

Article History

Received: 14 May 2024

Reviewed: 31 May 2024

Accepted: 2 Juny 2024

Published: 27 Aug 2024

Resolution Effort of Electricity Theft Crimes at PLN UP3 Sorong

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Abstract: This study aims to investigate the impact of electricity theft on PLN and the state and analyze the out-of-court resolution system for electricity theft by PT PLN UP3 Sorong Branch. The method used is an empirical juridical approach focusing on case analysis and field data. The results showed that PLN uses the additional bill, *Tagihan Susulan* (TS) as the fine, as an out-of-court resolution for electricity theft cases. However, there is an option to settle through the court if the customer objects. Although the number of cases is decreasing, challenges in addressing the problem of electricity theft still exist, and its resolution requires a holistic approach that considers the principles of justice and applicable law. In conclusion, electricity theft violates the law that must be addressed effectively to maintain the sustainability of the electricity sector and justice for all parties involved.

Keywords : Crime; Electricity Theft; Non Litigation; Electricity.

INTRODUCTION

Electricity has become a basic necessity for human lives. Its function is no longer limited to a lighting source but also a power source for house, office, and industrial equipment.¹ Along with the increasing need for electricity, it is important for electricity providers such as PT PLN (Persero) as a state enterprise, *Badan Usaha Milik Negara* (BUMN) in the electricity sector to provide optimal services for registered customers. It requires adequate electricity availability as well as an efficient service system that is responsive to customer needs.^{2 3}

As the times change, electricity has become a primary need for individuals and communities.⁴ The demand for electricity is not only limited to houses but also applies to

¹ Nova Aryanto, "Dampak Inovasi Manajemen Industrialisasi Listrik Terhadap Sosial Ekonomi Masyarakat Nelayan Labuhan Sumbawa," *Jurnal Ekonomi Bisnis, Manajemen Dan Akuntansi (JEBMA)* 3, no. 3 (2023): 713–22, <https://doi.org/10.47709/jebma.v3i3.3005>.

² Andi Hildayanti and M Sya'rani Machrizzandi, "Sistem Rekayasa Internet Pada Implementasi Rumah Pintar Berbasis IoT," *Jurnal Ilmiah Ilmu Komputer* 6, no. 1 (2020): 45–51, <https://doi.org/10.35329/jiik.v6i1.143>.

³ Muhammad Hi Jalal, Tri Syafari, and Nam Rumkel, "Analisis Hukum Pidana Terhadap Pencurian Arus Listrik Di Kota Ternate," *Jurnal Ilmu Hukum "THE JURIS"* IV, no. 2 (2020): 153–67, <http://ejournal.stih-awanglong.ac.id/index.php/juris>.

⁴ Agus S.F. Rajagukguk, Marthinus Pakiding, and Meita Rumbayan, "Kajian Perencanaan Kebutuhan Dan Pemenuhan Energi Listrik Di Kota Manado," *Jurnal Teknik Elektro Dan Komputer* 4, no. 3 (2015): 1–11, <https://ejournal.unsrat.ac.id/index.php/elekdankom/article/view/7972>.

various industries such as offices, shops, etc.⁵ Those who use electricity are called consumers, individuals, or legal entities that purchase and use electrical energy from a licensed electricity provider.⁶

Due to increasing electricity demand, some consumers often steal to obtain electricity without paying, resulting in significant losses for electricity companies, including PLN, responsible for selling electricity.⁷ This could also cause losses to the state because electricity companies are generally BUMN.

Theft is taking things, either in whole or in part, that belong to another person to possess the things without legal permission.⁸ According to R. Soesilo, the thing in question includes all tangible objects, including animals, money, clothing, jewelry, electric power, and gas. Therefore, electricity theft is prohibited according to Syariah principles and legislation.⁹ Theft of electricity by PLN customers is often done by manipulating MCB (Mini Circuit and Breaker) and KWH (Kilo Watt Hour). Customers who commit this act of electricity theft can come from various types of customers, including prepaid customers, customers with analog meters, and customers with digital meters, with a voltage range of 2 Amperes to 25 Amperes.

