Ratio Legis Journal
ISSN 2830-4624
published by
Master of Law, Faculty of Law
Universitas Islam Sultan Agung

Criminal Law Formulation Policy for Criminal Acts of Distribution of Non-Subsidized Diesel Fuel

Guntur Novianto

Faculty of Law, Universitas Islam Sultan Agung (UNISSULA) Semarang, Indonesia, E-mail: gunturnovianto.std@unissula.ac.id

Abstract. *The research objectives are to identify and analyze criminal law formulation policies against non-subsidized solar distribution crimes and to identify and analyze the weaknesses of criminal law formulation policies against non-subsidized solar distribution crimes also to identify and analyze criminal law formulation policies against non-subsidized solar distribution crimes in the future. This research uses descriptive normative legal methods with statutory and conceptual approaches. Secondary data consisting of primary, secondary, and tertiary legal materials are collected through literature study. The analysis is conducted qualitatively on criminal law formulation policies in overcoming non-subsidized solar distribution crimes in Indonesia. Criminal law formulation against non-subsidized solar distribution crimes currently still relies on downstream business licensing regulations, subsidy protection, and fraud prevention policies. Law Number 22 Year 2001 concerning Oil and Gas positions unlicensed distribution as a crime, with maximum imprisonment of 3 years and maximum fine of Rp. 30,000,000,000.00. The next focus is subsidized fuel protection through Article 55 with heavier criminal threats. Additionally, Law Number 8 Year 1999 concerning Consumer Protection criminalizes mixing, quality forgery, volume reduction, and information manipulation detrimental to consumers and national energy stability and weakness of criminal law formulation policies against non-subsidized solar distribution crimes lie in the absence of clear differentiation between subsidized and non-subsidized fuel thus causing legal uncertainty, evidence difficulties, and weak consumer protection. Article 55 of Law Number 22 Year 2001 concerning Oil and Gas is more repressive than preventive because it emphasizes punishment after violations occur. Unlicensed distribution sanctions are also not yet proportional because they do not differentiate business scale and risk level. Furthermore, regulations have not accommodated new digital business models, so supervision, electronic evidence, and legal certainty become lagged also criminal law formulation policies against non-subsidized solar distribution crimes in the future must emphasize the separation of legal regimes* *between subsidized and non-subsidized fuel to create legal certainty, consumer protection, quality supervision, tax compliance, and healthy business competition. Risk-based licensing systems need implementation through business classification according to danger levels, with administrative sanctions as primary steps and criminal law as the last resort. Law Number 1 Year 2023 concerning the Criminal Code also emphasizes proportional sentencing guidelines, considering fault levels, social impacts, real losses, and differentiating small actors from organized corporate actors.*

Keywords: *Criminal Law; Non-Subsidized Solar Distribution; Offense; Policy Formulation.*

1. Introduction

Oil and natural gas are considered non-renewable natural resources controlled by the state, as stipulated in Law Number 22 of 2001 concerning Oil and Natural Gas. Article 2 of this law emphasizes that oil and natural gas business activities must be based on the people, justice, and welfare of the community.[1]Fuel distribution is a highly sensitive economic link to national stability because it concerns the livelihoods of many people. Irregularities in the energy distribution system can trigger social unrest and hamper the productivity of various industrial sectors that depend on the availability of diesel fuel in the field.[2]The government issued Presidential Regulation No. 191 of 2014 to more specifically regulate the supply, distribution, and retail selling prices of fuel. The regulation divides fuel types into specific fuels, special fuels for specific purposes, and general fuels within the national distribution system. Non-subsidized diesel, or those categorized as general fuels, should be distributed through a healthy and transparent market mechanism in accordance with regulations. However, the reality on the ground often shows overlapping and irregularities in distribution practices that are detrimental to the interests of the state and the public. Unclear operational regulations often provide loopholes for individuals to commit illegal acts.[3].

