

The Role of Legal Reasoning in Law Enforcement of Criminal Acts of Abuse of Subsidized Fuel

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Abstract

Legal reasoning is a logical process essential for determining justice and legal certainty, particularly in criminal cases. This article examines legal reasoning in the context of the misuse of subsidized fuel (BBM), which has become a critical issue in Indonesia. The misuse of subsidized fuel not only causes economic losses to the state but also impedes social justice for communities entitled to such subsidies. Using a normative approach, this article analyzes the application of criminal law to perpetrators of subsidized fuel misuse, referring to existing legislation such as Law Number 22 of 2001 on Oil and Gas. Legal reasoning in this case involves identifying the elements of criminal acts, interpreting legal norms, and applying appropriate criminal sanctions. Furthermore, this article explores the use of deductive, inductive, and analogical reasoning methods in assessing the conformity of perpetrators' actions with applicable legal norms. The analysis results show that proper legal reasoning is necessary to ensure that perpetrators of subsidized fuel misuse are prosecuted fairly and effectively. Consistent law enforcement is also expected to create a deterrent effect and promote the efficient distribution of subsidized fuel to communities in need. This article concludes that legal reasoning plays a crucial role in addressing the complexities of subsidized fuel misuse cases while strengthening the legal system to protect the interests of the state and society.

Keywords: *legal reasoning, law enforcement, subsidized fuel oil*

A. INTRODUCTION

1. Background

Legal reasoning is a thought process that is used to understand, interpret, and apply legal rules logically, systematically, and fairly in order to solve legal problems. In legal reasoning, a person or law enforcement agency uses logic, legal principles, and interpretation to reach a decision that is in accordance with the prevailing legal rules and the values of justice.

Law is a set of rules or norms that govern human behavior in social life and has a binding nature and is supported by strict sanctions. The law functions to create order, justice, and certainty in society. Written Law: Laws that are listed in laws, regulations, or other official documents. Unwritten Law: Laws that live in the customs or customs of the community. According to Aristotle, Law is a collection of rules that bind society and aim to create justice by providing what is the right of each individual. The law is an important instrument in creating an orderly, just, and harmonious society. Without law, social life will be filled with conflict and uncertainty.

Law enforcement is the process of implementing rules contained in legal norms by law enforcement officials to maintain social order, protect human rights, and create justice in society. In the Indonesian state system, the principle of the rule of law is the main foundation as stipulated in Article 1 paragraph (3) of the 1945 Constitution, which states that "The State of Indonesia is a state of law".¹ This principle emphasizes that all activities within the state, including the administration of government, must not be contrary to applicable law.

The Importance of Law Enforcement. Law has a dual role in social life, namely as a tool of social control and a means of social engineering.² In its function as social control, the law regulates people's behavior in accordance with agreed values and norms. Meanwhile, in its role as a means of social engineering, law becomes an instrument to encourage social change for the better.³

However, the ideal goal of law enforcement is often not achieved due to various obstacles, such as:

1. Overlapping Rules

In some cases, there are laws and regulations that contradict each other or are out of sync, confusing law enforcement officials and the public.⁴

2. Corrupt Practices and Abuse of Authority

¹ 1945 Constitution, Article 1 Paragraph (3)

² Soerjono Soekanto, Introduction to Legal Research (Jakarta: UI Press, 1986), p. 5.

³ Satjipto Rahardjo, Law and Society (Bandung: Angkasa, 1980), pp. 12-14.

⁴ Barda Nawawi Arief, Law Enforcement Issues and Criminal Law Policy (Jakarta: Prenada Media, 2001), p. 36.

Law enforcement does not always run neutrally because there are individuals who abuse their authority for personal or group interests.⁵ This often occurs in sectors that are prone to manipulation, such as subsidy distribution, natural resource management, and government procurement of goods and services.

