



Responsibilities of public fueling stations in distributing subsidized fuel

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Abstract

Based on the jurisdictional provisions, the Government of Indonesia has the right and obligation to regulate all natural resources for the benefit of the community. One of the natural resources that must be explored is very much needed because it involves the livelihood of many people, namely oil, namely oil. One of the most important forms of oil today is premium and diesel which has been protected by the government in the form of subsidies. In this regard, the Government is required to meet the needs of the community to achieve prosperity, so a fair and equitable distribution of subsidized fuel oil is needed so that the livelihoods of the people are fulfilled so that the distribution of subsidized fuel oil is properly distributed to parties in need, such as the poor and Pertamina and Gas stations must supervise the distribution of subsidized fuel oil to gas stations so that subsidized fuel oil is distributed in accordance with the provisions set by the government or on target. This is done so that no party is harmed so that local people can use subsidized fuel oil properly.

Keywords: distribution, fuel oil, subsidy, gas station

Introduction

Based on the jurisdictional provisions of Presidential Regulation Number 69 of 2021 concerning the second amendment to Presidential Regulation Number 191 of 2014 concerning the supply, distribution and retail selling price of fuel oil. The Indonesian government has the right and obligation to regulate all natural resources for the benefit of the community. The government has the authority to explore natural resources for the benefit of the community in realizing the greatest welfare for the community with these natural resources. One form of natural resources in question is oil and gas.

The types of oil that are most often used by the public are diesel and premium as transportation materials, where both types of fuel are always protected by the government in the form of subsidies. Protection against this fuel oil in the form of premium, diesel and other forms is very important because it is related to the purchasing power of the people and the needs of the livelihood of many people in realizing the greatest prosperity with these natural resources (Carwoto, 2009).

The government also provides a quota of subsidized fuel oil because this type of oil is distributed to the community, especially to the community or people with low incomes such as the poor, students and so on. Article 7 paragraph (4) of Law Number 22 of 2011 states that the budget control for certain types of fuel subsidies and 3 kilograms of liquefied petroleum gas (LPG) fuel in the 2012 budget year is carried out through more targeted and more targeted allocation of subsidized fuel oil. Subsidized fuel consumption control policy (Erich Chandra Maulana, 2015).

The regulations have properly regulated the distribution of fuel consumption for equitable distribution, especially since the dominant Acehnese still use motorbikes, tricycles, and public transportation which are very difficult to obtain subsidized fuel oil. In this case there should be supervision from Pertamina regarding the distribution of subsidized fuel oil which in practice is not in accordance with the policies that have been implemented by the government, especially the price of premium fuel and diesel fuel which is still relatively cheap because it is still subsidized by the state so that enthusiasts of purchasing power towards raw materials. subsidized fuel oil tends to be higher than some other oils.

Article 8 paragraph (2) of Law Number 22 of 2001 states that the Government is obliged to ensure the availability and smooth distribution of fuel oil which is a vital commodity and controls the livelihood of many people throughout the territory of the Unitary State of the Republic of Indonesia. In the explanation of the article, it is explained that the Government is obliged to ensure that the need for fuel oil throughout the country, including remote areas, can be met with water and maintained so that there is always a national reserve in sufficient quantities for a certain period of time, sufficient distribution of fuel, to be distributed throughout the territory of Indonesia.

Furthermore, Article 28 paragraph (3) of Law Number 22 of 2001 states that the implementation of the price policy as referred to in paragraph (2) does not reduce the government's social responsibility towards certain community groups. However, the fact is that now a lot is happening in the field, it is difficult for the middle and lower classes to get subsidized oil because subsidized fuel oil is getting less and less and there are even some gas

stations that don't sell premium anymore. Even though it has been explained in the law above that the government is obliged to provide and ensure the availability of distribution of fuel oil, but in fact this is not the case.

