

Implications of Islamic Law and Consumer Protection: A Case Study of LPG Gas Scarcity

Saffia Ummu Khasanah¹, Triyono Adi Saputro²

¹Faculty of Islamic Studies, University Muhammadiyah Surakarta, Central Java, Indonesia

²Faculty of Islamic Studies, University Muhammadiyah Surakarta, Central Java, Indonesia

e-mail: i000220066@student.ums.ac.id¹, adi.hes@ums.ac.id²

Abstract: This study aims to analyze the legal implications for consumers due to the scarcity and price increase of LPG gas in Indonesia, especially from the perspective of consumer protection. LPG gas as a basic need of the community such as housewives and micro businesses, often experiences scarcity which has an impact on the household economy and the sustainability of business actors. This research uses a normative juridical approach by examining various relevant laws and regulations, including Law Number 8 of 1999 concerning Consumer Protection, Presidential Regulation Number 104 of 2007 and regulations related to LPG Gas. The results of this study indicate that the scarcity of LPG gas is caused by several factors of uneven distribution of LPG, reduction of subsidy quotas, to the practice of hoarding, copying and misuse of LPG gas. The legal implications of this condition are the potential for violations of consumer rights and the threat of criminal sanctions for perpetrators who carry out hoarding distribution. This research emphasizes the importance of government supervision in the distribution of LPG gas.

Keywords: legal implications, scarcity, consumer protection, and islamic law

I. INTRODUCTION

The application of the current law in Indonesia has always been an interesting topic of discussion, given the many phenomena that require appropriate regulations and in accordance with the needs [1]. In addition, every draft law must be passed by the Legislative Council, which often leads to political debates. This debate is not without reason, but aims to ensure that the interests of the community are fulfilled, both specifically and within the scope of government in general. There are many legal regulation issues that need to be reviewed in order to achieve the goal, in this case stated in the mandate of Pancasila, namely the 1945 constitution, namely about social justice for all Indonesian people and certainly very necessary for a deeper study [2].

Regulations governing the legal protection of consumers in Indonesia are regulated in Law No. 8 of 1999 concerning Consumer Protection is all efforts that ensure legal certainty to provide protection to consumers. Therefore, consumer protection guarantees legal certainty for every consumer who buys and sells and can provide comfort and justice for every buyer who carries out buying and selling transaction activities that are often carried out by every buyer, if they get fraud or unfairness in buying and selling goods or services and cannot fulfill consumer rights. There is Law Number 8 of 1999 Article 4 number 2 which states that: "the right to choose goods and / or services and obtain these goods and / or services in accordance with the exchange rate and conditions and guarantees promised".

As for Article 4 point 7 which states that the right to be treated or served correctly and honestly and not discriminatory. Therefore, there is a legal regulation that regulates that the community has the right to obtain LPG gas at a price in accordance with the provisions set by the government. In this case, the practice of selling at prices that exceed the provisions or hoarding actions that cause scarcity can be categorized as a violation of the law. The government and authorities must enforce existing regulations to ensure that the distribution of ELPIJI runs fairly, transparently and does not harm the public, in accordance with the provisions in Law Number 8 of 1999 concerning Consumer Protection .[3]

Liquefied Petroleum Gas (LPG) is a product of PT Pertamina under the brand name LPG, which is a mixture of hydrocarbons consisting of propane (C₃H₈) and butane (C₄H₁₀) gas which can be converted into liquid form with high pressure or low temperature. ELPIJI is usually obtained from petroleum refining or natural gas separation processes. Due to its flammability and high heating value, ELPIJI is widely used as an alternative fuel. In the Decree through SK Number 052/181 of 2023 concerning the Highest Retail Price of Liquefied Petroleum as 3 KG Tubes at the Sub-distributor / Base Handover Point for Household and micro business purposes with a distribution range from agents to bases of Rp. 18.000, - (sixteen thousand rupiah) and the Highest Retail Price (HET) at the Base for consumers in Central Java is Rp. 20,000, - (twenty thousand rupiah) (Central, 2023) but if there is a scarcity of LPG gas, the retail price can reach Rp. 23,000, - (twenty-three rupiah) .[4]The scarcity of 3 Kilogram liquefied petroleum gas (LPG) that occurred in various regions has caused serious losses and impacts on the community, especially small communities or

micro businesses that rely heavily on this subsidized gas. As a result of the scarcity, the price of ELPIJI has experienced a significant spike. In fact, some bases and stalls are selling it at prices outside the regulations. This will cause the economic burden on the community to increase, as they are forced to buy at higher prices to fulfill their daily needs. In addition, this scarcity also has the potential to hamper the activities of micro businesses that depend on ELPIJI, which could have an impact on their income. [5]