3. Lack of Legal Awareness in the Community

The legal culture of the community also affects the success of law enforcement. Non-compliance with the law is often caused by a low public understanding of the importance of obeying the rules.⁶

4. Limitations of Law Enforcement Officers

The limited number and quality of law enforcement officials, such as police, prosecutors, and judges, is one of the main obstacles in ensuring effective and efficient law enforcement. In addition, the lack of supporting facilities such as technology and budget is also a significant obstacle.⁷

The Relevance of Law Enforcement to Social Stability. Consistent law enforcement has a significant impact on social stability. When the law is enforced fairly, people feel their rights are protected, which ultimately increases public trust in state institutions.⁸ Conversely, if law enforcement tends to be discriminatory or weak, public trust will decline, which can trigger social instability and conflict.⁹

Efforts to Improve Law Enforcement. To face these challenges, efforts are needed to reform and strengthen the law enforcement system, including:

1. Harmonization of Laws and Regulations

Synchronizing and harmonizing between regulations so that there is no overlap or conflict of legal norms.¹⁰

2. Improving the Quality of Law Enforcement Officers

⁵ Muladi, *Democracy, Human Rights, and Legal Reform in Indonesia* (Jakarta: Habibie Center, 2002), p. 47.

⁶ Lawrence M. Friedman, *The Legal System: A Social Science Perspective* (New York: Russell Sage Foundation, 1975), hlm. 15.

⁷ Tim Lindsey & Simon Butt, *Indonesian Law and Society* (Melbourne: Federation Press, 2018), hlm. 120-123.

⁸ Satjipto Rahardjo, *Law and Social Change* (Jakarta: Sinar Grafika, 1986), p. 25.

⁹ ICW, "Reports on Corruption and Public Trust in Law Enforcement," 2023.

¹⁰ Harmonization of Laws and Regulations, accessed from the publications of the Ministry of Law and Human Rights.

Through continuous training, strict supervision, and the provision of sanctions against individuals who violate the code of ethics.¹¹

3. Technology Utilization

Digitizing law enforcement processes, such as *e-courts*, community report applications, and case transparency, to increase accountability.¹²

4. Legal Education to the Community

Provide a better understanding to the public about their legal rights and obligations, so as to create collective legal awareness.¹³

Law enforcement is an important element in state life that aims to create order, justice, and legal certainty. Despite the many challenges faced, such as overlapping regulations, weak capacity of law enforcement officials, and low public legal awareness, efforts to improve the quality of law enforcement must continue to be made. This is not only the responsibility of the government, but also all elements of society to jointly realize a fair and integrity legal system.

Legal reasoning has an important role in the law enforcement process, especially in determining justice and legal certainty for perpetrators of criminal acts. One form of criminal act that is of special concern in Indonesia is the misuse of subsidized fuel oil (BBM). Subsidized fuel is a strategic commodity subsidized by the government to support the needs of small communities and sectors that need subsidized assistance. However, in practice, it is not uncommon for subsidized fuel to be misused by certain individuals to obtain personal benefits illegally. This abuse not only harms the state economically, but also threatens social justice, which is the main goal of fuel subsidies.

Subsidized fuel in Indonesia is a form of support from the government to reduce the economic burden on small communities. The most common types of subsidized fuel are Diesel and Pertalite, which are subsidized through the state budget managed by the Downstream Oil and Gas Regulatory Agency (BPH Migas). This subsidy aims to maintain fuel price stability amid fluctuations in world oil prices, so that low-income people are still able to meet their energy needs.

¹¹ Supervision of Law Enforcement Officers, based on the report of the Judicial Commission.

¹² Implementation of *e-Court* and Digitization of Courts, Supreme Court report, 2023.

¹³ Legal Education Program for the Community, Ministry of Law and Human Rights, 2023.

