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## **Urgency of issuance the pertamini regulation as the legal basis for micro, small and medium enterprises (MSMEs) in the district of Sragen Indonesia**

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### **Abstract**

This study aims to analyze the existence, problems, and solutions of Pertamina in Sragen Regency. The formulation of the problem in this research is First, How is the existence of illegal Pertamina in the community in Sragen Regency? Second, what is the urgency of issuing the first regulation as legal umbrella for MSMEs in Sragen? The research method used is empirical legal research using primary and secondary data sources. The location of this research is in Sragen Regency. The data collection techniques are literature study and interview with the local government and businessmen of Pertamina in Sragen. The results of this study indicate that the existence of Pertamina in Sragen Regency is still very large and the exact number cannot be known due to the limitations of the local government system. In addition, Pertamina is used as a livelihood and is classified as a MSMEs in Sragen Regency. However, there is no technical regulation so that the existence of Pertamina does not have a legal umbrella. The recommendation from this research is that the Government needs to issue a technical regulation specifically regulating Pertamina and creating a special agency to supervise Pertamina.

**Keywords:** pertamini, technical regulation, micro, small and medium enterprises

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### **Introduction**

One of the perspectives currently being developed is a cultural perspective. In a cultural perspective, law is not only seen as part of human culture, but law contains a cultural component called legal culture.

At present, the term economic law is no longer something foreign, even economic law is a well-known and very popular law. The existence of the field of economic law in the Indonesian legal system is beyond doubt. Economic law development must be carried out in a revolutionary manner by predetermining an Indonesian economic system based on Article 33 of the 1945 Constitution, so as to be able to produce an economic legal system that does not serve developed countries and transnational companies, but is more towards 'kinship' quality (ukhuwah) 'or' populist 'and serve the interests of the people, or an economic legal system that is positioned as a commander who does not merely rely on the rule of law but pays more attention to the rule of moral or rule of justice. With this approach, it is hoped that the development of economic law will be able to realize the nation's competitiveness, produce high economic growth, and also be able to make law as a guiding radar or guide so that economic growth is not just numbers but has quality to reduce poverty, reduce unemployment, and make welfare people.

The need for fuel oil or fuel for the community in Sragen Regency is increasing. This is due to the increasing number of people who own motorized vehicles, both cars and motorbikes. In addition, the use of vehicle transportation, both private and public ownership, has become a very vital need in the dynamic and technological developments that make it easier for people to carry out their daily activities. As an Indonesian citizen, enjoying BBM is the right of every citizen to achieve the prosperity of the people as stated in our constitution in Article 33 paragraph (2) of the

1945 Constitution of the Republic of Indonesia. Therefore, the state must guarantee that BBM can be distributed to all parts of Indonesia to remote areas so that these natural resources can be felt and utilized by the whole Indonesian people, which is reinforced by Article 8 of Law Number 22 Year 2001 concerning Oil and Natural Gas.

The current problem is that the distribution of BBM has not been able to reach all regions in Indonesia which causes people to make their own innovations or ways to meet their fuel needs, one of which is by selling retail gasoline which we usually find on the side of the road using bottles or small machines such as Gas stations or what we usually know as Pom Mini or Pertamina. If we focus on the use of Pertamina as an effort to meet people's fuel needs that have not been reached by gas stations, then this is an advantage for the community. However, currently, Pertamina is widely used as a livelihood for some people in Indonesia, both in big and small cities, in areas that have been reached by gas stations or not, including in Sragen Regency, we have met many Pertamina business players along the roads in the Regency area. Sragen.

The amount of profit obtained by buyers and the increasing needs of the community, such as industrial and transportation needs, has led to violations in the sale of fuel oil. Also difficulties in obtaining business permits and community residences that are far from public fuel stations are a driving factor for legal violations. The forms of lawlessness in the sale of fuel oil, such as processing without permission, transportation without permission, storage without permission, trading without permission, and misuse of transportation and / or commerce of fuel oil. There are many aspects that need to be considered in establishing a Pertamina, including: licensing aspects, security aspects, convenience

aspects, fuel dosing and quality aspects, as well as price aspects which are the same as gas stations. These aspects must be considered and carried out side by side with the original objective, namely meeting the fuel needs of the community by observing the applicable regulations. However, what we encounter in most of Pertamina does not reflect any qualifications from the above aspects so it can be said that Pertamina does not have certain specific standards as a condition of establishment.

