimally utilized and utilized. This optimal use and utilization of land is achieved through the development of spatial plans that should integrate the principles of sustainable development, as mandated by Law No. 26 of 2007 concerning Spatial Planning.

A spatial plan is a layout plan for various land uses and utilizations, designed to meet the diverse desires *and* needs of the community. In reality, to meet these desires and needs, numerous types of land uses and utilizations must be accommodated. It is impossible to accommodate all of these types within a spatial plan. Therefore, the land use and utilization plans outlined in the spatial plan should only reflect those that are truly prioritized.

Because land is limited (*finite*), its use and utilization must be efficient, orderly, and regular. Therefore, land users, in using and utilizing their land, must refer to the requirements (*land use codes*) required in spatial plans, to ensure that their land use and utilization are Sustainable, Optimal, Harmonious, and Balanced (LOSS) in rural areas; and Safe, Orderly, Smooth, Beautiful, and Healthy (ATLAS) in urban areas.

At the operational level, land is used and utilized by humans who control the land to improve their lives. This use by humans is fundamental and continues continuously, giving rise to a legal relationship between the human user and the land used. Disruption of this relationship between human users and their land will have implications for the welfare of land users, therefore, there is a need for legal certainty. This disruption of the relationship can be seen from two perspectives. First, disruption of the relationship can take the form of difficult community access to land resources; second, the high costs that must be incurred to use said land resources. These difficulties are caused by the limited supply of land and the existence of various institutional barriers related to land, so that land ownership and control can be dominated by groups of people with particular interests, which leads to an imbalance/inequality in land control, use, and utilization.

In order for the community to use and utilize land optimally, orderly and regularly, there must be harmony between institutions related to the control, use and utilization of land so that it can be used and utilized efficiently, without ignoring social justice, and without damaging its function. This harmony is the basis for the need for land stewardship. Land stewardship is a pattern of management of control, use and utilization of land that takes the form of consolidation of land utilization through institutional arrangements related to land utilization as a unified system for the benefit of the community in a just manner.

The implementation of land use consolidation through the institutional arrangements above must refer to the land use policy outlined in Government Regulation No. 16 of 2004 concerning Land Use. brief, policy This includes:

1. Land use and utilization must be in accordance with the Regency/City Spatial Planning Plan;
2. The use and utilization of land that is not in accordance with the regional spatial planning cannot be expanded, developed or improved;
3. Land administration services are carried out if the rights holders fulfill the requirements for using the land in accordance with the spatial plan, do not interfere with each other, do not conflict with each other, maintain the land, do not change the natural landscape, provide added value to the use of the land and the environment;
4. Land utilization can be increased if the land use is not changed by taking into account land rights and the

- interests of the surrounding community;
5. Land rights in protected areas for which there are no land rights can be granted, except in forest areas;
  6. Land originating from emerging land or reclamation in coastal waters, tidal areas, swamps, lakes and former rivers is directly controlled by the state;
  7. The use and utilization of land on small islands must take into account public interests and not close off public access to the coast/sea;
  8. If the land owner does not comply with the conditions for using and exploiting the land, he will be subject to sanctions;
  9. Determination of regional spatial planning does not affect the status of legal relations over land.

The above policy, in turn, must serve as a guideline for implementing land use management activities. Land use management, according to Government Regulation No. 16 of 2004, consists of three main activities:

1. Implementation of inventory of land ownership, use and utilization;
2. Determining the balance between the availability and need for control, use and utilization of land according to the function of the area;
3. Determination of patterns of adjustment of land ownership, use and utilization with regional spatial planning.

*The output* of the implementation of the above activities is data and information presented in the form of a map (spatial) with a scale larger than the scale of the spatial planning map of the area concerned, while *the outcome* is the suitability and harmony of land ownership, use and utilization with the agreed spatial planning.

*Furthermore*, regarding the use of land for public interest in the electricity sector, land use is regulated in Law No. 30 of 2009 concerning electricity.

#### Article 30

1. The use of land by the holder of an electricity supply business permit to exercise his rights as referred to in Article 27 is carried out by providing compensation for land rights or compensation to the holder of rights to land, buildings and plants in accordance with the provisions of laws and regulations.
2. Compensation for land rights as referred to in paragraph (1) is given for land used directly by the holder of a business permit for the provision of electricity and buildings and plants on the land.
3. Compensation as referred to in paragraph (1) is provided for indirect use of land by the holder of an electricity supply business permit which results in a reduction in the economic value of land, buildings and plants crossed by the electricity transmission line.
4. Further provisions regarding the calculation of compensation as referred to in paragraph (3) are regulated by Government Regulation.
5. In the case where the land used by the holder of an electricity supply business permit contains parts of the land controlled by the holder of land rights or the user of state land, before starting activities, the holder of an electricity supply business permit is obliged to resolve

the land problem in accordance with the provisions of laws and regulations in the land sector.