However, the misuse of fuel subsidies, such as hoarding or resale to industry, often occurs and causes great losses to the state. According to BPH Migas data, losses due to the misuse of subsidized fuel reach billions of rupiah every year, which should be used for the benefit of national development.¹⁴

The crime of misusing subsidized fuel is regulated in Law Number 22 of 2001 concerning Oil and Gas.¹⁵ The articles in this law stipulate criminal sanctions for parties who are proven to abuse subsidized fuel. However, the application of legal norms in this case requires careful legal reasoning to ensure that the perpetrators of criminal acts are processed fairly and in accordance with applicable law. Legal reasoning is important to identify the elements of criminal acts, interpret the rule of law, and set sanctions commensurate with the level of violations committed.¹⁶

Legal reasoning in the case of subsidized fuel abuse also involves the application of deductive, inductive, and analogous methods. For example, deductive reasoning is used to apply the general norms contained in the law to concrete cases. Inductive reasoning is needed to understand the patterns of violations that occur in society. Meanwhile, analogous reasoning can help in overcoming legal loopholes that may not be explicitly regulated in laws and regulations. Thus, legal reasoning plays a role as a foundation in ensuring that the law enforcement process against the perpetrators of subsidized fuel abuse not only produces legal justice but also creates a deterrent effect for other perpetrators.

Along with the complexity of subsidized fuel misuse cases, legal reasoning must also consider non-legal aspects such as economic conditions, social impact, and distribution of justice. This is a challenge for law enforcers to not only act normatively, but also pay attention to the impact of legal decisions on society at large. Therefore, legal reasoning in the context of the crime of misuse of

¹⁴ Ministry of Energy and Mineral Resources (EMR), "Data and Facts on Subsidized Fuel in Indonesia in 2023," accessed via www.esdm.go.id.

¹⁵ Law Number 22 of 2001 concerning Oil and Gas.

¹⁶ Downstream Oil and Gas Regulatory Agency (BPH Migas), "Report on Supervision of Subsidized Fuel Misuse in 2023," accessed via www.bphmigas.go.id.

subsidized fuel needs to be carried out comprehensively, logically, and based on the principles of justice.¹⁷

Legal reasoning is a logical thinking process based on legal principles, with the aim of achieving justice and legal certainty in a case. In the context of law enforcement, legal reasoning is the main foundation for law enforcement officials in interpreting and applying legal rules to the cases they face. The complexity of legal issues often requires an approach that goes beyond textual application of rules. Law enforcement officials are required to be able to use legal reasoning as a tool to answer various legal problems that arise in society.¹⁸

One of the main reasons for the importance of legal reasoning in law enforcement is to ensure that the law is applied fairly and in accordance with the values that live in society. In Indonesia, the social, cultural, and economic diversity of communities often raises complex legal problems. In situations like these, legal reasoning helps law enforcement to interpret the rule of law taking into account the social context and prevailing values of justice. For example, in the case of the misuse of subsidized fuel, legal reasoning is needed to ensure that the punishment imposed on the perpetrator is balanced with the social and economic impact caused by his actions.¹⁹

In addition, legal reasoning also plays an important role in overcoming legal loopholes that may exist in laws and regulations. This legal loophole is often used by certain parties to avoid legal liability. By using reasoning methods such as analogy or argumentation, law enforcement officials can fill these gaps to achieve a fair and law-based verdict.

In law enforcement in Indonesia, the challenge that is often faced is the lack of a deep understanding of the concept of legal reasoning among law enforcement officials. This often results in rigid legal application and does not consider concrete conditions on the ground. Therefore, it is important to increase

¹⁷ Ahmad Fadil, *Economic and Criminal Law in Indonesia* (Jakarta: Mitra Hukum Publisher, 2020), p. 145.

¹⁸ Satjipto Rahardjo, *Law in the Universe of Order* (Jakarta: Kompas Book Publisher, 2006), p. 34.

¹⁹ Barda Nawawi Arief, *Law Enforcement Issues and Criminal Law Policy* (Jakarta: Kencana, 2018), p. 89.

the capacity of law enforcement officials in using legal reasoning as part of the decision-making process. Good legal reasoning not only results in fair verdicts, but also creates public trust in the legal system.

Fuel subsidies are a form of Indonesian government policy to support economic stability, improve people's welfare, and protect vulnerable groups from the impact of rising energy prices. Fuel subsidies are given in the form of a reduction in selling prices to certain consumers, so that the price of fuel purchased by the public is lower than the international market price.

However, fuel subsidies in Indonesia often face various challenges, including misuse by unauthorized parties, lack of oversight in distribution, and inaccurate targeting of subsidy recipients. Criminal acts of misuse of subsidized fuel, such as hoarding, diversion, or use for commercial purposes by unqualified parties, not only harm state finances but also interfere with efforts to equalize energy access for small communities.