Regarding sanctions for misuse of ELPIJI, Article 13 paragraph 2 of Presidential Regulation No. 104 of 2007 concerning the Supply, Distribution and Pricing of Liquefied Petroleum gas 3 KG Tubes stipulates that business entities and the public are prohibited from hoarding and/or storing and using ELPIJI 3 KG tubes for households and micro businesses contrary to the provisions of laws and regulations. Business entities and the public that violate these provisions are subject to sanctions in accordance with the provisions of laws and regulations. [6]

Regulation of the Minister of Energy and Mineral Resources Number 26 of 2009 concerning the Supply and Distribution of ELPIJI [7]. And the Distribution of ELPIJI is an Implementing Regulation of Law 22 of 2001 concerning Oil and Gas and Government Regulation No. 36 of 2004 concerning Downstream Oil and Gas Business Activities. This regulation aims to ensure availability and distribution in an equitable, fair, and targeted manner, especially for people who are entitled to receive subsidized ELPIJI. Article 1 point 13 states that, ELPIJI Scarcity is a condition of not meeting the needs of the community for ELPIJI products in a certain area within a certain time caused by disruption in the supply and distribution of LPG.

These sanctions are related to Article 40 Point 9 of the Job Creation Law which amends Article 55 of Law Number 22 of 2001 concerning Oil and Gas which states that, Every person who misuses the transportation and/or Commerce of fuel oil, gas fuel, and/or Liquefied Petroleum Gas subsidized by the government shall be punished with a maximum imprisonment of 6 (six) years and a maximum fine of Rp. 60,000,000,000.00 (sixty billion rupiah). What is meant by misuse is an activity aimed at obtaining individual or business entity profits by harming the interests of the general public and the state, including deviations in allocation. [8] So based on the above problems, the author is interested in examining the Legal Implications for Consumers related to the case of gas scarcity and the surge in the price of 3 KG LPG gas which gives the community and regional business actors.

II. METHODOLOGY

This research is a normative legal research with a focus on using data supported by primary and secondary legal materials [9]. Primary legal materials used include applicable laws and regulations, such as Law No. 8 of 1999 on Consumer Protection, specifically articles 4 numbers 2 and 7 which regulate the rights and obligations of consumers and business actors, as well as Presidential Regulation No. 104 of 2007 concerning the Provision, Distribution and Supervision of ELPIJI Utilization with special attention to article 13 paragraph 2 which regulates sanctions for parties who misuse ELPIJI. In addition, Minister of Energy and Mineral Resources Regulation No. 26 of 2009 further regulates the use and supervision of ELPIJI, as well as Law NO. 22 of 2001 concerning Oil and Gas, especially article 55 which regulates sanctions related to fuel misuse, is also a primary legal material in this study [10]. Secondary legal materials used include literature such as books, journal articles, research reports and opinions of legal experts that discuss consumer protection, LPG distribution, and the application of administrative and criminal sanctions related to LPG misuse. Data collection techniques are carried out through literature studies, namely the collection of primary legal materials by tracing various laws and regulations related to the legal issues raised. The legal material analysis technique used is qualitative analysis. With steps in the form of systematic interpretation of each existing legal provision, comparative analysis with applicable legal principles and descriptive analysis to describe the implementation and effectiveness of sanctions applied. Through this approach, the research aims to provide a comprehensive picture of the effectiveness of laws and regulations in protecting consumers and the public from misuse of subsidized ELPIJI and the impact of the application of existing sanctions [11].

III. RESULTS

Analysis of the problem scarcity of LPG which is detrimental to consumers;

The National Consumer Protection Agency (BPKN) highlighted a new policy related to LPG distribution that is considered to be detrimental to consumers and micro, small and medium enterprises (MSMEs). This policy aims to ensure that the LPG subsidy is well-targeted and reduce sales at the unauthorized retailer level. However, the implementation of

this policy has caused various problems in the field, including LPG scarcity, price increases and negative impacts on small businesses.[12] To meet the needs of the people who use LPG gas and support the government's subsidy program, clear and good regulations are needed in the supply and distribution of LPG. Government Regulation through the Minister of Energy and Mineral Resources Number 29 of 2009 concerning the supply and distribution of Liquefied Petroleum Gas (LPG) is carried out regularly, transparently, fairly and accountably. However, in the implementation of the kerosene replacement program with ELPIJI which has been running for several years, it often occurs in various regions such as experiencing a shortage of LPG supply, distribution is not on target and the price of ELPIJI often exceeds the price limit set by the government. [13]

The scarcity of subsidized 3 Kg LPG gas is now a serious problem in several regions, especially households and small businesses. There are several factors that affect the scarcity, one of the main causes of this scarcity is the change in the distribution system in government policy. Now, the purchase of 3 kg LPG gas is only available to residents who have been registered in the system as subsidy recipients. This step was taken to ensure that the subsidy is truly targeted, but the distribution has limited access for local communities. In addition, the scarcity of 3 kg LPG gas, the high demand also triggered the problem of rising prices of other energy, such as gasoline and electricity, which encouraged people to switch to using 3 kg LPG gas because it was considered more affordable. This causes gas stocks to run out quickly, especially in densely populated areas. On the other hand, there are distribution disruptions due to unfavorable weather and limited fleets so that this distribution has limitations that make agents and bases experience delays in receiving elpii gas and stock vacancies that will have an impact on consumer services.[14]