---

[1]Dinda Azzahra and Sylvana Murni Deborah Hutabarat. “Monopolistic Practices by Google LLC through the Implementation of the Google Play Billing System.” Jurnal Daulat Hukum Vol 8, No 3 (2025). p. 445, url: https://jurnal.unissula.ac.id/index.php/RH/article/view/48478

[2]Oktavia Dwi Ardiana and Sylvana Murni Deborah Hutabarat. "Tender Rigging in the Procurement of Cryo-Electron Microscopes (Cryo-EM) and Transmission Electron Microscopes (TEM) at BRIN". Journal of Legal Sovereignty Vol 8, No 3 (2025). p. 428, url : https://jurnal.unissula.ac.id/index.php/RH/article/view/48477

[3]Rahma Christabel Abilah and Rasji Rasji. “Legal Proof of Capital Market Manipulation in Indonesia: Case 34/Pid.Sus-TPK/2020/PN.Jkt.Pst Analysis”. Jurnal Daulat Hukum Vol 8, No 3 (2025). p. 419, url: https://jurnal.unissula.ac.id/index.php/RH/article/view/48431

Misuse of non-subsidized diesel fuel distribution often involves document manipulation, hoarding, and diversion of allocations that are not in accordance with government-determined allocations. Article 53 of Law Number 22 of 2001 concerning Oil and Gas provides criminal penalties for anyone processing, transporting, storing, or trading without a valid business license. The weak formulation of sanctions in current regulations is considered insufficient to provide a maximum deterrent effect for perpetrators of corporate and individual crimes.[4]Law enforcement often faces multiple interpretations of articles governing fuel trade in various regions of Indonesia. Criminal law serves as a last resort, or ultimum remedium, to protect the public interest from acts that systematically harm the national economic order.[5]. The formulation of policy in criminal law is the most strategic stage because it serves as the foundation for the application and execution stages of criminal penalties. Article 1 paragraph 1 of Law Number 1 of 2023 concerning the Criminal Code affirms the principle of legality, stating that no act can be punished except based on the force of statutory provisions. Therefore, the formulation of offenses for violations of diesel fuel distribution must be rigidly formulated to avoid creating a legal vacuum in case handling.

Government Regulation Number 36 of 2004 concerning Downstream Oil and Gas Business Activities also limits the obligations of business entities in carrying out distribution. Article 68 of the government regulation requires business entities to ensure the availability and smooth distribution of fuel oil throughout their respective working areas. Violations of this obligation are often resolved only through administrative mechanisms that are considered too lenient for large-capital business actors in the energy sector. Synchronization between administrative sanctions and criminal sanctions in the distribution of non-subsidized diesel fuel is urgently needed to be reviewed to ensure legal certainty for all stakeholders. Consumer protection is also an aspect directly impacted by the irregular distribution of non-subsidized diesel fuel in the domestic market and national industry. Law Number 8 of 1999 concerning Consumer Protection, Article 4, states that consumers have the right to comfort, security, and safety in consuming goods. Uncertainty in diesel fuel supply due to illegal distribution forces industrial consumers to pay higher prices or receive lower-quality goods. The implementation of deviant distribution has clearly violated consumer rights

[4]Vania Cahya Hartono, Albertus Sentot Sudarwanto, and Mulyanto Mulyanto. "The Role of the Regional Supervisory Board in Supervising the Notary Code of Ethics in Central Java Province." Jurnal Daulat Hukum Vol 8, No 3 (2025). p. 399, url:https://jurnal.unissula.ac.id/index.php/RH/article/view/48202

[5]Achmad Ali, Uncovering Legal Theory and Judicial Theory, Kencana, Jakarta, 2009, p. 1

and damaged the honest and responsible trading ecosystem as mandated by applicable laws and regulations.[6].

