

## ***Consumer Protection Against Quantity and Price Fraud in MinyaKita Distribution***

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### ***Abstract***

*This study examines the legal liability of business actors and the effectiveness of consumer protection against double fraud practices in the distribution of MinyaKita cooking oil, involving both quantity reduction and pricing above the government-mandated Highest Retail Price (HET). The research employs a normative juridical method using statutory and case approaches, supported by limited institutional data from the Ministry of Trade, BPN, and YLKI for corroborative purposes. The findings indicate that quantity manipulation and overpricing constitute violations of consumer protection law, legal metrology regulations, and trade policies, giving rise to business actors' liability based on breach of contract, negligence, and semi-strict liability. Nevertheless, consumer protection remains ineffective due to regulatory overlap, weak distribution supervision, limited enforcement authority of the Consumer Dispute Settlement Board (BPSK), and low consumer legal awareness. The novelty of this study lies in its integrated analysis of consumer protection law, legal metrology, and distribution governance in addressing double fraud within a government-regulated commodity program. This study recommends strengthening BPSK's authority, harmonizing regulatory frameworks, and enhancing distribution oversight and transparency to ensure effective and equitable consumer protection.*

**Keywords:** *Consumer Protection; Cooking Oil; Fraud; Legal Liability; Minyakita*

### **1. INTRODUCTION**

Legal protection in Indonesia plays a fundamental role in ensuring consumer welfare, particularly for essential commodities that are widely consumed by the public.<sup>1</sup> Although Law No. 8 of 1999 on Consumer Protection establishes a comprehensive framework governing the rights of consumers and the obligations of business actors, persistent discrepancies between regulatory norms and market realities continue to undermine its effectiveness. One of the most critical issues arises in the distribution of MinyaKita, a government-regulated cooking oil product developed under the Domestic Market Obligation (DMO) scheme to ensure affordability for low-income households.<sup>2</sup>

Despite its policy objectives, MinyaKita's distribution chain exhibits structural weaknesses, including multilayered intermediaries, inadequate oversight, and inconsistent enforcement.<sup>3</sup> These systemic vulnerabilities have enabled widespread *double fraud* a combination of quantity manipulation (net content reduction below metrological tolerance)

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<sup>1</sup> F Wajdi and D Susanti, *Hukum Perlindungan Konsumen* (Setara Press, 2023).

<sup>2</sup> Badan Pusat Statistik, *Statistik Indonesia 2024* (Badan Pusat Statistik, 2024).

<sup>3</sup> A J Karso, *Lintasan Pandangan Mata Yang Remang-Remang Tentang Dilema Indonesia Lumbang Sawit Dunia versus Peran Dan Fungsi Kementerian Perdagangan RI Dalam Menanggulangi Tingginya Dan Langkanya Di Pasaran (Membeli Minyak Goreng via Kartu Tanda Penduduk)* (Eureka Media Aksara, 2023).

and price fraud (sales exceeding the Highest Retail Price/HET).<sup>4</sup> The discovery that products labeled as 1 liter contained only 750-800 ml, alongside persistent price increases above the mandated ceiling, reflects a breakdown in both legal metrology compliance and consumer protection enforcement.<sup>5</sup> Such practices harm consumers, distort market fairness, and erode trust in government subsidy programs.<sup>6</sup>

One of the problematic commodities is MinyaKita, a subsidized cooking oil brand introduced in 2022 by the Ministry of Trade through the domestic market obligation (DMO) mechanism, requiring palm oil producers to allocate part of their production for domestic consumption at a government-regulated price<sup>7</sup>. MinyaKita targets low-income households and micro-enterprise operators.<sup>8</sup> The Minister also identified price discrepancies in the market. Minister of Trade Regulation No. 18 of 2024 provides a clear regulatory framework for palm cooking oil products, while Minister of Trade Decree No. 1028 of 2024 sets the highest retail price (HET) for MinyaKita at IDR 15,700 per liter.<sup>9</sup> However, data recorded by the National Food Agency as of 29 May 2025 shows an average price of IDR 17,234 per liter, still above the legal ceiling. In certain regions, such as South Papua, the price has reached IDR 20,000 per liter, far exceeding the HET. These transactions create a legal relationship between consumers and business actors, raising serious concerns over non-compliance with food labeling standards that must comply with Government Regulation No. 69 of 1999.<sup>10</sup>

