

Legal Liability For Holders Of Electricity Supply Business Licenses Without Electrical Safety (A Study At Pln Nusantara Power Umro Medan Power Plant Maintenance Implementation Unit (UPHK))

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Abstract

This research, entitled "Legal Liability for Holders of Electricity Supply Business Licenses Without Electrical Safety (A Study at PLN Nusantara Power UMRO UPHK Medan)," aims to examine: (1) the regulations applied by PLN in granting business licenses to electricity support service providers; (2) PLN's procedures for issuing procurement permits; and (3) the legal accountability imposed on electricity support services within UMRO UPHK Medan. This study employs normative legal research, focusing on the analysis of legal norms as outlined in laws, regulations, and scholarly literature. These legal materials are examined and connected to the research problems to provide a clear understanding of the application of electrical safety obligations. The research is descriptive-analytical, presenting legal provisions and factual conditions while conducting an in-depth juridical analysis to describe the implementation of electrical safety and the consequences of non-compliance. The research prioritizes secondary data, including legal documents and literature, which are critically examined to uncover scientific truth through a systematic and consistent normative method. The research results are expected to provide a comprehensive overview of regulatory mechanisms, licensing procedures, and forms of legal liability for violations of electrical safety standards, as well as recommendations to strengthen supervision and law enforcement in Indonesia's electricity sector.

Keywords

Legal Accountability; Business Permits; Electrical Power Support Services; PLN Nusantara Power UMRO UPHK Medan

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INTRODUCTION

Indonesia is a nation founded on the rule of law, as affirmed in Article 1, paragraph 3 of the 1945 Constitution. Consequently, every action carried out by Indonesian citizens, including business operators, must comply with the laws and regulations in force within the country. (Hanifah, 2020)

Business actors refer to any person or business entity, whether incorporated or not, that is established, based, or conducts activities within the territory of the Republic of Indonesia, either



independently or in cooperation with others under an agreement, and engages in various economic activities. An agreement is a legal relationship created and recognized by law. (Kesuma, 2023)

In an agreement, the legal relationship between two parties does not arise automatically. In the Indonesian legal system, a business license is a legal entity granted by the government to an individual or a legal entity, allowing them to carry out specific business activities. This business license is designed to ensure that economic activities are conducted in accordance with legal requirements, public safety, and applicable regulations. At the same time, business license holders have a responsibility to operate their businesses responsibly and in accordance with applicable regulations. Legal accountability for business license holders is important in ensuring compliance and maintaining the integrity of the legal system in the economic sector. (Rika, 2022)

A business license is a permit issued by a government agency or authority that authorizes a person or business entity to conduct specific business activities. In the Indonesian context, business licenses are regulated by various laws and regulations, including Law Number 3 of 1982 concerning the Compulsory Registration of Companies, Law Number 25 of 2007 concerning Investment, and regulations specific to certain business sectors (e.g., agriculture, industry, or banking). (Setlight et al., 2025)

The Indonesian government expects contributions from the business sector to the country's development, so tax payments are an obligation that cannot be ignored. Furthermore, regarding occupational safety and health, business license holders are required to meet the occupational safety and health (K3) standards set by law. This is important to ensure that business activities do not pose a health or safety risk to workers and the surrounding community. (Harnaeni, 2022)

Several elements of legal liability can be imposed on business license holders, including administrative, Criminal, and Civil Liability. In this case, in terms of aspects, administrative responsibility refers to the obligation of the business license holder to comply with the administrative provisions set by the licensing authority. In this case, administrative responsibility is related to the supervision and fulfillment of obligations associated with business licenses. Some of the administrative sanctions that can be imposed include: (Basuki, 2011)

- a. Revocation of business license: If the business license holder is found to have failed to meet established administrative obligations, such as not paying taxes or not meeting safety standards. (Situmeang & Redi, 2025)
- b. Imposition of administrative fines: For minor administrative violations, permit holders may be subject to fines as a form of sanction. (Wine, 2024)
- c. Business license freeze: Sanctions in the form of temporary freezing of business licenses to ensure that permit holders correct violations committed. (April et al., 2024)

Administrative sanctions play a crucial role in enforcing the discipline and responsibility of PLN UMRO UPHK Medan employees when security violations occur; however, their implementation has not been effective enough to prevent violations as a whole. This is because administrative sanctions are internal and often lack a strong deterrent effect if a supervisory system, a culture of compliance, and consistent transparency in law enforcement are not in place. Effective prevention of security violations must be based on the implementation of clear standard operating procedures (SOPs), regular workplace safety audits, human resource development, and coordination with law enforcement officials when violations have broader legal implications. Thus, accountability and organizational integrity can only be realized if administrative sanctions are part of a comprehensive supervisory system and integrated into *good corporate governance*.

