MJP Journal Law and Justice
(MJPJLJ)
Vol. 4, No. 1 (2026): 1-6
https://jurnalilmiah.co.id/index.php/MJPJLJ

Effectiveness of Investigators' Role at Pohuwato Resort Police (Polres Pohuwato) in Enforcement Action Against the Misuse of Subsidized Fuel

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Article Info

Keywords:

investigators; subsidized fuel; effectiveness of law enforcement; Pohuwato Resort Police (Polres Pohuwato); criminal procedure law

ABSTRACT

The misuse of subsidized fuel and/or fuel whose supply and distribution are assigned by the Government disrupts the targeting accuracy of energy policies and access for eligible consumers. This study analyzes the effectiveness of investigators' role at Pohuwato Resort Police (Polres Pohuwato) in enforcement action against fuel misuse and the evidentiary obstacles involved. The study employed an empirical legal research method using a socio-legal approach and qualitative analysis. The primary data were derived from interviews with the Head of the Special Crimes Unit (Kanit Tipidter) at Pohuwato Resort Police (Polres Pohuwato), four police reports from January–February 2026, field observations, and legal materials. Effectiveness was operationalized across procedural, repressive, preventive, and coordinative dimensions and then mapped against legal factors, law-enforcement factors, facilities, societal factors, and legal culture. The findings indicate partial effectiveness. Procedural responses and coordination have been implemented, as reflected in the four reports that reached the investigation stage; however, final repressive outcomes cannot yet be measured because the available materials do not contain information concerning P-21, case transfer, or judgments. The preventive effect has likewise not been optimal, as patterns of repeated purchases and modification of distribution equipment continue to be found. The principal obstacles concern support for legal metrology verification, laboratories, external experts, storage of liquid physical evidence, and technical coordination. Strengthening case handling should therefore focus on measurable investigation performance indicators, integration of recommendation letter data, technical support for proof, and cross-agency oversight of distribution.

Article History

Received : 15/03/2026
Revised : 21/04/2026
Accepted : 21/06/2026

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1. Introduction

Indonesia, as a state governed by law, regards law enforcement as an instrument for ensuring legal certainty, utility, and the protection of the public interest. This principle also applies to energy management, which is directly connected to the livelihood of the population [1]. The effectiveness of law is not determined solely by the existence of legal norms but is also influenced by the quality of law-enforcement personnel, facilities and infrastructure, society, and legal culture [2]. This framework is relevant to understanding the misuse of fuel distribution because the issue lies at the intersection of criminal rules, distribution governance, evidentiary capacity, and user behavior.

Subsidy policies and fuel-distribution assignments are intended to maintain energy affordability and protect specified consumer groups. Energy-subsidy expenditure constitutes an important component of national fiscal policy [3], whereas energy-sector policy recognizes the availability and accurate distribution of energy as elements of public service [4]. Accordingly, deviations in distribution not only create criminal issues but also diminish the targeting accuracy of energy policy.

In practice, such deviations may take the form of repeated purchases, transferring fuel oil (BBM) into other containers, using modified vehicles or tanks, using recommendation letters for purposes inconsistent with their intended use, or resale. This article uses the term subsidized fuel in a practical sense to encompass subsidized fuel and/or fuel whose supply and distribution are assigned by the Government. Distinguishing among fuel-status categories remains important because criminal proof must establish that the object in question falls within the subsidy or Government-assignment regime.

Normatively, the misuse of the transportation and/or commercial trading of subsidized fuel and/or fuel whose supply and distribution are assigned by the Government is criminalized under Article 55 of Law Number 22 of 2001 concerning Oil and Natural Gas (Undang-Undang Nomor 22 Tahun 2001 tentang Minyak dan Gas Bumi), as amended by Law Number 6 of 2023 and adjusted under the national criminal-law regime through Law Number 1 of 2026 [5]. The governance of supply and distribution, as well as retail selling prices, is regulated by Presidential Regulation Number 191 of 2014, most recently amended by Presidential Regulation Number 117 of 2021 [6]. For specified consumers using recommendation letters, the mechanism is also regulated by BPH Migas Regulation Number 2 of 2023, as amended by BPH Migas Regulation Number 4 of 2025 [7].

