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Digital Data Collection of 3 kg LPG Purchasers -Transformation of 3 kg LPG Subsidy as Implementation of the Minister of Energy and Mineral Resources Decree No. IX.37.K/KMG.01/MEM.M/2023*

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Abstract

The energy needs, especially for subsidized LPG 3 kg, have increased by more than 700% compared to the initial program of kerosene-to-LPG conversion in 2007. The 3 kg of LPG distribution is now widespread across almost all of Indonesia. Currently, 95% of LPG usage is subsidised category. As a result, subsidies for 3 kg of LPG have consistently risen annually. Meanwhile, the price gap between subsidised and non-subsidised LPG has widened, leading to widespread illegal filling practices. Ironically, eligible citizens often struggle to obtain 3 kg of LPG, due to broad criteria allowing almost anyone to purchase it. This study aims to analyze government policies aimed at more targeted subsidy transformation. Utilizing a juridical-normative research method, it examines the regulations governing the distribution of 3 kg LPG and the underlying policies for subsidy transformation. The desired outcome is for the government to ensure that the subsidy for 3 kg of LPG reaches its intended targets through adequate regulations. Revision of Presidential Regulation 104/2007 is necessary to clarify the criteria for 3 kg LPG users and enable effective implementation. Ministerial Decision No. 37.K/MG.01/MEM.M/2023 mandates businesses to gather buyer data via web-based applications, allowing cross-referencing with welfare rankings from relevant ministries/agencies based on buyer names and addresses. The digitalisation effort by government-appointed entities in data collection for 3 kg LPG buyers aims to ensure that subsidies reach the eligible Indonesian citizens. Keyword: Subsidy Transformation; Digital; LPG 3 kg

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A. INTRODUCTION

The Indonesian government is responsible for maintaining an economy that can fulfil the basic needs of the "livelihoods of many people". This includes various aspects of life, such as access to food, clothing, shelter, education, health, and decent work and income. The government seeks to maintain economic stability and improve the welfare of the Indonesian people in general. In practice, the oil and gas sector is one of the most important sectors for national development. Non-tax state revenue (PNBP) in the ESDM sector 2022 reached 351 trillion rupiah, or 138% of the target of 254 trillion rupiah. Oil and gas PNBP reached 148.7 trillion rupiah, or 106.90% of the target of 139.1 trillion rupiah. Meanwhile, non-tax revenue reached 183.4 trillion rupiah, exceeding the target of 101.8 trillion rupiah. The realization of EBTKE PNBP of 2.3 trillion rupiah reached the target of 1.6 trillion rupiah. (https://migas.esdm.go.id)

These revenues must always be maintained and continuously monitored, given the contribution of the oil and gas sector to state development. The oil and gas sector has a critical economic perspective as a sector that controls the livelihood of many people, as expressed in the 1945 Constitution, especially Article 33 paragraph (3) which reads, the earth and water and the natural resources contained therein are controlled by the state and used for the greatest prosperity of the people. This means that oil and gas as strategic natural resources included in the earth of the Indonesian Mining Law Area are national wealth controlled by the state."

One of the policies related to national energy management is the subsidisation of 3 kg LPG cylinders. This policy was initiated through the kerosene to LPG conversion program in 2007, based on Presidential Regulation (Perpres) Number 104 of 2007 concerning the Supply, Distribution and Pricing of 3 kg LPG cylinders. Energy subsidy policy is one of the government's genuine efforts to transform public services. The government is obliged to serve citizens' energy needs, including impoverished households, to create fair access to energy for the community. (TNP2K, 2021, March)

Energy subsidies, including LPG, are mandated by law to provide improved access to energy sources for the poor. Energy sources in the form of LPG are one of the important branches of production and are in contact with the livelihood of many people, so their utilisation and management must be regulated by the state. (<u>TNP2K, 2021, March</u>)

It is mandated in Law No. 30/2007 on Energy that energy subsidies are

a constitutional policy. However, Article 7, paragraph 2 of the Law on Energy mandates that the government and local governments provide energy subsidy funds for the poor. So, the emphasis is that energy subsidy funds are intended for the poor. Meanwhile, the criteria for recipients entitled to 3 kg LPG are still too broad, including households, micro businesses, targeted fishermen and targeted farmers.