Theft according to the Criminal Code (KUHP) is contained in Article 362, namely:

"Barang siapa mengambil barang suatu, yang seluruhnya atau sebagian kepunyaan orang lain, dengan maksud untuk memiliki secara melawan hukum, diancam karena pencurian, dengan pidana penjara paling lama lima tahun atau denda paling banyak enam puluh rupiah" [Any person who takes property, wholly or partially belonging to another, with intent to unlawfully possess it, shall, being guilty of theft, be punished by a maximum imprisonment of five years or a maximum fine of sixty rupiah]

PT PLN has the authority to actively monitor customers' electricity consumption through special applications designed for this purpose. These applications automatically detect acts of electricity theft. In an effort to control this, PT PLN has also formed the electricity control team, *Tim Penertiban Pemakaian Tenaga Listrik* (P2TL).

Electricity theft is regulated in Article 51, paragraph (3) of Law Number 30 of 2009 on

⁵ Peter Garlans Sina, "Ekonomi Rumah Tangga Di Era Pandemi Covid-19," *Journal of Management: Small and Medium Enterprises (SMEs)* 12, no. 2 (2020): 239–54, <https://doi.org/10.35508/jom.v12i2.2697>.

⁶ Khairul Muammar, "TINJAUAN KRIMINOLOGIS TERHADAP TINDAK PIDANA PENCURIAN ARUS LISTRIK (Suatu Penelitian Di Wilayah Hukum PT. PLN Area Banda Aceh)," *Jurnal Ilmiah Mahasiswa Bidang Hukum Pidana* 2, no. 4 (2018): 833–40.

⁷ Catur Sutriswanto Aji, "Faktor-Faktor Yang Mempengaruhi Konsumsi Listrik PLN Pada Kelompok Pelanggan Rumah Tangga (R-1 900 VA) Di Kabupaten Purworejo Tahun 2002-2008," *Universitas Sebelas Maret*, 2010, 110, https://www.google.com/url?sa=t&rct=j&q=&esrc=s&source=web&cd=&ved=2ahUKEwjhzOe34qj6AhWSFbcAH T7_BEsQFnoECAMQAQ&url=https%3A%2F%2Fdigilib.uns.ac.id%2Fdokumen%2Fdownload%2F12817%2FMjczNm%3D%2FFaktor-faktor-yang-mempengaruhi-konsumsi-listrik-pln-pada-kelomp.

⁸ Mahendri Massie, "Tindak Pidana Penggelapan Dalam Menggunakan Jabatan Berdasarkan Pasal 415 KUHP," *Lex Crimen* 6, no. 2 (2017): 73–92, http://hpj.journals.pnu.ac.ir/article_6498.html.

⁹ Dina Pardiman, "Tindak Pidana Pengancaman Sebagai Kejahatan Terhadap Harta Kekayaan Menurut Pasal 369 Ayat (1) Kitab Undang-Undang Hukum Pidana," *Journal Lex Crimen* 11, no. 1 (2022).

Electricity. The article states that any person who unlawfully uses electricity without a right. It may be a subject to imprisonment for a maximum of 7 years and a fine of up to Rp. 2,500,000,000.00 (two billion five hundred million rupiah). Although criminal sanctions have been regulated, in practice, there are still many cases of electricity theft by customers.

In several cases that occurred in the Kota Sorong area, Southwest Papua, the resolution was carried out by PT PLN UP3 Kota Sorong outside the court by applying a supplementary fine determination, which can also be referred to as penal mediation. Penal mediation is one form of alternative dispute resolution outside the court that is generally used for civil cases or civil disputes. Usually, penal mediation involves law enforcement officials or through deliberation or peace mechanisms or forgiveness institutions such as family deliberation, village deliberation, or customary deliberation.¹⁰

In several cases in Kota Sorong area, Southwest Papua, PT PLN UP3 Kota Sorong settled outside the court by applying a supplementary fine determination, which can also be referred to as penal mediation. Penal mediation is one form of alternative dispute resolution outside the court that is generally used for civil cases or disputes. Usually, penal mediation involves law enforcement officials through deliberation or peace mechanisms or forgiveness institutions such as family, village, or customary deliberation.¹¹

However, electricity theft is a crime as stipulated in Article 51 paragraph (3) of Law Number 30 Year 2009 on Electricity. In positive law, out-of-court resolution of criminal cases is generally limited to customary crimes. The actual judicial process involves a series of stages, including investigation, arrest, prosecution, trial in court, and implementation of the court's decision.¹² Thus, PT PLN UP3 Kota Sorong uses the out-of-court resolution method for Electricity theft cases.