The government has also made new policies, distribution problems, and price differences between some bases and agents. One of the main causes of the scarcity of 3 kg LPG gas is a government policy that reduces the quota or amount of subsidized gas distributed each year. In 2025, the government decided a new policy to decide the quota of subsidized gas [15]

The determination of the selling price of LPG gas is also in the interest of the community. Each regional government already has a new policy in a price for basic needs, one of which is subsidized LPG gas. The rules regarding the pricing of LPG are in Presidential Regulation No. 104/2007 concerning the Supply, Distribution, and Sale of LPG Gas. 104 of 2007 concerning the Supply, Distribution, and Pricing of Liquefied Petroleum Gas 3 Kilogram Tubes, and based on the letter of the Minister of Home Affairs of the Republic of Indonesia Number 541/07/SJ dated January 5, 2015, regarding the highest retail price (HET) of LPG, Local governments can adjust the LPG HET regulations and have been implemented in the Central Java Governor Decree Number 540/20 of 2024 concerning the Determination of the Highest Retail Price of Liquefied Petroleum Gas 3 Kg Tubes in the province of Central Java, which is one of several contents of the highest retail price (HET) on LPG [16]. The selling price of LPG is set at Rp. 18,000 however, the price can adjust the radius in the distribution of 3 kg gas from the base / sub-distributor in the local district area. Pertamina Patra Niaga ensures the availability and smooth distribution of LPG evenly to all authorized bases. [17]

Since there has been a policy implemented by the government regarding the distribution of 3 KG LPG gas, the community has complained to the ESDM Government because of the difficulty in obtaining 3 KG LPG gas, previously this LPG gas could be purchased easily at stalls or small retailers but the new regulation prohibits the sale of 3 KG LPG gas at the retailer level, now the community must buy it directly from the official LPG gas base. This has led to the scarcity of 3 KG LPG gas in several areas, because the community's access to it has become more limited and is complicated by a purchase policy that limits one KTP to buying only 1 gas cylinder. This policy makes it difficult for people who have greater needs, such as small traders or households or MSMEs, to fulfill their needs.[18]

The scarcity of 3 KG LPG gas still often occurs in various regions, caused by various factors such as hoarding by unscrupulous people, uneven distribution, and use by large businesses that actually use non-subsidized gas but use subsidized gas. As a result, the price of LPG gas at the base or agent often jumps far above the official price, which can be detrimental to the surrounding community. This situation is further complicated by the government policy that starting February 1, 2025 prohibits the sale of ELPIJI at the retailer level. The public can now only buy it at the official Pertamina base with the highest retail price (HET) that has been determined. This policy is contained in the Decree of the Minister of Energy and Mineral Resources Number 37 of 2023, which aims to ensure that the 3 KG LPG gas subsidy is actually received by the subsidized community. The Minister of State Secretary, Prasetyo Hadi, emphasized that this regulation was made to ensure that the distribution of subsidized ELPIJI Gas is more targeted. [19]

The cause of the scarcity of 3 KG LPG gas that occurred in various regions had difficulty getting 3 KG LPG gas. besides that the stock is also limited, the gas price has also increased significantly. PT Pertamina explained that there are

several main factors that cause this condition, one of which is the displacement of 12 KG LPG gas users to 3 KG gas because Pertamina increased 12 KG LPG gas so that this increase encouraged many people who previously used 12 KG gas to switch to 3 KG LPG gas which is more affordable because it has received government subsidies since 2007. As a result, demand for subsidized gas increased while the distribution of 3 KG LPG gas remained limited. In addition, the panic buying phenomenon also exacerbated the gas shortage. Many people bought more gas than usual because they feared a prolonged shortage. This has caused gas distribution to be uneven and many residents have difficulty obtaining gas for their daily needs. There are allegations of price-gouging by agents, bases and retailers who deliberately delay the distribution of 3 kg LPG gas to create scarcity, so that when demand increases, they can sell it at a higher price. This practice allows them to earn greater profits compared to normal sales conditions.[20]

The problem of LPG gas scarcity often arises, especially in certain periods, where the demand for LPG gas is very large and high, often these agents commit violations and do not follow the rules, this really requires more supervision and guidance for these agents because they are not in accordance with applicable laws. So that it causes complaints from the community who have difficulty getting LPG gas at a reasonable price. The manipulation of the price of 3 KG LPG gas is also often a problem that confuses consumers. These unstable prices often make it difficult for people to plan their household budgets. When gas prices rise, many people feel burdened, while when prices fall, they are still worried about the scarcity of LPG gas at each base or agent. The government must provide new regulatory policies and ensure that the distribution of 3 kg LPG gas is evenly distributed and gas prices remain stable. [21]

