JUSTISI

Vol. 12, Issue. 2, May 2026
e-ISSN: 2686-0821, p-ISSN: 1979-7532
https://doi.org/10.33506/js.v12i2.5201
https://ejournal.um-sorong.ac.id/index.php/js/article/view/5201

Article History
Received: 15 Dec 2025
Reviewed: 01 Feb 2026
Accepted: 05 Apr 2026
Published: 12 Apr 2026

Greed as the Root of Organized Crime: A Criminological Analysis of Fuel Adulteration Practices in the Oil and Gas Sector

Nisa Azkira[1]

[1] Faculty of Law, Universitas Padjadjaran, Indonesia

*correspondence email : nisa25005@mail.unpad.ac.id

Abstract

This study aims to analyze the practice of fuel adulteration as a form of organized economic crime that arises from social relationships and power structures within the management of the oil and gas sector.

The research method employed is a normative legal approach, utilizing a literature review through the analysis of regulations, legal references, as well as criminological theory and moral philosophy.

The novelty of this study lies in the reinterpretation of the concept of greed, which is not merely viewed as an individual psychological drive but also as a moral element that transforms into systemic crime through economic and political mechanisms.

The findings of this study indicate that: (1) the practice of fuel adulteration reflects low moral integrity in the management of the oil and gas sector; (2) the existing oversight and law enforcement systems have failed to halt the chain of crime; and (3) this crime is systemic in nature because it is supported by a pattern of negligence and a structured network of interests.

The study concludes that addressing fuel blending crimes requires an integrated approach that focuses not only on punishing perpetrators but also on structural reforms in legal governance and strengthening public ethics to prevent the recurrence of similar crimes.

Keywords: Greed; Organized Crime; Fuel Adulteration; Criminology; Philosophy of Law.

Abstrak

Penelitian ini bertujuan *untuk menganalisis praktik pencampuran bahan bakar minyak (BBM) sebagai bentuk kejahatan ekonomi terorganisir yang muncul akibat hubungan sosial dan struktur kekuasaan dalam pengelolaan sektor minyak dan gas.*

Metode Penelitian *yang digunakan adalah yuridis normatif dengan cara studi pustaka melalui analisis terhadap regulasi, referensi hukum, serta teori kriminologi dan filosofi moral.*

Kebaruan dari penelitian *ini adalah penempatan kembali konsep keserakahan (greed), yang tidak hanya dilihat sebagai dorongan psikologis individu, tetapi juga sebagai elemen moral yang berubah menjadi kejahatan sistemik melalui mekanisme ekonomi dan politik.*

Hasil penelitian *ini mengindikasikan bahwa: (1) praktik pencampuran BBM mencerminkan rendahnya integritas moral dalam pengelolaan sektor migas; (2) sistem pengawasan dan penegakan hukum yang ada belum berhasil menghentikan rantai kejahatan; dan (3) kejahatan ini bersifat sistemik karena didukung oleh pola pembiaran serta jaringan kepentingan yang terstruktur.*

Kesimpulan Penelitian *ini bahwa penanganan terhadap kejahatan pencampuran BBM membutuhkan pendekatan yang terintegrasi, yang tidak hanya berfokus pada hukuman bagi*

pelaku, tetapi juga pada reformasi struktural dalam pengelolaan hukum serta penguatan etika publik untuk mencegah terulangnya kejahatan serupa.
Kata Kunci: *Keserakahan; Kejahatan Terstruktur; Oplosan BBM; Kriminologi; Filsafat Hukum.*

1. INTRODUCTION

The practice of fuel adulteration in the oil and gas industry is not merely a routine violation of the law, but also a structured and ongoing economic crime that results in significant losses to the state treasury, erodes public trust, and endangers consumer safety. Interestingly, although criminal sanctions are clearly stipulated in Law No. 22 of 2001 on Oil and Natural Gas, these crimes persist, indicating that the problem stems not only from a lack of regulation but also from deeper structural weaknesses.

