

Analysis of State-Owned Company Responsibility in Cases of Fuel Quality Manipulation PT. Pertamina

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Abstract

The alleged fuel quality manipulation case by PT Pertamina reflects a serious violation of consumer protection principles as stipulated in Law Number 8 of 1999. The practice of adulteration and non-transparent management of crude oil has harmed consumers economically and violated their rights to security, comfort and honest information. This study uses a normative juridical method with an approach to legislation and legal doctrine to analyze the legal responsibility of PT. Pertamina as a state-owned enterprise. Based on the analysis results, PT. Pertamina has full responsibility as stipulated in Article 19 of the UUPK, which includes civil, criminal and administrative responsibility. This manipulative action also violates the principles of justice and business ethics that should be upheld by BUMN. Firm law enforcement, transparent oversight, and reform of national energy governance are needed so that consumer protection can be effectively implemented and public trust in state-owned companies can be restored.

Keywords: *Corporate Responsibility, Consumer Protection, Fuel Manipulation.*

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A. Introduction

Indonesia is blessed with abundant natural and energy resources. Potential metallic mineral resources and reserves are spread across 437 locations in western and eastern Indonesia.¹ Article 33 paragraph (3) of the 1945 Constitution states that "the land, water and natural

¹ Dita Natalia Damopoli, . Mining company's responsibility for its post-management environment. *Lex and the Society* , 2013 No.1, vol. 5, p. 17.

resources contained therein are controlled by the state and used for the greatest prosperity of the people." In this way, as a good society, we already know about the natural wealth that our country has, which is certainly a great gift from God. It is our right and responsibility to be able to utilize it well. Coal, oil, natural gas, nickel, gold, tin, and bauxite reserves are spread across various regions. This potential positions Indonesia as a significant supplier of mining materials to the global market.

Fuel plays a vital role in modern society, particularly in Indonesia, which relies heavily on land transportation. Fuel is not just an energy commodity, but rather the lifeblood of the economy, driving the movement of goods, services, and people. The availability and quality of fuel oil directly affect the efficiency of economic activities, community productivity, and the price stability of various basic necessities. Therefore, fuel management must be carried out transparently, accountably, and in accordance with quality standards set by the government.

The need for fuel oil (BBM) in Indonesia has increased along with the increasing population and high mobility of public transportation.² Fuel types such as Peralite, Pertamina, and Pertamina Turbo are the primary energy sources supporting various daily activities. However, the price difference between these fuel types encourages some consumers to choose more affordable fuels, creating opportunities for fraudulent practices such as fuel adulteration. This practice is carried out by mixing high-quality fuel with low-octane fuel, which ultimately harms consumers economically, reduces vehicle engine performance, and has a negative impact on the environment.

Indonesia's 2024-2025 period was rocked by a major corruption scandal involving the energy sector, particularly in fuel management at State-Owned Enterprises (BUMN). The case emerged following an investigation by the Corruption Eradication Commission (KPK), corroborated by investigative reports from national and international

² Muhammad Kevin, "Fuel Classification of Oplosan Oil (Peralite, Pertamina, Pertamina Turbo) Using Denset121", 2025, Vol. 13, No.3, p. 1305.

media. The modus operandi used is quite diverse, ranging from manipulation of procurement mechanisms, inflating contract prices, to collusive practices between internal SOE officials and external parties. The state losses resulting from this case are estimated to be significant, sparking public outrage and placing significant pressure on the government to implement immediate reforms. This incident also exposed the fragility of internal and external oversight systems in the procurement process at state-owned enterprises and underscored the urgency of comprehensive reform of state-owned enterprise governance.