In some areas, fraudulent practices were found that harmed the community by deliberately reducing the contents of 3 kg gas cylinders. This action is carried out in order to obtain large profits through non-standard means, namely by taking advantage of the ignorance of the public, especially from the middle class, business actors and households that use subsidized gas. This non-conformity is not only financially costly, but also reflects the weak supervisory system in LPG distribution and filling. Consumers also lack the tools and ability to verify whether the contents of the cylinders are in accordance with the standard, making them vulnerable to fraudulent practices. To overcome this problem, the government must be stricter in supervision and strengthen regulations and actively involve the community in the supervision process as regulated in Article 13 paragraph (2) of Presidential Regulation No. 104 of 2007 concerning the provision, distribution and pricing of Liquefied Petroleum Gas 3 Kilogram Tubes, which states that business entities and the community are prohibited from hoarding and/or storing and using 3 kg LPG cylinders for households and micro businesses that are contrary to the provisions of laws and regulations.[22]

LPG gas shortages that often occur in Indonesia cause significant losses to consumers, especially the lower middle class. From the perspective of John Rawls' theory of justice, this problem can be analyzed through the concepts of "original position" and "veil of ignorance". If individuals are in their original position and are unaware of their position in society (e.g., whether they are rich or poor, distributors or consumers), they are more likely to agree on principles of justice that ensure fair access to basic necessities such as LPG. This scarcity directly violates Rawls' principle of difference, whereby inequalities (for example, in the distribution of supplies) should be organized in such a way that they provide the greatest benefit to the most disadvantaged members of society. In the case of LPG Gas, the opposite is true: vulnerable groups are increasingly disadvantaged.

Furthermore, the LPG gas shortage also disturbs Rawls' principle of distributive justice. Unequal distribution of resources, whether due to production, distribution, or hoarding problems, creates injustice that harms the majority of the community. Price increases due to scarcity force consumers to spend more or even not be able to cook, which impacts on quality of life and welfare. This is a violation of the principle of fair opportunity, where everyone should have equal opportunities to fulfill their basic needs without unnecessary barriers. The government as a policy maker has a crucial role in ensuring a stable and affordable supply of LPG Gas, in accordance with its implicit social contract to provide essential public services [23].

Therefore, solving the LPG scarcity problem must be based on efforts to reduce inequality and ensure justice for all. This means that there needs to be transparency in the supply chain, strict law enforcement against hoarding practices, and a targeted subsidy mechanism so that LPG Gas can be accessed by those who need it most. From Rawls' perspective, a just system is one that, if designed from behind the veil of ignorance, will ensure that every citizen, regardless of their economic or social status, has adequate access to the basic needs that support a decent life. The scarcity of LPG gas clearly indicates a failure to realize this social justice.

A. Legal Implications of LPG Gas Scarcity Cases from the Perspective of Islamic law and Consumer Protection.

The problem of LPG gas scarcity often arises, especially in certain periods, where the demand for LPG gas is very large and high, often these agents commit violations and do not follow the rules, this really requires more supervision and guidance for these agents because they are not in accordance with applicable laws. So that it causes complaints from the community who have difficulty getting LPG gas at a reasonable price. The manipulation of the price of 3 KG LPG gas is also often a problem that confuses consumers. These unstable prices often make it difficult for people to plan their household budgets. When gas prices rise, many people feel burdened, while when prices fall, they are still worried about the scarcity of LPG gas at each base or agent. The government must provide new regulatory policies and ensure that the distribution of 3 kg LPG gas is evenly distributed and gas prices remain stable. [21]

LPG gas is one of the basic needs of the community, especially for the lower middle class such as housewives and MSME business actors, who depend on subsidized gas for their daily lives. However, the phenomenon of LPG gas scarcity that often occurs in several regions has caused panic in the community and has a direct impact on consumers who rely on subsidized gas. In recent years, LPG gas shortages have often occurred in Indonesia. This has resulted in the hoarding of 3 kg LPG gas which is very detrimental to the surrounding community, especially the lower middle class who rely heavily on the subsidized gas for their daily needs. In an Islamic perspective, hoarding of goods that results in scarcity, price increases, hoarding or difficulty for the community in obtaining 3 kg LPG gas, is included in prohibited acts because it contains elements of *dharar* (harm or loss), both to individuals and the surrounding community. Not only does hoarding of 3kg LPG gas cause economic hardship for the community, it also causes social panic, increases social problems and undermines the principle of justice in the distribution of 3kg LPG gas.

