

Consumer Rights in the Case of Pertamina Adulteration

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Abstract: This research discusses consumer rights in the case of Pertamina adulteration by PT Pertamina Patra Niaga, which involved mixing fuel with substances of lower quality than promised. This case not only economically harms consumers but also endangers user safety and undermines public trust in the products sold by the state-owned company. The research methodology employed is normative legal research with a descriptive-analytical approach, examining the legal aspects related to consumer rights violations and the effectiveness of the implementation of the Consumer Protection Law in resolving disputes. The findings indicate that weak supervision and law enforcement allowed the adulteration practices to occur. Therefore, this research suggests the need for improved oversight by the government and BPH Migas, stricter law enforcement, and consumer education to protect their rights. It is hoped that this research will contribute to the development of consumer protection in Indonesia.

Keywords: Adulteration, Consumer rights, Public trust.

1. Introduction

Consumer protection is a crucial aspect of economic law that aims to provide a sense of security and fairness for every consumer in obtaining goods and services that meet applicable standards. Law No. 8 of 1999 on Consumer Protection serves as the primary legal foundation regulating consumer rights in Indonesia, including the right to receive goods or services that meet the promised quality and price standards. However, in its implementation, there are often practices that harm consumers, one of which is the adulteration of fuel (Kalligeros et al., 2003), as seen in the case involving PT Pertamina Patra Niaga and its Pertamina product (Romadhan & Suwandha, 2025).

The case of Pertamina adulteration allegedly carried out by PT Pertamina Patra Niaga, which involved mixing fuel with lower-quality substances than promised, has caused public concern. This adulteration practice not only harms consumers by reducing the product's quality but also jeopardizes the safety of vehicle users and undermines public trust in the products sold by the state-owned oil company (Ishaya et al., 2024). In this case, consumers, as the affected parties, are entitled to protection in accordance with the Consumer Protection Law (Wilson & Uyo, 2021).

From the perspective of consumer protection law, the adulteration by PT Pertamina Patra Niaga violates several fundamental consumer rights, including the right to accurate information, the right to comfort and safety in consuming products, and the right to seek compensation for any loss incurred (Aisa Kodai & Suleman, 2023a; Perlindungan et al., 2019). Adulterated fuel not only causes economic harm by potentially damaging vehicle engines but

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also endangers user safety (Dadson et al., 2024). Regarding the losses experienced by consumers, they have the right to file a lawsuit and demand compensation from PT Pertamina Patra Niaga through the legal mechanisms outlined in the Consumer Protection Law. The National Consumer Protection Agency is also ready to assist consumers who wish to report or consult on this matter. The agency is prepared to provide guidance and support to consumers in asserting their rights.

This study aims to analyze the legal aspects related to the violation of consumer rights in the Pertamina adulteration case by PT Pertamina Patra Niaga and to assess the extent to which the implementation of Law No. 8 of 1999 on Consumer Protection has been effective in resolving the dispute. Through this research, it is hoped that a clearer understanding of consumer rights and the protection mechanisms available to consumers harmed by practices that do not comply with legal provisions can be achieved. This case also highlights the importance of strengthening supervision and law enforcement so that consumers can feel protected and receive their rights in accordance with the law. Consequently, this research is expected to contribute to the development of consumer protection law in Indonesia, particularly in addressing similar cases in the future.

2. Literature Review

Consumer protection is essential in maintaining fairness and security in the marketplace, ensuring consumers are shielded from malpractices that could affect their safety, financial interests, and well-being (Widiarty et al., 2024). The significance of consumer protection laws can be seen in the context of various economic regulations, especially in Indonesia, where Law No. 8 of 1999 on Consumer Protection (hereafter referred to as the Consumer Protection Law) stands as the cornerstone of regulating consumer rights (Aisa Kodai & Suleman, 2023b). This law offers a legal foundation for consumers to claim their right to quality goods and services that align with promised standards (Wilson & Uyo, 2021). It covers aspects such as the right to receive accurate information, safe products, and the opportunity to seek redress in case of harm.

The enforcement of consumer rights is not always straightforward, as consumer protection laws often face implementation challenges. Despite having a solid legal framework, violations persist, particularly those that undermine consumer safety and confidence. The case of Pertamina adulteration by PT Pertamina Patra Niaga underscores the gap between the legal provisions and practical enforcement, highlighting the need for stronger regulatory mechanisms and effective law enforcement (Romadhan & Suwandha, 2025). The adulteration of fuel by mixing it with lower-quality substances, as seen in this case, creates significant risks not only in terms of economic losses but also in the safety of consumers, demonstrating a failure in meeting the quality and safety standards promised by the company.

