



Reconstruction of the Compensation Model for the Placement of Electric Poles on Freehold Land Based on Corrective Justice, Distributive Justice, and Property Rights

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ABSTRACT

This study aims to analyze the legal provisions regarding such compensation and reconstruct a compensation model based on the principles of Property Rights, Corrective Justice, Distributive Justice, and Energy Justice. The study uses a normative legal method (doctrinal legal research) enriched with a socio-legal approach, through analysis of legislation, literature, documents, and interviews. The results indicate that positive law still leaves a gap in norms related to mechanisms, assessment standards, and legal relationships between the parties, resulting in inconsistent compensation practices, creating legal uncertainty, and not providing optimal protection for community property rights. As a solution, this study proposes a reconstruction of a compensation model that integrates property rights protection, corrective justice, distributive justice, and energy justice through objective assessment standards, written agreements, and effective dispute resolution mechanisms.

INTRODUCTION

The development of electricity infrastructure is a crucial component in supporting economic growth, equitable development, and fulfilling the community's right to energy access. However, development success is determined not only by achieving infrastructure targets, but also by the state's ability to guarantee the protection of the rights of affected communities. One issue that continues to cause legal uncertainty is the placement of electricity poles on privately owned land.

Unlike land acquisition for public purposes, which results in a transfer of rights, the placement of electricity poles only restricts the use of a portion of the land without eliminating ownership rights. Therefore, the resulting legal relationship is not a transfer of rights, but rather a restriction of property rights. Therefore, compensation mechanisms should be designed to address the nature of such restrictions.

In practice, compensation continues to vary due to the lack of assessment standards, a clear basis for agreements, or a uniform mechanism. Consequently, compensation amounts vary, legal certainty remains elusive, and landowners' rights are not fully protected. Yet, the presence of electricity poles limits land use and reduces its economic value, which remains a burden on landowners.

From a property rights perspective, any restriction on property rights must be accompanied by legal protection and proportionate compensation. Meanwhile, corrective justice emphasizes redress for losses suffered by individuals, while distributive justice requires that the burden of development not be unfairly placed on certain parties. These three perspectives form an essential foundation for realizing a just compensation system.

Several previous studies have examined legal protection, contractual relationships, and compensation for the placement of electricity poles. However, these studies have not yet produced a compensation model that integrates property rights, corrective justice, and distributive justice, nor have they connected normative analysis with empirical practice in the field. This gap highlights the need for research capable of developing a more comprehensive compensation model.

Based on these conditions, this study aims to analyze the weaknesses in legal regulations regarding compensation for the placement of electricity poles on private land and to reconstruct a compensation model based on property rights, corrective justice, and distributive justice. The research findings are expected to contribute to the development of land and electricity law, as well as serve as a basis for formulating policies that provide greater legal certainty, justice, and protection of community rights.

THEORETICAL REVIEW

The Concept of Compensation in Land and Electricity Law

Compensation is a legal instrument aimed at restoring the balance of rights and obligations resulting from restrictions or losses to a person's legal interests. In Indonesian land law, compensation is generally provided for land acquisition for public purposes as a consequence of the release or transfer of land rights, as stipulated in Law Number 2 of 2012. This concept differs from the placement of electricity poles on freehold land. In this situation, ownership rights do not transfer, but utilization is limited because part of the land is used for the electricity distribution network. Therefore, compensation should be provided for the reduced economic benefits, functional use, and control of the land, not as a replacement for the value of the land rights.

Siregar (2023) explained that Law Number 30 of 2009 concerning Electricity provides the legal basis for compensation, but it does not clearly regulate the mechanism, assessment standards, or fairness parameters for determining the amount of compensation. Consequently, its implementation still depends on the policies of electricity providers and the results of deliberations between the parties.

Furthermore, Wijaya and Indriati (2024) found that the legal relationship between landowners and electricity providers is often not based on a written agreement that provides certainty about rights and obligations. This practice indicates that compensation mechanisms are still oriented toward administrative aspects and do not fully protect landowners' civil rights. Thus, compensation for the placement of electricity poles needs to be understood as a form of legal protection against restrictions on property rights, not as compensation for the transfer of rights as in the land acquisition regime.

