

Protection of Consumer Rights of Pertamina Users Against Fuel Adulterating Practices (2018 – 2023)

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Abstract. *Consumer protection under Indonesian law aims to guarantee the right to security, safety, comfort, and accurate information, as specified in Law Number 8 of 1999 concerning Consumer Protection. Allegations of adulteration of Pertamina by PT Pertamina Patra Niaga and related parties have resulted in losses for consumers and have reduced public confidence in the quality of national fuel. This research uses a qualitative normative legal approach by analyzing legislation, legal doctrine, and expert opinions regarding consumer rights and business actors' obligations. Supporting data from consumer complaint reports compiled by LBH Jakarta and CELIOS is used to a limited extent to strengthen the context of the problem. The results indicate that although the legal framework normatively regulates consumer rights protection, in practice there are still weaknesses in the supervision and fulfillment of business actors' responsibilities, particularly in the energy sector.*

Keywords: *Adulteration; Consumer; Law; Protection.*

1. Introduction

Consumer protection is essentially an essential pillar in the modern legal system that aims to ensure the fulfillment of the basic rights of the community as users of goods and/or services. Within the national legal framework, Law Number 8 of 1999 concerning Consumer Protection has established fundamental principles that regulate the right to comfort, security, and safety in consuming products, as well as the right to correct, clear, and honest information regarding the goods and/or services offered. However, in practice, violations of these rights still frequently occur, especially in strategic sectors such as energy, which have a broad impact on the social and economic life of society.

As regulated in Articles 6 and 7 of Law No. 8 of 1999, it explains in detail the rights and obligations of business actors, such as the right to receive payment, obtain legal protection, and be obliged to guarantee the quality of goods and services produced. This is certainly an obligation that binds business actors to guarantee and protect consumer rights. So here we can see the reciprocity, which if it can run as it should, both parties will benefit equally.

One of the cases that has raised national public concern is the alleged practice of adulterating Pertamina type fuel oil (BBM) by individuals within PT Pertamina Patra Niaga and other subsidiary entities. In this case, the main party suspected of being involved is PT Pertamina (Persero) as the state-owned holding company responsible for the management and distribution of national fuel oil. Through its subsidiary, PT Pertamina Patra Niaga (PPN), this company is suspected of engaging in adulteration practices by mixing Pertalite (RON 90) or even RON 88 with Pertamina (RON 92) at depot facilities such as PT Orbit Terminal Merak, then distributing it to the public under the Pertamina label. In addition, PT Kilang Pertamina Internasional (KPI) is also mentioned in the report for allegedly importing crude oil without prioritizing domestic production as stipulated in government regulations, while PT Pertamina International Shipping (PIS) is suspected of inflating or marking up the transportation costs of crude oil and refined products by 13 to 15%, which increases the potential for state losses.

In addition to entities under Pertamina, there are also two private companies, namely PT Navigator Khatulistiwa and PT Jengjala Maritim, which act as brokers or intermediaries for oil imports. These two companies are suspected of being involved in tender manipulation and setting high prices before the procurement process is carried out, thereby obtaining large profits from imports of oil and fuel that do not comply with specifications. The alleged involvement of these parties was revealed by the Attorney General's Office of the Republic of Indonesia, which investigated the corruption practices in the management of crude oil and refined products within Pertamina and its subsidiaries from 2018 to 2023. Based on the results of the investigation, these unlawful acts caused state losses of approximately IDR 193.7 trillion, including losses from imported crude oil exports through brokers as well as compensation and fuel subsidies. Thus, the parties suspected of involvement in this case are not only state-owned and private companies, but also reflect the alleged systemic existence in the national oil and gas governance that is not transparent and detrimental to consumers. Based on the results of a study conducted by the Center of Economic and Law Studies (Chelios) together with the Jakarta Legal Aid Institute (LBH), consumer losses are estimated to reach IDR 17.4 trillion per year, with a significant impact on people's purchasing power and productivity.

Data from public complaints compiled by Chelios and LBH Jakarta in 2025 showed that 382 out of 619 consumers, or approximately 61.7 percent of consumers, claimed to have experienced engine damage. Fifty-one percent of consumers reported losses of less than Rp 10,000,000, 33.6 percent reported losses between Rp 10,000,000 and Rp 50,000,000, and 8.5 percent reported the largest losses, namely more than Rp 100,000,000. These losses vary widely and indicate that Pertamina fuel users come from various different backgrounds.

