

Law Enforcement Against Criminal Acts of Misuse of Subsidized Fuel Oil (A Study at the Banten Regional Police)

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Abstract. *The demand for and distribution of subsidized fuel in Indonesia continues to increase, but it still faces various obstacles, one of which is the misuse of subsidized fuel, which is detrimental to the state and the public. This study aims to identify and analyze the prevention of the crime of misuse of subsidized fuel, the obstacles, and future mitigation efforts. This research is a sociological juridical study using a legislative and case study approach. The data used are primary and secondary data. The data collection methods were field studies and literature reviews, and the data analysis methods were qualitative analysis. The theories used are law enforcement theory, legal system theory, and legal certainty theory. Based on the research results, it can be concluded that the Banten Regional Police's efforts to combat the crime of misuse of subsidized fuel are implemented through preemptive, preventive, and repressive efforts based on statutory provisions and collaboration with various relevant agencies. However, these efforts still face various obstacles, such as the perpetrators' strong economic motives, weak distribution oversight, limited digital systems, the development of modus operandi, and low public legal awareness. Therefore, it is necessary to strengthen integrated supervision, utilize technology, coordinate across agencies, and improve public education so that law enforcement against subsidized fuel misuse can be more effective, transparent, and sustainable.*

Keywords: *Crime; Misuse; Prevention; Subsidized.*

1. Introduction

Indonesia is a country that is rich in material which mine is the right material excavation the controlled by the state. ¹Minerals the covering gold, silver, copper, coal, oil and gas and others. One of results Indonesian nature that brings progress rapidly for the welfare of the people is oil and natural gas that provide donation

¹Keris Aji Wibisono and Umar Ma'ruf, The Law Enforcement Against The Crime Of Illegal Mining, *Law Development Journal* , Volume 3 Issue 2, June 2021, p. 424.

Enough big to state revenue.²

Oil and Natural Gas (Migas) is one of the source Power strategic and unspoiled nature renewable is vital commodities that dominate desire lives of many people and has important meaning in activity economy national. Therefore that, its management must done in a way professional and sustainable, so that it can give benefit in a way maximum in the form of welfare for the people in general overall.

³This in line with the provisions of Article 33 paragraph (3) of the 1945 Constitution which confirms that earth, water and wealth nature contained inside it controlled by the state and used as big as possible prosperity of the people.

Related arrangement oil and natural gas, Indonesia has validate Constitution Number Law no. 22 of 2001 concerning Oil and Natural Gas which in some chapter changed in Constitution Number 6 of 2023 concerning Determination Regulation Government Replacement Constitution Law Number 2 of 2022 concerning Job Creation has become law (Job Creation Law). Article 1, paragraph 1 of the Job Creation Law states: that oil earth is natural process results in the form of deep hydrocarbons condition pressure and temperature atmosphere in the form of phase liquid or dense, including asphalt, mineral wax or ozokerite, and bitumen are obtained from the mining process, but No including coal or sediment other hydrocarbons in the form of solid obtained from activities that are not related with activity business Oil and Gas. Furthermore, Article 2 of the Job Creation Law states that Natural Gas is natural process results in the form of deep hydrocarbons condition pressure and temperature atmosphere in the form of gas phase obtained from the mining process Oil and Gas.

Article 4 of the Job Creation Law states that oil and gas as source Power natural strategic not renewable energy contained within the Indonesian Mining Legal Area is riches nationally controlled by the state. Based on provision in articles said, then oil and gas controlled by the state. The meaning of the word control in context This show that the government, on behalf of the state, has control full to all related rights with source Power oil and gas. This includes right property *rights* use (*right*), and rights selling (*economic right*).⁴

Based on state control over oil and gas as intended in Article 4 of the Job Creation Law, the authority government No only limited to management upstream and downstream oil and gas, but also includes determination policy its utilization for interests of the people. In this case this, subsidized fuel is form concrete from

²Rivaldo Graifier Hasiholan Sinaga, Deny Suwondo, Criminal Responsibility for Criminal Acts of Misuse of Transportation and Trade of Subsidized Fuel Oil (Study of Decision Number 434/Pid.B/Lh/2022/ Pn.Mgl), *Khaira Ummah Law Journal* , Vol.20 No. 3, September 2025, p. 2037.

