



Policy Brief

How Much Has the Nation Lost from Adulterated Pertamax?

A Recap of Public Complaints
and Modelling Consumer Loss



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CELIOS

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Cover Photo

CELIOS Documentation, 2025.

Key Findings

- 1** Approximately 86.43% of consumers reported experiencing economic losses due to being forced to purchase higher-priced fuel (RON 92) for products that should have been priced lower (RON 90).
- 2** Around 55.25% of consumers suffered material damage caused by vehicle breakdowns after using adulterated fuel.
- 3** An estimated 45.5% of consumers incurred repair costs ranging from IDR1 to 5 million due to vehicle damage.
- 4** About 37% of consumers stated that the money spent on repairing vehicle damage could have otherwise been used to meet essential needs.
- 5** The total estimated public loss resulting from fuel adulteration in 2023 reached approximately IDR47.6 billion per day, amounting to around IDR1.42 trillion per month, or IDR17.4 trillion annually.
- 6** Corruption and fuel adulteration practices led to a Gross Domestic Product (GDP) reduction of IDR13.35 trillion in 2023.
- 7** Public income declined by IDR13.24 trillion in 2023, while business profits saw a significant drop of IDR9.25 trillion.

8 If fuel adulteration is proven, Pertamina would not only be in breach of its obligations as a business entity, but it could also face legal sanctions under the Consumer Protection Act. Consumers are entitled to compensation and reimbursement for substandard fuel, as stipulated in Article 19, Paragraph (1) of the Consumer Protection Act.

9 The alleged adulteration of Pertamina is not merely a case of fraudulent business practices; it constitutes a serious violation of consumer rights. If substantiated, this case could set an important legal precedent, opening the door for a class action lawsuit to hold Pertamina accountable.

10 This issue extends beyond compensation; it also raises critical concerns about the accountability of national energy policy. A citizen lawsuit may provide a pathway for the public to demand systemic reforms, ensuring that similar practices do not recur in the future.



Background

The case involving Pertamina has far-reaching implications, extending beyond the state's financial losses from discrepancies in fuel subsidies and compensation. Consumers are evidently disadvantaged, having to pay a premium for Pertamax fuel despite its lower actual Research Octane Number (RON). This situation signals a resurgence of the "Oil and Gas Mafia," now operating through even more complex mechanisms.

First, there are reported cases of crude oil from Production Sharing Contract (PSC) contractors being rejected by Pertamina's refineries on the grounds of not meeting specification standards. Second, this has opened the door to importing low-RON fuel, increasing the risk of excessive fuel imports that threaten the state budget (APBN). Third, there have been instances of fuel blending (adulteration) that do not comply with existing regulations. In response to these concerning developments, LBH Jakarta and CELIOS have jointly established a consumer complaint post for those who have suffered losses from this so-called "Oil and Gas Mafia Volume II."

Historically, the issue of low-RON fuel manipulation is not unprecedented. There was a time when low-octane fuel, specifically RON 88, dominated the market due to limited fuel product availability. Premium (RON 88) became the primary fuel used by the public because it was heavily subsidized and thus affordable. However, as global oil prices rose and fiscal pressure mounted, the Indonesian government began to reduce fuel subsidies—starting in the early 2000s.

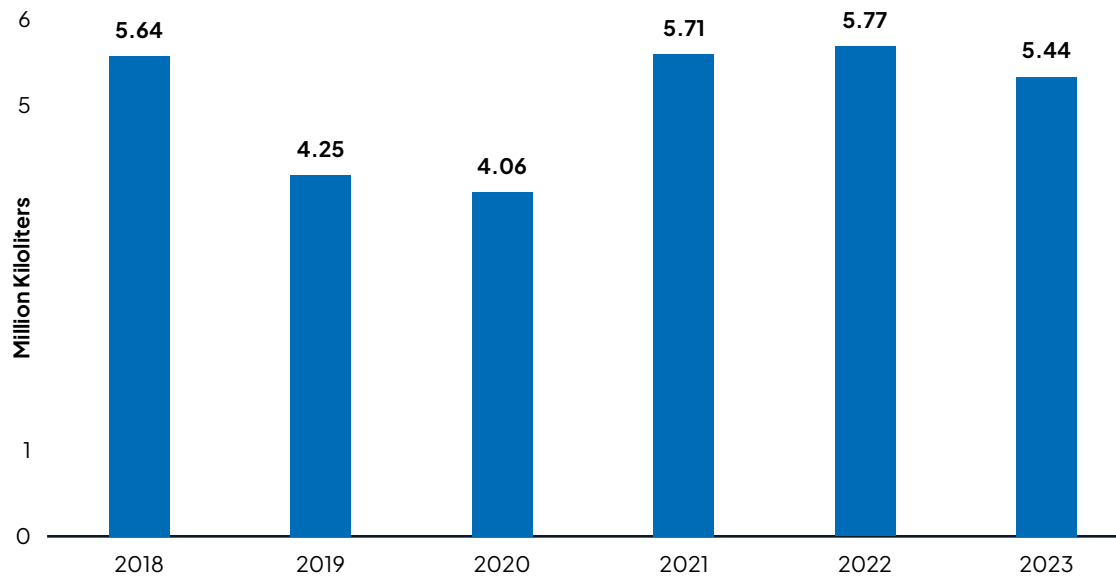
RON 88 imports also featured prominently during the first wave of the Oil and Gas Mafia scandal, in which Pertamina imported RON 88 through Pertamina Energy Services Pte. Ltd

(PES), within the supply chain of Pertamina Energy Trading Ltd (Petral). Between 2010 and 2013, suspects in the case were involved in bribery schemes related to RON 88 imports, resulting in significant financial losses for the state. At that time, Indonesia was also heavily dependent on RON 88 fuel, while many other countries had already transitioned to higher-octane alternatives.

Pertamax (RON 92) was first introduced on December 10, 1999, as a replacement for earlier products such as Premix (1994) and Super TT (1998), due to concerns over the environmental impact of MTBE content. With a minimum octane rating of 92 and compliance with international standards, Pertamax was designed for vehicles with compression ratios of 10:1 to 11:1, particularly those utilizing Electronic Fuel Injection (EFI) technology. Over time, Pertamina expanded its product line to include Pertamax Plus (RON 95) in 2003 and Pertamax Turbo (RON 98) in 2016 to meet the demands of high-performance engines.

Indonesia's energy policy has also influenced Pertamax usage. Since President Joko Widodo's administration began in 2015, fuel subsidies have been significantly reduced, prompting a shift in consumption from Premium to Pertamax. As the country's population and industrial activities continue to grow, annual fuel consumption has increased accordingly. The quality of fuel has become increasingly critical, as it directly affects engine efficiency, performance, and environmental sustainability. Higher-octane fuels such as Pertamax (RON 92) provide cleaner and more efficient combustion, which is essential for reducing emissions and prolonging engine life.

Chart 1.

Consumption of RON 92 Fuel by Pertamina and Private Companies

Source: Ministry of Energy and Mineral Resources and Others, 2025.

In 2018, the consumption of RON 92 fuel in Indonesia reached 5.64 million kiloliters. Although there was a decline in consumption to 4.25 million kiloliters in 2019, followed by a further decrease to 4.06 million kiloliters in 2020, a recovery trend became evident in the following years. Consumption rebounded to 5.71 million kiloliters in 2021 and peaked at 5.77 million kiloliters in 2022. However, in 2023, consumption slightly declined to 5.44 million kiloliters. This fluctuating trend reflects the dynamic nature of the fuel market, which is highly responsive to economic and regulatory factors, and highlights the importance of maintaining high fuel quality standards to support energy efficiency and environmental sustainability.