Basically, many people are aware and care about the stamina and performance of each vehicle they own, therefore many choose to switch from Pertalite which certainly has a low octane to Pertamina which has a higher octane in the hope of being able to maintain the stamina and performance of each vehicle they own, because the use of fuel with a low octane in the long term can certainly cause damage to the vehicle which can increase operational costs. Moreover, Pertalite fuel is basically specifically intended for consumers who need it more or in other words, it is subsidy-based. Of course, from this it can be seen that consumer awareness

is currently very wide open, but it is very unfortunate that this awareness is actually exploited for personal gain.

In this case, it's not just losses that are impacted, but also consumer trust in product quality and quantity. Ultimately, many consumers are switching to privately owned fuels like Shell or Vivo. They believe that privately owned fuels currently prioritize consumer comfort and safety. Naturally, consumers will feel more valued and cared for. In the business world, trust is the most important key to maintaining economic stability within a company; without it, a company will not survive for long.

2. Research Methods

This study uses a qualitative normative legal approach, with a primary focus on the analysis of consumer rights in the context of legal protection for the alleged adulteration of Pertamina fuel by PT Pertamina Patra Niaga. The normative legal approach was chosen because this study aims to examine the legal norms governing consumer rights and the obligations of business actors as stipulated in applicable laws and regulations. The analysis of this study was conducted by examining primary legal materials, namely Law Number 8 of 1999 concerning Consumer Protection, Supreme Court Regulation Number 1 of 2002 concerning Class Action Procedures, and other laws and regulations relevant to consumer protection. In addition, secondary legal materials were also used in the form of legal doctrine, expert opinions, scientific journals, and previous research results related to the fulfillment and violation of consumer rights. This type of research is qualitative, because it focuses on the interpretation of legal norms and juridical analysis of provisions governing consumer rights, without using a quantitative approach or statistical measurement. Supporting data in the form of a summary report of consumer complaints regarding alleged adulterated Pertamina published by LBH Jakarta and CELIOS is used to a limited extent as an illustration of the context of the problem, without forming the basis for the main empirical analysis. The data collection technique was carried out through library research by examining relevant primary and secondary legal materials. The data obtained were analyzed descriptively and analytically to assess the extent to which positive legal regulations have provided protection for consumer rights in cases of alleged adulterated fuel.

3. Results and Discussion

3.1. The concept of consumer protection in Law Number 8 of 1999, particularly regarding the prohibition of business actors in the practice of adulterating Pertamina

Consumer protection in Indonesia gained a firm legal basis through the enactment of Law Number 8 of 1999 concerning Consumer Protection (UUPK), which was born in response to the need for legal certainty in the relationship between consumers and business actors amidst the increasingly complex development of trade and service activities. Before the UUPK was enacted, consumer protection was spread partially across various civil and sectoral legal provisions, thus unable to provide comprehensive and effective protection. Therefore, the

UUPK is present as a legal instrument that aims to regulate the balance of interests between consumers and business actors within a unified normative framework.

Conceptually, consumer protection in the Consumer Protection Law (UUPK) is defined as all efforts to ensure legal certainty and provide protection to consumers. This concept demonstrates that the state plays a role not only as a regulator but also as a guarantor of the protection of consumer rights, which are in fact in a weaker position than business actors, both in terms of information, economic power, and bargaining power. Thus, consumer protection embodies the principles of social justice and legal protection for vulnerable parties in transactions of goods and/or services.

Law Number 8 of 1999 concerning Consumer Protection is built on a number of basic principles that serve as the foundation for the interpretation and application of consumer protection norms. The principle of benefit emphasizes that consumer protection must provide tangible benefits to consumers and business actors in a balanced manner, without hindering legitimate business activities. The principle of justice requires that consumers and business actors obtain their rights and carry out their obligations proportionally, and prevent the abuse of dominant positions that are detrimental to consumers. The principle of balance emphasizes the alignment of interests between consumers, business actors, and the government in order to create a healthy business climate. Furthermore, the principle of consumer safety and security requires business actors to ensure that the goods and/or services traded do not harm consumers and meet established quality standards. The principle of legal certainty demands the existence of clear and enforceable regulations so that consumers know their rights and business actors understand their obligations.