From Presidential Regulation No. 104 of 2007, dated Nov. 28, 2007, the technical implementation is regulated in Minister of Energy and Mineral Resources Regulation No. 26 of 2009, dated Sept. 29, 2009, concerning the Supply and Distribution of 3 kg LPG cylinders, which was amended by Minister of Energy and Mineral Resources Regulation No. 28 of 2021, dated Oct. 7, 2021, concerning the Supply and Distribution of Liquefied Petroleum *Gas*.

The *Public Service Obligation* (PSO) given to PERTAMINA is a budget derived from the state budget, which has previously been discussed together between the Ministry of SOES and the Ministry of Energy and Mineral Resources as the technical ministry, and has been determined by the DPR. The stipulation considers the basic costs of providing fuel and the level of community capacity, and has also been adjusted to the development of international fuel prices. (Adji & Sulisyaningrum, 2009)

PSO obligations are needed to keep the activities of public goods and services providers available in sufficient quantities, even if they do not provide enough profit for service providers to continue to carry out their activities. PSOS that are offered financially but do not provide a profit must still be provided, because it is expected to provide an economic *multiplier effect* for the community. (Syadullah, 2007)

The government continues to provide a social protection budget for the community. This ranges from providing necessities to the poor, to subsidizing several fuel oil (BBM) products and especially 3-kilogram (kg) *liquid petroleum gas* (LPG). The 3-kilogram LPG subsidy is the largest compared to fuel and electricity subsidies. According to the 2023 State Budget, the budget allocation for 3-kilogram LPG subsidies reaches IDR 117.85 trillion. Therefore, the distribution of 3 kg of LPG must be right on target to benefit the poor or vulnerable people in meeting their basic needs. (https://indonesia.go.id) The subsidized 3 kg LPG cylinder is very much needed by the lower middle class. The price is affordable, so even the rich enjoy it. The realization of 3 kg LPG volume each year continues to increase by an average of 4.5%. In contrast, the realisation of the volume of non-subsidised LPG has decreased by an average

of 10.9%. (https://www.indonesia.go.id)

For information, the realisation of the volume of 3 kg of cylinder LPG each year continues to increase by an average of 4.5%. In contrast, the realisation of the volume of non-subsidised LPG has decreased by an average of 10.9%. In 2019, the realized volume of 3 kg cylinder LPG was 6.84 million metric tons, then rose to 7.14 million metric tons in 2020 and 7.46 million metric tons in 2021 to reach 7.80 million metric tons in 2022. In the same period, the realised volume of non-subsidised LPG decreased from 0.66 million metric tons in 2019 to only 0.46 million metric tons in 2022. (https://www.kominfo.go.id)

Other forms of misuse of 3 kg LPG cylinder are hoarding, sales exceeding the Highest Retail Price (HET) set by the Regional Government, sales/transportation to areas that are not distribution areas (across regencies/ cities or regions that have not converted kerosene to 3 kg LPG cylinder), and transportation of 3 kg LPG cylinder using vehicles that are not registered at the Agent. Therefore, improving the current mechanism for distributing 3 kg LPG cylinders is necessary. Manual recording of transactions in base *logbooks* is prone to manipulation and hence does not show the accurate profile of 3 kg LPG users. The ongoing data collection and user data matching process is expected to address these challenges. In addition, location mapping will be conducted.

