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JURIDICAL ANALYSIS OF 3 KG LPG DISTRIBUTION SUPERVISION POLICY BY LOCAL GOVERNMENT: A CASE STUDY IN JAMBI PROVINCE

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ABSTRACT

This study analyzes the 3 kg LPG distribution supervision policy in Jambi Province from a juridical perspective. The approach applied is normative juridical accompanied by literature analysis, which is supported by documentation studies as the main data collection method. The research findings indicate that the implementation of supervisory policies in Jambi Province has not been optimal due to several factors: (1) a weak distribution system that allows misappropriation practices such as sales above the HET (Highest Retail Price), hoarding, and adulteration; (2) limited coordination between relevant government agencies; (3) a lack of human resources and budget for supervision; (4) low public awareness; and (5) suboptimal utilization of technology in the monitoring system. The juridical analysis revealed that although the regulatory framework from the central to local levels is in place, implementation is constrained due to weak enforcement mechanisms and unclear division of authority. This study recommends strengthening cross-sectoral coordination, increasing the capacity of supervisors, implementing an integrated information system, strengthening community participation, and strict and consistent law enforcement in order to strengthen the effectiveness of supervision of 3kilogram LPG distribution in Jambi Province.

A. INTRODUCTION

The Indonesian government's strategic program in providing affordable energy for low- to middle-income households is realized through the distribution of subsidized 3 kg LPG. This program is part of the policy of shifting energy use from kerosene to LPG gas which was implemented in 2007.¹

Referring to Presidential Regulation No. 104 of 2007 on the Supply, Distribution, and Pricing of Liquefied Petroleum Gas 3 Kilogram Tubes, 3 kg LPG should be distributed through a mechanism that is well-targeted to households and micro businesses that meet the requirements. However, field observations indicate / evidence shows that the supervision of the distribution of 3 kg LPG still faces various challenges that result in distribution that is not on target and harms consumers.

The mismatch between the highest retail price (HET) set by the government and the actual price in the field is a serious problem in the

¹ Adhary, T. M. R., & Mustakim, M., Perbuatan Melawan Hukum Oleh Pelaku Usaha Terhadap Konsumen Dalam Penjualan Elpiji Tabung 3 Kg, *Jurnal Ilmiah Mahasiswa Bidang Hukum Kependidikan*, Vol. 3, No. 3, 2019, page. 688-697.

distribution of subsidized LPG gas.² According to Munandar (2025), the 3 kg LPG subsidy policy in Indonesia was designed to help poor households, but misuse by the small industrial sector and business enterprises reduces its effectiveness. Weak distribution monitoring mechanisms and bureaucratic complexities exacerbate the practice of subsidy abuse.³

In Jambi Province, especially in Paal Merah Sub-district of Jambi City, the distribution of 3 kg LPG does not run according to the proper distribution channels, which causes consumer rights not to be guaranteed due to weak supervision and lack of appeals in the distribution chain.⁴ This condition is reflected in the widespread practice of selling gas above the HET (Highest Retail Price), adulteration, and stockpiling/hoarding. An unannounced inspection by Commission II of the Jambi City Legislative Council⁵ following complaints from residents observed discrepancies in the implementation of the distribution as regulated and price spikes at the retail level reaching Rp48,000 per cylinder, significantly exceeding the Highest Retail Price (HET) of Rp17,000.⁶ Rocky Chandra, who served as a member of Commission XII of the House of Representatives, in February 2025 also acknowledged the constraints in accessing 3 kg LPG and the price mismatch with the price ceiling in Jambi.⁷ This discrepancy indicates a gap between the regulation and implementation of the 3 kg LPG distribution supervision policy, which requires in-depth analysis from the perspective of state administrative law.⁷

Previous studies on 3 kg LPG distribution have identified recurring problems including stock vacancies, mis-targeted distribution, weak supervision mechanisms, and lack of transparency.⁸ However, these studies have not comprehensively integrated juridical analysis with empirical data in the specific context of Jambi Province.

