

Criminal Policy Against The Criminal Action Of Subsidized Fuel Hooking In Bongo Zero Village

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ARTICLE INFO

Keywords :

Oil Fuel, Law Enforcement, Criminal Law.

How To Cite :

Palantu, R. H., Badu, L.W., Towadi, M. (2020). Criminal Policy Against the Criminal Action Of Subsidized Fuel Hooking In Bongo Zero Village. *Estudiante Law Journal*. Vol. 2 (1): 228-240.

DOI :

ABSTRACT

The criminal policy against the criminal act of misuse of fuel oil and natural gas that occurred in the Bongo Nol gas station area was more focused on the "repressive" nature (suppression/eradication/suppression), after the crime or criminal act occurred. and is more of a preventive measure for the occurrence of crime, so the main target is to deal with the factors conducive to the occurrence of crime. The conducive factors, among others, are centered on problems or social conditions that are directly or indirectly. This effort is used primarily to direct that the objectives of business activities in the oil and gas sector can be carried out as optimally as possible to realize general welfare for all Indonesian people. The inhibiting factors in the enforcement of criminal law in cases of abuse of fuel oil and natural gas carried out by perpetrators in the Bongo Nol gas station area in this study were very much influenced by various factors, namely the legal factor itself such as the lack of detailed regulations governing criminal acts. abuse of fuel oil and natural gas committed by actors contained in Law No. 22 of 2001 concerning Oil and Gas, law enforcement factors where law enforcement processes will run properly when law enforcement officers carry out their duties by their respective codes of ethics, and the factor of a legal culture wherein dealing with criminal acts of abuse of fuel oil and natural gas committed by the perpetrators, law enforcement officers must have a strong mentality so that in processing cases of misuse of fuel oil and natural gas, especially at the Bongo Zero gas station, law enforcement officers can run pr process of law enforcement without sorting out who the perpetrators are behind the series of abuses of fuel oil and natural gas.

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1. Introduction

A. Background

In line with what is stated in Article 1 paragraph 3 of the 1945 Constitution, Indonesia has declared a legal state, which in its constitution combines various legal systems. The meaning of article 1 paragraph 3, Indonesia is in carrying out its state activities, this country is based on recognized provisions.

The difficult condition of the current situation in the government is the increasing demand for fuel with subsidies and there are several corporate or individual parties carrying out contradictory activities, such as hoarding, smuggling, and copying. Based on preliminary observations by researchers, recently there has been hoarding or misuse of subsidized fuel oil (BBM) in Bongonol Village, Paguyaman District, Boalemo Regency. using these hoarders coming to Pertamina to queue the using cars and motorbikes with modified tanks after that storing in the number of words the term Jerigen, as a rest community will be scarcity for the hoarding and monopolizing actions earlier, as a result, people, will have difficulty in getting them. Until now, the interested parties in this matter have yet to take action on this phenomenon. Conditions like this are very worrying because fuel oil (BBM) is used properly and appropriately.

B. Types of research

In this study, the prospective researchers used this type of research using the type of socio-legal research (*Socio-legal research*). Research This study aims to describe the reality that corresponds to the phenomenon in detail and thoroughly and collect data, from a natural setting by utilizing the researcher himself as a key instrument as a peeler of the problems to be studied.

C. Research sites

The location of the research was carried out precisely where the researcher came from, namely in Bongo Nol Village, Paguyaman District, Boalemo Regency. This village is the reason why the author chose this location as the object of research because the researcher found that there was a problem with fuel hoarding that often happened recently. The location chosen by the researcher in addition to saving costs can also make it possible for researchers to obtain accurate data according to the interests of the study being conducted.

D. Object of research

Based on the description of the existing problems, the object of this research is the

community

E. Secondary Data

Secondary data is a source of data obtained from written materials (Meleong, 2002:161):

- 1) Law No. 22 of 2001 concerning Oil and Gas.
- 2) The Criminal Code.

F. Population and Sample

The population is the whole object of observation or research (Burhan Ashshofa, 2007:79).