The General Fuel Filling Station (SPBU) or known by the public as the Petrol Pump is an oil and gas business unit partner of a limited liability company (PT) Pertamina with very strategic commodities, the main activity of which is to distribute or sell subsidized and non-subsidized fuel oil (BBM) to consumers. the general public, especially for the fuel needs of public/private vehicles. However, the fact is that the misuse of subsidized fuel oil is carried out by several gas stations that are not in accordance with the regulations set by the Government.

There are several gas stations that deliberately limit the distribution of subsidized fuel oil to the lower middle class on the grounds that the subsidized fuel has run out and the stock is limited. But the fact is that premium and diesel are given to luxury car users rather than the poor. The community considers that it is difficult to get subsidized fuel oil because the gas station prioritizes retail traders and cars to get fuel so that it is difficult for people to get subsidized fuel, even though regulations have regulated well that subsidized fuel must be targeted to people who need it more.

Gas stations are a means to distribute fuel by ensuring the availability and quality that must be adapted to the needs of consumers or the community (Muhammad, 2014). Many people use non-subsidized types of fuel, making the community's economic condition worse because of diminishing income, especially coupled with the condition of the country that is still affected by COVID-19 cases, making the economy even more difficult. For the determination of the price of fuel oil, Pertamina must refer to Presidential Regulation Number 69 of 2021 concerning the second amendment to Presidential Regulation Number 191 of 2014 concerning the Supply, Distribution and retail selling price of fuel oil, in which the Downstream Oil and Gas Regulatory Agency is authorized. To provide assignments for the supply and distribution of special types of BBM and special BBM assignments.

The fuel distribution system (BBM) has the task of regulating, supervising, distributing fuel and transporting natural gas through pipelines as referred to in Article 8 of Law Number 22 of 2001 concerning oil and natural gas. The government gives priority to the use of natural gas for domestic needs and is tasked with providing strategic oil to support the supply of domestic fuel which is further regulated by government regulations. The government is obliged to ensure the availability and smooth distribution of BBM which is the main commodity in controlling the livelihood of many people throughout the territory of the unitary state of the Republic of Indonesia.

Article 8 paragraph (2) of Law Number 22 of 2001 the government is obliged to ensure the availability and smooth distribution of fuel oil which is a vital commodity and controls the livelihood of many people throughout the territory of the unitary state of the Republic of Indonesia. Subsidized fuel is fuel that has specificity due to certain conditions and must be distributed to the public. This regulation is an ideal situation in meeting the needs of the community, Pertamina is required to ensure that the distribution of subsidized fuel oil runs normally.

Materials and Methods

The method used in this problem uses an empirical juridical approach. Empirical juridical research is legal research concerning the application of normative legal provisions (codification, laws or contracts) in action on certain legal events that occur in society (Yati Nurhayati, 2021). Empirical legal research or other terms is also called sociological legal research or also called field research. Empirical legal research is based on primary / basic data, namely data obtained directly from the community as the first source through field research, namely, by conducting interview.

The approach method used in this research is a sociological juridical approach, this approach is to identify and conceptualize law as a real and functional social instruction in a real life system (Soerjono Soekanto, 1996). The sociological juridical approach aims to obtain legal knowledge empirically with legal content, the approach to legislation is carried out by analyzing all regulations or laws and regulations relating to the legal issues under study.

Results and Discussion

Distribution of subsidized fuel oil is not right on target

Fuel oil is one of the vital elements needed in public service, both in poor countries, developing countries and even developed countries (BPH Migas, 2005). The use of fuel oil does not only have implications for a country's foreign policy which has a significant effect on economic growth itself, but also has a global impact which results in human suffering. Oil and gas wealth is one of the strategic natural resources controlled by the State and functions as a vital commodity that controls the needs of many people's lives and has a very important role in the national economy so that its management must maximize the prosperity and welfare of the people (Kevin Tangkuman, 2007). 2015).

Oil and gas are natural resources controlled by the state and are a source of vital commodities that play an important role in the supply of industrial fuel. To fulfill important needs, their management needs to be carried out as optimally as possible so that they can be utilized for the greatest prosperity of the people, where some countries are developing. Like Indonesia, the need for oil and natural gas is increasing day by day.

