

**CRIMINAL RESPONSIBILITY OF PERPETRATORS OF THE CRIMINAL ACTS
HOARDING OF SUBSIDIZED FUEL OIL (STUDY OF DECISION NUMBER
4/PID.SUS/2025/PN SGI)**

By

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ABSTRACT

Fuel hoarding is the activity of illegally hoarding or storing Fuel Oil in large quantities, usually to be resold at a higher price when there is a scarcity. This hoarding often targets subsidized fuel, which has a detrimental impact on the community and burdens the state's finances. The responsibility of the perpetrators of the crime of hoarding subsidized fuel oil in the Sigli District Court Decision Number 4/Pid.Sus/2025/PN Sgi the defendant was sentenced to imprisonment for 8 (four) months and a fine of Rp5,000,000.00 (five million rupiah), with the provision that if the fine is not paid, it will be replaced with imprisonment for 1 (one) month. The judge's consideration is because there is no justification and forgiveness, so that he is found guilty, as well as aggravating and mitigating matters. The mitigating factor for the defendant has never been punished while the aggravating factor is that the defendant's actions are detrimental to subsidized fuel consumers.

Keywords: Criminal Liability, Oil Hoarding, Subsidies.

**PERTANGGUNGJAWABAN PIDANA PELAKU TINDAK PIDANA PENIMBUNAN
BAHAN BAKAR MINYAK BERSUBSIDI (STUDI PUTUSAN NOMOR
4/PID.SUS/2025/PN SGI)**

ABSTRAK

Penimbunan BBM adalah kegiatan menimbun atau menyimpan Bahan Bakar Minyak secara ilegal dalam jumlah besar, biasanya untuk dijual kembali dengan harga yang lebih tinggi saat terjadi kelangkaan. Penimbunan ini sering menysasar BBM bersubsidi, yang dampaknya merugikan masyarakat dan membebani keuangan negara. Pertanggungjawaban pelaku tindak pidana penimbunan bahan bakar minyak bersubsidi dalam Putusan Pengadilan Negeri Sigli Nomor 4/Pid.Sus/2025/PN Sgi terdakwa dipidana penjara selama 8 (empat) bulan dan pidana denda sebesar Rp5.000.000,00 (lima juta rupiah), dengan ketentuan apabila pidana denda tersebut tidak dibayar, maka diganti dengan pidana kurungan selama 1 (satu) bulan. Pertimbangan hakim karena tidak ada alasan pembeda dan pemaaf, sehingga dinyatakan bersalah, serta hal-hal yang memberatkan dan meringankan. Hal yang meringankan

terdakwa belum pernah dihukum sedangkan hal yang memberatkan adalah perbuatan terdakwa merugikan konsumen BBM Bersubsidi.

Kata Kunci: *Pertanggungjawaban Pidana, Penimbunan Minyak, Subsidi.*

INTRODUCTION

The Indonesian state is a state based on law (rechtsstaat), not based on mere power (machtsstaat). The statement is expressly stated in the General Explanation of the 1945 Constitution. This shows that Indonesia is a country of law, Indonesia accepts law as an ideology to create order, security, justice, and welfare for its citizens. The consequence of all of this is that the law is binding on every action taken by Indonesian citizens. Law works by providing instructions about behavior and therefore law is also in the form of norms. Law in the form of norms is known as legal norms, where the law binds itself to society as the place where the law works. The law itself is very closely related to crime as one of the aspects contained in the law, especially criminal law.

Indonesia as a country of law, law is the main pillar in moving the joints of society, nation and state. Therefore, one of the main characteristics of a state of law lies in its tendency to judge the actions taken by society on the basis of legal regulations. This means that a country with the concept of a state of law always regulates every action and behavior of its people based on the applicable laws to create, maintain and maintain peace of association, in accordance with what is mandated in Pancasila and the 1945 Constitution, namely that every citizen has the right to a sense of security and freedom from all forms of crime.