The determination of the national volume of 3 kg LPG is determined jointly between the Central Government and the DPR through the State Budget—the Central Government, c.q. The Ministry of Energy and Mineral Resources (ESDM) also determines the 3 kg LPG Benchmark Price formula after obtaining consideration from the Minister of Finance. Also, it determines the Retail Selling Price of 3 kg LPG at the agent's delivery point based on the agreement of relevant agencies coordinated by the Minister of Economic Affairs—the Central Government, c.q. The Ministry of Energy and Mineral Resources provides guidance and supervision on the supply and distribution of 3 kg LPG, among others, by verifying the supply and distribution of 3 kg LPG carried out by PT PERTAMINA at the SP(P)BE, Distributor, and Sub-Distributor points. (https://migas.esdm.go.id)

The functions of guidance and supervision are in the hands of the government. Minister of Energy and Mineral Resources Regulation No. 28/2009 explains that guidance and supervision in the field are carried out by the Director General of Oil and Gas in collaboration with the Ministry of Home Affairs. In this case, technically, the field means that the supervision is carried out by the Regional Government, both Provincial and Regency/City. In addition, Ministerial regulation of ESDM No. 26/2009 also regulates that PERTAMINA is the

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designated business entity to distribute subsidized 3 kg LPG. (Sufi & Iryani, 2021)

The government and the DPR set the price and quota of subsidized 3 kg LPG. The Government and the House of Representatives have set a quota for subsidised 3 kg LPG gas distribution, which receives funding from the State Budget each year. As an authorised distributing business entity, PERTAMINA has the duty and authority to distribute 3 kg of LPG gas through agents and bases that sell at the highest retail price set by the local government.

Along with these changes, LPG is now the concern of many people because it is a product that consumers need, so demand has risen sharply. The price outside the base continues to soar, considering that the Regional Government determines the highest retail price at the base or sub-distributor level. In this case, it is suspected that, in addition to kerosene consumers switching to LPG, there is also a shift in consumption from non-subsidised to subsidised LPG. The increase in the price of 12 kg LPG has encouraged consumers to switch to consuming 3 kg LPG, which is a special commodity for the lower middle class. The shift of people to drink 3 kg LPG causes the demand for 3 kg LPG to increase, causing a scarcity of subsidised *LPG*. (Risdiyanta, n.d)

The price of subsidized LPG includes a subsidy component. The regional government regulates the retail price of subsidized LPG at the base level, determining the highest retail price in each region. The development of agents and bases is also very rapid, with more than 5,000 agents and 250 thousand 3 kg LPG bases in June 2024.

The kerosene to LPG conversion program aims to reduce the burden on the state budget related to fuel subsidies. Still, the community has recently been disturbed by the scarcity of 3 kg subsidised LPG gas. The primary trigger for this is the very different price disparity between 3 kg subsidised LPG gas and 12 kg LPG gas, causing many 12 kg LPG gas users to switch to 3 kg subsidised LPG gas, which should only be for the poor. On that basis, people in need do not get 3 kg of subsidised LPG gas. Stock depletion, if the stock of subsidised LPG gas is not managed properly by the government or distribution companies, can occur, which can cause scarcity. Issues related to the launch of non-subsidised bright gas make people think subsidised gas will be phased out. Scarcity is also caused by irregularities in the distribution of 3 kg of subsidised LPG gas. (Lestari, et.al., 2023)

The price disparity between subsidised and non-subsidised LPG also triggers the community's copying practice. One of the most recent incidents

was the explosion of a subsidized gas production warehouse in Denpasar, Bali, which killed 12 workers. While there are still more victims who have suffered burns. (<u>https://radarbuleleng.jawapos.com</u>)

Based on this background, the researcher is interested in examining how efforts to transform the 3 kg LPG subsidy can be more targeted supported by a digitisation system carried out by a Business Entity appointed by the Government, and summarises it in writing: Digital Data Collection of LPG 3 KG Buyers - LPG 3 Kg Subsidy Transformation as the Implementation of the Minister of Energy and Mineral Resources Decree No. 37.K/KMG.01/MEM.M/2023.