Several previous studies have examined consumer legal protection in cases of distribution fraud. Sihite<sup>11</sup> analyzed consumer losses in fuel filling at SPBU Bungkul, Indramayu, and revealed fraud through electronic manipulation of oil measuring devices that increased prices and reduced quantities. Widadi<sup>12</sup> investigated consumer protection against cooking oil hoarding by business actors during crisis periods. Their study

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<sup>4</sup> R Muhemin et al., "Perlindungan Hukum Konsumen Terhadap Kekurangan Takaran Minyak Goreng Kemasan Dalam Perspektif UU Perlindungan Konsumen," *Birokrasi: Jurnal Ilmu Hukum Dan Tata Negara* 3, no. 1 (2025): 48–56, <https://doi.org/10.55606/birokrasi.v3i1.1819>.

<sup>5</sup> R Anggraeni, "Kemendag Ungkap Biang Kerok Harga Minyak Goreng Makin Mahal," *Bisnis.Com*, February 2025, <https://ekonomi.bisnis.com/read/20250218/12/1840444/kemendag-ungkap-biang-kerok-harga-minyak-gor-makin-mahal>.

<sup>6</sup> A A Sulaiman et al., *Sawit Indonesia Dalam Dinamika Pasar Dunia* (Lembaga Ekolabel Indonesia, 2024).

<sup>7</sup> detik.com.

<sup>8</sup> detik.com, "Mentan Temukan 7 Perusahaan Yang Kurangi Takaran Minyakita Di Surabaya," March 2025, <https://www.detik.com/jatim/bisnis/d-7824547/mentan-temukan-7-perusahaan-yang-kurangi-takaran-minyakita-di-surabaya>.

<sup>9</sup> Kementerian Perdagangan Republik Indonesia, "Peraturan Menteri Perdagangan Nomor 6 Tahun 2022 Tentang Penetapan Harga Eceran Tertinggi (HET) Minyak Goreng Sawit," 2022.

<sup>10</sup> D D Y Tarina, S M D Hutabarat, and M Sakti, "Implementation of Labeling Standards for Food Packaging Products in Indonesia," *International Journal of Multicultural and Multireligious Understanding* 6, no. 1 (2019): 1–20, <https://doi.org/10.18415/ijmmu.v6i1.586>.

<sup>11</sup> R S Sihite, E Wahjuni, and N K Sari, "Perlindungan Hukum Terhadap Konsumen Atas Kerugian Pengisian Bahan Bakar Minyak Di SPBU Bungkul Kabupaten Indramayu," *Mimbar Yustitia* 6, no. 1 (2022): 1–19, <https://doi.org/10.52166/mimbar.v6i1.3167>.

<sup>12</sup> L Z S Widadi and Kurniawan, "Perlindungan Hukum Bagi Konsumen Terhadap Penimbunan Minyak Goreng Oleh Pelaku Usaha Pada Masa Krisis," *Commerce Law Journal* 3, no. 1 (2023): 154–59, <https://doi.org/10.29303/commercelaw.v3i1.2799>.

highlighted that hoarding directly caused price increases and limited access to basic needs, violating Articles 29 and 107 of the Trade Law. Although it offered insights into hoarding as a form of distribution fraud, the research focused mainly on the supply-side behavior of business actors, without addressing direct consumer losses from quantity and price manipulation in retail transactions. Halizah and Baidhowi<sup>13</sup> found that strict government oversight, consumer education, and stronger law enforcement are essential to prevent the circulation of adulterated cooking oil. Synergy among regulators, business actors, and society is crucial to ensuring fair transactions in accordance with Sharia principles and consumer protection laws.