Islam emphasizes the principles of justice, helping, and avoiding actions that harm others. In the Qur'an Surah Al-Baqarah verse 195, which reads:

وَالَّذِينَ فِي سَبِيلِ ٱللَّهِ يَمُوتُونَ أَوْ يُقْتَلُونَ أَوْ يَمُوتُونَ أَوْ يُقْتَلُونَ أَوْ يَمُوتُونَ ٱلَّذِينَ فِي سَبِيلِ ٱللَّهِ يَمُوتُونَ أَوْ يُقْتَلُونَ أَوْ يَمُوتُونَ ٱلَّذِينَ فِي سَبِيلِ ٱللَّهِ يَمُوتُونَ أَوْ يُقْتَلُونَ أَوْ يَمُوتُونَ

Meaning: And spend (your wealth) in the Way of Allah, and do not bring yourselves down to destruction, and do good. Verily, Allah loves those who do good.

This verse not only encourages Muslims to spend and use wealth in the way that is favored by Allah, but also provides a strong warning for people who do actions that harm others. One of them is in the form of selling goods that do not match the retail price of 3 kg LPG gas, hoarding and misuse of 3 kg LPG gas. In terms of the scarcity of LPG gas due to hoarding, this verse provides an important lesson that withholding goods needed by the community for personal needs is a form of action that harms the surrounding community. However, we often see that there are some people who deliberately hoard or misuse 3 kg LPG gas which should be intended for small communities to SME business actors, so those who do harm not only violate the rules of state law, but also values in Islam.[24]

The scarcity of LPG Gas, which is detrimental to consumers, especially the lower classes, can be analyzed through the lens of Islamic teachings, particularly Surah Al-Baqarah verse 195. This verse calls for, "And spend (your wealth) in the way of Allah, and do not bring yourselves into destruction with your own hands, and do good. Indeed, Allah loves those who do good." In the context of LPG scarcity, this verse highlights the dangers posed by irresponsible practices, such as hoarding or unequal distribution. Such actions directly plunge consumers into hardship and "perdition" in the form of economic hardship, limited access to basic needs, and even potential harm if they are forced to use unsafe alternative fuels. This contradicts the commandment to do good and provide benefits to society.

Furthermore, the principle of "doing good" (*ihsan*) in this verse implies moral responsibility for all parties involved in the LPG supply chain. Producers, distributors, and the government should ensure the availability and affordability of LPG Gas as a form of good deeds that prevent harm to the community. Deliberate or allowed scarcity is a form of injustice that is not in line with Islamic values. The community is also encouraged not to be wasteful or overuse, so that the supply can be sufficient for all. Thus, Surah Al-Baqarah verse 195 teaches the importance of social justice, equal access to basic needs, and avoiding all actions that can jeopardize the common welfare, in order to create harmony and goodness in society.

Consumer protection according to Law No. 8 of 1999 concerning consumer protection law in article 1 paragraph (1), namely consumer protection is all efforts that ensure legal certainty to be given protection to consumers. This formulation of the definition of consumer contained in Article 1 paragraph 1 of Law No. 8 of 1999 concerning consumer protection law is quite adequate. In the distribution of LPG gas, which is often called "melon gas", it is a subsidized item in accordance with Presidential Regulation No. 104 of 2007 article 2 which states that the regulation of the supply, distribution and pricing of 3 kg LPG in this Presidential Regulation includes annual sales volume planning from Business Entities,

benchmark prices and retail selling prices as well as provisions for export and import of 3 kg LPG in order to reduce fuel subsidies, especially to divert the use of subsidized kerosene in accordance with government policies to improve the system in the distribution of LPG to be more controlled and evenly distributed. With this new regulation, the government hopes that the determined price will be accepted by the community so that it remains in accordance with the predetermined limits and prevents price spikes due to distribution that is not in accordance with procedures [25].

Doing distribution is very important. So that later the goods or services distributed by producers reach the hands of consumers appropriately and evenly, in this case the distribution of subsidized LPG gas is no exception, the government expects that the distribution of ELPIJI3kg gas is delivered to the right community. As referred to in the Regulation of the Minister of Energy and Mineral Resources Number 26 of 2009, Article 20 Paragraph (2) states that certain ELPIJI users as referred to in paragraph (1) are household consumers and micro businesses that use certain ELPIJI in LPG cylinder packaging with prices regulated and determined by the Minister.[26]

Subsidies related to the supply and distribution of Liquid Petroleum Gas (LPG) are regulated in the Regulation of the Minister of Energy and Mineral Resources (ESDM) Number 28 of 2021 which is an amendment to ESDM Regulation Number 26 of 2009 concerning the Supply and distribution of Liquefied Petroleum Gas listed in article 20 which states that "Certain ELPIJI users as referred to in paragraph (1) are consumers of household groups, micro business groups, target fishermen groups and target farmer groups who use certain ELPIJI in 3 (three) kilogram ELPIJI cylinder packaging with prices regulated and determined by the Minister". The article explains that subsidies for the supply and distribution of Liquid Petroleum gas (LPG). related to this government policy provides regulations in limiting the sale of LPG only through official Pertamina bases to ensure that this subsidized LPG gas is actually distributed to people who have low income, in accordance with targeted subsidy procedures. By limiting distribution through retailers, the government expects to provide a selling price that is still standard and does not exceed the Highest Retail Price (HET) set by the local government.

