

The Ineffectiveness of Consumer Legal Protection in Overcoming Irregularities in Our Oil Distribution in Indonesia

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Abstract

This study aims to analyze the gap between consumer protection regulations and the irregular practices of Minyak Kita distribution in Indonesia, as well as examine the legal liability of business actors and the state from a civil law perspective. This study uses normative legal methods with legislative, conceptual, and case approaches, and is analyzed qualitatively. The results of the study show that normatively, Law Number 8 of 1999 concerning Consumer Protection has provided a strong legal basis in protecting consumer rights. However, in practice, there are still various irregularities in the distribution of Minyak Kita, such as volume reduction, smuggling, hoarding, and sales above the highest retail price. This shows that there is a gap between law as a norm (das sollen) and reality (das sein). From a civil perspective, business actors can be held accountable based on the principles of unlawful acts and strict liability. However, these mechanisms have not been effective due to limited consumer access to legal remedies and low legal awareness. On the other hand, the state as a regulator and supervisor has also not carried out its functions optimally in supervising distribution and enforcing the law. Thus, consumer protection in the case of Minyak Kita is still formalistic and has not provided substantive protection. It is necessary to strengthen law enforcement, distribution supervision, and consumer empowerment so that the consumer protection system can run effectively.

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1. INTRODUCTION

Consumer protection is one of the fundamental instruments in the development of economic law oriented towards public welfare. In the context of the modern state of law, the existence of law not only functions as a *tool of social control*, but also as a *tool of social engineering* to create justice and balance between business actors and consumers. Consumers are basically in a weaker position than business actors, both in terms of access to information, economic strength, and the ability to enforce their rights. Therefore, the state has a constitutional obligation to provide protection to consumers to ensure the fulfillment of the right to comfort, security, and safety in consuming goods and/or services. From the perspective of national law, consumer protection in Indonesia has been comprehensively regulated through Law Number 8 of 1999 concerning Consumer Protection (UUPK). This law emphasizes that consumer protection is all efforts that ensure legal certainty to provide protection to consumers. The UUPK also regulates consumer

rights, including the right to comfort, security, and safety in consuming goods and/or services; the right to vote; and the right to obtain true, clear, and honest information regarding the condition and warranty of the goods. On the other hand, business actors are required to be in good faith in carrying out their business activities, provide correct information, and ensure the quality of the goods traded.

In practice, the implementation of consumer protection in Indonesia still faces various structural and cultural challenges. One of the main problems is the weak enforcement of the law and supervision of business actors who commit violations. This causes an imbalance between the legal norms that have been ideally regulated (*das sollen*) and the reality on the ground (*das sein*). Recent research shows that although consumer protection regulations in Indonesia are quite comprehensive, their effectiveness is still low due to weak coordination between institutions, lack of supervision, and low legal awareness among the public.⁴ These problems become increasingly complex when it comes to the distribution of basic necessities, such as cooking oil. Cooking oil is a strategic commodity that has an important role in the daily lives of the Indonesian people. Therefore, the state has an obligation to ensure the availability, affordability, and stability of cooking oil prices through various public policies. One form of government intervention is the launch of a subsidized cooking oil program under the Minyak Kita brand, which aims to ensure that people get cooking oil at affordable prices and standardized quality.⁵

The Kita Oil Policy is basically an implementation of the Domestic Market Obligation (DMO) mechanism, which requires producers to meet domestic needs before exporting. In this framework, the state plays the role of a regulator as well as a supervisor to ensure that the distribution of cooking oil runs in accordance with applicable regulations. However, in practice, this policy actually faces various serious problems, especially related to irregularities in distribution. Various cases show the existence of practices that are detrimental to consumers, such as the smuggling of cooking oil, reducing the dosage, uneven distribution, and hoarding by business actors to obtain greater profits. These practices not only violate the applicable legal provisions, but also threaten consumer rights as guaranteed in the UUPK. In fact, in some cases, it was found that Minyak Kita products circulating in the community did not meet the quality standards that had been set, thus potentially endangering consumer health.

Juridically, the act of irregularity can be qualified as a violation of Article 8 of the UUPK which prohibits business actors from producing and/or trading goods that do not comply with the required standards. In addition, business actors can also be subject to criminal sanctions based on Article 62 of the UUPK if proven to have committed violations that harm consumers. In addition, regulations related to the distribution and price of cooking oil are also regulated in various derivative regulations, such as the Regulation of the Minister of Trade as well as provisions regarding Indonesian national standards (SNI) and supervision by the Food and Drug Supervisory Agency (BPOM). However, reality shows that the existence of these regulations has not been able to prevent irregularities from occurring effectively. This indicates that there is a significant gap between the applicable legal norms and their implementation in the field. First, there is a gap between regulation and law enforcement, where existing rules are not accompanied by optimal supervision and enforcement. Second, there is a gap between public policy and distribution reality, where the policy goal of ensuring the availability and affordability of cooking oil is not achieved equally. Third, there is a gap between consumer rights and actual protection, where consumers normatively have strong rights, but in practice are still often harmed without effective protection mechanisms.