Essentially, the core of consumer protection lies in ensuring that traded goods meet the quality, standards, and information stated by the business. When consumers purchase fuel labeled and priced as Pertamina, there is a legitimate expectation that the fuel will meet the quality and specifications specified for Pertamina. Any deviation from this quality constitutes a violation of consumer rights.

The practice of adulterating Pertamina fuel directly violates consumers' rights to correct, clear, and honest information, as well as the right to obtain goods according to the promised exchange rate and conditions. Consumers do not have access to or the ability to directly verify the quality of the fuel, and therefore are entirely dependent on the information and honesty of business actors. Therefore, if the Pertamina fuel sold does not meet the stated specifications, consumers' rights have been violated, even if the product is visibly usable.

In a consumer protection system, trust is the primary foundation that enables a balanced relationship between consumers and businesses, particularly in strategic commodity transactions such as fuel. Law Number 8 of 1999 builds this trust through guarantees of quality and safety, as well as the obligation of businesses to convey accurate information and act in good faith. The practice of adulterating fuel undermines this foundation by creating a mismatch between the quality of the product and the information provided, thereby depriving consumers of certainty about the goods they consume.

This erosion of trust has a direct impact on the effectiveness of consumer protection, given that consumers lack the ability to independently assess fuel quality and are entirely dependent on business actors' compliance with applicable standards. This situation disrupts the balance of legal relations envisioned by the Consumer Protection Law and weakens the function of consumer protection as an instrument of legal certainty. Therefore, the practice of adulterating fuel not only violates consumer protection norms but also has broader normative implications, such as a decline in consumer trust in the fuel distribution system and the integrity of business actors.

a. Legal Efforts for Affected Communities

Legal remedies available to the public for losses resulting from the practice of adulterating Pertamina fuel include a class action lawsuit. A class action lawsuit is essentially a civil legal tool that allows one or more individuals to act as representatives to file a lawsuit on behalf of a group of people who share common facts, legal basis, and interests. In the context of consumer protection, this mechanism is crucial because the losses experienced by consumers are massive and widespread, making individual lawsuits ineffective and potentially hindering public access to justice. The existence of class action lawsuits reflects a collective legal effort to balance the position of consumers with business actors who have greater economic and structural power.

Normatively, class action lawsuits in Indonesia obtain their legal basis from Article 46 paragraph (1) letter b of Law Number 8 of 1999 concerning Consumer Protection, which explicitly grants a group of consumers the right to file a lawsuit based on common interests. In addition, the mechanism and procedures for filing a class action lawsuit are further regulated in Supreme Court Regulation Number 1 of 2002 concerning Class Action Procedures. This regulation confirms that class action is a legal instrument that is valid and recognized in the Indonesian judicial system, especially for handling disputes involving large consumer losses and stemming from the same act.

For a lawsuit to be filed as a class action, several requirements must be met, including a sufficient number of group members to render it ineffective to file individually, the existence of similar facts or legal events experienced by all group members, and the suitability of the class representative's demands to the interests of the group members they represent. Furthermore, the class representative must be able to act honestly and fairly in protecting the interests of all group members. These requirements aim to ensure that the class representative's lawsuit truly reflects the collective interests and does not cause injustice to the group members they represent.

In the case of Pertamina fuel adulteration, the class action lawsuit mechanism has strong relevance because a large number of consumers suffered losses stemming from the same legal event, namely purchasing fuel with the Pertamina label and price but receiving a product whose quality does not meet the specifications. The similarity of facts, legal basis, and type of losses experienced by consumers fulfills the characteristics of a class action lawsuit as regulated in the legislation. Therefore, the use of a class action lawsuit in this case is not only a

means of collectively recovering consumer rights, but also functions as an instrument for enforcing consumer protection norms to emphasize that violations of consumer rights on a large scale can be held accountable through effective and fair legal mechanisms.

The stages of a class action lawsuit begin with the filing of a lawsuit by the class representative with the competent district court. The class representative is one or more individuals who represent the interests of all class members without requiring a special power of attorney from each member. In the lawsuit, the plaintiff must clearly state the identity of the class representative, the definition of the group represented, a description of the legal events that form the basis of the lawsuit, the similarities in facts and legal basis experienced by all class members, and the demands being sought. The clarity of the class definition is crucial because it determines the scope of the subjects bound by the court's decision.