With the scarcity of LPG gas, many sellers find it difficult to obtain LPG gas, which in turn has an impact on the operations of business actors because business actors previously depended on the supply of 3 Kg LPG gas for their needs. However, they are now facing a big challenge to meet consumer needs. Some sellers have even been forced to temporarily stop their selling activities due to the very limited stock of LPG gas and even if they look for LPG gas stocks in other markets, they will get higher prices. This condition certainly has an impact on the purchasing power of the community because LPG gas that is inflated or unreasonable and not evenly available makes it difficult for consumers to get the goods they need. In addition, small and medium-sized businesses that depend on LPG gas as their main fuel also suffered significant financial losses. Therefore, with the incident that resulted in the scarcity of 3 kg LPG gas, it is necessary to get serious attention from the government. This 3 kg LPG gas is the main ingredient in the needs of the lower middle class not only affects households, but also disrupts microeconomic stability. Therefore, strategic steps are needed such as improving even distribution, monitoring the hoarding and misuse of 3 kg LPG gas and reviewing the subsidy policy so that it is right on target.

In cases that often circulate in various regions, there are still many people who abuse subsidized LPG gas, which should be the price of 18,000 to 19,000 LPG gas sold at 23,000 to 25,000. In this case, the direct impact on consumers is not only economically detrimental, but also detrimental to the surrounding community. As stated in the law on legal protection of consumers, this means that 3 kg LPG gas is a consumer need for daily life. [27]. The government made a new policy that prohibits retailers from selling 3-kilogram LPG starting February 1, 2025. This policy aims to ensure that LPG subsidies are well-targeted and the distribution of 3 kg LPG gas is more controlled. However, with the new policy from the government, local communities who want to buy 3 kg LPG gas can no longer obtain it through ordinary retailers and must buy it from authorized bases or agents.[28].

The scarcity of LPG gas, especially subsidized ones, has a serious impact on consumer rights guaranteed by Law No. 8/1999 on Consumer Protection (UUPK). One of the fundamental rights of consumers is to obtain goods and/or services at an appropriate exchange rate, decent conditions, and without discrimination, as stated in Article 4 of the GCPL. When LPG gas is scarce, the market price often jumps far above the Highest Retail Price (HET) set by the government. This directly violates consumers' right to a fair and reasonable price. Consumers are forced to buy at burdensome prices or even unable to obtain supplies at all, which is very detrimental, especially for households and small businesses that rely heavily on LPG. Furthermore, this scarcity also threatens consumers' rights to safety and security in consuming goods. When LPG Gas is hard to find, many consumers are forced to seek unsafe alternatives, such as using other high-risk fuels or buying gas from illegal retailers who may not meet safety standards. This situation increases the risk of accidents, such as explosions or fires, which can endanger consumers' lives and property. Businesses involved in unauthorized hoarding or

distribution are partly responsible for this risk, as their actions indirectly push consumers into dangerous choices, in violation of the obligation to ensure product safety.

GCPL also requires business actors to act in good faith in conducting their business, provide correct, clear, and honest information about the condition of the goods, and guarantee the quality of the goods being traded. The scarcity of LPG Gas, which is often indicated by speculative practices or distribution that is not on target, shows the failure of business actors to fulfill these obligations. Aggrieved consumers have the right to file claims for compensation, compensation, and/or reimbursement for the losses they incur due to unavailability or unreasonable prices. Therefore, the government and consumer protection agencies, such as the National Consumer Protection Agency (BPKN), must act decisively in monitoring and taking action against practices that harm consumers to ensure that their basic rights are fulfilled as mandated by the GCPL.

To ideally address the LPG gas shortage, the government needs to implement a comprehensive strategy that includes structuring a more accountable distribution system and subsidy efficiency. The government must tighten supervision throughout the supply chain, from producers to end consumers, to eradicate hoarding and misuse practices. The implementation of the ID card-based consumer registration system or the data integration of the Program for the Acceleration of the Elimination of Extreme Poverty (P3KE), as already attempted, needs to be strengthened so that subsidies are well-targeted and only enjoyed by poor households and micro businesses that are entitled to them. In addition, the government needs to ensure the availability of adequate supplies in accordance with projected national needs, including conducting regular market operations in areas prone to scarcity to stabilize prices and prevent speculation.

On the community side, an active role in supporting government policies is crucial. Consumers should ideally be willing to switch to more sustainable alternative energy sources, such as electric or biogas stoves, especially for those who can afford it. Education on the efficient and frugal use of LPG Gas also needs to be intensified to reduce wastage. The public is also expected not to make excessive purchases or panic buying, which would exacerbate the scarcity. Finally, 's active participation in reporting fraudulent practices, such as hoarding or sales above the price ceiling, to the authorities is a form of real contribution in creating a fair and equitable distribution of LPG for all.