The existence of the law in the midst of society is very urgent, therefore the community must have legal awareness which can only be seen from its indicators which consist of general knowledge, understanding of legal principles, attitudes towards legal norms and legal behavior. If the community wants peace, tranquility, justice and welfare, the main condition is to comply with the rules of the law in addition to other supportive attitudes.

Although all behaviors and deeds have been regulated in every law, crime is still rampant in this country. Crimes are acts that violate the norms that apply in society. Juridical crimes are all human acts that meet the formulation of the provisions mentioned in the Criminal Code. The problem of crime cannot be separated from social life which is one of the parts of human

life that takes place continuously. Reality shows that almost every day in the mass media, both print and electronic media contain news about crime.

RESEARCH METHODS

This research is descriptive and analytical, the meaning is that this research is a research that describes, examines, explains and analyzes problems in the crime of hoarding subsidized fuel oil which is linked to laws and regulations which are then analyzed. This research is a scientific activity based on certain methods, systematics and thinking that aims to study a certain law by analyzing it.

Analysis of legal aspects both in terms of the provisions of applicable regulations regarding the crime of subsidized fuel hoarding and researching and studying the application and implementation of these regulations in relation to the application of the law to the crime of subsidized fuel hoarding.

RESULTS AND DISCUSSION

Oil and gas are natural resources controlled by the state and are a source of vital commodities that play an important role in the supply of industrial fuels, the fulfillment of important needs, its management needs to be carried out as optimally as possible so that it can be used for the greatest prosperity and welfare of the people, where in some developing countries such as Indonesia the need for oil and natural gas is increasing day by day. as stated in the Constitution of the Republic of Indonesia of 1945, Article 33 paragraph (2) "Branches of production that are important to the State and that control the lives of the people are controlled by the State" and paragraph (3) "The earth, water, and wealth contained therein are controlled by the State and used as much as possible for the prosperity of the people.

Oil and Gas (Oil and Gas) as a strategic and non-renewable natural resource is a vital commodity that controls the lives of many people and has an important meaning in national economic activities. Therefore, its management must be carried out professionally and sustainably, in order to provide maximum benefits in the form of welfare for the people as a whole.

Based on this thought, oil and gas are controlled by the State, and the meaning of the word

control is; that the Government on behalf of the State controls all the rights contained in oil and gas resources, namely property rights, and the right to use (mening rights), and the right to sell (economic right).

Since the enactment of Law No. 22 of 2001 concerning Oil and Gas, Law No. 44 of 1960 concerning Oil and Gas Mining, Law No. 15 of 1962 concerning the Obligation of Oil Companies to Meet Domestic Needs, Law No. 8 of 1971 concerning Pertamina, Law No. 10 of 1974 concerning Amendments to Law No. 8 of 1971 concerning Pertamina is no longer applicable, However, the implementing regulations of the four Laws remain valid as long as they do not conflict or have not been replaced by new regulations based on Law No. 22 of 2001 concerning Oil and Gas.

In the midst of the difficult conditions faced by the Government; Due to the increasing demand for subsidized fuel and the increase in fuel prices in the world market, there are certain parties, both individuals and corporations, who commit irresponsible acts in the form of: smuggling, hoarding, smuggling, transportation and sales to the subsidized fuel industry. These acts aim to gain benefits for themselves or the corporation at the expense of the interests of the public (society). The actions of the people and corporations mentioned above, in addition to harming the State and can cause public unrest due to fuel scarcity, therefore it needs serious and integrated countermeasures from all parties involved.

Every business activity is always related to the distribution of products produced by a company. The products produced in business activities are in the form of goods and services. Therefore, the company can be said to have succeeded in carrying out its product distribution process activities, if the company becomes a global problem due to the limited number. Especially after the development of industrial and transportation technology which further increases the amount of demand for oil and natural gas.

Oil and gas are natural resources controlled by the state and have an important role in the national economy so their management must be carried out as optimally as possible. Efforts to create oil and gas business activities to realize an increase in the prosperity and welfare of the people are stipulated by Law Number 22 of 2001 concerning Oil and Gas which provides a legal basis for the renewal and restructuring of oil and gas business activities.