6. In the case where the land used by the holder of the electricity supply business permit is customary land, the resolution will be carried out based on laws and regulations in the land sector by taking into account the provisions of local customary law.

#### Article 31

The obligation to provide compensation for land rights or compensation as referred to in Article 30 paragraph (1) does not apply to any person who intentionally erects a building, plants crops, etc. on land which already has a location permit for the electricity supply business and has been given compensation for land rights or compensation.

#### Article 32

1. The determination and procedures for payment of compensation for land rights or compensation as referred to in Article 30 are carried out in accordance with the provisions of laws and regulations.
2. Compensation for land rights or compensation as referred to in Article 30 is borne by the holder of an electricity supply business permit.

*Furthermore*, in ESDM Ministerial Regulation No. 13 of 2025, it is regulated regarding the use of land or soil, namely Article 15, there are several stages that must be carried out:

1. initial data collection;
2. socialization;
3. survey and mapping;
4. inventory;
5. announcement; and
6. preparation of BAPT.

*Furthermore* in Article 31

1. The calculation of the amount of compensation for land, buildings and/or plants located under the Free Space as referred to in Article 12 paragraph (1) letter b is carried out by the Electricity Compensation Assessment Agency based on a cooperation agreement with the Network Owner.
2. In carrying out the calculation of the amount of Compensation for land, buildings and/or plants located under Free Space, the Electricity Compensation Assessment Agency must submit a plan for implementing the calculation of the amount of Compensation to the Minister.
3. Submission of the implementation plan for calculating the amount of compensation as referred to in paragraph (2) is carried out online via the electricity support service business information system.
4. Submission of the plan for implementing the calculation of the amount of Compensation as referred to in paragraph (3) is accompanied by: a. BAPT which has been registered by the Minister; b. cooperation agreement document between the Network Owner and the Electricity Compensation Assessment Institution; c. schedule for implementing the calculation of the amount of Compensation; and d. composition of the team implementing the calculation of the amount of Compensation.

### 3.2. Mechanism Licensing and Utilization of Community-Owned Land for Procurement Electricity Network by PT. PLN (Persero)

In terms of utilization land owned by public then one of them aspects that must be noticed is existence permission from holder right on land, because matter This related with protection law for holder right on land as well as honor rights on land in Indonesia

Permission is a legal instrument the most frequent state administration used government in control behavior in demand its citizens. Permission viewed can control every business and/ or potential activities cause impact pollution and damage environment, things This based on the essence from permission That himself who forbade somebody or a legal entity certain do something activities and/ or business without get approval / permission moreover formerly from the body or authorized state administrative officials.<sup>[3]</sup>

Permission own functions that are preventive Because instrument permission the No Can released from orders and obligations that must be adhered to by the holder permission.<sup>[4]</sup> This also applies for BUMN in matter This is PT. PLN Persero for build pole electricity for interest public.

Permission is authority and monopoly from ruler or government, no There is other institutions outside government that can give permission. This is related with principle state power over all source Power nature for the sake of the lives of many people.<sup>[5]</sup>

Permission is one of the forms participate mix government in life its people, in perspective law organization licensing based on the theory of the modern rule of law (rule of law democratic) which is combination between the concept of a state of law and the concept of a welfare state.<sup>[6]</sup> Since abandonment of the countries' guards night ', which places government only as guard order and security as well as No permitted mix hand in life society, the state through government along with the device seen active in life public.<sup>[7]</sup>

As known that failure implementation *nachtwachtersstaat* Then bring up the idea that places government as responsible party on welfare its people, namely *welfare state*.<sup>[8]</sup>

Government have duties and responsibilities for try welfare for its citizens. Since the country is also involved as well as in a way active in socializing society, so that field work government more and more wide. State administration is entrusted task for organize welfare general with method follow as well as in a way active in various life its people in the field economic, social, cultural, medical, taxation and so on. The role of government in various activity public the more real. One of the mix hand government to activity such a society felt in matter This is through instrument licensing. Through licensing government interfere, direct, control various activities and football lunge its citizens.<sup>[9]</sup>

Government in do something actions including in emit something permission must supported by a authority. Based on Gambling Atmosudirdjo authority usually consists of from a number of authority (power) to certain group of people

or power to something field government or field affairs) certain round ones, whereas authority only about something spare parts certain just.<sup>[10]</sup> Indroharto stated that in the legal sense, understanding authority is capabilities provided by regulations legislation For cause consequences law.<sup>[11]</sup> The authority within it contained rights and obligations as expressed by P. Nicolai as following:

*Het vermogen tot het verrichten van bepaalde legal documents (handelingen die op rechtsgevolg gericht zijn box ertoe strekken data bepaalde rechtsgevolgen ontstaan of teniet gaan). Een recht houdt in de (laws gegeven) vrijheid om een bepaalde feitelijke handeling te verrichten van een of n ate latent, of de (rechtens gegeven) aanspraak op vet verrichten from een handle door een ander. Een plicht implicit een verplichting om een bepaalde handle te verrichten of n ate laten.*

(the ability to carry out certain legal actions {namely actions intended to give rise to legal consequences, and including the emergence and disappearance of legal consequences}. Rights contain the freedom to carry out or not carry out certain actions or demand that another party carry out certain actions, while obligations contain the obligation to carry out or not carry out certain actions)<sup>[12]</sup>.