Given these conditions, this study identifies two core legal issues that must be addressed. The first concerns the determination of business actors' legal liability when both quantity and price fraud occur simultaneously within a government-regulated distribution system. The second relates to the effectiveness of Indonesia's consumer protection mechanisms in responding to such violations and the extent to which institutional and regulatory weaknesses hinder enforcement. Existing scholarship provides important insights into fraudulent distribution practices, yet it remains limited in scope. Prior studies by Sihite focus on the manipulation of fuel-measuring instruments, while Widadi examines hoarding practices that lead to price instability, and research by Halizah and Baidhowi highlights the role of consumer education and oversight failures in the circulation of adulterated cooking oil. However, these studies address fraud in a single dimension and do not explore the simultaneous occurrence of quantity fraud and price fraud, nor do they consider how structural vulnerabilities within the MinyaKita supply chain contribute to systemic non-compliance. Moreover, earlier studies have not examined the enforcement gap between the formal legal framework, particularly in relation to legal metrology, food labeling standards, and consumer protection norms, and the practical constraints faced by institutions such as BPSK, BPKN, and the Ministry of Trade. This research fills these gaps by integrating perspectives from consumer protection law, legal metrology, and distribution governance to provide a multidimensional analysis of double fraud within a government-mandated commodity program. Through this integrated approach, the study seeks to uncover the structural causes of regulatory failure and formulate legal and institutional reforms necessary to strengthen consumer protection in Indonesia.

This study provided empirical evidence of retail-level fraud but remained confined to regional fuel transactions and did not consider broader food safety implications relevant to cooking oil as a national staple commodity. First, this study specifically discusses double fraud in the distribution of MinyaKita cooking oil, focusing on quantity reduction and pricing above the Maximum Retail Price (MRP), a unique phenomenon that only occurs in

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<sup>13</sup> A N Halizah and B Baidhowi, "Penjualan Minyak Oplosan Dalam Perspektif Hukum Ekonomi Syariah Dan Perlindungan Konsumen: Studi Kasus Minyakita," *Jurnal Akademik Ekonomi Dan Manajemen* 2, no. 2 (2025), <https://doi.org/10.61722/jaem.v2i2.4989>.

government subsidy programs and has not been comprehensively studied before. Second, this study takes a multidimensional approach, analyzing not only economic factors but also food safety issues, in line with the Consumer Protection Law, which distinguishes it from previous studies that focused on a single aspect of fraud, such as hoarding or quantity manipulation.”

The study contributed to understanding the *modus operandi* of fraud in distribution systems but was limited to the fuel sector and did not explore staple food commodities such as cooking oil, which involve distinct health and safety concerns. Although it offered insights into hoarding as a form of distribution fraud, the research focused mainly on the supply-side behavior of business actors, without addressing direct consumer losses from quantity and price manipulation in retail transactions.

Based on the problems identified above, this research examines two core legal issues: (1) the responsibility of business actors who commit fraud by reducing the amount of cooking oil and setting prices that do not comply with the highest retail price; and (2) legal protection for consumers against fraudulent business conduct involving quantity reduction and overpricing of cooking oil.

## **2. METHOD**

This study employs a normative juridical research design, which is appropriate since the analysis focuses on legal norms governing consumer protection, legal metrology, and trade regulation in relation to fraudulent practices found in the distribution of MinyaKita cooking oil. Within this design, the research examines the consistency, adequacy, and enforceability of the relevant legal framework by interpreting statutory provisions and assessing their application to the confirmed case of double fraud involving quantity reduction and pricing above the Highest Retail Price (HET).

The normative juridical method is implemented through two analytical approaches, namely the statutory approach and the case approach. The statutory approach is used to interpret and examine the legal provisions contained in Law No. 8 of 1999 on Consumer Protection, Law No. 7 of 2014 on Trade, the Law on Legal Metrology, Minister of Trade Regulation No. 18 of 2024, and Minister of Trade Decree No. 1028 of 2024. This approach enables an assessment of how these norms regulate net content accuracy, price control mechanisms, business actors' obligations, and government supervisory authority. The case approach is applied to the documented instance of MinyaKita fraud, using it as a legal fact pattern to evaluate the extent of non-compliance and to test the effectiveness of existing regulatory instruments when confronted with simultaneous quantity and price violations.