The need for new policy formulations is increasingly apparent with the enactment of Law No. 1 of 2023, which embodies the spirit of decolonizing national criminal law. Article 12 of Law No. 1 of 2023 explains the elements of a criminal offense, encompassing both objective and subjective unlawful acts. The formulation of the offense of distributing non-subsidized diesel fuel needs to adopt these new concepts to align with the direction of modern criminal law development in Indonesia.[7]Regulations regarding corporate accountability in fuel distribution must also be strengthened, as the primary actors are often business entities with complex organizational structures. The gap between written legal norms and sociological facts on the ground indicates a failure of the preventive function in national economic criminal law.[8]Many business owners consider the criminal risks far smaller than the financial benefits of illegal diesel distribution. The principle of distributive justice, which should be the foundation of national energy management, is being undermined by monopolistic practices and abuse of authority.[9]This research aims to examine how current criminal law formulation policies work and how future legal designs should be designed. Evaluation of sectoral laws is essential to strengthening national integrity.

The dynamics of future criminal law demand the integration of humanitarian values with firmness in protecting Indonesia's strategic state assets. Article 613 of Law Number 1 of 2023 concerning the Criminal Code provides room for adjustments to administrative criminal provisions outside the main criminal code. The challenges in distributing non-subsidized diesel fuel involve extensive networks, thus requiring the formulation of offenses that can reach down to the intellectual level of the cadre. Determining sanctions must consider the impact of economic losses on the wider community as well as the stability of energy prices in the national market. This is the fundamental reason for conducting an in-depth study of this thesis. The implementation of downstream oil and gas business activities must consider environmental factors and occupational safety in accordance with Indonesian national standards. Article 40 of Law Number 22 of

[6]Erwin Susilo, Dharma Setiawan Negara, and Lufsiana Lufsiana. "The Innovation of Criminal Law Interpretation Model in Indonesia through the Rule of Lenity Approach." Jurnal Daulat Hukum Vol 8, No 3 (2025). p. 387, url:https://jurnal.unissula.ac.id/index.php/RH/article/view/47103

[7]Siska Septiana Agri, I Made Kanthika, Markoni Markoni, and Malemna Sura Anabertha Sembiring. "The Juridical Analysis of Narcotics Abuse Settlement through Restorative Justice in Bekasi." Jurnal Daulat Hukum Vol 8, No 3 (2025). p. 373, url:https://jurnal.unissula.ac.id/index.php/RH/article/view/47626

[8]Delvin Shakira Mahardihka, Abdurrakhman Alhakim, and Ampuan Situmeang. "The Legal Effectiveness of Government's Role in Managing Parking Revenue in Batam and Its Impact on Local Government Revenue." Jurnal Daulat Hukum Vol 8, No 3 (2025). p. 360, url:https://jurnal.unissula.ac.id/index.php/RH/article/view/46960

[9]Sudarto, Law and Criminal Law, Alumni, Bandung, 1981, p. 23

2001 concerning Oil and Gas requires every business entity to guarantee the standards and quality of products offered to the public. Unofficial diesel fuel distributors often ignore quality standards, potentially damaging the engines of consumers' vehicles and heavy equipment. This damage causes massive material losses for the construction and transportation sectors, which are heavily dependent on this fuel. The formulation of criminal law must be able to protect these technical interests through the threat of proportional punishment.[10].

The misuse of subsidized fuel in the Kolaka region of Southeast Sulawesi is a clear illustration of the weak oversight of the national energy distribution chain. The sale of subsidized diesel at non-subsidized prices over a two-year period has resulted in massive state losses totaling 105 billion rupiah. This illegal practice involves diverting supplies from official fuel terminals to secret storage warehouses before being distributed to the industrial sector. This phenomenon demonstrates that the wide price gap between subsidized and non-subsidized diesel fuel provides an economic incentive for individuals to commit criminal acts.[11]The involvement of various parties, from gas station owners to internal state-owned company employees, underscores the need to strengthen criminal law enforcement policies. These perpetrators can be charged under Article 55 of Law Number 22 of 2001 concerning Oil and Gas, as amended by Law Number 6 of 2023 concerning Job Creation. Consistent and stringent law enforcement is essential to prevent continued losses to state revenue due to manipulation of energy allocation. Reconstructing sanctions within the policy formulation is key to breaking the chain of the diesel distribution mafia, which undermines economic stability and social justice for all. Based on the above description, the author is interested in taking the title of his thesis proposal research proposal "Criminal Law Formulation Policy for Non-Subsidized Diesel Distribution Crimes."

