

Civil Liability of PDAM for Negligence in Clean Water Services: Consumer Compensation and Negotiated Dispute Resolution

Farid Mufthi Ardiansyah Simatupang^{1*}, Mhd.Yadi Harahap²

¹E-mail: gagasnasution@gmail.com

²E-mail: mhdyadiharahap@uinsu.ac.id

^{1,2}Universitas Islam Negeri Sumatera Utara, Indonesia

*corresponding author

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Abstract

Clean water is an essential public service that directly affects public health, sanitation, and quality of life. Despite its importance, complaints regarding poor water quality and unstable distribution continue to occur in several regions, including Medan Tembung District, Medan City. Previous studies have generally focused on the normative aspects of consumer protection and public service obligations, while empirical research examining the causes of service negligence and negotiation-based dispute resolution remains limited. This study aims to analyze the factors contributing to negligence in clean water services provided by PDAM Kota Medan and to examine the forms of compensation provided to consumers through negotiation. This research employs an empirical legal method using statutory and case study approaches. Data were collected through interviews, observations, and documentation involving consumers, local officials, and PDAM representatives. The analysis is based on consumer protection theory, public service theory, and civil liability theory. The findings indicate that negligence in clean water services is caused by aging infrastructure, inadequate maintenance, limited operational funding, insufficient human resources, and increasing pressure on distribution systems due to urban development. These conditions result in poor water quality and unstable water supply, causing losses to consumers. The study further reveals that disputes are predominantly resolved through negotiation, with compensation provided in the form of billing adjustments, temporary clean water assistance, infrastructure repairs, and service improvements. This study contributes to consumer protection and public service law by providing empirical evidence on negotiation-based dispute resolution in public utility services and highlighting the need for stronger accountability mechanisms in clean water management.

INTRODUCTION

Clean water constitutes a fundamental necessity that plays a crucial role in human life. Water is not only required for daily consumption but is also closely related to public health, environmental sanitation, hygiene, and overall quality of life. In modern society, the availability of adequate clean water has become one of the primary indicators of proper public service implementation by the state. Therefore, the government bears responsibility for ensuring the availability of clean water that meets health standards and is accessible to all members of society.¹

The constitutional basis for water resource management in Indonesia is stipulated in Article 33 paragraph (3) of the 1945 Constitution of the Republic of Indonesia, which states that “the land, the waters, and the natural resources contained therein shall be controlled by the state and utilized for the greatest prosperity of the people.” This provision demonstrates that water is a strategic natural resource whose management must prioritize public welfare. In its implementation, Regional Water Supply Companies (PDAM) are authorized by local governments to manage and distribute clean water as part of public service responsibilities.²

In practice, however, clean water services in many regions of Indonesia continue to face various challenges, including poor water quality, aging infrastructure, and unstable distribution systems. These conditions frequently result in losses experienced by consumers due to inadequate services provided by water supply companies.³ The issue of clean water quality is particularly significant because it directly affects public health and consumer rights to obtain proper public services.

The quality standards for drinking water in Indonesia are regulated under the Regulation of the Minister of Health Number 492/MENKES/PER/IV/2010 concerning Drinking Water Quality Requirements. Article 3 of the regulation states that drinking water is considered safe when it fulfills microbiological, chemical, radioactive, and physical standards. This means that water distributed to consumers must be clear, odorless, and free from substances harmful to human health.⁴ Nevertheless, empirical conditions indicate that these standards are often not fully implemented.

¹ Muhammad Fauzan and Rachmad Safa'at, “Public Service and Clean Water Management in Indonesia,” *Jurnal Dinamika Hukum* 21, no. 2 (2021): 214–221, <https://doi.org/10.20884/1.jdh.2021.21.2.3156>.

² Republic of Indonesia, “The 1945 Constitution of the Republic of Indonesia, Article 33 Paragraph (3)”.

³ Riant Nugroho Dwidjowijoto, *Public Policy: Dinamika Kebijakan Publik Di Indonesia* (Jakarta: Elex Media Komputindo, 2018), 147.

⁴ Republic of Indonesia, “Regulation of the Minister of Health Number 492/MENKES/PER/IV/2010 Concerning Drinking Water Quality Requirements, Article 3.”.

Similar problems are evident in the services provided by PDAM Kota Medan, particularly in the Medan Tembung area. Based on an interview conducted by the researcher with Siti Rahmawati, a resident of Jalan Letda Sujono, Medan Tembung District, on January 15, 2026, the distributed water was frequently yellowish, foul-smelling, and occasionally unavailable for extended periods. Similar statements were conveyed by Ahmad Fauzi, a PDAM customer in Medan Tembung, who explained that the unstable water supply forced residents to purchase additional water from alternative sources to meet daily needs. Such conditions not only create economic burdens but also expose consumers to potential health risks caused by inadequate sanitation.