The oil and gas industry tends to be inherently vulnerable to corrupt practices, such as extremely high transaction values, complex and lengthy distribution chains, and weak on-site oversight. This situation creates ample opportunities for economic criminals to operate in a systematic and covert manner, particularly for those connected to policy systems and distribution networks. This problem is exacerbated when criminal acts are not committed in isolation but through collaboration between individuals within companies, private entities, and distribution networks-a pattern characteristic of white-collar crime in its most dangerous form.

Modus operandi is an aspect of criminology that studies the typology of crimes or patterns of criminal behavior. Modus operandi is the "distinctive feature" of a planned and organized crime. Analysis of modus operandi is often part of criminal profiling used by criminologists, sociologists, and law enforcement officials in the process of delving into specific crime patterns, identifying the next targets to be attacked, to identify perpetrators through the characteristics of their illegal activities, the characteristics of the criminals, their motives, who they work for, and to detect potential future crimes. Criminal modus operandi are dynamic and will always evolve in response to changes in the times, technology, and societal patterns.[1]

In an economic context, modus operandi manifests itself through sophisticated manipulation techniques, such as the misuse of information technology, the establishment of shell companies, or the manipulation of financial statements. Therefore, an in-depth analysis of the theory of modus operandi in economic crime is absolutely essential for law enforcement. Understanding the MO not only helps investigators identify patterns of organized crime but also serves as a crucial element in proving criminal elements, particularly in enforcing economic criminal law.

As a result of these various illegal acts, the state suffered losses of approximately Rp. 193.7 trillion, stemming from losses in domestic crude oil exports amounting to Rp. 35 trillion, losses in crude oil imports through brokers amounting to Rp. 2.7 trillion, losses in fuel imports through brokers amounting to Rp. 9 trillion, losses from compensation payments in 2023 amounting to Rp. 126 trillion, and losses from subsidy payments in 2023 amounting to Rp. 21

[1] I Nyoman Gede Sugiartha dkk., "Modus Operandi Penyelundupan Narkoba SindikatKejahatan Transnasional Terorganisasi Dalam PerspektifKriminologi (Studi Kasus Di Polda Bali)," dalam *Jurnal Analogi Hukum*, (2023) vol. 5, no. 3.

trillion.[2]

In practice, fuel adulteration does not occur as an isolated incident, but rather emerges within a complex distribution network involving power dynamics, economic interests, and a weak oversight system. These conditions indicate that this crime has a structured and systemic nature. Thus, the illegal practice of fuel adulteration, driven by massive financial gains, is nothing less than a manifestation of organized crime rooted in boundless greed. This crime aligns perfectly with the theory of White-Collar Crime proposed by Edwin H. Sutherland, in which the perpetrators are individuals of high status and authority who abuse their trust and positions for personal gain.[3]

Previous studies on the criminal offense of fuel adulteration have typically emphasized a positive law approach and institutional analysis. Firli Afriyeni and Oktana Wahyu Perdana (2025)[4] examining the differences between the threat of normative sanctions and the rulings handed down by judges under Law No. 22 of 2001; Dava Vahreal Hartanto et al. (2025)[5] examined the issue from the perspective of Pancasila values, highlighting the weaknesses in internal management at state-owned enterprises; whereas Dinda Khairani et al. (2025)[6] applying the frameworks of Good Corporate Governance and the Fraud Triangle to analyze operational methods and economic impacts on consumers. Although these three studies provide a good understanding of the legal aspects and socio-economic impacts, there is a gap in the research that has yet to be explored: an analysis from the perspectives of criminology and the philosophy of criminal law that seeks to understand why these crimes continue to occur in the same patterns.