³Aprillani Arsyad, Criminal Policy for Combating Abuse of Subsidized Fuel Oil (BBM), *Innovative: Journal of Legal Studies*, Vol. 6, No. 7, 2013, p. 36

⁴Rudi M. Simamora, 2000, *Oil and Gas Law* , Djambatan, Jakarta, p. 6

implementation right control the country, especially in usage and settings right economy on oil and gas. The country, through government, authorized set price, distribution, and mechanism fuel subsidies to ensure affordability energy for community and maintain stability socio-economic. With Thus, the subsidized fuel policy can understood as state instruments for realize mandate mastery oil and gas by the state directed as much as possible for prosperity of the people.

subsidies, especially directed stimulate growth sectors crucial, such as transportation and industry, which are highly dependent on sustainability supply energy. With give incentive through subsidies, government make an effort relieve burden cost operational society, companies and industry, at the same time push growth economy.⁵

Need material burn oil (BBM) in Indonesian society, both in a way national as well as at the level area, continue experience significant increase. Distribution of subsidized fuel in Indonesia is certainly face various challenges that hinder effectiveness and efficiency distribution, challenges main from distribution of subsidized fuel is lack of infrastructure adequate, especially in the area remote and island island outermost, diverse licensing processes between areas can also make things difficult operational company oil and gas, as well as the data collection process Who only those who have the right get subsidized fuel need done with careful and efficient, considering amount vehicles in Indonesia that reach millions of units. Supervision to implementation policies must also be done in a way comprehensive ensure that No existence abuse transportation and trade of fuel.⁶

Criminal law and enforcement law criminal is related elements close with political criminals, which in turn is an integral part of political enforcement more laws wide.⁷ For prevent misuse of subsidized fuel, Pertamina is in the middle modernize station monitoring system Public Fuel Filling Stations (SPBU). In addition, the Government will also take action firm perpetrator misuse of subsidized fuel as arranged in Article 55 of Law Number 11 of 2020 concerning Job Creation which states that everyone who abuses Transportation and/ or Fuel Oil Trading, materials gas burner, and/ or subsidized liquefied *petroleum gas* government convicted with criminal maximum six months in prison years and a maximum fine of Rp. 60 billion. Sanctions similarly also stated in Article 94 paragraph 3 of the Regulations Government Number 36 of 2004 concerning Downstream Oil and Gas

⁵Muhammad Udin1, Ali Rizky, Arifai, Criminal Act of Misuse of Subsidized Diesel Fuel by the Government, *Halu Oleo Law Review* , Volume 8 Issue 1, March 2024, p. 130

⁶Nadya Shahnaz, Law Enforcement Against the Misuse of Transportation and Trade of Subsidized Fuel Oil (BBM), *Journal of Law and Nation (JOLN)*, Vol. 4 No. 1 February 2025 p. 225

⁷Muladi, 1990, "Projections of Indonesian Material Criminal Law in the Future," Inaugural Speech as Professor of the Faculty of Law, Diponegoro University, Semarang.

Business⁸Activities.

Although Constitution has prohibit and threaten perpetrator action criminal misuse of subsidized fuel, however fact in the field show that case misuse of subsidized fuel Still Lots happened. Action criminal misuse of subsidized fuel covering transportation and trading of fuel carried out with goals and objectives certain get profit personal, with utilise or take profit from a situation where BBM experiences scarcity in a region or area. Illegal fuel trade without permission involving various activity like processing, purchasing, transportation and storage of fuel with method get it when BBM is still in normal conditions. Then, the fuel saved for sale return with far price more tall from price normally, usually moment happen fuel shortages in certain areas.⁹

Phenomenon This also occurred in the jurisdiction of the Banten Regional Police, where on 2025 has handle case misuse of subsidized fuel as many as 8 cases, most of which case is Violation of Article 55 of the Job Creation Law. Case of misuse of subsidized fuel. show existence gap in supervision and enforcement law because in reality Still there is capable parties access, hoard, or selling subsidized fuel in a way No legitimate without detected since early. Weakness supervision distribution, both at the level of distributor and consumer end, open opportunity occurrence data manipulation, use vehicle or tools that are not entitled, and Work The same individual certain get profit personal.

2. Research Methods

Types of research This is juridical sociological, namely science - based research law normative that is regulation legislation and observe reaction working regulation in society.¹⁰ Study This study rules, concepts, views society, doctrines laws and regulations related legislation with misuse of subsidized fuel as well as implementation from regulation the in enforcement the law is at the Banten Regional Police. Approach is something pattern thinking in a way scientific in something research. Specifications study This is descriptive analytical. Descriptive that is study intended provide accurate data Possible about human, state or symptoms others. Analytical meaning the data obtained will analyzed for solution to problem in accordance with provision applicable law.¹¹

⁸Fuel Misuse Burdens State Finances, Public Urged to Monitor, <https://migas.esdm.go.id>, accessed January 30, 2026

⁹Martha Grace Hutapea, et al., Criminal Liability for Perpetrators Who Transport Fuel Oil (BBM) Without a Transportation Business License (Decision Study Number: 569/Pid.Sus/2019/ Pn.Mpw), *PATIK: Journal of Law* , Vol 09 No. 02, 2020. p. 139

¹⁰Mukti Fajar ND and Yulianto Achmad, 2013, *Dualism of Normative and Empirical Legal Research* , Pustaka Pelajar, Yogyakarta, p. 47.

¹¹ Soerdjono Soekanto and Sri Mamudji, 2001, *Normative Legal Research : A Brief Review* , Raja Grafindo Persada, Jakarta, p.6.