Corrective Justice Theory

The theory of corrective justice is rooted in the thought of Aristotle and was developed by Ernest J. Weinrib as a concept of justice aimed at restoring legal balance due to harm caused by the actions of others. This theory focuses on restoring the legal relationship between the party causing the harm and the injured party, rather than on the distribution of benefits within society. Weinrib (2022) explained that the obligation to provide compensation arises from the correlative legal relationship between the perpetrator and the victim. Therefore, compensation is understood not only as a monetary payment, but also as a form of legal responsibility to restore the injured party's position proportionately.

Similarly, Van Dam (2022) links Corrective Justice to tort law, which views compensation as a means of redressing economic losses and the disruption of individual autonomy. In the context of the placement of electricity poles, restrictions on land use reduce the owner's freedom to exercise their property rights, necessitating fair and proportionate compensation.

Thus, the theory of Corrective Justice becomes the normative basis that electricity providers who benefit from the use of community-owned land have a legal obligation to restore the losses experienced by land owners through a just compensation mechanism.

Theory of Distributive Justice (John Rawls)

John Rawls's (2020) theory of distributive justice emphasizes the importance of distributing the benefits and burdens of development fairly. According to Rawls, inequality can only be justified if it benefits the most disadvantaged (the difference principle) while still ensuring equal opportunity for everyone. In electricity infrastructure development, the benefits of electricity are enjoyed by the wider community, while the burden of development is often borne by the landowners whose land is used for the installation of electricity poles. Without adequate compensation, this situation has the potential to create inequality in the distribution of benefits and burdens of development.

Kotzé (2021) stated that compensation is an instrument of justice for the restriction of property rights for the public interest. Similarly, Putra (2020) emphasized that the principle of proportionality must be the basis for determining the amount of compensation to prevent the burden of development from being placed unduly on certain individuals. Based on Rawls' perspective, compensation not only functions to compensate for losses, but also becomes a means of realizing distributive justice through the proportional distribution of benefits and burdens of development and protection of the rights of affected communities.

Property Rights Theory

Property Rights Theory views property rights as a bundle of rights that includes the right to control, use, exploit, transfer, and obtain economic benefits from an object. Restricting any one of these rights diminishes the substance of the property right, even if ownership does not transfer. Ahmad and Harsono (2022) explained that land's social function in the Indonesian legal system does not eliminate the state's obligation to protect individual rights. Similarly, Allen (2020) emphasized that any restrictions on property rights must be based on the principles of legality, public interest, proportionality, and fair compensation. When placing electricity poles, ownership rights remain with the landowner, but the right to use and obtain economic benefits is limited. Therefore, compensation is a legal consequence of the reduction in the substance of property rights. Property rights theory emphasizes that infrastructure development must be accompanied by adequate protection of community property rights.

Energy Justice as a Contemporary Perspective

The concept of Energy Justice has evolved as a paradigm that integrates distributive, procedural, and restorative justice in energy sector governance. Hess et al. (2022) explain that community resistance to energy infrastructure development is influenced not only by the amount of compensation but also by the lack of participation and a sense of fairness in the decision-making process. Cheng and Yang (2024) emphasize that energy infrastructure development must balance public interests with the protection of community property rights. Similarly, Heffron and Hazrati (2024), through the concept of Restorative Energy Justice, position compensation as a transparent, participatory mechanism oriented toward restoring public trust. Thus, Energy Justice views compensation not merely as restitution for economic losses, but also as an instrument to realize energy infrastructure development that is fair, socially legitimate, and respects community rights.

Land Use Compensation in an International Perspective

Jiang et al. (2020) show that land use conflicts in various countries are generally driven by an imbalance between development interests and the protection of community rights. Compensation based solely on the administrative value of the land often fails to reflect the economic, social, and psychological losses experienced by landowners. These findings are relevant to the placement of electricity poles in Indonesia. Restrictions on land use not only reduce its economic value but also impact land use, business activities, and community social interests. Therefore, compensation assessments need to consider the full impact of rights restrictions, not just the area of land used.

Synthesis of Previous Research and Research Gaps

Previous research generally addressed legal protection, contractual relationships, and compensation for the placement of electricity poles based on statutory regulations. Meanwhile, international studies have focused more on corrective justice, distributive justice, property rights, and energy justice separately within the context of infrastructure development. To date, no research has integrated these four theories to reconstruct a compensation model for the placement of electricity poles on privately owned land. Furthermore, previous research has been dominated by a normative approach, thus failing to link legal analysis to empirical practice regarding compensation mechanisms, community experiences, and their implications for legal certainty and substantive justice.