The Attorney General's Office's investigation revealed shocking facts: state losses due to irregularities in energy sector governance, particularly at Pertamina, reached approximately Rp 193.7 trillion. These findings relate not only to the misuse of procurement mechanisms but also to fraudulent practices such as fuel adulteration. In practice, Pertamax (RON 92), which is supposed to be a premium product with a higher price, is mixed with Peralite (RON 90) or other low-octane fuels. As a result of this manipulation, consumers experience significant losses, estimated to reach around Rp 17.4 trillion annually due to the mismatch in quality and price.³

This case not only harms the country's economy but also damages public trust in state institutions, creating injustice in society. The public has fallen victim to these practices, from material losses to safety risks to substandard fuel. Pancasila, the foundation of the Indonesian state, embodies noble values that should guide the management of state resources. Specifically, the fifth principle, "Social Justice for All Indonesian People," emphasizes the importance of distributing state resources fairly and equitably to all members of society.⁴ Social justice in the context of managing natural resources owned by the state which should be managed well

³ Dian Jayanto., Moral Outrage, Sticky Crisis, and Pertamina's Crisis Communication Strategy: A Case Study of the Corruption and Fuel Laundering Scandal. *Communicology: Journal of Communication Sciences* , (2025), 13 (1), p. 1-21.

⁴ Deva Vahreal Hartanto, Navrizal, F., Surya, F., Berlanty, H., & Naufal, M., Upholding Justice in State Resource Management: (Case Study: Corruption in Pertamina). *Inspiration & Strategy (INSPIRAT): Journal of Public Policy & Business* , (2025). 16 (1),pp. 1-4.

for the common prosperity, not for the prosperity of a particular agency or individual.

Pertamina's failure to maintain product quality is not only a violation of business ethics, but also constitutes an unlawful act that gives rise to civil liability for compensation to consumers. Furthermore, the involvement of the company's top management demonstrates that this issue is not merely technical negligence, but rather a structural scandal reflecting weak corporate governance. This situation emphasizes the importance of implementing *good corporate governance principles* and strengthening oversight mechanisms, so that consumer protection is not merely normative but also truly guaranteed in practice. Thus, the Pertamina case not only sets a bad precedent in state-owned enterprise governance, but also serves as a serious warning that consumer rights must be placed as a top priority in every corporate business activity. This article, the author will discuss about What form of protection is provided to consumers due to the unlawful practice of fuel quality manipulation by PT. Pertamina? And How does corporate law regulate the liability of companies that manipulate product quality?

B. Discussion

1. The Case of Oil Manipulation by PT. Pertamina.

The manipulation case at PT Pertamina is one of the biggest corruption scandals that has tarnished the national oil and gas world. These alleged practices surfaced after the Attorney General's Office revealed major irregularities in the governance of petroleum and refined products by Pertamina, its subsidiaries, and private parties between 2018 and 2021. The investigation revealed potential state losses of up to Rp 193.7 trillion . This scandal not only highlights the actions of individuals but also illustrates serious weaknesses in the oversight and governance system of Indonesia's largest state-owned energy company .

The methods used in this case include deliberately reducing refinery production, refusing domestic oil supplies, and procuring imports of low-quality crude oil. In an internal meeting, officials allegedly

directed that refinery production be reduced to prevent domestic absorption of oil produced by local contractors. This move was then exploited to create space for imports of oil from abroad, which was apparently purchased at a lower quality but processed and blended to appear as high-quality fuel, for example, converting Peralite into Pertamax through a blending process. This manipulative practice generated substantial profits for the perpetrators, but resulted in significant financial losses for the state and consumers.

Collusion also occurred in the procurement and import pricing processes. Several officials allegedly collaborated with brokers to illegally win tenders and mark up oil import prices. As a result, the market reference price for fuel was higher than it should have been, thereby increasing the government's subsidy and compensation burden. Manipulation also damages the quality of fuel circulating in the market, potentially harming consumers due to the decline in the quality of products sold at high prices.

The prosecutor's office has named a number of Pertamina officials and private parties as suspects. Among them are the main directors of subsidiaries, procurement officers, and external parties who act as owners of Pertamina's partner companies. Famous shops such as Riza Chalid and his son were also dragged into this case because they were suspected of arranging fuel terminal rental contracts at prices that were detrimental to the state. A number of witnesses from various divisions at Pertamina, including internal audit and procurement management, have also been questioned to strengthen the evidence.