Problems related to coordination between authorized institutions in supervising the distribution of cooking oil. The involvement of various institutions, such as the Ministry

of Trade, the Food Task Force, BPOM, and local governments, is often not accompanied by effective coordination, resulting in overlapping authority and weak supervision. In the academic context, studies on consumer protection for the distribution of cooking oil have actually been conducted by several researchers. However, most of the research still focuses on normative or policy aspects in general, without examining in depth the effectiveness of law enforcement in concrete cases, especially Minyak Kita. Therefore, this research has an element of novelty by focusing on a critical analysis of the ineffectiveness of law enforcement in cases of irregularities in the distribution of Minyak Kita, as well as examining the relationship between regulations, implementation, and the responsibility of the state in guaranteeing consumer rights.

Another novelty lies in the approach used, which is to integrate normative juridical analysis with an empirical approach to phenomena that occur in society. Thus, this study does not only see law as a text, but also as a practice that must be tested for effectiveness in real life. This approach is expected to provide a more comprehensive picture of the problems that occur, as well as produce more applicable recommendations. The purpose of this paper is to analyze in depth the form of legal protection for consumers in the case of irregularities in the distribution of Minyak Kita in Indonesia, as well as to examine the effectiveness of law enforcement in guaranteeing consumer rights. In addition, this study also aims to identify the factors that cause distribution irregularities, as well as formulate solutions that can increase the effectiveness of consumer protection in the future.

The essence of this paper lies in the effort to affirm that consumer protection does not only depend on the existence of regulations, but also on the effectiveness of implementation and enforcement of the law. In the context of Our Oil, the problems that occur show that the state has not been fully able to carry out its role as consumer protector. Therefore, more serious efforts are needed to strengthen supervision, improve coordination between institutions, and ensure strict law enforcement against business actors who commit violations. Thus, this research is expected to make an important contribution to the development of consumer protection laws in Indonesia, especially in the context of the distribution of basic necessities. In addition, the results of this study are also expected to be considered for policymakers in formulating more effective strategies to protect consumers and ensure fairness in the distribution system of goods in Indonesia.

2. METHOD

The research method used in this writing is normative legal research, which is research that focuses on the study of the legal norms that apply in the legal system and regulations. This research is prescriptive and analytical, because it not only describes the existing laws, but also provides arguments on how the law should be applied in providing protection to consumers, especially in the case of irregularities in the distribution of Minyak Kita in Indonesia. This approach was chosen because the main problem lies in the gap between the legal norms governing consumer protection and practices in the field that still show various violations of consumer rights. In this study, several approaches were used, namely the statute approach, the conceptual approach, and the case approach. The legislative approach is carried out by examining various regulations related to consumer protection, especially Law Number 8 of 1999 concerning Consumer Protection and policies related to the distribution of cooking oil. Conceptual approaches are used to understand legal concepts such as consumer protection, business responsibilities, and the role of the state. Meanwhile, the case approach is used to examine the phenomenon of irregularities in the distribution of Minyak Kita that occur in the community as a form of implementation of legal norms. The source of legal materials in this study consists of primary, secondary, and tertiary legal materials. Primary legal materials include relevant laws and regulations and court decisions. Secondary

legal materials are books, scientific journals, and research results that support the analysis. The tertiary legal materials include legal dictionaries and other references that help explain the terms and concepts used. The technique of collecting legal materials is carried out through library research, namely by collecting and reviewing various relevant legal literature, both from print and digital sources. The legal materials obtained are then classified based on their relevance and relevance to the research problem in order to produce valid and systematic data. The legal material analysis technique is carried out qualitatively using legal interpretation and legal argumentation methods. Interpretation is carried out to understand the meaning of norms in laws and regulations, while legal arguments are used to assess the suitability between norms and practices in the field. The analysis was also carried out by identifying the gap between *das sollen* and *das sein* in order to evaluate the effectiveness of consumer protection in the case of Minyak Kita. With this method, it is hoped that comprehensive conclusions and appropriate recommendations will be obtained in strengthening legal protection for consumers in Indonesia.