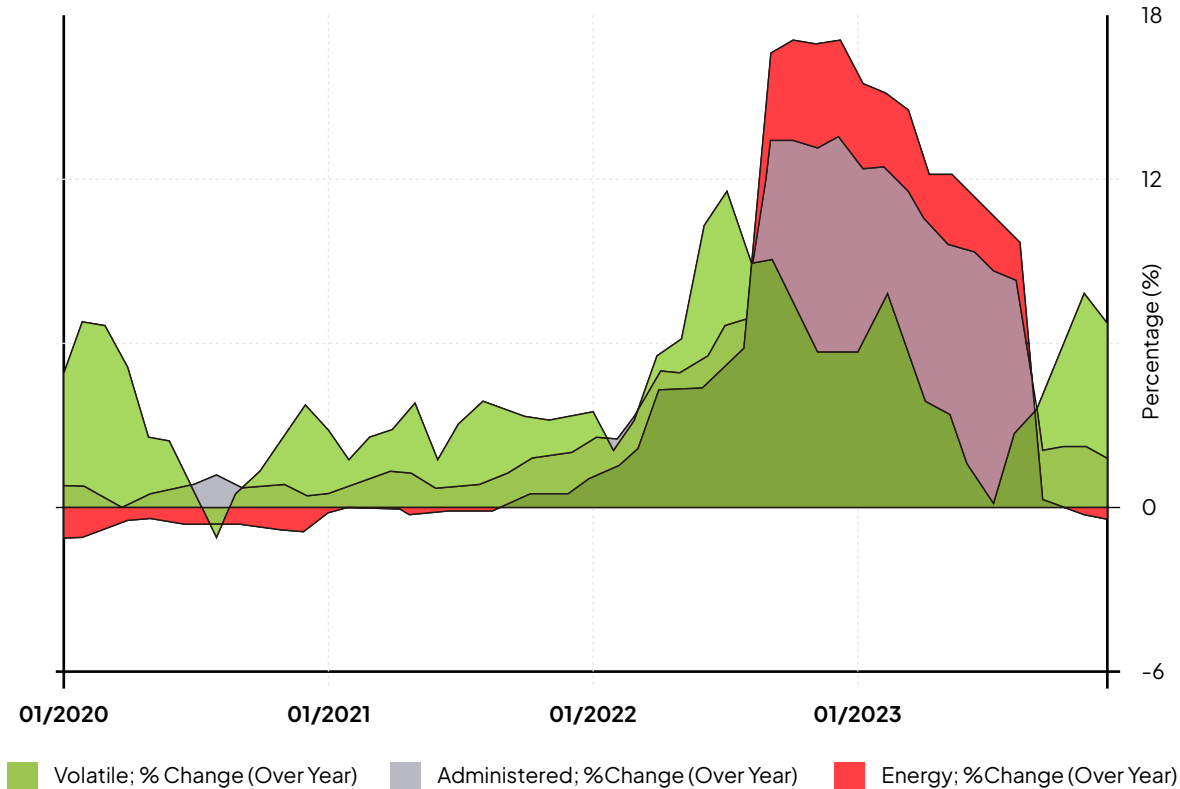
During the adulterated Pertamina case from 2018 to 2023, crude oil prices experienced a significant decline between 2018 and 2020. In principle, during such periods of falling oil prices, consumers should have benefited from lower prices for RON 92 fuel, in line with

market-based (non-subsidized) pricing mechanisms. However, due to illegal blending practices that violated existing regulations, consumers were forced to pay inflated prices despite the downward trend in oil prices.

Between 2020 and 2023, energy-related inflation components surged, surpassing other inflation contributors. Although the increase in global crude oil prices played a role, the adulteration of Pertamina further exacerbated inflationary pressure due to artificially high fuel prices. This indicates that unlawful fuel practices not only harmed consumers directly but also contributed to broader macroeconomic instability.

Graph 2.

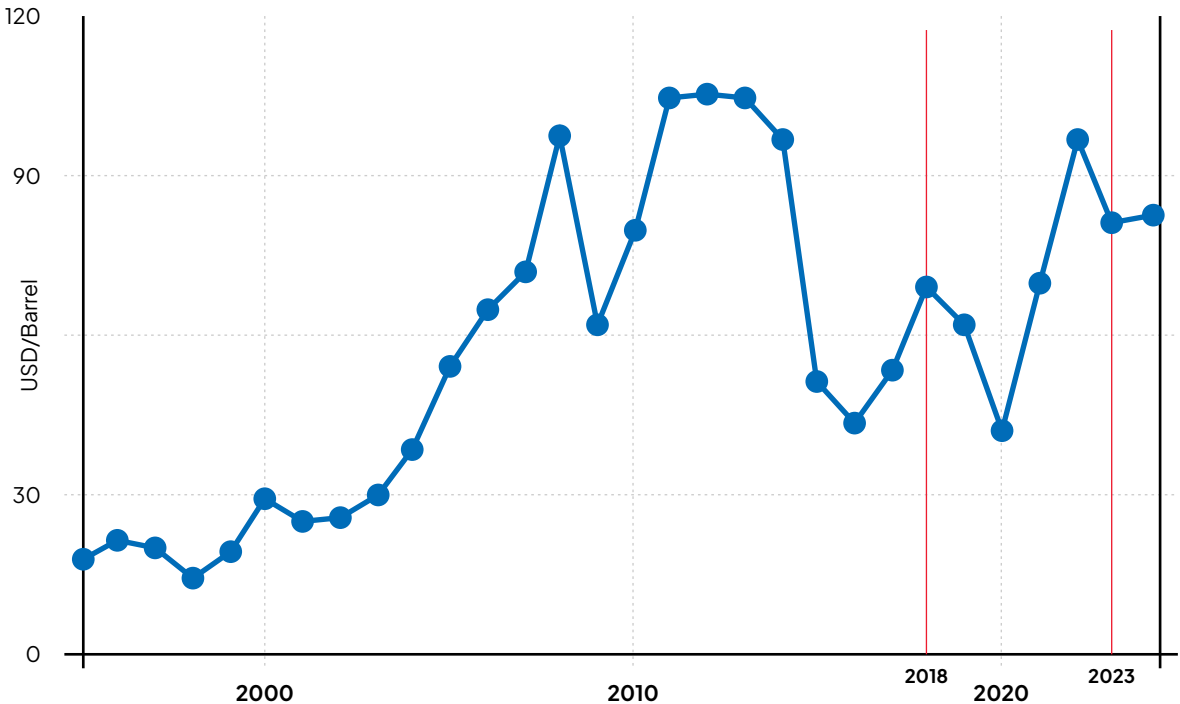
Inflation of Volatile Goods, Government-Regulated Prices, and Energy (2020–2024)



Source: CEIC, Statistics Indonesia (BPS), 2025.

Graph 3.

Crude Oil Price Trends from 1995 to 2024



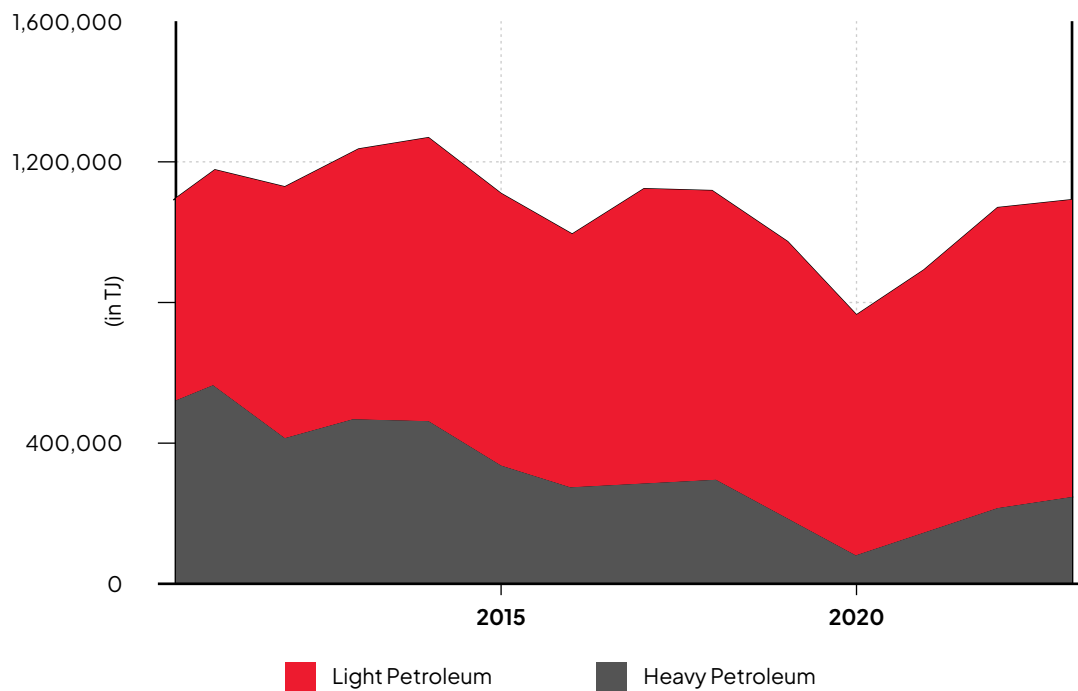
Source: CEIC, 2025.

