

# Consumer Protection on Pertamina Fuel Quality in the Pertamina-Pertalite Adulteration Case: Wahbah Az-Zuhaili's Perspective

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|| Submitted: February 25, 2025 || Accepted: June 30, 2025 || Published: July 15, 2025 ||

**Abstract:** This study examines consumer protection concerning the quality of Pertamina's fuel in the case of Pertamina adulterated with Pertalite, analyzed through the perspective of Wahbah Az-Zuhaili. The background of this research stems from the increasing allegations of fuel adulteration by individuals within PT Pertamina Patra Niaga and its subsidiaries, which have caused significant losses to both society and the state. The study aims to analyze the forms of consumer protection law violations in this case and to review the legal solutions from both positive law and Islamic law perspectives. This research employs a normative legal method with a qualitative approach, utilizing primary legal materials such as Law No. 8 of 1999 on Consumer Protection, alongside secondary materials including legal literature and academic journals. The findings indicate that the practice of mixing Pertamina and Pertalite violates Articles 7 and 8 of the Consumer Protection Law (UUPK) as it involves trading goods inconsistent with their labeling and quality standards. From the Islamic perspective, such an act constitutes *tadlīs fī al-jawdah* (deception in product quality), which is strictly prohibited, as emphasized by Wahbah Az-Zuhaili in *al-Fiqh al-Islāmī wa Adillatuhu*. The state holds both legal and moral responsibilities as *waliy al-amr* to uphold justice through effective supervision (*hisbah*) and firm law enforcement. In conclusion, the practice of fuel adulteration represents a violation of both national and Sharia law. Therefore, reform in energy distribution governance, transparency in monitoring, and consumer education are essential to prevent similar fraudulent acts in the future.

**Keywords:** Consumer Protection Law, Wahbah Az-Zuhaili's Perspective, Fuel Adulteration (Pertamax-Pertalite Case)

## 1. Introduction

Consumer protection is a fundamental issue in modern legal systems because it directly concerns the protection of society's rights as the weaker party in economic relations. In the context of Indonesian national law, the concept of consumer protection arises from the awareness of the imbalance of power between business actors and consumers in economic activities. Consumers often lack sufficient knowledge regarding the products they use, while business actors hold advantages in terms of information, technology, and market power<sup>1</sup>. This information asymmetry creates a high risk of consumer rights violations, including quality fraud, price manipulation, and the distribution of substandard goods.

In the context of modern markets, this imbalance becomes even more significant as digital economic interactions further increase the complexity of information flows. emphasize that effective consumer protection frameworks are crucial in mitigating information asymmetry and safeguarding consumers' economic interests, particularly in situations where product quality cannot be directly verified. Their study demonstrates that strong regulatory institutions and transparent business practices play a critical role in promoting fairness and ensuring that consumers are not placed at a structural disadvantage<sup>2</sup>.

<sup>1</sup> Yousef Amer, Amirhesam Soufali, and Ashraf Zaghwan, "A Digital Twin-Based Framework for Predictive Quality Assurance and Supply Chain Resilience in the Automotive Industry," *Advanced Engineering Informatics* 69 (January 2026): 103969, <https://doi.org/10.1016/j.aei.2025.103969>.

<sup>2</sup> Anja Rösner, Justus Haucap, and Ulrich Heimeshoff, "The Impact of Consumer Protection in the Digital Age: Evidence from the European Union," *International Journal of Industrial Organization* 73 (December 2020): 102585, <https://doi.org/10.1016/j.ijindorg.2020.102585>.

Indonesia is one of the countries with the largest populations in the world. This large population directly impacts the increasing level of public activities, particularly in the transportation sector, which heavily relies on motorized vehicles. Consequently, the demand and consumption of fuel continue to rise annually. According to data from the Ministry of Energy and Mineral Resources (ESDM) in 2022, approximately 40% of national energy consumption comes from the transportation sector, with fuel serving as the primary energy source<sup>3</sup>. Fuel oil (BBM) represents a crucial commodity for the public, particularly for transportation and industrial activities. In Indonesia, Pertamina, as a state-owned enterprise (SOE), plays a major role in the supply and distribution of fuel. One of its premium products is Pertamax, which is recognized for its higher quality compared to other types, such as Pertalite. However, in recent years, various public complaints and reports have surfaced regarding suspected adulteration between Pertamax and Pertalite, which has caused significant losses to consumers. According to Law No. 8 of 1999 on Consumer Protection, consumer protection is defined as all efforts that ensure legal certainty to safeguard consumers. This definition underscores the vital role of law in creating a fair relationship between consumers and business actors, wherein consumers may enjoy their rights and business entities fulfill their obligations<sup>4</sup>.

The existence of SOEs within the national economic system has been established since the 1950s, following the nationalization of colonial enterprises after independence. As state-owned entities, SOEs receive special treatment within the national legal system, such as protection, monopoly rights, and subsidies. As part of their business expansion strategy, SOEs are authorized to establish subsidiaries using profits derived from their operations. A subsidiary of an SOE is a limited liability company whose shares are partly or wholly owned and controlled by the parent SOE. One such subsidiary is PT Pertamina Patra Niaga, a sub-holding company of PT Pertamina (Persero) engaged in downstream oil and gas marketing and distribution<sup>5</sup>. PT Pertamina (Persero) holds 99.91% of PT Pertamina Patra Niaga's shares, while the remaining 0.09% are owned by PT Pertamina Trans Kontinental, also a subsidiary of Pertamina. As a licensed wholesale oil and gas trading entity, PT Pertamina Patra Niaga is responsible for the reception, storage, and distribution of fuel for both domestic and export markets. Hirota and Kashima (2019) further show that ensuring consistent fuel quality in Indonesia, Malaysia, and Vietnam remains a complex regulatory challenge, particularly in the distribution and retail phases where the risk of adulteration is most concentrated. Their study indicates that weak oversight mechanisms, limited transparency, and overlapping institutional authority create structural gaps that allow fuel quality deviations to occur, even under established regulatory frameworks<sup>6</sup>.

Since 2018, the Government of Indonesia has mandated PT Pertamina Patra Niaga to manage the supply and distribution of subsidized fuels such as diesel, premium gasoline, and kerosene. This mandate was extended until 2027 under the Decree of the Head of the Downstream Oil and Gas Regulatory Agency (BPH Migas) No. 4/K/BPH Migas/KOM/2022. Thus, the responsibility for providing and distributing vital national energy resources rests with PT Pertamina Patra Niaga and its affiliated entities<sup>7</sup>. However, this vast authority has been misused. In early 2025, the Attorney General's Office named nine suspects in an alleged corruption case related to crude oil and refinery product management. The case involved PT

<sup>3</sup> Muhammad Kevin, "KLASIFIKASI BAHAN BAKAR MINYAK OPLOSAN (PERTALITE, PERTAMAX, PERTAMAX TURBO) MENGGUNAKAN DENSENET121," *Jurnal Informatika Dan Teknik Elektro Terapan* 13, no. 3 (July 2025), <https://doi.org/10.23960/jitet.v13i3.7250>.

<sup>4</sup> Deendarlianto et al., "Modelling of Indonesian Road Transport Energy Sector in Order to Fulfill the National Energy and Oil Reduction Targets," *Renewable Energy* 146 (February 2020): 504–18, <https://doi.org/10.1016/j.renene.2019.06.169>.

<sup>5</sup> A.S. Silitonga et al., "A Review on Prospect of Jatropha Curcas for Biodiesel in Indonesia," *Renewable and Sustainable Energy Reviews* 15, no. 8 (October 2011): 3733–56, <https://doi.org/10.1016/j.rser.2011.07.011>.

<sup>6</sup> Keiko Hirota and Shigeru Kashima, "How Are Automobile Fuel Quality Standards Guaranteed? Evidence from Indonesia, Malaysia and Vietnam," *Transportation Research Interdisciplinary Perspectives* 4 (March 2020): 100089, <https://doi.org/10.1016/j.trip.2019.100089>.

<sup>7</sup> Nurafni Kusumawardhani Affandi, Catherine Ayunia Zoerin Pellokila, and Yusuf Saeful Zamil, "Sistem Pengawasan Dalam Pengadaan Minyak Dan Gas Bumi Oleh PT Pertamina Patra Niaga," *Litra Jurnal Hukum Lingkungan, Tata Ruang Dan Agraria* 4, no. 2 (April 2025).

Pertamina Patra Niaga, PT Kilang Pertamina Internasional, and several contractors under the Production Sharing Contract scheme (KKKS) during the 2018–2023 procurement period<sup>8</sup>.

Given these circumstances, questions arise as to the extent of legal protection available to consumers in such cases. Nevertheless, research specifically examining consumer protection within the context of SOE subsidiary misconduct, particularly PT Pertamina Patra Niaga, remains scarce. Moreover, few studies have linked the concept of consumer protection to Islamic legal perspectives, such as those articulated by Wahbah Az-Zuhaili. Such practices are evidently detrimental to consumers and to the state, both financially and in terms of public safety. Therefore, it is essential to examine consumer protection in this case, especially from Wahbah Az-Zuhaili's perspective. This research is expected to contribute scientifically to the development of consumer protection law studies and serve as a reference for policymakers and business practitioners in strengthening governance in the energy sector based on the principles of justice and public welfare (maslahah).