Pohuwato Regency presents law-enforcement characteristics that warrant examination because fuel needs are associated with transportation, agriculture, fisheries, and mining activities, while its proximity to Central Sulawesi increases the mobility of persons and goods. Research documentation records that the Special Crimes Unit of Pohuwato Resort Police (Unit Tipidter Polres Pohuwato) handled four police reports in January–February 2026, namely LP/A/06/I/2026, LP/A/07/I/2026, LP/A/09/II/2026, and LP/A/10/II/2026. At the time the research data were collected, all four reports were at the investigation stage [8].

Because all four police reports were initiated after January 2, 2026, the procedural analysis in this article takes into account Law Number 20 of 2025 concerning the Criminal Procedure Code (Kitab Undang-Undang Hukum Acara Pidana), which entered into force on that date [9]. The institutional authority of the Indonesian National Police (Polri) continues to derive from Law Number 2 of 2002 concerning the Indonesian National Police, which, at the time of manuscript revision, was most recently amended by Law Number 5 of 2026 [10]. Accordingly, an evaluation of the effectiveness of investigators' role must distinguish among the substantive criminal-law basis, fuel-distribution regulations, and investigation procedures.

Previous research indicates that a focus on the police is not entirely new. Putra, Faniyah, and Wibowo assessed the effectiveness of law enforcement against misuse of subsidized fuel at the West Pasaman Resort Police and identified investigative obstacles [11]. Rahmadana and Din examined law enforcement at the Nagan Raya Resort Police, highlighting methods involving the collection of fuel from several public fuel filling stations (SPBU) [12]. Refdiantoni, Ismansyah, and Arliman S. described the investigation process at the Padang City Police, including the use of witnesses, experts, physical evidence, and issues involving distribution documents [13]. Abadi and Madjid subsequently identified fulfillment of the elements of Article 55 of the Oil and Gas Law (UU Migas), as well as limitations in personnel, coordination, and facilities, as investigative issues [14].

Other studies have expanded this context. Rahman and Krismen linked the misuse of subsidized diesel fuel to unauthorized gold mining in Kuantan Singingi [15], whereas Faniyah, Herman, and Bakir demonstrated the importance of expert testimony in uncovering the misuse of Bio Solar [16]. Afriani, Hamid, and Zubaedah analyzed judges' considerations in cases involving fuel misuse [17], while Ijon, Sitohang, and Simangungsong examined the related criminal liability [18]. The normative study by Mamuaja, Simbala, and Pinasang emphasized the basis provided by Article 55 of the Oil and Gas Law [19]. Sulistiono highlighted coordination, law-enforcement resources, and legal awareness [20]. Maulana and Nurcahyono distinguished between penal and non-penal measures [21], whereas Muhadi and Karya identified problems in law enforcement relating to subsidized fuel in regional contexts [22].

This mapping reveals a more specific research gap. First, previous studies have addressed effectiveness, investigation processes, criminal elements, experts, and links to mining, but have not operationalized the effectiveness of investigators' role across four dimensions simultaneously: procedural, repressive, preventive, and coordinative. Second, no discussion has specifically assessed the dependence of technical proof on interregional facilities in the Pohuwato context, including the need for measurement, laboratories, experts, and the management of liquid physical evidence. Third, data from four police reports in Pohuwato permit a distinction between law-enforcement activities and the ultimate success of law enforcement. The novelty of this article therefore lies not solely in its locus, but in this evaluation model and the technical-geographical characteristics of Pohuwato.

Based on this background, the research questions are as follows:

1. How effective is the role of investigators at Pohuwato Resort Police (Polres Pohuwato) in taking enforcement action against misuse of subsidized fuel?
2. What obstacles do investigators at Pohuwato Resort Police (Polres Pohuwato) face in taking enforcement action against misuse of subsidized fuel?

This study aims to assess the effectiveness of investigators' role on the basis of measurable indicators and to identify evidentiary obstacles and coordination issues affecting case handling. The findings are expected to contribute to the development of analyses of economic criminal law enforcement and to provide practical input for the police, regional governments, BPH Migas, designated business entities, SPBU operators, and the public.