This study aims to evaluate the effectiveness of the 3-kg LPG distribution supervision policy implemented by the Jambi Provincial

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- 2 Rahmadi, R., Yuliani, N. R., & Arbain, N. T., Pengawasan distribusi gas LPG 3 kg pada sub agen di Kecamatan Kelua Kabupaten Tabalong, *PubBis: Jurnal Pemikiran dan Penelitian Administrasi Publik dan Administrasi Bisnis*, Vol. 6 No. 2, 2022, page. 110-117.
 - 3 Munandar, A., Evaluasi Kebijakan Penyaluran LPG 3 Kg: Efektivitas Subsidi Rumah Tangga Miskin Vs Penggunaan Industri, *Jurnal Ilmu Hukum, Humaniora dan Politik*, Vol. 5, No. 4, 2025, page. 4459-4475.
 - 4 Simbolon, Y. M. K., & Rosmidah, R., Perlindungan Hukum Bagi Konsumen Pengguna Gas LPG 3 Kg Menurut Undang-Undang Perlindungan Konsumen, *Zaaken Journal of Civil and Business Law*, Vol. 1, No. 2, 2020, page. 302-323.
 - 5 Ahmad., Sidak Agen Lpg, Komisi 2 Dprd Kota Jambi Temukan Kelangkaan Dan Lonjakan Harga, Jambiprima.com, diakses 25 March 2025
 - 6 Gerindra., Rocky Chandra Soroti Kelangkaan dan Lonjakan Harga LPG 3 Kg di Jambi, Gerindra.or.id, February 2025.
 - 7 Anggriani, J., *Hukum Administrasi Negara*, Yogyakarta: Deepublish, 2020.
 - 8 Mokoginta, Y., Pangalila, T., & Siwij, D. S. R., Implementation Of Subsidized Liquefied Petroleum Gas (LPG) Distribution Policy In Kotamobagu City, *Technium Social Sciences Journal*, Vol. 67, 2025, page. 85-98; Also see, Romdoni, M. R., & Rizqullah, N. N. Z., Sistem Informasi Distribusi Gas Elpiji 3 Kg Bersubsidi Berbasis Teknologi Blockchain, *Jurnal Bangkit Indonesia*, Vol. 10, No. 2, 2021, page. 1-12; Also see, Rahmadi et al., Pengawasan Distribusi Gas LPG 3 Kg Pada Sub Agen Di Kecamatan Kelua Kabupaten Tabalong. *PubBis: Jurnal Pemikiran dan Penelitian Administrasi Publik dan Administrasi Bisnis*, Vol. 6, No. 2, 2022

Government as an effort to achieve fair and targeted distribution. Specifically, this study aims to: (1) analyze the effectiveness of the 3 kg LPG distribution supervision policy by the Jambi Provincial Government based on the applicable regulatory framework; (2) identify factors that influence the implementation of the supervision policy; and (3) formulate recommendations for improving a more effective and equitable supervision policy.

The significance of this research lies in its contribution to improving the governance of energy subsidies and consumer protection, especially for the poor who are vulnerable to the negative impacts of mis-targeted 3 kg LPG distribution. The results are expected to be used as a reference by local governments in making more effective policies and providing legal guarantees to 3 kg LPG users.

This research fills the literature gap by combining juridical analysis with empirical data from Jambi Province to develop evidence-based policy recommendations. The novelty lies in integrating state administrative law perspectives, supervision management, and information technology to propose an alternative supervision model adaptable for similar regions in Indonesia.

LITERATURE REVIEW :

1. Regulatory Framework for the Supervision of 3 kg LPG Distribution

The regulatory framework for 3 kg LPG distribution supervision is based on a hierarchical structure as outlined in Table 1 below.