## 2. Method

This study employs a normative legal research method (yuridis-normatif) with a descriptive qualitative approach, aiming to analyze positive legal norms and Islamic legal principles concerning consumer protection in the case of Pertamax adulterated with Peralite by PT Pertamina Patra Niaga. According to E. Saefullah Wiradipradja, normative legal research is defined as "legal research that examines positive legal norms as its object of study." In normative legal research, law is no longer viewed merely as an utopian concept but as an institutionalized system codified into norms, principles, and legal institutions. Normative legal research, also known as dogmatic legal research, focuses on examining, maintaining, and developing the structure of positive law logically<sup>9</sup>. This study is doctrinal in nature, with the research objects consisting of legislation and relevant scientific literature. Primary data were obtained from legal sources such as Law Number 8 of 1999 on Consumer Protection and regulations in the oil and gas sector, secondary data were collected from books, journals, legal institution reports, as well as Wahbah Az-Zuhaili's *Al-Fiqh al-Islami wa Adillatuhu*, and tertiary data were obtained from legal dictionaries and other supporting sources. Data collection was conducted through library research using documentation techniques, involving the collection, recording, and organization of legal materials relevant to consumer protection and the principle of *tadlis fi al-jawdah* in Islamic law. All data were analyzed using qualitative descriptive analysis, following stages of reduction, classification, interpretation, and deductive conclusion drawing, to assess the conformity between positive law and Sharia principles in realizing justice, the state's responsibility as *wali al-amr*, and consumer protection in the energy sector.

## 3. Result and Discussion

### 3.1. The Pertamax–Peralite Adulteration Case

The Attorney General's Office announced that the suspects in the alleged corruption case involving the management of crude oil and refinery products at PT Pertamina were found to have adulterated fuel oil (BBM) by mixing RON 90 (Peralite) into RON 92 (Pertamax)<sup>10</sup>. The period from 2018 to 2023 recorded significant indications of corruption in the management of crude oil and refinery products involving officials within PT Pertamina (Persero) and its subsidiaries. One of the most striking violations was the practice of fuel adulteration, where RON 90 (Peralite), which should have been sold at a subsidized price, was allegedly mixed and manipulated to resemble RON 92 (Pertamax), a fuel type with a higher price.

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<sup>8</sup> Puspa Perwitasari, "Kejagung Periksa Eks Dirut Pertamina Elia Malik Di Kasus Minyak Mentah," CBN Indonesia, 2025, <https://www.cnnindonesia.com/nasional/20250612132713-12-1238991/kejagung-periksa-eks-dirut-pertamina-elia-manik-di-kasus-minyak-mentah>.

<sup>9</sup> Muhaimin, *Metode Penelitian Hukum*, cetakan pertama, ed. Muhaimin, vol. 1 (Jln, Majapahit No. 62 Mataram-NTB: Mataram University Press, 2020).

<sup>10</sup> Fathur, "Sulap Peralite Jadi Pertamax, Kasus Korupsi Minyak Di Pertamina Rugikan Negara Rp.193,7 Triliun," Berau Terkini, 2025, <https://berauterkini.co.id/sulap-peralite-jadi-pertamax-kasus-korupsi-minyak-di-pertamina-rugikan-negara-rp1937-triliun/>.

The Attorney General's Office named nine suspects, including Riva Siahaan (RS), President Director of PT Pertamina Patra Niaga; Sani Dinar Saifuddin (SDS), Director of Feedstock and Product Optimization at PT Kilang Pertamina Internasional; Yoki Firnandi (YF), Director of PT Pertamina International Shipping; Agus Purwono (AP), VP of Feedstock Management at PT Kilang Pertamina Internasional; Maya Kusmaya (MK), Director of Central Marketing and Trade at Pertamina Patra Niaga; and Edward Corne (EC), VP of Trading Operations at Pertamina Patra Niaga<sup>11</sup>. These six suspects represent state officials. Meanwhile, three suspects from the private sector are Muhammad Kerry Andrianto Riza (MKAR), beneficial owner of PT Navigator Khatulistiwa; Dimas Werhaspati (DW), Commissioner of PT Navigator Khatulistiwa and PT Jenggala Maritim; and Gading Ramadhan Joedo (GRD), Commissioner of PT Jenggala Maritim and President Director of PT Orbit Terminal Merak<sup>12</sup>.

The Director of Central Marketing and Trade, Maya Kusmaya, and the VP of Trading Products at Pertamina Patra Niaga, Edward Corne, were found to have played a key role in the case. According to Abdul Qohar, Director of Investigation at the Deputy Attorney General for Special Crimes, their involvement began with the approval of Riva Siahaan (RS), the President Director of PT Pertamina Patra Niaga, to purchase RON 90 or lower fuel at prices equivalent to RON 92. This resulted in overpayment for refinery product imports that did not match the actual fuel quality. Furthermore, Maya Kusmaya instructed or approved Edward Corne to blend refinery products of RON 88 with RON 92 to produce RON 92 fuel at the PT Orbit Terminal Merak facility owned by suspects M. Kerry Andrianto Riza and Gading Ramadhan Joedo<sup>13</sup>. The blended fuel was then sold at the price of RON 92 (Pertamax). This practice violated the established refinery procurement procedures and the core business regulations of PT Pertamina Patra Niaga. In this regard, scientific evaluation of fuel properties becomes essential to verify adulteration. demonstrated that deviations in physicochemical parameters such as density, octane rating, flash point, and distillation characteristics—serve as reliable indicators of adulterated fuel, even when the blending occurs in relatively small proportions. This finding affirms that the Pertamax–Pertalite mixing practice can be objectively identified through standardized laboratory fuel quality testing<sup>14</sup>. Maya Kusmaya and Edward Corne also made import payments using the spot or direct appointment method, which caused PT Pertamina Patra Niaga to pay inflated prices to business partners.

Qohar explained that the payments should have been made using the term method or direct selection within a specific timeframe to obtain fairer prices. However, in practice, the spot method was used, reflecting current market prices, which led PT Pertamina Patra Niaga to pay excessively high import costs to its partners. Additionally, Maya and Edward were aware of and approved the markup in the shipping contracts arranged by suspect Yoki Firnandi (YF), President Director of PT Pertamina International Shipping. As a result, PT Pertamina Patra Niaga unlawfully issued a 13 to 15 percent fee. The fee was provided to suspects Muhammad Kerry Andrianto Riza (MKAR), the beneficial owner of PT Navigator Khatulistiwa, and Dimas Werhaspati (DW), Commissioner of PT Navigator Khatulistiwa. The actions of Maya Kusmaya, Edward Corne, together with Riva Siahaan, Sani Dinar Saifuddin, Yoki Firnandi, Agus Purwono, Muhammad Kerry Andrianto Riza, Dimas Werhaspati, and Gading Ramadhan Joedo caused state financial losses amounting to IDR 193.7 trillion<sup>15</sup>.

<sup>11</sup> Arief Rahman, Paul Dargusch, and David Wadley, "The Political Economy of Oil Supply in Indonesia and the Implications for Renewable Energy Development," *Renewable and Sustainable Energy Reviews* 144 (July 2021): 111027, <https://doi.org/10.1016/j.rser.2021.111027>.

<sup>12</sup> Patricia Diah Ayu, "Kronologi 2 Bos Pertamina Patra Niaga Dijemput Paksa & Jadi Tersangka," CCN Indonesia, 2025, <https://www.cnnindonesia.com/nasional/20250226235424-12-1202878/kronologi-2-bos-pertamina-patra-niaga-dijemput-paksa-jadi-tersangka>.

<sup>13</sup> Rahman, Dargusch, and Wadley, "The Political Economy of Oil Supply in Indonesia and the Implications for Renewable Energy Development."

<sup>14</sup> J.K. Dadson et al., "Evaluation of Physicochemical Parameters as Indicators of Diesel Adulteration," *Heliyon* 10, no. 17 (September 2024): e36945, <https://doi.org/10.1016/j.heliyon.2024.e36945>.

<sup>15</sup> Ayu Mumpuni, "Peran 2 Tersangka Baru Mega Korupsi Pertamina Patra Niaga," 2025.