2. Research Methods

This study employed an empirical legal research method using a socio-legal approach and qualitative analysis. The juridical approach was used to examine investigators' authority, the elements of the criminal offense under Article 55 of the Oil and Gas Law, fuel oil (BBM) distribution governance, and the criminal procedure law applicable to cases in 2026. The sociological approach was used to examine case-handling practices, technical proof requirements, observed patterns of irregularities, and interinstitutional working relationships.

The primary data explicitly identified in the research documentation were derived from an interview with the Head of the Special Crimes Unit (Kanit Tipidter) of Pohuwato Resort Police (Polres Pohuwato), who served as the key informant, and from field observations. The informant was selected based on the Kanit Tipidter's role in supervising and handling specified criminal offenses, including fuel cases. The interview addressed the inquiry and investigation process, the collection of physical evidence, the use of experts, verification of recommendation letters, coordination with technical agencies, and obstacles to case handling. Documentary data comprised four police reports dated January 30 to February 12, 2026, and research records relating to their handling process [8].

Secondary data consisted of primary and secondary legal materials. Primary legal materials included the Oil and Gas Law and its amendments, the 2025 Criminal Procedure Code, the Police Law, Presidential Regulations governing fuel distribution, and BPH Migas regulations concerning recommendation letters. Secondary legal materials consisted of books and journal articles on legal effectiveness, investigations, proof of the elements of Article 55 of the Oil and Gas Law, misuse of fuel distribution, expert testimony, and law enforcement in other regions.

Data were collected through interviews, observation, document review, and literature review. Validation was conducted through limited source triangulation by comparing information from the key informant with four police reports, observation records, legal norms, and findings from previous research. This study did not use information from Pertamina, BPH Migas, local government, gas station operators, or the public as independent informants; therefore, institution-specific findings are not generalized beyond the data context of Pohuwato Resort Police (Polres Pohuwato).

The analysis was conducted through data reduction, thematic categorization, comparison with legal materials, and drawing conclusions. The concept of effectiveness was operationalized into four dimensions: (1) procedural effectiveness, namely, the ability to initiate and conduct the investigation process in accordance with criminal procedure law; (2) repressive effectiveness, namely, the substantive progress of cases toward law-enforcement outcomes; (3) preventive effectiveness, namely, the ability of enforcement action and supervision to reduce the recurrence of methods of operation; and (4) coordinative effectiveness, namely, the ability to obtain data support, experts, facilities, and interagency verification. These four dimensions were mapped against legal factors, law-enforcement factors, facilities, societal factors, and legal culture within Soerjono Soekanto's framework [2].

The limitations of this study lie in its reliance on one identified key informant, the absence of triangulation with external institutions, and the limited documentary detail in the four police reports. The available materials did not consistently include the type and volume of fuel oil (BBM), lists of physical evidence, developments in the designation of suspects, the status of case files at the prosecution stage, case transfer, or judgments. Accordingly, this study does not assess institutional effectiveness comprehensively and limits its conclusions to verifiable indicators.

3. Results and Discussion

The discussion is structured around two research questions. The assessment of effectiveness in the first subsection does not use the number of police reports as the sole measure; rather, it distinguishes procedural activity from final success through procedural, repressive, preventive, and coordinative dimensions. The second subsection examines technical, juridical-administrative, operational, geographical, and social obstacles by locating them within the factors affecting legal effectiveness. Case and interview data are used to the extent that they can be verified, while unavailable information is identified as a limitation of the analysis.

This framework is important because four police reports may demonstrate that the investigation function was initiated, but they do not automatically demonstrate that law enforcement was successful through its final stage. Conversely, the need for experts, legal metrology verification, laboratories, and interagency verification indicates that the effectiveness of investigators' role depends on the evidentiary ecosystem and the governance of distribution rather than on police action alone.

3.1. Effectiveness of Investigators' Role at Pohuwato Resort Police in Enforcement Action Against the Misuse of Subsidized Fuel

The role of investigators in fuel oil (BBM) cases in 2026 must be assessed under the criminal procedure law in force when the process commenced. Law No. 20 of 2025 regarding the Criminal Procedure Code (KUHAP) has been in force since January 2, 2026, and redefines the authority of preliminary investigators and investigators, coordination with public prosecutors, and coercive measures [9]. Institutionally, the Indonesian National Police (Polri) has law-enforcement duties under the Police Law (UU Kepolisian) [10]. Within this framework, receiving reports, conducting verification, seeking and collecting evidence, examining relevant parties, carrying out seizures in accordance with legal requirements, and establishing evidentiary coordination constitute aspects of procedural effectiveness.