2. Research methods

This research uses a descriptive normative legal method with a statutory and conceptual approach. Secondary data, consisting of primary, secondary, and tertiary legal materials, were collected through a literature review. A qualitative analysis was conducted of the criminal law formulation policies for addressing the crime of non-subsidized diesel fuel distribution in Indonesia.

[10]Darma Yuda and Wijayono Hadi Sukrisno. "Criminal Legal Analysis on Conversion of Forest Areas Into Oil Palm Plantations: A Case Study in Belitung Regency." Jurnal Daulat Hukum Vol 8, No 3 (2025). p. 351, url:https://jurnal.unissula.ac.id/index.php/RH/article/view/4707
[11]https://www.metrotvnews.com/play/bmRCEL81-negara-rugi-rp105-miliar-akibat-kasus-penjualan-bbm-solar-subsidi-to-nonsubsidi-di-kolaka, accessed March 20, 2026 at 09.00 WIB

3. Result and Discussion

3.1. Criminal Law Formulation Policy for Criminal Acts of Non-Subsidized Diesel Distribution

Based on existing laws, particularly Law No. 22 of 2001 concerning Oil and Gas and Law No. 1 of 2023 concerning the Criminal Code, current criminal law policies do not specifically differentiate non-subsidized diesel from other fuels. Instead, criminal regulations focus on violations of the licensing and subsidy system. These policies can be identified as follows:

3.1.1. Focus on Downstream Business Licensing (Law Number 22 of 2001 concerning Oil and Natural Gas)

The oil and gas business in Indonesia is essentially divided into two main sectors: upstream and downstream. Downstream activities, which encompass transportation, storage, and commerce, are crucial economic activities because they directly impact the daily energy needs of the wider community. The government requires any entity wishing to participate in this distribution chain to have clear legal standing and be officially registered.[12]. The provisions regarding the obligation to have a business license are strictly regulated in Article 23 of Law Number 22 of 2001 concerning Oil and Natural Gas as a form of state control. The formulation of criminal law for violations of this license has been stipulated in Article 53 letter d of Law Number 22 of 2001 concerning Oil and Natural Gas. This article states that anyone who conducts trade without a business license is subject to a maximum of 3 years' imprisonment. In addition to corporal punishment, this law also threatens perpetrators with very large material fines, up to Rp30,000,000,000.00 for violators. The amount of this sanction is designed to provide a significant deterrent effect and prevent the occurrence of illicit trade practices that are detrimental to the business climate.

3.1.2. Focus on Subsidy Protection and Domestic Needs (Law Number 22 of 2001 concerning Oil and Natural Gas & Law Number 6 of 2023 concerning the Stipulation of Government Regulation in Lieu of Law Number 2 of 2022 concerning Job Creation to Become Law

Protecting the distribution of subsidized fuel oil is a top priority in national criminal law policy in the energy sector. The state allocates a substantial budget each year to ensure energy prices remain affordable for economically disadvantaged groups. Misuse of this subsidy allocation is considered a crime against humanity because it directly robs the common people of their right to a

[12]Wirjono Prodjodikoro, Teguh Sulistia, "Policy on Formulating Criminal Sanctions in the Distribution of Non-Subsidized Fuel," Jurnal Lex Administratum, Manado, Vol. 8, No. 4, 2020, p. 267

decent living.[13]. Therefore, criminal sanctions for perpetrators of subsidized fuel misuse are set to be much harsher than those for regular business permit violations. Provisions regarding criminal sanctions for misuse of the transportation or trade of subsidized fuel are regulated in Article 55 of Law Number 22 of 2001 concerning Oil and Gas. This article has been reaffirmed through the mechanism of Law Number 6 of 2023 concerning the Stipulation of Government Regulation in Lieu of Law Number 2 of 2022 concerning Job Creation into Law. Perpetrators found to have misused subsidized fuel are threatened with a maximum prison sentence of 6 years and a maximum fine of IDR 60,000,000,000.00. This increased fine demonstrates the government's seriousness in protecting state finances from leakages due to deviant distribution practices.