Regulation	Key Provisions
Law No. 22 of 2001 on Oil and Gas	Art. 8(1): Government prioritizes domestic gas utilization; Art. 55: Criminal sanctions for subsidy abuse (max. 6 years imprisonment, IDR 60 billion fine) ⁹
Presidential Regulation No. 104 of 2007	Art. 2: Distribution for households and micro businesses; Art. 3: Pertamina as appointed distributor; Art. 4-5: Minister sets HET based on economic value
Permen ESDM No. 28/2021	Art. 2-3: Eligible recipients (household income <IDR 1,500,000/month); Art. 6-11: Agent and base obligations; Art. 20: Periodic reporting requirements ¹⁰
Law No. 8/1999 on Consumer Protection	Art. 8(1)a: Prohibition on misrepresented net weight; Art. 10(1)a: Prohibition on misleading price offers
Law No. 23/2014 on Regional Government	Art. 9(3): Energy affairs as concurrent government affairs; Provincial and district and city governments authorized to supervise distribution
Governor Decree No.	Sets HET per district/city: Jambi City IDR 16,000;

9 Dhan, S. A., Tindak Pidana Penjualan Gas Elpiji Bersubsidi Di Atas Harga Eceran Tertinggi (Suatu Penelitian Di Wilayah Hukum Pengadilan Negeri Banda Aceh), *ETD Unsyiah*, Vol. 1, No. 1, 2019.

10 Dewi, S. R., Nurlaily, N., & Seroja, N. T. D., Pengawasan Pendistribusian Gas LPG 3 Kg Bersubsidi di Kota Batam, *Jurnal Ilmiah Penegakan Hukum*, Vol. 10 No. 1, 2023, page. 67-78.

508/2022 (Jambi) East Tanjung Jabung IDR 18,000

From the consumer protection perspective, Law No. 8/1999 provides legal basis for protecting 3 kg LPG consumers against violations such as selling above HET and misrepresentation of product specifications.

2. Concept and Implementation of Supervision Policy in Public Administration

Supervision in state administrative law aims to prevent irregularities, abuse of power, and ensure effective governance.¹¹ In the context of 3 kg LPG distribution, effective supervision requires: (1) clear authority division among agencies; (2) adequate human resources and budget; (3) reliable information systems; (4) effective coordination mechanisms; and (5) public participation.¹² Implementation challenges include weak inter-agency coordination, limited human resources, and lack of commitment from involved parties.¹³

3. 3 kg LPG Distribution System and Mechanism

The 3 kg LPG distribution chain follows: Pertamina → Agent → Base → Consumer. Based on Permen ESDM No. 28/2021, agents are business entities appointed by Pertamina to distribute LPG to bases (retail distribution points) within designated areas, while bases are retail distributors selling directly to end users.¹⁴ Although Indonesia employs a closed distribution system requiring official appointment, unauthorized retailers often disrupt the chain, causing price increases.¹⁵ Article 20 of Permen ESDM No. 28/2021 mandates periodic distribution reports to enable monitoring and violation identification.¹⁶

B. RESEARCH METHODS

This research employs a normative juridical approach with statute and conceptual approaches, supported by documentation studies and documentary observation of official documents and supervisory reports.

11 Karyati, S., Perluasan kompetensi Pengadilan Tata Usaha Negara dalam Pengawasan Penyalahgunaan Wewenang Pejabat Administrasi Pemerintahan berdasarkan Undang-Undang Nomor 30 Tahun 2014 tentang Administrasi Pemerintahan, *Unizar Law Review*, Vol. 3, No. 2, 2020, page. 183-196.

12 Rahmadi et al., Op. Cit.

13 Rahmadi et al., Pengawasan Distribusi Gas LPG 3 kg; Also see, Latifah, L., Implementasi Distribusi Gas LPG 3 kg Untuk Masyarakat Miskin pada Kecamatan Muara Harus Kabupaten Tabalong, *SENTRI: Jurnal Riset Ilmiah*, Vol. 3 No. 5, 2024, page. 2843-2857.

14 Rahmi, H., Juniarh, D., & Astika, Y., Implementasi kebijakan penyediaan, pendistribusian, dan harga LPG 3kg di Kecamatan Pasar Muara Bungo, *Jurnal Administrasi Sosial dan Humaniora*, Vol. 4 No. 1, 2021, page. 141-155.