The data used in this research consist of primary, secondary, and tertiary legal materials. Primary legal materials include statutory regulations, ministerial decrees, and official government documents forming the binding legal basis for consumer protection. Limited interviews with the Directorate General of Consumer Protection and Trade Compliance (PKTN), the National Consumer Protection Agency (BPKN), and the

Indonesian Consumers Foundation (YLKI) are employed solely as supporting data to clarify institutional perspectives and enforcement challenges; their function is corroborative rather than constituting the empirical core of the study. Secondary legal materials comprise academic books, legal journals, scholarly articles, and previous research related to consumer protection, metrology, and trade regulation. Tertiary legal materials include dictionaries of law, legal encyclopedias, and other reference tools that assist in clarifying terminology and guiding the interpretation of primary and secondary sources.

This methodological structure ensures that the analysis remains grounded in normative legal reasoning while also being contextualized through supplementary institutional insights relevant to the governance of MinyaKita distribution.

### **3. RESULTS AND DISCUSSION**

#### **3.1 The Responsibility Of Business Actors Who Commit Fraud By Reducing The Amount Of Cooking Oil And Setting Prices That Do Not Comply With The Highest Retail Price**

The distribution system of cooking oil in Indonesia involves multiple actors within the supply chain, including producers, distributors, agents, traders, and retailers. Minister of Trade Regulation No. 18 of 2024 concerning Packaged Palm Cooking Oil and the Governance of People's Cooking Oil not only stipulates the highest retail price (HET) of MinyaKita at IDR 15,700 per liter for end consumers but also establishes a tiered pricing structure across each level of distribution to ensure fair and proportional profit margins among the actors involved.<sup>14</sup> Under this regulation, the pricing scheme is set as follows: the selling price from producers to primary distributors (D1) is IDR 13,500 per liter with a profit margin of IDR 500; from D1 to secondary distributors (D2) at IDR 14,000 per liter with a margin of IDR 500; from D2 to retailers at IDR 14,500 per liter with a margin of IDR 500; and finally, from retailers to consumers at IDR 15,700 per liter with a margin of IDR 1,200. This structured pricing mechanism is designed to maintain transparency, fairness, and economic balance throughout the distribution chain, ensuring that no party is unduly disadvantaged and that consumer protection and price stability are preserved.

In practice, the implementation of these regulations continues to face systemic challenges. Retail prices frequently exceed the government-determined HET, undermining the intended transparency and fairness. According to interviews conducted with the Directorate General of Consumer Protection and Trade Compliance at the Ministry of Trade, represented by Ms. Melisa, price surges often originate early in the supply chain, as distributors sell to agents at prices already above the HET. This problem is further exacerbated by the participation of unregistered traders or brokers, whose speculative

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<sup>14</sup> Harianto, "Pendistribusian Minyakita Melalui Pasar Rakyat, Bukan Ritel Modern," *Kompas*, August 2024, <https://www.kompas.id/artikel/en-pendistribusian-minyakita-melalui-pasar-rakyat-bukan-ritel-modern>.

interventions distort market dynamics and unreasonably raise prices, thereby limiting the government's ability to maintain control over distribution and pricing.<sup>15</sup>

Another significant contributing factor is the restriction on export quotas, which affects domestic supply levels. Despite the existence of a Domestic Market Obligation (DMO), the guaranteed supply of 160-170 thousand tons remains substantially below the national demand, which is estimated at approximately 257 thousand tons.<sup>16</sup> Mr. Moga Simatupang, Director General of Consumer Protection and Trade Compliance, confirmed that this supply-demand gap creates opportunities for market speculation and unreasonable pricing. As a result, consumer prices are frequently driven far above the established HET, undermining regulatory objectives and eroding public confidence in government oversight.<sup>17</sup>

A prominent example of such legal accountability is the prosecution of Sukiman, owner of UD Jaya Abadi in Surabaya, implicated in the MinyaKita fraud case. Court proceedings revealed that the defendant had repackaged cooking oil obtained outside the official Domestic Market Obligation (DMO) supply chain and reduced the content to between 750-890 ml while labeling it as one liter. This discrepancy, exceeding the legally permissible maximum error of 15 ml under Indonesia's legal metrology standards, demonstrates clear intentional wrongdoing (*mens rea*). The court concluded that Sukiman's actions satisfied the elements of criminal fraud, thereby establishing criminal liability rather than merely administrative or civil responsibility.