In 2023, Indonesia imported more than 50% of its total crude oil requirements, with the total volume of crude oil imports reaching a five-year record high. This period of heightened crude oil and fuel imports cannot be separated from the influence of importer

manipulation. In effect, Indonesia was compelled to import fuel that did not align with its actual domestic needs—specifically, low-RON fuel that failed to meet the appropriate standards.

Graph 4.

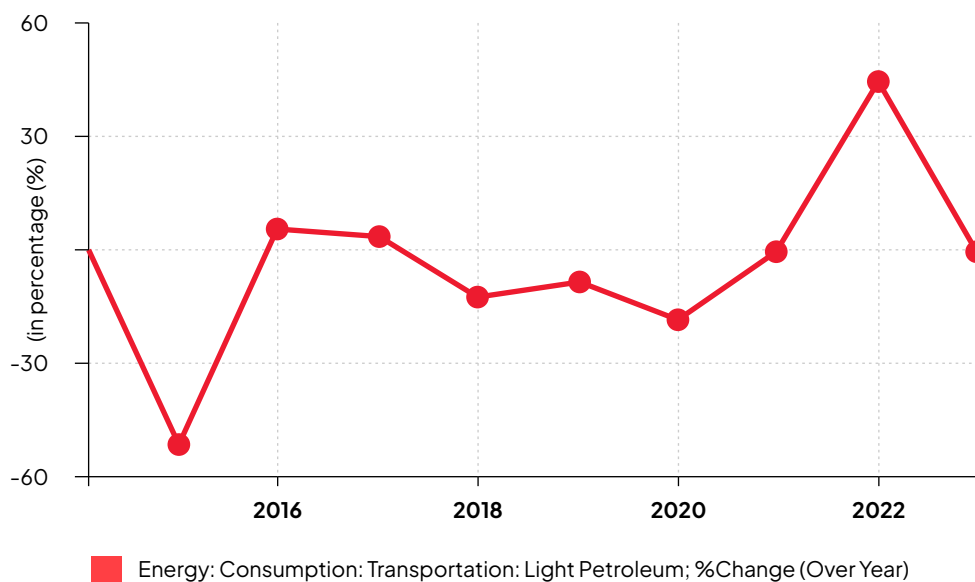
Crude Oil Import Volume from 2011 to 2023



Source: CEIC, BPS 2025.

Graph 5.

Fuel Consumption for the Transportation Sector (2014–2023)



Source: CEIC, BPS 2024.

Fuel consumption in the transportation sector from 2015 to 2022 experienced notable fluctuations. A sharp decline occurred in 2015, largely due to a slowdown in economic activity. Another significant drop was recorded in 2020, driven by social restrictions implemented to mitigate the spread of COVID-19. During the subsequent "new normal" period, fuel consumption in the

transportation sector began to recover, indicating a gradual return of activity post-pandemic. This trend underscores the high sensitivity of fuel consumption in the transportation sector to global conditions and domestic policy decisions.



Doc: Kompas.com, 2025.

Shifts in Indonesia's oil demand and supply conditions have significantly increased the fiscal burden required to intervene in fuel pricing through subsidies and compensation from the national budget (APBN). To address this, effective governance of crude oil imports is essential in order to ensure price transparency for consumers and to enhance efficiency in managing import needs in a more structured manner. Moreover, sound

governance guarantees that the import process is carried out efficiently, avoids resource wastage, and ensures that the pricing and distribution of imported crude oil align with the actual needs of domestic consumers and industries.

Corrupt Practices and Mismanagement in Pertamina's Crude Oil Governance

This case first came to public attention following complaints from communities in several regions regarding a decline in the quality of Pertamax fuel (RON 92) distributed by PT Pertamina (Persero). According to the Attorney General's Office of the Republic of Indonesia, the initial reports of the issue came from residents in Papua and Palembang, South Sumatra.

On February 25, 2025, the Attorney General's Office officially announced a suspected corruption case involving the mismanagement of crude oil and refinery products within PT Pertamina (Persero), its subholdings, and

Production Sharing Contractors (KKS) during the 2018–2023 period. The case also implicated several private contractors, including PT Navigator Khatulistiwa and PT Jenggala Maritim, who acted as brokers. This chronic corruption in the governance of crude oil and refinery products is estimated to have caused state losses amounting to approximately IDR193.7 trillion in 2023 alone.

The findings of the Attorney General's Office revealed several alleged modes of corruption in the management of crude oil in Indonesia, including but not limited to:

7

Crude Oil Imports

One of the key corruption schemes was revealed through the actions of PT Kilang Pertamina Internasional, which imported crude oil, and PT Pertamina Patra Niaga, which imported refinery products. Both of these subsidiaries of PT Pertamina disregarded regulations that mandate prioritizing the purchase of domestically produced crude oil. As a result, domestic production was not fully absorbed, necessitating imports. The justification provided for these imports was a policy directive—engineered by the corruption suspects—to reduce the use of domestically refined crude oil on the

grounds that it did not meet refinery specifications.

This narrative, however, was contradicted by evidence showing that domestic crude oil actually met the required technical specifications. Nevertheless, imports were carried out at higher prices. Additionally, the suspects were found to have manipulated the pricing of imported oil to secure greater personal profit.

According to the investigation by the Attorney General's Office of the Republic of Indonesia, PT Navigator Khatulistiwa was selected as the winning broker in the

crude oil procurement tender and is suspected of prearranging inflated prices prior to the tender process. Further findings revealed that PT Pertamina Patra Niaga made procurement payments for Pertamax (RON 92) through the broker, when in fact, the suspects had only procured

Pertalite (RON 90). This deceptive practice constitutes a serious manipulation that caused financial losses to the state, as payments were made based on the higher specification of a product that was never actually delivered.

2

Inflated Transportation Costs

Following the procurement of imported oil, PT Pertamina International Shipping was suspected of illegally inflating shipping contract costs by 13–15% for the transportation of crude oil and refinery products. This mark-up was allegedly carried out to benefit broker

parties. The inflated transportation costs led to significant financial losses for the state—amounting to approximately IDR2.7 trillion in crude oil import-related broker fees and around IDR9 trillion in fuel (BBM) imports.

3

Fuel Blending: Turning Peralite into Pertamax

In its investigation into refinery product procurement, the Attorney General's Office of the Republic of Indonesia uncovered indications that PT Pertamina Patra Niaga engaged in illicit fuel blending practices. Specifically, subsidized Peralite (RON 90) or even lower-grade gasoline such as RON 88 was mixed with Pertamax (RON 92) in a blending process—intended to artificially raise the octane level by adding specific compounds to meet the desired fuel quality. This blending

was allegedly conducted at PT Orbit Terminal Merak, a fuel depot owned by one of the brokers. The final product of this process was then distributed to the public and marketed as Pertamax (RON 92).

This unlawful activity, involving corruption in the governance of crude oil and refinery operations, is estimated to have caused total state losses amounting to IDR193.7 trillion in 2023. The losses are broken down as follows:

- a. losses from the export of domestically produced crude oil: **approximately IDR35 trillion;**
- b. losses from crude oil imports through brokers: **approximately IDR2.7 trillion;**
- c. losses from fuel imports through brokers: **approximately IDR9 trillion;**
- d. losses from government compensation in 2023: **approximately IDR126 trillion;**
- e. losses from BBM subsidies in 2023: **approximately IDR21 trillion.**

Such practices create a wide avenue for corruption within the national energy logistics system and raise serious concerns about the fairness and transparency of energy resource management in Indonesia.