15 Simbolon & Rosmidah., Perlindungan Hukum Bagi Konsumen Pengguna Gas LPG 3 kg Menurut Undang-Undang Perlindungan Konsumen. *Zaaken Journal of Civil and Business Law*, Vol. 1, No. 2, 2020

16 Jannah, B. R., Albar, M. A., & Afwani, R., Information System For Optimization Of 3 Kilograms Elpiji Gas Distribution Using The Least Cost Method (Case Study In PT. Hidayat Energi Putratama), *Journal of Computer Science and Informatics Engineering (J-Cosine)*, Vol. 7, No. 2, 2024, page. 453-467.

Legal materials comprise: (1) primary sources (Law No. 22 of 2001, Law No. 8/1999, Law No. 23/2014, Presidential Regulation No. 104 of 2007, Permen ESDM No. 28/2021, Governor Decree No. 508/2022); (2) secondary sources (scientific articles, previous research, supervisory reports); and (3) tertiary sources (legal dictionaries, encyclopedias).

Data were collected through documentation studies of laws, regulations, statistical data, and supervisory reports. Documentary observation analyzed distribution patterns and policy implementation challenges in Jambi Province.

Data were analyzed qualitatively using content analysis to identify key themes and their implications for 3 kg LPG distribution supervision in Jambi Province. Data validity was ensured through source and method triangulation.

C. RESULTS AND DISCUSSION

1. Implementation of the 3 Kilogram LPG Distribution Supervision Policy in Jambi Province

The implementation of the 3 Kilogram LPG distribution supervision policy in Jambi Province has not run optimally in achieving the expected goals. Yunengsih et al. (2022) in their research explained that the practice of selling 3 kg LPG that exceeds the Highest Retail Price (HET) is not in line with the rules set by the government and is contrary to the principles of justice.¹⁷ Based on observations at the Jambi Province Industry and Trade Office, supervision of the distribution of 3 kg LPG is carried out through several mechanisms, namely: (1) monitoring the selling price at the base level; (2) checking the completeness and validity of agent and base documents; (3) physical inspection of gas cylinders; and (4) handling public complaints. However, the effectiveness of this supervision is still constrained by various factors.

The causal relationship between regulatory weaknesses and their impact on policy implementation is particularly evident in the context of Jambi Province. The unclear supervision mechanism in Law No. 23/2014 and PP No. 12/2017 directly impacts the emergence of "gray areas" in supervision in the field. As a concrete example, the unclear authority between the Provincial Industry and Trade Office and the same office at the district/city level has led to less intensive supervision in several areas such as Muaro Jambi District and East Tanjung Jabung District. Consequently, the price disparity between the price ceiling and the actual price is significant in various regions. As revealed in the case of an unannounced inspection by Commission II of the Jambi City Legislative Council³ kg LPG (DPRD) which found a price spike at the retailer level reaching Rp48,000 per cylinder, far exceeding the Highest Retail Price which was only set at Rp17,000.¹⁸ This pattern of price disparity tends to

¹⁷ Yunengsih, P. I., Nurhasanah, N., & Anshori, A. R., *Tinjauan fikih muamalah terhadap jual beli gas elpiji 3 kg melebihi harga eceran tertinggi (HET)*, *Bandung Conference Series: Sharia Economic Law*, Vol. 2, No. 1, 2022, page. 454-462.

¹⁸ Jambiprima, Op. Cit.

be more severe in remote areas as indicated in Simbolon & Rosmidah's research (2020).¹⁹

In addition, the absence of explicit provisions in Presidential Regulation No. 104 of 2007 and Ministry of ESDM Regulation No. 28 of 2021 regarding the utilization of information technology in supervision means that the monitoring system is still carried out manually. As a result, supervision cannot be carried out in real-time and accurately, opening up opportunities for hoarding and adulteration to occur without being detected by supervisory authorities. This regulatory vacuum is a direct cause of the weak early detection of irregular distribution practices.

In Jambi Province, the distribution of 3 kg LPG was not carried out in accordance with the proper distribution channels, which resulted in unprotected consumer rights due to the lack of effective appeals and supervision along the distribution chain.²⁰ Field observations indicate that most bases sell 3-kilogram LPG gas at prices above the Highest

Retail Price set by the government. Based on field observations, there is a significant price disparity between the price ceiling set in Governor Decree No.508/KEP.GUB/SETDA.PRKM-2.3/2022 and the actual price at the consumer level. This price difference varies between districts/cities, with a tendency to be higher in more remote areas.