Fuel Oil according to Law Number 22 of 2001 concerning Oil and Gas (Oil and Gas), Article

1 paragraph (4) is: "fuel derived and/or processed from petroleum." Meanwhile, petroleum according to Article 1 paragraph 1 of Law Number 22 of 2001 concerning Oil and Gas is: "the result of natural processes in the form of hydrocarbons that are under atmospheric pressure and temperature conditions in the form of liquid or solid phases, including asphalt, mineral wax, or ozokerite and bitumen obtained from the mining process, but do not include coal or other solid hydrocarbon deposits obtained from unrelated activities with oil and gas activities".

Fuel oil is an organic compound needed in a combustion with the aim of obtaining energy. Fuel oil is the result of the distillation process of crude oil from mining results into desired fractions. The types of fuel oil include: Premium mixture, Premium, Kerosene, Diesel Oil, Fuel Oil and Biodiesel. Fuel Oil paid by the government is not much. until today there are only 2 types of subsidized fuel from gasoline and diesel. Subsidized gasoline fuel contains an octane value of 90.

Fuel Oil according to Law Number 22 of 2001 concerning Oil and Gas (Migas), Article 1 paragraph (4) is fuel derived from 16 and/or processed from petroleum. Meanwhile, petroleum according to Article 1 paragraph 1 of Law Number 22 of 2001 concerning petroleum and gas is the result of a natural process in the form of hydrocarbons that are under atmospheric pressure and temperature conditions in the form of liquid or solid phases, including asphalt, mineral wax, or Ozokerite and Bitumen obtained from the mining process, but do not include coal or other solid hydrocarbon deposits obtained from activities that are not related to the oil and gas business.

As for this definition, there is not only an explanation of the meaning of petroleum, but also of its form, its type and the way to obtain it. Petroleum is constructed as crude oil. The form is in the form of a solid and liquid object. The types are hydrocarbons and bitumen. The way to obtain it can be by condensation (condensation), excavation, and distillation.

Article 1 paragraph (2) of Law Number 22 of 2001 concerning Oil and Natural Gas. Natural gas is the result of a natural process in the form of hydrocarbons that are under atmospheric pressure and temperature conditions in the form of gas phases obtained from the oil and gas mining process. Fuel oil comes from petroleum and some come from biological resources. Petroleum is obtained from the bowels of the earth from the remains of animals that were

buried millions of years ago that have been turned into oil. The petroleum obtained from the bowels of the earth is then taken to the processing refinery. There petroleum is processed in stages to produce these types of fuels. The types of fuels produced are gas, gasoline, kerosene, diesel, heavy oil (used for lubricating oils, waxes, petrochemical process feeds), and residues (used for hot steam engine fuel, asphalt, leak-proof coating materials). Meanwhile, fuel oil derived from West Sumatra can be a mixture of vegetable and animal fats such as biodiesel. The function of fuel is one of the needs of the community for fuel intended for motor vehicles and industries that have a function as combustion engines so that the engine can function properly as it should. Basically, a subsidy is a profit obtained by producers through the government to reduce production costs borne by producers, meaning that it can be seen as the opposite of sales tax because subsidies can lower prices. The amount of profit that buyers get with the subsidy depends on the amount of price reduction that will apply. The definition or definition of subsidy is the assistance provided by the government to producers or consumers so that the goods or services produced become cheaper and accessible to the wider community. The assistance provided by the government is to reduce the amount of production which is increasing day by day. The provision of assistance is basically to see how subsidies can benefit buyers and sellers so that the increasing production costs can be reduced by the provision of subsidies.

Subsidized fuel oil (BBM) as already mentioned refers to fuel whose price is partly paid by the government with the intention of helping certain groups in society. The payment fee comes from the State Revenue and Expenditure Budget which has been determined every year. Non-subsidized fuel refers to fuel that is not paid for by the government. But its use by the community can help the government in ensuring that only people in need can enjoy subsidized fuel oil.

