

Asas keseimbangan dalam klausul baku pada power purchase agreement studi kewenangan dan tanggung jawab notaris dalam pembuatan akta perjanjian yang tidak seimbang = Principle of balance in standard clause of power purchase agreement study of authority and responsibility of notary in the making unequal agreement deed

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Abstrak

Power Purchase Agreement "PPA" yaitu perjanjian jual beli dengan klausul baku dimana calon penjual diwajibkan untuk mematuhi isi PPA dan tidak ada tawar-menawar terhadap ketentuan isi pasal yang tercantum dalam PPA. Standar baku PPA ini yang akan ditelaah lebih lanjut apakah merugikan salah satu pihak karena kedudukan pihak yang satu lebih kuat daripada kedudukan pihak yang lainnya dan sebagainya. Para pihak dalam PPA yaitu PLN sebagai pembeli listrik dan IPP sebagai penjual listrik.

Tesis ini membahas asas keseimbangan dalam Power Purchase Agreement PPA dengan memfokuskan analisis kepada pelaksanaan asas keseimbangan hak dan kewajiban antara PT. Perusahaan Listrik Negara Persero dengan Independent Power Producer dalam Perjanjian Jual Beli Listrik. Penulisan ini menggunakan metode penelitian yuridis normatif.

Berdasarkan hasil penelitian pengaturan klausula baku Power Purchase Agreement belum memenuhi asas keseimbangan karena IPP harus menanggung resiko dalam tahap Financing period, Mobilization period, Construction period dan operation and maintenance period.

Hasil penelitian menyarankan bahwa perlu adanya penerapan terhadap Peraturan Menteri dan Energi Sumber Daya Mineral Republik Indonesia Nomor 10 Tahun 2017 tentang Pokok-Pokok dalam Perjanjian Jual Beli agar kedudukan PLN dan IPP sama kuat.

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Power Purchase Agreement PPA is a sale and purchase agreement with a standard clause whereby the prospective seller is required to comply with the content of PPA and there is no bargaining against the terms of the contents of the article contained in the PPA. This raw standard of PPA which will be further examined whether harming one party because one party's position is stronger than the position of the other party and so on. The parties in PPA are PLN as the buyer of electricity and IPP as electricity seller.

The focus of this thesis discusses the balance of rights and obligations reflected in power purchase agreement with focus on the implementation of balance principle rights and obligations between PT. Perusahaan Listrik Negara Persero with Independent Power Producer in the power purchase agreement. This research is use normative juridical research methods.

Based on the result of the research, the clause of Power Purchase Agreement has not fulfilled the balance principle because the IPP must bear the risk in the stage of Financing period, Mobilization period, Construction period and operation and maintenance period.

The results of the research suggest that the application of the Minister of Energy and Mineral Resources of the Republic of Indonesia No. 10 of 2017 on the Principles in the Power Purchase Agreement so that position of PLN and IPP is equal.