This case has a wide impact, not only on state finances but also on Pertamina's reputation as a strategic state-owned enterprise. Public trust in national energy management has declined drastically, while the government faces immense pressure to improve oversight and transparency systems in the oil and gas sector. This scandal demonstrates the fragility of corporate governance systems when internal controls are weak and collusive practices are tolerated. The public hopes for firm law enforcement, recovery of state assets, and immediate reform of state-owned enterprise governance to prevent similar manipulation practices from occurring in the future.

2. A Form of Consumer Protection Due to Unlawful Acts of Fuel Quality Manipulation by PT. Pertamina.

Every company, whether operating in the service sector or producing goods, basically has the main objective of obtaining profits as a result of business activities.⁵ The company strives to create and maintain customer satisfaction as an indicator of success in running its business. Consumer satisfaction is an important benchmark for the extent to which the products or services produced are able to meet the needs, expectations and quality standards desired by the community. Customer satisfaction not only improves a company's image and reputation but also plays a strategic role in building long-term loyalty. Companies that can provide high-quality products and satisfactory service will earn consumer trust, which ultimately has a positive impact on business sustainability.

alleged fuel quality manipulation case involving PT Pertamina in the management of crude oil and refined products reflects serious issues in the governance of the national energy sector. This scandal not only caused significant losses to state finances but also had far-reaching implications for energy policy, fuel subsidy mechanisms, and consumer protection. Allegations of manipulation practices such as adulteration and *blending* of fuel oil, unfair regulation of refinery production, and deliberate increases in crude oil imports indicate a deviation from the principles of transparency and public accountability. This action is essentially contrary to the direction of national energy policy which emphasizes energy independence, optimization of domestic resources and efficient management of strategic sectors.

This also disrupts economic stability and social welfare. Product and import manipulation has led to unrealistic fuel reference prices, ultimately increasing the subsidy burden and eroding the public's ability to support state institutions and state-owned enterprises, which should be at the forefront of maintaining national energy security. From a consumer perspective, the negative impacts are

⁵ Dian Rahmawati, Hendra Riofita, "Business Ethics And Responsibility In Modern Marketing Practices", (2024), Vol.8, No.5, P. 112.

evident in the potential for declining fuel quality, rising market prices, and weakening consumer rights to access safe, suitable, and standardized energy products. This case is not only a legal violation, but also a moral and policy crisis that demands a comprehensive overhaul of the national energy governance system.

Article 4 of Law Number 22 of 2001 concerning Oil and Natural Gas, energy management must be carried out in a transparent and accountable manner to increase efficiency and prevent the practice of abuse of authority.⁶ The practice of rejecting crude oil from domestic contractors carried out by Pertamina officials is actually contrary to the spirit of national energy management which is oriented towards utilizing domestic resources before importing. From a consumer protection perspective, the alleged corruption at PT. Pertamina has had a major detrimental impact on society. Based on the results of the investigation, it was revealed that consumers had paid high prices for RON 92 fuel, even though the quality was lower because it had been mixed with RON 90 or even RON 88. This practice clearly violates consumer rights as guaranteed in Law No. 8 of 1999 concerning Consumer Protection. Article 4 emphasizes that every consumer has the right to obtain comfort, security and safety in using goods and services.

This case also created a crisis of confidence in the role of state-owned enterprises, especially Pertamina, as a national energy provider that should guarantee quality and honesty in the distribution of its products. Law No. 9 of 2003 concerning state-owned enterprises mandates that state-owned enterprises must be run based on the principle of efficiency. Transparency and accountability. According to Purba, there are the following basic principles for regulating legal protection for consumers:⁷

- a. Equality between consumers and business actors;

⁶ Erik Darmansyah, & Gunadi, A. Legal and Political Dynamics in Alleged Corruption Cases Involving Pertamina: Juridical Analysis and Its Implications for National Energy Policy. *Lex Generalis Law Journal* , (2024). 5 (11) P. 9.