The first is a type of business that sells retail fuel which was created on the basis of community innovation and is classified as a MSME. Therefore, it is only natural for the Government to help or support business actors so that their businesses can develop so that they can create a good business competition climate, and can also reduce unemployment and poverty in Indonesia. Regulations regarding distributors and sub-distributors have been explicitly regulated in Law Number 22 of 2001 concerning Oil and Natural Gas and Regulation of the Oil and Gas Downstream Regulatory Agency Number 6 of 2015 concerning Distribution of Certain Types of Oil Fuel and Specific Types of Assignment In areas where there are no distributors. However, these rules cannot be implemented effectively so that Pertamina cannot be said to have a strong legal umbrella because there are still gaps or gaps between existing regulations and facts on the ground in society. Therefore, it is necessary to issue a strong regulation to serve as an umbrella for the law of Pertamina. Based on the above background, the researcher formulated 2 (two) problem formulations, namely: First, how is the existence of illegal Pertamina in the community in Sragen Regency? Second, what is the urgency of issuing the first regulation as legal umbrella for MSMEs in Sragen?

## Discussion

### The existence of Pertamina in Sragen Regency

The legal basis used in relation to business actors as distributors or sub-distributors of BBM is contained in Law Number 22 of 2001 concerning Oil and Gas and Regulation of the Oil and Gas Downstream Regulatory Agency Number 6 of 2015 concerning Distribution of Certain Types of Oil and Types of Fuel Oil for Special Assignments to Areas where there is no distributor yet. In terms of regulations, the requirements, permits, activities, sanctions, and so on have been completely regulated, but the reality on the ground shows that these regulations are not yet effective. The formation of Law Number 22 of 2001 concerning Oil and Gas or the Oil and Gas Law is the basis for significant changes in the regulatory system regarding matters with the implementation of Oil and Gas business activities, including the grouping of Upstream Business Activities and Downstream Oil and Gas Business Activities.<sup>[1]</sup>

First, it is included in downstream business activities, namely transportation, storage and trading activities.<sup>[2]</sup> However, there are problems in its implementation, namely the absence of regulations that specifically regulate the activities of Pertamina, both aspects of transportation, storage, or commerce. Therefore, field research is needed to analyze more deeply related to the first problem.

The following is a comparison table between rules and facts in the field in Sragen Regency, the results of the interview with Suhari.<sup>[3]</sup>

**Table 1:** Comparison of rules with field facts in Sragen Regency.

Poin	Requirements for Sub-distributors Article 6 BPH Migas Regulation Number 6 of 2015	The results of the interview with Suhari, S.H, Head of the Licensing Section of the Investment and One Stop Services, Sragen Regency
a.	Members and / or community representatives who will become Sub-distributors have business activities in the form of trading businesses and / or business units managed by Village-Owned Enterprises	Pertamina are mostly owned by individuals
b.	The location of the Sub-distributor establishment meets the work safety and environmental protection standards in accordance with the provisions of laws and regulations	There is no special permit regarding this matter, registration of a business license can be done yourself by filling in the OSS website and there is no further checking
c.	Has a storage facility with a maximum capacity of 3,000 liters and meets the technical requirements for work safety in accordance with the provisions of laws and regulations	There is no special permit regarding this matter, licensing only for the type of business
d.	Owning or controlling fuel transportation means that meet the fuel transportation standards in accordance with the provisions of laws and regulations	There is no special permit regarding this matter, licensing only for the type of business
e.	Owning distribution equipment that meets the technical and safety requirements in accordance with the provisions of laws and regulations	There is no special permit regarding this matter, licensing only for the type of business
f.	Has a location permit from the local government to build Sub-Channel facilities	There is no special permit regarding this matter, licensing only for the type of business
g.	The location to be built by Sub-Channel facilities is generally at least 5 km from the location of the distributor in the form of the nearest APMS, or 10 km from the distributor in the form of the nearest gas station or other accountable considerations.	You can find Pom Mini or Pertamina only a few ratur meters from the nearest gas station
h.	Have user consumer data whose needs have been verified by the local government	There is no special permission regarding this matter

Meanwhile, parties authorized by the Oil and Gas Law to carry out upstream and downstream business activities in accordance with Article 9 paragraph (1) include: State-Owned Enterprises (BUMN), Regional-Owned Enterprises (BUMD), Cooperatives,

and Private Business Entities. Therefore, it is not possible to carry out downstream business activities owned by Individuals. Apart from having to be in the form of a business entity, downstream business activities need to obtain permits from the Government,

including: processing business permits, transportation business permits, storage business permits, and trading business licenses which are further regulated in Article 23 paragraph (1) and (2) of the Oil and Gas Law. This is also in line with Article 2 of Government Regulation Number 36 Year 2004 concerning Oil and Gas Downstream Business Activities which states "Downstream Business Activities are carried out by Business Entities that already have a Business License issued by the Minister and are carried out through a fair, healthy, and competitive business competition mechanism. transparent".