### 3.2. Consumer Losses and State Financial Losses

Consumers suffered substantial losses as a result of the blending of Peralite into Pertamina, as they were required to pay for high-quality fuel but instead received a lower-octane product that did not meet the promised specifications, leading to multiple forms of consumer harm. One of the most evident impacts was financial or economic loss, as consumers paid a higher price for Pertamina (RON 92) but were effectively supplied with fuel of Peralite quality (RON 90). This discrepancy not only constituted a material loss but also reflected a breach of trust and transparency in commercial transactions<sup>16</sup>. According to the Chairman of BPKN, Mufti Mubarak, consumers felt deceived because the information provided regarding fuel quality was false, causing the price paid to be disproportionate to the actual product received. Such practices violate fundamental principles of consumer rights, where accurate information, fair pricing, and product reliability are essential to ensuring market integrity and protecting public welfare<sup>17</sup>. Consequently, the blending practice constitutes a severe violation of consumer rights, particularly the right to accurate information, the right to demand appropriate quality, and the right to obtain compensation for losses resulting from deceptive commercial behavior<sup>18</sup>.

The blending of lower-quality fuel into higher-grade Pertamina not only resulted in economic losses but also caused significant technical and mechanical harm to consumers' vehicles, as the adulterated fuel failed to meet standard combustion requirements and led to engine knocking, reduced efficiency, and in many cases permanent damage to injectors and fuel system components. Such deterioration occurs because low-octane fuel disrupts optimal combustion timing, forcing the engine to operate under abnormal pressure and temperature conditions. Recent scientific studies reinforce these findings by demonstrating that fuel adulteration can be accurately detected through advanced forensic techniques; for instance, showed that ATR-FTIR spectroscopy combined with multivariate chemometric analysis can identify adulteration by examining molecular vibration patterns and deviations in chemical composition, proving that even small proportions of low-octane fuel mixed with premium products can be objectively verified. These analytical methods not only confirm the presence of fuel tampering but also strengthen consumers' claims regarding mechanical damage, as they establish measurable evidence that substandard fuel directly compromises engine performance and accelerates component degradation.<sup>19</sup>. A Celios survey indicated that 55.3% of consumers experienced vehicle damage, with most (45%) spending between IDR 1 million and IDR 5 million for repairs, while others spent from IDR 100 thousand to over IDR 10 million<sup>20</sup>.

The use of unstable blended fuel poses serious public safety risks, as substandard or adulterated fuel can lead to sudden engine failure on the road, overheating, and potentially severe accidents, thereby endangering not only the financial stability but also the lives and physical safety of consumers. Such risks fall within the broader framework of *hifz al-nafs*, which emphasizes the protection of human life as a fundamental objective. When vehicles malfunction due to compromised fuel quality, they may become inoperable during critical moments, jeopardizing both drivers and passengers while also disrupting daily mobility and productivity. In many cases, vehicle owners whose engines are damaged by adulterated fuel lose access to transportation needed for work or other economic activities, resulting in reduced income

<sup>16</sup> Jean Felipe Leal Silva et al., "Meta-Data Analysis of Biofuels in Emerging Markets of Africa and Asia: Greenhouse Gas Savings and Economic Feasibility," *Renewable and Sustainable Energy Reviews* 213 (May 2025): 115465, <https://doi.org/10.1016/j.rser.2025.115465>.

<sup>17</sup> Lopi Kasim, "Peralite Diduga Dioplos Jadi Pertamina, Masyarakat Bisa Gugat Dan Minta Ganti Rugi Ke Pertamina," *Konteks.Co.Id*, February 26, 2025, <https://www.konteks.co.id/nasional/1631034244/peralite-diduga-dioplos-jadi-pertamax-masyarakat-bisa-gugat-dan-minta-ganti-rugi-ke-pertamina?page=2>.

<sup>18</sup> Ervana Trikarinaputri, "Celios Beberkan Kerugian Konsumen Akibat Dugaan Pengoplosan Pertamina Tembus Rp 17,4 Triliun," *TEMPO*, March 20, 2025, <https://www.tempo.co/ekonomi/celios-beberkan-kerugian-konsumen-akibat-dugaan-pengoplosan-pertamax-tembus-rp-17-4-triliun-1222155>.

<sup>19</sup> Benex K. Babu et al., "Fuel Forensics: Recent Advancements in Profiling of Adulterated Fuels by ATR-FTIR Spectroscopy and Chemometric Approaches," *Spectrochimica Acta Part A: Molecular and Biomolecular Spectroscopy* 312 (May 2024): 124049, <https://doi.org/10.1016/j.saa.2024.124049>.

<sup>20</sup> Agnes Z. Yonatan, *Masyarakat Rugi Rp47 Miliar per Hari Akibat Oplosan BBM Pertamina* (2025).



opportunities and wider socioeconomic harm<sup>21</sup>. The use of unstable blended fuel poses significant public safety risks, as substandard or adulterated fuel can trigger sudden engine failure on the road, overheating, and potentially serious accidents, thereby threatening not only the financial stability but also the lives and physical safety of consumers. These dangers fall within the broader principle of *hifz al-nafs* (protection of life), which underscores the preservation of human safety as a fundamental societal obligation. When vehicles malfunction due to compromised fuel quality, they become vulnerable to breakdowns during crucial moments, endangering drivers, passengers, and other road users. Moreover, the inability to rely on a functioning vehicle can disrupt essential daily mobility, preventing individuals from commuting to work, fulfilling familial responsibilities, or engaging in productive economic activities. In many cases, vehicle owners whose engines are damaged by adulterated fuel face not only repair expenses but also the loss of income opportunities, illustrating how fraudulent fuel practices generate cumulative socioeconomic harm that extends far beyond mechanical damage alone.<sup>22</sup> According to Tempo.com, widespread public unrest emerged as people felt betrayed, leading to decreased confidence in official product quality, ultimately harming social and moral trust (*ervana trikarinaputri*). The deprivation of consumers' right to accurate information became evident when fuel products labeled as RON 92 were in fact equivalent to RON 90, resulting in consumers being misled about the true quality of the product they purchased. This misinformation constituted a clear violation of the obligation to provide truthful, clear, and transparent information, as emphasized by BPKN, which noted that consumers had effectively paid for a premium product that did not meet the guaranteed standards. Such practices undermine consumer autonomy, distort market fairness, and breach the fundamental principle that purchasing decisions must be based on reliable and honest product disclosures<sup>23</sup>.

The alleged case of blending Peralite into Pertamax that emerged in 2025 not only caused harm to consumers but also created structural and multidimensional losses for the state on a massive scale. These losses include fiscal damage, the tarnishing of institutional reputation, the erosion of public trust, and threats to the principles of economic justice and the governance of national energy distribution. Based on the investigation by the Attorney General's Office of the Republic of Indonesia, the blending practices and manipulation of fuel distribution by certain individuals within Pertamina caused state losses estimated at IDR 193.7 trillion. These losses included compensation costs, fuel subsidies that were misallocated, manipulations in oil exports and imports, and inefficient intermediary transactions<sup>24</sup>. According to various sources, including Celios and the official reports from the investigation team, the total loss resulting from this scandal may have reached IDR 968.5 trillion, approaching one quadrillion rupiah. This fiscal damage was worsened by the fact that the state continued to bear the burden of fuel subsidies and compensation calculated based on international market prices, even though the distributed products did not meet the required standards. Celios recorded that during the period of blending, the state suffered daily losses of approximately IDR 47 billion, accumulated from price and volume discrepancies in the distribution of substandard fuel. This demonstrates that the national fuel distribution system had been infiltrated by irregularities, leading to massive leakage of public funds<sup>25</sup>.

Furthermore, the state also suffered intangible losses in the form of diminished public confidence in government institutions and state-owned enterprises, including Pertamina as the fuel distribution manager, as well as the government itself, which was perceived as failing to supervise and protect public assets. Although these intangible losses are difficult to quantify mathematically, their social and political

<sup>21</sup> Luh Putu Niti Rahayu et al., "Perlindungan Konsumen Atas Kerugian Ekonomi Akibat Pertamax Oplosan Dalam Perspektif Undang-Undang Perlindungan Konsumen," *Al-Zayn: Jurnal Ilmu Sosial & Hukum* 3, no. 5 (2025).

<sup>22</sup> Lembaga Bantuan Hukum JAKARTA, "Pembukaan Pos Pengaduan Bagi Warga Korban Pertamax Oplosan," LBH JAKARTA, February 26, 2025, <https://bantuanhukum.or.id/pembukaan-pos-pengaduan-bagi-warga-korban-pertamax-oplosan/>.

<sup>23</sup> Lopi Kasim, "Peralite Diduga Dioplos Jadi Pertamax, Masyarakat Bisa Gugat Dan Minta Ganti Rugi Ke Pertamina."

<sup>24</sup> Md Rahatul Islam Sazzad et al., "Advancing Sustainable Lubricating Oil Management: Re-Refining Techniques, Market Insights, Innovative Enhancements, and Conversion to Fuel," *Heliyon* 10, no. 20 (October 2024): e39248, <https://doi.org/10.1016/j.heliyon.2024.e39248>.