⁷ Dr. Abdul Halim Barkatullah, S.Ag., SH, M.Hum, 2019, "Consumer Rights" Bandung: Nusa Media, P. 3.

- b. Consumers have rights;
- c. Business actors have obligations;
- d. Regulations regarding legal protection for consumers contribute to national development;
- e. The arrangement is not a requirement;
- f. Legal protection for consumers in a healthy business relationship climate;
- g. Transparency in product promotion;
- h. The government plays an active role;
- i. Community participation;
- j. Implementation of the principle of legal awareness;
- k. Legal protection for consumers requires breaking through traditional legal concepts;
- l. The concept of legal protection for consumers requires a breakthrough in legal concepts;

If consumers are careless in selecting the products or services they desire, they will simply become the target of exploitation by irresponsible businesses. The ever-increasing development of the economy, trade, and industry has provided consumers with extraordinary convenience, thanks to the wide variety of goods and services available. This progress has also been accompanied by a rise in violations involving manipulated goods and services, potentially harming consumers. Consumer protection laws in Indonesia are based on a legal framework established by the government. Consumer protection is regulated by Law No. 8 of 1999 concerning Consumer Protection. ⁸Several key articles related to fuel price manipulation practices in the Consumer Protection Law include:⁹

- a. Article 8 paragraph (1): prohibits business actors from producing and/or trading goods that do not comply with quality standards or include incorrect information.

⁸ Happy Susanto, "Consumer Rights If Harmed", South Jakarta: Transmedia Pustaka, (2008), p. 19

⁹ Aura Nur Halizah, & Baidhowi, B., Oplosan Oil Sales in the Perspective of Sharia Economic Law and Consumer Protection: A Case Study of Minyakita. *Academic Journal of Economics and Management* , (2025). 2 (2),pp. 319-331.

- b. Article 19 Paragraph (1): States that business actors are responsible for losses suffered by consumers due to the use of traded goods and/or services.
- c. Article 62: States that business actors who violate the provisions of the UUPK may be subject to administrative, civil or criminal sanctions.

The practice of adulterating fuel, particularly mixing Peralite with Pertamax, is a serious violation of consumer rights, potentially causing economic losses and reducing product quality. Therefore, legal protection for consumers must be enforced through a synergy between regulatory enforcement, public education, and technological oversight innovations to ensure fuel distribution is transparent, accountable, and meets legally mandated quality standards.¹⁰

Consumer protection in the case of alleged fuel manipulation by PT. Pertamina shows that this practice constitutes a serious violation of the basic principles of consumer protection law as stipulated in Law No. 8 of 1999. Manipulation of fuel quality through adulteration practices and non-transparent crude oil management directly harms consumers, both economically and in terms of product safety and comfort. Consumers have paid high prices for high octane fuels such as Pertamax, but received lower quality products because they were mixed with lower octane fuels, such as Peralite and Premium. This clearly violates the provisions of Article 8 paragraph (1) of the UUPK which prohibits business actors from trading goods that do not comply with quality standards and from including misleading information. Apart from that, Pertamina as a state business actor has legal responsibility as stated in Article 19 paragraph (1) of the Consumer Protection Law to compensate consumers for losses resulting from the use of defective or manipulated products.

This act of manipulation also violates the principles of transparency and accountability as stipulated in Article 4 of Law No. 2 of 2001

¹⁰ Ariel Putra Yusriansyah, Apriandini, D., Alliciana, V., & Anugrah, D. Consumer Legal Protection of Fuel Quality at Petrol Stations in the Context of Alleged Pertamax Smuggling in Indonesia. *Literally* , (2025). 2 (1), pp. 55-63.

concerning oil and gas, and is contrary to the principles of SOE management based on efficiency and honesty as stated in Law No. 9 of 2003. In this case, consumer protection demands strict law enforcement and an integrated monitoring system so that the public's rights to obtain goods and services that are safe, appropriate, and meet standards can be guaranteed. There is a need to increase consumer education so that people are more critical of the quality of the products they consume, as well as the use of modern monitoring technology to detect adulteration early. Consumer protection in the context of fuel manipulation does not only depend on legal instruments, but also demands moral commitment and reform of national energy governance that is oriented towards justice, honesty and public interest.