Article 53 of the Oil and Gas Law clearly states the criminal sanctions imposed on business actors who do not have a license. Unlicensed processing as referred to in Article 23 of the Oil and Gas Law is subject to a maximum imprisonment of 5 (five) years and a maximum fine of Rp. 50,000,000,000 (fifty billion rupiah), Transportation as referred to in Article 23 of the Oil and Gas Law without a license is punishable by imprisonment for a maximum of 4 (four) years and a maximum fine of Rp. 40,000,000,000 (forty billion rupiah), Storage as referred to in Article 23 of the Oil and Gas Law that is not licensed is punishable by imprisonment for a maximum of 3 (three) years and a maximum fine of Rp. 30,000,000,000 (thirty billion rupiah), and Commerce as referred to in Article 23 of the Oil and Gas Law without a license is punishable by imprisonment for a maximum of 3 (three) years and a maximum fine of Rp. 30,000,000,000 (thirty billion rupiah).

Furthermore, this rule is very different from the facts in the field in Sragen Regency, where in order to register a business license, including a retail fuel UKM license, everyone can register it on the OSS website of the Investment Coordinating Board (Electronic Integrated Business Licensing Service which is wrong. There is one weakness that can be exploited by the community. In addition, the data recap is comprehensive covering all types of SMEs so that the classification of retail fuel SMEs cannot be specifically searched so it cannot be determined how much the total of retail fuel SMEs in Sragen Regency.<sup>[4]</sup> Of course, law enforcement officers must carry out legal procedures if they find violations. However, the police cannot simply enforce the law against retailers who use the Pertamina brand, because there are several reasons that make it easier for people to meet their fuel needs.<sup>[5]</sup> In coordination between BPH Migas and the police, of course it is disturbed because there are only a few people in all of Indonesia. Seeing the large number of PPNS BPH Migas, it seems that there is still a lack of experts in the supervision process. The shortage of experts will undoubtedly have an impact on the supervisory process itself. Therefore, BPH Migas prioritizes controlling quotas and fuel products that are scattered throughout Indonesia. This makes it difficult to monitor sales of fuel oil without a license. The criminal law prohibits retailers from selling fuel. Therefore, supervision of the sales of BBM without permission is still not good, and the objectives of the supervision have not been achieved.<sup>[6]</sup> Besides the existing rules, understanding and legal awareness of the community is also lacking as evidenced by the many establishment of Pertamina by the community without thinking about the possible consequences, for example, is a fire, because with the establishment of Pertamina on the side of the road it is directly in contact with the main road, where this road is used by many people carry out activities, it is very likely that consequences may

arise that can harm the business actor himself or others around him.

Through interviews conducted by researchers, it was found that one of the first business actors in Sragen Regency, Lailatul Qomaria, bought a mini gas station machine from an online buying and selling site and to get permission to buy fuel from the gas station must go through a permit or recommendation from the local village and some requirements. other. Because he thought the licensing was complicated, he finally decided not to register his business license, and decided to pay a courier to get fuel to sell through his business.<sup>[7]</sup> Etymologically, a recommendation is something that demands that something be trusted, either (usually stated in a letter, in actuality). Recommendations can also be called suggestions that suggest, justify, strengthen. If viewed in terms of recommendation, it can be interpreted as a notification to a person, group or institution that something can be trusted. Recommendations arise because there are problems that need to be taken, from the action plan for alternatives that must be chosen. Recommendations are supported by existing resources and must be utilized as well as data and information that must be processed to be utilized, and most importantly the recommendations that come out must have a better impact (effective and efficient)<sup>[8]</sup>.