Photo Source: CELIOS Documentation, 2025.

Analysis

In the corruption case involving PT Pertamina Patra Niaga, significant losses were incurred not only by the state but also by consumers. The policy brief prepared by CELIOS and LBH Jakarta employs three analytical approaches to explain the impact of this corruption case, namely:

A

Analysis of the Consumer Complaint Survey

In response to the series of media reports and press conferences held by the Attorney General's Office concerning the corruption scandal in fuel management involving PT Pertamina and PT Pertamina Patra Niaga—as well as widespread information regarding the alleged manipulation of fuel from RON 92 (Pertamax) to a lower RON level (RON 90/Pertalite)—LBH Jakarta and CELIOS took a proactive stance. Beginning February 26, 2025, LBH Jakarta and CELIOS launched a Public Complaint Post as a direct response to support affected communities in voicing their experiences and reporting losses resulting from the adulterated Pertamina.

This complaint post was available both online and in-person. Its primary purpose was to collect data and testimony from victims of the alleged fuel fraud perpetrated by Pertamina.

To assess the long-term impacts of using Pertamina 92, LBH Jakarta conducted a survey that gathered significant data on consumers' fuel usage over time. A total of 619 consumers reported losses to LBH Jakarta during the complaint collection

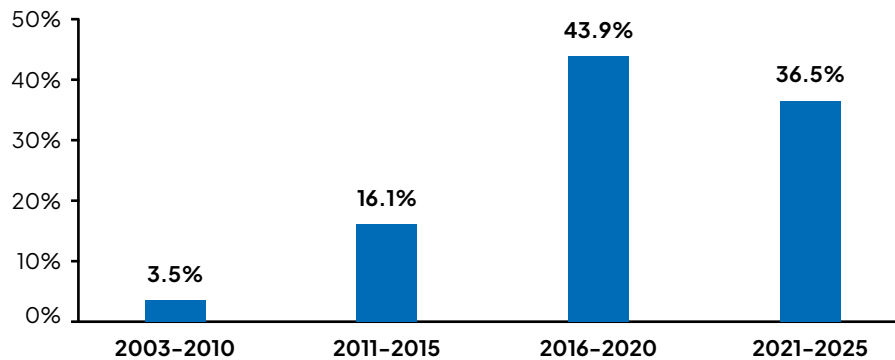
period. The findings revealed that a substantial portion of consumers began using Pertamina 92 between 2016 and 2020, accounting for 43.9% of respondents.

The data also show a steady increase in the use of Pertamina since its initial launch in 2003. In the early stages, only 3.5% of respondents reported using Pertamina 92 as fuel for their vehicles. At that time, Pertamina offered limited product types, and Premium (RON 88) was still the most widely used due to its affordability and government subsidies.

Between 2011 and 2015, 16.1% of respondents reported having adopted Pertamina 92 as their primary fuel. A significant surge occurred between 2016 and 2020, with 43.9% of respondents indicating a switch to Pertamina 92 during this period. Finally, 36.5% of respondents reported beginning to use Pertamina 92 in the 2021–2025 period. This shift reflects a growing public awareness or preference for higher-octane fuel, which offers improved engine efficiency and contributes to a cleaner environment.

Graph 6.

Initial Periods of Pertamina Consumption



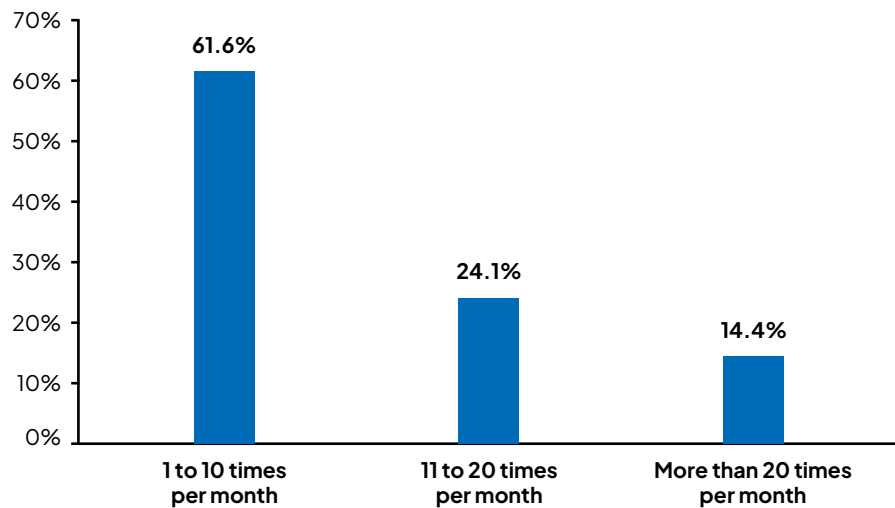
Question: Since when did you start consuming Pertamina?

In terms of frequency, 381 respondents or 61.55% reported purchasing Pertamina 92 fuel 1 to 10 times per month. Meanwhile, 149 respondents

(24.07%) filled up 11 to 20 times per month, and 89 respondents (14.38%) reported filling up more than 20 times per month.

Graph 7.

Frequency of Pertamina 92 Fuel Refills



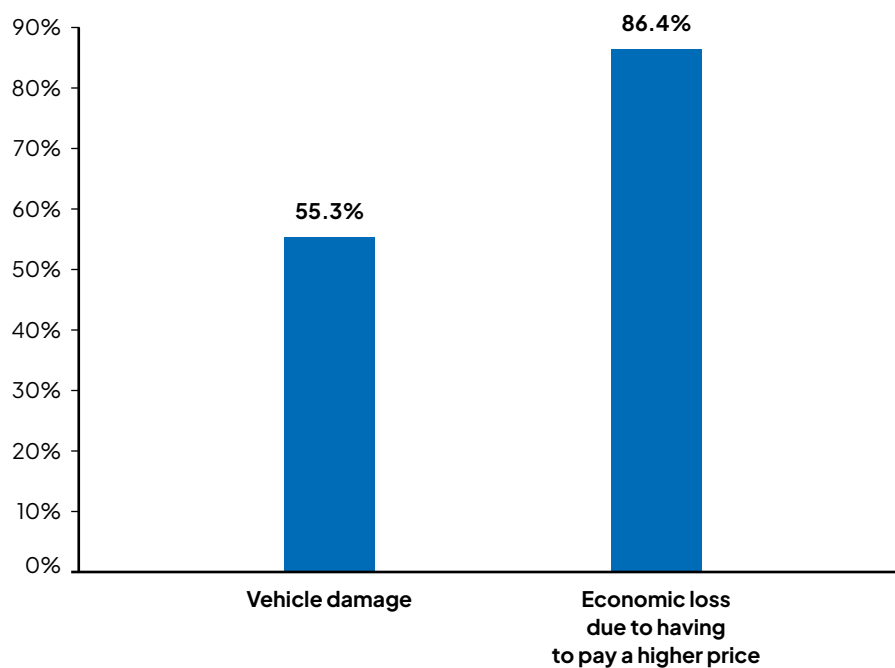
Question: In a month, how many times do you refuel your vehicle with that type of fuel?

The alleged fuel adulteration carried out by PT Pertamina Patra Niaga, a subsidiary of PT Pertamina, has caused both material and economic losses for consumers. A total of 55.3% of Pertamina 92 users reported vehicle damage believed to be the result of adulterated fuel. Furthermore, 86.4%

of consumers felt they had incurred economic losses. These economic losses stemmed from having to pay a higher price for a product of lower quality than what they were entitled to receive.

Graph 8.

Losses from Using Adulterated Pertamina 92



Question: What losses did you experience as a result of the suspected adulteration of RON 92 (Pertamax) fuel? (multiple answers allowed).

Out of 619 respondents, 382 individuals—or 61.7%—claimed to have experienced damage after using RON 92 Pertamina fuel. Meanwhile, 237 respondents, or 38.3%, stated that they had not experienced any engine damage since becoming Pertamina 92 users.



Graph 9.