Electricity theft is a criminal offense in the field of electricity. This crime is common in Indonesia and can cause losses to PLN, the party that keeps electricity. This theft can cause losses to the state, considering that PLN is BUMN subsidized by the state.¹³

The increase in economic activity today has increased their consumption of electrical power. As a result, electricity bills have also increased. However, some of them try to reduce the cost of their electricity bills by breaking the law because they do not want to pay more than what has been charged.¹⁴ Although the two articles differ in their focus and the issues discussed, both highlight the importance of supervision and law enforcement in maintaining

¹⁰ Nomor 30 Tahun 2009 tentang Ketenagalistrikan Undang-undang, "Undang-Undang" (n.d.).

¹¹ Nanda Dwi Rizkia et al., "Journal Equity of Law and Use of Online Dispute Resolution in Realizing Restorative Justice in E-Commerce Disputes" 4, no. 1 (2024): 108–18.

¹² Gerson Sem Buinei et al., "Restorative Justice Approach in Dealing with Crimes at Police Level (A Study at Polresta and Polres Sorong)" 2, no. 1 (2024): 1–12.

¹³ Putri Sari NilamCayo Kinaria Afriani, "PENERAPAN SANKSI PIDANA TERHADAP PELAKU TINDAK PIDANA PENCURIAN ARUS LISTRIK BERDASARKAN UNDANG-UNDANG NOMOR. 30 TAHUN 2009 TENTANG KETENAGA LISTRIKAN," *Justici* 15, no. 2 (2022): 1–8.

¹⁴ Muammar, "TINJAUAN KRIMINOLOGIS TERHADAP TINDAK PIDANA PENCURIAN ARUS LISTRIK (Suatu Penelitian Di Wilayah Hukum PT. PLN Area Banda Aceh)."

the sustainability of the agriculture and electricity sectors and in efforts to reduce illegal actions that harm related parties.¹⁵

This study can provide a deeper understanding of the impact of power theft, especially in the context of the losses incurred by PLN and the state. By identifying this illegal act as a criminal offense, this study can help raise awareness of the importance of law enforcement in addressing the problem.

METHOD

The empirical juridical approach method, or sociological, legal study, is used in writing this article. This study aims to find legal facts that exist in society with a resolution in the realm of the court and understand how the law operates in the community. The approach used is a case approach that examines data related to enacting or implementing legal provisions juridically by applicable laws and regulations. This study is conducted in action (directly) on each specific legal event that occurs in society to collect empirical facts. The type of study used is qualitative, focusing on describing data in the form of narratives or sentences rather than statistical figures. Data sources consist of primary data, such as Law Number 30 of 2009 on Electricity and Decree of the Board of Directors Number 146.K / DIR / 2011 concerning Controlling the Use of Electricity, secondary data in the form of interviews with PLN UP3 Sorong, and interviews with people in Kota Sorong, Southwest Papua. Data collection techniques include literature and field study (empirical) conducted through interviews with parties who can provide information related to the problems studied. Data analysis is carried out with a qualitative approach to describe the data obtained through narratives or sentences.¹⁶

DISCUSSION

Resolution of Electricity Theft Crime on PLN UP3 Sorong Branch

The discussion of the resolution system of the crime of electricity theft at PT PLN UP3 Sorong Branch, from the chronology of electricity theft to the determination and speculation that the offenders of electricity theft must bear, is a complex topic that involves various aspects of law and procedures. In this discussion, we will analyze the stages that occur in cases of electricity theft, including identifying the chronology of events, relevant evidence, the process of investigation and law enforcement, and determining penalties or sanctions for offenders.¹⁷

¹⁵ Wahab Aznul Hidayat, "The Role of Witness and Victim Protection Agency for Imekko Tribe in Criminal Justice System in Sorong" 8, no. 2 (2023): 176–91, <https://doi.org/10.23917/laj.v8i2.2363>.

¹⁶ Peter Mahmud Marzuki, *Penelitian Hukum* (Jakarta: Kencana Prenada Media Group, 2010).

¹⁷ Karolus Kopong Medan Nuno Saldanha Da Silva Fatima, "DISKRIMINASI PENEGAKAN HUKUM DALAM PENANGANAN PENCURIAN ARUS LISTRIK DI DISTRIK DILI," *Masalah-Masalah Hukum* 46, no. 2 (2017): 163-169.