This scenario illustrates that violations of the highest retail price (HET) and instances of quantity fraud are not merely the product of individual non-compliance by business actors, but also reflect structural shortcomings within regulatory frameworks that fail to fully anticipate, accommodate, or adapt to on-the-ground operational realities. Factors such as insufficient fixed profit margins at each distribution level, logistical challenges in remote areas, and the active participation of unregistered traders exacerbate market inefficiencies and create systemic pressures that incentivize deviations from mandated prices and product standards. While these contextual factors help explain the prevalence of such violations, they do not absolve business actors of legal responsibility.<sup>18</sup>

Product liability, as a legal concept, refers to the accountability imposed upon business actors for damages suffered by consumers due to the products they manufacture or distribute. Originating in common law jurisdictions and later incorporated into civil law

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<sup>15</sup> B Silitonga, "Dampak Kebijakan Kenaikan Harga Minyak Goreng Rakyat Terhadap Distributor Di DKI Jakarta," *Eduturisma: Jurnal Ilmiah Pendidikan Dan Pariwisata* 9, no. 1 (2024), <https://doi.org/10.70157/e.v9i1.2634>.

<sup>16</sup> CNN Indonesia, "Mendag Tegaskan Minyakita Bukan Minyak Goreng Subsidi," March 2025, <https://www.cnnindonesia.com/ekonomi/20250313143342-92-1208448/mendag-tegaskan-minyakita-bukan-minyak-goreng-subsidi>.

<sup>17</sup> CNN Indonesia.

<sup>18</sup> Y Pradana, "MinyaKita: Analisis Risiko Kesejangan Harga Dan Implementasi Kebijakan," *Kumparan*, April 2025, <https://kumparan.com/yudha-pradana-1634278296876061167/minyakita-analisis-risiko-kesejangan-harga-dan-implementasi-kebijakan-24vxj29w1kn/3>.

systems, including Indonesia, product liability has been formally codified in Law No. 8 of 1999 on Consumer Protection.<sup>19</sup>

In the context of the MinyaKita case, business actors liability may arise under three primary doctrines recognized within Indonesian consumer protection law: liability based on negligence, where harm results from a failure to exercise due care in production or distribution; strict liability, or semi-strict liability as applied in Indonesia, where a producer may be held responsible for defects regardless of intent or negligence; and liability for breach of contract (*wanprestasi*), which occurs when a product fails to meet the standards or contractual terms agreed upon with the consumer.<sup>20</sup>

First, negligence liability arises when business actors fail to meet the standard of care required in ensuring accurate labeling, proper metrological compliance, and adherence to distribution regulations.<sup>21</sup> Under Articles 1365-1366 of the Civil Code, negligence consists of four elements: an act, fault, loss, and causation. In the MinyaKita case, intentional or reckless reduction of net content and disregard for HET obligations constitute acts that clearly fail to satisfy the required level of prudence. The financial loss borne by consumers due to the discrepancy between labeled and actual volume establishes a direct causal relationship that fulfills the legal requirements of negligence. The systematic nature of underfilling, often justified by repackers as an economic “necessity,” cannot serve as an exculpatory factor because Indonesian tort law does not recognize economic pressure as a defense to unlawful conduct.<sup>22</sup>

Second, strict liability, as articulated in Article 19(1) of Law No. 8 of 1999 and strengthened by the reversed burden of proof under Article 28, obligates business actors to compensate consumers for harm caused by defective products regardless of fault.<sup>23</sup> Though Indonesia adopts a semi-strict liability model, the reduction of product quantity constitutes a form of product defect because the good fails to meet statutory, informational, and reasonable consumer expectations. Underfilling beyond the tolerance of 15 ml prescribed by the legal metrology regime qualifies as a defect both in quality and representation, thereby triggering strict liability. This doctrine is designed to address information asymmetry and the imbalance of bargaining power challenges that are particularly acute in government-subsidized commodities such as MinyaKita.<sup>24</sup>