Electricity is a vital element that every human being urgently needs. Every activity carried out by humans, both individually and in groups, can be said always to require electricity, especially to run electrical equipment (equipment that requires electrical energy as its power source), which is used to facilitate human work. Electricity is very useful in supporting human life, both for personal needs and for business purposes. (Kamuihkar et al., 2022)

The provision of electricity is one of the strategic sectors that plays a vital role in supporting economic growth and community welfare. In Indonesia, the electricity sector is specifically regulated through Law No. 30 of 2009 concerning Electricity, which emphasizes that every activity related to electricity provision must meet the provisions for electricity safety to ensure installation safety, protection for workers, and public safety. These obligations are not only administrative, but also contain legal responsibilities that can have criminal, civil, or administrative implications if violated. (Arifin & Hermawan, 2021)

Electrical safety encompasses various aspects, including planning, construction, operation, and maintenance of electric power installations. In practice, there are still various cases where holders of Electricity Supply Business Licenses (IUPTL) are negligent or fail to fully implement safety standards, which can pose a risk of operational disruptions, equipment damage, and even work-related accidents and fatalities. This condition requires consistent law enforcement against negligent parties, including IUPTL holders, to create a deterrent effect and prevent the recurrence of similar violations. (Nugraha et al., 2025)

In the context of electricity law, the legal responsibilities between PT PLN (Persero), as a state-owned enterprise holding an electricity supply business license (IUPTL), and supporting service providers or private contractors differ substantially. PLN, as the main licensee, has a full legal obligation to ensure the provision of safe, reliable, and sustainable electricity in accordance with Law Number 30 of 2009 concerning Electricity, and is responsible for any violations that occur within the scope of its

license. On the other hand, the contractor or third party is only responsible for implementing the work as specified in the contract and in accordance with the provisions of K3 (Occupational Safety and Health). At the same time, PLN retains the responsibility of supervising (*Supervisory Liability*) against them. (Mahmudah et al., 2025)

Law Number 30 of 2009 concerning Electricity, which regulates electrical activities, ranging from generation, distribution, distribution, use, to supervision of electrical energy. The law of electricity aims to (Ferdinanto et al., 2023)

- a. Protecting the safety of the public, Electricity is a dangerous energy if not used correctly. Therefore, the electricity law regulates safety standards that must be complied with by all parties involved in electrical activities. (Razu et al., 2025)
- b. Maintaining the reliability of the electricity supply is crucial, as electricity is a vital necessity for the community. Therefore, the electricity law regulates the obligation of electricity providers to maintain the reliability of electricity supply to the community. (Yunita Berlian Seseli, 2025)
- c. Improving the efficiency of using electrical energy: Electricity is a finite natural resource. Therefore, the electricity law regulates the efficiency of electrical energy use, ensuring that this natural resource is used sustainably. (Nuarta & Sukedi, 2024)
- d. Creating healthy business competition: The electricity industry is a strategic sector. Therefore, the electricity law promotes healthy business competition, enabling this industry to develop and benefit the community. (Nursyie, 2025)

2. METHOD

This research was conducted at PT PLN Nusantara Power Unit Maintenance, Repair, and Overhaul (UMRO) Medan Maintenance Implementation Unit (UPHK), located at Jalan KL. Yos Sudarso KM 7.5, Mabar Village, Medan Deli District, Medan City, North Sumatra Province. PT PLN Nusantara Power is a subsidiary of PT PLN (Persero), which has responsibility for the operation, maintenance, and repair of power plants throughout Indonesia.

The study titled "Legal Responsibility of Business License Holders Providing Electricity Without Electrical Power Safety (A Study at PLN Nusantara Power Unit Maintenance, Repair, and Overhaul (UMRO) Generation Maintenance Implementation Unit (UPHK) Medan)" employs a normative legal research approach. Normative legal research focuses on analyzing the application of legal norms contained within existing positive laws. This juridical-normative method involves examining formal legal sources, such as statutes, regulations, and scholarly literature, which contain relevant theoretical concepts and principles. These concepts are then connected to the issues being examined in the research.

