

Safeguarding Local Rights in Renewable Energy Projects

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Abstract: This study explores the legal protection of community rights in the construction of a Micro-Hydro Power Plant (PLTMH) in Nagari Lubuk Jantan, West Sumatra. Using a qualitative legal approach, the research gathers data through interviews with affected residents and stakeholders to gain a comprehensive understanding of community concerns and institutional responses. The findings reveal that the Nagari government has taken several initiatives to safeguard residents' rights during the project. These include ensuring that the developer complies with licensing requirements such as environmental and construction permits. The local government has also conducted public outreach and consultations involving traditional leaders to inform the community about the potential impacts of the PLTMH. Furthermore, a formal agreement was signed between the Nagari administration and the power plant company, obligating the latter to employ local workers, repair infrastructure damaged by construction activities, and allocate 0.5% of electricity revenue to the Nagari as compensation. These efforts reflect a proactive approach by the local government to secure legal certainty and social justice for the affected population. The case illustrates the importance of participatory governance and community-based legal safeguards in the development of sustainable energy.

Keywords: Legal Certainty, Human Right, Natural Resource Governance

Introduction

The protection of individual rights in Indonesia is grounded in a constitutional and statutory framework that spans the 1945 Constitution (Rahmadini et al., 2024) – which enshrines fundamental civil, political, and socio-economic rights – and key statutes such as the 1999 Human Rights Act and the 2005 ratification of the International Covenant on Civil and Political Rights. (Siregar et al., 2025) Complementary legislation, including consumer-protection and environmental laws, also recognises collective entitlements to a healthy environment, adequate health services and freedom from harmful activities. Against this backdrop, the legal safeguarding of residents' interests during natural-resource and environmental projects has become pivotal, particularly in the construction of micro-hydro power plants (PLTMH). (Kurniawan et al., 2024) Although micro-hydro technology offers a renewable source of electricity, its implementation frequently triggers tensions between ecological preservation and the well-being of affected communities. (Permana & Potipituk, 2024) Prior studies document social and ecological disruption around PLTMH sites (Dwiyanto et al., 2016; Fahmi, 2025; Ferico Firdauzi et al., 2024; Minda Putra, 2024; Ointu et al., 2020), underscoring the need for community-centred policies and robust legal enforcement to avert conflict and ensure equitable outcomes. (Nurhidayah et al., 2024)

Nagari Lubuk Jantan exemplifies these challenges. Prior to construction, the project developer promised compensation for acquired land, payments for indirect impacts, and preferential hiring of local residents. Field evidence shows that many commitments remain unfulfilled: landowners report incomplete payments; farmers receive no redress for crop losses caused by reservoir flooding; and the workforce is dominated by outsiders with personal ties to plant managers rather than by local residents with relevant skills. These unaddressed grievances expose a regulatory gap and highlight the urgency of examining how existing laws and local governance can better protect community rights throughout project lifecycles.

The present study investigates the legal protection of residents in the PLTMH development at Nagari Lubuk Jantan. It maps the specific problems faced by the community, evaluates the measures adopted by the Nagari government to uphold legal safeguards, and identifies practical strategies for ensuring that residents' rights are respected in future renewable-energy initiatives. By analysing this case, the article aims to inform more just policymaking and promote a model of resource management that simultaneously advances sustainable energy goals and community welfare.

Literature Review

Legal Protection

Legal protection refers to every institutional effort—whether by the state or other authorised actors—to secure individual and collective rights through legislation and effective law-enforcement mechanisms, thereby preventing or remedying rights violations and fostering justice, legal certainty, and social order. (Arpangi et al., 2025) Scholars emphasise complementary dimensions of the concept: Sajipto Rahardjo frames it as shielding human rights from unfair acts committed by individuals, institutions, or the state (Zainuri & Sa'adah, 2024); Pilipus M. Hadion views it as a legal guarantee for resolving social conflict by delivering justice (Triyono, 2014); and Soerjono Soekanto highlights its role in safeguarding legitimate interests against arbitrary interference, including that perpetrated by government authorities. (Widjaja & Prianto, 2023)

In Indonesia the normative foundation for legal protection is multi-layered. The 1945 Constitution enshrines fundamental rights (Arts 28A–28J) and declares Indonesia a state based on law (Art 1 §3). Statutory guarantees follow, notably the 1999 Human Rights Act, the 2009 Law on Environmental Protection and Management, and the 2009 Electricity Law, each of which articulates sector-specific entitlements. International instruments—such as the Universal Declaration of Human Rights and sustainable-development principles from the Rio Declaration—reinforce domestic commitments, while general principles like polluter pays and the precautionary principle, national jurisprudence, and local by-laws further operationalise protection.

