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## Law Enforcement on By-Pass Water Theft At PDAM Palangka Raya

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**Abstract:** Water theft through by-pass on PDAM installations is one of the criminal acts that harm local companies and negatively impact the quality and quantity of clean water distribution. This research aims to analyze law enforcement against the crime of water theft in the PDAM of Palangka Raya City, identify the modus operandi used by the perpetrators, and examine the resulting impacts. The research employs empirical legal methods with a qualitative approach, where data is obtained through field observations, documentation, and interviews with relevant parties. The research findings indicate that the modus of theft is carried out by illegal connections on the distribution pipes before the water meter, so the usage is not recorded and the bill does not appear. This action violates Article 362 and Article 363 of the Indonesian Penal Code, Article 406 of the Penal Code, as well as Article 55 paragraph (1) in conjunction with Article 73 paragraph (1) of Law Number 17 of 2019 concerning Water Resources. Water theft results in financial losses for PDAM, decreased water pressure, service disruptions, and potential contamination. Strict law enforcement and increased legal awareness in the community are needed to prevent the recurrence of these criminal acts.

**Keyword:** water theft, PDAM, by-pass, law enforcement, criminal law

### INTRODUCTION

Water theft is one of the forms of legal violations that directly harm the Regional Drinking Water Company (PDAM) as a provider of clean water services and indirectly harm the wider community. According to Moeljatno (2008), a criminal act is an action prohibited by law and punishable by sanctions for its violator. This practice is often carried out through the method of by-pass or illegal connections to distribution pipes before the water meter, so that water usage is not recorded in the bill (Suryani & Wicaksono, 2021). This phenomenon not only causes financial losses but also affects water pressure, distribution quality, and the potential for contamination that may endanger public health (Palangka Raya City Government, 2020). In Palangka Raya City, several cases of water theft were discovered in 2022, indicating the need for stricter law enforcement and tighter monitoring systems.

Criminal acts often occur in Indonesia, ranging from ordinary theft to aggravated theft accompanied by violence, all of which are highly contrary to established regulations. As we know, theft is an act of transferring ownership of an object, whether tangible or intangible,

unlawfully and without the consent of its rightful owner, with the intention of seizing or possessing it in violation of legal norms.

Theft is a criminal act that carries sanctions when committed against the law. The perpetrators are fully aware that what they are doing is illegal, and that the object does not belong to them but is obtained through lawful means by others. In the Indonesian Penal Code (KUHP), theft is divided into three main categories: ordinary theft (Article 362), aggravated theft (Article 363), and theft accompanied by violence (Article 365).

The increasing disturbances in community life have led to various crimes occurring anywhere and anytime. Criminals often take advantage of available opportunities and favorable conditions to carry out their actions. Their sole purpose is to obtain goods or money through crime. Generally, criminal acts are motivated by the difficulty of fulfilling daily needs. The rapid advancement of science and technology provides greater opportunities for crime, both in terms of volume and complexity, including diverse criminal violations. To overcome these crimes, comprehensive law enforcement and preventive policies are required.

Various crimes in society can indeed be categorized as special crimes and general crimes. In practice, however, there are often overlaps in the regulations governing them. One form of crime that frequently occurs in society is theft. Considering the current social conditions, it is very likely for people to resort to shortcuts by stealing. Reports from mass media and electronic media show that theft cases occur frequently, with various types generally driven by unmet basic needs.

The Regional Drinking Water Company (PDAM) of Palangka Raya serves the residents of Palangka Raya City by providing access to clean water. Customers who wish to enjoy this service are required to apply for an official installation of water pipes so they can be registered as legal users of PDAM services. In reality, however, many customers commit theft to obtain clean water without legal installation, and there are also customers who initially had legal connections but later modified the network or pipeline connections unilaterally to benefit themselves, thereby receiving more water than they should be paying for.

From a legal perspective, water theft falls under the category of theft as regulated in Article 362 of the Indonesian Penal Code, which states that anyone who takes an item wholly or partially belonging to another, with the intention of unlawfully possessing it, may be subject to criminal sanctions. The water distributed by PDAM is state property managed for public interest, meaning that its illegal extraction can be legally prosecuted. In addition, damaging or manipulating measuring devices such as water meters may also be subject to additional charges related to destruction of public facilities or fraud.

The crime of water theft occurring in Palangka Raya City is a serious problem with direct consequences for the continuity of public services, especially in the provision of clean water by PDAM. As a government-owned institution, PDAM has the responsibility to distribute clean water fairly and evenly to all levels of society. However, in practice, PDAM often faces obstacles, one of which is the practice of water theft through illegal connections, meter manipulation, or direct extraction from distribution networks without official permission. This not only violates the law but also causes economic and social harm.