3. Results and Discussion

3.1. Action Management Criminal Misuse of Subsidized Fuel Oil

Oil and Natural Gas is one of them source Power natural the largest mining company in Indonesia. In Indonesia, mining produce Oil and Natural Gas which are source Power natural strategic that is not replaced and become commodities important for life many people. Commodities This own significant role in economy national, so that its management must can give prosperity and well-being for the people optimally.¹²

Fuel Oil (BBM) is need very important and needed in support activities and services society, both in poor countries, developing countries, and developed countries. Regulations about licensing in activity business downstream oil and gas has arranged in Constitution Number 22 of 2001 concerning Oil and Natural Gas. In the provisions the explained that permission business is consent given government to business entities in accordance with his authority for carry out activity processing, transportation, storage, and/ or commerce after fulfil conditions that have been determined. If activity business related with interest area, then government can publish permission business after the business entity concerned get recommendation from government area.¹³

In general, the fuel distribution process begins at existing storage facilities, then is transported to storage facilities, and then distributed to depots and, in part, directly to industries and gas stations using tanker trucks. Like travel agency businesses operated by Indonesian legal entities in the form of limited liability companies, regionally-owned companies, or cooperatives established specifically for travel agency purposes, these legal entities are required to have a business permit. This permit is granted for as long as the company continues its business activities.¹⁴

In fact, in the jurisdiction of the Banten Regional Police, there is a lot of happen misuse of subsidized fuel. This caused by Because height need public to material burn oil as well as existence difference reasonable price significant between subsidized fuel and non- subsidized fuel. Conditions the push part party for do abuse with method buy subsidized fuel in amount big use vehicle modifications, different barcodes, or letter recommendation certain For Then for sale return with

¹² Didit Firmansyah, Law Enforcement against Violations of Petroleum Fuel Transportation Permits in Indonesia, *Savana: Indonesian Journal of Natural Resources and Environmental Law*, Vol. 2 Number 01, 2025, p. 49.

¹³ Surya Prakasa, Fahmi, Ardiansah, Law Enforcement Against Perpetrators of Abuse of Subsidized Fuel Transportation, *The Juris Journal of Legal Studies* , Vol. VIII, No. 1, June 2024, p. 292

¹⁴ Rivaldo Graifier Hasiholan Sinaga, Denny Suwondo, Criminal Responsibility for Criminal Acts of Misuse of Transportation and Trade of Subsidized Fuel Oil (Study of Decision Number 434/Pid.B/Lh/2022/Pn.Mgl), *Khaira Ummah*, Vol. 20 No. September 3, 2025, p. 2377

price more high to obtain profit economy.

Factors that cause occurrence action criminal misuse of subsidized fuel in the jurisdiction of the Banten Regional Police between other:¹⁵

1) Factor economy / profit big

The existence of difference price between fuel subsidized with fuel non- subsidized or price industry cause perpetrator see opportunity profits. BPH Migas also emphasized that difference price become potential occurrence misuse of subsidized fuel.

2) Need fuel r activity business

subsidized fuel often misused activity business like mine sand, project construction, transport goods, or activity commercial other Which should No using subsidized fuel.

3) Mode use QR Code/barcode No in accordance

Perpetrator can use barcode owned by vehicle other, use more from one barcode, or using a barcode that is not in accordance with vehicles used. Pertamina in provision The Right Subsidy prohibits exchange QR Code because including form misuse of subsidized fuel.

4) Weakness supervision in level gas station

Abuse can happen Because gas station attendants don't thorough inspect suitability vehicle, number police, barcode, capacity tank, and frequency filling. BPH Oil and gas request vehicle Which almost every day fill in subsidized fuel mapped and reported Because can become indication launch.

5) The existence of Work The same or neglect from individual

In some case, abuse happen Because existence Work The same between perpetrator with gas station operators, drivers, owner vehicles, collectors, or buyer end. The form Can in the form of giving money, neglect filling repeated, or no he did verification in a way Correct.

6) Charging repeated and use vehicle certain

Perpetrator usually use modified vehicles, vehicles goods, or vehicle with tank Which Then drained / moved to jerry can. After That, BBM collected and for sale return to party other.

¹⁵Results of an interview with Police Commissioner H. TB Abu Naser, as an investigator at the Banten Regional Police's Criminal Investigation Directorate, May 16, 2026

7) The height request market illegal

Request from parties who need cheap fuel, such as perpetrator business excavation, project, transportation, ship, or activity industry, encouraging emergence network distributors and collectors of subsidized fuel.

8) Lack of awareness law public

Part perpetrator consider his actions only as " buy and sell back", even though actions can enter in abuse transportation and/ or subsidized fuel trade.

9) Gap administration and vehicle data

Differences in vehicle data, usage other people's identities, transferred QR Codes, as well as weakness validation between vehicle physique and data in system can exploited by the perpetrator.