From the perspective of consumer protection law, the legal relationship between PDAM and the community constitutes a legal relationship between business actors and consumers. Law Number 8 of 1999 concerning Consumer Protection guarantees the protection of consumer rights. Article 4 letter (a) states that consumers are entitled to comfort, security, and safety in using goods and services. Furthermore, Article 7 letter (g) stipulates that business actors are obligated to provide compensation if the goods or services received are inconsistent with the agreement.⁵ Consequently, if PDAM fails to provide water services that comply with health standards and such failure causes losses to consumers, the company may be held legally liable.

The responsibility of business actors toward consumer losses is further regulated under Article 19 paragraph (1) of Law Number 8 of 1999 concerning Consumer Protection, which states that “business actors are responsible for providing compensation for damages, pollution, and/or consumer losses resulting from the use of goods and/or services produced or traded.”⁶ This provision establishes that service providers have a legal obligation to compensate consumers for losses arising from inadequate services.

Previous studies have examined the legal responsibility of Regional Water Supply Companies (PDAM) from various perspectives. Rinaldi found that the liability system applied in clean water services generally reflects consumer protection principles; however, its implementation remains ineffective because many consumer complaints are not adequately resolved.⁷ Likewise, Dina Siregar concluded that PDAM Kota Medan bears legal responsibility for compensating consumers who suffer losses due to

⁵ Republic of Indonesia, “Law Number 8 of 1999 Concerning Consumer Protection, Article 4 Letter (a) and Article 7 Letter (G)”.

⁶ Republic of Indonesia, “Law Number 8 of 1999 Concerning Consumer Protection, Article 19 Paragraph (1)”.

⁷ Rinaldi, “Tanggung Jawab PDAM Tirta Muaro Jambi Terhadap Pelayanan Air Bersih Berdasarkan Undang-Undang Perlindungan Konsumen,” *Zaaken: Journal of Civil and Business* 3, no. 1 (2022): 55–67, <https://doi.org/10.22437/zaaken.v3i1.18432>.

contaminated or inadequate water distribution through both litigation and non-litigation mechanisms.⁸ Nevertheless, these studies primarily focus on normative legal analysis concerning consumer rights and the legal obligations of service providers under Indonesian law.

At the international level, recent studies have emphasized that accountability in public utility services extends beyond technical service delivery and includes effective governance, transparency, stakeholder participation, and accessible remedies for consumers. Franco-Torres, Kvålshaugen, and Ugarelli argue that the sustainability of urban water services depends not only on infrastructure performance but also on institutional accountability and governance mechanisms capable of protecting public interests.⁹ Similarly, D'Amore, Landriani, and Lepore found that consumer interests and stakeholder expectations significantly influence the accountability and sustainability of water utility services, demonstrating that legal protection and service quality are closely interconnected within public utility governance.¹⁰

Furthermore, contemporary scholarship highlights that effective consumer protection depends not only on the existence of substantive legal rights but also on the availability of accessible and efficient dispute resolution mechanisms. Syamsudin explains that consumer dispute resolution institutions play a crucial role in ensuring legal certainty and effective remedies for consumers who suffer losses due to inadequate services.¹¹ These findings indicate that public utility accountability should be examined not only from the perspective of legal obligations but also from the practical implementation of compensation and dispute settlement mechanisms.

Despite the growing body of literature on consumer protection and public utility accountability, several important issues remain insufficiently explored. Existing studies generally discuss legal responsibility and compensation from a doctrinal perspective without examining how disputes are resolved in practice between consumers and public utility providers. Moreover, limited attention has been given to negotiation as a

⁸ Dina Siregar, "Perlindungan Hukum Konsumen Terhadap Distribusi Air Bersih PDAM Kota Medan," *Iuris Studia: Jurnal Kajian Hukum* 4, no. 2 (2023): 120–131, <https://doi.org/10.55357/is.v4i2.412>.

⁹ Manuel Franco-Torres, Ragnhild Kvålshaugen, and Rita M. Ugarelli, "Understanding the Governance of Urban Water Services from an Institutional Logics Perspective," *Utilities Policy* 68 (2021): 101159, <https://doi.org/10.1016/j.jup.2020.101159>.

¹⁰ Gabriella D'Amore, Loris Landriani, and Luigi Lepore, "Ownership and Sustainability of Italian Water Utilities: The Stakeholder Role," *Utilities Policy* 71 (2021): 101228, <https://doi.org/10.1016/j.jup.2021.101228>.