Based on this information, it can be understood that assistance and dissemination of community legal understanding and awareness is needed. People tend to choose something that they think is easier and less complicated without thinking about the applicable rules. In addition, supervision has not been able to be carried out effectively by the Regional Government because they are still confused because there are no regulations or SOPs from the center so that there is an omission of these unlicensed business actors.<sup>[9]</sup> Then to find answers related to the licensing used related to Pertamina, the researcher interviewed one of the first entrepreneurs, namely Imran. The business license used is a micro business license. Then to get a permit to collect BBM, go through the local urban village and then take it to the gas station to get permission to collect BBM. However, not all gas stations are willing to cooperate. Gas stations that give permission to collect BBM will deliver BBM to the first business actors.<sup>[10]</sup>

Departing from the above legal regulations, people who will purchase Subsidized BBM should be provided with a Letter of Recommendation for the purchase of Subsidized BBM, this is in accordance with the Regulation of the Downstream Oil and Gas Regulatory Agency Number 5 of 2012 concerning Guidelines for the Issuance of Recommendations for Regional Work Units for Purchasing Certain Types of Fuels<sup>[11]</sup>. The steps that should be taken by the Regional Government to put in order the Distributor Certificate issued by the Village are as follows The Regional Government authorizes the village head to issue a Distributor Certificate: In carrying out state administrative duties, the organs or state administrative officials are given the authority to carry out an act. Authority is power that is formalized both to certain groups of people, in relation to policies issued by the government (both central and regional) such as regulations regarding Village Head Certificate Regarding Oil Fuel Distributors Judging from BPH Migas Regulation Number 06 of 2015 concerning Distribution of Types Certain fuel oil and special types of fuel for assignments to areas where there is no distributor is a law in a state / regional territory<sup>[25]</sup>.

However, even with the issuance of permits from SPBUs, Pertamina is still illegal for the government because there is no legal umbrella that regulates Pertamina. The Micro Business License is granted under the category of retail fuel sales, but for the imposition of sanctions and law enforcement, the Government is still unable to strictly enforce the law.<sup>[13]</sup> According to Kunto Widyastuti, S.E., M.M, most of the permits proposed by the community are grocery store business permits, then these business actors buy the Pertamina machines and then sell retail fuel, so it is not Pertamina that is registered as a business, but the grocery store<sup>[14]</sup> Furthermore, according to him, it is very easy for the community to open a Pertamina business, because there is no regulation as a legal umbrella, most business actors only need to buy mini gas station machines and then be able to run their business. Then for fuel extraction, business actors immediately take it to Pertamina. However, the point is that the Government cannot take action or take action because there is no legal umbrella regarding Pertamina<sup>[15]</sup>.

Wianda Puspongoro, Vice President for Corporate Communication at Pertamina emphasized that retail fuel sellers (Pertamina) are not part of Pertamina's business. The reason is, these activities are illegal and do not have a permit from the Regional Work Unit (SKPD). Thus, the rampant sales of fuel through Pertamina are indirectly detrimental to Pertamina. Not all people know that Pertamina is not part of Pertamina. Many people think that Pertamina is part of Pertamina because of the same type of business, namely selling fuel, similar names, and logos and colors that are almost the same. Meanwhile, Pertamina has made a business concept that is almost the same as Pertamina or uses an official mini gas station called Pertashop which is expected to reduce the number of Pertamina which has mushroomed. In addition, this partnership program can advance SME entrepreneurs in Indonesia. However, the number has not reached all parts of Indonesia, while the community is more familiar with Pertamina. On the other hand, the Pertashop investment requires more expensive costs and more complex licensing than opening a Pertamina business, but the investment made is subject to licensing legality, safety, and guaranteed quality of fuel. This is in line with what was conveyed by Kunto Widyastuti, S.E., M.M, where Pertashop in Sragen Regency already has regulations from the center, while Pertamina does not exist<sup>[16]</sup>. Soerjono Soekanto explained that there are 5 (five) legal factors that are considered effective, namely:

*First*, the legal factor. The government has made legal regulations related to Oil and Gas along with regulations for Upstream and Downstream activities as well as sanctions if they are not obeyed, so that this factor is not a problem because there is already a regulation to work effectively. *Second*, Law Enforcement Factors. Law enforcers have not been able to take action and enforce the law either administratively or criminally because there are no technical regulations governing Pertamina, so the existing regulations have not been effective. *Third*, the Factors of Legal Facilities and Facilities. Facilities are needed, namely increasing the quantity and quality of Human Resources as well as technical regulations to carry out existing regulations, namely Law Number 22 of 2001 concerning Oil and Gas and BPH Migas Regulation Number 6 of 2015 concerning the Distribution of Certain Types of Fuel and Types of Materials Fuel Oil is specifically assigned to areas where there is no distributor, so that the existing regulations can work effectively. *Fourth*,

Community Factors. Lack of legal awareness is also a factor preventing a law from working effectively. The community did not refuse and even some continued to establish Pertamina even though it had been declared illegal by the Government. So there needs to be improvements from the community's factors for the realization of legal effectiveness. *Fifth*, Cultural Factors. Culture in Indonesia is based on customary law, namely customary law practiced by many people. Culture has a very large function to regulate the behavior and behavior of society. People who do not reject Pertamina, establish Pertamina, and buy BBM from Pertamina have become a habit for people in almost all parts of Indonesia.