10) Factor geographical and mobility region Banten

Banten region has track industry, port, area mines, projects development, as well as track cross interregional. Conditions This make high fuel needs and opening opportunity distribution illegal from the gas station to location business or collector

At the Banten Regional Police, law enforcement against the misuse of subsidized fuel is carried out by charging perpetrators with articles in the applicable Law (UU), namely Law Number 22 of 2001 concerning Oil and Natural Gas as amended by Law Number 11 of 2020 concerning Job Creation.

Perpetrators of subsidized fuel misuse can be punished with a maximum of six years' imprisonment and a maximum fine of IDR 60 billion. Furthermore, business entities or corporations can also be subject to criminal sanctions for subsidized fuel misuse, with the maximum fine being increased by one-third. Misuse of subsidized fuel can be detrimental to various aspects, such as the national economy, the sustainability of the energy sector, and public welfare. To prevent the misuse of subsidized fuel, the government and law enforcement agencies (APH) are working together to uncover cases of subsidized fuel misuse.

Banten Police's efforts in countermeasures misuse of subsidized fuel done through effort preemptive, preventive, and repressive. Third effort the implemented in a way integrated with involving various party namely the Downstream Oil and Gas Regulatory Agency (BPH Migas), PT. Pertamina, the government area, law enforcement other laws, gas stations, and also the community.

Preemptive measures beginning prevent emergence intention public or perpetrator business do Misuse of subsidized fuel. Preemptive measures enforcement law misuse of subsidized fuel in the jurisdiction of the Banten

Regional Police was carried out through activity following:¹⁶

1) Socialization law to community and actor business

Socialization aims increase awareness law community and actor business about prohibition hoarding, transportation, misuse, and subsidized fuel trade in a way illegal. In its implementation, the Banten Regional Police work the same with government regions, Pertamina, the Department of Industry and Trade, and agency related other give education to gas station manager, perpetrator business transportation, fishermen, farmers and the community general.

2) Education about impact misuse of subsidized fuel

The community is given understanding that misuse of subsidized fuel can detrimental to the country, causing fuel shortages, hampering distribution energy, and reduce right public little ones in need subsidy government.

3) Coaching and coordination with gas station manager

Banten Police carried out coaching to gas station operators and owners to comply procedure distribution of subsidized fuel, increasing internal supervision, as well as reject purchase in amount No reasonable or use modified vehicles.¹⁷

4) Detection early to potential violation

Through activity intelligence and field monitoring, officers police identify area vulnerable misuse of subsidized fuel so that can done step coaching before happen action criminal.

In addition to efforts preemptive, countermeasures misuse of subsidized fuel is also carried out through effort preventive, namely action prevention of misuse of subsidized fuel No happen or no develop more wide. Orientation effort preventive is on supervision, control, and action prevention directly in the field so that the distribution of subsidized fuel appropriate target. Preventive efforts done through:¹⁸

1) Supervision to distribution of subsidized fuel at gas stations

Banten Regional Police carried out supervision routinely to activity distribution of subsidized fuel at gas stations to prevent purchase repetitive, filling use vehicle modifications, as well as fuel hoarding by certain individuals certain.

¹⁶Results of an interview with Police Commissioner H. TB Abu Naser, as an investigator at the Banten Regional Police's Criminal Investigation Directorate, May 16, 2026

¹⁷Results of an interview with Police Commissioner H. TB Abu Naser, as an investigator at the Banten Regional Police's Criminal Investigation Directorate, May 16, 2026

¹⁸Results of an interview with Police Commissioner H. TB Abu Naser, as an investigator at the Banten Regional Police's Criminal Investigation Directorate, May 16, 2026

2) Field patrol and monitoring

Banten Regional Police together Police Station ranks do patrol in vulnerable areas happen misuse of subsidized fuel, such as track distribution, area industry, ports and regions border. Monitoring is carried out detect existence activity illegal related transportation and storage of subsidized fuel.

3) Inspection vehicles and tanks modification

Officer inspection to suspected vehicle use tank addition or modification buy subsidized fuel in amount big in a way illegal.

4) Coordination with gas station and Pertamina managers

Banten Regional Police at work the same with PT Pertamina (Persero) and gas station managers to tighten supervision distribution of subsidized fuel, including use barcode and record keeping system transaction purchase.

5) Supervision to letter subsidized fuel recommendations

Banten Regional Police and ranks do checking to use letter recommendation for fishermen, farmers, or perpetrator business certain so as not to happen forgery and abuse document get subsidized fuel in a way illegal.

6) Operation enforcement law at gas stations within the jurisdiction of the Banten Regional Police

Directorate Detective Criminal Special (Ditreskrimsus) revealed action criminal law in the field of oil and natural gas, such as storage, transportation illegal, misuse of subsidized fuel, to fuel trade without permit. During May 2026, the Banten Regional Police succeeded in reveal case misuse of subsidized fuel, where officer succeed confiscate goods proof around three tons of biodiesel subsidies. The modus operandi used perpetrator in a word complex, starting from hoarding of subsidized fuel with objective scoop up profit big from difference price between material burn subsidized and non- subsidized in the market.