The losses caused by water theft are highly significant. Financially, PDAM suffers from decreased revenue due to unrecorded water usage. This impacts the company's ability to maintain infrastructure, improve service quality, and expand distribution networks. Furthermore, water theft creates imbalances in the distribution system, leading to reduced water pressure and service disruptions for legal customers who pay according to regulations. In the long term, this condition can undermine public trust in PDAM's performance and create inequities in access to public resources. To address this problem, a comprehensive and collaborative approach is needed. PDAM Palangka Raya must strengthen monitoring systems and early detection technology for illegal connections, as well as enhance coordination with

law enforcement authorities in investigation and enforcement processes. On the other hand, educating the community is also crucial so that people understand that water theft not only harms the company but also impacts fellow citizens who depend on clean water services. Through an integrated legal, technical, and social approach, it is expected that the practice of water theft can be reduced, creating a fairer, more efficient, and sustainable water distribution system in Palangka Raya City.

## METHOD

This study employs an empirical legal research methodology with a qualitative approach. According to Soehardi (2015), empirical legal research considers law as a social phenomenon that can be directly observed in society. Primary data were collected through field observations, interviews with PDAM employees, distribution officers, and law enforcement officials, as well as from documentation in PDAM archives and official reports (PDAM Palangka Raya City Office, 2022). Secondary data were sourced from literature studies, including statutory regulations, legal textbooks, and prior research (Republic of Indonesia, 2019). The collected data were analyzed using qualitative descriptive techniques, which involved systematically presenting field findings, comparing them with relevant legal theories, and drawing conclusions based on the empirical evidence obtained.

## RESULTS AND DISCUSSION

This study identified two major cases of water theft at PDAM Palangka Raya City in 2022. The first case occurred on April 13, 2022, when PDAM employees, Agustriawan, serving as distribution and connection staff, and Tri Prasetyo, an administrative staff member in the distribution division, discovered indications of water theft at Rindang Banua Street, Manggis Alley, and Dr. Murjani Street, Sari 45 Alley, Palangka Raya City. The theft involved illegal



Source: Kantor PDAM Kota Palangka Raya

**Figure 1. Sambungan Ilegal Gg. Manggis Rindang Banua 31 Maret 2022**

water hose connections using Clamp Saddles previously removed from other locations, bypassing the official meters (PDAM Palangka Raya City Office Data, 2022). Penelitian ini menemukan dua kasus utama pencurian air di PDAM Kota Palangka Raya pada tahun 2022. Pada tanggal tiga belas bulan april tahun dua ribu dua puluh dua, pegawai PDAM Kota Palangkaraya a.n Agustriawan yang menjabat sebagai staff distribusi dan penyambungan PDAM Palangkaraya, dan Tri Prasetyo sebagai staf admin distribusi PDAM Palangka Raya, menemukan indikasi pencurian air yang terletak di jalan Rindang Banua Gg. Manggis, Kota Palangkaraya, dan juga pada jalan Dr. Murjani Gg Sari 45, Kota Palangka Raya. Kasus pertama

melibatkan penyambungan selang air ilegal dari Clamp Saddle bekas pencabutan di dua lokasi berbeda, tanpa melalui meteran resmi (Data Kantor PDAM Kota Palangka Raya, 2022).

second case occurred on April 18, 2022, involving a direct connection to the service pipe before the water meter. PDAM employees, Agus Triawan, distribution and connection staff, and Hatandi, a contract worker in the distribution division, found evidence of water theft at Jl. Bondol XVIII, Block B No. 64. The investigation revealed an unauthorized rooftop tap connection on the service pipe before the water meter with connection number 25717. The illegal connection was removed, and the location was permanently sealed to prevent further theft (PDAM Palangka Raya City Office Data, 2022)



Source : Kantor PDAM Kota Palangka Raya

**Figure 2. Illegal WM Jl. Bondol XIX Blok B 17 April 2022**

Both of these methods share the same objective, which is to obtain water without payment. According to Alfian and Wijaya (2021), commercial water losses at PDAM often occur due to theft, illegal connections, and meter manipulation, resulting in a decrease in company revenue. The impacts of such theft include significant financial losses for PDAM (Palangka Raya City Government, 2020), reduced water pressure in the distribution network, disruption of services to legitimate customers, and potential contamination from connections that do not meet technical standards (Suryani & Wicaksono, 2021). From a legal perspective, these actions constitute criminal theft as stipulated in Article 362 of the Indonesian Penal Code (KUHP).