Engine Damage After Using Pertamina 92 (2018–2023)



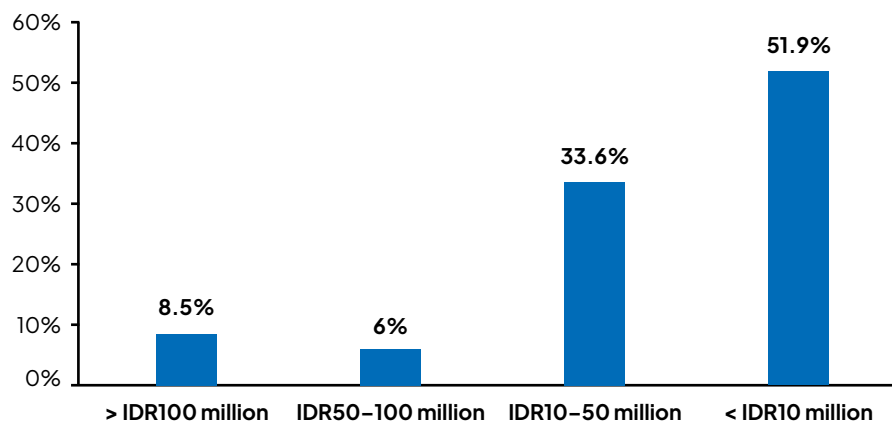
Question: Has your vehicle engine ever experienced damage while using RON 92 (Pertamax) fuel?

In general, the economic losses resulting from the adulteration practice were reported to be under IDR10 million. A total of 51.9% of consumers reported losses of less than IDR10 million. Furthermore, 33.6% of consumers experienced losses ranging from IDR10 million to IDR50 million.

Additionally, approximately 8.5% of respondents reported very significant losses exceeding IDR100 million. These varied levels of loss indicate that Pertamina 92 is used by consumers from a wide range of socioeconomic backgrounds.

Graph 10.

Loss from Price Discrepancy



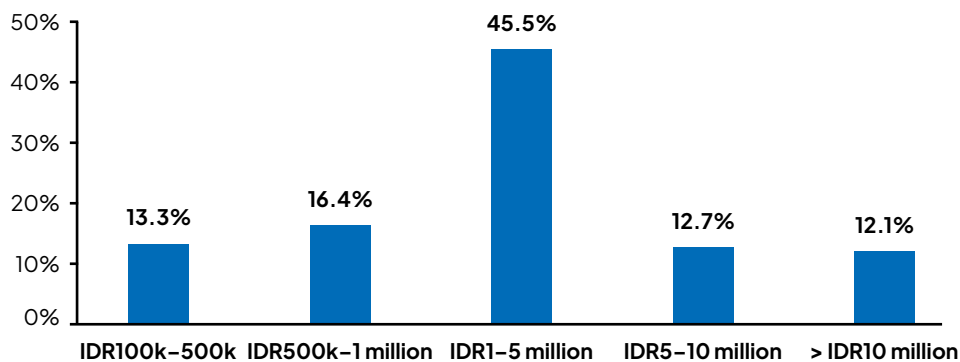
Question: If there was a loss due to having to pay more for a product of lower quality than RON 92 (below RON 92), what was the amount of the loss?

Based on the reported financial losses, the estimated burden borne by consumers predominantly falls within the range of IDR1–5 million. A total of 45.5% of respondents stated that they

incurred repair costs of IDR1–5 million. Additionally, 16.4% of users spent between IDR500,000 and IDR1 million, while 13.3% of consumers reported spending more than IDR10 million.

Chart 11.

Vehicle Damage Costs Due to Adulterated Pertamina



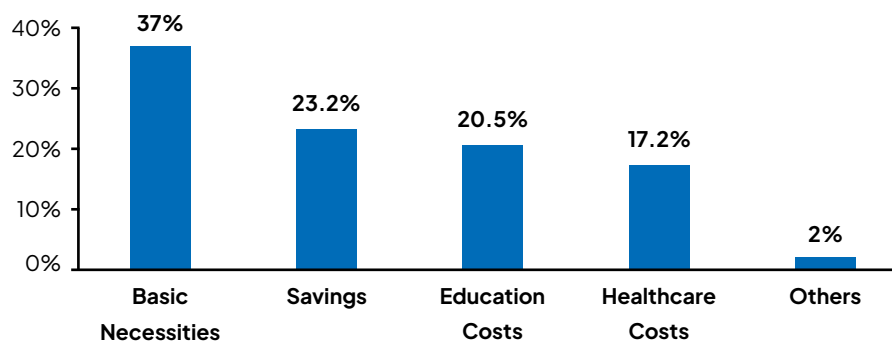
Question: How much did you spend on vehicle repairs after using RON 92 Pertamina fuel?

The expenses incurred by consumers for vehicle repairs could have otherwise been allocated to other essential needs. As many as 37% of respondents indicated that the money spent on repairs could have been used to

purchase basic necessities. Meanwhile, 23.2% stated that the funds could have been saved. Other respondents mentioned that the repair costs could have been used for education and healthcare expenses.

Graph 12.

Spending Lost Due to Adulterated Pertamina 92



Question: If the financial losses from purchasing RON 92 Pertamina had not occurred, what would you have used the money for instead?

These financial losses not only strained consumers' budgets but also raised serious concerns regarding the quality of the fuel being sold. The expenditures incurred for vehicle repairs underscore the direct impact of fuel adulteration on household finances. Consumers were forced to bear the cost of damages caused by the adulterated fuel. Ideally, the money spent on repairs could have been allocated to more pressing needs. Such losses would not have occurred had the Pertamax 92 purchased met the quality standards promised by Pertamina.

The complaints submitted illustrate the widespread damage inflicted by corrupt practices in fuel adulteration—not only in the form of direct financial losses, but also in the lost opportunities for improving and investing in the quality of life. These losses are not merely figures in financial reports; they represent the very real struggles faced by many families across Indonesia.

B**Analysis of Economic Losses from the Consumer's Perspective**

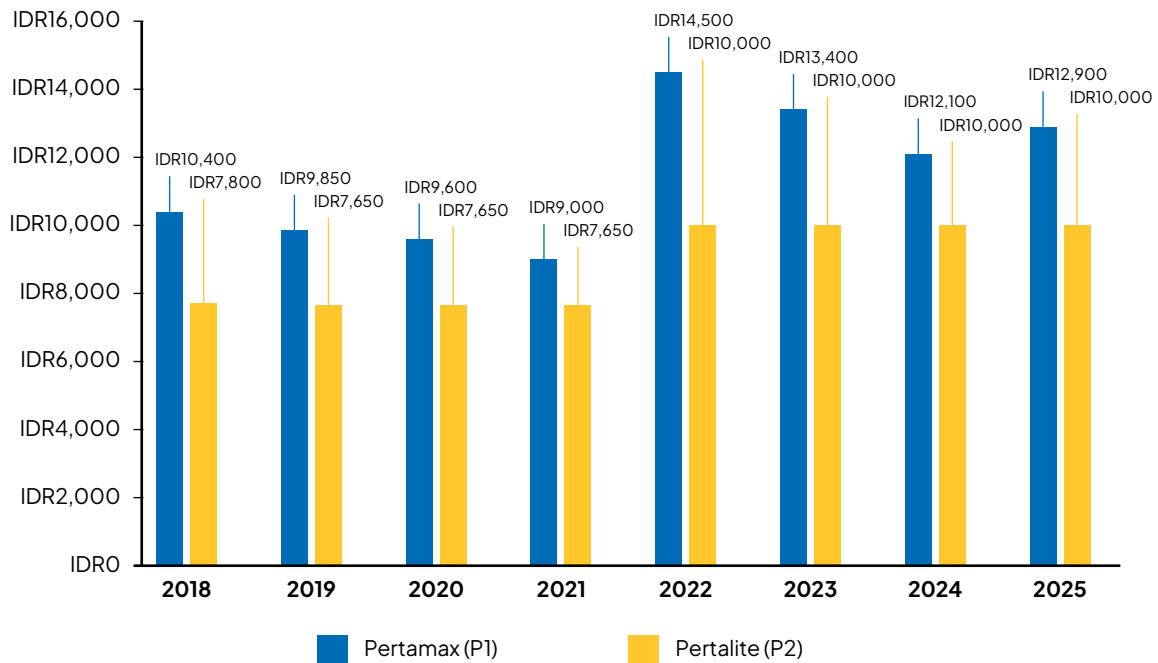
Consumer loss refers to the reduction in value or benefit experienced by consumers due to receiving a product or service that does not meet the expected price or quality. In the context of fuel, this occurs when consumers pay a certain price expecting a specific fuel quality, but instead receive fuel of a lower quality than what was paid for.