The main data collection method used in this study is *Library Research*. The purpose and usefulness of literature study is basically to show the way to solve research problems. If the researcher already knows what other researchers have done, they will be better prepared with deeper and more comprehensive knowledge.

The data obtained in this study were sourced from a review of legal documents, laws and regulations, related literature, and interviews with informants at PT. PLN Nusantara Power UMRO UPHK Medan. Because this study employs a normative legal method with an analytical descriptive nature, the data analysis process focuses on the elaboration, study, and interpretation of applicable legal rules and their application in the practice of providing electricity related to electricity safety.

3. FINDINGS AND DISCUSSION

3.1. Regulation of PLN Nusantara Power UMRO UPHK Medan in granting Business Licenses to Electrical Power Supporting Services

PLN Nusantara Power UMRO UPHK Medan is an operational unit of PT. PLN Nusantara Power has the responsibility to carry out certain technical functions related to service and supervision, including the process of issuing permits for electricity support service providers to conduct procurement within its work area. In granting the permit, it is not automatically given; instead, certain regulations and stages must be met, which is referred to as IUJPTL or Permit to Carry Out Procurement for Electrical Power Support Services (Paulin, 2021). The laws and regulations that regulate the Granting of Business Licenses to Electrical Power Support Services include:

- a. Law Number 30 of 2009 concerning Electricity: (Amir Syamsuadi, 2021)

This law serves as the primary legal framework that regulates all aspects of electricity in Indonesia, including the business activities of electric power support services. Some of the important points in the Electricity Law related to IUJPTL are:

- 1) Article 1, number 23: Defines "Electrical Power Support Services" as business activities that support the business activities of providing electricity.
- 2) Article 17, paragraph (1): Declares that every electricity business activity must have a permit. This implicitly includes the business activities of electrical power support services.
- 3) Article 44: Further regulates electricity business licensing, including the types of permits, requirements, and procedures for granting permits. Although it does not specifically mention IUJPTL, this article serves as the basis for the obligation to obtain a license for business actors in this sector.
- 4) Criminal Provisions: This law also regulates criminal sanctions for parties who carry out electricity business activities without a valid license.

- b. Government Regulation (PP) Number 62 of 2012 concerning Electricity Support Services Business
Government Regulation Number 62 of 2012 was enacted as a follow-up to Law Number 30 of 2009 on Electricity. The law requires more detailed provisions regarding various aspects of the electricity sector, including businesses providing electrical power support services. Before this regulation was issued, the rules governing IUJPTL were scattered across several ministerial and other regulatory instruments, which were considered insufficiently comprehensive and not well-integrated. (Putra et al., 2020)
- c. Minister of Energy and Mineral Resources Regulation Number 12 of 2021
As a developing country, Indonesia requires a reliable and equitable supply of electrical energy to support national economic growth. In the implementation of electricity, electrical support service business activities (IUJPTL) play a crucial role in ensuring that the infrastructure and electric power system operate properly, efficiently, and safely. The government, through the Ministry of Energy and Mineral Resources (EMR), has issued various regulations to regulate this field, one of which is the Minister of Energy and Mineral Resources Regulation Number 12 of 2021. (Sansuadi, 2025)
- d. Regulation of the Minister of Energy and Mineral Resources Number 11 of 2021
Regulation of the Minister of Energy and Mineral Resources Number 11 of 2021 was issued in response to developments in the electricity sector, as well as to fulfill the mandate of Law Number 30 of 2009 on Electricity and its implementing regulations. The enactment of Law Number 11 of 2020 on Job Creation also influenced the business licensing framework, including within the energy and mineral resources sector. This Ministerial Regulation is intended to streamline and expedite the licensing process while ensuring legal certainty in the operation of electricity businesses, all without compromising safety, reliability, or environmental sustainability. (Ramadani et al., 2019)
- e. Regulation of the Minister of Energy and Mineral Resources Number 5 of 2021
Minister of Energy and Mineral Resources Regulation Number 5 of 2021 was issued to address the need for reform in a licensing system that has long been viewed as overly complex and burdensome. The Job Creation Law mandates the streamlining of permits through a risk-based approach, in which the types and requirements of licenses are aligned with the level of potential hazards associated with a business activity. The Energy and Mineral Resources sector—characterized by a wide range of business activities and potentially significant environmental and social impacts—has become one of the primary areas of focus in implementing this policy. (Umar Laila et al., 2024)