Conceptual Framework of Research

This research uses an integrative approach that combines Corrective Justice, Distributive Justice, Property Rights, and Energy Justice. Corrective Justice is the basis for redressing losses resulting from property rights restrictions, Distributive Justice is used to assess the balance between the benefits and burdens of development, Property Rights emphasizes the protection of property rights, while Energy Justice positions compensation as part of fair, transparent, participatory, and sustainable energy governance. Through the synthesis of these four theories, this study reconstructs a compensation model for the placement of electricity poles on land with ownership rights that is oriented towards legal certainty, corrective justice, distributive justice, protection of ownership rights, and social legitimacy in the development of electricity infrastructure.

METHODOLOGY

This research employs a normative legal research method (doctrinal legal research) enriched with a socio-legal approach. This approach was chosen because the issue of compensation for the placement of electricity poles on privately owned land is not only related to the lack of clarity in legal norms (law on the books) but also to their implementation in practice (law in action). Therefore, the research integrates normative analysis with empirical data to gain a comprehensive understanding of legal regulations, compensation practices, and the protection of community property rights.

The research uses several complementary approaches. The statute approach is used to analyze laws and regulations related to land law, electricity, and land acquisition, including the 1945 Constitution of the Republic of Indonesia, Law Number 5 of 1960 concerning Basic Agrarian Principles, Law Number 30 of 2009 concerning Electricity, Law Number 2 of 2012 concerning Land Acquisition for Development in the Public Interest and its implementing regulations. The conceptual approach is used to analyze compensation arrangements based on the theories of Property Rights, Corrective Justice, Distributive Justice, and Energy Justice. Furthermore, the case approach is applied to examine court decisions related to disputes over the placement of electricity poles to identify patterns of judges' considerations and the application of norms in practice.

Comparative approach used to compare the concept of compensation for property rights restrictions in infrastructure development with practices in various jurisdictions and international literature. This approach aims to gain perspective on property rights protection, the distribution of justice, and compensation mechanisms as material for national legal reform, without directly adopting another country's legal system.

Furthermore, a socio-legal approach is used to connect normative analysis with empirical practice through a study of compensation mechanisms, legal relationships between the parties, factors influencing implementation, and the experiences of affected communities. This approach allows research to explain the gap between legal norms and their implementation in practice.

The research data sources include legal materials and empirical data. Primary legal materials consist of laws and court decisions related to the research object, while secondary legal materials include books, scientific articles, research findings, and relevant academic works. Tertiary legal materials, such as legal dictionaries, encyclopedias, and other reference sources, are used to clarify the legal concepts analyzed.

Data collection was conducted through library research, exploring various regulations, scientific literature, and legal documents through databases such as Scopus, HeinOnline, ScienceDirect, SpringerLink, Taylor & Francis, JSTOR, Garuda, SINTA, and Google Scholar. Document analysis of regulations, court decisions, and policy documents was also conducted to strengthen the analysis. As an enrichment to the normative approach, this study uses empirical data obtained through semi-structured interviews, document studies, and limited observations to obtain an overview of compensation practices and the implementation of legal regulations in the field.

Semi-structured interviews were used to explore informants' experiences, perceptions, and understanding of compensation practices for electricity pole placement. Informants were selected purposively, including affected landowners, electricity providers, local government officials, and other parties with relevant knowledge. Empirical data were also obtained through document review of agreements, minutes, letters of approval, and other administrative documents, as well as limited observations to understand the actual conditions of land use. If necessary, the research can be enriched through Focus Group Discussions (FGDs) with academics, practitioners, and stakeholders to obtain input on the formulated compensation model.

The analysis was conducted qualitatively and prescriptively by inventorying and interpreting legal provisions using grammatical, systematic, and teleological interpretation methods. Next, vertical and horizontal synchronization of the laws and regulations was conducted to identify disharmony, overlap, or gaps in norms. Based on the results of this analysis, a legal reconstruction (*ius constituendum*) was developed as a model for regulating compensation that provides greater legal certainty and justice.