Third, liability for breach of contract (*wanprestasi*) derives from Article 1338 of the Civil Code and the principle of good faith in contractual relationships.<sup>25</sup> Every commercial transaction, including the sale of MinyaKita, establishes an implicit agreement that goods

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<sup>19</sup> J Gunawan, *Hukum Pertanggungjawaban Produk* (Citra Aditya Bakti, 2023).

<sup>20</sup> Pradana, “MinyaKita: Analisis Risiko Kesejangan Harga Dan Implementasi Kebijakan.”

<sup>21</sup> N Ihwanudin et al., eds., *Hukum Perlindungan Konsumen* (Indonesia: Widina Media Utama, 2025).

<sup>22</sup> Direktorat Jenderal Perlindungan Konsumen dan Tertib Niaga, Kementerian Perdagangan RI, “Wawancara Pribadi Dengan Penulis,” July 2025.

<sup>23</sup> Yayasan Lembaga Konsumen Indonesia (YLKI), “Wawancara Pribadi Dengan Penulis,” July 2025.

<sup>24</sup> Ihwanudin et al., *Hukum Perlindungan Konsumen*.

<sup>25</sup> Ihwanudin et al.

delivered will correspond to their description and comply with legal standards. Providing products with reduced volume or selling above the HET constitutes a violation of this implicit contractual term. Article 19(2) of the Consumer Protection Law articulates the consumer's right to material compensation, such as refunds, replacement goods, or reimbursement for quantity deficiencies. However, Article 19(3) limits the timeframe for fulfilling such obligations to seven days, a provision that has been criticized in legal scholarship for disadvantaging consumers who may not immediately detect quantity fraud.<sup>26</sup>

A further dimension concerns the normative critique of the HET policy itself. While intended to stabilize prices, the HET mechanism has inadvertently created structural disincentives for compliance.<sup>27</sup> Fixed and narrow profit margins across distribution layers fail to consider logistics variations, particularly in remote areas. This margin structure, combined with the presence of unregistered intermediaries, fosters economic pressures that encourage deviations from legal requirements. Although these systemic factors help explain the conditions under which fraud occurs, they do not diminish the legal responsibility of business actors. Instead, they highlight the necessity of revisiting state regulatory design to ensure that compliance is both legally enforceable and economically feasible<sup>28</sup>

Overall, the legal framework governing consumer protection, legal metrology, and trade provides a comprehensive basis for attributing liability to business actors engaged in *double fraud*. Nevertheless, the persistence of such violations indicates that legal norms alone are insufficient without stronger enforcement, clearer regulatory alignment, and structural reforms capable of addressing the root causes of non-compliance.<sup>29</sup>

### **3.2 Legal Protection for Consumers Against Fraudulent Business Conduct Involving Quantity Reduction and Overpricing of Cooking Oil**

Legal protection for consumers in the MinyaKita double fraud case operates within three interrelated dimensions, preventive, curative, and repressive, each designed to safeguard consumers from misleading practices involving reduced product quantity and pricing above the Highest Retail Price (HET). Preventive protection is embedded in statutory norms requiring accuracy in labeling, measurement, and pricing. Articles 7 and 8 of the Consumer Protection Law obligate business actors to provide truthful and precise information regarding net content and prohibit the sale of goods not in accordance with stated measurements. These obligations are reinforced by Law No. 2 of 1981 on Legal Metrology, which mandates adherence to permissible maximum errors and accurate

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<sup>26</sup> S Irawan, D Guntara, and M Abas, "Penyelesaian Sengketa Konsumen Dan Kepastian Hukum Putusan Badan Penyelesaian Sengketa Konsumen," *Collegium Studiosum Journal* 6, no. 2 (2023): 1–12, <https://doi.org/10.56301/csj.v6i2.1081>.