Pertamax is a type of non-subsidized fuel produced and marketed by PT Pertamina (Persero), intended for gasoline-powered motor vehicles. Pertamax is known for its high octane rating, specifically RON 92, which indicates the fuel's ability to withstand high pressure before igniting (Joshua Siregar et al., 2024). The higher the RON, the more suitable the fuel is for high-tech or high-compression engines. Pertamax contains additives such as detergents, antioxidants, and anti-corrosion agents, which help clean the combustion chamber and protect the fuel system from rust. Additionally, Pertamax has a lower sulfur content compared to Premium and Peralite fuels, resulting in cleaner exhaust emissions (Muhamad et al., 2019; Pulungan, 2021).

A legal violation allegedly committed by PT Pertamina Patra Niaga, a subsidiary of PT Pertamina (Persero), concerning the alleged adulteration of Pertamax fuel with other substances has caused consumer losses. This issue has garnered public attention as it concerns the quality of the fuel being sold and the trust the public places in PT Pertamina (Persero) as a state-owned enterprise (SOE). The incident at PT Pertamina Patra Niaga not only

disadvantages the government due to the difference in fuel subsidies but also harms consumers, as they are paying for Pertamina but receiving a product of lower quality (Dartanto, 2017). This issue became widely known after several complaints from residents regarding the decline in the quality of Pertamina (RON 92) in certain areas. According to a report by the Attorney General's Office, the first reports came from residents in Papua and Palembang. On February 25, 2025, the Attorney General's Office announced the suspicion of corruption in the management of crude oil and refinery products at PT Pertamina (Persero), including its subsidiaries and several private contractors such as PT Navigator Khatulistiwa and PT Jenggala Maritim, which acted as intermediaries

3. Proposed Method

This study employs a normative legal research approach with a descriptive-analytical research type. Normative legal research aims to analyze and evaluate the juridical aspects related to consumer rights violations in the case of Pertamina adulteration by PT Pertamina Patra Niaga. The descriptive approach is used to describe the Pertamina adulteration practices occurring at PT Pertamina Patra Niaga and their impact on consumer rights as regulated in the Consumer Protection Law. The primary data sources used in this research include the Consumer Protection Law, Law No. 8 of 1999. Secondary data sources consist of journals, books, articles, and related reports discussing consumer protection, consumer rights, and regulatory practices in the oil and gas industry.

Data are collected through literature review by analyzing relevant laws, legal documents related to the Pertamina adulteration case, and previous research findings. Subsequently, the data are analyzed qualitatively using a legal approach to explore and understand the principles applicable to this case, as well as the application of the Consumer Protection Law in resolving the disputes that occurred. The analytical approach is used to assess the extent to which these adulteration practices violate consumer rights, as well as to evaluate the effectiveness of monitoring and law enforcement regarding the protection of consumer rights..

4. Results and Discussion

Adulteration, particularly in the context of fuel products, has been recognized as a severe violation of consumer rights (Kalligeros et al., 2003). The issue of adulterated fuel directly impacts vehicle owners, who may experience engine damage, reduced vehicle performance, and increased maintenance costs. The adulteration of Pertamina, a premium fuel product, represents a breach of consumer trust and a direct threat to the health and safety of users (Dadson et al., 2024). Moreover, such practices significantly erode consumer confidence in state-owned companies, further compounding the negative economic impact.

The consequences of fuel adulteration extend beyond the financial implications, as they also expose consumers to health risks and environmental harm. Studies have shown that products, such as fuel, that do not meet prescribed standards pose long-term dangers to both individual users and the broader public (Ishaya et al., 2024). As a result, consumers are left vulnerable, without sufficient means to protect themselves against such fraudulent practices unless there is clear and accessible enforcement of consumer protection laws (Perlindungan et al., 2019).

The Consumer Protection Law stipulates that consumers have the right to receive accurate, clear, and honest information regarding the conditions and guarantees of goods and/or services (Article 4, paragraph 2, letter a). In the case of Pertamina adulteration, consumers who pay for premium fuel are entitled to receive fuel that meets the RON 92 standard. However, if they receive fuel of a lower quality, such as RON 90, their right to accurate and honest information has been violated. Furthermore, Article 8 of the Consumer Protection Law prohibits businesses from trading goods and/or services that do not comply with the composition or quality stated in the product and/or service description. The adulteration practice carried out by certain parties can be seen as a violation of this provision, as the fuel sold does not meet the promised specifications.