¹¹ M. Syamsudin, "The Failure of the Court to Protect Consumers: A Review of Consumer Dispute Resolution in Indonesia," *Journal of Consumer Policy* 44, no. 1 (2021): 117–130, <https://doi.org/10.1007/s10603-020-09470-0>.

mechanism for resolving disputes arising from inadequate clean water services. Previous research has not comprehensively analyzed how compensation is negotiated, why consumers tend to prefer negotiation over litigation, and how consumer rights are protected through non-litigation mechanisms in the context of public utility services.

This study therefore offers both theoretical and empirical novelty. Theoretically, it integrates consumer protection law, civil liability theory, and public service accountability theory to analyze the legal responsibility of PDAM arising from deficiencies in clean water services. Empirically, this research examines the practical implementation of negotiation-based dispute resolution between consumers and PDAM Kota Medan, an aspect that has received limited attention in previous studies. By focusing on the interaction between consumer complaints, compensation claims, and negotiation mechanisms, this study contributes to a more comprehensive understanding of legal protection within public utility services.

Medan Tembung District was selected as the research location because it has experienced rapid urban development accompanied by significant population growth and increasing demand for clean water services. The expansion of residential areas and the growing number of consumers have placed additional pressure on existing water distribution infrastructure, making Medan Tembung a relevant case for examining the relationship between public utility accountability, consumer protection, and negotiation-based dispute resolution mechanisms.

Based on these considerations, this study aims to analyze the factors contributing to negligence in clean water services by PDAM Kota Medan and to examine the forms of civil liability arising from consumer losses in the Medan Tembung area. This research is expected to contribute to the development of consumer protection law by providing empirical insights into negotiation-based dispute resolution and by offering recommendations for improving accountability in public utility services.

METHODS

This study employed an empirical legal research method aimed at examining the implementation of legal provisions within society, particularly regarding civil liability arising from negligence in clean water services provided by PDAM Kota Medan. Empirical legal research was selected because the study not only focuses on legal norms and regulations but also examines how these legal provisions are implemented in practice

and how they affect consumers who experience losses due to inadequate public services.¹²

The research applied both statutory and case study approaches. The statutory approach was conducted by examining various legal regulations related to consumer protection and public services, including Law Number 8 of 1999 concerning Consumer Protection, the Indonesian Civil Code, and Regulation of the Minister of Health Number 492/MENKES/PER/IV/2010 concerning Drinking Water Quality Requirements. Meanwhile, the case study approach was used to analyze factual conditions experienced by consumers of PDAM Kota Medan in Medan Tembung District regarding poor water quality and unstable water distribution.¹³

The research was conducted in Medan Tembung District, Medan City, North Sumatra. This location was selected because it represents one of the urban areas where residents have frequently reported complaints regarding the quality and continuity of clean water services provided by PDAM Kota Medan. Furthermore, the rapid growth of residential areas and increasing demand for clean water services have placed additional pressure on the existing water distribution infrastructure, making Medan Tembung a relevant location for examining issues related to public utility accountability and consumer protection.¹⁴

Data collection was carried out from January to February 2026 through field observations, documentation studies, and in-depth interviews. Informants were selected using a purposive sampling technique because they possessed direct knowledge and experience regarding the provision of clean water services by PDAM Kota Medan. The study involved six informants consisting of three consumers of PDAM services in Medan Tembung District, one representative of PDAM Kota Medan, one local government representative, and one academic specializing in consumer protection and public service law.¹⁵

Primary data were obtained directly through interviews with the selected informants. The criteria for selecting consumer informants included individuals who had been registered as PDAM customers for at least one year and had experienced problems related to water quality, service interruptions, or other deficiencies in water distribution. The PDAM representative was selected based on direct involvement in water service

¹² Soerjono Soekanto, *Pengantar Penelitian Hukum* (Jakarta: UI Press, 2014), 51.

¹³ Peter Mahmud Marzuki, *Penelitian Hukum* (Jakarta: Kencana Prenada Media Group, 2017), 133–136.

¹⁴ John W. Creswell and J. David Creswell, *Research Design: Qualitative, Quantitative, and Mixed Methods Approaches*, 5th Ed (Los Angeles: SAGE Publications, 2018), 187.