In a state of law, authority government That originate from regulation applicable laws and regulations. RJHM Huisman stated opinion as following:

*Een bestuurorgan right zich green bevoegdheid toeigenen. Slechts de wet right bevoegdheden verlenen. De wetgever right een bevoegdheid niet Allen attribueren aan een bestuurorgan, maar ook aan ambtenaren (bijvoorbeeld defense inspector voor het milieu enz.), of zelf aan private rechtspersonen.*

(Government organ No can consider that He own Alone authority government. Authority only granted by law. Maker Constitution can give authority government No only to government organs but also towards employees {eg inspector tax, inspector environment, and so on} or to special bodies (such as the electoral board) general, court special for case rent land} or even against legal entities private).<sup>[13]</sup>

The thought expressed by Huisman is that something authority born through regulation legislation is in line with the concept of a state of law adopted by Indonesia, where one of element from the rule of law is government based on regulation legislation or often called as principle legality, based on principle This so authority government originate from regulation legislation, meaning source authority for government is regulation legislation. Fourth paragraph the preamble to the 1945 Constitution of the Republic of Indonesia is rules the underlying basis development and protection environment long live Indonesia.

The provisions contained inside it confirm state obligations

<sup>3</sup> NM Spelt, and JBJM Ten Berge, *Op.Cit.*, p.2

<sup>4</sup> NHT Siahaan, 2009, *Environmental Law*, Pancuran Alam, Jakarta, p. 239.

<sup>5</sup> NHT Siahaan, *Loc.Cit.*

<sup>6</sup> Adrian Sutedi, 2010, *Licensing Law, in the Public Service Sector*, Sinar Grafika, Jakarta, p. 1

<sup>7</sup> I Gde Five Astawa and Suprin Na'a, 2009, *Understanding State Science and State Theory*, Refika Aditama, Bandung, p. 121

<sup>8</sup> Ridwan HR, *Op.Cit.*, p. 15

<sup>9</sup> Y. Sri Pudyatmoko, 2009, *Licensing, Problems and Improvement Efforts*, PT. Grasindo Jakarta, p. X

<sup>10</sup> Prajudi Atmosudirdjo, 1981, *State Administrative Law*, Ghalia Indonesia, Jakarta, pp. 73-74.

<sup>11</sup> Indroharto, 1993, *Efforts to Understand Constitution About State Administrative Court*; Book I; Sinar Harapan Library, Jakarta, p. 68.

<sup>12</sup> P Nicolai in Ridwan HR, p. 102

<sup>13</sup> RJHM Huisman, *Algemeen Bestuursrecht, een Inleiding*, Kobra, Amsterdam, p. 7

and duties government for protect all sources Indonesian people in environment live Indonesia for happiness all Indonesian people and all people human beings. <sup>[14]</sup> Because the Preamble to the 1945 Constitution of the Republic of Indonesia embodies stem the body of the 1945 Constitution of the Republic of Indonesia, then the 1945 Constitution of the Republic of Indonesia creates goals That in the articles, such as in provisions of Article 33 paragraph (3) which states that "Earth, water, and natural resources nature contained therein controlled by the state and used For as much as possible prosperity of the people." The word mastered in the provisions of Article 33 paragraph (3) is not means owned by the state, but rather must interpreted give authority to the state as organization power from Indonesian nation at the level highest regulate and supervise management and utilization source Power nature. <sup>[15]</sup> This is Then become base authority for government and government area for supervise management and utilization source Power nature that can done through instrument adultery.

Licensing in matter Procurement land for interest general in essence must notice principles or fundamental concept rules procurement land consists of from: <sup>[16]</sup>

1. Interest general (aglemene stripes /ten aglemeenen nuts)
2. Force Majeure (state of emergency) force majeure (cursive)
3. Deliberation (consensual)
4. Compensation
5. Onteigening (revocation) right)
6. Liberation land (land acquisition)
7. Release rights (Article 2 paragraph (1) letter a Regulation President Number 36 of 2005)
8. Submission rights (Article 2 paragraph (1) letter a Regulation President Number 36 of 2005)
9. Transaction (an agreement) vide Article 2 paragraph (2) of the Regulation President Number 36 of 2005.