In response in a way preventive to misuse of subsidized fuel, Banten Regional Police work the same with various agencies and parties related prevent occurrence storage, transportation illegal, as well as abuse distribution of subsidized fuel. Work The same the done Because supervision distribution of subsidized fuel need coordination cross sector. Working parties the same with the Banten Regional Police between other:¹⁹

1) PT Pertamina (Persero)

¹⁹Results of an interview with Police Commissioner H. TB Abu Naser, as an investigator at the Banten Regional Police's Criminal Investigation Directorate, May 16, 2026

Banten Police and Pertamina work together the same in supervision distribution of subsidized fuel, provision of fuel distribution data, supervision of gas stations, and implementation inspection together prevent misuse of subsidized fuel. Work The same between Pertamina and the Police done especially in field supervision distribution of subsidized fuel so that its distribution appropriate target in accordance provision government. Pertamina provides data regarding amount distribution of subsidized fuel, location distribution, up to transaction filling up fuel at gas stations that can used apparatus police detect existence indication deviation.

In addition, Pertamina together apparatus Police do supervision towards gas stations to ensure No happen practice stockpiling, filling repetitive use vehicle modification, as well as sales of subsidized fuel to the party that does not entitled. In its implementation it is also carried out inspection or inspection together in a way periodically in the field as step preventive prevent occurrence misuse of subsidized fuel. Through Work The same said, supervision distribution of subsidized fuel become more effective Because supported by administrative and supervisory data directly in the field

2) Downstream Oil and Gas Regulatory Agency (BPH Migas)

BPH Migas and Banten Regional Police work together the same in disclosure suspicion action criminal abuse transportation and/ or commerce material burn subsidized fuel oil type biodiesel that occurred in the Banten region. In this case This For ensure ensure that distribution of subsidized fuel This must fulfil provisions and if There is abuse. Supervision provision and distribution of subsidized fuel carried out so that subsidized fuel accepted entitled community.

Improvement supervision is also carried out through Work The same Regional Government for ensure magnitude appropriate subsidized fuel needs with amount consumer users in the Banten area. In other words, BPH Migas plays a role in regulation and supervision distribution of subsidized fuel, including give information related quota and entitled parties accept subsidies.

3) Provincial and Regency /City Regional Governments

Government area helps supervision distribution of subsidized fuel in the region, carrying out coaching to community and actor business, as well as support socialization law. Banten Regional Police work the same with Provincial Regional Government and District /City in frame supervision and prevention misuse of subsidized fuel in the Banten jurisdiction. Work The same the done through coordination in supervision distribution of subsidized fuel so that its distribution appropriate target in accordance need society. Government area help do monitoring to condition distribution of fuel in its region, including register need community and supervise activity potential business do misuse of subsidized fuel.

In addition to supervision, the government regions also play a role in do coaching to community and actor efforts to understand rule use of subsidized fuel as well as prohibition abuse. Guidance the done through activity counseling, appeals, and coordination with apparatus sub-districts and villages. In addition that, the government area support socialization law together Police about sanctions criminal to perpetrator misuse of subsidized fuel so that public own awareness law and follow participate in supervision. With existence Work The same said, efforts prevention misuse of subsidized fuel can done in a way more integrated between apparatus enforcer law and government area.

4) Department of Energy and Mineral Resources

Work The same between the Banten Regional Police and the Energy and Mineral Resources Service has role important in enforcement law to misuse of subsidized fuel. Synergy the required Because supervision distribution of subsidized fuel No only related with aspect criminal, but also concerns management energy, supervision quotas and control distribution that becomes authority sector energy and resources mineral resources.

In its implementation, work the same done through exchange information and coordination related distribution of subsidized fuel in certain areas. The ESDM Service can provide data regarding subsidized fuel quota, pattern distribution, vulnerable areas abuse, up to indication mismatch distribution of subsidized fuel at gas stations. The data become material for apparatus police in do investigation and supervision to suspicion action criminal misuse of subsidized fuel.

In addition, work the same thing is done in form supervision field together towards gas stations, agent distributors, as well as track distribution of subsidized fuel. In the activity said, the party police play a role in aspect enforcement laws and actions repressive if found element criminal, while the ESDM Service provides support technical related provision distribution, standard distribution and use of subsidized fuel in accordance applicable regulation. With existence good coordination, supervision distribution of subsidized fuel can done in a way more effective so that enforcement law to misuse of subsidized fuel can running optimally and precisely target.