Gustav Radbruch suggested three basic legal values that must be considered: justice, expediency, and legal certainty. In the LPG gas shortage case, analysis according to Radbruch's theory highlights how these three values interact with each other and are often in tension. Justice, as the highest value, demands the same treatment for the same cases. The scarcity of LPG, especially the subsidies, demonstrates injustice as people, especially the underprivileged, are unable to access basic necessities at reasonable prices and adequate availability. Those who should benefit the most from subsidies have difficulty gaining access, while the practice of hoarding or selling above the highest retail price (HET) by certain individuals creates inequality of access that harms most consumers [29].

The principle of expediency (*Zweckmäßigkeit*) in Radbruch's theory refers to the purpose of law to provide benefits or usefulness to society. The scarcity of LPG Gas clearly fails to fulfill this principle. Instead of providing convenience and efficiency for households and small businesses, the scarcity has caused difficulties, long lines, increased living costs, and even potential danger if people are forced to use unsafe alternative fuels. LPG distribution and subsidy policies should be designed to maximize benefits for all levels of society, but the scarcity shows that this goal of benefit is not optimally achieved, and instead harms the community at large [30]. Finally, legal certainty (*Rechtssicherheit*) demands that the law must be clear, predictable, and provide guarantees. In LPG gas scarcity situations, legal certainty is often compromised. Fluctuating prices, unclear distribution, and weak law enforcement against hoarders or illegal sellers create uncertainty for consumers. They do not know when and where they can get LPG, at what price, and whether there is any guarantee that their needs will be met. Although Radbruch recognized that under certain conditions, justice can override legal certainty (Radbruch formula), ideally these three values should be balanced. The LPG shortage highlights that legal certainty regarding supply and price for consumers has been neglected, causing widespread chaos and harm.

V. CONCLUSION

There is a phenomenon of LPG gas scarcity that shows very serious problems in the distribution system, misuse of LPG gas and implementing government policies. This scarcity has a direct impact on consumers, especially the lower middle class and micro-businesses who rely heavily on the subsidized gas for their daily needs. The main causes of the scarcity include: inaccurate targeting of subsidized gas, restrictive purchasing policies, hoarding and misuse of distribution by unscrupulous individuals. There is Law No. 8/1999 on Consumer Protection and Presidential Regulation No. 104/2007.

Meanwhile, in Islamic law, the misuse of subsidized gas, the increase in gas prices, is an act that contains dharar and violates the principle of justice.

After seeing the results in this study, the authors provide some suggestions that can be useful for improving the implementation of supervision in the scarcity of 3 kg LPG gas in various regions. The central government through the Ministry of Energy and Mineral Resources needs to conduct a comprehensive evaluation of the LPG gas distribution policy. This policy is such as limiting one tube per KTP and purchasing only at authorized bases. but with the existence of this policy it will be difficult. However, this goal is to ensure that the subsidy is right on target, in reality there are still many people who need LPG gas. Therefore, the government needs to evaluate this policy in order to maintain fairness for people who are entitled to subsidized gas, especially poor households and MSME businesses. Improve supervision of the 3 kg distribution channel, especially at the agent, base and sub-distributor levels. Because many cases of scarcity are caused by hoarding, misuse by unauthorized persons, and the reduction of the contents of the cylinder. Avoiding the practice of hoarding and fraud in Islam, hoarding basic goods that cause scarcity and price increases is a haram act because it contains elements of dharar. The government needs to review regulations related to the distribution of subsidized LPG and strengthen supervision of LPG distribution.