Based on the explanation above, law enforcement factors, legal facilities or facilities factors, community factors, and cultural factors are still problematic due to the absence of technical regulations related to Pertamina and the lack of public legal awareness so that legal rules cannot work effectively, especially in the Pertamina case in Sragen Regency.

### **Pertamina as MSMEs in Sragen Regency**

MSMEs is recognized as a very important business sector because of its role and function in the economy. And the government began to pay attention to MSMEs. Even so, MSMEs still need support from various parties in strengthening MSMEs for the development of MSMEs itself. The development and growth of MSMEs need to be continuously improved because of their role in providing employment which will directly reduce unemployment which will lead to overcoming poverty. By strengthening MSMEs through government commitment, it is hoped that it will improve the investment climate and increase business enthusiasm, thus MSMEs can become a pillar of building the nation's economy. With such a large role in the national economy, MSMEs should receive special attention from policy makers. Under the Ministry of Cooperatives and MSMEs, it is hoped that MSMEs together with cooperatives in their work will be able to support the nation's economy. With the potential of abundant natural wealth, it is necessary to have a touch of creativity to give value to the products of goods and services. Building the economy is a process to improve the quality of society in the economic sector<sup>[17]</sup>.

According to Article 1 and Article 6 of Law Number 20 of 2008 concerning Micro, Small and Medium Enterprises (MSMEs), the definition of a micro business is an individual productive business and / or individual business entity with a maximum net worth of Rp. 50,000,000.00 (fifty million rupiah) excluding land and business buildings or a maximum sale of Rp. 300,000,000.00 (three hundred million rupiah). Small business is an individual productive economic enterprise or business entity with a maximum net worth of more than Rp. 50,000,000.00 (fifty million rupiah) up to Rp. 500,000,000.00 (five hundred million rupiah) excluding land and business buildings; or maximum sales of more than Rp. 300,000,000.00 (three hundred million rupiah) up to Rp. 2,500,000,000.00 (two billion five hundred million rupiah). Medium-sized enterprises are productive economic enterprises by individuals or business entities with a net worth of more than Rp. 500,000,000.00 (five hundred million rupiah) up to Rp. 10,000,000,000.00 (ten billion rupiah) excluding land and business buildings or annual sales proceeds of more than Rp. 2,500,000,000.00 (two billion five hundred million rupiah) up to Rp. 50,000,000,000.00 (five ten billion rupiah). The definition

above is related to micro, small and medium enterprises (UMKM) which has the same definition as stated in the Regional Regulation of Sragen Regency Number 3 of 2013 concerning Micro, Small and Medium Enterprises (MSMEs) in Article 1 and Article 7 in the regulation. The distribution of the criteria for MSMEs is regulated in Article 6 paragraph (1) to (3) of Law Number 20 of 2008 concerning Micro, Small and Medium Enterprises (MSMEs) which is presented in the following table form:

**Table 2:** Criteria for the Distribution of MSMEs According to Law Number 20 of 2008 concerning Micro, Small and Medium Enterprises (MSMEs)

No	Scale enterprises	Wealth	Sales results
1.	Micro	<Rp. 50.000.000	<Rp. 300.000.000
2.	Small	Rp. 50,000,000 to Rp. 500,000,000	Rp. 300,000,000 to Rp. 2,500,000,000
3.	Intermediate	Rp. 500,000,000 to Rp. 10,000,000,000	Rp. 2,500,000,000 to Rp. 50,000,000,000

Based on the data above, it shows that in the classification or division of types of business scale, it can be based on the results of the assets owned by the business actor and the sales results within a period of one year as a guide in grouping the business. This is in line with Article 7 paragraph (1) and (2) Regional Regulation of Sragen Regency Number 3 of 2013 concerning Micro, Small and Medium Enterprises (MSMEs) related to the grouping of industrial business categories based on the value of assets and sales proceeds obtained by business actors in units of time. certain. According to Agus Murzaki in the Central Statistics Agency (BPS) also provides standards in determining the scale of micro, small and medium enterprises (MSMEs) based on the number of workers as follows:

**Table 3:** MSME Distribution Criteria According to BPS

No.	Scale enterprises	Total manpower	Turnover
1.	Micro	1 to 4 people	<Rp. 50.000.000
2.	Small	5 to 19 people	Rp. 50,000,000 to Rp. 1,000,000,000
3.	Intermediate	20 to 99 people	Rp. 1,000,000,000 to Rp. 3,000,000,000

Meanwhile, the MSMEs category according to Bank Indonesia<sup>[18]</sup> Micro enterprises have the following characteristics: a. Variable product types; b. The business location is not settled; c. Financial administration does not exist; d. Finances are still mixed between business and family; e. HR entrepreneurial spirit is still lacking; f. Relatively low level of education; g. Limited access to banking h. Most of them do not have business legality. Small enterprises have the following characteristics: a. The type of product is fixed; b. The location of the business is settled; c. Simple financial administration; d. Separation of company finances; e. Have a business balance; f. Have business legality; g. HR is competent enough; h. Some of them already have access to banking; i. Can't

make a business plan yet. Meanwhile, Medium Enterprises have the following characteristics: a. Have good management and organization; b. Implementing a financial management accounting system; c. Apply rules on labor; d. Has business legality requirements; e. Have access to financial and banking institutions; f. Human resources that are competent.

The researcher examines that Pertamina is used as a MSMEs in Sragen. A Mining Business is an individual business, if it is linked to Law Number 20 of 2008 concerning Micro, Small and Medium Enterprises (MSMEs) which states that the definition of a micro business is an individual productive business and / or an individual business entity, then Pertamina has fulfilled one of the elements of business activities. micro. The capital issued by Pertamina business actors is not more than Rp. 50,000,000, this also fulfills the element that the total net worth for micro-entrepreneurs is a maximum of Rp. 50,000,000 excluding land and buildings. The definition of MSMEs business according to Law Number 20 of 2008 concerning Micro, Small and Medium Enterprises (MSMEs) is similar to the Regional Regulation of Sragen Regency Number 3 of 2013. The number of workers for the first time can be run with only one person, therefore UMKM owned by BPS, Pertamina business actors are classified as Micro Enterprises. Meanwhile, if analyzed using standards issued by Bank Indonesia, Pertamina is classified as a Micro business because the types of products sold are not fixed, business actors often do not only sell gasoline but sell other products, do not have financial administration, business finances are still one with personal finances. can be run by anyone regardless of education level, and does not have business legality.

Thus, the existence of petroleum retail business actors carried out with the first branding or Mini POM is part of the effort to strengthen the basis for empowering MSMEs which is focused on the business sector of fuel oil (BBM) and at the same time promoting products of State-Owned Enterprises that are engaged in the trade of fuel oil (BBM) driven by Pertamina.<sup>[19]</sup>

### The Urgency of Issuance of the Pertamina Regulation as Legal for MSMEs in Sragen Regency

The large number of Pertamina business actors in Sragen Regency who are also MSMEs business actors should receive full support from the Government. The issuance of the Pertamina regulation as a legal umbrella should receive more attention considering this phenomenon exists in almost every region of Indonesia and runs without a clear legal umbrella. In Sragen Regency, in particular, the entrepreneurs of Pertamina are mushrooming not because there are areas in Sragen Regency which are not reached by gas stations, but as MSMEs businesses which are used as a livelihood to meet their daily needs. The number of gas stations in Sragen Regency can be reached by the community in all areas of Sragen Regency, but many people prefer Pertamina which is closer to the gas station and so far there have been no complaints with higher prices or measurements that may not be appropriate.<sup>[20]</sup>

**Table 4:** Official Gas Station Data in Sragen Regency December 2020

No	Gas station number	Gas station address
1.	4457201	Jalan Raya Solo – Purwodadi Km. 19, Gemolong
2.	4457202	Jalan Raya Sukowati Sine, Sragen
3.	4457203	Tunjungan, Toyogo, Sambungmacan