5) managers and operators

Gas stations become party important in supervision direct distribution of subsidized fuel, such as barcode check, restrictions purchasing and reporting if found transaction suspicious. Gas station managers and operators have role important in support supervision distribution of subsidized fuel together with the Banten Regional Police. The gas station became the party that does it supervision direct regarding the subsidized fuel distribution process to public so that can help prevent occurrence misuse. In its implementation, gas station operators carry out barcode or QR Code checking as form verification vehicles and authorized users

get subsidized fuel in accordance provision government.

In addition, gas stations also implement restrictions amount purchase of subsidized fuel prevent practice hoarding and purchase repeated by the parties certain. Supervision done with notice vehicles that perform filling in a way No reasonable use tank modification, as well as suspected activity related with misuse of subsidized fuel. If found transaction suspicious, the gas station manager can quick report to apparatus Police or party related done inspection more carry on.

Through Work The same said, the gas station does not only functioning as place distribution of subsidized fuel, but also as the front guard in supervision distribution of subsidized fuel appropriate targets and not misused by unauthorized parties entitled.

6) TNI and Satpol PP

Banten Police at work the same in a way active with Satpol PP in handling and supervision misuse of subsidized fuel. Synergy This realized through formation of the Integrated Task Force Team and implementation operation or patrol combination in various area. Police play a role as apparatus enforcer competent law do investigation, inquiry and prosecution to action criminal abuse or hoarding of subsidized fuel. Satpol PP plays a role guard order general, helpful do field supervision, as well put things in order regulations. Meanwhile, the TNI is strengthening supervision distribution energy subsidized, considering allocation subsidy large government in the APBN. Both the Police and the TNI have commitment together take action firm Who only those involved, including If There is individual from within the apparatus security that backs or play in practice illegal fuel hoarding and adulteration.

In addition, in carrying out field action, the Banten Regional Police also collaborated with BPH Migas and PT Pertamina Patra Niaga secure goods evidence and arrest syndicate perpetrator fuel abuse, such as case forgery plate numbers and manipulation *barcode* at gas stations.

7) Public

The community is expected participate active help supervision distribution of subsidized fuel appropriate target, and if find deviation or abuse, please report it to Apparatus Law Enforcement (APH). Community involvement through reporting if find existence hoarding or misuse of subsidized fuel in the environment around. Cooperation with public is in matter reception information from society, formation network information, reporting if There is suspicious activity related fuel abuse.

8) Mass media and social media

Mass media and social media used as means education and delivery appeal law related prohibition misuse of subsidized fuel. In this case this is social media used

by the Banten Regional Police as means delivery information, education and socialization law to public related prohibition misuse of subsidized fuel. Through mass media like television, radio, letters news, and news portals, Police can convey appeal about rule use of subsidized fuel, a common mode of misuse happened, and threat sanctions criminal for perpetrator. Submission information through mass media assessed effective Because can reach public wide in a way fast and sustainable.

In addition, social media such as Instagram, Facebook, YouTube, and other digital platforms utilized for give education law in a way more easy accessible to the public. through upload videos, posters, infographics, and news activity enforcement law, society given understanding about importance use of subsidized fuel in a way appropriate targets. social media is also becoming means for increase awareness law community to participate play a role active report if find indication misuse of subsidized fuel in the environment. With utilization of mass media and social media, efforts prevention misuse of subsidized fuel can done in a way more wide, fast and effective

3.2. Obstacles in Combating Criminal Acts of Misuse of Subsidized Fuel Oil

Countermeasures action criminal misuse of subsidized fuel at the Banten Regional Police always walk with smooth, where apparatus sometimes face challenge in aspect enforcement and various obstacles affecting the enforcement process law. Obstacles the is:²⁰

1) Still existence opportunity profit economy

One of obstacle in enforcement law to misuse of subsidized fuel is Still existence opportunity profit high economy for perpetrator. Abuse fuel subsidized Still happen Because existence difference price between fuel subsidy with fuel non-subsidized or price industry. Difference reasonable price significant between subsidized fuel and non- subsidized fuel cause misuse of subsidized fuel become activities that are considered profitable in a way financial. This push perpetrator buy fuel subsidy Then sell it return with price more high. As long as the profit economy Still big, potential violation will still There is.

Condition the push individual certain do various modes of deviation, such as hoarding, purchasing repetitive use modified vehicles, up to sale return to subsidized fuel to party industry or other parties with price more high. The size profits earned often make perpetrator still reckless do action criminal although know existence threat sanctions criminal. Condition This become obstacle for apparatus enforcer law Because height motivation economy perpetrator cause practice misuse of subsidized fuel Keep going recurring and evolving with various

²⁰Interview results with Police Commissioner H. TB Abu Naser, as investigator of the Banten Regional Police's Criminal Investigation Directorate, May 16, 2026

method for avoid supervision apparatus.