REFERENCES

- [1] A. Y. Sulistyawan, "Urgensi Harmonisasi Hukum Nasional Terhadap Perkembangan Hukum Global Akibat Globalisasi," *J. Huk. Progresif*, vol. 7, no. 2, p. 171, 2019, doi: 10.14710/hp.7.2.171-181.
- [2] K. Umam, F. Hukum, and U. Mataram, "Normativisasi Nilai-Nilai Pancasila Dalam Pembentukan," *UNES Law Riview*, vol. 5, no. 4, pp. 1712–1726, 2023.
- [3] Y. M. Hendarto, "Masalah Elpiji 3 Kg yang Terus Berulang," Kompas.Id. Accessed: Mar. 04, 2025. [Online]. Available: <https://www.kompas.id/artikel/masalah-elpiji-3-kg-yang-terus-berulang>
- [4] S. Pers, "LPG 3 Kg Langka, Ombudsman Jateng Melakukan Pemantauan," 1.
- [5] A. L. Novitasari, P. S. Akuakultur, F. Pertanian, U. Tidar, F. Laili, and L. Windy, "Kelangkaan Gas LPG 3 Kg Di Dukuh Kebumen , Kabupaten Pemalang," 2023.
- [6] S. H. Tri Jata Ayu Pramesti, "Jerat Hukum Penyalahguna LPG Bersubsidi," 1.
- [7] Taslim Septia, "Kelangkaan LPG 3 Kg: Pengecer Tak Menjual, Warga Terbengkalai," 1.
- [8] K. M. Manik and G. H. Tampongangoy, "TINJAUAN HUKUM MENGENAI KEPUTUSAN MENTERI ESDM No. 37. K/MG.01/MEM.M/2023 TENTANG PENGGUNAAN LIQUEFIED PETROLEUM GAS (LPG) 3 KILOGRAM BERSUBSIDI YANG TIDAK SESUAI ATURAN," *J. Fak. Huk. Unsrat*, vol. 13, no. 2, p. 5, 2025.
- [9] J. Efendi and J. Ibrahim, *Metode penelitian hukum normatif dan empiris*, Cetakan ke. Jakarta: Kencana, 2020.
- [10] Amirudin and Z. Asikin, *Pengantar metode penelitian hukum*, Cetakan ke. Jakarta: Rajawali Press, 2018.
- [11] A. Rosidi, M. Zainuddin, and I. Arifiana, "Metode Dalam Penelitian Hukum Normatif Dan Sosiologis (Field Research)," *J. Law Gov.*, vol. 2, no. 1, pp. 46–58, 2024.
- [12] MEDIA24.ID, "BPKN Soroti Kelangkaan LPG 3 Kg: Kebijakan Baru Dinilai Merugikan Konsumen dan UMKM," 1.
- [13] S. R. Dewi, Nurlaily, and T. D. Seroja, "No Title," *Pengawas. Pendistribusian Gas LPG 3 Kg Bersubsidi Di Kota Batam*, vol. 1, no. 1, p. 69, 2022.
- [14] Putri Purnama Sari, "Gas Elpiji 3 Kg Langka di Pasaran, Ini Tips Hemat Menggunakannya Agar Lebih Tahan Lama," 1.
- [15] sebi daily, "Penyebab, Dampak, dan Solusi Kelangkaan Gas Elpiji 3 Kg," 1.
- [16] Antara Jateng, "Pemprov Jateng: Penyesuaian HET LPG 3Kg sudah pertimbangkan perkembangan ekonomi," 1.
- [17] R. R. Dhoni, "Jamin Harga LPG 3 Kg Sesuai HET, Pertamina Imbau Warga Beli di Pangkalan," 1.
- [18] Kompas.com, "Beli Elpiji 3 Kg di Pangkalan Wajib Pakai KTP, Satu NIK Satu Elpiji, Begini Caranya Artikel ini telah tayang di Kompas.com dengan judul 'Beli Elpiji 3 Kg di Pangkalan Wajib Pakai KTP, Satu NIK Satu Elpiji, Begini Caranya', Klik untuk baca: <https://regiona>," 1.
- [19] Tifanny Audina Sagita (PE 2024 I), "FENOMENA KELANGKAAN GAS LPG: APAKAH AKIBAT DARI PASAR MONOPOLI ATAU MASALAH DISTRIBUSI?," 1.
- [20] K. D. Rahayu, E. Sukma, and D. Syahputra, "HISTORICAL : Journal of History and Social Sciences Analisis Penyebab Kelangkaan Gas Elpiji 3 Kg Di Kalangan Masyarakat Kabupaten Bengkalis," vol. 2, no. 4, pp. 151–161, 2023.

- [21] Budi Prihantoro, “Ketidaksesuaian Elpiji 3 Kg Rugikan Masyarakat,” 1.
- [22] Ari Binsar, “Isi LPG Melon Tidak Sesuai , Rugikan Masyarakat,” 1.
- [23] K. A. Emina, “John Rawls Concept of Person and Society: A Critique,” *Pinisi*, vol. 1, no. 3, p. 77, 2021.
- [24] C. Yulianti, “Dilarang Dalam Islam, Dharar Merugikan Diri Sendiri dan Orang Lain,” *detik hikmah*.
- [25] M. Fajar, *Hukum Perlindungan Konsumen dan Persaingan Usaha*, Revisi. Yogyakarta: Pustaka Pelajar, 2019.
- [26] M. Energi, D. A. N. Sumber, and D. Mineral, “MENTERI ENERGi DAN SUMBER DAYA MINERAL REPUBLIK INDONESIA,” vol. 2009, 2009.
- [27] M. Sepang, “1 2 3 4,” vol. 12, no. 5, p. 4, 2024.
- [28] Kompas.com, “Ini Alasan Pemerintah Larang Pengecer Jual Elpiji 3 Kg, Apa Saja?,” 1.
- [29] H. Leawoods, “Gustav Radbruch: An Extraordinary Legal Philosopher Gustav Radbruch: An Extraordinary Legal Philosopher,” 2000.
- [30] S. B. S. Putri, “Analisis teori tujuan hukum gustav radbruch dalam kedudukan majelis penyelesaian perselisihan medis dalam undang - undang nomor 17 tahun 2023 tentang kesehatan,” *Sangaji J. Pemikir. Syariah dan Huk.*, vol. 08, no. 2, pp. 315–326, 2024.