The abuse of subsidized fuel is one of the serious problems faced by Indonesia in the management of energy resources. Fuel subsidies, which are supposed to be a means to support the welfare of small communities, are often abused by those who want to seek personal gain. Illegal practices such as hoarding, unauthorized distribution, and resale to industry are the main causes of significant state losses. According to a report by the Ministry of Energy and Mineral Resources (EMR), losses caused by the misuse of subsidized fuel reach billions of rupiah every year, with negative impacts directly felt by small communities who lose their rights to this subsidy.

Within the legal framework, the crime of misuse of subsidized fuel is regulated through Law Number 22 of 2001 concerning Oil and Gas and a number of derivative regulations. However, the main challenge in law enforcement is to ensure that the sanctions given to perpetrators are not only repressive, but also capable of providing a deterrent effect and preventing similar practices in the future. Legal reasoning plays an important role in answering this challenge, by providing a logical and systematic basis for interpreting and applying legal norms to the cases that occur.

In addition, the social and economic background of the community is also an important factor that must be considered in law enforcement. The large number of cases of subsidized fuel abuse shows that there are gaps in the distribution and supervision system. Therefore, a comprehensive legal approach is needed, involving synergy between law enforcement, policy makers, and the community to address this problem. That way, law enforcement efforts against the perpetrators of subsidized fuel abuse not only aim to uphold justice, but also maintain the sustainability of fuel subsidies for people who really need them.

2. Problem Formulation

How is the enforcement of criminal law against perpetrators who misuse subsidized fuel and the provision of its distribution given to the Government?

B. DISCUSSION

Fuel Oil (BBM) according to Law Number 22 of 2001 concerning Oil and Gas (Migas), article (1) paragraph (4) is a fuel derived from and/or processed from petroleum. Meanwhile, petroleum according to article (1) paragraph (1) of Law Number 22 of 2001 concerning Petroleum is the result of a natural process in the form of hydrocarbons that are under pressure and temperature conditions in the form of liquid or solid phases, including asphalt, mineral wax, or ozokerite and bitumen extracted from the mining process, but do not include coal or other hydrocarbon deposits in solid form obtained from activities unrelated to oil and gas business.

The 1945 Constitution Article 33 paragraphs 2 and 3 affirm that the branches of production that are important to the State and control the desires of the people are controlled by the State. Similarly, the earth, water, contained in it is controlled by the State and is used to a large extent for the prosperity and welfare of the people. Because fuel is controlled by the State, natural resources are vital commodities that play an important role in the supply of industrial raw materials. Fulfilling energy needs in the country, and important state foreign exchange earnings, the processing is carried out as optimally as possible so that it can be utilized to the fullest extent for the prosperity and welfare of the people.

Fuel Oil (BBM) is a liquid fuel used as an energy source for motor vehicles. Fuel Oil (BBM) is obtained by the process of petroleum refining, petroleum is

formed from the weathering of plants and animals that have died thousands or even millions of years ago and settled in the soil.

Material Subsidized Oil Burning in this case is the government selling oil to the general public at prices below world oil. This is done because fuel oil (BBM) is a very vital element and can cause an increase in the price of other commodities. Fuel subsidies are given by the government to people in low economic groups with the aim of being able to get them easily. The need for fuel oil (BBM) can be obtained by the community through oil refueling stations, in order to help the needs of these communities, the government carries out policies by subsidizing fuel oil (BBM).

The type of Fuel Oil (BBM) subsidized by the government is fuel derived and/or processed from petroleum that has been mixed with other fuels with the type, standard and quality (specification) of the price of volume and certain consumer users as referred to in Article 1 of Presidential Decree of the Republic of Indonesia Number 45 of 2009 concerning amendments or Presidential Decree Number 71 of 2005 concerning the Supply and Distribution of certain types of fuel (Fuel Oil).