<sup>25</sup> Tonni Agustiono Kurniawan et al., "Innovative Transformation of Palm Oil Biomass Waste into Sustainable Biofuel: Technological Breakthroughs and Future Prospects," *Process Safety and Environmental Protection* 193 (January 2025): 643–64, <https://doi.org/10.1016/j.psep.2024.11.073>.

impact is significant, creating an atmosphere of distrust, public resistance, and undermining the legitimacy of state authority in managing strategic sectors. The financial losses of IDR 193.7 trillion consist of domestic crude oil export losses of approximately IDR 35 trillion, crude oil import losses through brokers amounting to IDR 2.7 trillion, compensation losses in 2023 of IDR 126 trillion, and fuel subsidy losses in 2023 of IDR 21 trillion<sup>26</sup>. According to the public prosecutor, the act resulted in state financial losses exceeding IDR 285 trillion. The defendants were charged under Article 2 paragraph (1) and Article 3 in conjunction with Article 18 of Law Number 31 of 1999 on the Eradication of Corruption, in conjunction with Article 55 paragraph (1) of the Criminal Code<sup>27</sup>.

### 3.3 Analysis of Violations of Consumer Protection Law

The nature of violations against consumer protection law must be understood within the broader context of modern market development and the increasing awareness of consumers regarding their rights, which together create an urgent need for clear and comprehensive regulations governing the relationship between producers and consumers. As markets expand and economic activities become more complex, the potential for unfair practices such as deception, misinformation, and exploitation also increases, making consumer protection law essential in maintaining fairness and accountability within commercial transactions. Positioned as a critical branch of the broader field of consumer law, consumer protection law encompasses a set of principles and legal norms specifically designed to regulate and safeguard consumer interests by ensuring that producers act responsibly, transparently, and ethically. Through its mechanisms, this legal framework seeks not only to prevent violations but also to provide remedies when consumer rights are infringed, thereby reinforcing trust in the marketplace and promoting a balanced economic system that protects vulnerable parties from harmful business practices<sup>28</sup>.

Consumer protection is an integral part of building an equitable and civilized economic legal system. In Indonesia, this protection is normatively regulated through Law Number 8 of 1999 concerning Consumer Protection, which aims to create a balance between the interests of business actors and consumers<sup>29</sup>. However, in social reality, various forms of violations continue to occur, especially in trade practices that lack transparency and contain elements of fraud. One case that reflects a violation of consumer protection law is the blending of Pertamina and Peralite fuels, in which business actors sold fuel labeled as Pertamina (RON 92) but with quality equivalent to Peralite (RON 90). This practice is not only an ethical violation but also a legal offense because it causes both economic and moral harm to consumers. According to reports from the Jakarta Legal Aid Institute (LBH Jakarta) and Celios, public losses due to this practice reached tens of billions of rupiah per day, excluding potential vehicle damage, air pollution, and the erosion of public trust in state institutions<sup>30</sup>. Such actions clearly violate Article 8 paragraph (1) letter (f) of the Consumer Protection Law, which stipulates that business actors are prohibited from trading goods that do not correspond with the label or information stated on them. Moreover, business actors have also disregarded their moral and legal obligations as stated in Article 7 letters (a) and (b) of the same law, which require business actors to act in good faith and to provide correct, clear, and honest information to consumers<sup>31</sup>.

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<sup>26</sup> Friska Yolandra, "Kerugian Rp 193,7 Triliun Kasus Pertamina-Peralite Hanya Pada 2023, Sebelumnya?," *Republika*, February 26, 2025, <https://ekonomi.republika.co.id/berita/ssad8p370/kerugian-rp-1937-triliun-kasus-pertamaxpentalite-hanya-pada-2023-sebelumnya>.

<sup>27</sup> Aji Prasetyo, "Dakwaan Bos Pertamina Niaga Singgung Pentalite - Pertamina," October 9, 2025, <https://www.hukumonline.com/berita/a/dakwaan-bos-pertamina-niaga-singgung-pentalite---pertamax-lt68e7c34f8bd9b/>.

<sup>28</sup> Njatrijani R, "Posisi Undang-Undang Perlindungan Konsumen No 8 Tahun 1999 Dalam Upaya Perlindungan Terhadap Konsumen," *Diponegoro Private Law Review* 1, no. 1 (2017).

<sup>29</sup> Niru Anita Sinaga and Nunuk Sulisrudatin, "PELAKSAAN PERLINDUNGAN KONSUMEN DI INDONESIA," *Jurnal Ilmiah Hukum Dirgantara* 5, no. 2 (2015).

<sup>30</sup> LBH Jakarta and Celios, "Laporan Rekapitulasi Aduan Pertamina Oplosan LBH Jakarta Celios," CELIOS Dan LBH Jakarta, 2025, <https://www.scribd.com/document/857355128/Laporan-Rekapitulasi-Aduan-Pertamax-Oplosan-LBH-Jakarta-Celios-1>.

<sup>31</sup> Undang-Undang Nomor 8 Tahun 1999 Tentang Perlindungan Konsumen Pasal 7 Huruf a Dan b, Lembaran Negara Republik Indonesia Tahun 1999 Nomor 42 (1999), <https://peraturan.bpk.go.id/Home/Details/45325/uu-no-8-tahun-1999>.

Violations in the perspective of Sharia economic law are understood within a framework that places consumer protection in a highly significant and holistic position, as Islam views the safeguarding of consumers not merely as a matter of civil relations between individuals but as an issue that concerns the broader public interest and the moral relationship between humans and Allah SWT. In Islamic legal thought, protecting consumers is directly tied to the preservation of justice, honesty, and public welfare, making it an ethical and spiritual mandate rather than a purely legal obligation<sup>32</sup>. Consequently, ensuring the protection of Muslim consumers based on Islamic principles becomes a responsibility of the state, which is required to uphold fairness in the marketplace, prevent fraudulent practices, and safeguard community welfare as part of its role as *hisbah* and guardian of public interest (*maslahah 'ammah*). This integrated approach highlights that violations against consumer rights are not only legal infractions but also moral transgressions with implications for societal harmony and accountability before God<sup>33</sup>. From the perspective of sharia economic law, the practice of mixing fuels can be classified as a form of *tadlis fi al-jawdah*, which refers to fraud or deception regarding the quality of goods being sold. Terminologically, *tadlis* originates from the word *dalasa-yudallisu*, meaning to conceal something so that its defects remain unknown. In *al-Fiqh al-Islami wa Adillatuhu*, a renowned twentieth-century scholar explains that *tadlis* occurs when a seller hides defects in goods or presents a false appearance of quality with the intent to deceive buyers. Az-Zuhaili further emphasizes that this act constitutes a major sin as it violates the principles of *amanah* (honesty) and *sidq* (truthfulness), which serve as the foundation of economic transactions in Islam<sup>34</sup>. Moreover, *tadlis* is categorized as *fasidah al-uqud* (corrupting the contract) because it removes clarity regarding the object of transaction (*ma'lum al-ma'qud 'alayh*) and disregards the essential element of mutual consent (*taradhi*) between the parties involved. Within this context, a sale and purchase transaction involving *tadlis* is deemed invalid (*fasakh al-'aqd*) under sharia law and must therefore be annulled.

### 3.4 Legal Protection for Consumers

According to Law Number 8 of 1999 concerning Consumer Protection (UUPK), legal protection for consumers is defined as "all efforts that ensure legal certainty to provide protection for consumers." This definition emphasizes that consumer protection law serves both preventive and repressive functions preventing violations of consumer rights and providing sanctions and remedies when such violations occur. Consumer protection laws are designed to safeguard consumers' rights, ensure fair practices, and address issues such as fraud and product liability<sup>35</sup>. The Consumer Protection Law not only regulates consumers' rights but also establishes the obligations that must be complied with by business actors. Furthermore, by identifying areas that require closer supervision, there is an opportunity to examine the effects of consumer protection activities<sup>36</sup>. In the context of economic law, consumers are the most vulnerable parties to the abuse of dominant positions by business actors. Therefore, the fundamental principle of legal protection for consumers is to uphold the balance between the interests of business actors and consumers, as affirmed in Article 3 of the UUPK, which aims to establish a fair, honest, and accountable trading system.

Constitutionally, the guarantee of legal protection for consumers can be found in Article 33 of the 1945 Constitution of the Republic of Indonesia, which asserts that economic activities must be conducted based on the principles of justice and shared prosperity. Thus, consumer protection is not merely a legal

<sup>32</sup> Kurniawan et al., "Innovative Transformation of Palm Oil Biomass Waste into Sustainable Biofuel: Technological Breakthroughs and Future Prospects."

<sup>33</sup> Zulham, *Hukum Perlindungan Konsumen*, 1st ed. (Jl. Tandra Raya No. 23 Rawamangun Jakarta 13220: Kharisma Putra Utama, 2013).

<sup>34</sup> Wahbah Az-Zuhaili, *Al-Fiqh al-Islami Wa Adillatuhu*, 4th ed., vol. 4 (Damascus: Dar al-Fikr, 1997).