B. METHODS

The research method employed in this study is normative juridical. This approach focuses on examining the legal norms, principles, and regulations that form the foundation for the distribution of 3 kg LPG and the basis for transforming the subsidy policy. Through a detailed analysis of existing laws, government regulations, and related legal documents, this research seeks to uncover how legal instruments have been designed to govern the subsidy program and how they can be improved to achieve their objectives better. The expected outcome of this study is to present a comprehensive evaluation of the government's efforts to ensure that the 3 kg LPG subsidy is precisely targeted to those who genuinely need it, supported by establishing clear, adequate, and enforceable regulations. In conducting this research, the literature study will rely heavily on secondary data sources. These include primary legal materials such as statutory regulations, government decrees, and court decisions, as well as secondary legal materials like legal commentaries, academic journals, expert opinions, and previous research findings. By systematically analysing these materials, the study aims to formulate recommendations that contribute to strengthening the regulatory framework and enhancing the effectiveness of the 3 kg LPG subsidy program.

C. RESULTS AND DISCUSSION

Article 33 of the 1945 Constitution is the basis of the Indonesian economy, which reads: (1). The economy is structured as a joint venture based on the principle of kinship; (2). Branches of production that are important to the state and that control the lives of many people are controlled by the state 3. The land,

water, and natural resources contained therein are regulated by the state and used for the greatest prosperity of the people. (4). The national economy is organised based on economic democracy with the principles of togetherness, fair efficiency, sustainability, environmental perspective, independence, and by maintaining a balance of progress and national economic unity; (5). Further provisions concerning the implementation of this article shall be regulated by law.

Upon re-examining the article, it becomes clear that the 1945 Constitution of Indonesia explicitly mandates that the national economy must be structured based on the principle of kinship. This principle emphasises the importance of collective welfare over individual interests. Furthermore, it stipulates that the State must control sectors of production that are vital to the livelihood of the majority, such as energy, water, and other essential natural resources. The management of the earth, water, and all natural resources within is entrusted to the State, with the ultimate goal of achieving the greatest possible prosperity for all Indonesian people. In this context, State-Owned Enterprises (SOES) play a crucial role. They are expected not only to operate as business entities but also to embody and implement the spirit of Article 33 of the Constitution. Thus, SOES must balance achieving efficiency and competitiveness while prioritising the broader objective of social welfare and national economic sovereignty.

Based on the explanation of Article 66 Paragraph (1), although SOES are established with the intention and purpose of pursuing profit, it is possible that, for urgent matters, SOES are given special assignments by the Government. If the assignment is financially unviable, the government must compensate all costs incurred by the SOE, including the expected margin and in principle, change the existing company work plan and budget; the assignment must also be known and approved by the GMS/Minister. (https://migas.esdm.go.id)

The implementation of *Public Service Obligations (PSO)* in Indonesia can be in the form of special assignments to SOES to carry out public benefit functions while still referring to the aims and objectives of SOE activities as stated in Article 66 of the SOE Law. (Wiranta, 2011)

In carrying out the government's duty to provide goods or services the public needs, the government assigns BUMN. In this context, SOES in Indonesia can control economic sectors that produce goods or services that can be categorised as influencing many people's lives. This SOES control is in line with the rules in the constitution, Article 33, paragraph (2). Another reason is that strategic goods or services can generally be categorised as public goods,

where the private sector is reluctant to produce them due to the non-exclusion and non-rivalry nature of public goods. (<u>Paramita, 2023</u>)

The implementation of PSO by SOES is a constitutional mandate, namely Article 34, Paragraph 3 of the 1945 Constitution, which states that "the state is responsible for health facilities and public services suitable for the community". (<u>Kartikasari & Abubakar, 2008</u>)

