
SETTLEMENT OF DISPUTES BETWEEN ELECTRICITY CONSUMER CUSTOMERS AND PLN IN PAYMENT OF ELECTRICITY BILL FINES

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Abstract

This study aims to determine the validity of the Decree of the Board of Directors of PLN Number 1486.K/Dir/2011, dated December 27, 2011, concerning the Ordering of Electricity Usage (P2TL), both according to positive law and based on the dogmatics of legal science. Normative legal research focuses on solving legal problems through unique mechanisms, examining the law as a system of rules. This research does not conduct field research and is understood as a science of rules, focusing on dogmatics and legal systems. Existing research data is collected through literature studies, including literature materials in the form of primary materials or sources. The result of the case between Pioneer Chemical and PT. PLN (Persero) Distribution of Greater Jakarta and Tangerang Area Cengkareng revolves around the Decree of the Board of Directors of PT. PLN (Persero) No. 1486.K/Dir/2011, which states that the calculation of supplementary bills and the proposal for P2TL settlement are based on administrative and/or laboratory examinations. The Panel of Judges decided that the calculation of supplementary bills did not need to be guided by laboratory results, and the Defendant had the authority to conduct P2TL as outlined in the Decree. The decree met the criteria of legitimacy, interpretation, sanction, and jurisdiction in the legal system approach. Pioneer Chemical, as the plaintiff, was unable to submit evidence of unlawful acts committed by PT. PLN (Persero) Distribution of Greater Jakarta and Tangerang Area Cengkareng.

Keywords: Penalty Payment; Electricity Usage Control; Dispute Settlement

INTRODUCTION

Electric power is so important in human life that it has even become one of the main energy sources. In accordance with the principle of decentralization (regional autonomy), in the supply of electricity, the government and local governments, in accordance with their authority, set policy, regulate, supervise, and implement the business of supplying electricity.¹

Provision of electricity by PT. PLN (Persero) as a state-owned enterprise (SOE) is based on the provision of Article 4 paragraph (1) of Law Number 30 Year 2009 on Electricity, which states, "Implementation of business to supply electricity by the government and local government shall be conducted by state-owned enterprises and local-owned enterprises. Thus, based on the principle of authority, PT. PLN (Persero) also has the right to conduct guidance and supervision in the business of supplying electricity.

In theory, authority is obtained through attribution, delegation, and mandate.² According to administrative law, the principle of legality or validity (*legaliteit beginsel/wetmatigheid van bestuur*) includes three things, namely authority, procedure, and substance. This means that the authority, procedure, and substance must be based on statutory regulations (principle of legality), because the statutory regulations have determined the purpose of granting authority to administrative officials, how the procedure for achieving a goal is, and the substance.³

In the context of guidance and supervision of the business of supplying electricity, PT. PLN (Persero) issued a policy on controlling the use of electricity (P2TL). P2TL policy is an anticipation of loss or shrinkage of electric power caused by non-technical factors. In addition, P2TL policy is intended to fulfill the obligation to provide electricity service as regulated in Law Number 30 of 2009 on Electricity. P2TL implementation policy is based on the Decree of the Board of Directors of PT. PLN (Persero) No. 1486.K/DIR/2011 on Controlling the Usage of Electricity. PT. PLN (Persero). The existence of the Decree of the Board of Directors in terms of the legal system approach as presented by Parson has met the criteria. The four criteria are legitimacy, interpretation, sanction, and jurisdiction.⁴

In relation to the regulation of electricity usage, the author's research for this thesis focuses on the case of a lawsuit against the law. The case in terms of the application of the Supplementary Bill (TS P2TL) by PT. PLN (Persero) Distribution of Greater Jakarta and Tangerang Area Cengkareng to Pioneer Chemical PT. PLN (Persero) Distribution of Greater Jakarta and Tangerang Area Cengkareng set a follow-up bill of Rp1.362.121.763 (one billion three hundred sixty-two million one hundred twenty-one thousand seven hundred sixty-three rupiah) based on P2TL findings, one of which concluded that there were indications of violations and negligence by Pioneer Chemical.