Policies to reduce the level of consumption of fuel oil and reduce the amount of subsidies. One of the policies carried out by the government is to increase the price of subsidized fuel oil. Since 1980, the Indonesian

government has several times increased subsidized diesel fuel, which aims to reduce the amount of fuel oil subsidies that are deemed inappropriate. The fuel subsidies that are cut will be diverted to more appropriate sectors such as education, services, health and infrastructure.

The 1945 Constitution of the Republic of Indonesia, article 33 paragraph (2), stipulates that the production branches which are important for the state and affect the livelihood of the people are controlled by the state. Likewise, the earth and water contained therein are controlled by the state and used to the greatest extent for the prosperity and welfare that can be felt by the community.

Subsidies are one of the government's policies in providing public goods/services whose purpose is to meet the welfare of the Indonesian people. One of the important sectors at this time is government subsidies, namely fuel oil (BBM). Apart from its implementation which is considered inappropriate by the community, the policy with subsidized fuel oil is welcomed by the community because the existence of subsidies makes an item or fuel cheaper because it has been protected by the government. With the subsidy, it makes an item a bone of contention for both the lower middle class and the upper middle class. This is where then the problem of distribution which is thought to be not right on target, plus there are complaints from people who feel they have not enjoyed the fuel subsidy policy due to very limited availability and the gas station that distributes subsidized fuel to luxury car users, causing the poor to have difficulty in obtaining fuel oil.

The government has regulated the groups of people who are entitled to receive subsidized and non-subsidized fuel oil, but the fact is that many people from the wealthy and luxury car users use subsidized fuel oil such as premium and diesel. The government has also called for subsidized fuel to be distributed to the lower middle class and luxury car users are not entitled to receive it. Based on a study by the Downstream Oil and Gas Regulatory Agency (BPH), the target for fuel oil subsidies is not optimal because the monitoring and distribution process for subsidized fuel oil is not optimal. The weak supervision process is due to Pertamina's lack of firmness in supervising the distribution of fuel oil by gas stations.

The monitoring system carried out by PT. Pertamina on the distribution of subsidized fuel oil

Supervision is a systematic effort to establish standard performance in planning for designing information systems, to determine whether a deviation has occurred. As well as to take the necessary corrective actions to ensure that the company's or government's resources are as effective as possible to achieve the company's or government's objectives. Supervision is generally defined as an organization that achieves effective and efficient performance and further supports the realization of the organization's vision and mission (Erlis Milta Rin Sondole, et.al, 2015).

Control or supervision is a function that must be carried out by every company on the implementation of work or employees who carry out in accordance with their respective main tasks. Thus, supervision is an activity carried out with the intention of preventing deviations or errors from occurring or not during the implementation of supervisory work. An error that occurs during the implementation of supervisory work depends on the level of a person's ability and skill in carrying out the supervision. Workers and employees who must always get direction and guidance (M. Kadarisman, 2013).

Supervision carried out by Pertamina refers to Article 21 paragraphs 2 and 3 of Presidential Regulation Number 191 of 2014 concerning the supply, distribution and retail selling price of fuel oil regarding the second amendment to Presidential Regulation Number 69 of 2021 and cooperates with BPH Migas in supervising the smooth distribution of subsidized fuel oil. There are several supervisions carried out by Pertamina in the distribution of subsidized fuel oil, including CCTV installation, direct supervision from the community, supervision by conducting pick-ups, supervision from the TNI, POLRI, and local government as well as direct supervision from BPH Migas.

To supervise the distribution and use of subsidized fuel oil, Pertamina requires the installation of (close circuit television) or surveillance cameras at every public gas station (SPBU) applicable law.

Pick-up supervision is direct supervision carried out by Pertamina by direct observation to the field and utilizing any reports that come in from the public if there is a violation in the distribution of subsidized fuel oil. This sampling test is carried out once a month to see the effectiveness of the distribution of subsidized fuel oil carried out by local gas stations.

Supervision carried out by the Pidie district government on gas stations by directly reviewing and making an appeal to the public that subsidized fuel oil is only intended for the lower middle class.