A study conducted by Yunengsih et al. (2022) revealed that there are a number of violations in the distribution of 3 kg LPG, one of which is the sale at prices exceeding the price ceiling: Many bases sell 3 kg LPG at prices above the set limit, with the main reason being high transportation and operational costs.²¹ According to Nurhasnah et al. (2020), bases still ignore local regulations due to several factors such as transportation costs, business capital, and ineffective control of the distribution chain.²²

The implementation of supervision in Jambi Province is constrained by four main factors:

- a. Limited human resources: With only minimal supervisory officers monitoring 3,247 authorized bases across Jambi Province, supervision intensity remains inadequate.²³
- b. Weak inter-agency coordination: Coordination among provincial government, district and city governments, Pertamina, and police

19 Simbolon & Rosmidah., Perlindungan Hukum Bagi Konsumen Pengguna Gas LPG 3 kg Menurut Undang-Undang Perlindungan Konsumen. *Zaaken Journal of Civil and Business Law*, Vol. 1, No. 2, 2020

20 *Ibid.*

21 Yunengsih, P. I., Nurhasanah, N., & Anshori, A. R., Tinjauan Fikih Muamalah Terhadap Jual Beli Gas Elpiji 3 Kg Melebihi Harga Eceran Tertinggi (HET). *Bandung Conference Series: Sharia Economic Law*, Vol. 2, No. 1, 2022

22 Nurhasnah, H., Fikri, F., Basri, R., & Aris, A., Analisis maslahat terhadap praktik penetapan harga eceran tertinggi LPG 3 kg di Panca Lautang Kab. Sidrap, *AL-DIKTUM: Jurnal Syariah dan Hukum*, Vol. 18, No. 1, 2020, page. 1054-1071.

23 Tuyani., Pertamina: 3.247 Pangkalan Resmi LPG Tersedia Di Jambi, Antaranews.com, 2023

- remains suboptimal, with no regular coordination forum.²⁴
- c. Limited supervision budget: Insufficient budget allocation hinders monitoring, inspection, and violation prosecution across 11 districts/cities in Jambi Province.²⁵
 - d. Suboptimal technology utilization: Manual recording and reporting systems prevent real-time monitoring and distribution data analysis.

2. Juridical Analysis of Supervisory Aspects in the 3 kg LPG Regulation

Juridical analysis reveals four regulatory weaknesses as summarized in Table 2.

Weakness	Description	Impact
Unclear authority division	Law No. 23/2014 Art. 27(1) lacks detailed supervision mechanisms for provincial and district and city governments	Sporadic and uncoordinated supervision; overlapping or vacuum of authority
Weak law enforcement	Law No. 22 of 2001 Art. 55 rarely applied; no tiered administrative sanctions before criminal penalties	Violations (sales above HET, hoarding, adulteration) continue unpunished
No specific regional regulation	Only HET determination via Governor Decree; no comprehensive regulation on mechanisms, authority, sanctions, community participation	Weak legal basis for local supervision implementation
No technology accommodation	Neither Perpres No. 104/2007 nor Permen ESDM No. 28/2021 regulates IT use in supervision	Manual monitoring prevents real-time detection of irregularities

Furthermore, contradictions exist between regulations: Law No. 22 of 2001 Art. 8(1) prioritizes domestic use, yet Permen ESDM No. 28/2021 lacks adequate beneficiary verification, allowing well-off households to access subsidies. The principles of legal certainty and accuracy in state administrative law remain unfulfilled due to unclear authority division and weak recording systems.