¹⁵ Lexy J. Moleong, *Metodologi Penelitian Kualitatif* (Bandung: Remaja Rosdakarya, 2021), 224–226.

management, while the academic informant was selected based on expertise in consumer protection and public service law. Secondary data were collected from statutory regulations, books, scientific journals, official documents, and previous studies relevant to civil liability, consumer protection, and public service accountability.¹⁶

To ensure data validity and reliability, source triangulation was employed by comparing information obtained from consumers, PDAM representatives, local government officials, and academic experts. The interview findings were further verified through documentary analysis, applicable legal regulations, and relevant scholarly literature. This triangulation process was conducted to enhance the credibility, consistency, and trustworthiness of the research findings.¹⁷

Ethical considerations were observed throughout the research process. Prior to the interviews, all participants were informed about the objectives and scope of the study and voluntarily agreed to participate. Informed consent was obtained from each informant before the interviews were conducted. Furthermore, confidentiality was maintained by ensuring that the information provided by participants was used solely for academic purposes. Participants were also informed that they could withdraw from the study at any stage without any adverse consequences.¹⁸

The collected data were analyzed using thematic qualitative analysis. The analysis process consisted of four stages: data reduction, data coding, thematic categorization, and interpretation. Interview transcripts and field notes were systematically reviewed to identify recurring themes related to service negligence, consumer losses, compensation practices, and dispute resolution mechanisms. The identified themes were subsequently compared with relevant legal provisions, particularly the Consumer Protection Law and the Indonesian Civil Code, to assess the legal responsibility of PDAM toward affected consumers. Through this analytical process, comprehensive conclusions were drawn regarding consumer protection and civil liability in the provision of clean water services.¹⁹

¹⁶ Sugiyono, *Metode Penelitian Kualitatif* (Bandung: Alfabeta, 2022), 105–109.

¹⁷ Norman K. Denzin, *He Research Act: A Theoretical Introduction to Sociological Methods* (New Yorks: Routledge, 2017), 291–294.

¹⁸ World Medical Association WMA, *Declaration of Helsinki: Ethical Principles for Medical Research Involving Human Subjects*, Revision, 2024, 3-5.

¹⁹ Matthew B. Miles, A. Michael Huberman, and Johnny Saldaña, *Qualitative Data Analysis: A Methods Sourcebook*, 4th Ed (Los Angeles: SAGE Publications, 2020), 8–15.

RESULT AND DISCUSSION

1. Factors of Negligence in Clean Water Services by PDAM Toward Consumers in Medan Tembung District

Clean water service constitutes an essential public service because it directly affects public health, environmental sanitation, and community welfare. Based on the findings of this research, consumers in Medan Tembung District frequently experienced problems related to water quality and service continuity provided by PDAM Kota Medan. The most common complaints concerned cloudy water, unpleasant odors, sediment contamination, unstable water pressure, and interruptions in water distribution.

This condition was confirmed through an interview with Fauzan Habib, Head of Neighborhood Administration in Medan Tembung District, who stated:

"We often receive complaints from residents regarding the quality of water that is cloudy, foul-smelling, and sometimes contains sediment. This occurs because there are problems in the water treatment process that have not been handled optimally."

According to Fauzan Habib, inadequate maintenance of water treatment facilities and aging distribution pipelines significantly affect the quality of clean water services. He further explained that increasing population growth and the construction of the Grand Asser residential development had increased pressure on the water distribution system, resulting in unstable water pressure and interruptions in supply experienced by residents.

The statement of Fauzan Habib indicates that the problems experienced by consumers are not merely technical issues but also reflect weaknesses in infrastructure management and service maintenance. From the perspective of public service theory, service providers are obligated to ensure service continuity, effectiveness, and quality. Agus Dwiyanto explains that public service institutions must prioritize public welfare by delivering services that meet established standards.²⁰ Therefore, inadequate maintenance of infrastructure may indicate shortcomings in the fulfillment of PDAM's obligations as a public service provider.

Similar findings were obtained from an interview with Kamila Nur Aini, a resident of Medan Tembung, who explained:

"I often receive water that is cloudy and foul-smelling, and sometimes there is sediment in it. This has become a recurring problem experienced by me and my neighbors. I have reported it several times, but the response from PDAM has been very slow."

²⁰ Agus Dwiyanto, *Mewujudkan Good Governance Melalui Pelayanan Publik* (Yogyakarta: Gadjah Mada University Press, 2021), 45-47.

Kamila Nur Aini further stated that the problem became more severe during periods of heavy rainfall because flooding frequently affected water channels and reduced water quality. She also emphasized that rapid population growth was not accompanied by adequate improvements in infrastructure and distribution systems, causing frequent service interruptions.

The experience described by Kamila Nur Aini demonstrates that the impact of inadequate water services extends beyond technical inconvenience and directly affects consumers' daily activities. From the perspective of consumer protection law, consumers are entitled to comfort, security, and safety in utilizing services as guaranteed by Article 4 letter (a) of Law Number 8 of 1999 concerning Consumer Protection.²¹ Consequently, recurring problems related to water quality and delayed responses to complaints may indicate that consumer rights have not been fully protected.

Additional information was obtained from Raihan, Secretary of Tembung Village, who stated:

"We have observed that the performance of PDAM employees is still not optimal. Work completion among employees is inconsistent, and many tasks are not carried out according to their assigned responsibilities."