According to Sumardjono, regarding principles necessary laws accommodated in Regulation About Land Acquisition for Development Implementation for Public Interest, procurement land must implement in accordance with principles as following: <sup>[17]</sup>

1. Principle of agreement namely all over activity procurement land and Land Rights Holders are carried out based on agreement between the party in need land with Land Rights Holders. Activities physique development new can implemented when has happen agreement between the parties and in exchange loss has submitted.
2. The principle of utility, procurement land expected bring in impact positive for the party in need land, affected communities impact and society wide. The benefits of results activity development That must can felt by the community as overall.
3. The principle of justice, to affected communities impact given change losses that can occur restore condition social economically, at least equivalent with condition originally, with take into account loss to factor physique

and non-physical.

4. The principle of certainty, procurement land done according to the established procedures in regulation legislation so that the parties know their respective rights and obligations.
5. The principle of transparency in the procurement process land, affected communities impact entitled get information about projects and their impacts, policies change losses, schedule development, plans settlement back and location replacement when there is, and rights public for reach object.
6. Principle of participation, role as well as all over stakeholders' interest in every stage procurement Land (planning, implementation, evaluation) is needed to create a sense of participation have and can minimize rejection public to the activity concerned.
7. The principle of equality, the principle in question for put position the party in need land and affected parties impact in a way parallel in procurement land.
8. Minimization impact and sustainability welfare social economy, impact negative procurement land as much as possible Possible minimized accompanied by with effort for repair level life society because caught impact so that activity social the economy No experience decline.

Constitution Number 2 of 2012 explains about principles and objectives from procurement land for interest general, Article 2 of the Law Number 2 of 2012 states that procurement land for interest general implemented based on principle:

1. Humanity;
2. Justice;
3. Benefits;
4. Certainty;
5. Openness;
6. Agreement;
7. Participation;
8. Welfare;
9. Sustainability;
10. Harmony.

Principles procurement land is: <sup>[18]</sup>

1. Respect against People's Rights (Article 3 of Regulation President Number 3 of 2006, Article 36 of the Law Number 39 of 1999 concerning Human Rights).
2. Giving change reasonable loss, namely giving appropriate compensation even more progress (a better life) good) to used owner in the form of: replace make a loss to right on land; building; plants and other related objects with land and have mark economic (Article 3 of the Regulation President Number 36 of 2006, Article 36 of the Law Number 39 of 1999 concerning Human Rights).
3. Implementation deliberation, namely the process of mutual listen, each other giving and receiving accept opinion, and desire For reach agreement about shape and size change losses and other related problems with activity procurement land on base volunteerism and

<sup>14</sup> Rachmadi Usman, 2003, *National Environmental Law Update*, PT. Citra Aditya

Bakti, Bandung, p. 34.

<sup>15</sup> *Ibid.*

<sup>16</sup> Mulyadi. 2017. Principles and Principles Land Acquisition according to Constitution Number 2 of 2012 concerning Land Acquisition for Public

Interest Development. Varia Hukum. Edition Number XXXVIII Year XXIX September 2017.

<sup>17</sup> Damang Avveroes Al-Khawarizmi. Principles Procurement land For Public Interest. <http://www.negarahukum.com/hukum/dasar-dasar-pengadaan-tanah-untuk-kepentingan-umum.html>. Downloaded December 24, 2025. Accessed January 8, 2026 9. At 15:36.

<sup>18</sup> Mulyadi. 2017. Principles and Principles Land Acquisition. Op cit.

equality between the party that has land, buildings, plants and other related objects with land with the party in need land (Article 3 of the Regulation President Number 36 of 2006, Article 36 of the Law Number 39 of 1999 concerning Human Rights).

4. Compliance: That development for interest general must in accordance with inner zone area good Power as well as area protect and uphold tall values ability land (Article 3 of the Regulation President Number 36 of 2006, Article 39 of the Law Number 39 of 1999 concerning Human Rights).

Related with utilization land community by PT PLN Persero, then mechanism permits that must be obtained do a number of stages among them is:

### 1. Initial Data Collection

Article 16 (1) Examination plan track transmission power electricity preceded with data collection beginning as intended in Article 15 letter a. (2) Data collection beginning as referred to in paragraph (1) includes data collection beginning candidate entitled party on land, buildings, and/ or plants located under the Free Space. (3) Results of data collection beginning as referred to in paragraph (2) in the form of a list of names and locations candidate entitled party on land, buildings, and/ or plants that are under the Free Space.