3.2. Procedures of PLN Nusantara Power UMRO UPHK Medan in granting procurement permits to Electricity Support Services

The electricity sector is the backbone of national development. The provision of reliable, sustainable, and affordable electricity is the main requirement for economic growth, equitable development, and improving people's welfare. In supporting the implementation of electric power, there are supporting service activities that have a crucial role in the construction, operation, and maintenance of the electricity system. This activity includes consulting, construction, installation, testing, operation, and maintenance of electrical power equipment and installations (Saramaini, 2024).

To ensure that supporting service providers meet technical and safety standards, the government requires a permit to procure electrical support services. This permit serves as a form of state supervision and control over electrical support service activities, ensuring they operate in accordance with regulations, meet quality standards, and maintain a safe work environment. Through the risk-based licensing system now integrated into OSS-RBA (*Online Single Submission – Risk-Based Approach*), the licensing process becomes more transparent and standardized (Tawaluyan et al., 2020).

When granting permits for the procurement of supporting services at PLN Nusantara Power UMRO UPHK Medan for electricity support service providers, several elements must be met, including applicable legal rules and standardizations that must be followed. The Rules of Law that regulate *Procedural* The issuance of Electricity Support Services Business License (IUJPTL) is as follows: (Putra et al., 2021)

- a. Law Number 30 of 2009 concerning Electricity
- b. Law Number 11 of 2020 concerning Job Creation
- c. Government Regulation Number 5 of 2021 concerning the Implementation of Risk-Based Business Licensing
- d. Government Regulation Number 25 of 2021 concerning the Implementation of the Energy and Mineral Resources Sector
- e. Regulation of the Minister of Energy and Mineral Resources Number 5 of 2021 concerning Business Activity and Product Standards in the Implementation of Risk-Based Business Licensing in the Energy and Mineral Resources Sector
- f. Regulation of the Minister of Energy and Mineral Resources Number 12 of 2021 concerning Classification, Qualification, Accreditation, and Certification of Electricity Supporting Services Businesses.

In the process of issuing permits for supporting services, several procedural assessments must be carried out to obtain an Electrical Power Support Services Business License (IUJPTL) in accordance with Indonesian laws and regulations. These procedures primarily refer to the Minister of Energy and

Mineral Resources Regulation (Permen ESDM) No. 12 of 2021 and its amendments, along with other relevant supporting regulations.

- a. Phase 1: Registration and Obtaining a Business Identification Number (NIB) through the OSS System
- b. Phase 2: Fulfillment of Licensing Requirements Based on Risk Level
- c. Stage 3: Fulfillment of Post-Licensing Obligations

3.3. Legal Responsibility for Electrical Power Support Services to UMRO UPHK Medan

Legal liability refers to the responsibility of an individual or legal entity to accept the consequences of actions that breach the law, whether in the civil, criminal, or administrative domain. In this sense, liability emerges when a person or entity fails to comply with the legal norms that govern society. This concept covers several elements, including the party held accountable, the rights or legal interests that have been infringed, and the type of sanctions or reparations that must be fulfilled as a result of the unlawful act. (Alfianto et al., 2024)

The electricity sector plays a crucial role in supporting various aspects of modern life. The availability of reliable and safe electrical energy is the foundation for economic growth, social activities, and community comfort. In this ecosystem, various companies provide essential supporting services, ranging from planning and construction to installation, testing, and maintenance of electric power installations. To ensure quality, safety, and compliance with applicable standards, the government imposes an obligation for companies engaged in electrical power support services to have an Electrical Power Support Services Business License (IUJPTL). IUJPTL is formal proof that the company has met the set technical, administrative, and financial requirements. (A Brief History of Love, Thelma Wawintana, 2024)

However, as with other regulations, the potential for violations of IUJPTL provisions is always present. These violations can vary in scale and impact, ranging from administrative negligence to actions that directly jeopardize public safety and the reliability of the electrical system. Therefore, the existence of clear and firm sanctions is crucial in creating a deterrent effect, enforcing compliance, and protecting the public interest. The sanctions that regulate Electrical Power Supporting Services include: (Bongso & Ibrahim, 2023)