Consumer rights refer to the entitlements or freedoms that every individual has when purchasing or using goods and services, ensuring they are not harmed and are treated fairly by sellers or producers (Anatolyevna Kirillova et al., 2016; Howells, 2020). According to Law No. 8 of 1999 on Consumer Protection, "Every consumer has the right to obtain clear information about the goods and/or services they use and the right to choose goods and/or services that meet their needs." Kotler et al. (2017) explains that consumers have the right to receive products that meet quality and safety standards. Kotler also states that consumer protection is essential in fostering long-term relationships between producers and consumers. (Anatolyevna Kirillova et al., 2016) further explains that consumer rights go beyond simply receiving acceptable goods and services; they also include the right to protection if harmed in a transaction.

The government, through the Downstream Oil and Gas Regulatory Agency (BPH Migas), is responsible for overseeing fuel distribution in Indonesia. However, in the case of Pertamina adulteration, the oversight has been deemed ineffective. Research conducted by Universitas Tarumanagara reveals that the monitoring and supervision efforts by the government, Pertamina, and BPH Migas have not been well-executed or effective. If effective monitoring were in place, adulteration practices should have been detected and stopped early. The National Consumer Protection Agency (BPKN) plays a crucial role in safeguarding consumer rights. In the case of the alleged Pertamina adulteration, BPKN asserts that consumers have the right to file lawsuits and seek compensation from PT Pertamina Patra Niaga through legal mechanisms, one of which includes class action lawsuits. Additionally, BPKN is committed to assisting consumers who feel aggrieved and ensuring that legal processes are conducted in accordance with applicable regulations.

The Pertamina adulteration case highlights weaknesses in the existing monitoring and law enforcement systems. To prevent similar incidents from recurring, the following measures are required: (1) strengthening oversight by the government and BPH Migas through tighter monitoring of fuel distribution and quality in the community; (2) educating consumers by providing clear and transparent information about their rights and how to report grievances; (3) strict law enforcement by imposing appropriate sanctions on parties found guilty of adulteration or other violations; and (4) fostering collaboration between the government, consumer protection agencies, and society to create a more effective and responsive monitoring system that addresses consumer needs.

5. Conclusions and Limitation

Conclusions

The Pertamina adulteration case by PT Pertamina Patra Niaga reflects a serious violation of consumer rights, which should be protected under Law No. 8 of 1999 on Consumer Protection. This adulteration practice not only harms consumers economically but also threatens user safety and damages public trust in the quality of products sold by state-owned enterprises (SOEs). Aggrieved consumers are entitled to compensation through the legal mechanisms provided by the Consumer Protection Law, either through class action lawsuits or alternative dispute resolution via the Consumer Dispute Resolution Agency.

In this case, the supervision conducted by the government and related institutions, such as the Downstream Oil and Gas Regulatory Agency (BPH Migas) and the National Consumer Protection Agency (BPKN), has not been optimal. The weak oversight has allowed the occurrence of adulteration practices that harm consumers in the long run. Therefore, strategic measures are needed to improve the effectiveness of supervision, law enforcement, and consumer education. The government, together with consumer protection agencies, must play an active role in creating a more responsive monitoring system and involve society in efforts to better protect consumer rights.

Limitation

This research on the case of Pertamina adulteration faces several limitations that should be considered in interpreting its findings. First, the study primarily relies on secondary data, including legal documents, previous research, and public reports. As a result, the analysis may be constrained by the availability and accuracy of these sources, which may not fully capture the latest developments or private details related to the case. Second, while the research focuses on normative legal analysis, it does not extensively explore empirical data from consumer experiences or case studies outside of the Pertamina adulteration case. Therefore, the study's conclusions about consumer rights violations may not be fully representative of broader consumer protection issues in other industries or regions.

Additionally, the effectiveness of legal mechanisms, such as the enforcement of consumer protection laws, is contingent on various external factors, including political, economic, and institutional influences, which were not fully accounted for in this study. The limitations in monitoring and enforcement mentioned in the study reflect challenges in addressing systemic issues, which may require long-term efforts beyond legal reforms. Finally, due to the legal and bureaucratic nature of the research, the study may not have captured the personal narratives and subjective experiences of consumers who were directly impacted by the adulteration practices. These perspectives could provide a more nuanced understanding of the issue, which is not fully explored in the current research.

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