Several studies in the field of criminology [7] this indicates that economic crime cannot be understood in simple terms, as it arises from the interaction between the perpetrator's rationality and structural opportunities resulting from a weak oversight system. Based on the classical criminological theories of Beccaria and Bentham, perpetrators of economic crimes act based on rational calculations where the benefits are considered far greater than the risk of punishment, especially when the certainty of sanctions is very low. This is reinforced by Klitgaard's formula, which states that corruption arises from a combination of monopolistic power, excessive discretion, and a lack of accountability. In other words, understanding fuel

---

[2] Hanifah Dwi Jayanti, Begini Modus Oplosan BBM dalam Kasus Korupsi Minyak Mentah. Diakses dari https://www.hukumonline.com/berita/a/begini-modus-oplosan-bbm-dalam-kasus-korupsi-minyak-mentah-lt67be950ce2a89/ (2025, Februari 26).

[3] Ginanjar Ginanjar dan Hudi Yusuf, "Tindak Kejahatan Korupsi White Collar Crime Menjadi Trend Dikalangan Pejabat Negara Studi Kasus : Korupsi Bansos Covid-19," *Jurnal Intelek Insan Cendikia* 2, no. 7 (2025): 13889–13898.

[4] Firli Afriyeni and Oktana Wahyu Perdana, "ANALISIS HUKUM TERHADAP TINDAK PIDANA PENGOPLOSAN BBM DAN EFEKTIVITAS UU MIGAS," *DHARMA PENDIDIKAN UNIVERSITAS PGRI MPU SINDOK NGANJUK* 20, no. 2 (2025): 165–175, https://doi.org/https://doi.org/10.69866/dp.v20i2.609.

[5] Dava Vahreal Hartanto et al., "Menegakkan Keadilan Dalam Pengelolaan Sumber Daya Negara (Studi Kasus: Korupsi Pengoplosan Di Pertamina)," *IHSA Institute* 16, no. 01 (2025): 1–4.

[6] Dinda Khairani et al., "Analysis of Fraudulent Cases in Procurement of Goods and Services at State-Owned Enterprise Pertamina : Oil Adulteration and Its Impact on the National Economy," *EDUCTUM: Journal Research* 4, no. 1 (2025): 13–19.

[7] Lia Sapitri et al., "Tinjauan Kriminologis Terhadap Tindak Pidana Korupsi (Studi Kasus Putusan Nomor 5563 K/Pid.Sus/2024)," *Jurnal Legalitas* 4, no. 1 (2026): 6–7, https://doi.org/https://doi.org/10.58819/jle.v4i1.224.

adulteration crimes requires an analysis that focuses not only on the individual intentions of the perpetrators but also on structural elements, organizational cultures that permit deviations, and social dynamics that collectively create conditions conducive to the systematic occurrence of white-collar crime.

On the other hand, a number of criminological studies have linked economic crime to the rationality of offenders and structural opportunities. Rational choice theory emphasizes that offenders act based on cost-benefit considerations in a context of minimal risk. Although relevant, this approach still views criminal motivation in instrumental terms and has not explored the moral roots of such choices.

A gap in research emerges when moral dimensions—particularly greed—are rarely treated as a primary starting point in analyzing structured economic crimes. Greed is often simplistically understood as a personal trait, rather than as a value that is internalized and institutionalized within economic and political systems. In the practice of fuel adulteration, however, greed not only drives individuals to break the law but also shapes mutually beneficial relationships among business operators, distributors, and other actors in the oil and gas supply chain. This pattern fosters the normalization of misconduct that is difficult to eradicate through legal approaches alone.

This study addresses this issue with the aim of examining fuel adulteration as a manifestation of organized crime rooted in a moral crisis and legitimized by systemic weaknesses. The research focuses not only on illegal acts but also on the process by which the value of greed transforms into recurring and organized criminal practices.

The novelty of this study lies in the integration of the philosophy of crime approach with criminological theory in analyzing the phenomenon of fuel adulteration. The philosophy of crime approach enables a deeper analysis of moral responsibility, free will, and ethical relations in economic criminal acts. This differs from previous studies, which tended to be sectoral and normative. This study situates fuel adulteration crimes within a broader economic-political framework, thereby explaining the interconnection between individual motives and structural permissiveness.