### 2. Socialization

#### Article 17

1. Socialization as intended in Article 15 letter b is carried out after implementation data collection beginning as intended in Article 16.
2. Socialization as referred to in paragraph (1) is carried out to candidate entitled party on land, buildings, and/ or plants that are under the Free Space and involve party affected construction and installation Network Transmission.
3. In terms of entitled party on land, buildings, and/ or plant is agency government, socialization implemented through coordination with agency government.
4. Socialization as referred to in paragraph (2) is carried out at the office villages / sub - districts located at the location development Network Transmission.
5. Socialization as referred to in paragraph (2) is activity delivery plan implementation Compensation includes:
  - purpose and objectives activity Compensation;
  - stages Compensation;
  - object that receives Compensation;
  - mechanism calculation Compensation;
  - rights and obligations after done Compensation; and
  - information others who are considered need.
6. In terms of inspection plan track transmission power electricity carried out by business entities inspection plan track transmission power electricity as intended in Article 13 paragraph (1) letter b, activities socialization implemented after coordinate with Network Owner.
7. Activity results socialization as referred to in paragraph (1) is stated in minutes of results socialization inspection plan track transmission power electricity.
8. Format of minutes of results socialization inspection plan track transmission power electricity as referred to in paragraph (7) are listed in Appendix VI which is part No

inseparable from This Ministerial Regulation.

### 3. Survey and Mapping

#### Article 18

1. Survey and mapping as intended in Article 15 letter c is implemented after socialization as intended in Article 17.
2. Survey and mapping as referred to in paragraph (1) are activity review field to results data collection beginning as intended in Article 16 and the results socialization as intended in Article 17.
3. Survey and mapping as referred to in paragraph (2) include:
  - photo shoot air;
  - determination track axis vertical tower / pole; and
  - determination track outermost Free Space.
4. Photoshoot air as referred to in paragraph (3) letter a is technique take pictures surface earth use camera mounted on the aircraft air, rocket, drone, balloon air, and/ or tool others along the way Network Transmission.
5. Provision photo shoot air as referred to in paragraph (3) letter a includes: a. photography air carried out per village / sub -district crossed Network Transmission; b. shooting air done with resolution minimum sharpness 1080 (one thousand eight ten) pixels; and c. shooting air poured in map geographical with Minimum scale 1:2000, customized with span length.
6. Determination track axis vertical tower / pole as referred to in paragraph (3) letter b is determination point middle from Free Space path based on Minimum Horizontal Clearance provisions from Axis Vertical Tower/ Pole.
7. Determination track outermost Free Space as referred to in paragraph (3) letter c is determination point outermost from Free Space based on Minimum Horizontal Clearance provisions from Axis Vertical Tower / Pole along Network Transmission.
8. Determination track axis vertical tower / pole as referred to in paragraph (6) and the determination track outermost Free Space as referred to in paragraph (7) shall be followed up with installation stake.
9. Installation stake as referred to in paragraph (8) is carried out every 30 (three) 100) meters along track Network Transmission with adapt condition geographical and/ or social in the field.
10. Survey and mapping as referred to in paragraph (3) is carried out use tool with level precision height and results processed through device supporting software information geospatial.
11. Survey and mapping results as referred to in paragraph (3) in the form of mapping of Free Space areas along Network Transmission.

### 4. Inventory

#### Article 19

1. Inventory as intended in Article 15 letter d is implemented after implementation survey and mapping as intended in Article 18.
2. Inventory as referred to in paragraph (1) is a series activity start from data collection, recording, documentation, and data analysis.
3. Inventory as referred to in paragraph (2) is carried out against: a. land; b. building; and/ or c. plants, which are under Free Space based on Free Space area mapping as intended in Article 18 paragraph (11).

**Article 20**

1. Inventory land as intended in Article 19 paragraph (3) letter a includes: a. village / sub-district field land; b. measurement point coordinate tower / pole; c. entitled party on land; d. evidence control and/ or ownership on land; e. area field land; f. plot status land; and g. type closing land.
2. Measurement point coordinate tower / pole as referred to in paragraph (1) letter b is results measurement latest point coordinate location tower / pole in the field.
3. The entitled party on land as referred to in paragraph (1) letter c is proven with: a. card sign resident or card permission stay limited / card permission stay fixed; b. card family; c. number main must tax; d. deed establishment; and/ or e. other evidence in accordance with with provision regulation legislation.
4. Proof of control and/ or ownership on land as referred to in paragraph (1) letter d in the form of: a. certificate right on land; or b. documents others who prove existence mastery or the ownership concerned in accordance with regulation legislation that regulates about mastery or ownership land.
5. In terms of certificate right on land as referred to in paragraph (4) letter a and documents other as referred to in paragraph (4) letter b in the form of photocopy, must legalized by authorized officials from issuing agency document or Notary Public.
6. In terms of there is confession ownership to proof control and/ or ownership on land as referred to in paragraph (4) more from 1 (one) party, name of the entitled party are the names on the evidence control and/ or ownership.
7. Area of the field land as referred to in paragraph (1) letter e is obtained based on results field measurements.
8. Field status land as referred to in paragraph (1) letter f includes: a. Community Land; b. Forest Areas; c. Goods state property; d. goods owned by region; e. business entity assets state-owned; f. business entity assets owned by area; g. assets village; or h. state land.
9. Type of cover land as referred to in paragraph (1) letter g refers to the Indonesian National Standard which regulates about classification closing land.