The chronology of electricity theft usually involves several stages, such as identification of the act of theft, investigation by the authorities, arrest of the offender, and legal proceedings involving the courts. The speculation that the offender must bear includes aspects of criminal penalties that may be received, fines or compensation that must be paid to PLN, and material and reputational losses that may be incurred. In resolving this case, it is important to ensure that all parties involved are treated according to fairness, transparency, and equitable law enforcement principles. In addition, it is also important that the protection of human rights for all parties involved is upheld.¹⁸

The fine imposed on the offender of electricity theft is referred to as the additional bill, *Tagihan Susulan* (TS), which is calculated based on several parameters depending on the class of offence that occurred. The following is the calculation formula for each group:¹⁹

1. Class Offense I (PI):

a. For offenses that incur a load charged:

$$TS1 = 6 \times (2 \times \text{Connected Power (kVA)} \times \text{Charged (Rp/kVA)})$$

b. For customers with a Minimum Bill:

$$TS1 = 6 \times (2 \times \text{Minimum Account (Rupiah) customers according to the Electricity Tariff}).$$

2. Class Offense II (PII):

$$TS2 = 9 \times 720 \text{ hours} \times \text{Connected Power} \times 0,85 \times \text{the highest price per kWh in the customer's tariff class based on the Electricity Tariff}.$$

3. Class Offense III (PIII):

$$TS3 = TS1 + TS2$$

4. Class Offense IV (PIV):

a. for detected power up to 900 VA: $TS4 = \{(9 \times (2 \times (\text{Detected Power (kVA)}) \times \text{Charged (Rp/kVA)}))\} + \{(9 \times 720 \text{ hours} \times (\text{detected power (kVA)}) \times 0,85 \times \text{The highest tariff in the tariff class based on the Electricity Tariff which is calculated as detected power.}\}$

b. For the detected power used more than 900 VA: $TS4 = \{(9 \times (2 \times (\text{detected power (kVA)}) \times \text{The highest tariff in the tariff class based on the Electricity Tariff which is calculated as used power})\} + \{(9 \times 720 \text{ hours} \times (\text{detected power (kVA)}) \times 0,85 \times \text{The highest tariff in the tariff class based on the Electricity Tariff which is calculated as detected power})\}$.

¹⁸ Febryanto Samuel Pangkey, "PENYIDIKAN TERHADAP PERKARA TINDAK PIDANA KETENAGALISTRIKAN," *Lex et Societatis* 3, no. 1 (2013): 1–12.

¹⁹ Kecamatan Blangkejeren et al., "Ganti Rugi Terhadap Masyarakat Atas Kebakaran Yang Disebabkan Oleh Pencurian Energi Listrik Perspektif Wahbah Al-Zuhaili: Studi Kasus Desa" 6 (2024): 1704–23, <https://doi.org/10.47476/assyari.v6i2.6556>.

The formulas outline how to calculate the penalty for additional bill, *Tagihan Susulan* (TS) based on the class of offense and related parameters such as connected power, load charge, minimum account, price per kWh, and detected power. This refers to Article 11 paragraph (1) to paragraph (5) of the Regulation of the Board of Directors of PT PLN (Persero) Number 088-Z.P/DIR/2016 on Controlling the Use of Electricity, *Penertiban Pemakaian Tenaga Listrik* (P2TL).

Based on the out-of-court resolution system for electricity theft as described above, PLN UP3 Sorong Branch carries out the resolution based on the Regulation of the Board of Directors of PT PLN (Persero) Number 088-Z.P/DIR/2016 on P2TL.²⁰ In the out-of-court resolution, customers suspected of theft electricity are fined following the provisions previously described.²¹

However, resolution through the court or litigation route can be carried out if the perpetrator of electricity theft submits an objection to the charges filed. If the customer makes an objection letter, the case will be submitted to the court for trial following applicable legal procedures.²² Although, if the customer does not file an objection, the settlement is carried out through non-litigation channels handled by PLN UP3 Sorong Branch. In both scenarios, the main objective remains to enforce justice and provide appropriate sanctions for the offense committed.

According to this view, the non-application of criminal sanctions is not only due to pity but also because the enforcement efforts that have been carried out at PLN UP3 Sorong Branch are following applicable regulations, namely the Board of Directors Regulation No. 088-Z.P/DIR/2016 on Electricity Usage Control, *Penertiban Pemakaian Tenaga Listrik* (P2TL). According to this view, it is important to comply with existing regulations; in this case, the regulations must be obeyed.