The research's analytical framework integrates the theories of Property Rights, Corrective Justice, Distributive Justice, and Energy Justice. These four theories are used to assess the protection of property rights, the basis for compensation obligations, the proportional distribution of development benefits and burdens, and the application of the principle of justice in electricity governance. This integration of theories allows for an analysis that is oriented not only toward formal legality but also toward substantive justice. The validity of the findings is ensured through triangulation of sources, theories, and methods by comparing laws and regulations, court decisions, scientific literature, and empirical data from various informants. This approach aims to ensure the consistency of the analysis and the relevance of the resulting recommendations to electricity management practices.

The research output is a reconstruction of a compensation model for the placement of electricity poles on privately owned land that integrates the principles of legal certainty, property rights protection, Corrective Justice, Distributive Justice, and Energy Justice. This model is expected to serve as a conceptual foundation for regulatory reform and a guideline for the government, electricity providers, and the public in realizing a compensation mechanism that is fairer, more proportional, transparent, and responsive to the protection of citizens' constitutional rights.

RESEARCH RESULTS

Legal Regulations on Compensation for the Placement of Electric Poles on Freehold Land

The development of electricity infrastructure plays a vital role in supporting sustainable national development. The availability of electricity transmission and distribution networks not only ensures the fulfillment of the community's energy needs, but is also a key factor in driving economic growth, equitable development, and increasing national competitiveness. From a constitutional law perspective, the provision of electricity is the implementation of the mandate of Article 33 paragraphs (2) and (3) of the 1945 Constitution of the Republic of Indonesia, which emphasizes that branches of production that affect the livelihoods of many people must be controlled by the state and utilized to the maximum extent for the people's prosperity. Therefore, the state is obliged to provide electricity infrastructure equitably, but its implementation must still guarantee respect for citizens' constitutional rights, including the right to land ownership.

In the Indonesian legal system, land rights are part of property rights that receive constitutional protection. Although Law Number 5 of 1960 concerning Basic Agrarian Regulations (UUPA) affirms that every land right has a social function, this principle cannot be used as a basis for restricting or using community-owned land without adequate legal protection. The social function of land essentially requires a balance between the public interest and individual rights. Therefore, any restriction on property rights must have a clear legal basis, be implemented proportionally, and be accompanied by a fair compensation mechanism to protect citizens' rights.

Legal issues arise when the construction of an electricity distribution network involves the placement of electricity poles on privately owned land. Unlike land acquisition for public purposes, which results in the relinquishment of land rights, the placement of electricity poles generally does not transfer land ownership to the state or electricity providers. Ownership rights remain with the landowner, but their use is limited because a portion of the land is permanently used for the electricity network. This situation can reduce the owner's freedom to utilize the land, hinder development plans, reduce the land's economic value, and create various limitations on future use. Therefore, the resulting legal relationship cannot be equated with the transfer of land rights, but rather represents a form of restriction on ownership rights that gives rise to the obligation to provide fair and proportional compensation.

Law Number 30 of 2009 concerning Electricity recognizes the right of communities to receive compensation if their land is used for electricity generation. However, the provisions are still general in nature and do not detail the concept, procedures, assessment standards, compensation mechanisms, or dispute resolution. As a result, the implementation of compensation in the field is highly dependent on the policies of electricity providers and agreements between the parties, potentially creating legal uncertainty and uneven protection for landowners.

These weaknesses are even more apparent when compared to the land acquisition mechanism under Law No. 2 of 2012. Under the land acquisition regime, procedures for relinquishing rights, assessing compensation by independent appraisers, deliberations, forms of compensation, and even court objection mechanisms are comprehensively regulated. Conversely, the placement of electricity poles lacks a comparable mechanism, even though land use still limits its utilization and reduces its economic value. This situation demonstrates the differing levels of legal protection regarding land rights restrictions, which require attention in regulatory reform.

Conceptually, compensation for the placement of electricity poles differs from compensation for land acquisition. Compensation is provided for the release or transfer of land rights to the state, whereas with the placement of electricity poles, ownership rights remain with the owner. What occurs is a restriction on a bundle of rights, such as the right to use, exploit, and obtain economic benefits from the land. Therefore, compensation should be understood as a form of protection against the reduced benefits and economic value of the land due to restrictions on use, not as a replacement for the transferred rights. These different characteristics emphasize the need for special regulations that can provide legal certainty, justice, and more effective protection for landowners.

From a legal perspective, the compensation provisions for the placement of electricity poles demonstrate a disharmony between land law and electricity law. Land law places property rights as a strong and protected right, although they remain limited by social functions. Conversely, electricity law places greater emphasis on the importance of energy supply without detailed provisions for protecting property rights restrictions arising from electricity network construction.