Fuel oil is a basic necessity in industries around the world, but it is a natural resource that cannot be renewed. The need for fuel oil, both in the industrial and transportation sectors, is increasing day by day because these engines require fuel oil and can cause a shortage of fuel oil. However, the increasing need for fuel is not supported by declining natural resources.

Fuel Oil (BBM) is a step. The scarcity of fuel oil (BBM) is due to the supply of subsidized fuel oil that is decreasing and ultimately unable to meet the needs of the community. The existence of subsidized fuel and unsubsidized fuel for industry leads to price disparities and increases speculation that traders are taking this situation as an advantage and leading to a black market.

The increasing world oil price causes the State's ability to finance Pertamina's fuel import activities to be limited and locked by fiscal capabilities, as a result of which Pertamina cannot meet the needs of oil refineries and has an effect on reducing the supply of Fuel Oil. So, the government's policy of removing

some subsidies has a bad impact, namely the dark economy that continues to occur not only at the national level but also at the regional level. (Tjouwardi, 2015)

Forms of abuse of Subsidized Fuel Oil. Fuel Oil is a very vital and very influential element in the economic aspects of the community and the country's foreign exchange. The subsidized fuel oil provided by the government to the community aims to make it easy for people to have it. Many acts of abuse of subsidized oil burn abahn occur (Rosandria et al., 2017):

a. Fuel oil (BBM) storage

The act of storing fuel oil without a storage business license can be criminalized as stipulated in article 53 letter c of the Oil and Gas Law: "Any person who stores as referred to in article 23 without a storage business license shall be sentenced to a maximum of 3 (three) years in prison with a maximum fine of Rp. 30,000,000,000.00 (thirty billion rupiah)

b. Fuel oil (BBM) transportation

Every person who transports without a transportation business license can be subject to a criminal penalty as stipulated in Article 53 letter b of the Oil and Gas Law: "Every person who transports without a transportation business license shall be sentenced to a maximum of 4 (four) years in prison and a maximum fine of Rp. 40,000,000,000.00 (forty billion rupiah)

c. Transportation and Trading of Fuel Oil (BBM)

Every person who abuses the acquisition and/or trade of government-subsidized fuel oil shall be punished with a maximum penalty of 6 (six) years and a maximum fine of Rp. 60,000,000,000.00 (sixty billion rupiah), article 55 of the Oil and Gas Law. Case Example: Barabai District Court Decision Number: 63/Pid.Sus/2012/Brb

As an example, we can see that the case in which the defendant has been legally and convincingly proven guilty of the Barabai District Court Decision Number: 63/Pid.Sus/2012/Brb committed the crime of abusing the transportation and trading of government-subsidized fuel. The act is carried out by transporting fuel without a Transportation Business License where the fuel is obtained by buying fuel and sucking it up from petrol stations. The defendant's actions resulted in a shortage of fuel in Hulu Sungai Tengah Regency. Because of this act, the defendant was sentenced to 4 months in prison and a fine of Rp 1

million with the provision that if it is not paid, it will be replaced with imprisonment for 1 month.

1. Legal Basis

Criminal law enforcement against the abuse of subsidized fuel is based on several regulations, including:

1. Law No. 22 of 2001 concerning Oil and Gas Article 55 states that "Every person who abuses the transportation and/or trade of subsidized fuel by the Government shall be sentenced to a maximum of 6 (six) years in prison and a maximum fine of Rp60,000,000,000.00 (sixty billion rupiah)"²⁰
2. Presidential Regulation No. 191 of 2014
Regulating the mechanism for supplying, distributing, and selling the retail selling price of subsidized fuel, including restrictions on distribution only to eligible parties.²¹
3. Criminal Code (KUHP)
In some cases, the perpetrator can also be subject to articles in the Criminal Code, such as Article 374 concerning embezzlement in office or Article 378 concerning fraud.²²

2. Forms of Abuse

The abuse of subsidized fuel is generally carried out in various modes, including:

- Subsidized fuel hoarding with the aim of reselling beyond the subsidized price to obtain illegal profits.²³
- Distribution is not in accordance with the designation, for example, subsidized fuel that is supposed to be for small communities is instead sold to large industries or companies.²⁴
- Forgery of documents related to subsidized fuel distribution quotas.
- Illegal transfer of subsidized fuel to other regions or to the black market.