The definition of misuse in this context is expanded to encompass various activities aimed at gaining personal or corporate gain at the expense of the public. The elucidation of Article 55 of Law Number 6 of 2023 specifically states that such misuse includes, among other things, the practice of adulterating fuel. In addition to adulteration, misappropriation of fuel allocations, as well as the transportation and sale of fuel abroad, are also categorized as prohibited forms of misuse. All of these actions have a systemic impact that undermines the national energy distribution system and creates scarcity within the community. The distribution of non-subsidized diesel fuel is also often intertwined with subsidy issues when there is the illegal transfer of goods from subsidized quotas to the industrial sector. A common modus operandi is the purchase of subsidized diesel fuel at gas stations using modified vehicles and then reselling it as non-subsidized diesel fuel. This practice automatically falls under Article 55 because it involves elements of misuse of the transportation and trade of government-subsidized fuel. This crime not only causes financial losses but also hinders the government's program to ensure equitable energy distribution throughout the country.

3.1.3. Criminalization of Fraudulent Acts and Forgery (Law Number 8 of 1999 concerning Consumer Protection & Law Number 6 of 2023 concerning the Stipulation of Government Regulation in Lieu of Law Number 2 of 2022 concerning Job Creation to Become Law.

The quality of goods is a fundamental aspect of trade that every business owner must guarantee to consumers throughout Indonesia. In the diesel distribution sector, both subsidized and non-subsidized, certainty regarding the technical specifications of the fuel is an absolute right for buyers. The state provides strong

[13]Ozha Tiwa Hiawananta, Novita Dewi Masyithoh, and Arina Hukmu Ardila. "Plus Ultra: Judicial Analysis of Space Resources Utilization Mechanisms for Indonesia's Future Regulation." Jurnal Daulat Hukum Vol 8, No 3 (2025). p. 334, url:https://jurnal.unissula.ac.id/index.php/RH/article/view/46274

legal protection to prevent fraudulent practices such as reducing the volume or reducing the quality of products offered in the market.[14]. Basic provisions regarding consumer rights protection have been comprehensively regulated in Law Number 8 of 1999 concerning Consumer Protection. Article 8 paragraph 1 letter a of Law Number 8 of 1999 concerning Consumer Protection expressly prohibits business actors from producing or trading goods that do not meet standards. Goods that do not meet standards according to statutory regulations are strictly prohibited from being distributed because they can be detrimental and endanger the safety of service users. In the context of fuel, this includes the prohibition on mixing diesel with other materials that can damage the performance of vehicle engines or industrial equipment.[15]Business actors who ignore these quality standards can be subject to a maximum prison sentence of 5 years.

In addition to imprisonment, violations of product quality standards are also subject to a maximum fine of IDR 2,000,000,000.00 for each violator. This sanction formulation aims to provide preventative protection so that business actors do not attempt to manipulate product composition to illegally gain additional profits. Fraudulent practices in the fuel trade are often hidden but have long-term damaging impacts on the assets of consumers who use the fuel. Law enforcement in the area of consumer protection is an important supplement to criminal regulations in the oil and gas sector. Fraudulent acts also often involve falsifying documents or product identities to deceive buyers about the origin and quality of traded goods. Law Number 6 of 2023 concerning Job Creation strengthens oversight of anyone committing falsification related to permits or business documents. Falsifying non-subsidized diesel distribution documents to make them appear to originate from official vendors is a criminal act that severely harms the integrity of the national energy market. Perpetrators of document forgery can be charged with articles in the criminal code as well as special provisions regulated in relevant sector laws.