4.	4457204	Jalan Raya Sukowati, Sragen Wetan, Sragen
5.	4457205	Jalan Raya Solo – Sragen, Puntukrejo, Krikilan, Masaran
6.	4457207	Jalan Raya Solo – Sragen, Jetak, Sidoharjo
7.	4457208	Jalan Raya Solo – Purwodadi, Pendem, Sumberlawang
8.	4457209	Jalan Veteran, Taman Asri, Sragen
9.	4457210	Jalan Raya Sragen – Ngawi, Lemahabang, Sambungmacan
10.	4457211	Jalan Kartini, Palemgadung, Gumantar, Karangmalang
11.	4457212	Pilangsari, Ngrampal
12.	4457213	Jalan Raya Sragen – Gemolong, Taraman, Sidoharjo
13.	4457214	Jalan Raya Solo – Purwodadi, Karangan, Sumberlawang
14.	4457215	Jalan Raya Sragen – Solo, Pleret, Jati, Masaran
15.	4457216	Ngembat Padas, Gemolong
16.	4457217	Jalan Raya Grompol, Batu Jamus, Jirapan, Masaran
17.	4457218	Jalan Raya Sragen – Mantingan Km. 12, Jatisomo, Sambungmacan
18.	4457219	Jalan Raya Solo – Gemolong, Kalijambe
19.	4457220	Jalan Raya Gemolomg – Tanon, Tombo Ati, Mojoroto, Tanon
20.	4457221	Jalan Lingkar Utara, Nglangon, Sragen
21.	4457222	Jalan Raya Sragen – Ngawi, Bener, Ngrampal, Sragen
22.	4457223	Ketelan, Tangen
23.	4457224	Tanon
24.	4457225	Sambirejo
25.	4457226	Jalan Raya Solo – Purwodadi Km. 30, Mojopuro, Sumberlawang
26.	41572.01.519A	Jalan Tol Jakarta – Surabaya Km. 519A
27.	41572.01.519B	Jalan Tol Jakarta – Surabaya Km. 519B

Data source: Triyono Adi Saputro, S.H., M.H.

The SPBU data above is sufficient to cover all areas in Sragen, but the legal awareness of the community is still lacking so there are still many people who sell or buy Pertamina. <sup>[21]</sup> This is dangerous if an unwanted result such as fire occurs. Lack of public legal awareness, rules and sanctions that have not been able to run optimally, will usually end up with compensation only when there is a loss for others. This does not create a deterrent effect for business actors. The government must issue regulations which in turn can accommodate too many Pertamina business actors and consider from the economic point of view of the community because the average Pertamina business actors make their business their source of income in meeting their daily needs. Apart from being called Pertamina which is illegal because there is no legal umbrella, it is also necessary to consider that many people feel helped by the presence of Pertamina, for example, they do not need to queue to gas stations, or prefer Pertamina because the distance is closer than having to go to gas stations.

There are several important factors related to the urgency of issuing regulations related to Pertamina, including: First, the safety factor of Pertamina which does not have a standard of establishment so that unwanted risks can occur that can harm business actors and the surrounding community. Second, Pertamina business actors are worried about arbitrary action by law enforcement officials because there is no legal umbrella to protect them. Third, Pertamina is the livelihood of the community, so there is a need for a legal umbrella to guarantee the legality of Pertamina. This helps the community's economy and assists the Government in overcoming poverty problems. Fourth, when an unwanted incident occurs that harms the surrounding community, the punishment is limited to compensation for the victim or the damage caused, but does not have a deterrent effect.

Several aspects that need to be studied in the issuance of the Pertamina regulation include: Judging from the licensing aspect, Pertamina needs to have a permit so that in the issuance of this regulation it must clearly regulate Pertamina licensing so that

business actors no longer have to feel anxious and worry that their business will be disciplined at any time because it is hoped that with a clear license it will make certainty and the legality of Pertamina law. In addition, the licensing that is applied in the regulation should be a rule that does not burden the community, one example of which is too large an investment, because Pertamina is basically not very large capital. From the aspect of security, the issuance of the Pertamina regulation also needs to examine how the machines will be used to sell fuel, both the components in the engine and the security system to anticipate the risks that may arise. The security of the surrounding community also needs to be studied both in terms of location and the surrounding environment so that the regulation of the security aspect is one of the most important aspects in issuing regulations. Judging from the aspect of comfort, it is an important aspect because the absence of complaints or rejection from the community does not mean that all people who buy BBM at Pertamina or those around them feel comfortable. For example, Pertamina is on a side street where there are people selling food on a gas stove. People who cross or are in the vicinity do not necessarily feel comfortable, but there are no complaints or criticisms, especially in rural areas where people still feel uncomfortable with each other. Therefore, it is hoped that the regulation can cover the comfort of the community itself because basically the law is for the community.