3. RESULTS AND DISCUSSION

3.1 The gap between consumer protection regulations and the irregularities of our oil distribution practices in the field

Consumer protection is one of the important pillars in modern economic law that aims to create a balance between business actors and consumers. In economic relations, consumers are structurally in a weaker position than business actors, both in terms of access to information, economic strength, and the ability to enforce their rights. Therefore, the state has an obligation to provide legal protection to ensure the fulfillment of consumer rights. In Indonesia's positive law, consumer protection is regulated by the UUPK which emphasizes that consumer protection is all efforts that ensure legal certainty to protect consumers. This concept reflects that the law not only functions as a regulator, but also as an instrument of protection against the weak in economic relations.

In a theoretical perspective, consumer protection can be analyzed through several legal approaches. According to Philipus M. Hadjon, legal protection is a form of recognition of the rights of legal subjects that can be realized through two mechanisms, namely preventive and repressive protection. Preventive protection is realized through the formation of clear regulations, while repressive protection is carried out through law enforcement against violations that occur. Meanwhile, according to Soerjono Soekanto, the effectiveness of the law is determined by five main factors, namely the substance of the law, law enforcement officials, facilities and infrastructure, society, and legal culture. In addition, Aristotle through the concept of distributive justice emphasized that justice must be realized by giving to everyone according to his rights. In the context of the modern state, Roscoe Pound also emphasizes that law *as a tool of social engineering* to direct society towards just and balanced conditions.

In relation to the distribution of basic necessities, the state has a strategic role to ensure the availability and affordability of prices for the public. One of the forms of state intervention is the subsidized cooking oil policy known as Minyak Kita. This program aims to maintain price stability and ensure public access to cooking oil at affordable prices. Normatively, this policy is an implementation of the principle of distributive justice, where the state seeks to distribute resources fairly to the community, especially weak economic groups. However, in practice, this policy actually faces various irregularities that show a gap between regulation and reality on the ground. Various cases show that the distribution of Minyak Kita is not running as

it should. It was found that the practice of reducing the volume in packaging that does not comply with the label, the smuggling of oil with low quality, and the sale at a price above the highest retail price (HET) that has been set by the government. In addition, there is also hoarding practices by business actors to obtain economic benefits, which has an impact on scarcity at the consumer level. In fact, the uneven distribution makes Kita Oil difficult to access by small communities, especially in traditional markets. These practices are clearly contrary to the provisions of the UUPK, especially Article 8 which prohibits business actors from trading goods that do not comply with standards, and violate the principle of honesty in doing business.

Normatively, consumer protection regulations in Indonesia can be said to be quite complete and adequate. However, in its implementation, there are still various weaknesses that cause the law to not run effectively. If analyzed using the theory of legal effectiveness from Soerjono Soekanto, it can be seen that even though the substance of the law is available, the law enforcement factor is still weak. Law enforcement officials have not been able to optimally crack down on violations that occur, while monitoring facilities are also still limited. On the other hand, people as consumers also tend to be passive and do not have high legal awareness to claim their rights.

From the perspective of legal protection theory, this condition shows that the protection provided by the state is still partial. Preventive protection has indeed been realized through various regulations, but repressive protection has not run optimally. This can be seen from the rampant violations that are not followed by strict law enforcement. As a result, business actors do not feel deterred and continue to carry out practices that are detrimental to consumers. Thus, it can be said that legal protection against consumers in the case of Minyak Kita has not been effective. Furthermore, if analyzed using Aristotle's theory of distributive justice, deviations in the distribution of Our Oil indicate an injustice in the distribution of resources. Programs that are supposed to provide benefits to the community are not on target, so consumers who are entitled do not get proper access. Meanwhile, certain parties actually get undue benefits. This shows that the goal of public policy to create social justice has not been optimally achieved.

In Roscoe Pound's perspective, this failure shows that the law has not been able to function as a tool of social engineering. The law should be able to direct the behavior of business actors to be in accordance with the applicable norms, but in this case, the law does not have enough coercive power to prevent irregularities. Thus, the law loses its function as an instrument to create order and justice in society. The gap between regulation and practice in the case of Minyak Kita is also influenced by various factors, both structural and cultural. Structurally, the long and complex distribution chain opens up opportunities for deviations at every stage. In addition, weak coordination between supervisory agencies causes supervision to not run effectively. From a cultural perspective, the low legal awareness of business actors encourages violations, because the main orientation is still on economic benefits alone. Meanwhile, from the consumer side, limited information and access to complaint mechanisms have led to many violations that go unexposed. Thus, it can be emphasized that the main problem in the case of Minyak Kita lies not in the lack of regulation, but in the weak implementation and enforcement of the law. This shows that consumer protection in Indonesia is still formalistic, namely strong at the normative level but weak in practice. Therefore, more comprehensive efforts are needed to strengthen supervision, improve coordination between institutions, and ensure firm and consistent law enforcement.