In the Pertamina corruption case, the alleged adulteration of Pertamax with Peralite resulted in consumers paying a premium for fuel that was supposed to have a higher octane rating. This mispricing led to direct economic losses for consumers, as they did not receive the value equivalent to the price they had paid.

Measuring consumer loss is essential to identify the direct financial impact of corruption on the public. It helps illustrate that corruption does not only cause macroeconomic losses—such as reduced state revenues or corporate losses—but also affects society at the consumer level, through both immediate financial losses and potential future burdens.

Graph 13.

Price Comparison of Pertamina 92 and Peralite 90 (IDR/Liter)



Source: Compiled from various sources.

In the context of the Pertamina corruption scandal and fuel adulteration practices, the price difference between Pertamina (RON 92) and Peralite (RON 90), as shown in the graph, reflects a significant financial loss for consumers. In 2022, the price of Pertamina was IDR14,500 per liter, while Peralite was priced at IDR10,000 per liter—indicating a price gap of IDR4,500 per liter. This suggests that

consumers who purchased Pertamina expecting higher quality fuel may, in fact, have received a lower-octane product—Peralite—due to fuel adulteration.

Consumer losses are not limited to the excess amount paid per liter, but also extend to broader potential damages:

Direct Losses

- The extra amount paid by consumers for Pertamina—which is supposed to deliver better performance but may have been adulterated with Peralite—represents a direct loss they experience every time they refuel.
- The manipulation of fuel prices and quality resulting from corruption can lead to energy supply instability.
- When distribution becomes inefficient or the quality of fuel deteriorates, consumers may face fuel shortages or lower-grade fuel, which negatively impacts vehicle performance.

- Furthermore, when consumers feel wronged by a lack of transparency and the abuse of power, public institutions risk losing the trust of the people.

Vehicle Maintenance Costs

Using fuel with a lower octane rating than required by the engine can affect the vehicle's performance and efficiency, potentially causing damage that increases maintenance expenses.

Long-Term Impacts

- Using fuel with an inappropriate octane rating can reduce overall fuel efficiency, leading to higher long-term operational costs for vehicle owners.
- Uncontrolled fluctuations in energy prices—caused by price manipulation or inefficient distribution—can exacerbate inflation and put additional pressure on the national economy.

Assuming that fuel adulteration occurred across all retail outlets, the losses borne by Indonesian consumers due to this corrupt practice are estimated at IDR47.6 billion per day, or approximately IDR17.4 trillion in 2023. This is money that could have otherwise been used by the public for essential needs such as education, healthcare, or even savings. In the long term, this situation can exacerbate poverty and widen social inequality.



Graph 14.
Consumer Losses in 2023



Source: CELIOS Team, 2025.

Every liter of adulterated fuel not only harms household finances, but also risks damaging the vehicles that families rely on for their daily activities. Such damage not only results in repair costs, but also reduces fuel

efficiency—creating a double burden that should never have occurred. As consumers, the public has entrusted Pertamina to provide safe and high-quality products, yet what they received was a betrayal of that trust.

C

Economic Loss Analysis

Beyond consumer losses, the corruption case involving PT Pertamina Patra Niaga also resulted in broader economic losses. In this policy brief, the economic loss is analyzed using the Input-Output Analysis approach.

Through Input-Output analysis, it becomes evident that the burden on consumers is amplified. Consumers are compelled to pay higher prices for lower-quality products, which has

already been discussed under Section B: Consumer Loss Analysis.

Furthermore, there is an economic loss resulting from the decline in household consumption triggered by the corruption surrounding Pertamina 92.

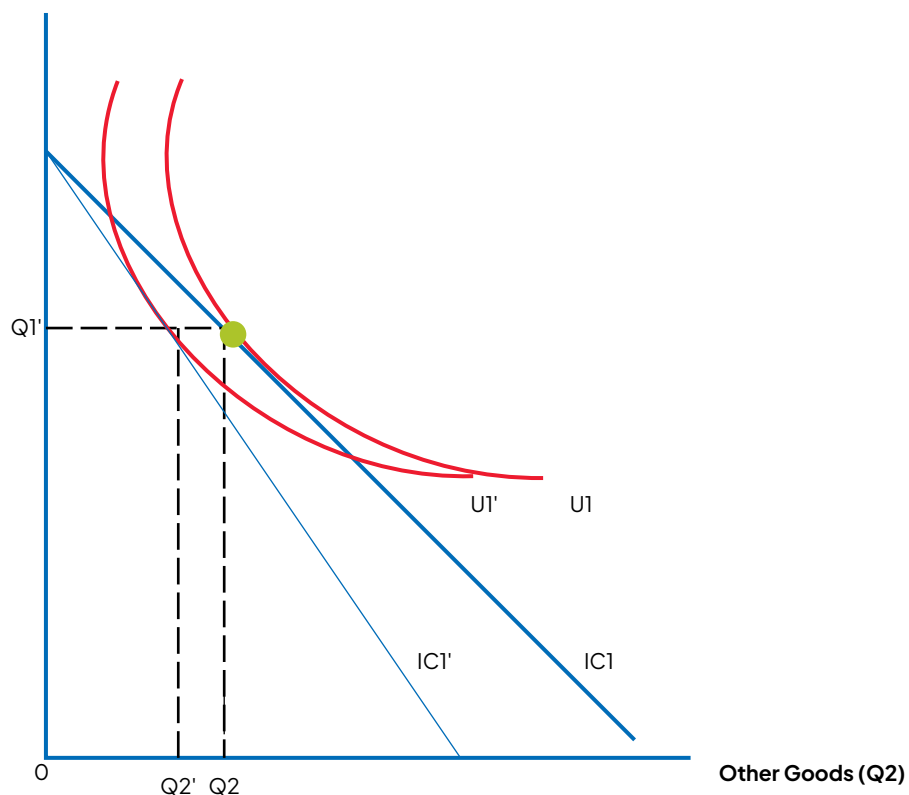
In theory, household consumption is influenced by disposable income—that is, the income available for spending. Mathematically, disposable income can be expressed as follows:

$$Y_d = Y - \text{Contributions/Taxes} + \text{Subsidies}$$

Disposable income is derived by subtracting contributions or taxes from total income, then adding any subsidies. In the context of consumer losses, the contributions or taxes that reduce disposable income effectively increase, as consumers are forced to overpay for a product of lower quality. This reflects an excess payment by the government that, in principle, should not have been borne by consumers. As a result, there is a reduction in the consumption of other goods. Figure X

illustrates the process of declining consumption, showing how the consumption of non-fuel goods drops from the equilibrium point (Q2) to a lower level (Q2') due to the reduction in disposable income. Meanwhile, consumption of Pertamina 92 remains at point Q1, even though the isocost curve (representing combinations of two goods that can be consumed with a fixed budget) shifts from IC1 to IC1'.

Consumption of Adulterated Pertamina 92 (Q1)



Source: CELIOS Team, 2025.

A reduction in disposable income consequently leads to a decline in

household consumption, which can be mathematically expressed as follows:

$$C = C_o + C(Y_d)$$

Where household consumption is derived from autonomous consumption plus a proportion of consumption from disposable income. The proportion of consumption varies across individuals but generally

maintains a positive relationship with total consumption. Therefore, when disposable income decreases, consumption also declines. In macroeconomic terms:

$$PDB = C + I + G + (X - M)$$

Household consumption is a key component of Gross Domestic Product (GDP) and has a positive correlation with it. When consumption decreases, GDP will automatically

decrease as well.