With respect to substantive criminal law, investigators must prove more than the existence of fuel oil (BBM) being transported or stored. The construction of Article 55 of the Oil and Gas Law (UU Migas) requires identification of the subject, the act of misuse of the transportation and/or commercial trading of fuel, the object in the form of subsidized fuel and/or fuel whose supply and distribution are assigned by the Government, and the relationship between the act and deviation from the intended use or commercial trading [5]. Research by Abadi and Madjid indicates that the elements of the act, benefit, and unlawfulness must be interpreted through the facts of transportation/commercial trading and regulations restricting distribution [14]. Accordingly, the status of the type of fuel oil (BBM), recommendation documents, source of purchase, purpose of transportation, patterns of resale, witness testimony, physical evidence, and expert testimony constitute relevant evidentiary issues.

Table 1. Operationalization of the Effectiveness of Investigators' Role at Pohuwato Resort Police

Factor/dimension	Indicators and findings
Law / procedural	Article 55 of the Oil and Gas Law (UU Migas), distribution regulations, and the 2025 Criminal Procedure Code (KUHAP) provide a normative basis. Four police reports indicate that the process was initiated; detailed compliance for each action requires complete case files.
Law enforcement / repressive	Reporting, verification, securing evidence, examinations, and investigation were conducted. Final outcomes are not yet available; therefore, repressive success cannot yet be measured.
Facilities / repressive	Legal metrology verification and measurement, laboratories, external experts, and the storage of fuel oil (BBM) constitute the principal obstacles to evidentiary efficiency.
Society / preventive	Repeated purchases, transfers into containers, modified tanks, and resale were observed. The prevalence of violations cannot be generalized.
Legal culture / preventive	Compliance at the distribution level remains problematic. Economic motives cannot be identified as a general cause without data from external informants.
Coordination / coordinative	Verification of recommendation letters and support from external experts were undertaken, but interagency dependence limited the speed of case handling.

Source: Processed from research data [8].

Based on an interview with the Head of the Special Crimes Unit (Kanit Tipidter), the documented work pattern of investigators included receiving information, field verification, securing physical evidence, examining relevant parties, collecting evidence, and coordinating with technical agencies [8]. Doctrinally, the purpose of an investigation is to clarify a criminal offense through accountable evidence, rather than merely resulting in an arrest [23]. These findings show that the procedural dimension has functioned, but the quality of the outcome must be assessed on the basis of the completeness of proof and the progress of the case.

The four available police reports indicate law-enforcement activity in early 2026. To avoid assessments exceeding the available data, this article does not disclose the identities of persons named in the reports and does not presume criminal guilt before the proof process has been completed. The position of each report in the effectiveness assessment is summarized in Table 2.

Table 2. Position of Four Police Reports in the Effectiveness Assessment

Police report/date	Status and indicators
LP/A/06/I/2026 30-01-2026	Special Crimes investigation; an indicator of procedural response, not yet a final outcome.
LP/A/07/I/2026 30-01-2026	Special Crimes investigation; an indicator of procedural response, not yet a final outcome.
LP/A/09/II/2026 12-02-2026	Special Crimes investigation; an indicator of procedural response, not yet a final outcome.
LP/A/10/II/2026 12-02-2026	Special Crimes investigation; an indicator of procedural response, not yet a final outcome.

Source: Police report data in the research documentation [8].

The available documentation does not adequately provide information on the type and volume of fuel oil (BBM), descriptions of physical evidence for each report, the specific modus operandi of each case, suspect designations, the results of case-file examinations, P-21, the case transfer of suspects and physical evidence, or judgments. Therefore, the four police reports can only be used to demonstrate the existence of a response and the continuation of proceedings to the investigation stage. The number of reports cannot be treated as evidence that law enforcement has been successful in repressive terms. This distinction between activity and success corrects the initial claim that investigators have been sufficiently effective.