Judging from the size and quality of fuel, currently the average Pertamina business operator gets their fuel by buying directly from Pertamina. The quality obtained from Pertamina directly should be in accordance with the standards applied by Pertamina, but it does not rule out the possibility that there are still business actors from Pertamina who are still cheating both the dosage and the quality of the fuel itself. It is hoped that the existence of regulations related to Pertamina can guarantee the measurement and quality itself by carrying out supervision and sanctions that are applied to take action against business actors who are still

cheating on consumers. In terms of price, Pertamina sells higher fuel prices than gas stations. Although there are no complaints from the public, the regulation needs to regulate the prices that should be regulated by the Government. It is hoped that with this regulation, it can generate income into the state from the Pertamina licensing. Meanwhile, the impact on society is that they can get BBM at an affordable price according to the Government's recommendation.

Issuance of technical regulations related to Pertamina needs to be issued because it can protect business actors, the community, law enforcers, and local governments that regulate licensing regarding MSMEs itself. The issuance of these technical regulations will have an impact on clarity in regulating Pertamina, and the imposition of sanctions by law enforcers against business actors who do not have a license so that it is hoped that this regulation will be an answer to Law Number 22 of 2001 concerning Oil and Gas and BPH Regulations. Oil and Gas Number 6 of 2015 concerning Distribution of Certain Types of Oil Fuel and Special Types of Oil and Assignments to Areas where there is no distributor related to legal certainty and enforcement of the first law both administrative and criminal. The purpose of issuing these regulations is of course expected to result in community legal compliance with regard to the Pertamina regulations. This can be examined with the theory of Legal Compliance by Soerjono and Salman. According to Soerjono and Salman, the essence of legal compliance has 3 (three) factors that cause citizens to obey the law, among others:

- a. Compliance, a compliance based on the expectation of a reward and efforts to avoid punishment or sanctions that may be imposed if someone violates legal provisions. This compliance is in no way based on a belief in the objective of the law in question, and is more based on control from the power holder. As a result, legal compliance will exist when there is close supervision of the implementation of these legal principles. The issuance of the Pertamina regulation must be supported by legal means or facilities, namely sufficient human resources to carry out strict supervision to ensure that these rules are obeyed and to impose strict sanctions against rule breakers, and may be given financial assistance from the Government in return for those who obey the rules.
- b. Identification, occurs when compliance with the rule of law exists not because of its intrinsic value, but so that group membership is maintained and there is a good relationship with those who are authorized to apply the rule of law. The attractiveness of obedience is the advantage that results from these relationships, so that compliance depends on the pros and cons of the interaction. The government can embrace Pertamina business actors to create a collaboration that focuses on win-win solutions. The existence of a well-fostered cooperative relationship between the Government and business actors will create a close relationship by providing reciprocity for this relationship.
- c. Internalization, law contains elements of justice, certainty and benefit. In practice, there are often conflicts between legal certainty and justice. Legal certainty is concrete in nature, while justice is abstract. Because law is not only seen from the point of view of written law, but also takes into account other factors that develop in society.

This factor is a very important factor in making regulations, so that the objectives of making these regulations can be achieved and the public can comply with these regulations. Referring to Law Number 22 of 2001 concerning Oil and Natural Gas and BPH Migas Regulation Number 6 of 2015 concerning the Distribution of Certain Types of Oil Fuel and Special Types of Assigned Oil Fuel to Areas with No Distribution related to Pertamina, this regulation cannot effective. This is because there is no justice, certainty, and benefits that are felt by the community. To achieve justice, the Government should formulate regulations related to Pertamina by involving business actors and the community because it involves the wider community. There is also no aspect of legal certainty for Pertamina because there is no regulation that specifically regulates Pertamina so it does not have legality and legal certainty. The benefit aspect is a positive impact that can be felt by both the Government and the community itself. If there is already a regulation that regulates Pertamina, then the government can benefit and can assist the community in earning income. At present, law enforcers also have difficulties in enforcing the Pertamina law because they cannot only refer to the law, but must consider the values in society. If Pertamina helps the community to get fuel, then law enforcement will be difficult.

### Conclusion

The existence of Pertamina in Sragen is still very much. Pertamina is classified as a UMKM in Sragen Regency which is used as a livelihood by the community. Technical regulatory factors, law enforcement factors, legal facilities or facilities, community factors, and cultural factors that are still problematic make law enforcement ineffective. Technical regulations governing Pertamina need to be issued immediately to protect business actors, the community, law enforcers, as well as local governments that regulate licensing regarding MSMEs themselves. In issuing regulations, it is necessary to pay attention to, among others: licensing aspects, security aspects, comfort aspects, fuel dosing and quality aspects, as well as price aspects.

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