The sample is part of the population that has the same characteristics as the population and is directly targeted for research:

- Bongo Zero Village Community
- Pertamina Supervisor Bongo Zero
- Bongo Zero Village Government

F. Data collection technique

In collecting data, the author in this study carried out several stages, namely:

G. Observation Technique

According to Margono (in Mahyun 2014: 27) said that observing, observationstematic observation, and recording the symptoms that appear on the object of research. Margono added that there are two kinds of observation, namely direct observation, and indirect observation. Direct observation is where observations and recordings are carried out to the object where the event occurs or takes place so that the observation is with the object under investigation. Meanwhile, indirect observations are carried out not at the time of an event to be investigated.

One of the procedural data collection is taken because there are several technical advantages. As stated by Guba and Lincoln (in Irmawati, 2014: 5), they are as follows:

- 1) This security technique is based on firsthand experience
- 2) Observation techniques also improve seeing and observing themselves, then recording the behavior of events as they happened in the previous situation;
- 3) Observation increases research into recording events in situations that relate to immediate knowledge;
- 4) Observation techniques allow researchers to observe complex situations.

Based on the explanation and theory above, it can be concluded that observation is a process of observing and finding problems that are carried out directly by prospective researchers to identify problems.

H. Interview

According to Lexi J. Meleong (in 2012:39) interview is a conversation with a specific purpose. Several types of interview divisions were proposed by Moleong (in Ndulu, 2012:39), namely:

- 1) Informal discussion interviews, namely the type of interview with the questions asked depend on the interviewer himself, so it depends on his spontaneity in asking questions to the interviewee.
- 2) The approach uses general interview guidelines.
- 3) An open interview is an interview conducted openly in which the subjects know that they are being interviewed and also know what the intent and purpose of the interview are.

I. Documentation

Documentation is information that comes from important records of institutions, organizations, and individuals (Hamadi, 2004). Documentation of this research is taken by researchers to strengthen the results of the study as accurate evidence.

J. Data analysis

The data analysis used by the researcher in this study is descriptive. Descriptive analysis is research that seeks to describe the problems to be studied in an accordbyal situation without being added and subtracted, then interpreting the existing data as a solution to the problems that arise in the study.

The descriptive approach in this study aims to describe the actual phenomena and symptoms to find out how the Criminal Policy Against the Crime of Fuel Hoarding in Bongo Nol, Paguyaman District, Boalemo Regency. For this reason, researchers as far as possible can interact closely with informants and get to know their world of life and observe the life flow of the informant or respondent as it is. Understanding the symbols and native language of the community is one of the keys to the success of this research.

2. DISCUSSION

Criminal Policy Against the Crime of Fuel Hoarding

Criminal law and criminal law enforcement are part of criminal politics (*criminal policy*) criminal politics is part of *law enforcement policy* which includes civil law enforcement and administrative law enforcement, and law enforcement politics is part of social politics (social policy) which is an effort to improve the welfare of its citizens.

According to Soejono Soekamto in fitriathus shaliha, law enforcement is an activity to harmonize the relationship of values that are spelled out in the rules, views that are solid and manifest them in attitudes, actions as a series of value elaborations at the final stage to create peaceful social life. This understanding of law enforcement in practice directs

all of us, especially law enforcement officers to harmonize the values and norms or attitudes that are implemented through the rule of law in the form of statutory regulations on people's lives.

The police as executors of the government in enforcing the law of course need to take firm action against the perpetrators of the abuse of fuel oil and natural gas. Of course, this is a tough job for the police, especially investigators, because as is well known, the perpetrators of the misuse of fuel and natural gas involve unscrupulous officials, both from Pertamina itself and the security forces.

The crime of misappropriation of fuel oil (BBM) is generally carried out by the oil mafia, although not all of these illegal activities are carried out by organized networks. Based on various reports obtained at the Bongo Zero gas station, the misuse of fuel is not only carried out by one group but from several groups. The world of the oil business, which looks orderly from the outside, turns out to have so many problems inside, ranging from distribution, smuggling to the mixing of fuel oil and natural gas. In this lucrative business, many people are playing, and it is even suspected that it involves authorities who have a strong influence on it. For this reason, firm efforts by law enforcement officers, in this case, the police, are needed. Many people feel aggrieved by the actions of the perpetrators of abusing fuel and natural gas. This is exacerbated by the emergence of a shortage of fuel oil and natural gas, the supplies that Pertamina feels are sufficient are not by the reality, people queue up to get fuel and natural gas.