3. Law Enforcement Process

Law enforcement against the misuse of subsidized fuel is carried out through the following stages:

- a. Research and Investigation

²⁰ Law No. 22 of 2001 concerning Oil and Gas, Article 55.

²¹ Presidential Regulation No. 191 of 2014 concerning the Provision and Distribution of Subsidized Fuel.

²² Criminal Code, Article 374 and Article 378.

²³ An example of a case of subsidized fuel hoarding is accessed from the BPH Migas case report.

²⁴ Violations of subsidized fuel distribution for large industries were revealed in the Ministry of Energy and Mineral Resources' supervision data.

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- Law enforcement officials, such as the Police and the Prosecutor's Office, together with BPH Migas, conducted an investigation into the alleged violations.
 - In some cases, arrests are made in the field when violations are detected, such as hoarding or illegal distribution.
- b. Prosecution
- After sufficient evidence, the case proceeds to the prosecution stage in court.
 - The public prosecutor bases the charges on the Oil and Gas Law, Presidential Regulations, or relevant articles of the Criminal Code.
- c. Sanctioning
- Criminal punishment in the form of imprisonment and/or fines is imposed on the perpetrator.
 - In certain cases, the companies involved may be subject to administrative sanctions in the form of revocation of business licenses.
4. Law Enforcement Challenges
- Some of the challenges in enforcing the law against the misuse of subsidized fuel include:
- Lack of supervision in the field, especially in remote areas or areas with limited surveillance infrastructure.
 - Corrupt and collusion practices involving government officials, law enforcement officials, or private parties.
 - Difficulty detecting violations, especially if the perpetrator's modus operandi is increasingly complex and involves a wide network.
5. Preventive Efforts
- In addition to legal action, preventive efforts also need to be taken, such as:
- Digitize subsidized fuel distribution to increase transparency and accountability.
 - Strengthening regulations and supervision, including increasing the role of BPH Migas in monitoring the distribution of subsidized fuel.
 - Educate the public about the rights and obligations related to the use of subsidized fuel.

Criminal acts of abuse of subsidized fuel often occur due to various interrelated factors, both from economic, social, and weak aspects in the law enforcement system. Some of the main causes are as follows:

1. Economic Factors
 - a. Financial Profit Motivation

The price of subsidized fuel, which is much cheaper than non-subsidized fuel, encourages certain individuals to hoard or resell

subsidized fuel at market prices. The price difference became a very profitable illegal business opportunity.²⁵

b. Economic Gap

Income inequality in the community also triggers the abuse of subsidized fuel. Actors, especially from economically weak groups, are often involved because they want to meet their living needs or seek additional income.²⁶

2. Weak Supervision and Law Enforcement

a. Lack of Supervision in Fuel Distribution

The distribution of subsidized fuel involving many parties (petrol stations, agents, and end consumers) is often not optimally supervised. This loophole in supervision opens up opportunities for perpetrators to abuse subsidized fuel.

b. Corruption and Collusion

The existence of the practice of collusion between perpetrators and supervisory officials or certain officials makes it difficult to eradicate the crime of misuse of subsidized fuel. For example, falsification of distribution documents or manipulation of subsidy recipient data.²⁷

c. Less Effective Sanctions

Sanctions that do not provide a deterrent effect are often the cause of perpetrators to continue committing criminal acts. There are many cases where the perpetrator is only subject to light fines or penalties that are not proportional to the state losses incurred.

3. Subsidy Policies That Are Not On Target

a. Subsidy Recipients Do Not Meet the Criteria

Subsidized fuel should only be intended for community groups in need, such as small fishermen, farmers, or micro businesses. However, subsidies are often abused by parties who are not actually entitled, such as large companies or industry players.

b. Lack of an Accurate Verification System

The inaccurate verification system for subsidy recipients makes it easier for perpetrators to access subsidized fuel without being eligible. This occurs due to weak data collection and supervision in the distribution of subsidies.