By employing a 185-sector National Input-Output approach, this analysis adopts the following assumptions:

- 1 Consumer losses amounting to IDR17.4 trillion in 2023, resulting from fuel adulteration practices that forced the public to pay more for Pertamina 92.
- 2 A shift in consumption across various sectors, including: trade sector: IDR6.4 trillion, banking and financial services sector: IDR4 trillion, private education sector: IDR3.6 trillion, private healthcare sector: IDR3 trillion, other service sectors: IDR347.7 billion.

The economic losses resulting from corruption within Pertamina are not only felt by consumers but also have broader implications for Indonesia's overall economic performance. In 2023, the national Gross Domestic Product (GDP) experienced a decline of IDR 13.35 trillion due to fuel adulteration practices. This decline

reflects a reduction in economic activity and efficiency that would otherwise be supported by the optimal consumption of fuel.

Using fuel that does not meet vehicle specifications leads to decreased engine efficiency and increased fuel consumption without corresponding

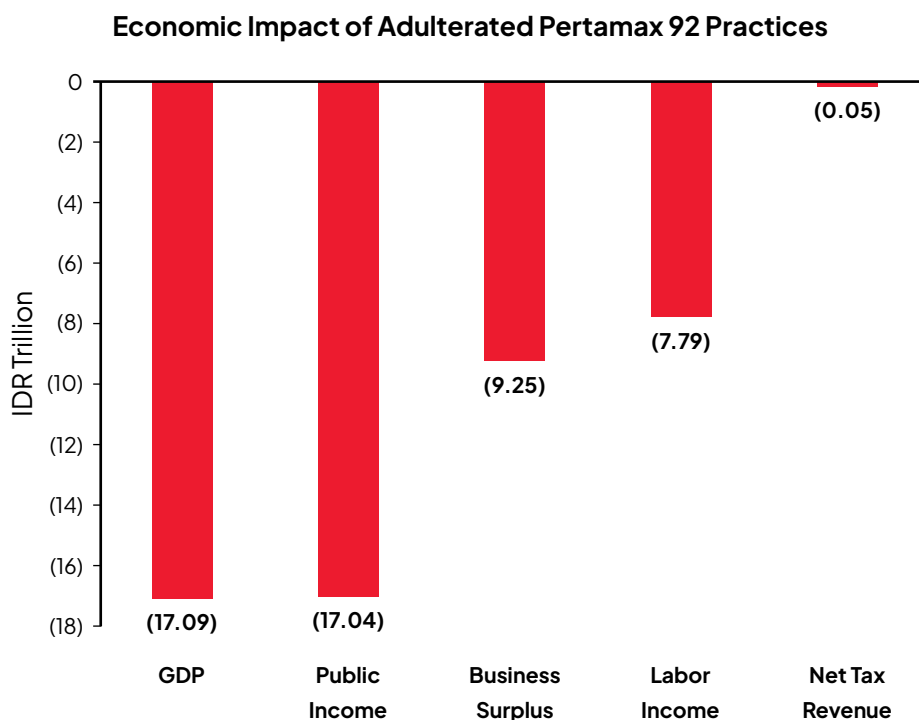
output gains—factors that directly reduce national productivity. Business activities, particularly in the transportation and distribution sectors, experienced a slowdown, resulting in a contraction of GDP.

In addition to GDP, household income also took a hit, with losses amounting to IDR 13.24 trillion. Entrepreneurs saw a significant reduction in profits of IDR 9.25 trillion, while government net revenue declined by IDR 50 billion. These losses stem not only from the direct costs of purchasing adulterated

fuel but also from the decrease in work efficiency and the rise in unplanned operational costs.

When vehicles do not operate at optimal efficiency, the additional expenditures on maintenance and extra fuel by both households and businesses reduce their ability to allocate funds toward other essential needs that could otherwise support income growth and overall economic development.

Graph 15.



Source: CELIOS Team, 2025.

D

Legal Analysis

The alleged adulteration of RON 92 (Pertamax) not only harms the state's finances but also has a direct impact on the broader public as consumers. As

users of Pertamina products, consumers have the right to receive goods that meet the quality standards promised. However, due to this

adulteration practice, consumers have been disadvantaged because the fuel they purchased did not meet the expected quality.

Consumer protection in Indonesia is governed under Law Number 8 of 1999 concerning Consumer Protection (*Undang-Undang Perlindungan Konsumen*). Article 1, point (2), defines a consumer as:

"Every person who uses goods and/or services available in society, for personal, family, other people, or other living beings, and not for trading purposes."

In the context of the above case, Pertamina consumers are individuals who purchase and use Pertamina fuel available in the market, whether for personal use, for others, or for other

living beings, and not for resale.

Most Pertamina consumers are Indonesian citizens who use the fuel for their private vehicles.

The Consumer Protection Law also defines a business actor (*pelaku usaha*) as:

"Any individual or business entity, whether incorporated or not, established and domiciled or carrying out activities within the jurisdiction of the Republic of Indonesia, either independently or jointly based on an agreement, that organizes business activities in various economic sectors."

In this context, PT Pertamina, as a State-Owned Enterprise (SOE), is classified as a business actor.

Consumer Rights

Article 4 of the Consumer Protection Law

Consumer Rights	Description
Right to comfort, security, and safety	Consumers have the right to feel comfortable, safe, and secure in using goods and/or services.
Right to accurate, clear, and honest information	Consumers are entitled to receive accurate information regarding the condition and guarantees of goods/services.
Right to advocacy and protection	Consumers are entitled to advocacy, protection, and fair dispute resolution mechanisms.
Right to choose goods and/or services	Consumers can choose and obtain goods/services that correspond to the value, condition, and guarantees promised.
Right to express opinions and complaints	Consumers have the right to express their opinions and complaints about the goods/services they use.
Right to education and guidance	Consumers have the right to receive education on their rights and responsibilities.
Right to fair and non-discriminatory treatment	Consumers must be treated fairly, honestly, and without discrimination.

Consumer Rights	Description
Right to compensation and redress	Consumers are entitled to compensation or redress if goods/services fail to meet agreed terms.
Other rights under the law	Consumers are entitled to other rights as regulated by prevailing laws and regulations.

In this case, the right to obtain goods and/or services in accordance with the exchange value, conditions, and guarantees as promised has been violated. This is because there is a strong indication that the quality of the product provided by Pertamina did not align with what was promised (RON 92). This constitutes a violation of the obligations of business actors as stipulated in Article 7(d) of the Consumer Protection Law, which states that business actors are obliged to ensure the quality of goods produced and/or traded in accordance with the applicable quality standards for goods and/or services.

Furthermore, consumers also have the right to receive accurate, clear, and honest information regarding the condition and guarantees of the goods and/or services. If Pertamax was indeed adulterated, then Pertamina has clearly violated the consumers' right to such information. Moreover, Pertamina's actions also breach its obligations as a business actor to provide truthful, clear, and accurate information about the condition and guarantees of the product, as stipulated in Article 8(1) sections (d), (e), and (f) of the Consumer Protection Law, which prohibits the production of goods and/or services that:

Prohibitions in the Production of Goods and/or Services	Description
Not in accordance with conditions, guarantees, advantages, or efficacy	Producers are prohibited from manufacturing goods/services that do not match the stated guarantees, benefits, or effectiveness.
Not in accordance with quality, grade, composition, process, style, fashion, or specific use	Goods/services must meet the quality, composition, or intended usage as claimed or expected.
Not in accordance with claims on labels, tags, descriptions, advertisements, or promotions	Producers must not manufacture goods/services that contradict what is stated on labels, packaging, or in promotional materials. Misleading advertising or claims are strictly prohibited.

Article 8, paragraph (4) of the Consumer Protection Law stipulates that business actors who violate the

mentioned provisions are obliged to withdraw such products from circulation. Furthermore, Article 1, point

(l) of the Consumer Protection Law reaffirms that:

"Consumer protection is all efforts that ensure legal certainty in order to provide protection to consumers."

This provision implies that any form of violation of consumer rights—including product manipulation such as fuel adulteration—can be subject to legal action in order to uphold legal certainty and provide protection for consumers.