<sup>27</sup> Badan Perlindungan Konsumen Nasional (BPKN), "Wawancara Pribadi Dengan Penulis," May 2025.

<sup>28</sup> R A Annaba, S Susilowati, and A Suwandono, "Tanggung Jawab Pelaku Usaha Atas Pencantuman Informasi Tidak Benar Berdasarkan Undang-Undang Perlindungan Konsumen," *Comserva: Journal of Community Service and Empowerment* 3, no. 7 (2023): 2716–26, <https://doi.org/10.59141/comserva.v3i07.1047>.

<sup>29</sup> RHP Law Firm, "Kerugian Immateriil Di Dalam Hukum," July 2024, <https://rhp-lawfirm.com/2024/07/19/kerugian-immateriil-di-dalam-hukum/>.

prepackaged labeling.<sup>30</sup> In the MinyaKita context, labeling one liter while delivering only 750-800 milliliters constitutes a clear breach of these preventive standards, as does selling cooking oil above the mandatory HET determined by the Ministry of Trade. Although these legal provisions are robust on paper, their preventive function has been undermined by fragmented supervision, unregistered traders entering the supply chain, and weak coordination between PKTN, BPKN, and the Directorate of Metrology, leading to a significant enforcement gap at the earliest stages of distribution.<sup>31</sup>

Curative protection serves as a remedial mechanism for consumers who have suffered losses. Under Articles 45 and 46 of the Consumer Protection Law, affected consumers may pursue remedies through litigation, class actions, or out-of-court mechanisms. The Consumer Dispute Settlement Board (BPSK) is authorized to facilitate conciliation, mediation, and arbitration, and to provide legal consultation. However, its curative role is constrained by institutional limitations: BPSK lacks the power to compel business actors to appear before the tribunal, its decisions do not possess robust binding force, and compliance levels remain low. In the MinyaKita case, these weaknesses have been compounded by low consumer reporting rates and limited admissible evidence, as confirmed by YLKI and BPKN, resulting in minimal formal complaints despite widespread harm. Consumer organizations such as YLKI can monitor complaints and provide advocacy, but their role remains predominantly advisory, insufficient to ensure effective curative outcomes in large-scale fraud incidents.

Repressive protection concerns the imposition of sanctions aimed at deterring future violations. The Consumer Protection Law permits criminal and administrative penalties, including fines, imprisonment, product recalls, license revocation, and the closure of offending businesses. Additional sanctions are available under the Trade Law and the Industry Law for fraudulent conduct in regulated commodities. Yet the effectiveness of these repressive measures is compromised by limited enforcement authority at the institutional level. Unlike Singapore's Competition and Consumer Commission (CCCS), which possesses direct supervisory and punitive powers, including the ability to impose mandatory refunds, corrective orders, and administrative fines, Indonesia's BPSK cannot independently enforce sanctions or compel compliance. This contrast highlights the structural weakness of Indonesia's enforcement regime, which relies heavily on moral suasion rather than direct coercive authority. As a result, violations such as quantity reduction and price inflation persist because sanctions remain insufficiently deterrent,

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<sup>30</sup> Kementerian Perdagangan Republik Indonesia, "Naskah Akademik Rancangan Undang-Undang Tentang Perubahan Kedua Atas Undang-Undang Nomor 2 Tahun 1981 Tentang Metrologi Legal" (Kementerian Perdagangan RI, 2024).

<sup>31</sup> P A O Apandy, Melawati, and P Adam, "Pentingnya Hukum Pelindungan Konsumen Dalam Jual Beli," *Jurnal Manajemen Dan Bisnis* 3, no. 1 (2021): 12–20, <https://doi.org/10.53825/jmbjayakarta.v3i1.85>.

enforcement remains inconsistent, and regulatory bodies lack coordinated authority across the supply chain.<sup>32</sup>