"The data collection of consumers of 3 kg LPG cylinder users is a followup to the Financial Memorandum for Fiscal Year 2023 which mandates the Government to transform 3 kg LPG cylinder subsidies into target-based recipients and integrated with social protection programs in stages by considering economic recovery and people's purchasing power," said Director General of Oil and Gas Tutuka Ariadji in front of the media online, Thursday (3/08). (https://migas.esdm.go.id)

At the press conference titled "Transformation of the 3 kg LPG Subsidy to the Right Target", Tutuka Ariadji, accompanied by the Director of Downstream Oil and Gas Business Development, Maompang Harahap explained that data collection activities for 3 kg LPG users at Sub-Distributors or Bases have started since March 1, 2023 in 411 Districts / Cities. The Government collects data through PERTAMINA by recording user data into a *web-based* system (merchant apps).

In order to realize the appropriate distribution of certain Liquefied Petroleum Gas (LPG) refills, laws and regulations have regulated the target users of Certain LPG, which consist of consumers of household groups, micro businesses, target fishermen, and target farmers.

The distribution of certain LPG refills in a targeted manner is intended to: (<u>https://jdih.esdm.go.id</u>)

- a. Realising an adequate supply of LPG that can be sustainably accessed by the community at an affordable price;
- b. improving welfare and maintaining people's purchasing power; and
- c. Ensure that refills of Specified LPG can be distributed to users of Specified LPG on target in accordance with the provisions that have been determined. In order to provide legal certainty, a set of provisions in the form of technical guidelines for the distribution of certain LPG refills on target is required in the implementation of the Distribution of Certain LPG Refills on Target.

The target community groups entitled to use 3-kilogram LPG cylinders are by the provisions of Presidential Regulation No. 104/2007 and Presidential Regulation No. 38/2019. As a follow-up, Minister of Energy and Mineral Resources Decree No. 37.K/MG.01/MEM.M/2023 on Technical Guidelines for the Distribution of Certain *Liquefied Petroleum Gas* Refills on Target and Director General of Oil and Gas Decree No. 99.K/MG.05/DJM/2023 on Regional Staging and Implementation Time for the Distribution of Certain *Liquefied Petroleum Gas* Refills on Target have also been issued. However, monitoring and ensuring that buyers of 3 kg LPG meet the above criteria is not easy. If you still rely on manual data collection, people outside the requirements can take advantage of the opportunity to take 3 kg of LPG, which is not their right.

To successfully implement the transformation of the distribution of 3 kg LPG cylinders on target, the Government, together with the Police and PERTAMINA, continue to improve supervision and impose sanctions on agents, bases, or individuals who commit violations such as distributing 3 kg LPG cylinders to non-subsidised LPG. Support from the Regional Government is also expected by the mandate of Article 3 paragraph (1) of Presidential Regulation No. 71/2015, concerning the Determination and Storage of Basic Needs and Important Goods, where the Regional Government has a role to participate in controlling the availability of 3 kg cylinder LPG in adequate quantities, good quality, and affordable prices.

PERTAMINA, as the designated Business Entity, has conducted socialisation and trials of data collection of 3 kg LPG buyers by utilising digital technology through Merchant Apps called Merchant Apps Base (MAP). During the period of more than 1 year, the socialisation and trial process was carried out, until May 2024, 41.8 million Population Identification Numbers (NIK) had been registered.²³ People who have registered only need to show their ID card when purchasing LPG 3 kg, while those who have not registered only need to bring their KTP and KK to be registered at an official 3 kg LPG base. Currently, there are more than 250 thousand bases spread throughout Indonesia.

In the presentation at the Hearing Meeting of Commission VII of the House of Representatives, PERTAMINA said that of the total 41.8 million registered NIKs, there were 35.9 million (85.9%) as households, 5.8 million (13.9%) as micro businesses, 12.8 thousand (0.03%) as targeted farmers, 29.6 thousand (0.07%) as targeted fishermen and 70.3 thousand (0.17%) as retailers. With this data, buyer data *profiling* can be done, where 79% of the total NIK purchases 1-5 cylinders monthly.