**5. Announcement****Article 27**

1. Announcement as intended in Article 15 letter e is implemented after implementation inventory as intended in Article 19 to with Article 26.
2. Announcement as referred to in paragraph (1) in the form of delivery all over information map field land and nominative list to entitled party on land, buildings, and/ or plant.
3. Announcement as referred to in paragraph (2) is carried out at the office villages / sub - districts located at the location development Network Transmission.
4. Announcement as referred to in paragraph (2) is carried out for 7 (seven) days' Work counted since announced.
5. Announcement as referred to in paragraph (2) is compiled in accordance with announcement format as listed in Appendix X which is part No inseparable from This Ministerial Regulation.

**6. Preparation of BAPT****Article 29**

1. BAPT is compiled after implementation announcement as intended in Article 27.
2. BAPT in paragraph (1) contains: a. map field land; and b. nominative list.
3. BAPT as referred to in paragraph (2) is signed by: a. sub-district head and village head village / sub-district head; and b. person responsible answer business entity techniques inspection plan track transmission power electricity or Network Owner.
4. BAPT as referred to in paragraph (3) is compiled in accordance with the BAPT format listed in Appendix XIII which is part No inseparable from This Ministerial Regulation.

**Article 30**

1. Network Owner or business entity inspection plan track transmission power electricity must submit application BAPT registration number to the Minister online via system information business service support power electricity.
2. Application BAPT registration number as referred to in paragraph (1) refers to the letter format application BAPT registration number listed in Appendix XIV which is part No inseparable from This Ministerial Regulation.
3. The Minister did evaluation completeness document application BAPT registration number as referred to in paragraph (1).
4. In doing evaluation completeness document application BAPT registration number as referred to in paragraph (3), the Minister may do inspection field.
5. Based on evaluation completeness document as referred to in paragraph (3), the Minister approves or reject application BAPT registration number no later than 7 (seven) days' Work counted since application accepted in a way complete and correct.
6. In terms of application BAPT registration number is approved, the Minister provides BAPT registration number online via system information business service support power electricity no later than 1 (one) day Work.
7. In terms of application BAPT registration number rejected, Minister notifies results evaluation to applicant accompanied by with reason rejection.
8. Business entity inspection plan track transmission power electricity must submit BAPT which has been registered to Owner Network at the latest 3 (three) days' Work.
9. Network Owner follows up with submitting BAPT which has been registered to the Assessment Institution Compensation Electricity no later than 5 (five) days Work.
10. In terms of Owner Network, No submit BAPT as referred to in paragraph (9), the Network Owner must do inspection plan track return.

**Article 31**

1. Calculation magnitude Compensation on land, buildings, and/ or plants that are under the Free Space as intended in Article 12 paragraph (1) letter b is carried out by the

- Appraisal Agency Compensation Electricity based on agreement Work The same with Network Owner.
2. In carrying out calculation magnitude Compensation on land, buildings, and/ or plants located under free space, assessment agency Compensation Electricity must convey plan implementation calculation magnitude Compensation to the Minister.
  3. Delivery plan implementation calculation magnitude Compensation as referred to in paragraph (2) is carried out online via system information business service support power electricity.
  4. Delivery plan implementation calculation magnitude Compensation as referred to in paragraph (3) is equipped with: a. BAPT which has been registered by the Minister; b. document agreement Work The same between Network Owners and Assessment Institutions Compensation Electricity; c. schedule implementation calculation magnitude Compensation; and d. composition team implementation calculation magnitude Compensation.
  5. Letter format delivery plan implementation calculation magnitude Compensation as referred to in paragraph (3) are listed in Appendix XV which is part No inseparable from This Ministerial Regulation.

Change loss in field law civil is giving achievement that worth it consequences something deeds that because loss suffered by wrong one parties that do agreement / consensus. As for understanding replace loss by Law Number 2 of 2012 concerning Procurement Land Share Development for Public Interest Article 1 paragraph (10), namely: " Replace loss is replacement that worthy and fair to parties that entitled in process procurement land."