Legal certainty—an essential attribute of a rule-of-law state—requires clear, hierarchical and constitutionally consistent norms; impartial, transparent and predictable enforcement; and the unequivocal recognition and defence of individual and collective rights. (Ruhtiani et al., 2024) Consistent sanctions for violators, accessible dispute-resolution mechanisms and the alignment of written law with practical application are equally vital. When these elements function coherently, they create stability, bolster public trust in legal institutions and furnish a reliable framework for sustainable development initiatives, including the governance of natural resources and environmental management. (Nabilah et al., 2025)

Theory of Human Rights

Human rights are inherent entitlements possessed by every individual by virtue of their dignity as human beings. These rights are universal and must be respected, upheld, and protected by the state, legal systems, and society at large. (Afridawati, 2021) Regardless of race, religion, ethnicity, gender, or social status, every individual is entitled to fundamental freedoms such as the right to life, freedom of speech,

access to education, protection from arbitrary treatment, and freedom from discrimination. (Buda Dhuli & Dhuli, 2023) Citizens' rights refer to the specific entitlements granted to individuals residing within a state or administrative territory. These include the right to protection by the government, access to essential services such as education, healthcare, and housing, and participation in public and political affairs. (Rudita, 2023) These rights are integrally linked to the broader framework of human rights, reinforcing the notion that all members of society should live with dignity and enjoy equal opportunities.

The scope of human rights encompasses civil, political, economic, social, and cultural dimensions. Civil and political rights include the right to life, liberty, freedom of expression, the right to participate in democratic processes, and freedom from unlawful detention. (Faiz, 2016) Economic, social, and cultural rights cover the right to work under fair conditions, access to education and healthcare, and the right to participate in cultural life. Environmental or ecological rights emphasize the entitlement to a clean and safe environment and equitable access to natural resources. Human rights also ensure protection from discrimination, guaranteeing equal treatment under the law regardless of personal background. They include safeguards against torture and inhumane treatment, and they uphold the right to live free from violence and oppression. (Hasbi et al., 2025) The right to a healthy environment is increasingly recognized as a vital component of human rights, emphasizing sustainability, environmental justice, and the well-being of future generations. These rights form the legal and moral foundation for justice, equality, and sustainable development. They also require enforcement through domestic legislation, international conventions, jurisprudence, and local government policies to ensure full realization and protection for every citizen.

Theory of Legal Certainty

Legal certainty is a fundamental principle in any legal system, ensuring that laws are clear, predictable, and consistently applied. (Hidayah & Azis, 2023) It includes aspects such as stability, clarity of regulations, and equal enforcement without discrimination. In the context of natural resource management, legal certainty guarantees that the rights and responsibilities of individuals and communities are recognized and protected by the state. Effective legal certainty requires regulations that are clearly formulated, detailed, and internally consistent to prevent ambiguity or overlaps, particularly in matters such as exploitation licensing, conservation efforts, and environmental rehabilitation. (Rizal et al., 2023) Transparency and accountability are also crucial; decisions regarding resource use must be made openly, with accessible information for the public and oversight by independent institutions. The implementation of existing laws must be consistent, requiring a fair justice system free from corruption, supported by effective law enforcement mechanisms. (Warman & Hayati, 2022)

Legal certainty must also ensure the protection of indigenous and local communities whose lives are closely tied to natural resources. (Weningtyas & Widuri, 2022) Their involvement in decision-making processes strengthens legal legitimacy and helps prevent marginalization. In addition, accessible and efficient dispute resolution mechanisms—such as mediation, arbitration, or legal adjudication—are necessary to resolve conflicts fairly and promptly. Sustainable environmental management is another essential element. Legal frameworks must promote the responsible use of resources to ensure ecological balance and benefit future generations. (Abdul Quddus et al., 2024) Public participation is also vital; when communities are involved in planning and decision-making, legal compliance improves and social conflicts are reduced. Altogether, these components create a just and sustainable legal environment where natural resource governance aligns with the principles of justice, fairness, and public accountability. Legal certainty enables individuals and institutions to understand their rights and duties, reinforcing trust in the legal system and supporting long-term development. (Nabilah et al., 2022)

Theory of Citizens' Rights

Citizens' rights refer to a set of entitlements held by individuals and groups within a community that are recognized and protected by legal systems and prevailing social norms. These rights encompass

both fundamental individual liberties and collective rights linked to shared interests such as access to natural resources, a clean environment, and participation in governance and development processes.