This disharmony has resulted in the absence of national standards regarding the form of agreements, the amount of compensation, the timing of payments, and the rights and obligations of the parties. In practice, settlements are often resolved through case-by-case deliberation, which is highly dependent on the bargaining power of each party. This situation has led to a wide variety of practices, ranging from compensation based on verbal agreements, varying amounts, to the placement of electricity poles without compensation at all. In fact, it is not uncommon for legal relationships not to be outlined in written agreements, making it difficult to prove when disputes arise. As a result, the implementation of compensation is determined more by administrative policies and individual negotiations than by established legal standards.

This situation has resulted in weak legal certainty for landowners, who are at a disadvantage due to the lack of clear guarantees of their rights or legal protection mechanisms. Substantively, the placement of electricity poles does not eliminate property rights, but it does limit land use, thereby diminishing the essence of those rights. From a property rights perspective, any restriction on property rights remains a reduction of rights that must be accompanied by a clear legal basis and proportional compensation.

Furthermore, weak compensation arrangements also undermine the social legitimacy of electricity infrastructure development. Inequitable compensation can trigger community resistance, undermine public trust in electricity providers, and increase the potential for disputes. Ultimately, this situation has the potential to hinder the primary goal of infrastructure development. Therefore, compensation arrangements serve not only to protect individual rights but also as an instrument to strengthen social legitimacy and ensure sustainable development.

Based on the above description, it can be concluded that the legal regulation regarding compensation for the placement of electricity poles on private land still faces three main problems. First, there is a lack of norms regarding the mechanisms, assessment standards, forms of legal relationships, and procedures for granting compensation. Second, there is a regulatory disharmony between land law and electricity law, resulting in the protection of landowners' rights not being optimally integrated. Third, there is a gap in implementation, which has implications for diverse compensation practices in the field, thus not providing adequate legal certainty.

These three issues demonstrate that the existing legal framework (*ius constitutum*) is not fully capable of guaranteeing the protection of property rights while supporting the equitable provision of electricity infrastructure. Therefore, a reconstruction of the compensation regulatory model is needed that integrates the principles of property rights protection, corrective justice, distributive justice, and energy justice as the basis for future legal development (*ius constituendum*).

Table 1. Legal Basis and Weaknesses of Regulations on Compensation for Electric Pole Placement

Regulation	Compensation Settings	Weakness	Implications
The 1945 Constitution of the Republic of Indonesia	Guarantee of property rights & public interest	General in nature	Requires sectoral regulation
UUPA	Social function of land rights	Not regulating electricity pole compensation	There is a normative vacuum
Law No. 30 of 2009	Recognizing the right to compensation	Does not regulate standards, procedures and assessments	Legal uncertainty

Law No. 2 of 2012	Compensation is regulated comprehensively	Applies to a waiver of rights, not a limitation of rights	There is a disparity in legal protection
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DISCUSSION

Implementation of Compensation for Placement of Electric Poles in the Field (Theoretical Analysis)

The implementation of compensation for the placement of electricity poles on private land demonstrates that the effectiveness of legal norms is largely determined by their interaction with social practices. From a socio-legal perspective, law is understood not only as written rules but also as a social process influenced by the relationships between the state, public service providers, and the community. In this context, a gap is evident between the normative recognition of the right to compensation and its inconsistent implementation in practice.

From a corrective justice perspective, this situation demonstrates the ineffectiveness of the proportional compensation mechanism. Restrictions on land use due to the placement of electricity poles actually result in reduced economic and functional benefits for landowners. However, because there are no clear standards regarding assessment methods and compensation amounts, compensation for these losses is not always carried out equitably. As a result, the balance between those who benefit (electricity providers) and those who suffer losses (landowners) has not been fully realized, as the principle of corrective justice requires, which requires proportional restitution of victims.

From a property rights perspective, these diverse practices also demonstrate that restrictions on property rights have not been accompanied by adequate protection of all elements of the bundle of rights. Although legal ownership rights remain with the landowner, restrictions on the right to use and exploit the land have diminished the substance of those rights. When compensation is not provided clearly, uniformly, and based on objective standards, property rights protection becomes ineffective. This demonstrates that formal recognition of property rights has not been fully accompanied by substantive protection of their economic value and benefits.