Pioneer Chemical, as the plaintiff, argues that the subsequent bill is not in accordance with the procedure, namely not in accordance with the provisions of Article 11 paragraph (3) and Article 19 paragraph (3) of the Decree of the Board of Directors of PLN Number 1486.K/Dir/2011, dated December 27, 2011, concerning the ordering of electricity usage. PT. PLN (Persero) Distribution of Greater Jakarta and Tangerang Area Cengkareng, as the

¹ Indonesia, Law Number 30 Year 2009 on Electricity (LN Tahun 2009 No. 133, TLN No. 5052), Pasal 3 ayat (2).

² Indroharto, *Usaha Memahami Undang-Undang Tentang Peradilan Tata Usaha Negara* (Jakarta: Pustaka Sinar Harapan, 1993), hlm. 90.

³ Philipus M. Hadjon dkk., *Pengantar Hukum Administrasi Indonesia* (Yogyakarta: Gadjah Mada University Press, 2022), hlm. 130.

⁴ Indriyanto Seno Adji, *Korupsi dan Pembalikan Beban Pembuktian* (Jakarta: Oemar Seno Adji, S.H., & Rekan, 2006), hlm. 155.

defendant, is argued to have committed unlawful acts as stipulated in Article 1365 of the Civil Code, which resulted in losses suffered by the plaintiff.

The subject matter of the unlawful act in question revolves around two main points. First, the defendant never summoned the plaintiff for clarification regarding the findings of the electricity usage control inspection. However, the defendant directly issued letter Number 1117/155/A.CKR/2013, dated December 2, 2013, regarding Warning I, which contained a follow-up bill of Rp1.362.121.763 (one billion three hundred sixty-two million one hundred twenty-one thousand seven hundred sixty-three rupiah). Secondly, in the findings of the electricity usage control inspection, one of the conclusion points mentions an indication of negligence. Whereas the defendant has not conducted laboratory tests to determine the classification of violations that occurred. Thus, according to the plaintiff, it must first be proven that there was negligence through laboratory tests. The unlawful act argued by the plaintiff in relation to the policy of controlling the use of electricity becomes an issue in relation to the authority of PT. PLN (Persero), whether the actions taken by PT. PLN (Persero) have met the criteria of legitimacy, interpretation, sanctions, and jurisdiction. The four criteria are also an assessment to determine whether or not there is a tort. This issue needs to be answered with a theoretical approach. Based on the description above, the author is interested in conducting thesis research under the title: Dispute Resolution Between Electricity Consumer Customers and PLN in Payment of Electricity Bill Fines Based on District Court Decision Number 676/Pdt.G/2015/PN.Jkt.Bar.

In accordance with the background of the problem previously described, the formulation of the research problem is why the West Jakarta District Court, in its decision Number 676/Pdt.G/2015/PN.Jkt.Bar, stated to reject the plaintiff's lawsuit (in Pioneer Chemical's case). The purpose of this research is to provide an overview of the Electricity Usage Control (P2TL) policy carried out by PLN as the executor of the task of providing electricity based on the provisions of applicable laws and regulations. In particular, to determine the validity of the Decree of the Board of Directors of PLN Number 1486.K/Dir/2011, dated December 27, 2011, concerning the ordering of electricity usage, both according to positive law and based on the dogmatics of legal science.

RESEARCH METHOD

This type of research is doctrinal or normative. Normative legal research does not conduct field research. Normative legal research is based on a unique mechanism to help solve legal problems faced by society. In this case, legal science is understood as the science of rules (norms). As a science that examines law as a system of rules with legal dogmatics or legal systems, so that it can be clearly understood as a science of rules.⁵

The statutory approach examines laws and regulations related to legal issues, conducting in-depth research to understand the purpose, mood, and political direction of the enactment and implementation of these regulations.⁶ The conceptual approach involves developing concepts and theories to explain the results and structure the problem. This approach helps in identifying relevant factors and provides connections for a better mapping of the problem, ensuring a correct representation of the phenomenon under study.⁷ Meanwhile, a case study is a type of approach in research that examines one case that is carried out intensively, deeply, in detail and

⁵ Abdul Chair Ramadhan, *Panduan Singkat Tesis-Disertasi: Metode Penelitian & Teori Hukum* (Jakarta: Lisan Hal, 2020), hlm. 33.

⁶ *Ibid*, hlm. 36-37.