3. Legal Responsibility of PT. Pertamina in The Case of Manipulating Product Quality.

Responsibility is a person's attitude and behavior in carrying out their duties and obligations, which they should do, towards themselves, society, the environment (natural, social and cultural), the state and God Almighty.¹¹ Every company has a moral and legal responsibility for the goods it produces and markets to consumers. This responsibility includes the obligation to ensure that the products produced meet quality standards, are safe to use, and do not cause harm to consumers or the environment. This obligation in a legal context is regulated in Law No. 8 of 1999, Article 19 paragraph (1), which states that business actors are responsible for losses suffered by consumers due to the use of traded goods and/or services. Companies are not only obliged to produce goods that comply with the specifications and labels listed, but must also bear all legal consequences if there are product defects, production errors, and quality manipulation.

The responsibility of business actors for products that cause harm to consumers is a crucial aspect of the consumer protection legal

¹¹ Ratri Rahayu, (2016). Improving the Character of Responsibility of Elementary School Students through Product Assessment in Mind Map Learning. *Journal of Counseling Gusjigang* , 2 (1).P. 98.

system. Every case involving a violation of consumer rights requires careful analysis to determine which party is most responsible and the extent of that responsibility. Reality shows that in many cases, the most disadvantaged parties are consumers who become victims due to negligence, carelessness, or even deliberate acts by business actors in producing or distributing goods.

Positive law in Indonesia, formal legal sources such as laws, implementing regulations, and provisions in civil law, often set certain limits on the scope of business actors' responsibilities.¹² These restrictions cannot be interpreted as a form of protection for business actors alone, but must continue to place consumer interests as the main priority. The principle of business actor responsibility is not only moral, but also legal, because it is directly related to guaranteeing consumer security, safety and comfort in using the product. The implementation of proportional responsibility is important to create a balance between business interests and consumer rights, while also strengthening public trust in the products and services in circulation.

This responsibility reflects the principles of fairness and business ethics that place consumer interests and safety as the top priority. The practice of adulteration blatantly violates the principles of honesty and trustworthiness. The act of falsifying the quality of products distributed to consumers represents dishonesty and a breach of trust placed in PT. Pertamina as a vital energy provider. PT. Pertamina is a business actor engaged in the integrated energy business from upstream to downstream, both domestically and internationally, and carries out commercial activities.¹³ Consumers do not receive products with the standards and prices set, thus violating the principle

¹² Louis Yulius ,(2013). Responsibility of business actors for products that harm consumers. *Lex Privatum* , 1 (3), p. 29.

¹³ Pertamina Pertamina Refinery International, 2024, "Company Group Structure", [https://kpi.pertamina.com/id/profil-perusahaan/struktur-grup#:~:Text=PT%20Pertamina%20\(Persero\)%20Running%20Field,International%20as%20Subholding%20Refining%20&%20Petrochemical](https://kpi.pertamina.com/id/profil-perusahaan/struktur-grup#:~:Text=PT%20Pertamina%20(Persero)%20Running%20Field,International%20as%20Subholding%20Refining%20&%20Petrochemical) ., Accessed on 10-October-2025.

of justice.¹⁴In the act of product manipulation carried out by PT. Pertamina, consumers can claim their rights as explained in Article 4 Chapter III Part 1 of Consumer Protection Law Number 8 of 1999. These rights include:¹⁵

- a. The right to consume goods and/or services in terms of comfort and safety;
- b. The right to choose goods and/or services and receive said goods and/or services according to the exchange rate as well as the terms and guarantees promised;
- c. The right to obtain accurate, clear and honest information regarding the condition and guarantee of goods and/or services;
- d. The right to hear comments and complaints regarding products and services used;
- e. The right to adequate representation, protection and efforts to resolve consumer protection disputes;
- f. Consumer Rights to Advice and Information;
- g. The right to be treated or served fairly, honestly and without discrimination;
- h. The right to compensation, compensation and/or replacement if the goods and/or services received are not in accordance with the contract or do not meet their intended purpose;
- i. Rights Regulated by Other Legal Provisions.