2) Mode perpetrator the more develop

Development of the perpetrator's modus operandi misuse of subsidized fuel show existence dynamics increasing crime adaptive to system supervision government. Perpetrator No Again do purchase of subsidized fuel in a way conventional, but utilise various gap in mechanism existing distribution and control. The perpetrators No only buy subsidized fuel in a way normal, but use various method such as different barcodes, vehicles certain, filling repeated, transfer to jerry cans, up to sale to activity business. This is show that perpetrator try adapt self with system existing supervision.²¹

Development of the perpetrator's modus operandi misuse of subsidized fuel show existence dynamics increasing crime complex. The use of different barcodes, vehicles certain in a way alternating, filling repeated at several gas stations, until fuel transfer to jerry can is form effort perpetrator avoid detection officer and digital surveillance system distribution of subsidized fuel. In addition, the practice sale return to subsidized fuel to activity business or industry show existence orientation profit organized economy.

From the angle view enforcement law, condition the show that perpetrator own ability adapt self to policy and technology supervision applied government. This is cause apparatus enforcer law, in matter This Banten Regional Police's Special Criminal Investigation Directorate is facing difficulty in do supervision and proof action criminal, because of the method used the more complex and covert. The development of this modus operandi also indicates that system existing supervision Still own weaknesses that can exploited by the perpetrator. Because of this that, is necessary improvement coordination inter-agency, strengthening digital surveillance system fuel distribution, as well as improvement ability apparatus in detect patterns new misuse of subsidized fuel so that enforcement law can walk more effective.

3) Supervision in level the gas station is not yet maximum

Another obstacle in enforcement law other is Not yet maximum supervision supervision at gas stations. If the gas station operator does not inspect suitability vehicle, number police, barcode, capacity tank, and frequency filling, then abuse Still easy happened. In addition, there is possibility neglect or Work The same with individuals also become obstacle.²²

S PBU has role important in ensure that distribution of subsidized fuel done in

²¹Results of an interview with Police Commissioner H. TB Abu Naser, as an investigator at the Banten Regional Police's Criminal Investigation Directorate, May 16, 2026

²²Results of an interview with Police Commissioner H. TB Abu Naser, as an investigator at the Banten Regional Police's Criminal Investigation Directorate, May 16, 2026

accordance with applicable provisions. However in in practice, supervision often not yet running optimally, well in inspection vehicle, compatibility number police, barcode usage, capacity tank vehicles, as well as frequency fuel filling by consumers. Conditions the cause perpetrator abuse Still own opportunity do subsidized fuel filling in a way repetitive or use vehicles that have been modified accommodate fuel in amount big.

In addition, the weakness supervision can also be influenced by limitations source Power human, lack of the accuracy of gas station operators, as well as height activity fuel filling which complicates the monitoring process in a way comprehensive. In some case, there is also the possibility existence neglect or Work The same between individual certain with perpetrator misuse of subsidized fuel. Form Work The same the can in the form of on purpose pass filling repeat, no do inspection in accordance procedures, or give access certain to perpetrator get subsidized fuel in amount big. Condition This Of course become obstacle Serious for apparatus enforcer law Because practice abuse become more difficult detected and potential ongoing in a way continuously. Therefore that, is necessary a number of efforts made in a way integrated between apparatus police, government, PT Pertamina Patra Niaga, and gas station manager.

4) Perpetrator main or investors difficult proven

In many cases, which were caught in the field usually driver, carrier, or the launch. Meanwhile investors, buyers big, or the regulating party network often No be on site. This is cause enforcement law Not yet always touch actor the main one who gets the biggest profit.²³

Practice enforcement law on the ground, often apparatus enforcer law only can catch parties who are direct do transportation or purchase of subsidized fuel, such as driver, messenger, or worker field. Meanwhile the real party become controller activities, capital providers, buyers main, or the regulating party network distribution illegal usually No be on site at the time enforcement done. Conditions This causing the process of proof to actor intellectual become more difficult compared to perpetrator field.

Difficulty the happen Because connection between perpetrator field and investors often done in a way closed and organized. Investors generally use intermediary operate activity misuse of subsidized fuel so that identity and involvement No easy known. In addition, the transactions carried out often No accompanied by document official or done in a way oral so that make things difficult apparatus in get tool sufficient evidence ensnare perpetrator main. In some case, perpetrator the field is also reluctant give information about the ordering party or finance activity the Because existence connection work, pressure, or concern to threat

²³Results of an interview with Police Commissioner H. TB Abu Naser, as an investigator at the Banten Regional Police's Criminal Investigation Directorate, May 16, 2026

certain.

From the aspect enforcement law, state the become obstacle due to legal process. Finally more Lots target perpetrator implementers in the field compared to the party who acquires profit the biggest from misuse of subsidized fuel. As a result, the network misuse of subsidized fuel potential still walk although a number of perpetrator field has arrested. This is show that enforcement law Not yet fully capable cut off eye chain crime until to actor intellectual or investors main.