3.2. Weaknesses of Criminal Law Formulation Policy Regarding Criminal Acts of Non-Subsidized Diesel Fuel Distribution

3.2.1. No Clear Differentiation

Indonesia's criminal justice system currently faces significant challenges in providing a specific definition of non-subsidized diesel within its regulatory framework. Law No. 22 of 2001 concerning Oil and Gas tends to lump all types of

---

[14]Saivol Virdaus and Ida Musofiana. "Electoral Law Innovation to Strengthen Women's Representation in Parliament". Journal of Legal Sovereignty Vol 8, No 3 (2025). p. 311, url :https://jurnal.unissula.ac.id/index.php/RH/article/view/44885

[15]Sri Kusriyah. "Spatial Synchronization and Territorial Planning Policies between Regions and National Spatial Planning". Journal of Legal Sovereignty Vol 4, No 2 (2021). p. 110, url :http://jurnal.unissula.ac.id/index.php/RH/article/view/15714

fuel into one commodity category, regardless of their economic characteristics. Differences in legal treatment only arise when a commodity has been designated as subsidized by the central government through a ministerial decree. The lack of a separate classification for non-subsidized diesel often makes it difficult for law enforcement officials to determine the extent of state losses caused by illegal activities.

3.2.2. Article 55 of Law Number 22 of 2001 concerning Oil and Natural Gas is Repressive, Not Preventive

The legal norms contained in Article 55 of Law Number 22 of 2001 concerning Oil and Gas currently prioritize repressive measures. Law enforcement is only carried out by police after a criminal incident involving the misuse of government-subsidized fuel transportation or trade occurs. This repressive paradigm is fundamentally flawed because it fails to prevent leakage of state subsidy funds before greater damage occurs. This legal formulation seems to allow the crime to occur first, only then does the state intervene to impose prison sentences on the perpetrators.

3.2.3. Weak Sanctions for Unlicensed Distribution

The criminal sanctions stipulated in Article 53 of Law Number 22 of 2001 concerning Oil and Gas currently contain serious weaknesses. The threat of a maximum prison sentence of three years and a maximum fine of Rp 30,000,000,000.00 applies equally to anyone conducting business without a permit. This formulation fails to provide clear distinctions based on business scale, financial capacity, or the level of risk posed by the perpetrator's distribution activities. As a result, a small roadside retailer faces the same maximum penalty as a large company operating an illegal tanker fleet.

3.2.4. Not Accommodating New Business Models

The rapid development of information and communication technology has drastically transformed the downstream oil and gas industry worldwide. The emergence of new business models, such as fuel sales through digital pump operators and internet-of-things-based retail systems, is inevitable. However, Law No. 22 of 2001 concerning Oil and Gas, drafted two decades ago, completely fails to anticipate this. The current criminal law formulation is extremely rigid and only recognizes conventional distribution through tankers and filling stations.

3.3. Criminal Law Formulation Policy for Non-Subsidized Diesel Distribution Crimes in the Future

Referring to the spirit of the Job Creation Law and the Criminal Code Number 1 of 2023, future criminal law formulation policies must lead to a more modern, equitable, and risk-based approach:

3.3.1. Clearly Differentiating Between Subsidized and Non-Subsidized Fuel

The Indonesian government needs to take strategic steps to reform the national legal structure governing the oil and gas sector. The current Law No. 22 of 2001 concerning Oil and Gas remains flawed because it does not clearly differentiate the legal regimes for subsidized and non-subsidized fuel. This mixed formulation of norms often leads to confusion for law enforcement officials in determining the appropriate type of offense for those who distribute non-subsidized diesel. A definitive separation within the law would provide a much more robust legal foundation for national energy distribution oversight.

3.3.2. Adopting a Risk-Based Licensing System (Omnibus Law)

The transformation of the licensing system in Indonesia has entered a new phase with the issuance of Law No. 6 of 2023 concerning the Stipulation of Government Regulation in Lieu of Law No. 2 of 2022 concerning Job Creation into Law. Future criminal law formulation policies must fully adopt the spirit of risk-based licensing as stipulated in Articles 7 to 11 of the law. This approach classifies each non-subsidized diesel fuel distribution business activity based on the level of risk it poses to safety, health, and the environment. This risk categorization aims to create bureaucratic efficiency while increasing the effectiveness of oversight by competent state authorities in the field.