Despite the obvious different prices, there are likely differences between the two in terms of quality and quantity. Subsidized and non-subsidized fuel oil financing is definitely different. On the other hand, non-subsidized fuel oil is not financed by anyone, aka the public has to pay a higher price. Subsidized fuel oil has a limited quota because it is intended for the lower class. In addition, non-subsidized fuel oil definitely has a much larger quota. There is only one type of subsidized fuel oil for each type of pertalite and diesel. The price of subsidized

fuel is much lower when compared to non-subsidized fuel.

The crime of hoarding subsidized fuel oil shows a tendency to increase both in quantity and quality, this is certainly troubling to the community and is one of the diseases of the community that must be dealt with carefully. Hoarding according to the great Indonesian dictionary is an illegal activity in collecting goods that are limited by law. Hoarding is hoarding, which is deviant behavior which means an activity of storing basic necessities or essential goods with the intention of obtaining profits that exceed reasonableness, especially when there is a scarcity of goods, price increases and/or traffic obstacles in trade of goods. This act should be suspected of violating the provisions of Article 29 of Law Number 7 of 2014 concerning Trade which reads:

1. Business Actors are prohibited from storing basic necessities and/or essential goods in a certain amount and time in the event of a shortage of goods, price fluctuations, and/or traffic obstacles in Goods Trade.
2. Business Actors can store basic necessities and/or essential goods in a certain quantity and time if they are used as raw materials or auxiliary materials in the production process or as supplies of goods for distribution.
3. Further provisions regarding the storage of basic necessities and/or essential goods are regulated by or based on Presidential Regulation.
4. The things that allow hoarding/monopoly in general are:
5. The manufacturer (seller) has the patent rights for the output produced such as author's rights, trademarks, trade names.
6. The producer (the seller) has one of the most important resources and keeps it secret or the producer (the seller) has more knowledge than the others about the technicalities of production.
7. The granting of special permits by the government to certain producers (sellers) to manage a certain business as well.

The size of the market is too small to serve more than one company operating the optimal enterprise scale. In reality, sometimes there is a market that is only possible to be served by a company that operates at optimal production scale, for example in the fields of transportation, electricity and communications. The monopoly market that emerges is often referred to as a

natural monopoly.

The government sets a limit pricing policy. The policy of price cap (pricing at one level as low as possible) is intended to prevent new companies from entering the market. The liability of a person who committed the crime of hoarding subsidized fuel oil in this case is not found in the trial either through evidence that can be a reason for criminal elimination so that the defendant is considered physically and spiritually healthy to commit the criminal act. Based on these reasons, the judge handed down the verdict.

CONCLUSION

The criminal law regulation against the crime of hoarding subsidized fuel oil in the case of the Sigli District Court Decision Number 4/Pid.Sus/2025/PN Sgi is regulated in Article 55 of Law Number 22 of 2001 concerning Oil and Gas as amended in Article 40 Number 9 of Law Number 11 of 2020 concerning Job Creation. The occurrence of the crime of hoarding subsidized fuel oil is an economic factor with the intention of being illegally owned.

The responsibility of the perpetrators of the crime of hoarding subsidized fuel oil in the Sigli District Court Decision Number 4/Pid.Sus/2025/PN Sgi is the fulfillment of all elements in accordance with the articles imposed by the defendants. With the fulfillment of these elements and there is no justification and excuse for the acts committed by the defendants, the defendants must be held accountable for their actions in accordance with the decision handed down by the Panel of Judges, by serving a prison sentence of 8 (four) months and a fine of Rp5,000,000.00 (five million rupiah), provided that if the fine is not paid, Then it was replaced with imprisonment for 1 (one) month. The judge's consideration in imposing a verdict on the case of subsidized fuel hoarding in the Sigli District Court decision Number 4/Pid.Sus/2025/PN Sgi has no justification and excuse, so he was found guilty, as well as aggravating and mitigating matters. The mitigating factor for the defendant has never been punished while the aggravating factor is that the defendant's actions are detrimental to subsidized fuel consumers.

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