Syaifudin and Harimurti (2022) emphasize that the effectiveness of law enforcement at PDAM largely depends on the roles of key actors and the consistent application of regulations. Water theft cases at PDAM Palangka Raya City have caused complex negative impacts affecting economic, technical, social, and legal aspects.

Economically, water theft results in significant revenue leakage for PDAM. Illegally consumed water is not recorded in the payment system, leading to the loss of potential income that should be allocated for operations, network maintenance, and service quality improvements. A decline in revenue limits PDAM's ability to expand distribution coverage and upgrade infrastructure, ultimately hindering regional development and public welfare.

Technically, water theft directly disrupts the distribution system. Illegal connections or network manipulation can cause imbalanced water flow, reduced pressure, and interruptions in supply to legitimate customers, negatively impacting those who comply with regulations. Moreover, theft practices often involve the damage of facilities such as pipes, valves, and water meters, incurring additional repair and restoration costs. Such damage also risks broader water



leakage, decreasing distribution efficiency and increasing the potential for clean water contamination. Turcu and Gaitan (2018) suggest that the implementation of Internet of Things (IoT) technology can assist PDAM in monitoring and controlling water distribution more effectively, thereby reducing the risk of theft.

Socially, water theft creates injustice and inequality in access to public resources. Law-abiding citizens who regularly pay bills are disadvantaged by a small number of individuals consuming water illegally. When such illegal behavior is not strictly penalized, it fosters the perception that violations are tolerable or normalized. Fauzi (2023) found that most clean water theft cases in Aceh Besar were resolved through administrative sanctions without criminal proceedings, resulting in minimal deterrent effects. Wulandari (2022) explains that enforcement strategies in Balikpapan involve preventive measures such as public awareness campaigns and volumetric monitoring, as well as repressive measures including administrative fines. These approaches may reduce public legal awareness and weaken societal values of integrity and social responsibility. Over time, such conditions can trigger horizontal conflicts among residents, particularly when disparities in water services become more apparent.

From an Islamic legal perspective, Fitri (2021) categorizes water theft as *ghasab*, prohibited because it harms the rights of the wider community. Legally, water theft constitutes a criminal offense subject to sanctions under the Indonesian Penal Code (KUHP). However, inadequate supervision and weak law enforcement against perpetrators can lead to a domino effect, increasing the incidence of similar violations. When laws are inconsistently applied, public trust in justice diminishes. Therefore, addressing water theft requires a comprehensive approach involving PDAM, law enforcement agencies, and the community to prevent further negative impacts and preserve the integrity of public service in Palangka Raya City.

Based on field observations, interviews with PDAM technical personnel, and internal data analysis, it was found that water theft through illegal connections and meter manipulation has occurred systematically, showing an increasing trend year by year. The most common *modus operandi* involves direct connections to distribution pipes bypassing official meters or tampering with measurement devices to avoid recording consumption. These cases are most frequently found in densely populated areas and suburban regions not fully served by PDAM.

The study revealed that none of the cases have been processed through the legal system. PDAM generally resolves violations administratively, such as disconnecting connections or imposing minor fines, without involving law enforcement authorities. Limited coordination between PDAM and the police, insufficient monitoring resources, and social considerations to avoid conflicts with residents are the main factors hindering legal enforcement. Consequently, perpetrators do not face sufficient deterrence, and theft practices continue to recur.

This situation results in significant negative impacts, including financial losses for PDAM, disruption of water distribution to legitimate customers, and declining public trust in the service system. Furthermore, the lack of firmness in handling such cases may cultivate a permissive culture toward legal violations, whereby the public increasingly perceives water theft as normal and legally inconsequential. In the long term, this can undermine water resource governance and hinder the sustainable development of clean water infrastructure. Therefore, a stricter and more collaborative legal approach involving PDAM, law enforcement, and the community is necessary to effectively address water theft and prevent it from becoming a habitual practice detrimental to public interests in Palangka Raya City.

## CONCLUSION

Water theft at PDAM Palangka Raya City constitutes a criminal offense with serious legal and social consequences. The *modus operandi* employed indicates structured violations exploiting technical gaps and weak supervision. Strict law enforcement in accordance with Articles 362, 363, and 406 of the Indonesian Penal Code (KUHP) and Law Number 17 of 2019

concerning Water Resources (Republic of Indonesia, 2019) has not been fully applied, as PDAM Palangka Raya has not pursued these cases through the legal process. This is largely because the financial losses from individual theft incidents are smaller than the cost of prosecuting them through criminal channels.

Furthermore, PDAM needs to enhance supervision of the distribution network, implement technology for detecting leaks and illegal connections, and conduct public education on the dangers and penalties of water theft (Soehardi, 2015). By taking these measures, it is expected that such criminal acts can be minimized in the future.

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