From this data, supervision of 3 kg LPG can be easier, because excessive purchases can undoubtedly be traced, considering that the purchase has been recorded *by name* and *address*. This is stated in the Minister of Energy and Mineral Resources Decree No. 37.K/KMG.01/MEM.M/2023: (www.cnbcindonesia.com)

- 1. The Business Entity Receiving the Assignment of Supply and Distribution of Certain Liquified Petroleum Gas (LPG) in carrying out the distribution of Certain LPG refills in a targeted manner to Certain LPG users, consisting of consumers of household groups, micro businesses, target fishermen, and target farmers, must be guided by the Technical Guidelines for the Distribution of Certain LPG Refills on Target as referred to in the FIRST Dictum.
- 2. The distribution of Certain LPG refills on target as referred to in the SECOND Dictum is carried out with the following staging provisions;
 - a. Phase I
 - 1) The process of data collection of Specified LPG users by the Business Entity receiving the Assignment of Supply and Distribution of Specified LPG into a web-based system and/or application made by the Business Entity receiving the Assignment of Supply and Distribution of Specified LPG; and
 - 2) The data collection is the basis for the purchase of Specified LPG, which can only be made by Specified LPG users who have been recorded in the web-based system and/or application as referred to in letter A, number 1.
 - b. Phase II
 - Matching the data of Specified LPG users who have been recorded in a web-based system and/or application made by the Business Entity Receiving the Assignment of Supply and Distribution of Specified LPG with data by name and address with welfare ratings from relevant ministries/agencies; and
 - 2) Targeting of Specified LPG users with the following provisions: a) only Specified LPG users who have been recorded and listed in the data *by name and address* with a welfare rating from the relevant ministry/institution can purchase Specified LPG; and
 - 3) Specified LPG users who have been recorded and listed in the data

by name and address, as referred to in letter b, number 2, letter a), may purchase Specified LPG with restrictions on the volume of purchase of Specified LPG per month per Specified LPG user.

Meanwhile, the verification of the realization of the refill volume of Certain LPG is carried out with the following provisions: 1). The Director General verifies the realisation of the refill volume of Specified LPG distributed by the Assigned Business Entity to Specified LPG users every month and quarter, after the data collection and evaluation process through the web and/or application made by the Assigned Business Entity is completed; and 2). The Director General establishes guidelines for verifying Specified LPG refills on target. On the basis of the Ministerial Decree, PERTAMINA, as the business entity assigned to distribute 3 kg LPG, conducts socialisation and digital data collection to all buyers.

D. CONCLUSION

Regulations are needed to support the transformation of LPG 3 kg subsidies that are right on target, considering that the LPG 3 kg subsidy budget in 2024 is Rp. 81 trillion, this subsidy transformation needs to be carried out on a massive scale. Minister of Energy and Mineral Resources Decree No. 37.K/MG.01/MEM.M/2023 is an essential regulatory basis to ensure the distribution of LPG 3 kg subsidies that are right on target.

Digital buyer data collection carried out by business entities is under what is stipulated in the Minister of Energy and Mineral Resources Decree No. 37.K/MG.01/MEM.M/2023. Digitally, all buyers can be known *by name and address so that they can be accounted for. This can also minimize the use of 3 kg LPG by unscrupulous people because the origin of the buyer can be traced digitally.*

Recommendation:

- 1. Subsidies should go directly to people in need. Monitoring subsidies given to products, especially when similar products have significantly different prices, will be challenging.
- If the Government continues to channel subsidies to products and not directly to the target community, then *law enforcement* is still needed to monitor the distribution of 3 kg LPG. Cooperation between the Ministry of Energy and Mineral Resources, local governments, business entities,

and law enforcement agencies is still needed to ensure that no individuals take advantage of the disparity in LPG prices.

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