Meanwhile, from an Energy Justice perspective, the uneven implementation practices and lack of transparency indicate a suboptimal adherence to the principles of procedural justice and participatory approach to energy infrastructure development. While deliberations conducted by PT PLN (Persero) reflect efforts to engage the community, in many cases they lack robust documentation of agreements and transparent assessment mechanisms. This has the potential to undermine the social legitimacy of electricity infrastructure development, as communities do not always receive certainty regarding the basis for determining compensation or guaranteeing the protection of their rights.

Thus, the unevenness of compensation practices reflects not only administrative issues but also an imbalance in the application of the principle of Corrective Justice, weak protection within the Property Rights framework, and the suboptimal implementation of the principle of Energy Justice. These three perspectives emphasize that compensation for the placement of electricity poles cannot be understood merely as a technical policy, but rather as an instrument of justice that must guarantee the restitution of losses, the protection of property rights, and the social legitimacy of energy infrastructure development.

A socio-legal approach reveals a lopsided information asymmetry: communities accept restrictions on their land rights for the public interest without realizing their right to compensation, while administrators prioritize accelerated development over orderly legal administration. This imbalance weakens citizens' bargaining power with the state.

Viewed from various theoretical lenses and field data, this reality shows a systemic failure in protecting people's rights:

- a. **Property Rights Perspective:** Formal recognition of property rights is meaningless without substantive protection. The installation of electricity infrastructure significantly diminishes the bundle of rights, which legally requires fair compensation.
- b. **Corrective Justice Perspective:** The loss recovery mechanism has not been operating optimally. Poor public understanding and unclear procedures prevent a balanced balance between those bearing the burden of development and those receiving its benefits.
- c. **Energy Justice Perspective:** Procedural and participatory justice are neglected due to a lack of transparency. Prioritizing development efficiency by organizers without meaningful community involvement ultimately erodes the social legitimacy of energy policies.

Analysis Based on Property Rights, Corrective Justice, Distributive Justice, and Energy Justice

1. Analysis Based on Property Rights

Property rights are property rights that authorize the owner to control, use, exploit, and obtain economic value from an object, as long as it still takes into account its social function. In the case of the placement of electricity poles, land ownership does not transfer to the state or PT PLN (Persero), but some property rights attributes are subject to restrictions so that the owner cannot utilize the land optimally, both in terms of development, spatial planning, and economic use value. From a property rights perspective, such restrictions are justifiable as long as they meet the principles of legality, proportionality, and are accompanied by fair compensation. The primary issue lies not in the legitimacy of infrastructure development as a public interest, but rather in the suboptimal legal protection mechanisms for affected landowners. Therefore, property rights protection is not simply defined as the permanence of ownership; it must also ensure that restrictions on land use do not eliminate its economic benefits without adequate compensation.

2. Analysis Based on Corrective Justice

Corrective Justice Compensation is viewed as a means of restoring the balance disturbed by actions that cause harm. In the context of installing electricity poles, the operator benefits from the provision of electricity infrastructure, while the landowner faces restrictions on the use of their land. This situation creates an obligation for the beneficiary to provide appropriate reparations to the injured party. However, in practice, this principle has not been fully realized. Unequal compensation amounts, the lack of assessment standards, and the lack of certainty in agreements indicate that compensation for losses has not been carried out proportionally. Therefore, compensation should be understood as a legal obligation to restore balance between the parties, not simply the result of an administrative agreement reached through deliberation.

3. Analysis Based on Distributive Justice

According to John Rawls, justice demands a proportional distribution of the benefits and burdens of development. In the development of electricity infrastructure, the benefits of electricity are enjoyed widely by the community, while the burden of land use restrictions is borne only by a small number of landowners. This imbalance becomes unfair if it is not accompanied by adequate compensation. In practice, existing mechanisms do not fully reflect the principle of distributive justice. The state should ensure that the public interest is not achieved at the disproportionate expense of certain individuals. Therefore, compensation needs to be positioned as an instrument to balance the distribution of development burdens while safeguarding individual rights.