3.3.3. Implementing Fair Sentencing Guidelines (New Criminal Code)

The reform of national criminal law through Law Number 1 of 2023 concerning the Criminal Code brings a breath of fresh air to law enforcement in the energy distribution sector. Future criminal law formulation policies regarding the distribution of non-subsidized diesel fuel must refer to far more humane and equitable sentencing guidelines. Judges, when handing down sentences, are no longer limited to the text of the law but must also consider a variety of profound philosophical and sociological aspects. This aims to ensure that every court decision provides tangible benefits for convicts, victims, and the wider community as a whole.

3.3.4. Expanding the Legal Subjects and Sanctions of Corporations (New Criminal Code)

Future criminal law policies must boldly address the root causes of crimes involving the distribution of non-subsidized diesel fuel, which often involve highly complex corporate organizational structures. To date, law enforcement has tended to target only field workers, such as truck drivers or warehouse operators, while beneficial owners remain free to hide. Law Number 1 of 2023 concerning the Criminal Code provides a strong legal basis for expanding legal jurisdiction to the corporate level. This is a revolutionary step to ensure that no party can hide behind a well-known company after committing an energy crime. The principle of beneficial ownership, as stipulated in Articles 46 and 47 of Law Number 1 of 2023 concerning the Criminal Code, must be fully implemented by law enforcement officials in oil and gas cases. Identifying who actually receives the ultimate financial benefit from illegal diesel fuel distribution activities is key to eradicating the energy mafia throughout Indonesia. Even if a company has a legal board of directors, if an intellectual actor behind it controls the flow of funds, that actor can be prosecuted. This expansion of legal subjects will provide a sense of justice for the public who have so far only seen "small fish" being caught by officers.[16].

3.3.5. Harmonization with the Trade and Consumer Protection Act

The effectiveness of law enforcement against criminal acts of non-subsidized diesel distribution in the future depends heavily on the level of synchronization between the various relevant government agencies. Criminal law formulations should no longer be isolated within the ivory tower of oil and gas laws, but must be comprehensively integrated. The adulteration of non-subsidized diesel fuel, which harms vehicle engines and industrial equipment, is a multidimensional crime that touches on aspects of trade and the fundamental rights of national consumers. Therefore, harmonization with Law Number 7 of 2014 concerning Trade and Law Number 8 of 1999 concerning Consumer Protection is an absolute necessity.

4. Conclusion

The current criminal law policy for the distribution of non-subsidized diesel fuel focuses on regulating downstream business licensing, protecting subsidies, and preventing fraud through Law Number 22 of 2001 concerning Oil and Gas and Law Number 8 of 1999 concerning Consumer Protection. However, these regulations still have weaknesses such as unclear distinctions between subsidized and non-subsidized fuel oil, weak preventive supervision, and a failure to adapt to digital business developments. Going forward, legal reform is needed by separating regulatory regimes, implementing risk-based licensing, strengthening consumer protection, and implementing proportional penalties in accordance with Law Number 1 of 2023 concerning the Criminal Code.

5. References

Journals:

Bagir Manan dan Mahfud MD. "Kebijakan Hukum Nasional Mengenai Distribusi Bahan Bakar Minyak". Jurnal Konstitusi, Vol. 15, No. 3, Jakarta, 2019.

Darma Yuda dan Wijayono Hadi Sukrisno. "Criminal Legal Analysis on Conversion of Forest Areas Into Oil Palm Plantations: A Case Study in Belitung

[16]Bagir Manan, Mahfud MD, "National Legal Policy Regarding Fuel Oil Distribution", Constitutional Journal, Jakarta, Vol. 15, No. 3, 2019, p. 302.

Regency". Jurnal Daulat Hukum, Vol. 8, No. 3, 2025, URL: https://jurnal.unissula.ac.id/index.php/RH/article/view/4707.