⁷ *Ibid*, hlm. 37-38.

comprehensively.⁸

Existing research data is collected through literature studies. Literature data includes library materials in the form of primary materials or sources.⁹

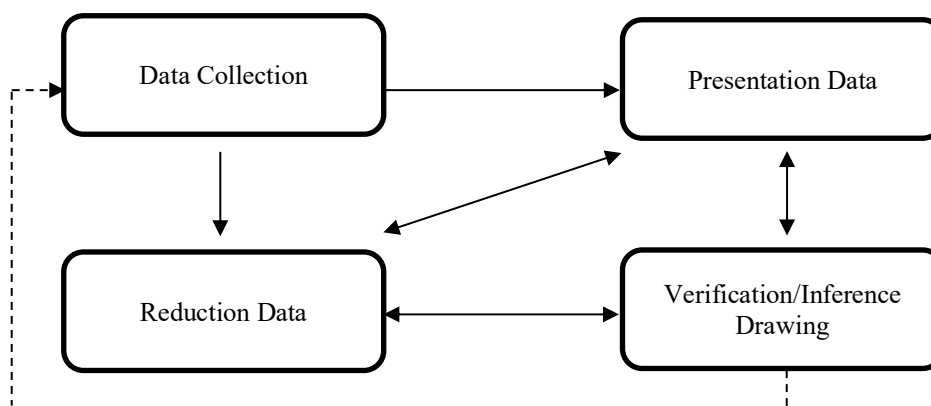


Figure 1. Data Analysis Flow

RESULT AND DISCUSSION

Legal System

Lawrence M. Friedman sees that the success of law enforcement always requires the functioning of all components of the legal system. In Friedman's view, the legal system consists of three components: the legal structure component, the legal substance component, and the legal culture component. The legal structure is the torso, framework, and eternal form of a system. The legal substance of the actual rules and norms used by institutions, reality, and the forms of behavior of the actors observed in the system. The legal culture is the ideas, attitudes, beliefs, expectations, and opinions about the law.¹⁰ In his development, Friedman also added a fourth component, which he called the legal impact component. With this legal impact component, what is meant is the impact of a legal decision, which is the object of the researcher's study.¹¹

Sidik Sunaryo provides an explanation of the components of the legal system as mentioned by Friedman as follows:¹² The first is structure, which is what moves in the mechanism; for example, in the judiciary, the structure distinguishes general courts, administrative courts, religious courts, and military courts with their respective divisions of competence. This structural component is expected to show how the law provides services for the cultivation of legal materials in an organized manner. Second, in the form of substance, included in this component are legal provisions and rules, both written and unwritten. Any decisions containing doctrine, court decisions, legislative decisions, and decisions issued by government bodies. Third, it relates to culture, which consists of values and attitudes inherent in the nation's culture. It is the values that exist in society that can be used to explain whether or not people use or do

⁸ *Ibid*, hlm. 41.

⁹ Soerjono Soekanto dan Sri Mamudji, *Penelitian Hukum Normatif: Suatu Tinjauan Singkat* (Jakarta: RajaGrafindo Persada, 2012), hlm. 34.

¹⁰ Abdul Chair Ramadhan, "Membangun Politik Hukum Sistem Ketahanan Nasional Terhadap Ancaman Ekspansi Ideologi Transnasional Syi'ah Iran" *Disertasi* (Universitas Sebelas Maret, 2016), hlm. 57.

¹¹ *Ibid*.

¹² Sidik Sunaryo, *Kapita Selekta Peradilan Pidana* (Malang: UMM Press, 2003), hlm. 10.

not use legal processes to resolve their disputes.

Soerjono Soekanto analyzed that there are several factors that affect law enforcement, namely statutory factors, law enforcement factors, facility or community factors, and cultural factors. These five factors will greatly affect whether law enforcement will run smoothly or experience certain obstacles. As a result of various disturbing factors, law enforcement is difficult to realize in its total form.¹³

As a legal system, it is also necessary to know about the problem of the operation of the law, which begins with lawmaking. In this case, lawmaking is a reflection of the model of society. The theory used to conduct theoretical analysis on law formation and implementation (on the operation of law) is utilized to analyze the process of law formation and also includes analyzing the implementation of law. So far, law formation and implementation cannot be separated from various influences or intakes of social and personal forces.¹⁴

The chart below explains the operation (implementation) of the legal system in society, which is influenced by the existence of both social and personal forces as well as norms and demands on sanctioning institutions and role holders.¹⁵