To enforce the law against the criminal act of hoarding fuel by the community originating from the Bongo Nol gas station, Paguyaman District. It is almost invisible or even invisible law enforcement against these criminal acts, this is based on the activities of hoarding fuel by obtaining fuel from the Bongo Zero gas station, which is carried out continuously or repeatedly. Moreover, public opinion regarding the law also influences law enforcement with legal compliance. One of the public's opinions is regarding the meaning of law which is considered synonymous with officers. This opinion causes the community to obey the law if the officer is there. This is exacerbated by the presence of unscrupulous officers who are indicated to have committed a criminal act of hoarding fuel, so that it will form a stereotype of society towards law enforcement and the law itself in this case the legislation. Therefore, law enforcement apart from being determined by its own legal rules, facilities, the mentality of law enforcement officers, is also very dependent on the awareness and compliance factor of the community, both personally and in their respective social communities. In the end, it comes back to the human element (culture) which determines the actual pattern; *in the last analysis it is the human being that counts*. So that the existence of a good and true law does not automatically guarantee a good and correct community life. The existence of police, prosecutors, judges, lawyers as direct and formal law enforcers does not guarantee the rule of law and the

enactment of the *rule of law*.

The criminal policy against the criminal act of misuse of fuel oil and natural gas is more focused on the nature of " *repressive* " (suppression/eradication/suppression) after the crime or crime has occurred. and is more of a preventive measure for the occurrence of crime, so the main target is to deal with the factors conducive to the occurrence of crime. The conducive factors, among others, are centered on problems or social conditions that are directly or indirectly. This effort is used primarily to direct that the objectives of business activities in the oil and gas sector can be carried out as optimally as possible to totalize general welfare for all Indonesian people

Factors Inhibiting the Effectiveness of Criminal Policies Regarding the Crime of Fuel Hoarding

The world of the oil business, which looks orderly from the outside, turns out to have so many problems inside, ranging from distribution, smuggling to the mixing of fuel oil and natural gas. In this lucrative business, there are many people who play, and it is even suspected that it involves authorities who have a strong influence in it. one number of criminal acts of misuse of Fuel Oil (BBM) and Natural Gas is increasing from year to year but the settlement is not optimal. This is because it is influenced by various factors so that efforts to overcome it are very difficult to do.

In carrying out the task of overcoming criminal acts of misuse of Fuel Oil (BBM) and Natural Gas. For this reason, firm efforts are needed by law enforcement officers, in this case, the police, especially in the jurisdiction of the Boalemo Police. Many people feel aggrieved by the actions of the perpetrators of abusing fuel and natural gas. However, in taking action against the perpetrators, many obstacles were found, resulting in a lack of deterrent effect on the abusers of fuel oil and natural gas.

Although the provisions of the legislation regarding the management and use of this fuel have been regulated. Especially those related to fuel hoarding activities which have been clearly and specifically regulated in Law no. 22 of 2001 concerning Oil, Gas and Natural Resources. However, the act of hoarding fuel (criminal acts) from year to year has increased. On this basis, according to the researcher, it is necessary to know the inhibiting factors of the effectiveness of policies regarding the crime of hoarding fuel, through thesis research with a smaller scope, namely in the Bongo Nol gas station area, Paguyaman District.

Regarding the fuel hoarding activity in the Bongo Nol gas station area, there are actualinions about this activity, starting from protests about it, because the community's need for premium is difficult to fulfill, even if there is it will be at a higher price. There

areSome say hoarding of fuel is an effort to distribute fuel to remote areas (areas far from gas stations). These activTheseome the livelihood of the people around the gas stations, which by the Bongo Nol village government also increases people's income. What is very unfortunate is that there are many people (hoarders) who do not know that these activities are contrary to the provisions of laws and regulations which also have sanctions that accompany them. And lastly, the gas station staff did not take any early prevention of the fuel hoarding activity, giving the impression that the gas station had ignored the criminalization act.