Overall, although Indonesia's normative framework for consumer protection appears comprehensive, the MinyaKita case exposes a persistent and systemic enforcement gap. Consumers rarely report violations due to limited legal awareness and low confidence in dispute resolution pathways; many business actors participating in the distribution chain are unregistered or operate informally, making oversight difficult; and institutional coordination between PKTN, BPKN, BPSK, and trade regulators remains fragmented. These structural weaknesses illustrate how *de jure* consumer rights fail to translate into *de facto* protection, underscoring the urgent need for enhanced enforcement capacity, stronger institutional mandates, clearer supervisory coordination, and more responsive sanctioning mechanisms to prevent recurring fraud in essential commodity distribution.<sup>33</sup>

Government efforts to address these enforcement gaps have involved a combination of administrative guidance and regulatory outreach. Notably, Circular Letter No. 03/2025, issued by the Ministry of Trade, mandates the display of the highest retail price (HET) on MinyaKita products and encourages strict compliance with packaging and labeling standards. Simultaneously, the Directorate of Metrology has conducted targeted interventions to reinforce measurement accuracy and proper labeling for prepackaged goods. Despite these initiatives, the effectiveness of enforcement continues to be constrained by systemic challenges. These include limited institutional capacity, insufficient deterrent sanctions, fragmented oversight across the supply chain, and low public awareness of consumer rights, which collectively hinder the realization of the protective objectives enshrined in Law No. 8 of 1999 on Consumer Protection.

To strengthen Indonesia's consumer protection regime and address these structural deficiencies, several reforms are imperative. First, revising Article 52 of the Consumer Protection Law to enhance the enforcement authority of the Consumer Dispute Settlement Board (BPSK) would enable the institution to issue binding decisions, impose penalties, and compel compliance by business actors. Such a reform would transform BPSK from a predominantly advisory and conciliatory body into a more effective enforcement mechanism capable of addressing systemic violations. Second, market supervision should be intensified across both the retail and upstream distribution levels to ensure prompt detection of non-compliance and to prevent cascading harms to consumers. Third, consumer legal education programs must be expanded to improve public awareness of rights and facilitate access to both litigation and alternative dispute resolution mechanisms, particularly in cases involving large-scale or systemic misconduct such as the MinyaKita

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<sup>32</sup> R Rimanda, "Keberadaan Badan Penyelesaian Sengketa Konsumen (BPSK) Sebagai Lembaga Quasi Yudisial Di Indonesia," *Jurnal Bina Mulia Hukum* 4, no. 1 (2019), <https://doi.org/10.23920/jbmh.v4n1.2>.

<sup>33</sup> Irawan, Guntara, and Abas, "Penyelesaian Sengketa Konsumen Dan Kepastian Hukum Putusan Badan Penyelesaian Sengketa Konsumen."

distribution fraud. Finally, sanctions must be applied consistently and proportionally to deter future violations, ensuring that statutory norms are translated into meaningful protections in practice rather than remaining theoretical obligations.

The MinyaKita case underscores the critical need for coordinated, multi-stakeholder action involving government authorities, consumer protection institutions, business actors, and civil society. Effective consumer protection requires a systemic synergy that guarantees compliance with statutory obligations while ensuring the tangible realization of consumer rights in daily market transactions. Without such comprehensive measures, existing legal protections remain largely aspirational, leaving consumers exposed to fraudulent practices, pricing irregularities, and product quantity discrepancies. These persistent gaps not only undermine public trust in essential goods supply chains but also weaken confidence in the broader regulatory and governance framework necessary to sustain fair and transparent commercial practices.

#### 4. CONCLUSION

This study concludes that quantity reduction and pricing above the HET in MinyaKita distribution constitute serious violations of consumer protection and legal metrology laws, establishing business actors' liability under breach of contract, negligence, and semi-strict liability. Despite the existence of a comprehensive legal framework, consumer protection remains ineffective due to weak supervision, fragmented institutional authority, limited enforcement power of the Consumer Dispute Settlement Board, and low consumer legal awareness. The novelty of this research lies in revealing the systemic nature of double fraud in a government-regulated commodity through a multidimensional analysis linking legal norms, institutional capacity, and distribution governance. Accordingly, strengthening BPSK's enforcement authority, harmonizing regulatory instruments, and reforming distribution oversight mechanisms are essential to ensure legal certainty, substantive justice, and effective consumer protection..

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