Another right held by consumers, as stipulated in Article 4(h) of the Consumer Protection Law, is the right to receive compensation, reimbursement, and/or replacement if the goods and/or services received do not align with the agreement or are not as they should be. In the context of the

Pertamax adulteration case, this right entitles consumers to compensation, as they have purchased a product that did not meet the promised quality.

Furthermore, Article 19, paragraph (l) of the Consumer Protection Law states:

"Business actors shall be responsible for providing compensation for damage, pollution, and/or consumer loss resulting from the consumption of goods and/or services produced or traded."

Thus, consumers are entitled to pursue various legal remedies within the framework of consumer protection law to uphold their rights and to seek accountability from business actors for the violations of those rights.

Probability of Litigation by Victims of Adulterated Pertamax

The series of violations against consumer rights and the potential harm suffered by the public as the primary consumers of Pertamina products, as previously described, must rightfully be followed up by Pertamina through accountability and restitution for the losses incurred. This obligation is in accordance with the provision of

Article 19(1) of the Consumer Protection Law.

However, should Pertamina fail to fulfill its obligation to restore consumer losses, there are at least two legal avenues that may be pursued to uphold consumer rights and ensure the non-repetition of such misconduct, namely:

1 Class Action Lawsuit

A class action lawsuit is a legal mechanism regulated by Supreme Court Regulation (Perma) No. 1 of 2002, which was also previously recognized in Law No. 8 of 1999. A class action is a procedure in which

one or more individuals file a lawsuit on behalf of themselves and simultaneously represent a larger group of people with a substantial similarity in factual and legal grounds between the class representatives

and the members of the group.

Within the Consumer Protection Law, class action lawsuits are expressly recognized as a means of responding to violations by business actors.

Article 46 of the Consumer Protection Law stipulates that lawsuits for violations by business actors may be filed by a group of consumers who share the same interest, and such lawsuits can be brought before the general judiciary.

According to Article 2 of Perma 1/2002, a class action must be based on common factual events and substantial legal grounds, as well as similarity in the type of claims between the class representatives and the group members being represented.

A class action may serve as a means to examine and prove that a person or legal entity has committed an unlawful act as referred to in Article 1365 of the Indonesian Civil Code, which states:

“Any unlawful act that causes harm to another person obliges the party who caused the harm through their fault to compensate for that harm.”

The plaintiffs in a class action must clearly and specifically articulate in their petition (petitum) the claims for damages, including a proposed mechanism or procedure for the distribution of compensation to all members of the group. This should also include a proposal for the formation of a team or panel to facilitate the distribution process efficiently.

Several examples of class action lawsuits that have previously been initiated by citizens include the following:

Class Action Lawsuit Against PT. RUM

A total of 185 residents affected by foul odors and environmental pollution caused by the operations of PT Rayon Utama Makmur (RUM) in Sukoharjo successfully won a class action lawsuit against PT. RUM through the Supreme Court Decision No. 4441/K/PDT/2024, issued on December 16, 2024.

The Supreme Court ruled that PT. RUM had committed an unlawful act and ordered the company to compensate the plaintiffs and the represented group for the material losses they suffered. The compensation included:

- IDR277,500,000 for the purchase of masks to reduce the effects of the foul odors generated by the company's operations.
- IDR222,000,000 for the purchase of medicines to alleviate physical impacts caused by prolonged exposure to the intense odor.

Class Action Lawsuit: Acute Kidney Failure Victims vs. PT. AFI Farma

A class action lawsuit was also filed by a group representing 25 families whose children suffered from acute kidney failure—many of whom died—allegedly due to contaminated syrup medications produced by PT. AFI Farma Pharmaceutical Industry and CV Samudra Chemical on December 15, 2022.

Ultimately, on August 22, 2024, the Central Jakarta District Court issued Ruling No. 771/Pdt.G/2022/PN Jkt.Pst, declaring that PT. AFI Farma Pharmaceutical Industry and CV Samudra Chemical had committed an unlawful act. The court held both companies jointly liable and ordered them to pay:

- IDR50,000,000 in compensation to the heirs of each child who died due to acute kidney failure.
- IDR60,000,000 to each child who had survived and was undergoing treatment or medical rehabilitation for progressive atypical acute kidney failure.

2 Citizen Lawsuit (Actio Popularis)

A Citizen Lawsuit (CLS) is a legal mechanism that carries specific characteristics and requirements, particularly in relation to the standing of the plaintiff. This differentiates it from class action lawsuits and conventional legal actions.

In a CLS, the principal plaintiff is not required to prove direct or specific harm to their own personal interests. Instead, it is sufficient to demonstrate that they are an Indonesian citizen (WNI) acting on behalf of the public interest. The object of the lawsuit, however, must relate to government negligence in fulfilling the rights of citizens. This negligence must be structural in nature and have a broad societal impact, such that the government may be considered to have committed an unlawful act.

Although the legal basis for CLS is not yet comprehensively regulated in statutory law, there are precedents of such lawsuits being accepted and ruled upon by district courts. Furthermore, in a public information disclosure response dated 6 January 2025, the Supreme Court of the Republic of Indonesia clarified that CLS decisions may be subject to execution requests (aanmaning) through the district court, depending on the type of case.

Here are several Citizen Lawsuit (CLS) cases that have been tried in district courts:

Central Jakarta District Court Decision No. 28/Pdt.G/2003/PN.Jkt.Pst

In the *Nunukan migrant worker* case, this decision is a key precedent for the recognition of CLS in Indonesia.

Central Jakarta District Court Decision No. 527/Pdt.G/PN.Jkt.Pst

Concerning the *privatization of drinking water* in the Province of DKI Jakarta.

Supreme Court of the Republic of Indonesia Decision No. 1206 K/Pdt/2024

Regarding the *state's negligence in the exploitative practices of online lending*.

Central Jakarta District Court Decision No. 374/Pdt.G/LH/2019/PN.Jkt.Pst

Related to the *Jakarta air pollution* case.

Based on the options outlined above, the alleged adulteration of Pertamina—resulting in fuel of a lower quality than advertised or contractually promised—constitutes a violation of consumers' rights to receive accurate, clear, and honest information regarding the condition of goods, as well as the right to obtain goods consistent with their value, stated condition, and guaranteed quality, as stipulated in the Consumer Protection Law.

The suspected adulteration of Pertamina is also in direct conflict with Pertamina's obligations as a Business Actor to provide accurate, clear, and honest information about product conditions and to guarantee the quality of goods produced and/or traded in accordance with applicable quality standards.

Therefore, there are several legal remedies available to citizens as Pertamina consumers, namely a Class Action lawsuit and a Citizen Lawsuit (*Actio Popularis*). Each legal route possesses distinct characteristics, and the selection of legal recourse should be made by considering the needs and interests of the broader community. If the harmed consumers primarily seek compensation, a Class Action lawsuit would be an appropriate legal option. However, if the objective is to drive policy reform and establish a system that better protects consumers in the long term, then a Citizen Lawsuit would be a more suitable course of action.

Policy Recommendations

Policy Recommendations

Establish an independent task force or a second phase of the "Oil and Gas Mafia" task force, and publicly disclose its findings and recommendations.

Relevant Stakeholders

- President
- Ministry of Energy and Mineral Resources (ESDM)
- Ministry of State-Owned Enterprises (BUMN)

Policy Recommendations

Compensate the price discrepancy of allegedly adulterated fuel during the 2018–2023 period through a Pertamax price discount mechanism, reflecting the lost value.

Relevant Stakeholders

- Pertamina
- Ministry of Finance
- Ministry of Energy and Mineral Resources (ESDM)
- Ministry of State-Owned Enterprises (BUMN)

Policy Recommendations

Conduct a comprehensive overhaul of the oil and gas supply chain and governance from upstream to downstream, including replacing Pertamina's board of directors and commissioners as well as those of its subsidiaries.

Relevant Stakeholders

- Ministry of Energy and Mineral Resources (ESDM)
- Ministry of State-Owned Enterprises (BUMN)
- Special Task Force for Upstream Oil and Gas Business Activities (SKK Migas)
- Downstream Oil and Gas Regulatory Agency (BPH Migas)



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