Definition loss according to R Setiawan is loss that actually or real that happened because default Also size loss determined with compare condition or circumstances wealth after default with circumstances on at the moment carry out Achievements."<sup>[19]</sup>

If done discussion in a way comprehensive or deep, loss is " an understanding that relative, which rely on on something comparison between two circumstances. Loss is difference (which detrimental) between circumstances that arise as consequences violation norms mentioned no happened ". " So can take something formula regarding loss is circumstances that decrease property wealth wrong one parties that because from something engagement through agreement or through laws because violation norms by parties that else."

In Article 1246 of the Civil Code explains: "Costs, losses, and flowers that by s indebted can may demanded will replacement, so consist of on generally above loss that has suffered and benefits that as planned must can enjoyed, with no reduce exceptions and changes that will called in below this." "According to Abdulkadir Muhammad there are in Article 1246 of the Civil Code mentioned can withdraw elements replace loss is as as follows:"<sup>[20]</sup>

1. Ongkos-ongkos or costs that has issued (cost).
2. Loss because damage, loss above goods belonging creditor consequences negligence debtor (damages).
3. Flowers or benefits that expected (interest). Because debtor negligent, creditor loss benefits that he hoped." "Purwahid Patrick more explain and detailing again

about According to Patrik, there is two elements regarding the losses are: "66

4. Loss that real that experienced (*damnum emergency*) includes loss and cost.
5. Benefits that no obtained (*lucrum cessans*) includes flowers."

Article 36 of the Law Number 2 of 2012 organize about Procurement Land Share Development for Public Interest regarding giving replace loss can give in form:"

1. Money;
2. Land substitute;
3. Settlement back;
4. Ownership shares; or
5. Things others that approved by second split party."

That For form replace loss in above can take conclusion that replace loss that given by agency Government only given to factors physical solely. Although thus, it should be can take into consideration also about existence replace loss factors non-physical (immaterial). Procurement land, shape and size compensation must so appearance until society that affected impact activities development no experiencing decline in field social or on level the economy and compensation defined as replacement above factors physical (material) and non-physical (immaterial).

Compensation in frame procurement land can differentiated above: Compensation above (material) factors physical covering replacement above: Land rights good that certified and that not yet certified, land customary land waqf, land that mastered without base rights that with or without permission owner land, buildings, plants, objects others that there is the connection with land. Compensation above non- physical (immaterial) factors is replacement above enjoyment, benefits / interests loss, gain, which previously can by society that affected development as because development mentioned.

That inside Law electricity 30 2009 and Law Procurement land No. 2 of 2012 only determined replacement loss that result change ownership land. Law Number 2 of 2012 concerning Procurement Land Share Development for Public Interest in Article 3 that parties that entitled is parties that master or have object land mentioned.

Furthermore, in ESDM Ministerial Regulation No. 13 of 2025 concerning room free network transmission power electricity and compensation on land, buildings, and/ or plants that are below room free network transmission power electricity explained related with mechanism giving compensation to owner right on land used by PT.PLN Persero for electricity

#### Article 35

1. Network Owner does payment magnitude Compensation to entitled party on land, buildings, and/ or plant based on determination magnitude Compensation from the Assessment Institution Compensation Electricity as intended in Article 34 paragraph (8) with term no later than 6 (six) months counted since determination magnitude Compensation.
2. In terms of Owner Network, no do payment magnitude Compensation in term time as referred to in paragraph

<sup>19</sup> R. Setiawan, Principles of Contract Law, Binacipa, Bandung, 1977, p. 17

<sup>20</sup> Abdulkadir Muhammad, Law of Engagement, Alumni, Bandung, 1982, p. 41.

- (1), the Network Owner is obliged to repeat stage inventory as intended in Article
3. Payment magnitude Compensation as referred to in paragraph (1) are known to: a. sub-district head; and/ or b. village head village / sub-district head, which is located at the location development Network Transmission and accompanied sign accept payment magnitude Compensation.
  4. Payment magnitude Compensation as referred to in paragraph (3) is stated in payment minutes magnitude Compensation.
  5. Payment minutes format magnitude Compensation listed in Appendix XIX which is part No inseparable from This Ministerial Regulation.
  6. Payment Compensation as referred to in paragraph (1) is carried out office storage local district court in thing: a. the entitled party on Compensation reject Compensation; b. the entitled party on Compensation No known its existence; c. object Compensation Still become object cases in court; d. object Compensation Still disputed the owner; e. the object Compensation placed confiscation by authorized officials; or f. object Compensation become guarantee right liability.
  7. Apart from the conditions as referred to in paragraph (6), the Network Owner carries out care payment magnitude Compensation at the office local district court in matter there is the controlling party land in a way physical: a. no can complete document as intended in Article 21 paragraph (2) letter c; and b. has make letter statement mastery physique on land as intended in Article 21 paragraph (3) and paragraph (4).
  8. Term time payment magnitude Compensation as referred to in paragraph (1) are excluded for care payment magnitude Compensation at the office local district court as referred to in paragraph (6) and paragraph (7).
  9. Provision care payment magnitude Compensation at the office local district court as referred to in the paragraph (6) and paragraph (7) are implemented in accordance with provision regulation legislation
  10. Based on payment minutes magnitude Compensation as referred to in paragraph (4) and custody payment magnitude Compensation as referred to in paragraph (9), the Network Owner may do activity as intended in Article 10 paragraph (1) letters a and/ or letter b.