Individual rights are personal rights guaranteed to each person. They include human rights such as the right to life, freedom of expression, freedom of religion, and the right to education. They also extend to socio-economic and political rights, including the right to work, a fair wage, adequate housing, and active participation in democratic processes.

Collective or communal rights are held jointly by communities and indigenous groups. These include the right to a healthy environment, the right to access and manage natural resources, and the right to public participation in decision-making that affects their lives. (Zuhdi & Abdun Nasir, 2024) Recognition of these rights is essential for achieving social justice and balancing individual liberties with collective welfare. The state has the responsibility to ensure the protection and fulfillment of these rights through legislation, policy implementation, and institutional support. The right to life and security is a fundamental entitlement for every individual, which includes protection from threats such as torture, inhumane treatment, or arbitrary deprivation of life. Freedom of speech and expression allows individuals to voice opinions without fear of retaliation or censorship. Freedom of religion and belief ensures individuals can practice and manifest their faith. Citizens also have the right to organize and form associations, political parties, or community groups. In legal matters, individuals are entitled to fair treatment, due process, and access to legal recourse.

In Indonesia, the rights of citizens are guaranteed by the Constitution and other legal frameworks. (Rudita, 2023) The Constitution affirms basic human rights, the right to participate in government, and access to employment and natural resources. Various statutes elaborate on these protections, including those addressing human rights, spatial planning, environmental protection, village autonomy, and forestry. These laws enable citizens to take part in governance, protect the environment, and preserve cultural heritage. Customary rights of indigenous peoples, including land tenure and resource management, are recognized under national law and international declarations. These rights are vital for maintaining traditional livelihoods and promoting environmental stewardship. They encompass the right to land and territories, cultural identity, meaningful participation in decision-making, sustainable development, access to natural resources, legal protection, education, health services, and appropriate technologies. By upholding these rights, states and societies ensure social equity, environmental sustainability, and inclusive governance that reflect the diverse needs and values of all communities. (Pratama & Wulandari, 2023; Rumiartha et al., 2022)

Natural Resource Governance

The legal basis for natural resource management in Indonesia is established through various constitutional provisions, laws, governmental regulations, and national policies aimed at ensuring the protection, conservation, and sustainable utilization of natural assets. (Aysan et al., 2023) The constitutional mandate affirms that the state holds the authority to govern land, water, and natural resources for the maximum benefit of the people. This principle is further elaborated through specific legislative frameworks addressing environmental protection, biodiversity conservation, forestry, mining, water resource management, and environmental permitting. These legal instruments are designed not only to regulate the exploitation and conservation of resources but also to maintain a balance between economic interests and environmental sustainability. They serve as a foundation to guarantee long-term ecological resilience and social welfare, ensuring that resource utilization does not compromise the needs of future generations.

A key dimension of sustainable resource governance lies in recognizing the pivotal role of local and indigenous communities. (Lertzman & Vredenburg, 2005) These communities often possess long-standing traditional knowledge and practices that have effectively maintained ecological harmony. Their involvement is not only practical but also necessary for inclusive policy implementation. In various regions of Indonesia, community-based forest management initiatives have been legally supported through schemes such as Social Forestry and Customary Forest programs, granting local communities authority to

manage and benefit from nearby ecosystems. Local communities serve as custodians of traditional knowledge with an intimate understanding of the local ecological context. Their inherited practices—such as rotational agriculture, organic resource use, and sustainable irrigation methods—demonstrate environmentally conscious living that promotes biodiversity preservation while sustaining livelihoods. (Hatma Indra Jaya et al., 2024) Their experiential knowledge plays a critical role in the conservation of ecological systems and reinforces community resilience. In addition, their engagement in national and international advocacy forums helps amplify their voices in shaping sustainable environmental governance. However, despite legal recognition, these communities continue to face significant challenges in exercising their rights over natural resources.