- a. Law Number 30 of 2009 concerning Electricity

This law serves as the primary legal framework that regulates all aspects of electricity, encompassing licensing and sanctions. Articles 55 to 59 specifically regulate violations in the electricity sector, as well as criminal threats and administrative sanctions. Although this Law does not explicitly and in detail mention specific sanctions for violations of the IUJPTL in its own articles,

the content of several articles in this Law provides a basis for imposing sanctions on IUJPTL holders who commit violations. (Andries, 2021)

- b. Government Regulation Number 25 of 2021 concerning the Implementation of the Energy and Mineral Resources Sector

This government regulation serves as an implementing rule of the Electricity Law, elaborating on the procedures for business licensing within the energy and mineral resources sector, particularly for electricity support services. It outlines the criteria for obtaining permits, the responsibilities that license holders must fulfill, and the sanctions that may be imposed if these requirements are not met. (Bernike et al., 2024)

- c. Regulation of the Minister of Energy and Mineral Resources (EMR) related to Electrical Power Support Services

Following the enactment of Law Number 30 of 2009 on Electricity and Government Regulation Number 25 of 2021 on the Implementation of the Energy and Mineral Resources Sector, a clearer, higher-level legal framework has been established. The Regulation of the Minister of Energy and Mineral Resources subsequently provides more technical and detailed provisions regarding the requirements, obligations, and particularly the sanctions applicable to IUJPTL holders across various types of electricity support services. These ministerial regulations more specifically govern the categories of electricity support services, technical licensing procedures, operational standards, and the scope of administrative sanctions that may be imposed. (Modjo, 2020)

Within the framework of Indonesian law, Law Number 30 of 2009 concerning Electricity regulates administrative sanctions for technical and operational violations, such as non-compliance with safety standards or negligence in the maintenance of installations. However, suppose the negligence causes serious consequences, such as loss of life, fire, or disruption of the national electricity system. In that case, the responsibility can shift to the criminal realm, as it fulfills the element of negligence that causes legal consequences, as stipulated in Articles 359 and 360 of the Criminal Code (KUHP).

This shift occurs when perpetrators, whether individuals or corporations, knowingly disregard their legal obligations to prevent risks that are known to endanger public safety, thereby creating foreseeable consequences. Thus, the discussion of *mens rea* (malicious intent) and *culpa* (negligence) is important so that legal analysis does not stop at administrative sanctions, but also examines the dimensions of corporate criminal liability recognized in Indonesian law.

4. CONCLUSION

- a. The legal accountability framework at PLN UMRO UPHK Medan, in principle, is supported by sufficient regulations and procedures intended to ensure adherence to electrical safety standards, particularly through licensing mechanisms and compliance verification for service providers. Nevertheless, its practical effectiveness is not fully maximized, as challenges remain in field supervision, varying levels of compliance among providers, and inconsistent enforcement of sanctions. Overall, the system is normatively adequate, but it requires reinforcement through improved monitoring, periodic assessments, and stricter legal enforcement to ensure a more comprehensive guarantee of electrical safety.
- b. A noticeable gap exists between the regulatory framework and its practical implementation, as reflected in weak field supervision, inconsistent enforcement of sanctions, and low compliance among certain service providers, despite the presence of clear and comprehensive rules. In practice, limited supervisory resources, inadequate periodic evaluations, and suboptimal internal coordination result in safety standards and licensing requirements not being fully applied as mandated. Consequently, the effectiveness of the regulations decreases, and the risk of electrical safety violations persists even though the legal framework is already established.
- c. Policy reforms to enhance public safety should prioritize stronger electrical safety standards, improved supervision systems, and more consistent and stringent law enforcement. Regulations need to be updated to require competency certifications, regular safety audits, and transparent incident-reporting mechanisms. Additionally, more effective administrative and criminal sanctions are necessary to increase compliance among service providers and license holders. Strengthening inter-agency coordination, digitizing licensing and oversight processes, and improving human resource capacity in the safety sector are also essential. These reforms would make public safety policies more responsive, effective, and capable of significantly reducing the risk of electrical accidents.

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