<sup>35</sup> Abdallah Kalaf AL-Raggad and Mishael Al-Raggad, "Analyzing Trends: A Bibliometric Study of Administrative Law and Forensic Accounting in the Digital Age," *Heliyon* 10, no. 18 (September 2024): e37462, <https://doi.org/10.1016/j.heliyon.2024.e37462>.

<sup>36</sup> Pasha Athallah Rasyad and Reva Fitri Ramadani, "PERAN UNDANG-UNDANG NOMOR 8 TAHUN 1999 TENTANG PERLINDUNGAN KONSUMEN DALAM MENANGGAPI TANGGUNG JAWAB PELAKU USAHA TERHADAP KELUHAN KONSUMEN," *Jurnal Hukum Dan Kewarganegaraan* 8, no. 6 (2024).



obligation under positive law but also a moral and constitutional imperative<sup>37</sup>. Preventive legal protection refers to measures taken to prevent violations of the law before they occur. Its primary goal is to avoid disputes or losses by providing adequate information, education, and supervision to both the public and business actors in the context of the Pertamina-Pertalite adulteration case, the weak supervision by authorized institutions demonstrates that the preventive legal protection system has not been implemented effectively. Important that consumers are educated on the subject so that they can make correct decisions in a market free from deceptive marketing practices<sup>38</sup>. As areas requiring enhanced oversight continue to be identified, there is an opportunity to investigate the effects of consumer protection activities<sup>39</sup>. According to Law Number 8 of 1999 concerning Consumer Protection, business actors are required to act in good faith and provide accurate, clear, and honest information regarding the goods and services offered. However, violations such as fuel adulteration occurred due to the lack of field inspections, weak quality audits, and the absence of routine fuel testing mechanisms at gas stations.

Preventive efforts can be implemented through three main approaches: strengthening regulations and administrative sanctions, consumer education, and digital transparency in the energy distribution chain. First, the government must tighten administrative sanctions against business actors who falsify product labels or quality. Integrated supervision between BPH Migas, the Ministry of Energy and Mineral Resources (ESDM), and the National Standardization Agency (BSN) is essential to prevent further manipulation within the national fuel distribution system. Second, preventive protection should also encompass consumer awareness. Education on consumer rights such as the right to accurate information and the right to compensation will enhance consumers' bargaining power in the market<sup>40</sup>. Third, strengthening transparency systems through digital technology such as blockchain-based supply chains or QR verification systems can be utilized to track the origin and quality of fuel in real time, thereby preventing data manipulation and the practice of *tadlis fi al-jawdah* (quality deception) as prohibited in Islamic law<sup>41</sup>.

From an Islamic legal perspective, preventive measures are integral to the principles of *hifz al-mal* (protection of property) and *hifz al-nafs* (protection of life), which emphasize safeguarding individuals from economic harm and ensuring the integrity of public welfare. Islam strongly upholds the concept of *hisbah* (market supervision) as a mechanism to prevent fraud, injustice, and unethical practices that could endanger society. In this context, the Prophet Muhammad (peace be upon him) stated, "Whoever deceives us is not one of us," a hadith narrated by Muslim that underscores the severity of deceit and its incompatibility with Islamic moral conduct. This prophetic guidance serves as a fundamental ethical framework obligating business actors to uphold *amanah* (trustworthiness) and *sidq* (truthfulness) in every economic transaction. Thus, preventing fraudulent practices, ensuring transparency, and maintaining fairness in trade are not only economic responsibilities but also religious duties that align with the overarching objectives of Islamic law to protect wealth, life, and societal harmony<sup>42</sup>. Thus, preventive law functions not only as a legal norm but also as a moral and social instrument to prevent consumer fraud in the future. Collaboration among the state, business actors, and society is essential to establish a consumer protection system that is fair, transparent, and sustainable.

The Pertamina-Pertalite adulteration case exemplifies the weakness of preventive legal protection in the energy distribution sector. This case occurred when several gas stations mixed Pertalite (RON 90) with Pertamina (RON 92) and sold it under the Pertamina label to gain greater profits. The state's failure to perform adequate supervision enabled business actors to manipulate fuel quality without detection. In

<sup>37</sup>Hukumonline, "Bunyi Dan Makna Pasal 33 UUD 1945," Hukum Online, July 25, 2024, <https://www.hukumonline.com/berita/a/bunyi-dan-makna-pasal-33-uud-1945-lt66a1c0b348b25/>.

<sup>38</sup> Kamran Rasool et al., "Consumer Rights and Stealth Marketing: A Comparative Socio-Legal Exploration across Developed and Emerging Economies," *Social Sciences & Humanities Open* 11 (2025): 101643, <https://doi.org/10.1016/j.ssaho.2025.101643>.

<sup>39</sup> Michelle Gabor, Arjan Premti, and Mohammad Jafarinejad, "Consumer Protection and Firm Valuation: A Study of Overdraft Protection and US Banks," *Finance Research Letters* 67 (September 2024): 105949, <https://doi.org/10.1016/j.frl.2024.105949>.

<sup>40</sup> Niru Anita Sinaga and Nunuk Sulisrudatin, "PELAKSANAAN PERLINDUNGAN KONSUMEN DI INDONESIA."

<sup>41</sup> W Az-Zuhaili, *Fiqh Islami Wa Adillatuhu (Jilid 6)* (Jakarta: Gema Insani & Dar al-Fikr, 2011).

<sup>42</sup> R Hidayat, *Fikih Muamalah: Teori Dan Prinsip Hukum Ekonomi Syariah* (Medan: CV. Tungga Esti, 2022).

fact, according to Article 7 letters a and b of the UUPK, business actors are required to act in good faith in conducting business activities and to provide accurate, clear, and honest information about the condition of goods or services<sup>43</sup>. Such adulteration clearly violates the principles of transparency and good faith, which are fundamental elements of preventive legal protection. Supervision of the fuel supply chain should be regularly conducted by Pertamina as the producer and BPH Migas as the regulator through field inspections, fuel sampling, and independent quality audits. The failure of such supervision shows that preventive legal protection remains normative (based on regulation) but not yet substantive (in implementation). As a result, business actors can freely commit *tadlis fi al-shifah* (deception regarding product quality) without early detection.

Repressive legal protection is a legal effort provided after the occurrence of a violation or loss suffered by consumers, with the aim of restoring consumer rights and providing a deterrent effect on business actors<sup>44</sup>. This form of protection is carried out through law enforcement in civil, criminal, or administrative aspects, depending on the nature and impact of the violation. In the case of Pertamina adulterated with Peralite, repressive legal protection becomes important because consumers have suffered real losses, both economically, technically, and morally. Economic losses occur when consumers pay the price of Pertamina (RON 92) but receive mixed fuel with lower quality (RON 90). Technical losses include vehicle engine damage and decreased fuel efficiency, while moral losses are reflected in the loss of public trust in state-owned enterprises and the government<sup>45</sup>. According to Law Number 8 of 1999 concerning Consumer Protection, repressive mechanisms can be pursued through three main channels, namely out-of-court dispute resolution (non-litigation), civil lawsuits, and criminal law enforcement against business actors who deceive consumers. The non-litigation channel, such as through the Consumer Dispute Settlement Agency (BPSK), allows consumers to obtain compensation quickly and at a low cost. Meanwhile, the litigation channel may be pursued if business actors are proven to have violated Article 8 of the Consumer Protection Law, which prohibits the sale of goods that do not conform to the label or promised quality.

In addition, business actors may be subject to criminal sanctions as regulated in Article 62 of the Consumer Protection Law, namely imprisonment for a maximum of five years or a fine of up to two billion rupiah. In the context of the Pertamina adulteration case, the element of fraud is fulfilled because there is a malicious intent (*mens rea*) to gain unlawful profit at the expense of consumer rights<sup>46</sup>. Therefore, repressive law enforcement not only demands material compensation but also includes a punitive aspect to create a deterrent effect for business actors. From the perspective of Islamic law, repressive legal protection is in line with the concept of *ta'zir*, which refers to the imposition of punishment on perpetrators of violations that harm society (*al-darar al-'amm*). According to Wahbah Az-Zuhaili, the government (*waliy al-amr*) has the authority to impose sanctions on those who commit fraud (*tadlis*), in the form of fines, restitution, or prohibition from conducting business<sup>47</sup>. This principle is based on the *maqashid al-syari'ah*, particularly in safeguarding property (*hifz al-mal*) and maintaining social justice. In this context, the state is obliged to ensure that consumer rights are restored and that business actors do not repeat their misconduct<sup>48</sup>. Furthermore, the application of repressive law may also include administrative actions such as revocation of business licenses, blacklisting of companies, and comprehensive audits of the distribution chain. These measures not only restore losses but also prevent the recurrence of similar violations in the future<sup>49</sup>. Thus, the repressive approach functions as a form of justice enforcement and social control, ensuring that business actors operate ethically, transparently, and responsibly.

<sup>43</sup> Undang-Undang Nomor 8 Tahun 1999 Tentang Perlindungan Konsumen Pasal 7 Huruf a dan b.

