

IMPLEMENTASI PERLINDUNGAN HUKUM ATAS PEMASANGAN TIANG INTERNET TANPA IZIN OLEH PENYEDIA LAYANAN INTERNET DI DESA SANGKARAGUNG KABUPATEN JEMBRANA.

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ABSTRAK

Perkembangan infrastruktur digital menempatkan ketersediaan jaringan internet sebagai kebutuhan yang vital. Secara normatif (*Das Sollen*), Pasal 13 dan Pasal 15 Undang-Undang Nomor 36 Tahun 1999 tentang Telekomunikasi menegaskan bahwa pemanfaatan tanah milik perseorangan wajib didasarkan pada persetujuan para pihak dan penyelenggara telekomunikasi wajib memberikan ganti kerugian atas setiap kelalaiannya. Namun, dalam kenyataannya (*Das Sein*), praktik pemasangan tiang internet oleh Penyedia Jasa Layanan Internet (ISP) di Desa Sangkaragung sering kali dilakukan secara sepihak dan diam-diam tanpa adanya izin operasional maupun persetujuan dari pemilik tanah. Kesenjangan hukum (*legal gap*) timbul ketika pihak ISP melakukan pelanggaran dengan merampas hak ruang pekarangan warga tanpa memberikan kompensasi di awal, namun pemilik tanah berada pada posisi tawar yang lemah dan kesulitan melakukan upaya hukum perlindungan karena disfungsi pengawasan serta ketiadaan sanksi tegas dari pemerintah daerah. Penelitian ini bertujuan untuk menganalisis implementasi perlindungan hukum dan pelaksanaan pemenuhan ganti kerugian bagi pemilik tanah yang terdampak pelanggaran tersebut. Penelitian ini menggunakan metode yuridis empiris dengan pendekatan sosiologi hukum yang bersifat deskriptif kualitatif. Hasil penelitian menunjukkan bahwa penyelesaian sengketa di lapangan berjalan sangat pragmatis karena hanya sebatas pemindahan fisik tiang tanpa adanya kompensasi kerugian finansial, sehingga hak warga belum sepenuhnya pulih, serta perlunya reformasi sistem perizinan daerah yang mewajibkan syarat bukti persetujuan warga untuk meminimalisir kerugian akibat eksploitasi utilitas korporasi.

Kata Kunci: Perlindungan Hukum; Hak Milik Atas Tanah; Tiang Internet Tanpa Izin; Ganti Kerugian; Telekomunikasi.

**THE IMPLEMENTATION OF LEGAL PROTECTION AGAINST THE
UNAUTHORIZED INSTALLATION OF INTERNET POLES BY INTERNET
SERVICE PROVIDERS IN SANGKARAGUNG VILLAGE, JEMBRANA
REGENCY**

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ABSTRACT

The development of digital infrastructure places the availability of internet networks as a vital need. Normatively (Das Sollen), Article 13 and Article 15 of Law Number 36 of 1999 concerning Telecommunications assert that the utilization of privately owned land must be based on the agreement of the parties, and telecommunication providers are obliged to provide compensation for any negligence. However, in reality (Das Sein), the practice of installing internet poles by Internet Service Providers (ISPs) in Sangkaragung Village is often carried out unilaterally and secretly without any operational permit or the consent of the landowners. A legal gap arises when ISPs commit violations by usurping the rights to residents' yard spaces without providing upfront compensation, while the landowners are in a weak bargaining position and face difficulties in seeking legal protection due to the dysfunction of supervision and the absence of strict sanctions from the local government. This study aims to analyze the implementation of legal protection and the fulfillment of compensation for landowners affected by these violations. This research uses an empirical juridical method with a sociology of law approach which is descriptive-qualitative in nature. The results of the study indicate that dispute resolution in the field runs very pragmatically, as it is limited to the physical relocation of the poles without any financial compensation, meaning the residents' rights have not been fully restored. Furthermore, there is a need to reform the regional licensing system by mandating proof of residents' consent to minimize losses caused by corporate utility exploitation.

Keywords: Legal Protection; Land Ownership Rights; Unauthorized Internet Poles; Compensation; Telecommunications.