4. Analysis Based on Energy Justice

Energy Justice emphasizes three main dimensions: distributive, procedural, and restorative justice. In the context of electricity pole placement, distributive justice demands proportional compensation for affected parties, procedural justice requires transparency and meaningful participation in the approval process, while restorative justice emphasizes reparation of losses and access to effective dispute resolution. The research results show that the three dimensions of Energy Justice have not been fully realized in practice. Deliberation processes are often not supported by adequate information regarding landowners' rights, while compensation determinations are not based on objective and measurable standards. This situation creates a perception of injustice that can undermine the social legitimacy of electricity infrastructure development. Therefore, the principles of Energy Justice are crucial as a basis for formulating a compensation model that is more transparent, participatory, and accountable, and oriented toward protecting community rights.

These four theories demonstrate that the primary issue in compensation for the placement of electricity poles is not only related to the legal aspects of land use, but also reflects the lack of integration of property rights protection and the principle of justice in infrastructure development. Property Rights emphasizes the protection of the substance of property rights, Corrective Justice views compensation as an obligation to restore losses, Distributive Justice emphasizes the proportional distribution of benefits and burdens of development, while Energy Justice integrates procedural, distributive, and restorative aspects in energy sector governance. Thus, the reconstruction of the compensation model cannot be done simply by adjusting the compensation value, but needs to be directed at establishing a more comprehensive legal system, which guarantees legal certainty, protects property rights substantively, and realizes justice for all parties in the development of electricity infrastructure.

Synthesis of Findings, Reconstruction of Compensation Model, and Theoretical and Practical Implications

Based on a normative analysis enriched with a socio-legal approach, this study identified three main problems in regulating compensation for the placement of electricity poles on freehold land. First, there is a regulatory gap regarding the mechanisms, procedures, and standards for assessing compensation for the use of a portion of land without transferring rights. Second, implementation in the field shows inconsistencies in the form of agreements, compensation amounts, and deliberation mechanisms, which impact legal uncertainty and the potential for disputes. Third, existing regulations do not integrate property rights protection with the principle of justice in infrastructure development, so the burden on landowners is not balanced with proportional redress mechanisms.

Based on these findings, this study reconstructs a compensation model for the placement of electricity poles on freehold land as a form of novelty. This model integrates Property Rights, Corrective Justice, Distributive Justice, and Energy Justice. Compensation is no longer understood simply as the provision of monetary value, but rather as an instrument of legal protection for property rights restrictions that must meet the principles of legal certainty, proportionality, transparency, participation, and redress. Its implementation includes the obligation of written agreements, national standards for compensation assessment based on economic value and the level of land restrictions, the involvement of independent appraisers, and a fast, simple, and equitable dispute resolution mechanism.

Theoretically, this research enriches the study of land and electricity law by integrating these four theories into a single, coherent analytical framework. This integration emphasizes that property rights protection is not solely concerned with ownership status but also encompasses protection of the land's utility value and economic benefits, restricted to the public interest.

Practically, these findings are expected to serve as a reference for policymakers, the government, PT PLN (Persero), and other stakeholders in formulating more comprehensive compensation regulations. This will enable electricity infrastructure development to proceed more equitably and sustainably, and gain stronger social legitimacy from the community.

CONCLUSION AND RECOMENDATIONS

This study concludes that legal regulations regarding compensation for the placement of electricity poles on privately owned land do not yet provide adequate legal certainty. Although Law Number 30 of 2009 concerning Electricity recognizes landowners' rights to compensation, the regulations still do not detail the mechanisms, assessment standards, forms of agreements, or dispute resolution procedures. This situation results in uneven implementation in the field, which ultimately has the potential to create injustice, weaken property rights protection, and increase the risk of disputes between landowners and electricity providers.

Through a normative legal approach reinforced by a socio-legal perspective, this study demonstrates that the placement of electricity poles constitutes a form of property rights restriction that should be accompanied by a fair, proportional, and measurable compensation mechanism. The integration of Property Rights, Corrective Justice, Distributive Justice, and Energy Justice theories yields a conceptual model that positions compensation as an instrument of legal protection and a means of maintaining a balance between the interests of electricity infrastructure development and the protection of community rights.

Theoretically, this research enriches legal studies by integrating four theories of justice into the analysis of compensation for electricity pole placement. Practically, the results can serve as a reference for policymakers and electricity providers in formulating more comprehensive regulations, particularly regarding compensation assessment standards, disbursement mechanisms, and strengthening the protection of landowners' rights. Further research is recommended to test and develop this model in a broader empirical context.

ADVANCED RESEARCH

Further research is recommended to test and develop this model in a broader empirical context.

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