A gap analysis also reveals that few studies have explicitly highlighted the importance of public ethics in oil and gas governance. Yet, the weakness of public ethics significantly contributes to the formation of a permissive culture toward legal violations in this strategic sector. Thus, this study is not intended to replace positive law research but to complement it through a more reflective and critical perspective. The crime of fuel adulteration is understood as a symptom of more fundamental problems within the legal and public moral systems. This approach also makes a theoretical contribution by expanding the application of criminal philosophy within the context of economic crimes in Indonesia. Until now, criminal philosophy has been more frequently applied to studies of conventional crimes, rather than oil and gas crimes, which are complex and of high economic value.

Despite various regulations and efforts by the authorities, the practice of fuel adulteration continues unabated and exhibits an organized pattern. This indicates that the core issue lies not only in regulatory gaps but also in systematic failures in energy resource management, which create opportunities for structured illegal economic activities. The greedy intentions of the perpetrators do not simply appear out of nowhere, but rather grow and develop within an atmosphere of weak institutions, inadequate oversight, and networks of mutual interests that protect one another. Thus, this study formulates three main questions: first, how can greed be explained as the moral root driving fuel adulteration practices from a criminal law philosophy perspective; second, through what mechanisms does individual greed transform into structured crime within the governance of the oil and gas sector; and third, how the modus operandi of fuel adulteration can be analyzed through the perspective of economic criminology as a form of systemic crime. Ultimately, this study is expected to provide a comprehensive overview of the causal relationship between moral deviations and economic corruption, thereby opening opportunities to strengthen a supervision system based on transparency and accountability that is more effective and ethical.

2. METHOD

This study adopts a normative legal approach, which is a method of legal research that focuses on law as a set of norms analyzed internally through the exploration of literature and secondary data. As stated by Peter Mahmud Marzuki, normative legal research involves the process of identifying legal rules, principles, and legal doctrines in order to address existing legal issues.[8] This approach was chosen because the issue under study is of a normative-structural nature-namely, assessing how existing legal norms interact with the phenomenon of illegal fuel blending within a complex legal context-and thus requires more than mere empirical observation.[9]

Within this normative legal context, this study integrates three approaches simultaneously. First, the statutory approach, which analyzes all relevant regulations, including Law No. 22 of 2001 on Oil and Natural Gas, Law No. 31 of 1999 as amended by Law No. 20 of 2001 on the Eradication of Corruption Offenses, and Law No. 8 of 2010 on the Prevention and Eradication of Money Laundering, Law No. 22 of 2001 on Oil and Natural Gas, Government Regulation No. 36 of 2004 on Downstream Oil and Natural Gas Business Activities (as amended by Government Regulation No. 30 of 2009), Presidential Regulation No. 191 of 2014 as amended by Presidential Regulation No. 69 of 2021 as amended by Presidential Regulation No. 117 of 2021 on the Supply, Distribution, and Retail Prices of Petroleum Products. Second, the conceptual approach, which draws on doctrines in economic criminology and the philosophy of criminal law, particularly regarding the modus operandi theory, the greed theory, and the theory of organized crime.[10] Third, the case approach, which analyzes a case of fuel adulteration reported by Hukumonline in 2025 as concrete empirical data to provide

---

[8] Mahmud Marzuki, *Penelitian Hukum: Edisi Revisi* (Jakarta: Prenadamedia Group, 2017), hlm. 47, https://books.google.co.id/books?id=CKZADwAAQBAJ&lpg=PP1&hl=id&pg=PP1#v=onepage&q&f=false.

[9] Mukti Fajar ND and Yulianto Achmad, *Dualisme Penelitian Hukum: Normatif & Empiris* (Yogyakarta: Pustaka Pelajar, 2010), hlm. 34-36.