Existing regulations have not provided deterrent effects on violators, as evidenced by the illicit repackaging into larger cylinders case in Muaro Jambi and recurring violations despite sanctions.²⁶

24 Simbolon & Rosmidah., Perlindungan Hukum Bagi Konsumen Pengguna Gas LPG 3 kg Menurut Undang-Undang Perlindungan Konsumen. *Zaaken Journal of Civil and Business Law*, Vol. 1, No. 2, 2020

25 Rahmadi, R., Yuliani, N. R., & Arbain, N. T., Pengawasan Distribusi Gas Lpg 3 Kg Pada Sub Agen Di Kecamatan Kelua Kabupaten Tabalong. *PubBis: Jurnal Pemikiran dan Penelitian Administrasi Publik dan Administrasi Bisnis*, Vol. 6, No. 2, 2022; Also see, Latifah, L., Implementasi Distribusi Gas LPG 3 Kg Untuk Masyarakat Miskin Pada Kecamatan Muara Harus Kabupaten Tabalong. *SENTRI: Jurnal Riset Ilmiah*, Vol. 3, No. 5, 2024;

26 Jambiupdate., *Polda Jambi Gerebek Gudang Pengoplosan Tabung Gas Subsidi*, Jambiupdate.co, Diakses 14 November 2024

3. Community Role and Participation in Monitoring

Community participation remains low in monitoring 3 kg LPG distribution in Jambi Province. Public awareness of HET, consumer rights, and complaint mechanisms is limited, with many consumers unaware how to report violations.²⁷ Four factors contribute to low participation: (1) minimal socialization of supervision policies; (2) limited violation reporting access (only direct complaints or telephone); (3) fear of supply difficulties after reporting; and (4) dependence on specific bases in remote areas.

4. Recommendations and Alternative Supervision Models

To improve supervision effectiveness, the following recommendations are proposed:

- a. Strengthening Regional Regulations
Develop a Regional Regulation specifically addressing 3 kg LPG distribution supervision, including clear mechanisms, authority division, administrative sanctions, community participation mechanisms, and technology utilization provisions.
- b. Increasing Institutional Capacity
 - 1) Increase number of supervisory officers
 - 2) Allocate adequate supervision budget
 - 3) Provide competency training for supervisors
 - 4) Improve supervision facilities and infrastructure
- c. Strengthening Cross-Sectoral Coordination
Establish an integrated supervision team involving Industry and Trade Office, Pertamina, police, and district and city governments, with regular coordination meetings and information exchange mechanisms.
- d. Enhancing Community Participation
 - 1) Conduct intensive socialization on HET, consumer rights, and complaint mechanisms
 - 2) Develop digital platform (mobile app/website) for violation reporting
 - 3) Form village-level monitoring groups
 - 4) Provide incentives for verified whistleblowers
- e. Implementing Information Technology
Develop integrated monitoring applications incorporating blockchain technology for transparency,²⁸ real-time distribution tracking, price monitoring to identify HET violations, and integration with public complaint systems.
- f. Strengthening Law Enforcement

27 Suryani, et al., cited in the article context.

28 Romdoni, M. R., & Rizqullah, N. N. Z., Sistem Informasi Distribusi Gas Elpiji 3 Kg Bersubsidi Berbasis Teknologi Blockchain. *Jurnal Bangkit Indonesia*, Vol. 10, No. 2, 2021; Also see, Kaligis, D. A., & Istanto, T., Web Services Technology Using Liquefied Petroleum Gas (LPG) Availability Coding On The Distribution Area Map To Reach The Community. *Proceedings of the International Conference on Science and Technology (ICST)*, 2018;

Take firm action against violations, publicize cases to create deterrent effects, coordinate with law enforcement for serious violations, and periodically evaluate sanction effectiveness.

D. CONCLUSION

The implementation of 3 kg LPG distribution supervision in Jambi Province remains suboptimal, as evidenced by widespread HET violations, hoarding, and illicit repackaging into larger cylinders practices. Although regulatory frameworks exist from central to regional levels, implementation is constrained by: (1) regulatory weaknesses (unclear authority division, weak enforcement mechanisms, absence of specific regional regulations, no technology accommodation); (2) limited institutional capacity (insufficient human resources, budget, weak inter-agency coordination); (3) low public participation; and (4) suboptimal technology utilization. Recommendations include developing comprehensive regional regulations, strengthening institutional capacity and coordination, enhancing community participation through digital platforms, implementing information technology for real-time monitoring, and consistent law enforcement to ensure fair and targeted 3 kg LPG distribution in Jambi Province.

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