However, in reality, not all punishments are definitive.²³ There are other considerations that need to be taken into account, such as the capacity of correctional institutions that are already full of prisoners. Correctional institutions are supposed to function as coaching institutions, but coaching is disrupted if too many people are convicted.²⁴ Therefore, there are many cases where criminal sanctions are not fully implemented, and more focus is placed on out-of-court settlements. This indicates that in law enforcement, there are sometimes other considerations that need to be considered

²⁰ Nuril Auliaa Rohmatul Mufidah and Pudji Astuti, "Kajian Yuridis Proses Penyelesaian Pencurian Aliran Listrik Tentang Penertiban Pemakaian Tenaga Listrik Direksi PT. PLN (Persero)," *Jurnal Novum* 5, no. 2 (2018): 162–69.

²¹ Farid Wajdi Silmi Kaffah, "Analisis Yuridis Penyelesaian Tindak Pidana Pencurian Arus Listrik Di PT Perusahaan Listrik Negara: Persero Unit Layanan Pelanggan Tanjungbalai," *As-Syar'i: Jurnal Bimbingan & Konseling Keluarga* 6, no. 2 (2024): 1377–93, <https://doi.org/10.47476/assyari.v6i2.6502>.

²² Andhy Bara et al., "TINJAUAN YURIDIS TENTANG PENYELESAIAN TINDAK PIDANA PENCURIAN TENAGA (ARUS) LISTRIK OLEH PELANGGAN RAYON KOTA ATAMBUA DI KABUPATEN" 1, no. 6 (2023): 386–406.

²³ Riky Novarizal and Basyaruddin Basyaruddin, "Upaya PLN Dalam Mengatasi Pencurian Aliran Listrik (Studi Kasus Di Kecamatan Siak Hulu Kabupaten Kampar)," *Sisi Lain Realita* 3, no. 2 (2019): 60–74, [https://doi.org/10.25299/sisilainrealita.2018.vol3\(2\).3719](https://doi.org/10.25299/sisilainrealita.2018.vol3(2).3719).

²⁴ Jalal, Syafari, and Rumkel, "Analisis Hukum Pidana Terhadap Pencurian Arus Listrik Di Kota Ternate."

other than strictly following the rules.

Although the number of suspected thefts has decreased every year, P2TL is still investigating many customers in arrears with their installments and some cases.²⁵ This crime continues to occur, and there are even cases involving the same offenders. In addition, some customers who have been determined as offenders still carry out new installations to trick PT PLN to avoid the collection of enacted fines.²⁶

Hence, it shows that despite law enforcement and prosecution efforts against electricity theft, there are still challenges in effectively addressing this issue. Additional measures are needed to improve the effectiveness of law enforcement and prevent future acts of electricity theft.²⁷

CONCLUSION

To sum up, electricity theft is a violation of the law that causes losses to electricity companies, such as PLN, and can potentially harm the state because PLN is BUMN. Although regulated as a criminal offense, many cases of electricity theft still exist. The resolution can be done out of court based on PT PLN's internal regulations, applying fines by applicable regulations. However, resolution through the court is also possible if the customer submits an objection. In some cases, the non-application of criminal sanctions is not only due to pity but also to other considerations, such as the total capacity of correctional institutions. Although the number of cases shows a downward trend, the challenges in handling the problem of electricity theft still need to be addressed through a holistic approach, taking into account the principles of justice and applicable law.

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²⁵ Blangkejeren et al., "Ganti Rugi Terhadap Masyarakat Atas Kebakaran Yang Disebabkan Oleh Pencurian Energi Listrik Persfektif Wahbah Al-Zuhaili : Studi Kasus Desa."

²⁶ Jurusan Ilmu Komunikasi et al., "TINJAUAN SISTEM INFORMASI AKUNTANSI PENJUALAN TENAGA LISTRIK PADA PT. PLN (PERSERO) UPJ BANDUNG TIMUR," 2011.

²⁷ Blangkejeren et al., "Ganti Rugi Terhadap Masyarakat Atas Kebakaran Yang Disebabkan Oleh Pencurian Energi Listrik Persfektif Wahbah Al-Zuhaili : Studi Kasus Desa."

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