According to Raihan, inadequate maintenance of distribution pipelines and limited technical competence among some employees contributed to delays in handling operational problems and responding to consumer complaints. He also noted that limited operational funding restricted efforts to repair damaged infrastructure and improve service quality.

The statement above suggests that negligence in clean water services is influenced not only by infrastructure problems but also by managerial and human resource factors. Effective public services require competent personnel capable of responding quickly to operational problems and consumer complaints. Weaknesses in human resource management may therefore contribute to service deficiencies and reduce the effectiveness of public service delivery.

On the other hand, PDAM Tirtanadi provided a different perspective regarding consumer complaints. Based on an interview with Radiah, S.E., M.Si., an employee of PDAM Tirtanadi, she stated:

²¹ Republic of Indonesia, Law Number 8 of 1999 concerning Consumer Protection, Article 4 letter (a) and Article 7 letter (g).

"So far, the complaints we usually receive are related to low water pressure, interrupted water supply, and dirty water. However, there have been no proven cases of illness caused by PDAM water because PDAM already applies health standards through ISO."

She further explained that PDAM operates its own laboratory to monitor water quality before distribution and that water which does not meet quality standards is not distributed to consumers. According to her, occasional problems with dirty water are often associated with aging pipeline systems that have been in operation since the colonial era, resulting in sediment accumulation within the distribution network.

The statement provided by PDAM reflects the institution's position that efforts to maintain water quality have been implemented through internal monitoring mechanisms. Nevertheless, the existence of recurring complaints reported by consumers indicates a discrepancy between institutional standards and consumer experiences. This discrepancy highlights the importance of evaluating not only formal compliance with service standards but also the actual effectiveness of service delivery experienced by consumers.

Based on the interviews and field observations, the findings of this study reveal that negligence in clean water services is caused by a combination of interconnected factors, including aging infrastructure, inadequate maintenance systems, limited operational funding, weaknesses in human resource capacity, and increasing pressure on water distribution networks due to rapid urban development and population growth. These findings demonstrate that service deficiencies cannot be attributed to a single factor but arise from structural, managerial, and operational challenges simultaneously.

The findings further support the theory of negligence liability. According to Rosa Agustina, negligence occurs when a party fails to exercise the level of care required by law, resulting in losses suffered by another party.²² In this context, inadequate infrastructure maintenance, delayed complaint handling, and failures to ensure stable water quality and distribution may constitute indications of negligence in the performance of PDAM's obligations as a public service provider. Such circumstances are relevant to the application of civil liability principles, particularly where consumer losses arise from inadequate public services.

The findings of this study are consistent with the research of Sri Redjeki Hartono, who argued that consumer protection in public services often becomes ineffective when

²² Rosa Agustina, *Perbuatan Melawan Hukum* (Jakarta: Fakultas Hukum Universitas Indonesia, 2019), 117–120.

service providers fail to fulfill their obligations optimally.²³ Likewise, Yati Nurhayati and Ifrani found that public service institutions in Indonesia continue to face significant challenges in implementing accountability and consumer protection principles effectively.²⁴ However, unlike these previous studies, which primarily focused on normative legal analysis, this research provides empirical evidence obtained directly from consumers, local government officials, and PDAM representatives regarding the factors contributing to service deficiencies in Medan Tembung District.

Furthermore, this study identifies urban development and increasing population growth as factors contributing to instability in water distribution systems. This finding expands previous discussions concerning PDAM liability by demonstrating how external developmental pressures may influence the quality and continuity of public utility services. Consequently, this research contributes to consumer protection law scholarship by providing a more comprehensive understanding of the relationship between infrastructure capacity, public service accountability, and consumer rights in the clean water sector.

It should also be noted that this study did not conduct independent laboratory testing of water samples and did not obtain official records concerning administrative sanctions imposed on PDAM. Therefore, conclusions regarding negligence are based on the consistency of interview data, field observations, and consumer complaints collected during the research process. Although these limitations restrict the availability of objective technical evidence, the consistency of information obtained from multiple sources strengthens the indication that deficiencies existed within the clean water service system.

Based on the findings and analysis above, negligence in clean water services provided by PDAM Kota Medan resulted from a combination of aging infrastructure, inadequate maintenance, limited operational funding, weaknesses in human resource capacity, and increasing pressure on water distribution networks due to urban development. These findings highlight the importance of strengthening infrastructure management, improving responsiveness to consumer complaints, enhancing technical competence among personnel, and increasing accountability in public service delivery to ensure the fulfillment of consumers' rights to proper clean water services.

²³ Sri Redjeki Hartono, "Perlindungan Konsumen Dan Tanggung Jawab Pelaku Usaha Dalam Pelayanan Publik," *Jurnal Hukum IUS QUIA IUSTUM* 28, no. 1 (2021): 88–102, <https://doi.org/10.20885/iustum.vol28.iss1.art5>.