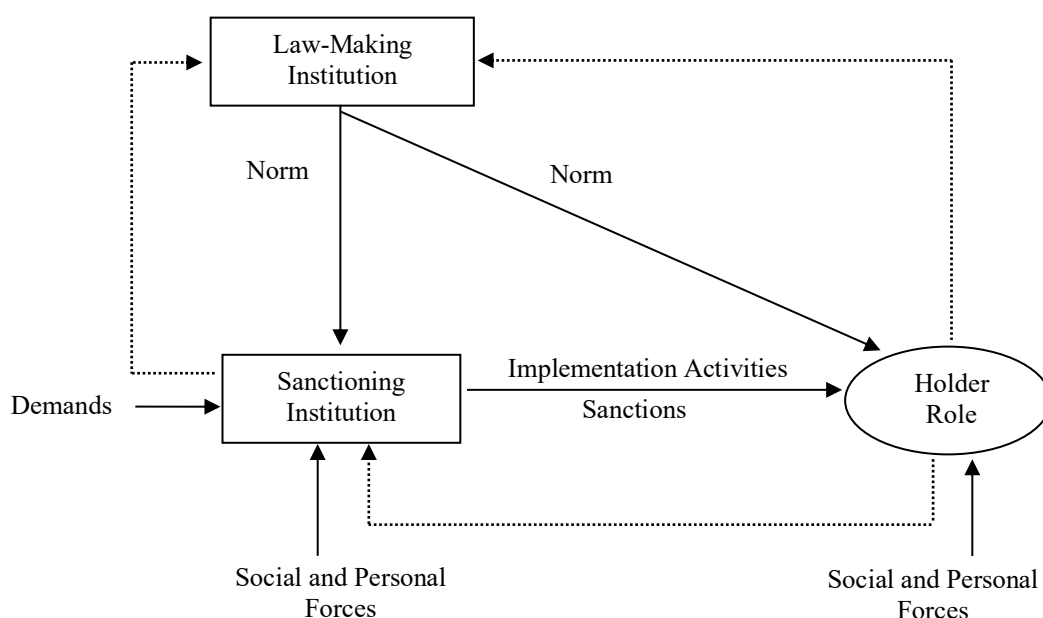


Figure 2. The Working of the Law (Source: Abdul Chair Ramadhan, 2016)

Control of Violations in the Utilization of Electricity by PT. PLN (Persero)

PT. PLN (Persero), one of the experts in the field of electricity, has a big role if there is an act of theft of electricity, but PLN is also a victim who is harmed if there is theft of electricity.

¹³ Soerjono Soekanto, *Faktor-Faktor yang Mempengaruhi Penegakan Hukum* (Jakarta: Raja Grafindo Persada, 2008), hlm. 5.

¹⁴ Abdul Chair Ramadhan, "Membangun Politik Hukum Sistem Ketahanan Nasional Terhadap Ancaman Ekspansi Ideologi Transnasional Syi'ah Iran," *Op.cit.*, hlm. 80.

¹⁵ Hafizh Noval Triady, Retno Kus Setyowati, dan Mutiarany. "Penyelesaian Sengketa Konsumen Dengan Perusahaan Daerah Air Minum Kota Bekasi Berdasarkan Undang-Undang Perlindungan Konsumen". *Krisna Law : Jurnal Mahasiswa Fakultas Hukum Universitas Krisnadipayana* 5, no. 1, (2023): 41-52, <https://doi.org/10.37893/krisnalaw.v5i1.210>.

PT. PLN (Persero) has its own way to enforce the law against the perpetrators of electricity users who are not users' rights. In accordance with the Decree of the Board of Directors of PT. PLN (Persero) Number 1486.K/Dir/2011 concerning Ordering the Use of Electricity, Article 14 states that customers who commit violations as referred to in Article 13, are subject to sanctions in the form of:

- a. Temporary Disconnection;
- b. Demolition Completed;
- c. Subsequent Bill Payment;
- d. Payment of other P2TL Fees.

As for non-customers who are affected by P2TL, they are subject to sanctions in the form of:

- a. Demolition Completed;
- b. TS4 Payment;
- c. Payment of other P2TL Fees.