Without these measures, the gap between regulation and practice will continue to occur, and consumers will remain at a disadvantage in the economic system.

3.2 Forms of legal accountability of business actors and the state in the case of irregularities in the distribution of Minyak Kita

Civil law liability in the consumer protection regime is basically a corrective instrument that aims to recover losses suffered by consumers due to the actions of business actors. In the classical civil law construction, responsibility is born from the existence of unlawful acts as formulated in Article 1365 of the Civil Code (KUHPercivil), which requires the existence of unlawful acts, losses, causal relationships, and errors. However, in the development of modern consumer protection law, this construction has been expanded through the recognition of the principle of **strict liability**, as reflected in Article 19 of the UUPK. In this framework, proving fault is no longer the main burden of consumers, but is focused on the existence of losses and their relationship with the product or activities of business actors.

In the context of the deviation of the distribution of Minyak Kita, the construction of civil liability should be applied directly. Practices such as reducing the volume in packaging, smuggling cooking oil, and selling above the highest retail price (HET) clearly meet the elements of unlawful acts. Not only violating the provisions of laws and regulations, this action also violates the principle of good faith in doing business and the right of consumers to obtain goods in accordance with the standards and information promised. Thus, juridically, there are no normative obstacles to demanding the accountability of business actors through civil mechanisms.

The crucial problem lies in the lack of effective implementation of this accountability. In practice, there are almost no litigation attempts made by consumers against business actors in the Minyak Kita case, even though losses occur widely and systemically. This condition shows a paradox in consumer protection law in Indonesia, where legal norms appear to be progressive and pro-consumer, but do not function in real terms in protecting consumer interests. In other words, civil liability in this case is more normative-symbolic than operational. From the perspective of the theory of legal effectiveness put forward by Soerjono Soekanto, this condition reflects a failure in non-substantive aspects, especially social factors and legal culture. Consumers as legal subjects do not have adequate capacity to access available legal mechanisms, either due to limited information, costs, or economic rationality. The losses experienced in the case of Minyak Kita tend to be small individually, so they are not worth the cost and time that must be spent to take legal proceedings. However, when viewed collectively, these losses are massive and systemic. The absence of an effective class action mechanism in practice further strengthens this condition, so that business actors are de facto in a position to be relatively free from civil lawsuits.

The failure of civil liability in the Minyak Kita case also reflects structural inequality in the legal relationship between business actors and consumers. Business actors have control over distribution, information, and prices, while consumers are in a passive position as the final recipient. In this situation, the law that should function as an instrument of correction is actually unable to penetrate the structure of inequality. This is in line with Satjipto Rahardjo's criticism of positive law which is often trapped in formalities, thus losing its transformative power as a tool to achieve substantive justice. On the other hand, the discussion of civil liability cannot be separated from the state's position as the main actor in regulating the distribution of Minyak Kita. Conceptually, the state has a legal obligation to ensure the fair and equitable distribution of basic necessities. This obligation is not only political, but also has a juridical dimension, especially in the framework of a welfare state. In this context, the

state's failure to supervise the distribution of Minyak Kita which resulted in consumer losses can be qualified as a form of negligence in carrying out its legal obligations. In the doctrine of administrative law, such failure can be associated with the concept of maladministration, which is an act or omission in the administration of government that is contrary to the law and detrimental to society. Theoretically, maladministration can be the basis for the emergence of state responsibility, including in the civil realm. However, in Indonesian legal practice, the construction of state liability in the context of consumer protection is still very limited and has not developed significantly. There is no clear and effective mechanism for consumers to sue the state for losses arising from public policy failures.

Thus, the country in the case of Minyak Kita is in a problematic position. On the one hand, the state is a regulator that normatively protects consumers. But on the other hand, the state is also a party that fails to ensure the implementation of these regulations in the field. This condition gives rise to what can be called the "paradox of the state in consumer protection", in which the state is normatively present but functionally absent. Overall, the analysis of civil law liability in the case of irregularities in the distribution of Minyak Kita shows that the main problem does not lie in the vacuum of norms, but in systemic failures in implementation. Business actors can be juridically held accountable, but factually relatively free from prosecution. Meanwhile, the state, which is supposed to be the main guarantor of consumer protection, has not been able to carry out its supervision and law enforcement functions effectively. Thus, consumer protection in the civil realm is still formalistic and has not reached a substantive level of protection. This condition underscores the need for a paradigm reconstruction in civil law accountability, which is not only oriented towards individual dispute resolution, but also able to answer systemic collective losses. Without reforms in mechanisms and approaches, civil liability will continue to lose its relevance as an instrument of consumer protection, and cases such as the irregularities in the distribution of Minyak Kita will continue to recur in the absence of real accountability.