From the various opinions that researchers have obtained in the field, which relate to the effectiveness of the policy of criminalizing the hoarding of fuel. As for the subject of the research, the researcher and at the same time become the primary data to answer the problem formulation of the two theses, which include the head of the gas station, the village government, the community around the gas station, to the perpetrators (retailers) hoarding fuel.

Regarding the effectiveness of policies (laws), in fact laws and regulations, both a,t lower and higher levels, aim to enable the public and the state apparatus to implement them consistently and without discriminating between one community and another. Everyone is seen as equal before the law (equality before the law). However, in its implementation, the Act is often ignored for its application, so that the regulation is not effective. The ineffectiveness of regulation is caused because the law is vague or unclear, the apparatus is inconsistent or the community does not support the implementation of the regulation. If the Act is implemented properly then the Act is said to be effective. It is said to be effective because the sound of the law is clear and in its application, there is no need for interpretation, the apparatus enforces the law consistently and the people affected by the regulation support it. The theory that examines and analyzes this is the theory of legal effectiveness.

The determinants of the effectiveness of the policy of criminalizing the hoarding of fuel at the Bongonol gas station Kasawan are as follows:

Subject (Law Enforcement)

Law enforcement is aimed at obtaining order and legal certainty in society. This is done by controlling the functions, duties, and authorities of the institutions mandated by law to be in line with the proportions of their respective scopes, and based on a good cooperation system that supports the goals to be achieved.

The subject of law enforcement efforts are

Substance (legal product)

In addition to law enforcement, legal products in this case the quality of these legal products also affect law enforcement or the course of a policy. Because Indonesia is a state

of law, as explained in Article 1 paragraph (3) of the 1945 Constitution which states "Indonesia isthea State of Law." In the concept of the rule of law, it is agreed that the law is made commander in the dynamics of the life of the nation and state, not politics or the economy. This can be interpreted that everything, especially policies, must be based on law.

Thus the quality of the policy is determined by the legal product. Likewise regarding the fuel stockpiling policy, in the sense that the ineffectiveness of the policy on business activities related to fuel is caused by the laws and regulations regarding the management of fuel, special about to the provisions governing fuel business activities to run in an orderly manner and accobyse of the law being made. Such as efforts to control businesses that do not have a permit and firmness against abusive activities. For example fuel hoarding.

Specifically the rules gover,ning the steps for reforming and structuring the implementation of the control of oil and gas, namely Law no. 22 of 2001 concerning Oil and Gas. Does not specifically regulate the duties and functions of implementing agencies and regulatory agencies. In the provisions of the Oil and Gas Law, it only regulates the supervisory function at the top level, namely: "to supervise the implementation of work contracts for business activities so that the extraction of state-owned Oil and Gas natural resources can provide maximum benefits and revenues for the state for as much as for the sake of the prosperity of the people.". Meanwhile, the implementing agency as stipulated in the Law: "The duties of the implementing agency are:

- 1) Consider the Minister at his discretion in terms of preparation and bidding of Working Areas and Cooperation Contracts;
- 2) carry out the signing of the Cooperation Contract;
- 3) review and submit the field development plan which will be first produced in a Work Area to the Minister for approval;
- 4) approve the field development plan;
- 5) provide approval of work plans and budgets;
- 6) carry out monitoring and report to the Minister regarding the implementation of the Cooperation Contract;
- 7) appoint a seller of the State's share of Oil and/or Natural Gas who can provide the maximum benefit to the state."

The main problem is that the rampant fuel hoarding activity is actually due to the absence of provisions that contain the functions of implementing agencies and regulatory agencies that regulate down to the lower levels. In the case of problems that occur in the Bongo Zero gas station area, because there is no supervision in the implementation of activities related to the management and use of fuel, the community continues to carry out their activities because they feel there are no problems in the activities they carry out. Moreover, these activities can increase people's income and reduce unemployment as conveyed by the village head of Bongo Nol to researchers.