PT. PLN (Persero) did not take criminal legal action due to various factors, including the following below:¹⁶

- 1) Providing proof of electricity theft is still very difficult because electricity is intangible;
- 2) PLN is still social, so its social spirit is quite high. In addition, PLN also looks at the social conditions of the perpetrators of violations;
- 3) PLN considers that taking the case to the police is costly, which is considered a loss for PLN;
- 4) PLN is still family-based, so in resolving existing cases, it does not have to go through legal channels but only through the family system; and
- 5) PLN already has its own rules for dealing with cases of electricity theft, which are listed in the Decree of the Board of Directors of PT. PLN (Persero) Number 1486.K/Dir/2011 concerning Ordering the Use of Electricity.

In the absence of legal sanctions and to provide a deterrent effect to the perpetrators of electricity theft, PLN provides supplementary bills, which can be said to be sanctions in the form of fines. The stages in providing supplementary bills are as follows:

- 1) Make the first BA P2TL summons and contain the sanctions given to users who have violated in accordance with the provisions of Decree of the Board of Directors of PT. PLN (Persero) No. 1486.K/Dir/2011 concerning Orderly Use of Electricity with a copy of the local PT. PLN (Persero) Area. The period of the summons is three days after the summons is sent. If, within 3 (three) days, the party concerned has not paid the supplementary bill, PLN sends a summons to 2 (two) until the last call to 3 (three).
- 2) Until the end of the BAP2TL summons, if the party concerned has not yet paid the supplementary bill, PLN will send a notification letter for the first dismantling (kWh dismantling) with a copy of the local PT. PLN (Persero) Area, which contains the contents regarding the transfer of the first to third BA P2TL summons and will be carried out to dismantle the electricity connection at the house of the party concerned. The notification letter will be sent up to three times. If, until the 3rd (third) notification letter, the party concerned continues to ignore and does not complete the payment of

¹⁶ Enggi Syfira Salsabila, "Penegakan Hukum Terkait Pemakaian Tenaga Listrik yang Bukan Hak Pemakai (Studi di Kepolisian Resort (Polres) Blitar dan PT. PLN (Persero) Rayon Blitar Area Kediri)," *Brawijaya Law Student Journal* 1, no. 2 (2014): 1-17, <http://hukum.studentjournal.ub.ac.id/index.php/hukum/article/view/384>.

the supplementary bill, PLN will be forced to dismantle the electricity connection of the house concerned and not give permission to install an electricity connection from PLN (disconnect the subscription) until the supplementary bill is paid.

- 3) Seals that have been carried out by P2TL officers must not be opened.
- 4) The electricity of the user who is a customer will remain disconnected until the customer pays the supplementary bill that must be paid.
- 5) In addition, payments can be made in installments if there is an agreement between PLN and the user. As for determining the amount of the cost of the supplementary bill given, there are several formulas used by looking at the level of violation as described in Article 13 paragraph 1 of the Decree of the Board of Directors of PT. PLN (Persero) No. 1486.K/Dir/2011 concerning Ordering the Use of Electricity. There are four classes of violations of electricity usage, namely:
 - a) Class I (PI) offenses are those that affect the power limit;
 - b) Class II offenses (PII) are offenses that affect energy measurements;
 - c) Class III (PIII) violations are violations that affect power limits and affect energy metering; and
 - d) Class IV violations (PIV) are violations committed by non-customers.

The type of violation and the formula can be used to determine the calculation of the amount of the supplementary bill for postpaid customers as a result of the violation as follows:

- 1) Class I (PI) offenses: The offenses for this offense are as follows:
 - a) For customers subject to TS1 load charges = $6 \times \{2 \times \text{connected power (kVA)}\} \times \text{load costs (Rp/kVA)}$.
 - b) For customers subject to TS1 minimum account = $6 \times (2 \times \text{minimum account (rupiah) of the customer according to the basic electricity tariff})$
- 2) Class II offenses (PII): $\text{TS2} = 9 \times 720 \text{ hours} \times \text{connected power} \times 0,85 \times \text{the highest price per kWh in the customer's tariff group according to the Basic Electricity Tariff}$.
- 3) Class III (PIII) offenses: $\text{TS3} = \text{TS1} + \text{TS2}$
- 4) Violation of class IV (PIV): Calculation for non-subscribers as follows:
 - a) For power up to 900 VA: $\text{TS4} = \{(9 \times (2 \times (\text{speed power (kVA)} \times \text{load costs (Rp/kVA)})) + \{(9 \times 720 \text{ hours} \times (\text{power density (kVA)}) \times 0,85 \times \text{the highest tariff in the tariff class in accordance with the basic electricity tariff calculated based on the installed power})\}$.
 - b) For rated power greater than 900 VA: $\text{TS4} = \{(9 \times (2 \times 40 \text{ hours on} \times (\text{speed power (kVA)}) \times \text{the highest tariff in the tariff class in accordance with the basic electricity tariff calculated based on the installed power})\} + \{(9 \times 720 \text{ hours} \times (\text{speed power (kVA)}) \times 0,85 \times \text{the highest tariff in the tariff class in accordance with the basic electricity tariff calculated based on the installed power})\}$.