Repressive effectiveness can be assessed more robustly only where indicators of case progress are available, such as the sufficiency of evidence, suspect designation, completion of case files, case transfer to the public prosecutor, judgment outcomes, and the management of physical evidence. Refdiantoni, Ismansyah, and Arliman S. show that cases at Polresta Padang can be analyzed further because their research data include witnesses, experts, drums, jerrycans, transaction documents, and sufficient evidence for trial [13]. The absence of comparable details in the Pohuwato materials constitutes an important limitation in assessing repressive outcomes.

In the preventive dimension, field observations recorded repeated purchases, the transfer of fuel oil (BBM) into jerrycans or gallons, the use of vehicles with modified tanks, the use of recommendation letters, and retail sales at prices above the official price [8]. These findings do not establish the prevalence of violations at all gas stations or throughout Pohuwato, but they sufficiently indicate that enforcement action in individual cases cannot be regarded as having eliminated patterns of irregularity. Studies by Putra, Faniyah, and Wibowo [11], Rahmadana and Din [12], and Muhadi and Karya [22] likewise show that distribution oversight and resale behavior constitute important aspects of the problem of fuel oil (BBM) law enforcement in the regions.

The coordinative dimension is evident in the need to verify recommendation letters with agencies in the agricultural and fisheries sectors, coordinate with distributing business entities, and obtain experts and technical facilities. BPH Migas regulations concerning recommendation letters underscore the importance of accuracy in user-consumer data [7]. In the Pohuwato context, coordination has been undertaken, but it remains dependent on the support of other parties. This condition is consistent with Sulistiono's study on weak coordination and resources [20], as well as the study by Faniyah, Herman, and Bakir, which demonstrates the role of experts as an important component in uncovering Bio Solar cases [16].

On the basis of these indicators, the effectiveness of investigators' role at Pohuwato Resort Police (Polres Pohuwato) is more appropriately characterized as partial. Procedural effectiveness and a portion of coordinative effectiveness can be verified because reports were followed up to the investigation stage and coordination measures were undertaken. Final repressive effectiveness cannot yet be determined because the final outcomes of the four cases are not available in the research materials. Preventive effectiveness has not been optimal because patterns of irregularity remain observable. These findings also distinguish the Pohuwato research from studies that assess effectiveness solely on the basis of the existence of investigative measures.

3.2. Obstacles Faced by Investigators at Pohuwato Resort Police in Enforcement Actions Against Misuse of Subsidized Fuel

The obstacles faced by investigators can be categorized as technical evidentiary obstacles, administrative coordination obstacles, operational-geographical obstacles, physical-evidence management obstacles, and factors relating to public compliance. This categorization shows that the obstacles do not operate independently. A technical obstacle, such as the need to measure volume, may simultaneously create coordinative dependence and prolong the process of proof.

The first technical obstacle is the need to reliably determine the quantity of liquid physical evidence. Research interviews indicated a need for legal metrology verification or measurement support and the limited availability of local facilities, such that technical personnel may need to be engaged from outside the region [8]. Measurement in metrological activities is governed by Law Number 2 of 1981 concerning Legal Metrology, as amended under the Job Creation regime [24]. This article does not conclude that every case must use a particular form of legal metrology verification; rather, it regards accountable measurement as necessary for proof of quantity when the volume of physical evidence is relevant.

The second technical obstacle concerns laboratory testing and the use of experts to ascertain the characteristics of physical evidence and explain technical aspects of distribution. The research documentation indicated reliance on laboratories or experts located outside Pohuwato [8]. The study by Faniyah, Herman, and Bakir showed that expert testimony may play an important role in uncovering the misuse of Bio Solar [16], whereas the research by Refdiantoni et al. demonstrated that technical evidence and distribution documents affect case construction [13]. However, the Pohuwato data did not quantitatively record the frequency of requests for experts or the duration of delays; accordingly, this obstacle is presented as a qualitative finding rather than as a measure of investigation duration.

Administrative obstacles relate to interinstitutional coordination. Verification of recommendation letters requires accurate data concerning specified consumers and their intended use. BPH Migas Regulation Number 2 of 2023, as amended by BPH Migas Regulation Number 4 of 2025, provides a framework for issuing recommendation letters [7]. In practice, investigators still require prompt access to issuing agencies and technical support from other institutions. When recommendation, transaction, and user-status data are not integrated, the time required to assess the validity of documents increases.