Community Legal Culture

The community has a strong influence on the implementation of the law enforcement because law enforcement comes from the community and aims to achieve within the community. The higher the legal awareness, the more possible good law enforcement will be. In the context of the research problem of researchers, the legal awareness of the perpetrators of hoarding fuel that occurred in the Bongo Zero gas station area was because community human resources were still below the level, as well as the lack of efforts from officers to provide education and socialization to the public about the rules of the game for fuel management by the provisions of the Act. Invite. This was also confirmed by the Head of Bongonol Village, who said that because the human resources of the community were still underdeveloped, information regarding the act of hoarding fuel was a form of criminalization or an act against the law, and this thesis was also corroborated by the confession of the perpetrators of hoarding fuel, who did not know about the activity. including criminal acts.

So it can be concluded that the obstacles in enforcing criminal law in cases of misuse of fuel oil and natural gas carried out by perpetrators in the Bongo Nol gas station area in this study were very much influenced by various factors, namely the legal factor itself, such as the lack of detailed regulations governing the crime. criminal abuse of fuel oil and natural gas committed by the perpetrators contained in Law No. 22 of 2001 concerning Oil and Gas, law enforcement factors where law enforcement processes will run properly if law enforcement officers carry out their duties in accordance with their respective codes of ethics. each, and legal culture factors where in dealing where in im i nal acts of abuse of fuel oil and natural gas committed by the perpetrators, law enforcement officers must have a strong mentality so that in processing cases of misuse of fuel oil and natural gas, especially at the Bongo Zero gas station, the enforcement officers bus law a. carry out law enforcement processes without sorting out who the perpetrators are behind the series of abuses of fuel oil and natural gas.

3. Conclusion

1. The criminal policy against the criminal act of misuse of fuel oil and natural gas that occurred in the Bongo Nol gas station area was more focused on the "repressive" nature (suppression/eradication/suppression), after the crime or criminal act occurred. and is more of a preventive measure for the occurrence of crime, so the main target is to deal with the factors conducive to the occurrence of crime. The conducive factors, among others, are centered on problems or social conditions that are directly or indirectly. This effort is used primarily to direct that the objectives of business activities in the oil and gas sector can be carried out as optimally as possible so as to realize general welfare for all Indonesian people.
2. The inhibiting factors in the enforcement of criminal law in cases of abuse of fuel oil

and natural gas committed by perpetrators in the Bongo Nol gas station area in this study were very much influenced by various factors, namely the legal factors themselves such as the lack of detailed regulations governing criminal acts of abuse. fuel oil and gas carried out by the perpetrators contained in Law Number 22 of 2001 concerning Oil and Gas, law enforcement factors where the law enforcement process will run properly when law enforcement officers carry out their duties by their respective codes of ethics, and the legal culture factor wherein dealing with the criminal act of misuse of fuel oil and natural gas committed by the perpetrators, law enforcement officers must have a strong mentality so that in processing cases of misuse of fuel oil and natural gas, especially at the Bongo Zero gas station, law enforcement officers can run the pro process of law enforcement without sorting out who the perpetrators were behind the series of abuses of fuel oil and natural gas.

4. Suggestion

Suggestions that the author can give include the following:

1. The police must actively carry out socialization regarding the prohibition of hoarding subsidized fuel oil. It is important to conduct socialization to drivers and vehicle owners so that they do not hoard subsidized fuel regularly and routinely collect data on vehicles waiting in line for filling so that they do not occur repeatedly. Socialization is also useful for providing understanding to the public so that they can play an important role in tackling the crime of hoarding subsidized fuel oil, namely by reporting to the police if they find hoarding activities.
2. For the Bongo Zero Village gas station, to be more thorough and stricter in supervising retail gasoline sellers to avoid hoarding.

For the Bongo Nol Village Government, to organize meetings and counseling for the community so that they understand what their rights and obligations are, what they can and cannot do, the ultimate goal is to prevent hoarding.

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