Delvin Shakira Mahardihka, Abdurrakhman Alhakim, dan Ampuan Situmeang. "The Legal Effectiveness of Government's Role in Managing Parking Revenue in Batam and Its Impact on Local Government Revenue". Jurnal Daulat Hukum, Vol. 8, No. 3, 2025, URL: https://jurnal.unissula.ac.id/index.php/RH/article/view/46960.

Dinda Azzahra dan Sylvana Murni Deborah Hutabarat. "Monopolistic Practices by Google LLC through the Implementation of the Google Play Billing System". Jurnal Daulat Hukum, Vol. 8, No. 3, 2025, URL: https://jurnal.unissula.ac.id/index.php/RH/article/view/48478.

Erwin Susilo, Dharma Setiawan Negara, dan Lufsiana Lufsiana. "The Innovation of Criminal Law Interpretation Model in Indonesia through Rule of Lenity Approach". Jurnal Daulat Hukum, Vol. 8, No. 3, 2025, URL: https://jurnal.unissula.ac.id/index.php/RH/article/view/47103.

Oktavia Dwi Ardiana dan Sylvana Murni Deborah Hutabarat. "Tender Rigging in the Procurement of Cryo-Electron Microscopes (Cryo-EM) and Transmission Electron Microscopes (TEM) at BRIN". Jurnal Daulat Hukum, Vol. 8, No. 3, 2025, URL: https://jurnal.unissula.ac.id/index.php/RH/article/view/48477.

Ozha Tiwa Hiawananta, Novita Dewi Masyithoh, dan Arina Hukmu Ardila. "Plus Ultra: Judicial Analysis of Space Resources Utilization Mechanisms for Indonesia's Future Regulation". Jurnal Daulat Hukum, Vol. 8, No. 3, 2025, URL: https://jurnal.unissula.ac.id/index.php/RH/article/view/46274.

Rahma Christabel Abilah dan Rasji Rasji. "Legal Proof of Capital Market Manipulation in Indonesia: Case 34/Pid.Sus-TPK/2020/PN.Jkt.Pst Analysis". Jurnal Daulat Hukum, Vol. 8, No. 3, 2025, URL: https://jurnal.unissula.ac.id/index.php/RH/article/view/48431.

Saivol Virdaus dan Ida Musofiana. "Electoral Law Innovation to Strengthen Women's Representation in Parliament". Jurnal Daulat Hukum, Vol. 8, No. 3, 2025, URL:

https://jurnal.unissula.ac.id/index.php/RH/article/view/44885.

Siska Septiana Agri, I Made Kanthika, Markoni Markoni, dan Malemna Sura Anabertha Sembiring. "The Juridical Analysis of Narcotics Abuse Settlement through Restorative Justice in Bekasi". Jurnal Daulat Hukum, Vol. 8, No. 3, 2025, URL: https://jurnal.unissula.ac.id/index.php/RH/article/view/47626.

Sri Kusriyah. "Spatial Synchronization and Territorial Planning Policies between Regions and National Spatial Planning". Jurnal Daulat Hukum, Vol. 4, No. 2, 2021, URL: http://jurnal.unissula.ac.id/index.php/RH/article/view/15714.

Vania Cahya Hartono, Albertus Sentot Sudarwanto, dan Mulyanto Mulyanto. "The Role of the Regional Supervisory Board in Supervising the Notary Code of Ethics in Central Java Province". Jurnal Daulat Hukum, Vol. 8, No. 3, 2025, URL: https://jurnal.unissula.ac.id/index.php/RH/article/view/48202.

Wirjono Prodjodikoro dan Teguh Sulistia. "Kebijakan Formulasi Sanksi Pidana Dalam Distribusi BBM Non-Subsidi". Jurnal Lex Administratum, Vol. 8, No. 4, Manado, 2020.

Books:

Achmad Ali. Menguak Teori Hukum dan Teori Peradilan. Kencana, Jakarta, 2009.

Sudarto. Hukum dan Hukum Pidana. Alumni, Bandung, 1981.