4. CONCLUSION

The above description concludes that the main problem lies in the ineffectiveness of law implementation, not in the lack of regulation. Normatively, Law Number 8 of 1999 concerning Consumer Protection has provided a strong foundation in protecting consumer rights, including the obligation of business actors to ensure the quality, quantity, and fair distribution of goods. However, in practice, various irregularities such as volume reduction, smuggling, sales above the highest retail price, and distribution that are Second, from the perspective of civil liability, business actors can be juridically held accountable based on the principles of unlawful acts and strict liability as stipulated in the UUPK. The irregularities in the distribution of Minyak Kita have met the elements of unlawful acts due to violations of the provisions of laws and regulations, consumer losses, and the causal relationship between these acts and losses. However, this accountability mechanism does not run effectively due to limited consumer access to legal processes, low legal awareness, and the nature of losses that tend to be small individually. As a result, civil liability is only normative with no real implementation. On the other hand, the state as a regulator and supervisor also has a responsibility in ensuring that the distribution of Kita Oil runs in accordance with policy objectives. However, weak supervision, lack of coordination between institutions, and suboptimal law enforcement show that the state has not carried out its functions effectively. This condition results in consumer protection being suboptimal

and tends to be formalistic. Thus, it can be emphasized that consumer protection in the case of Minyak Kita still faces structural and implementation problems. The law is available, but it has not been able to provide substantive protection. Therefore, it is necessary to strengthen the aspects of law enforcement, distribution supervision, and consumer empowerment so that legal accountability does not only stop at the normative level, but is really able to protect the interests of consumers in real terms.

5. BIBLIOGRAPHY

- Amin, Rizal Irvan. "Pendekatan Sosiologi Hukum Dalam Memahami Konflik Peraturan Perundang-Undangan Di Indonesia." *Jurnal Hukum Dan Pembangunan Ekonomi* 8, no. 2 (2021): 156. <https://doi.org/10.20961/hpe.v8i2.49764>.
- Arifuddin, Qadriani, Riswan Riswan, Muhammad Adam HR, Bulkis Bulkis, Abdul Latif, Salma Salma, Hasnawati Hasnawati, A Ariani Hidayat, and Nur Indah. *Metodologi Penelitian Hukum*. PT. Sonpedia Publishing Indonesia, 2025.
- Brand, Kebijakan, Identity Alat, Keputusan Pembelian, and Minyak Goreng. "Jurnal Ekonomi Dan Sosial Pembangunan" 4, no. 1 (2025).
- Eceran, Harga, Tertinggi Het, and Menurut Uu. "Jurnal Commerce Law" 4, no. 2 (2024).
- Helmi, Muhammad Ishar. "Pengaruh Teori Hukum Dan Implementasinya Dalam Sistem Hukum Di Indonesia." *SALAM: Jurnal Sosial Dan Budaya Syar-I* 9, no. 6 (2022): 1859–70. <https://doi.org/10.15408/sjsbs.v9i6.28735>.
- Muhainin. *Metode Penelitian Hukum*. Pertama. Mataram: Mataram University Press, 2020.
- Permana, I Dewa Gede Waisha, and Komang Octaviani Dewi. "URGENSI PENGATURAN PERLINDUNGAN DATA PRIBADI PADA NASABAH DALAM MENANGGULANGI TINDAK PIDANA SKIMMING." *Prosiding Seminar Nasional ...* 1, no. 1 (2021): 86–95.
- Prof.Dr Faisal Santiago, S.H., M.H. *Pengantar Teori Hukum*. 1st ed. Jakarta: Prenadamedia, 2024.
- Safira, Martha Eri. *Hukum Perdata. CV Nata Karya*. Vol. 3, 2017.
- Santoso, Aris Prio Agus. *Hukum Perlindungan Konsumen*. 1st ed. Pustaka Baru Press, 2022.
- Susanto, Lutfi Arif, Universitas Muria Kudus, Kayuapu Kulon, Kabupaten Kudus, and Jawa Tengah. "Teori Hukum Dalam Sistem Hukum Di Indonesia" 8 (2024): 31–44.
- Syafitri, Isdiana, and Atika Sandra Dewi. "Analisis Perlindungan Hukum Terhadap Konsumen Atas Produk Skincare Ilegal." *Juripol* 5, no. 2 (2022): 124–33. <https://doi.org/10.33395/juripol.v5i2.11697>.