Pertamina also cooperates with the TNI, POLRI in terms of supervising the circulation of fuel oil (BBM).

In accordance with Law Number 22 of 2021 concerning oil and natural gas and government regulation Number 49 of 2012 concerning amendments to government regulation number 67 of 2002, the regulatory agency for the supply and distribution of fuel oil and business activities of transporting natural gas through pipelines. BPH Migas supervises the implementation, supply and distribution of fuel oil and transportation of natural gas through pipelines in an arrangement for the availability and distribution of fuel oil determined by the Government and guaranteed throughout the territory of Indonesia.

In the explanation above, the government has regulated the groups of people who are entitled to receive subsidized fuel oil and those who are not entitled to receive it, but the fact is that many upper class people and luxury car users consume subsidized fuel oil distributed to the lower middle class.

Pertamina said it does not carry out special supervision on gas stations that distribute subsidized fuel oil, but if there are gas stations that commit fraud by prioritizing car users rather than public transportation and motorized

vehicles, they only urge and foster gas stations and no special sanctions are given specifically. to the gas station that violates the rules. Pertamina carries the principle of transparency in carrying out assignments from the government for the supply and service of fuel oil, through the website that has been provided by Pertamina, the public can see the quota of biodiesel, premium and other types on the website. Likewise, the realization of premium and diesel distribution will be updated regularly.

Conclusions

Based on the analysis and discussion above, this article concludes that subsidies are one of the government's policies in providing goods/services whose purpose is to meet the welfare of the Indonesian people. One of the important sectors at this time is fuel oil (BBM) subsidies, not precisely the distribution of fuel oil that has been subsidized by the government, is the weakness of supervision in the process of distributing fuel so that fuel oil that has been protected by the government in the form of subsidies is not channeled properly. . The lack of a supervisory process is due to Pertamina being not firm in supervising the distribution of subsidized fuel to the public, so that the distribution of subsidized fuel is difficult for the middle and lower classes to obtain.

This article also concludes that the supervision of the distribution of subsidized fuel oil has been carried out well by Pertamina in various ways, namely the installation of CCTV, direct supervision by the local community, supervision by conducting a pick test, namely Pertamina goes directly to the gas station to see the material distribution system. Subsidized fuel oil runs well and correctly, supervision from the TNI, POLRI and local governments as well as direct supervision carried out by BPH Migas.

Reference

1. BPH Migas, Commodity of Fuel Oil (BBM), Publisher BPH Migas RI, Jakarta, 2005.
2. Carwoto, Web-Based Automation Model for controlling the distribution of subsidized fuel” Journal of momentum, 2009, 5(1).
3. Erlis Milta Rin Sondole *et al.* Effect of Work Discipline, Motivation and Supervision on Employee Performance at PT. Pertamina (Persero) Marketing Unit VII Pertamina BBM Bitung, EMBA Journal,2015:3:652.
4. Erich Chandra maulana “Factors Causing the Misuse of Subsidized Diesel Fuel Oil according to Article 5 of Law No. 22 of 2001 concerning oil and natural gas in the city of Pontianka, Journal, Student Law, 2015, 3(2).
5. Kevin Tangkuman, Bernhard Tewal, Irvan Trang. Performance Assessment, Reward, and Punishment on Employee Performance at Pt. Pertamina (Persero) Marketing Branch of North Sulawesi, Emha Journal,2015:3(2):884-895.
6. Muhammad "The Effect of Facilities and Service Quality on Customer Satisfaction at Pertamina Gas Stations" Journal of Management Science and Research, 2014, 3.
7. M. Kadarisman, Human Resource Development Management Jakarta, Rajawali, 2013, 172
8. Serjono Soekanto, Introduction to Indonesian Legal Research, 3rd edition, publisher of the University of Indonesia pers, 1996.
9. Yati Nurhayati Ifrani, Yasir Said M. “Normative and Empirical Methodology in the Perspective of Legal Studies” Indonesian Journal of Law Enforcement, 2021, (2).