One prominent issue is the overlap and inconsistency between national and local policies, which often creates legal ambiguity in land and resource governance. Formal recognition of customary land rights remains limited, weakening indigenous peoples' legal standing in disputes and making them vulnerable to external threats such as land grabbing or unregulated commercial exploitation. These external pressures, particularly from extractive industries, often disregard local interests, exacerbating conflicts and undermining traditional stewardship systems. Moreover, environmental degradation, contested land ownership, and restricted access to justice further constrain the effectiveness of community-based resource management. These challenges not only threaten the sustainability of natural ecosystems but also compromise the cultural identity and autonomy of indigenous communities. A comprehensive approach to natural resource governance must, therefore, ensure legal clarity, institutional support, and equitable participation. It must prioritize both environmental conservation and the protection of indigenous rights, enabling communities to continue their traditional practices while contributing to broader environmental and developmental goals.

Method

The research method employed in this study is a qualitative approach with a normative-empirical character, aiming to explore in depth the legal protection of the rights of local communities in the management of natural resources. This research examines written legal norms such as the 1945 Constitution, various sectoral laws, and government policies, and links them with field practices through empirical data. Data were collected through in-depth interviews and observations involving local residents, indigenous leaders, government officials, and relevant stakeholders. Respondents were selected purposively to ensure the relevance and depth of the information obtained. Data analysis was carried out thematically, emphasizing the interpretation of social, legal, and political contexts that influence legal implementation. The study also utilized legal document analysis and court decisions to assess the consistency between legal norms and their actual implementation. Through this approach, the research captures the relationship between legal norms and social realities, while identifying structural barriers faced by communities in asserting their rights to natural resources and the environment in a just and sustainable manner.

Results and Discussion

The Implementation of Legal Protection for Community Rights in the Development of Micro-Hydro Power Plant in Nagari Lubuk Jantan

The implementation of legal protection for community rights in the development of the Micro-Hydro Power Plant (PLTMH) in Nagari Lubuk Jantan has involved several strategic steps by the local government and customary institutions. One of the essential measures is ensuring that the developer company has obtained all necessary permits prior to the commencement of the project. These permits include environmental approvals from relevant authorities such as the Watershed Management Agency (BPDAS), as well as land-use permits granted after the compensation process for affected landowners was completed.

An environmental impact assessment was conducted and required approval from authorized bodies. The surrounding communities were informed about potential ecological impacts, such as changes in water flow, water quality, and disruption of local ecosystems. Post-construction, continuous monitoring mechanisms were established to ensure that both environmental and social impacts were addressed appropriately. When problems arise—such as water quality issues or disputes over land use—resolutions are sought through legal channels and traditional deliberation. The Nagari Customary Representative Body (BPRN) plays a crucial role in ensuring transparency and accountability, regularly organizing meetings with the local population and facilitating communication between the community, the regional government, and the company. This also includes legal assistance when necessary to uphold community rights.

Regarding public participation, the PLTMH company undertook several measures before project execution. These included public outreach sessions with landowners whose properties would be used for the project. During these meetings, the company informed affected individuals that they would receive financial compensation. Similar outreach was also conducted with customary leaders to communicate plans for the project, particularly in the Mawar 1 area. The compensation process itself was carried out transparently, involving community participation in the appraisal and negotiation of fair compensation values—whether in monetary form, land exchanges, or other agreed-upon forms.

Further, coordinated discussions between the village government, the developer, and the BPRN were held to address potential social and environmental impacts. Community members were given detailed information regarding their entitlements, especially the right to compensation should their land or resources be disturbed. The company also proactively informed traditional leaders of potential environmental damage, such as road destruction, river flow disruption, and impacts on infrastructure. The company committed to restoring any damage caused during construction and confirmed compensation arrangements for affected households. Despite these efforts, several challenges remain. A key issue is ensuring that residents fully understand their legal rights and maintaining effective communication among stakeholders. The BPRN continues to strive for open dialogue and trust-building to ensure that the development benefits the community without compromising their rights. Ongoing community involvement is encouraged throughout the process to foster inclusive, equitable, and sustainable outcomes for Nagari Lubuk Jantan.