<sup>44</sup> R. D Astuti, "Perlindungan Konsumen Dalam Perspektif Preventif Dan Represif Di Indonesia," *Jurnal Hukum Dan Pembangunan Ekonomi* 8, no. 2 (2020).

<sup>45</sup> Lopi Kasim, "Peralite Diduga Dioplos Jadi Pertamina, Masyarakat Bisa Gugat Dan Minta Ganti Rugi Ke Pertamina."

<sup>46</sup> LBH Jakarta and Celios, "Laporan Rekapitulasi Aduan Pertamina Oplosan LBH Jakarta Celios."

<sup>47</sup> Az-Zuhaili, *Fiqh Islami Wa Adillatuhu* (Jilid 6).

<sup>48</sup> Hidayat, *Fikih Muamalah: Teori Dan Prinsip Hukum Ekonomi Syariah*.

<sup>49</sup> S Rohmah, "Digitalisasi Pengawasan Produk Dan Upaya Pencegahan Penipuan Konsumen," *Jurnal Hukum Dan Kebijakan Publik* 12, no. 1 (2023).

### 3.5 The Role of the State in the Pertamina–Pertalite Adulteration Case

The Pertamina adulteration case that emerged in 2025 demonstrates that the state has not yet been optimal in carrying out its functions as a protector, policymaker, and law enforcer in the field of consumer protection and national energy management. In this context, the state has three main roles, namely as a regulator, supervisor, and law enforcer. These three roles are integrated to ensure justice and public safety in the use of essential goods and services such as fuel oil. The first role of the state is as a policymaker that ensures consumer protection. Based on Articles 2 and 3 of Law Number 8 of 1999 concerning Consumer Protection, the state is obliged to create a fair, transparent, and responsible trade system. It is crucial for regulatory agencies, businesses, and consumer advocacy organizations to collaborate in fostering trust and promoting authentic sustainability<sup>50</sup>. In the energy sector, derivative regulations through the Minister of Energy and Mineral Resources Regulation Number 8 of 2013 on the Supervision of Fuel Distribution and Trade stipulate that all fuel products must meet quality standards set by the government (BSN and the Ministry of Energy and Mineral Resources). However, the Pertamina adulteration case shows that existing regulations have not been accompanied by effective enforcement. Many fuel stations escape quality inspection, and the distribution chain has not been fully verified digitally. This indicates a regulatory gap, namely a discrepancy between legal norms and their implementation in the field<sup>51</sup>.

The second function of the state is active supervision over business actors and fuel distribution. The Downstream Oil and Gas Regulatory Agency (BPH Migas) and the Ministry of Energy and Mineral Resources are mandated to ensure that energy distribution complies with quality and quantity standards. In practice, this supervision is often administrative and does not involve on-site technical testing. However, the Pertamina adulteration case requires scheduled field inspections and random testing of octane levels (RON) to verify product authenticity<sup>52</sup>. The state must also activate a digital public reporting system (whistleblowing system) to allow consumers to report fraud at fuel stations without fear of retaliation. Building and strengthening relationships with customers, fostering trust and loyalty among socially conscious consumers<sup>53</sup>. After a violation occurs, the state is obliged to enforce the law repressively. In this case, the Attorney General's Office has named nine suspects from PT Pertamina Patra Niaga and PT Kilang Pertamina Internasional for alleged corruption and refinery product manipulation. State law enforcement demonstrates that criminal and administrative aspects work in parallel. However, to ensure a deterrent effect, this step must be accompanied by civil actions and compensation for consumers, as stipulated in Article 19 of the Consumer Protection Law, which states that business actors must provide compensation, reimbursement, and or replacement if goods received do not match the promised specifications. Moreover, the state may initiate a class action on behalf of the affected public. Such collective lawsuits serve as concrete forms of public protection of consumer rights, supported by institutions such as the Consumer Dispute Settlement Agency (BPSK) or the Jakarta Legal Aid Institute (LBH Jakarta)<sup>54</sup>.

Governance reform and restoring public trust are urgent priorities, given that the case of Pertalite being mixed into Pertamina has damaged Pertamina's credibility as a strategic state-owned enterprise and weakened public trust in the government as the energy sector regulator. To restore the integrity of the system and ensure comprehensive consumer protection, the state needs to carry out structural reforms

<sup>50</sup> Caterina Sciortino, Filippo Sgroi, and Simona Napoli, "Greenwashing in the Agri-Food Industry: A Discussion around EU Policies and the Italian," *Food and Humanity* 4 (May 2025): 100528, <https://doi.org/10.1016/j.foohum.2025.100528>.

<sup>51</sup> Mochamad Januar Rizki, "Bila Terbukti Ada Pertamina Oplos, Masyarakat Dapat Layangkan Gugatan Class Action," *Hukum Online*, February 27, 2025, <https://www.hukumonline.com/berita/a/bila-terbukti-ada-pertamax-oplos--masyarakat-dapat-layangkan-gugatan-class-action-lt67c04f9cd716d/>.

<sup>52</sup> Didik Kusbiantoro, "Pemerintah Dukung Penegakan Hukum Kasus Pertamina Oplosan," *AntaraNews*, February 27, 2025.

<sup>53</sup> Abdullah Abdulaziz Alhumud et al., "The Impact of Digital CSR Disclosure on Customer Trust and Engagement: The Moderating Role of Consumer Deontology and Law Obedience," *Journal of Business Research* 186 (January 2025): 115035, <https://doi.org/10.1016/j.jbusres.2024.115035>.

<sup>54</sup> Muhammad Ichsan, Matthew Lockwood, and Maghfira Ramadhani, "National Oil Companies and Fossil Fuel Subsidy Regimes in Transition: The Case of Indonesia," *The Extractive Industries and Society* 11 (September 2022): 101104, <https://doi.org/10.1016/j.exis.2022.101104>.

through various systemic measures. First, independent audits of Pertamina and all its subsidiaries must be conducted regularly to ensure accountability and detect potential irregularities before they harm consumers. Second, the transparency of the fuel supply chain can be strengthened through the application of blockchain technology and a QR code-based tracking system, so that every distribution point can be monitored in real time and potential fraud can be minimised<sup>55</sup>. Third, the establishment of a cross-ministerial public supervisory body is essential to ensure that fuel quality supervision does not rely on a single institution but becomes the integrated collective responsibility of the state. Fourth, public education on consumer rights and mechanisms for reporting energy fraud must be expanded in order to create a society that is aware and active in monitoring the energy sector. The implementation of all these reforms will not only serve to restore public trust that has been eroded, but also build the foundation for a national energy system that is clean, transparent, and consumer-oriented, so that similar cases will not be repeated in the future.

### 3.6 Analysis from the Perspective of Wahbah Az-Zuhaili

Wahbah Az-Zuhaili was a prominent Islamic scholar and contemporary jurist from Syria, best known for his monumental work *Al-Fiqh al-Islami wa Adillatuhu*, an encyclopedic treatise on Islamic law that systematically presents legal principles based on the Qur'an, Hadith, consensus (*ijma'*), and analogical reasoning (*qiyas*). In this work, Az-Zuhaili elaborates extensively on the values of honesty, justice, and moral responsibility in economic activities and commercial transactions. According to him, the fundamental principle of Islamic economics is the upholding of honesty and transparency, and any form of manipulation, deception, or fraud against consumers constitutes a violation of Islamic legal and ethical norms<sup>56</sup>. One such violation is referred to as *tadlis fi al-jawdah*, which means deception concerning the quality of goods or services. Az-Zuhaili explains that *tadlis* is the concealment of a defect in one of the exchanged items, such as when a seller hides a flaw in the goods being sold, an act that not only undermines the integrity of market transactions but also contradicts the ethical foundations of Islamic commercial law, which emphasize fairness, truthful information, and the protection of consumer rights.<sup>57</sup> From his perspective, *tadlis* is not limited to fraud in measurement or weighing but extends to any act of deception related to the quality, price, or information about a product that causes harm to another party. Therefore, the practice of mixing Pertamax and Pertalite clearly falls under the category of *tadlis fi al-jawdah*, as the business actors deceive consumers by selling low-quality fuel under the guise of a premium product.

Wahbah Az-Zuhaili emphasizes that such conduct not only invalidates the legitimacy of a contract (*fasad al-'aqd*) but also constitutes a prohibited act and a major sin because it violates the principle of *amanah* (trustworthiness) in economic dealings. In his view, any transaction involving deception fails to meet the principles of *taradhi* (mutual consent between contracting parties) and *ma'lum al-ma'qud 'alayh* (clarity of the transaction object), rendering the contract defective and subject to annulment (*fasakh al-'aqd*) by the aggrieved party. He further underscores this ethical prohibition by citing a hadith of the Prophet Muhammad that states, "Whoever cheats us is not one of us," indicating that Islam views deception not merely as a moral transgression but as a breach of social faith and integrity. According to Az-Zuhaili, those who commit economic fraud betray both human and social trust, as their actions harm the wider community and undermine public confidence in a just economic system. In his *Tafsir al-Munir*, Az-Zuhaili also highlights the stern warning found in Surah Al-Mutaffifin (83): 1–3, where Allah condemns those who act fraudulently in measuring and weighing taking full measure when receiving from others but giving less when it is their turn to deliver. For Az-Zuhaili, these scriptural foundations demonstrate that fraudulent practices in trade are fundamentally incompatible with the ethical framework of Islamic law, which insists

<sup>55</sup> Bo-Cheng Yang, Chun-Hung Lee, and I Wayan Koko Suryawan, "Resilient Socio-Technical Systems for Adaptive Consumer e-Waste Management," *Sustainable Cities and Society* 118 (January 2025): 106026, <https://doi.org/10.1016/j.scs.2024.106026>.