After the lawsuit is filed, the court will conduct an initial certification examination to assess whether the lawsuit is worthy of being examined as a class action lawsuit. At this stage, the judge assesses whether the requirements for a class action are met, including the large number of group members (numerosity), the existence of similar facts and a legal basis (commonality), the suitability of the group representative's demands with the interests of the group members (typicality), and the ability and good faith of the group representative in protecting the interests of the group (adequacy of representation). If these requirements are not met, the judge has the authority to declare the lawsuit inadmissible as a class action.

If the lawsuit is deemed eligible, the court will order notification to all class members. This notification aims to provide information regarding the existence of the class action lawsuit, the substance of the case, and the rights of class members to choose to participate or opt out. Notification will be made through media deemed effective and easily accessible, such as national print media, electronic media, or other means determined by the judge to ensure transparency and protect the rights of class members.

The next stage is the examination of the main points of the case, which includes the process of questioning between the plaintiff and defendant, the presentation of evidence, and the presentation of conclusions by the parties. In this stage, the group representative acts entirely on behalf of the group in proving the existence of unlawful acts or violations of consumer rights, the causal relationship between the business actor's actions and the resulting losses, and the extent of the losses suffered collectively. The entire evidentiary process focuses on the general legal events experienced by the group, not on the individual losses of each member.

After the examination is complete, the court will issue a decision that is binding on all group members who have not withdrawn from the group. The decision will include the judge's assessment of the merits of the case, a determination of the defendant's liability, and the form of restitution or compensation to be awarded. If the lawsuit is granted, the court may also regulate the distribution of compensation to group members to ensure the effective and fair implementation of the decision.

The final stage is the enforcement of the judgment, which is carried out in accordance with civil procedural law. In the context of a class action lawsuit, the enforcement of the judgment often requires special oversight, particularly regarding the distribution of compensation to class members. The court may appoint a specific party or establish an administrative mechanism to ensure that consumer rights as class members are fully fulfilled, so that the primary objectives of the class action—efficiency, fairness, and protection of collective interests—can be optimally achieved.

One of the cases that uses a class action lawsuit in its lawsuit, namely Decision Number 29/Pdt.G/2023/PN Skh which was examined and decided by the Sukoharjo District Court, is a civil case of a class action representative lawsuit filed by affected residents against PT Rayon Utama Makmur regarding alleged environmental pollution due to industrial activities. During the trial process, the panel of judges first stated that the lawsuit met the procedural requirements as a class action lawsuit so that it could be examined further in the main case. However, after considering the evidence, witness statements, and expert opinions submitted by the parties, the panel of judges in the verdict stated that the plaintiff's lawsuit was rejected in its entirety and charged the plaintiff with court costs.

The rejection relates to the judge's assessment of the evidentiary aspects of the elements of pollution and civil liability, which were deemed not to have been convincingly fulfilled at the first instance. The judge was of the opinion that the facts of environmental disturbance submitted could not yet be qualified as a violation of the law in the sense of environmental pollution, while the losses claimed by the plaintiff had not been concretely and measurably proven. In addition, the causal relationship between the defendant's activities and the losses suffered could not be convincingly proven, so that the basis for establishing civil liability was not formed. The cumulative failure to prove the elements of the violation of the law, losses, and the causal relationship was the basis for the panel of judges to reject the lawsuit in its entirety.

Against this decision, the plaintiffs took further legal action up to the cassation level, where the Supreme Court of the Republic of Indonesia then overturned the previous decision and declared the defendant to have committed an unlawful act and imposed an obligation to pay compensation, so that this case became an important example in the development of environmental class action lawsuit practices in Indonesia, especially regarding the dynamics of proof and protection of the rights of affected communities.

4. Conclusion

Based on the research results, it can be concluded that legal protection for consumers using Pertamina fuel has been comprehensively regulated in Law Number 8 of 1999 concerning Consumer Protection and its supporting legal instruments. This regulation guarantees consumers' rights to security, safety, and correct information regarding the goods they consume, while also requiring business actors to maintain product quality and transparency. However, in practice, there are still weaknesses in the supervision and fulfillment of business actors' responsibilities, as reflected in allegations of fuel adulteration practices that cause

material losses and a decline in public trust. In the context of restoring consumer rights, the class action mechanism is a relevant legal instrument to pursue given the broad and collective nature of the losses. Therefore, the effectiveness of consumer protection depends not only on the existence of legal norms, but also on consistent law enforcement, strengthened supervision, and increased accountability for energy sector governance. These efforts are crucial to achieving legal certainty and maintaining public trust in the consumer protection system in Indonesia.

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