A company's liability for defective products can be classified into several types, including:¹⁶a) civil liability: civil liability is a liability that requires the company to provide compensation to consumers who suffer losses due to the use of defective products. This form of compensation can be in the form of product replacement, repair, or financial compensation. Consumers can file civil lawsuits against

¹⁴ Melati Sukma Dewi, (2025). Violation of Islamic Business Ethics Principles in the Corruption Case of Pertamina Embezzlement by PT. Pertamina. *Quranomic: Journal of Islamic Economics and Business* , 4 (2),p. 72-92.

¹⁵ Alifin Alzikri, & Ramadhan, M. (2024). Business Actors' Responsibility Related to the Manipulation of Product Safety Tests of PT Otomotif XYZ Perspektif Ibnu Taymiyah. *Journal of Law, Humanities and Politics (JIHHP)*, 5 (2). P. 1594

¹⁶ Susan Himawan Law, 2022, "Corporate Responsibility for Defective Products: Legal Analysis and Preventive Measures", <https://Susanhimawanlaw.Com/Tanggung-Jawab-Perusahaan-Atas-Produk-Cacat-Analisis-Hukum-Dan-Langkah-Pencegahan/>, accessed on 10 October 2025.

companies through legal channels if they feel they have been harmed by defective products. b) Criminal liability : In more serious cases, where defective products cause injury or death, companies may be held criminally liable. This means the company, and in some cases, individuals involved in the production and distribution process, may be subject to criminal sanctions such as fines or imprisonment. Criminal liability usually arises if there is evidence of negligence or intentional acts on the part of the company. c) Administrative liability. Companies may also be subject to administrative liability by supervisory or regulatory bodies. This liability can include the revocation of business licenses, administrative fines, or orders to recall defective products from circulation. The regulatory body is responsible for ensuring that companies comply with established safety and quality standards.

C. Conclusion

The alleged fuel quality manipulation case by PT. Pertamina is a clear violation of consumer protection principles as stipulated in Law No. 8 of 1999 concerning consumer protection. The practice of adulteration and non-transparent management of crude oil has harmed the public as consumers, both in terms of economics and in terms of safety, comfort, and the right to correct information regarding the products used. PT. Pertamina, as a state-owned enterprise, is fully responsible for losses experienced by consumers in accordance with Article 19 paragraph (1) of the Consumer Protection Law. This case is an important momentum to strengthen the enforcement of consumer protection laws, rebuild public trust, and ensure that every business actor, including state-owned enterprises, carries out its activities by prioritizing honesty, responsibility, and compliance with established quality standards.

PT. Pertamina's responsibility as a business actor in the case of alleged fuel quality manipulation is a form of serious violation of legal principles, morals and business ethics as regulated in Law No. 8 of 1999 concerning consumer protection. As a state-owned company that plays a strategic role in providing national energy, Pertamina has a legal responsibility to ensure that every product

marketed meets quality standards, is safe to use, and is in accordance with the information listed. This action not only violates consumer rights as stipulated in Article 4 of the Consumer Protection Law, but also carries legal consequences in the form of civil, criminal, and administrative liability. PT. Pertamina is responsible for the losses suffered by consumers due to the manipulation of fuel quality, accompanied by strict law enforcement to maintain public trust, strengthen quality control, and ensure that all future business activities are carried out based on the principles of honesty, transparency, and full protection of consumer rights.

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