[10] Peter Mahmud Marzuki, *Penelitian Hukum: Suatu Pengantar* (Jakarta: Prenadamedia Group, 2022), hlm. 60-62.

context for the normative and theoretical analysis presented.[11]

The legal sources utilized in this study fall into two categories. Primary legal sources include laws and regulations directly related to the criminal acts of fuel adulteration, corruption, and money laundering mentioned earlier. Secondary legal sources include legal literature, scientific journals, academic articles, and other scholarly works discussing criminal acts of corruption in the oil and gas sector, economic crimes, and relevant criminological theories. In addition, tertiary legal sources such as legal dictionaries and encyclopedias were also used to support conceptual understanding.[12] All of these legal sources were compiled through a systematic literature review, which involved searching for legal sources in national journal databases and reputable official repositories.[13]

The legal analysis method applied is qualitative-argumentative analysis, which involves a thorough examination of the relationship between legal norms, theory, and the facts of the case in order to draw conclusions that are both argumentative and prescriptive. This approach does not aim to produce statistical generalizations, but rather to develop coherent legal arguments that are scientifically sound.[14] The analysis process was conducted in three steps: first, the identification and inventory of applicable legal norms; second, the reconstruction of case facts based on news sources and existing legal documents; and third, the synthesis of norms, theories, and facts to produce a comprehensive legal evaluation regarding the phenomenon of fuel adulteration as a structured economic crime.

The legal interpretation techniques used in this study encompass three approaches. First, grammatical interpretation, which involves explaining legal norms based directly on the meaning of the statutory text. Second, systematic interpretation, which entails understanding a legal provision in relation to other provisions within a cohesive legal system, rather than analyzing them in isolation. Third, teleological interpretation, which involves interpreting norms by referring to the purpose and intent of the legislature (ratio legis), which in the context of this research is crucial for comprehensively understanding the spirit of combating corruption and crime in the oil and gas sector.[15] The combination of these three interpretive methods enables the study not only to describe existing norms but also to generate prescriptive recommendations grounded in the philosophical and systemic foundations of criminal law in Indonesia.

---

[11] Jonaedi Efendi and Johnny Ibrahim, *Metode Penelitian Hukum: Normatif Dan Empiris* (prenadia media, 2018), hlm. 131-132.

[12] Soerjono Soekanto and Sri Mamudji, *Penelitian Hukum Normatif : Suatu Tinjauan Singkat* (Jakarta: Rajawali Pers, 2015), hlm. 13-14.

[13] Dyah Ochtorina Susanti and A'an Efendi, *Penelitian Hukum (Legal Research)* (Jakarta: Sinar Grafika, 2022), hlm. 19-21.

[14] M.S Prof. Dr. Philipus M Hadjon, S.H; Dr. Tatiek Djatmiati, S.H., *Argumentasi Hukum*, *Gadjah Mada University Press*, vol. 2 (Yogyakarta: Gadjah Mada University Press, 2014), hlm. 7-9.

[15] Sudikno Mertokusumo, *Penemuan Hukum: Sebuah Pengantar* (Yogyakarta: Cahaya Atma Pustaka, 2014), hlm. 57-68.

3. DISCUSSION

3.1. Greed as the Root of Evil

The rampant corruption seen recently is attributed to several factors, namely: need, greed, and morality. The worsening of corruption cases in Indonesia cannot be separated from internal factors such as greed, a consumerist lifestyle (excessive needs), education, and low moral standards.[16] The likelihood of corruption occurring in Indonesia is very high because corruption is committed collectively and law enforcement remains weak.[17]

Needs are one of the factors that can influence individual behavior, including corrupt behavior. The underlying motivation for corrupt behavior is need. When individuals have unmet needs, they may be more likely to engage in unethical actions, including corruption. This suggests that corruption can occur when individuals have unmet needs and lack access to adequate resources.[18] Needs are limited and measurable, while greed is more expansive and insatiable. Those involved in the fuel adulteration in the Pertamina Patra Niaga case typically hold high-ranking positions and have sufficient incomes; they did not act merely out of pressure to meet basic needs, but rather out of a desire to reap profits beyond reasonable limits. This is what distinguishes white-collar crime from ordinary crime; this crime arises not from scarcity, but from greed that has become part of the system.