Legal Certainty in Protecting the Rights of Nagari Lubuk Jantan Residents in the Development of a Micro-Hydro Power Plant (PLTMH)

To ensure legal certainty in the protection of residents' rights during the development of the Micro-Hydro Power Plant (PLTMH) in Nagari Lubuk Jantan, the village government has implemented a series of precautionary measures. One of the key strategies was requiring the developer to complete all necessary legal documentation prior to project commencement. These documents included land management permits, construction permits, and environmental impact permits. The village authorities emphasized that no construction activities could proceed without the company first fulfilling these administrative and legal obligations. Despite these efforts, certain challenges emerged, particularly in the land compensation process. In some cases, landowners could not present valid proof of land ownership, which complicated the compensation procedure. This issue not only delayed payments but also led to unresolved disputes over parcels of land affected by the development. For instance, affected resident Mariani Sonata noted that although initial consultations with the company had taken place, compensation for certain lands—including plots that eventually experienced landslides—remained unsettled. In some cases, land had only been leased temporarily without clear terms for post-lease ownership and liability.

Furthermore, the village government required the developer to obtain specific approval related to potential environmental impacts. Prior to construction, a formal Environmental Impact Assessment (EIA) was mandated to ensure all foreseeable consequences—such as changes to land use, potential erosion, or ecological disturbance—were properly documented and mitigated. According to the head of the Nagari Customary Representative Body (BPRN), efforts to promote legal protection were paired with strong

community engagement. Communication channels were intentionally kept open to enable residents to understand their rights and participate in decisions affecting their environment and livelihoods. The BPRN has played a critical role in maintaining transparency and accountability throughout the development process. Regular public consultations were held to address concerns regarding compensation, environmental risks, and the sustainability of the project. The ongoing commitment to community participation reflects a governance model that prioritizes both development and justice, ensuring that infrastructure projects such as the PLTMH do not come at the expense of local residents' legal and customary rights.

Governmental Efforts to Ensure Legal Protection for the People of Nagari Lubuk Jantan

The local government of Nagari Lubuk Jantan has taken several strategic measures to ensure the protection of residents' rights during the development of the Micro-Hydro Power Plant (PLTMH). One of the key efforts is ensuring that the legal certainty requirements are fully met by the project developer. According to the Wali Nagari, the administration rigorously monitors the fulfillment of legal obligations, particularly in compliance with national laws such as Law No. 30 of 2009 on Electricity and Law No. 32 of 2009 on Environmental Protection and Management. These regulations are fundamental to promoting sustainable development while safeguarding the community's legal interests.

In land acquisition, the Nagari government adheres to Law No. 2 of 2012 concerning Land Procurement for Public Interest Development. Importantly, the principle of Free, Prior, and Informed Consent (FPIC) is implemented to guarantee that affected communities are fully informed and voluntarily give their consent before any land use decisions are made. Compensation mechanisms are also designed to reflect fair market value and are executed transparently. Another key initiative involves active community engagement. The government facilitates open forums and discussions where residents can voice concerns and receive comprehensive information regarding the benefits and potential risks of the project. Through these forums, community input is incorporated into the planning and implementation phases, and any disputes are addressed through collaborative problem-solving or mediation.

Monitoring and evaluation mechanisms are also in place to ensure compliance with environmental impact assessments and other regulatory requirements. Regular oversight is conducted in coordination with district and provincial authorities. Should there be any violation of community rights or environmental degradation, legal action is pursued. The government prioritizes peaceful dispute resolution but remains committed to legal escalation if necessary. Ultimately, the local administration's goal is to ensure that the PLTMH project delivers socioeconomic and environmental benefits while upholding the rights and participation of the local community. By fostering legal accountability and community empowerment, the Nagari government positions itself as a central actor in ensuring equitable and sustainable resource management.

Conclusion

This study concludes that the implementation of legal protection for the rights of residents in Nagari Lubuk Jantan during the development of the Micro-Hydro Power Plant (PLTMH) must be grounded in principles of justice, transparency, and inclusive community participation. Although the legal framework provides a solid foundation for protecting rights related to land, the environment, and social welfare, challenges persist in communication, transparency, and access to justice. These challenges must be addressed to ensure effective and equitable legal protection. Legal certainty in the context of PLTMH development has been maintained through the enforcement of relevant statutory regulations, fair compensation mechanisms, strong oversight, and inclusive dispute resolution processes. The application of participatory legal principles and adherence to national laws underscore the commitment to upholding community rights throughout the project lifecycle. The local government of Nagari Lubuk Jantan has played a proactive role in ensuring the protection of its residents' rights by integrating legal, social, economic, and environmental considerations. These efforts reflect a holistic governance approach aimed

at achieving equitable development outcomes while safeguarding community welfare and environmental sustainability.

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Conflict of Interest

This article has no conflicts of interest.

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