²⁴ Yati Nurhayati and Ifrani, "Consumer Protection in Public Service Sector in Indonesia," *Hasanuddin Law Review* 6, no. 3 (2020): 289–301, <https://doi.org/10.20956/halrev.v6i3.2465>.

2. Forms of Compensation Provided by PDAM Kota Medan for Negligence in Clean Water Services Through Negotiation

The legal responsibility of PDAM Kota Medan toward consumers who suffer losses due to inadequate clean water services is closely related to the provisions governing civil liability under the Indonesian Civil Code and Law Number 8 of 1999 concerning Consumer Protection. Article 1366 of the Indonesian Civil Code stipulates that a person is responsible not only for losses caused by intentional acts but also for losses resulting from negligence or lack of prudence. This provision serves as the primary legal basis for imposing liability on public service providers whose negligence causes harm to consumers. Furthermore, Article 19 paragraph (1) of the Consumer Protection Law provides that business actors are responsible for providing compensation for losses suffered by consumers as a result of goods and services that do not meet the required standards. Therefore, consumers who experience losses due to poor water quality, interrupted water distribution, or other deficiencies in service delivery possess the legal right to seek compensation from PDAM.²⁵

Based on the findings of this research, disputes between consumers and PDAM Kota Medan are generally resolved through negotiation rather than litigation. Consumers tend to prioritize direct communication and deliberation because these mechanisms are considered more practical, faster, and less expensive than court proceedings. This finding was confirmed through an interview with Kamila Nur Aini, a resident of Medan Tembung, who stated:

"We have submitted complaints several times regarding dirty water and unstable distribution. Usually, the community first reports the issue directly to PDAM officers and expects immediate improvements because court proceedings are considered complicated and costly."

The statement above demonstrates that negotiation has become the preferred dispute resolution mechanism among consumers. In practice, most consumers are more concerned with obtaining immediate solutions and service improvements than pursuing lengthy legal proceedings. This condition reflects the practical limitations faced by consumers, including limited legal knowledge, financial constraints, and procedural complexities associated with formal dispute resolution mechanisms. Consequently, negotiation functions as an accessible avenue through which consumers may seek remedies for losses resulting from inadequate public services.

²⁵ Indonesia, Law Number 8 of 1999 concerning Consumer Protection, Article 19 paragraph (1).

The findings further indicate that the responsibility of PDAM is more appropriately analyzed through the principle of fault liability based on negligence rather than strict liability. The empirical evidence obtained in this study shows that consumer losses are closely related to inadequate infrastructure maintenance, delayed responses to complaints, unstable water distribution, and weaknesses in operational management. These circumstances suggest the existence of negligence in the fulfillment of PDAM's obligations as a public service provider. Therefore, the legal responsibility of PDAM in this study is grounded primarily in Article 1366 of the Indonesian Civil Code and Article 19 of the Consumer Protection Law, both of which require proof that losses suffered by consumers arise from negligence in service delivery.²⁶

Based on interviews and field observations, compensation provided through negotiation may take several forms depending on the nature and extent of consumer losses. The most common form of compensation involves improvements in water distribution services, including repairs of damaged pipelines, restoration of interrupted water supply, and maintenance of distribution networks to prevent recurring service failures. Consumers may also request reductions in water usage fees when the quality of water distributed does not meet reasonable standards or when water services are disrupted for a significant period. In certain circumstances, compensation may also include reimbursement for damage to household equipment caused by poor water quality or the provision of temporary clean water assistance during prolonged service interruptions. These forms of compensation are intended not only to restore consumer losses but also to improve the quality and accountability of public services.

The responsibility of PDAM is further strengthened by the principle of presumption of liability reflected in Article 28 of the Consumer Protection Law. Under this provision, the burden of proving the absence of fault rests upon the business actor. Since PDAM possesses control over water treatment, quality monitoring, and distribution systems, it has greater access to technical information than consumers. Consequently, when complaints arise concerning poor water quality or service interruptions, PDAM bears the responsibility of demonstrating that such losses were not caused by negligence in its operations. This legal framework provides stronger protection for consumers who may otherwise face difficulties in proving technical aspects of service failures.²⁷

The findings of this study are closely related to Philipus M. Hadjon's theory of legal protection, which emphasizes that the state and public institutions have an obligation to

²⁶ Agustina, *Perbuatan Melawan Hukum*.