<sup>56</sup> Soni Solistia Wirawan et al., "Assessing the Readiness to Implement Bioethanol-Blended Fuel in Indonesia," *Biomass and Bioenergy* 201 (October 2025): 108112, <https://doi.org/10.1016/j.biombioe.2025.108112>.

<sup>57</sup> Wahbah Az-Zuhaili, *Fiqh Al-Islami Wa Adillatuhu*, jilid IV (n.d.).

upon fairness, transparency, and the protection of consumer rights in all economic transactions. He explained that this verse is not only a prohibition against physically reducing measures or weights but also encompasses all forms of fraud in the modern economy, including falsifying product quality, mixing goods, or manipulating product labels. In the context of the Pertamina adulteration case, such an act represents a concrete example of *al-muthaffifin* in the modern era, as consumers pay a high price but receive low-quality goods.

From the perspective of *fiqh al-mu'amalah*, Wahbah Az-Zuhaili also emphasized that the state (*waliy al-amr*) has an essential role in maintaining economic justice. He referred to the principle of *hisbah*, a system of public supervision designed to prevent fraud and ensure that people's rights are upheld. The state must be actively involved in enforcing market justice, imposing sanctions on those who commit *tadlis* (fraud), and ensuring that economic activities operate within the ethical boundaries of Islam<sup>58</sup>. Thus, the practice of mixing Pertamina and Pertalite is not merely a violation of national law but also a transgression against the principles of *maqāṣid al-syarī'ah*. This act contradicts the values of *hifz al-māl* (protection of property) and *hifz al-nafs* (protection of life), as adulterated fuel can damage vehicles, pose safety risks, and cause significant financial losses to the public. Wahbah Az-Zuhaili viewed that the state bears a *shar'i* obligation to uphold justice through law enforcement and strict oversight. If the state neglects this duty, such negligence constitutes *taqṣīr al-sultāh* (abuse or failure of authority), meaning the government also shares the sin of allowing economic injustice to persist in society. Therefore, the modern *hisbah* system must be revitalized through supervisory institutions and public policies that guarantee consumer justice. Accordingly, in Wahbah Az-Zuhaili's perspective, the practice of fuel adulteration is not only a violation of positive law but also a *haram* act that invalidates contracts and undermines Islamic moral principles. The solution, beyond legal enforcement, lies in fostering moral and ethical integrity in business based on the principles of *amanah* (trustworthiness), *sidq* (honesty), and social justice, so that economic activities align with the Islamic values of *rahmatan lil 'alamin* (mercy to all creation).

## 4. Conclusion

Based on the results of research and analysis of the case involving the mixing of Pertamina with Pertalite, it can be concluded that this practice constitutes a serious violation of consumer protection law in Indonesia. The business actors were proven to have committed product quality fraud by trading adulterated fuel that did not comply with quality standards or the information stated on the label. This act violates Article 8 paragraph (1) letter (f) and Article 7 letters (a) and (b) of Law Number 8 of 1999 concerning Consumer Protection. The violation causes multidimensional losses to society and the state, including economic, technical, and moral damages, and has implications for significant state budget losses due to irregularities in energy distribution and manipulation of oil and gas imports. From the perspective of Islamic law, this mixing practice falls into the categories of *tadlīs* (fraud) and *gharar* (uncertainty in contracts), which render the sales contract invalid because it involves elements of dishonesty and ambiguity. According to Wahbah Az-Zuhaili in *Al-Fiqh al-Islami wa Adillatuhu*, this act is classified as *tadlīs fī al-jawdah* (quality fraud), which contradicts the principles of *amanah* (trust), *ādī* (justice), and *ṣidq* (honesty) as emphasized in Surah Al-Muthaffifin verses 1–3 and the hadith of the Prophet Muhammad (peace be upon him): "Whoever deceives us is not one of us." Therefore, the state, as *walī al-amr*, carries both legal and moral responsibility to enforce *hisbah* and prevent economic injustice.

This study highlights the importance of strict law enforcement and reform of Indonesia's energy distribution system through preventive and repressive measures. These efforts include monitoring fuel distribution, tightening quality regulations, providing consumer education, imposing criminal sanctions, offering compensation to consumers, and eradicating corruption in the oil and gas sector. The findings also indicate the need for technology-based transparency, independent audits of Pertamina and related gas stations, and the establishment of a fair and accountable consumer protection system in the energy

<sup>58</sup> Az-Zuhaili, *Al-Fiqh al-Islami Wa Adillatuhu*, vol. 4.



sector. Theoretically, this study contributes by integrating Indonesian consumer protection law with Wahbah Az-Zuhaili's concept of *tadlīs fī al-jawdah*, demonstrating that both legal frameworks firmly prohibit deceptive practices in product quality. Practically, the research emphasizes the urgency of strengthening supervision in the fuel distribution chain and increasing consumer legal awareness to minimize the recurrence of similar fraud. However, this research is limited to normative analysis and does not involve empirical verification of adulteration practices or direct consumer impact in the field. Future research is therefore recommended to incorporate laboratory testing of fuel samples, stakeholder interviews, and socio-economic impact assessments to produce findings that are more empirical and policy-oriented.

## Declarations

### Author Contribution Statement

Cicih Aninda took the lead in conceptualizing the research, designing the methodology, analyzing the data, and writing both the original draft and the revised manuscript. He also served as the corresponding author. Fauziah Lubis was responsible for data collection and investigation, contributed to the literature review, and assisted in the preparation of supporting research materials.

### Funding Statement

This research did not receive any specific grant from funding agencies in the public, commercial, or not-for-profit sectors.

### Data Availability Statement

The data in this study are qualitative-normative in nature and were obtained from primary legal sources and secondary literature cited in the references. All data used are available within this manuscript and the listed references.

### Declaration of Interests Statement

The authors declare that they have no financial or personal conflicts of interest that could have influenced the outcome of this research.

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### References

- Abdulaziz Alhumud, Abdullah, Leonidas C. Leonidou, Weam Alarfaj, and Alexis Ioannidis. "The Impact of Digital CSR Disclosure on Customer Trust and Engagement: The Moderating Role of Consumer Deontology and Law Obedience." *Journal of Business Research* 186 (January 2025): 115035. <https://doi.org/10.1016/j.jbusres.2024.115035>.
- Agnes Z. Yonatan. *Masyarakat Rugi Rp47 Miliar per Hari Akibat Oplosan BBM Pertamina*. 2025.
- Aji Prasetyo. "Dakwaan Bos Pertamina Niaga Singgung Pertalite - Pertamina." October 9, 2025. <https://www.hukumonline.com/berita/a/dakwaan-bos-pertamina-niaga-singgung-pertalite---pertamax-lt68e7c34f8bd9b/>.
- AL-Raggad, Abdallah Kalaf, and Mishael Al-Raggad. "Analyzing Trends: A Bibliometric Study of Administrative Law and Forensic Accounting in the Digital Age." *Heliyon* 10, no. 18 (September 2024): e37462. <https://doi.org/10.1016/j.heliyon.2024.e37462>.