Regarding the calculation of the amount of the supplementary bill for prepaid users according to the violation committed, which is treated the same as postpaid customers: $\text{TS1} = 6 \times \{2 \times \text{connected power (kVA)} \times 40 \text{ hours}\} \times \text{price per kWh in the customer tariff class according to the basic electricity tariff}$. Prepaid customers who are affected by P2TL supplementary bills and whose kWh meters must be dismantled, if the kWh meter still has a kWh balance remaining, it will be recalculated against the amount of the P2TL supplementary bill.

In the context of the law enforcement system, Friedman explains that the legal system includes three factors. First, legal structure, namely the parts that move in a system's mechanism or facilities that exist and are prepared in the system, Second, legal substance, namely the actual results published by the legal system, Third, legal culture, namely public

attitudes or values, moral commitment, and awareness that encourage the operation of the legal system, or all factors that determine how the legal system has a logical place in the cultural framework of society.¹⁷

Friedman places legal culture as the main element in the operation of law compared to other elements, namely structure and substance. Judging from the subject that forms the legal culture, Friedman distinguishes it into two. First, the external legal culture that involves the wider community in general. Second, internal legal culture, namely the culture developed by law enforcement officials. These two types of legal cultures influence each other. If the external legal culture is healthy, then the internal legal culture will automatically adjust because law enforcement officials are essentially products of their own society.¹⁸

According to Soekanto, whether a law is effective or not is determined by five factors, namely:¹⁹

- 1) Legal factors. The law functions for justice, certainty, and expediency. In the practice of implementing the law in the field, there are times when there is a conflict between legal certainty and justice. Legal certainty is concrete and tangible, while justice is abstract, so when a judge decides a case by applying the law alone, there are times when the value of justice is not achieved;
- 2) Law enforcement factors. In the functioning of the law, the mentality or personality of law enforcement officers plays an important role, if the rules are good, but the quality of the officers is not good, there will be problems. During this time there is a strong tendency among the public to interpret the law as an officer or law enforcement, meaning that the law is identified with the real behavior of officers or law enforcement;
- 3) Facility factors or facilities that support law enforcement. Supporting facilities include software and hardware. Law enforcers cannot work properly if they are not equipped with proportional vehicles and communication tools;
- 4) Community factors. Law enforcers come from society with the aim of achieving peace in society. Every citizen or group has more or less legal awareness;
- 5) Cultural factors. Culture basically includes the values that underlie the applicable law, which are abstract conceptions of what is considered good (so obeyed) and what is considered bad (so avoided).

These five factors will greatly affect whether law enforcement will run smoothly or experience certain obstacles. As a result of various disturbing factors, law enforcement is difficult to realize in its total form.²⁰

The work of the law enforcement system against the crime of electricity theft is strongly influenced by substance, institutional structure, and cultural factors. Can be explained as follows:

- 1) Substance factor. There is Law No. 30 of 2009 on Electricity, which regulates law enforcement against theft of electric power. However, the procedure in Law No. 30 of 2009 on Electricity is too long, complicated, and convoluted in its implementation and takes a long time. Therefore, the action taken against the theft of electricity using the

¹⁷ Ote Salman, *Teori Hukum Mengingat, Mengumpulkan dan Membuka Kembali* (Bandung: Refika Aditama, 2013), hlm. 153.

¹⁸ Abdul Chair Ramadhan, "Membangun Politik Hukum Sistem Ketahanan Nasional Terhadap Ancaman Ekspansi Ideologi Transnasional Syi'ah Iran," *Op.cit.*, hlm. 58.