²⁷ Republik Indonesia, *Undang-Undang Nomor 8 Tahun 1999 Tentang Perlindungan Konsumen, Pasal 28, 1999*.

provide both preventive and repressive protection for citizens whose rights are affected. In this context, compensation functions as a form of repressive legal protection intended to restore consumer rights after losses have occurred. The obligation to provide compensation therefore reflects the broader principle of accountability that must be upheld by public service providers in carrying out their duties.²⁸

The findings of this research are consistent with the study conducted by Dina Siregar, which concluded that PDAM bears legal responsibility for losses suffered by consumers as a result of inadequate clean water services. However, previous studies generally focused on normative legal analysis concerning consumer rights and compensation mechanisms. In contrast, this research provides empirical evidence regarding how compensation disputes are actually resolved in practice through negotiation between consumers and PDAM. The study therefore offers a more comprehensive understanding of the implementation of consumer protection principles within public utility services.

This research also contributes to the development of consumer protection law by highlighting the significance of negotiation as a practical and effective dispute resolution mechanism. While litigation and formal dispute resolution institutions remain available under Indonesian law, the findings demonstrate that consumers generally prefer negotiation because it allows disputes to be resolved more quickly and efficiently. Accordingly, the effectiveness of consumer protection in public utility services depends not only on the existence of legal remedies but also on the availability of accessible mechanisms capable of delivering timely solutions to affected consumers.

It should also be noted that this study did not obtain official records concerning compensation claims filed by consumers or judicial decisions involving disputes between PDAM and consumers in Medan Tembung. Therefore, the analysis of compensation practices is based primarily on interview data, field observations, and relevant legal provisions. Nevertheless, the consistency of information obtained from multiple sources provides a sufficient basis for understanding the operation of compensation mechanisms within the context of clean water services.

Based on the findings and analysis above, it can be concluded that PDAM Kota Medan bears civil liability for losses suffered by consumers due to negligence in the provision of clean water services. Such responsibility is primarily based on the principle of fault liability as regulated under Article 1366 of the Indonesian Civil Code and Article 19 of the Consumer Protection Law. In practice, disputes are predominantly resolved through negotiation mechanisms that enable consumers to obtain compensation and service

²⁸ Philipus M. Hadjon, *Perlindungan Hukum Bagi Rakyat Di Indonesia* (Surabaya: Bina Ilmu, 2018).

improvements without resorting to lengthy litigation processes. The findings therefore demonstrate that negotiation serves not only as a practical dispute resolution mechanism but also as an important instrument for strengthening accountability and consumer protection within public utility services.

CONCLUSION

Based on the results of this research concerning the civil liability of PDAM Kota Medan for negligence in clean water services in Medan Tembung District, several conclusions can be drawn.

First, negligence in clean water services provided by PDAM Kota Medan is caused by a combination of internal and external factors. Internal factors include aging infrastructure, inadequate maintenance of distribution systems, limited operational funding, and weaknesses in human resource capacity. External factors include population growth and regional development, which have increased pressure on existing water distribution networks. These conditions contribute to poor water quality, unstable water supply, and delays in responding to consumer complaints, thereby causing losses to consumers and indicating shortcomings in the fulfillment of public service obligations.

Second, PDAM Kota Medan bears civil liability for losses suffered by consumers due to negligence in the provision of clean water services. Such liability is primarily based on Article 1366 of the Indonesian Civil Code and Article 19 of Law Number 8 of 1999 concerning Consumer Protection. In practice, disputes are predominantly resolved through negotiation mechanisms rather than litigation. Compensation may take the form of service improvements, reductions in water usage fees, temporary clean water assistance, and other remedial measures intended to restore consumer rights and improve service quality.

Theoretically, this research contributes to the development of consumer protection law and public service accountability studies by integrating public service theory, consumer protection theory, and negligence liability theory within the context of clean water services. The findings demonstrate that negligence in public utility services may create legal consequences for service providers and strengthen the importance of accountability in the fulfillment of consumer rights. From a policy perspective, this study recommends that PDAM Kota Medan strengthen infrastructure maintenance programs, improve the technical competence of employees, enhance responsiveness to consumer complaints, and establish more transparent compensation mechanisms. Local governments should also increase supervision of public utility services to ensure compliance with service standards and consumer protection principles.

This research has several limitations. The study relied primarily on interview data and field observations and did not conduct independent laboratory testing of water quality. In addition, official records concerning compensation claims, administrative sanctions, or court decisions involving disputes between PDAM and consumers were not available during the research process. Therefore, future studies are recommended to incorporate laboratory-based water quality assessments, broader respondent coverage, and comparative analyses involving other regional water supply companies. Further research may also examine the effectiveness of alternative dispute resolution mechanisms and the implementation of consumer compensation policies in public utility services across different regions in Indonesia.