Operational obstacles are associated with queues, repeated purchases, the use of particular containers or vehicles, and the mobility of distribution. Pohuwato also has a mining-activity context that, according to the research observations, constitutes one of the destinations requiring vigilance with respect to fuel diversion [8]. This finding should be formulated cautiously: the research materials do not establish the existence of organized networks in all cases and do not provide quantitative data on fuel flows to mining activities. A comparison with the study by Rahman and Krismen in Kuantan Singingi indicates that the relationship between subsidized diesel fuel and illegal mining may constitute a law-enforcement issue [15], but patterns in Pohuwato must be independently established in each case.

The management of liquid physical evidence presents a distinct obstacle because fuel oil (BBM) is flammable, may decrease in quantity, and requires secure storage. From the perspective of criminal procedure law, the seizure and preservation of physical evidence must safeguard the integrity of the object so that it may be used in proof [9]. Limitations in storage facilities are therefore not merely a logistical matter but may affect the reliability of the evidentiary chain. Compared with the research of Abadi and Madjid, which identified limited facilities as an obstacle for investigators [14], Pohuwato demonstrates a more specific form of this constraint arising from the nature of liquid physical evidence and access to technical facilities.

Societal factors and legal culture must be interpreted proportionately. Observations recorded retail sales, repeated purchases, and the use of particular means [8], but the research did not include sufficient community informants to establish economic factors as a general cause. Accordingly, this article does not conclude that offenders come from vulnerable groups or that economic motives are the dominant factor. The findings indicate only that user compliance and supervision of distribution points form part of preventive effectiveness. This approach is consistent with the normative study by Mamuaja et al. concerning the need for penal and non-penal measures [19] and with that of Maulana and Nurcahyono concerning the combination of countermeasures [21].

Recommendations for improvement should be allocated among the relevant actors. Pohuwato Resort Police (Polres Pohuwato) should use traceable indicators of case progress, strengthen competence in proof under Article 55 of the Oil and Gas Law and the 2025 Criminal Procedure Code, and establish safe procedures for liquid physical evidence. Local government should integrate recommendation-letter data and clarify metrological support. BPH Migas and state-assigned business entities should, within their authority, provide access to recommendation verification, expert support, and relevant transaction data. Gas station operators should strengthen the detection of repeated transactions and compliance with record-keeping requirements. The public should have access to accessible reporting channels and protection for reports. This allocation of responsibilities is more concrete than placing the entire burden of prevention on investigators.

Accordingly, the principal obstacles in Pohuwato do not concern merely the number or willingness of investigators. The critical issues are technical support for proof, dependence on facilities and experts from outside the region, integration of recommendation-letter data, management of liquid physical evidence, and distribution patterns that are difficult to monitor. These characteristics make an empirical contribution by showing that the effectiveness of investigations into fuel-related criminal offenses in the regions is substantially determined by evidentiary infrastructure and coordination within the energy sector. These findings remain contextual because they are derived from a single key informant, limited case documents, and local observations.

4. Conclusion

The effectiveness of investigators' role at Pohuwato Resort Police (Polres Pohuwato) in enforcement action against the misuse of subsidized fuel is partial. Procedural effectiveness is evident from four police reports from January–February 2026 that proceeded to the investigation stage, whereas coordinative effectiveness is reflected in verification activities and the need for support from technical agencies. However, final repressive effectiveness cannot yet be assessed because the research materials do not include the progress of case files through P-21, case transfer, or judgment. Preventive effectiveness has also not been optimal, as observations continue to identify patterns of repeated purchases, fuel transfers, and the use of distribution equipment that may be misused. Therefore, the existence of processed cases must be distinguished from the overall success of law enforcement.

Investigators face constraints, including limited measurement and legal metrology verification, laboratory testing, external experts, facilities outside the region, integration of recommendation-letter administration, management of liquid physical evidence, operational and geographical conditions, and user compliance at the distribution level. Enforcement action should be strengthened through measurable case-performance indicators, more accessible technical support for proof, integration of recommendation-letter data, transaction monitoring at fuel stations, and a clear allocation of roles among the police, local government, BPH Migas, government-assigned business entities, fuel-station operators, and the public. These conclusions constitute context-specific findings from Pohuwato Resort Police (Polres Pohuwato) and are not intended to be generalized to all investigation practices concerning the misuse of fuel oil (BBM) in Indonesia.

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