¹⁹ Soerjono Soekanto, *Faktor-Faktor yang Mempengaruhi Penegakan Hukum*, *Op.cit.*, hlm. 5.

²⁰ *Ibid*, hlm. 5.

Decree of the Board of Directors of PT. PLN (Persero) No. 1486.K/Dir/2011 on the Order of Electricity Usage;

- 2) Institutional structure factor. PT. PLN (Persero)'s implementation of law enforcement against theft of electricity involves several agencies, including, among others, the Control Officer of Electricity Usage (P2TL), Civil Servant Investigators (PPNS), and the Police. In relation to the process of law enforcement against theft of electricity, there is no PPNS institution in PT. PLN (Persero). On the other hand, there is still a lack of supervision for the users of electricity. Thus, the large number of users of electricity in the community, which is not supported by the supervisory apparatus, causes many violations to be committed by the users of electricity; and
- 3) Cultural factors. Lack of public awareness of the impact caused when people commit acts of electricity theft. Most people are still only concerned with their own interests. The act of theft of electricity can cause the voltage of another user to decrease. Because the entire voltage that should be divided according to the amount of use by each user will be absorbed by the user who committed theft of electricity, By committing the act of theft of electricity, you will be able to cause the explosion of the transformer. With the explosion of the transformer, electricity usage will experience interference or blackouts. The act of stealing electricity can also cause fires, which can be caused by a short circuit on the part of the installation belonging to the party who stole the electricity. In the end, the fire can also spread to other parts, so it also harms other people.

PT. PLN (Persero) does not take criminal legal action when there is a violation of electric power utilization, so it can be justified. However, if the theft of electricity is potentially dangerous and causes great losses, then of course it must be processed legally in accordance with the provisions of the applicable laws and regulations. Law enforcement in a state of law must be carried out in accordance with the principle of "equal treatment before the law". The realization of the rule of law must be carried out by treating everything equally, without discriminating or privileging.

Law enforcement must be applied with certain exceptions. In law, there is always an "exception" as the adage goes, "no law without an escape clause".²¹ In principle, the setting of exceptions in legal products can be justified as long as the exceptions bring benefits; even so, it is recommended. In relation to the policy of PT. PLN (Persero), which does not conduct penal litigation efforts for the housing community (consumers), the application of penal law is not feasible and even impossible to apply. The application of criminal law to housing consumers will actually cause greater harm than the expected benefits. Thus, the exception of not applying the penal route is justified.

CONCLUSIONS

The case between Pioneer Chemical and PT. PLN (Persero) Distribution of Greater Jakarta and Tangerang Area Cengkareng initially pointed to the norms in the Decree of the Board of Directors of PT. PLN (Persero) Number 1486.K/Dir/2011. Precisely in the provisions of Article 11, paragraph (5) states, "Making analysis, calculation of supplementary bills, and proposals for P2TL settlement, as referred to in paragraph (1) letter d, is carried out based on the results of administrative and/or laboratory examinations..." According to the Panel of Judges, the calculation of supplementary bills is not required to be guided by laboratory results. The meaning of the words and/or can be both or one of them. This means that the results of

²¹ Bagir Manan, *Pers, Hukum, dan Hak Asasi Manusia* (Jakarta: Dewan Pers, 2016), hlm. 207-208.

laboratory tests may or may not be used in calculating the supplementary bill. Such considerations are appropriate and correct. Furthermore, from the authority perspective, the defendant has the authority to take action to control the use of electricity (P2TL), as referred to in the Decree of the Board of Directors of PT. PLN (Persero) Number 1486.K/Dir/2011. The existence of the Decree of the Board of Directors in terms of the legal system approach has met the criteria. The four criteria are legitimacy, interpretation, sanction, and jurisdiction. Moreover, Pioneer Chemical, as the plaintiff, was unable to present evidence of the illegal acts allegedly committed by PT. PLN (Persero) Distribution of Greater Jakarta and Tangerang Area Cengkareng. Evidence in such a lawsuit is important and strategic to prove the existence or absence of unlawful acts as intended in Article 1365 of the Civil Code. In the absence of evidence as intended, it certainly cannot be argued that there is a tort. In the absence of unlawful acts, there cannot be a causal relationship between the act and the loss incurred.

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