- Astuti, R. D. "Perlindungan Konsumen Dalam Perspektif Preventif Dan Represif Di Indonesia." *Jurnal Hukum Dan Pembangunan Ekonomi* 8, no. 2 (2020).
- Ayu Mumpuni. "Peran 2 Tersangka Baru Mega Korupsi Pertamina Patra Niaga." 2025.
- Az-Zuhaili, W. *Fiqh Islami Wa Adillatuhu (Jilid 6)*. Jakarta: Gema Insani & Dar al-Fikr, 2011.
- Az-Zuhaili, Wahbah. *Al-Fiqh al Islami Wa Adillatuhu*. 4th ed. Vol. 4. Damascus: Dar al-Fikr, 1997.
- Babu, Benex K., Murali Manohar Yadav, Shantanu Singh, and Vijay Kumar Yadav. "Fuel Forensics: Recent Advancements in Profiling of Adulterated Fuels by ATR-FTIR Spectroscopy and Chemometric Approaches." *Spectrochimica Acta Part A: Molecular and Biomolecular Spectroscopy* 312 (May 2024): 124049. <https://doi.org/10.1016/j.saa.2024.124049>.
- Dadson, J.K., V. Arthur, N.Y. Asiedu, and O. Akoto. "Evaluation of Physicochemical Parameters as Indicators of Diesel Adulteration." *Heliyon* 10, no. 17 (September 2024): e36945. <https://doi.org/10.1016/j.heliyon.2024.e36945>.
- Didik Kusbiantoro. "Pemerintah Dukung Penegakan Hukum Kasus Pertamina Oplosan." AntaraNews, February 27, 2025.
- Ervana Trikarinaputri. "Celios Beberkan Kerugian Konsumen Akibat Dugaan Pengoplosan Pertamina Tembus Rp 17,4 Triliun." TEMPO, March 20, 2025. <https://www.tempo.co/ekonomi/celios-beberkan-kerugian-konsumen-akibat-dugaan-pengoplosan-pertamax-tembus-rp-17-4-triliun-1222155>.
- Fathur. "Sulap Peralite Jadi Pertamina, Kasus Korupsi Minyak Di Pertamina Rugikan Negara Rp.193,7 Triliun." Berau Terkini, 2025. <https://berauterkini.co.id/sulap-pertalite-jadi-pertamax-kasus-korupsi-minyak-di-pertamina-rugikan-negara-rp1937-triliun/>.
- Friska Yolanda. "Kerugian Rp 193,7 Triliun Kasus Pertamina-Pertalite Hanya Pada 2023, Sebelumnya?" Republika, February 26, 2025. <https://ekonomi.republika.co.id/berita/ssad8p370/kerugian-rp-1937-triliun-kasus-pertamexpertalite-hanya-pada-2023-sebelumnya>.
- Gabor, Michelle, Arjan Premti, and Mohammad Jafarinejad. "Consumer Protection and Firm Valuation: A Study of Overdraft Protection and US Banks." *Finance Research Letters* 67 (September 2024): 105949. <https://doi.org/10.1016/j.frl.2024.105949>.
- Hidayat, R. *Fikih Muamalah: Teori Dan Prinsip Hukum Ekonomi Syariah*. Medan: CV. Tungga Esti, 2022.
- Hirota, Keiko, and Shigeru Kashima. "How Are Automobile Fuel Quality Standards Guaranteed? Evidence from Indonesia, Malaysia and Vietnam." *Transportation Research Interdisciplinary Perspectives* 4 (March 2020): 100089. <https://doi.org/10.1016/j.trip.2019.100089>.
- Hukumonline. "Bunyi Dan Makna Pasal 33 UUD 1945." Hukum Online, July 25, 2024. <https://www.hukumonline.com/berita/a/bunyi-dan-makna-pasal-33-uud-1945-lt66a1c0b348b25/>.
- Kevin, Muhammad. "KLASIFIKASI BAHAN BAKAR MINYAK OPLOSAN (PERTALITE, PERTAMAX, PERTAMAX TURBO) MENGGUNAKAN DENSENET121." *Jurnal Informatika Dan Teknik Elektro Terapan* 13, no. 3 (July 2025). <https://doi.org/10.23960/jitet.v13i3.7250>.
- LBH Jakarta, and Celios. "Laporan Rekapitulasi Aduan Pertamina Oplosan LBH Jakarta Celios." CELIOS Dan LBH Jakarta, 2025. <https://www.scribd.com/document/857355128/Laporan-Rekapitulasi-Aduan-Pertamax-Oplosan-LBH-Jakarta-Celios-1>.
- Lembaga Bantuan Hukum JAKARTA. "Pembukaan Pos Pengaduan Bagi Warga Korban Pertamina Oplosan." LBH JAKARTA, February 26, 2025. <https://bantuanhukum.or.id/pembukaan-pos-pengaduan-bagi-warga-korban-pertamax-oplosan/>.
- Lopi Kasim. "Pertalite Diduga Dioplos Jadi Pertamina, Masyarakat Bisa Gugat Dan Minta Ganti Rugi Ke Pertamina." Konteks.Co.Id, February 26, 2025. <https://www.konteks.co.id/nasional/1631034244/pertalite-diduga-dioplos-jadi-pertamax-masyarakat-bisa-gugat-dan-minta-ganti-rugi-ke-pertamina?page=2>.
- Luh Putu Niti Rahayu, Kadek Julia Mahadewi, Ketut Elly Sutrisni, and Ni Putu Sawitri Nandari. "Perlindungan Konsumen Atas Kerugian Ekonomi Akibat Pertamina Oplosan Dalam Perspektif Undang-Undang Perlindungan Konsumen." *Al-Zayn: Jurnal Ilmu Sosial & Hukum* 3, no. 5 (2025).

- Mochamad Januar Rizki. "Bila Terbukti Ada Pertamina Oplos, Masyarakat Dapat Layangkan Gugatan Class Action ." *Hukum Online*, February 27, 2025. <https://www.hukumonline.com/berita/a/bila-terbukti-ada-pertamax-oplos--masyarakat-dapat-layangkan-gugatan-class-action-lt67c04f9cd716d/>.
- Muhaimin. *Metode Penelitian Hukum*. Cetakan pertama. Edited by Muhaimin. Vol. 1. Jln, Majapahit No. 62 Mataram-NTB: Mataram University Press, 2020.
- Niru Anita Sinaga, and Nunuk Sulisrudatin. "PELAKSAAN PERLINDUNGAN KONSUMEN DI INDONESIA." *Jurnal Ilmiah Hukum Dirgantara* 5, no. 2 (2015).
- Njatrijani R. "Posisi Undang-Undang Perlindungan Konsumen No 8 Tahun 1999 Dalam Upaya Perlindungan Terhadap Konsumen." *Diponegoro Private Law Review* 1, no. 1 (2017).
- Nurafni Kusumawardhani Affandi, Catherine Ayunia Zoerin Pellokila, and Yusuf Saeful Zamil. "Sistem Pengawasan Dalam Pengadaan Minyak Dan Gas Bumi Oleh PT Pertamina Patra Niaga." *Litra Jurnal Hukum Lingkungan, Tata Ruang Dan Agraria* 4, no. 2 (April 2025).
- Pasha Athallah Rasyad, and Reva Fitri Ramadani. "PERAN UNDANG-UNDANG NOMOR 8 TAHUN 1999 TENTANG PERLINDUNGAN KONSUMEN DALAM MENANGGAPI TANGGUNG JAWAB PELAKU USAHA TERHADAP KELUHAN KONSUMEN." *Jurnal Hukum Dan Kewarganegaraan* 8, no. 6 (2024).
- Patricia Diah Ayu. "Kronologi 2 Bos Pertamina Patra Niaga Dijemput Paksa & Jadi Tersangka ." *CCN Indonesia*, 2025. <https://www.cnnindonesia.com/nasional/20250226235424-12-1202878/kronologi-2-bos-pertamina-patra-niaga-dijemput-paksa-jadi-tersangka>.
- Puspa Perwitasari. "Kejagung Periksa Eks Dirut Pertamina Elia Malik Di Kasus Minyak Mentah." *CCN Indonesia*, 2025. <https://www.cnnindonesia.com/nasional/20250612132713-12-1238991/kejagung-periksa-eks-dirut-pertamina-elia-manik-di-kasus-minyak-mentah>.
- Rasool, Kamran, Hamid Mahmood, Abdul Rauf, and Yuen Yee Yen. "Consumer Rights and Stealth Marketing: A Comparative Socio-Legal Exploration across Developed and Emerging Economies." *Social Sciences & Humanities Open* 11 (2025): 101643. <https://doi.org/10.1016/j.ssaho.2025.101643>.
- Rohmah, S. "Digitalisasi Pengawasan Produk Dan Upaya Pencegahan Penipuan Konsumen." *Jurnal Hukum Dan Kebijakan Publik* 12, no. 1 (2023).
- Rösner, Anja, Justus Haucap, and Ulrich Heimeshoff. "The Impact of Consumer Protection in the Digital Age: Evidence from the European Union." *International Journal of Industrial Organization* 73 (December 2020): 102585. <https://doi.org/10.1016/j.ijindorg.2020.102585>.
- Sciortino, Caterina, Filippo Sgroi, and Simona Napoli. "Greenwashing in the Agri-Food Industry: A Discussion around EU Policies and the Italian." *Food and Humanity* 4 (May 2025): 100528. <https://doi.org/10.1016/j.foohum.2025.100528>.
- Undang-Undang Nomor 8 Tahun 1999 Tentang Perlindungan Konsumen Pasal 7 Huruf a Dan b, Lembaran Negara Republik Indonesia Tahun 1999 Nomor 42 (1999). <https://peraturan.bpk.go.id/Home/Details/45325/uu-no-8-tahun-1999>.
- Wahbah Az-Zuhaili. *Fiqh Al-Islami Wa Adillatuhu*. Jilid IV. n.d.
- Zulham. *Hukum Perlindungan Konsumen* . 1st ed. Jl. Tambora Raya No. 23 Rawamangun Jakarta 13220: Kharisma Putra Utama, 2013.