Therefore Therefore, a more thorough investigation strategy is needed. deep, like search cash flow, development information from results inspection suspect, strengthening intelligence, as well as coordination inter-agency for reveal more networks wide. With Thus, enforcement law No only stop at the perpetrator field, but also can reach parties the main one who controls and obtains profit the biggest from misuse of subsidized fuel.

5) Weakness system digital surveillance

The QR Code/barcode system is indeed help supervision, but Still can misused if no followed verification physical in the field. Therefore, digital supervision is necessary supported with manual inspection, patrol, gas station transaction audit, and monitoring vehicles that perform filling No reasonable.²⁴

Another obstacle in enforcement law to misuse of subsidized fuel is Still weakness system digital surveillance used in control distribution of subsidized fuel. Implementation QR Code or barcode system basically aim limit and supervise purchasing subsidized fuel to be precise target. Through system said, identity vehicle and history transaction fuel filling can recorded digitally so that facilitate the monitoring process. However in in practice, the system the Still own weaknesses that can exploited by the perpetrator misuse of subsidized fuel.

Abuse can happen if digital surveillance does not followed with verification physique in a way directly in the field. The perpetrator often use various method trick systems, such as using different barcodes, using vehicle in a way take turns, do filling repeated at several gas stations, or utilise vehicles that have been modified capacity the tank. In good condition certain, digital systems only capable record transaction data, but no fully can ensure suitability between recorded data with condition real in the field.

In addition, limitations data integration and real time monitoring are also becoming constraint in detect activity improper fuel filling reasonable. If No There is inspection directly by the officer, then suspicious transactions potentially escape from supervision. Therefore Therefore, digital surveillance is necessary supported with

²⁴Results of an interview with Police Commissioner H. TB Abu Naser, as an investigator at the Banten Regional Police's Criminal Investigation Directorate, May 16, 2026

manual inspection of vehicles, routine patrols at gas stations, transaction audits fuel filling, as well as monitoring to vehicles that perform filling in frequency not normal. Therefore that, with existence combination between digital surveillance and monitoring field, then potential misuse of subsidized fuel can minimized and enforced law can walk more effective.

6) There are no provisions regarding the maximum purchase amount of subsidized fuel.

Absence provisions governing about amount maximum subsidized fuel that can be for sale in a way free to public so that matter This can misused by parties certain ones with various method or mode and cooperate with insiders buy subsidized fuel from the gas station (gas station) General Fuel Filling) in large amount For for sale return with big profits, good to public general and to company (industry) or even smuggled to abroad. This is also related with culture trader increasingly retail Lots can found on the sidewalk along road, both inside city both inside and outside city.

In fact traders retail This No own permission from the authorities. However recognized or No trader retail This in situations and conditions certain Lots help communities in need, even though must buy with higher price tall.

7) Still lacking awareness law public

Awareness law low society seen from Still existence parties who do purchase of subsidized fuel in a way repetition, hoarding, use vehicle tank modification, up to sale return to subsidized fuel get profit personal. Some people also still consider that misuse of subsidized fuel is matter normal and unusual including actions criminal offenses that can be charged sanctions law.

4. Conclusion

Countermeasures action criminal misuse of subsidized fuel oil at the Banten Regional Police has implemented based on Constitution Number 22 of 2001 concerning Oil and Natural Gas as has changed in Constitution Number 6 of 2023 concerning Job Creation, Criminal Procedure Code, and Regulation of the Chief of Police Indonesian National Police Number 6 of 2019 concerning Investigation Action Criminal through effort preemptive, preventive, and repressive. Preemptive efforts done through socialization law, education community, development gas station management, and detection early to potential violation, whereas effort preventive done through supervision subsidized fuel distribution, patrol field, inspection vehicle modification, supervision use of barcodes and letters recommendations, as well as operation enforcement law in vulnerable areas abuse. As for the efforts repressive done through investigation and inquiry, examination witnesses and experts, confiscation goods evidence, title case, determination suspects, filing, up to delegation case to the Prosecutor's Office.

Enforcement law the implemented in a way integrated through Work The same with PT Pertamina (Persero), BPH Migas, the government regional, ESDM Service, gas stations, TNI, Satpol PP, PPATK, Prosecutor's Office, Police ranks, the community, and the mass media. Obstacles in dealing with criminal acts of misuse of subsidized fuel oil at the Banten Regional Police are: Still high profit motive economy perpetrators, the development of increasingly sophisticated modus operandi complex, weak supervision at the gas station level, the difficulty proof to actor main or investors, limitations system digital surveillance, not yet existence limitation firm amount maximum purchase of subsidized fuel, as well as low awareness law society. Various factor the each other related and causing practice misuse of subsidized fuel Still Keep going repetitive although apparatus has effort enforcement law in a way preemptive, preventive, and repressive. With Thus, it is necessary strengthening system supervision integrated, improved technology supervision, tightening regulations distribution, as well as improvement awareness law society so that enforcement law can walk more effective and sustainable.

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