4. Social and Cultural Factors

a. Low Legal Awareness

Many people do not understand that the abuse of subsidized fuel is a criminal act that is detrimental to the state. This low legal

²⁵ Law Number 22 of 2001 concerning Oil and Gas, Article 55.

²⁶ Satjipto Rahardjo, *Law in the Perspective of Sociology* (Bandung: Citra Aditya Bakti, 2002), p. 45.

²⁷ Transparency International Indonesia, "Collusion in the Misuse of Fuel Subsidies," 2022 report.

awareness is often used by certain parties to recruit people to be part of the fuel abuse network.²⁸

b. Deep-Rooted Culture of Corruption

In some areas, a deep-rooted culture of corruption that causes the abuse of subsidized fuel to be considered "normal" or "commonplace." This further exacerbates illegal practices in the distribution of subsidized fuel.²⁹

5. Inadequate Technology and Infrastructure

a. Manual Distribution System

The distribution of subsidized fuel, which is still mostly done manually without utilizing modern technology, makes the process vulnerable to manipulation, such as filling up fuel exceeding the quota or illegally transferring it to other parties.

b. Lack of Digital Monitoring

The absence of digital data integration in subsidized fuel monitoring, such as using GPS-based applications or transactions based on the identity of subsidized recipients, makes it difficult to detect subsidized fuel abuse in real-time.³⁰

Criminal acts of misuse of subsidized fuel occur due to a combination of various factors, including economic motives, weaknesses in the supervisory system, subsidy policies that are not on target, low public legal awareness, and inadequate technology. Effective handling requires a holistic approach, including strengthening oversight, strong law enforcement, and reforming the subsidy distribution system to be more transparent and targeted.

The mode of perpetrators of the abuse of subsidized fuel oil based on Rational Choice is When faced with several streams of action, humans usually choose the stream that they believe will bring the greatest benefits to humans. The perpetrators of the abuse of subsidized fuel oil that they believe brings profit to them. Rational choice, for most people "Rationality" means "Sane" (thinking clearly), or knowing and doing what is healthy in the long run. More specifically, rationality simply means that individual actions seem to balance costs against benefits in order to arrive at actions that maximize personal gain.

²⁸ Lawrence M. Friedman, *The Legal System: A Social Science Perspective* (New York: Russell Sage Foundation, 1975), hlm. 15.

²⁹ Muladi, *Democracy, Human Rights, and Legal Reform in Indonesia* (Jakarta: Habibie Center, 2002), p. 57.

³⁰ Implementation of Digital Technology in Fuel Subsidy report of the Ministry of Communication and Informatics, 2023.

In the abuse of subsidized fuel oil there is a phenomenon at the macro level (*social system*) and micro level (*individual*), *Rational Choice* or rational choice tries to analyze individual actions and these actions accumulate into a structure or a social system but the reality of the system is a macro phenomenon and must be explained from the internal factors of the individual (micro). In explaining this, there are two important elements in rational choice, namely actors (individuals) and resources (everything that facilitates, helps individuals in achieving certain goals). An actor acts because there is a certain goal and to achieve the actor's goal requires resources to achieve that goal.

The actors of this subsidized fuel oil will look for actors who can provide or facilitate their needs to launch their actions in abusing this subsidized fuel oil. When the perpetrator has got an actor, they will carry out an interaction and then there will be a mutual dependence between the perpetrator, namely the main actor and the buyer, namely the second actor. Because these two actors have different resources, this will be what will need each other and form a cooperation, interdependence, and form systematic actions that are macro.

C. CONCLUSION

Law enforcement against perpetrators of subsidized fuel crimes is based on applicable laws and regulations, such as Law No. 22 of 2001 concerning Oil and Gas which regulates the distribution, management, and sanctions for the misuse of subsidized fuel. Criminal provisions in the Criminal Code or relevant regional regulations related to the supervision and distribution of fuel. Principle of Justice, Law enforcement must pay attention to the principle of justice, both for the community as beneficiaries of subsidies and for the perpetrators of criminal acts. The right of the community to get the right subsidies is a top priority. The legal reasoning used in the investigation and judicial process is based on a systematic interpretation approach, by linking relevant legal articles.

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