#### 4. Closing

##### A. Conclusion

Arrangement utilization land owned by public For procurement network electricity owned by PT.PLN (Persero) according to regulation legislation in Indonesia is regulated in Article 33 Paragraph 3 of the 1945 Constitution, Article 2 Paragraphs 1 and 2 of Law no. 5 of 1960 concerning UUPA, Article 30 of the Law Number 30 of 2009 Concerning Electricity, Articles 15 and 31 of ESDM Regulation No. 13 of 2025 concerning Free Space Network Electric Power Transmission and Compensation for Land, Buildings and/or Plants Located Below Free Space Network Electric Power Transmission. Mechanism licensing utilization land and systems giving compensation or change make a loss for the community whose land is being used For procurement or development network electricity by PT.PLN (Persero) is Calculation magnitude Compensation on land, buildings, and/ or plants that are under the Free Space as intended in Article 12 paragraph (1) letter b is carried out by the

Appraisal Agency Compensation Electricity based on agreement Work The same with Network Owner. (2) In implementing calculation magnitude Compensation on land, buildings, and/ or plants located under free space, assessment agency Compensation Electricity must convey plan implementation calculation magnitude Compensation to the Minister. (3) Delivery plan implementation calculation magnitude Compensation as referred to in paragraph (2) is carried out online via system information business service support power electricity. (4) Delivery plan implementation calculation magnitude Compensation as referred to in paragraph (3) is equipped with: a. BAPT which has been registered by the Minister; b. document agreement Work The same between Network Owners and Assessment Institutions Compensation Electricity; c. schedule implementation calculation magnitude Compensation; and d. composition team implementation calculation magnitude Compensation.

##### B. Suggestion

Government must give appropriate compensation with the NJOP of the land and carry out fulfillment or settlement with appropriate time so as not to detrimental to society. Regulations about usage land for interest general specifically problem electricity must be made simpler so as not to make public Confused related Lots mutually exclusive rules intersecting.

##### References

1. Winahyu Erwiningsih. State's right to control land. Yogyakarta: Total Media; 2009.
2. Isa I. Spatial planning in perspective land. Director stewardship land – land agency national. Accessed January 5, 2026.
3. Siahaan NHT. Environmental law. Jakarta: Pancuran Alam; 2009. p. 239.
4. Sutedi A. Licensing law in the public service sector. Jakarta: Sinar Graphics; 2010.
5. Astawa IGF, Na'a S. Understanding state science and state theory. Bandung: Refika Aditama; 2009.
6. Pudyatmoko YS. Licensing: problems and improvement efforts. Jakarta: PT. Grasindo; 2009.
7. Atmosudirdjo P. State administrative law. Jakarta: Ghalia Indonesia; 1981.
8. Indroharto. Efforts to understand constitution about state administrative court. Book I. Jakarta: Sinar Harapan Library; 1993.
9. Huisman RJHM. Algemeen bestuursrecht: een inleiding. Amsterdam: Kobra.
10. Usman R. National environmental law reform. PT. Citra Aditya; 2003.
11. Mulyadi. Principles and principles land acquisition according to Constitution Number 2 of 2012 concerning land acquisition for public interest development. Varia Hukum. 2017;XXXVIII(XXIX). September 2017.
12. Al-Khawarizmi DA. Principles procurement land for public interest. negarahukum.com. Available from: <http://www.negarahukum.com/hukum/dasar-dasar-pengadaan-tanah-untuk-kepentingan-umum.html>. Accessed January 8, 2026.
13. Setiawan R. Principles of contract law. Bandung: Binacipa; 1977.
14. Muhammad A. Law of agreements. Bandung: Alumni; 1982.

**How to Cite This Article**

Lalu J, Salim HS, Munandar A. Utilization of community land by PT PLN (Persero) based on Law Number 30 of 2009 concerning electricity. *Int J Multidiscip Futur Dev.* 2026;7(1):19-29. doi:10.54660/IJMFD.2026.7.1.19-29.

**Creative Commons (CC) License**

This is an open access journal, and articles are distributed under the terms of the Creative Commons Attribution-NonCommercial-ShareAlike 4.0 International (CC BY-NC-SA 4.0) License, which allows others to remix, tweak, and build upon the work non-commercially, as long as appropriate credit is given and the new creations are licensed under the identical terms.