REFERENCES

- Agustina, Rosa. *Perbuatan Melawan Hukum*. Jakarta: Fakultas Hukum Universitas Indonesia, 2019.
- Creswell, John W., and J. David Creswell. *Research Design: Qualitative, Quantitative, and Mixed Methods Approaches*. 5th Ed. Los Angeles: SAGE Publications, 2018.
- D'Amore, Gabriella, Loris Landriani, and Luigi Lepore. "Ownership and Sustainability of Italian Water Utilities: The Stakeholder Role." *Utilities Policy* 71 (2021): 101228. <https://doi.org/10.1016/j.jup.2021.101228>.
- Denzin, Norman K. *He Research Act: A Theoretical Introduction to Sociological Methods*. New Yorks: Routledge, 2017.
- Dwidjowijoto, Riant Nugroho. *Public Policy: Dinamika Kebijakan Publik Di Indonesia*. Jakarta: Elex Media Komputindo, 2018.
- Dwiyanto, Agus. *Mewujudkan Good Governance Melalui Pelayanan Publik*. Yogyakarta: Gadjah Mada University Press, 2021.
- Fauzan, Muhammad, and Rachmad Safa'at. "Public Service and Clean Water Management in Indonesia." *Jurnal Dinamika Hukum* 21, no. 2 (2021): 214-221. <https://doi.org/10.20884/1.jdh.2021.21.2.3156>.
- Franco-Torres, Manuel, Ragnhild Kvålshaugen, and Rita M. Ugarelli. "Understanding the Governance of Urban Water Services from an Institutional Logics Perspective." *Utilities Policy* 68 (2021): 101159. <https://doi.org/10.1016/j.jup.2020.101159>.
- Hadjon, Philipus M. *Perlindungan Hukum Bagi Rakyat Di Indonesia*. Surabaya: Bina Ilmu, 2018.
- Hartono, Sri Redjeki. "Perlindungan Konsumen Dan Tanggung Jawab Pelaku Usaha Dalam Pelayanan Publik." *Jurnal Hukum IUS QUIA IUSTUM* 28, no. 1 (2021): 88-102. <https://doi.org/10.20885/iustum.vol28.iss1.art5>.

- Indonesia, Republic of. Law Number 8 of 1999 concerning Consumer Protection, Article 19 paragraph (1) (n.d.).
- — —. Regulation of the Minister of Health Number 492/MENKES/PER/IV/2010 concerning Drinking Water Quality Requirements, Article 3. (n.d.).
- — —. The 1945 Constitution of the Republic of Indonesia, Article 33 paragraph (3) (n.d.).
- Marzuki, Peter Mahmud. *Penelitian Hukum*. Jakarta: Kencana Prenada Media Group, 2017.
- Miles, Matthew B., A. Michael Huberman, and Johnny Saldaña. *Qualitative Data Analysis: A Methods Sourcebook*. 4th Ed. Los Angeles: SAGE Publications, 2020.
- Moleong, Lexy J. *Metodologi Penelitian Kualitatif*. Bandung: Remaja Rosdakarya, 2021.
- Nurhayati, Yati, and Ifrani. "Consumer Protection in Public Service Sector in Indonesia." *Hasanuddin Law Review* 6, no. 3 (2020): 289–301. <https://doi.org/10.20956/halrev.v6i3.2465>.
- Republic of Indonesia. Law Number 8 of 1999 concerning Consumer Protection, Article 4 letter (a) and Article 7 letter (g) (n.d.).
- Republik Indonesia. *Undang-Undang Nomor 8 Tahun 1999 Tentang Perlindungan Konsumen, Pasal 28*, 1999.
- Rinaldi. "Tanggung Jawab PDAM Tirta Muaro Jambi Terhadap Pelayanan Air Bersih Berdasarkan Undang-Undang Perlindungan Konsumen." *Zaaken: Journal of Civil and Business* 3, no. 1 (2022): 55–67. <https://doi.org/10.22437/zaaken.v3i1.18432>.
- Siregar, Dina. "Perlindungan Hukum Konsumen Terhadap Distribusi Air Bersih PDAM Kota Medan." *Iuris Studia: Jurnal Kajian Hukum* 4, no. 2 (2023): 120–131. <https://doi.org/10.55357/is.v4i2.412>.
- Soekanto, Soerjono. *Pengantar Penelitian Hukum*. Jakarta: UI Press, 2014.
- Sugiyono. *Metode Penelitian Kualitatif*. Bandung: Alfabeta, 2022.
- Syamsudin, M. "The Failure of the Court to Protect Consumers: A Review of Consumer Dispute Resolution in Indonesia." *Journal of Consumer Policy* 44, no. 1 (2021): 117–130. <https://doi.org/10.1007/s10603-020-09470-0>.
- WMA, World Medical Association. *Declaration of Helsinki: Ethical Principles for Medical Research Involving Human Subjects*. Revision., 2024.