The second factor influencing corrupt behavior is greed. It cannot be denied that, in general, human beings deeply love wealth and will constantly seek it; they are never satisfied with what little they have, but always want to accumulate more. In essence, humans possess a greedy nature and are never satisfied with what they possess, so this greed becomes one of the driving factors behind someone committing fraud.[19]

From a moral philosophy perspective, Kant argues that morality is not merely a matter of what is considered good or bad, but rather what is truly good "in and of itself," without any conditions.[20] According to Kant, the only thing that is truly good in and of itself is "good will." Thus, what determines whether a person's talents and traits are used for good or evil is that person's will. If their will is good, then those traits will be used for good. But if their will is evil, those traits can be used for evil.[21] a principle that is completely disregarded in the fuel adulteration scheme, in which perpetrators deliberately manipulate product quality for personal gain at the expense of the public interest.

Furthermore, moral consciousness serves to regulate behavior so that a person can act

---

[16] Nathanael Kenneth, "Maraknya Kasus Korupsi di Indonesia Tahun ke Tahun," *Nathanael Kenneth* 2, no. 1 (2024).
[17] Rizka Sahbania dkk., "Korupsi dan Lemahnya Penegakan Hukum: Analisis Ketidakadilan dan Dampaknya Bagi Kepercayaan Publik," *Journal of the Research Center for Digital Democracy* 1, no. 1 (t.t.): 31–38.
[18] Abdul Hamid Habbe dan Lili Aprilianti, *Factors Influencing Corruption Actions with Parliamentary Behavior as Moderating Variables (Polewali Mandar Regency DPRD Study)* (2019). p23-24. https://doi.org/10.2991/icame-18.2019.2.
[19] rahman Pura Dkk., "Kebutuhan, Keserakahan Dan Rendahnya Supremasi Hukum Sebagai Faktor Penentu Perilaku Korupsi Aparatur Pemerintah," dalam *Bongaya Journal of Research in Accounting*, vol. 8, no. 1 (t.t.).
[20] Vojtěch Kolomý, "Kant on Moral Feeling and Respect," *Kantian Review* 28, no. 1 (2023): 105–23, https://doi.org/10.1017/S1369415422000504.
[21] Fauzi Yati, *Problematika Penentuan Baik Dan Buruk*, 8, No. 1 (2023), Https://Journals.Fasya.Uinib.Org/Index.Php/Saqifah/Article/Viewfile/397/216.

with honesty, gratitude, patience, and sincerity in accordance with moral demands. Essentially, everyone possesses moral consciousness, yet it is often hindered by negative desires. Desire in itself is not bad, but it becomes a source of evil when not controlled by reason and moral judgment. Even perpetrators of crime or corruption generally realize morally that their actions are wrong and often regret them. Moral consciousness is formed through family upbringing, the learning process at school, and societal culture, which together shape a moral personality.[22]

Regarding moral philosophy itself, the author wishes to examine the utilitarian philosophical approach. Utilitarianism is an ethical school of thought that judges the goodness or badness of an action based on the extent to which that action increases happiness for as many people as possible. Jeremy Bentham, a leading figure in utilitarianism, proposed the principle of "the greatest happiness of the greatest number" as the basis for moral judgment. For him, happiness is universal and must guide public policy. Bentham asserts that humans are governed by two primary forces: pain and pleasure; thus, an action is considered ethical if it maximizes pleasure while minimizing suffering for those affected, whether individuals or society. Therefore, both Kant's deontological perspective and utilitarian philosophy demonstrate that the practice of fuel adulteration cannot be morally justified. This underscores that this criminal act stems from a systemic decline in moral integrity, not merely due to personal negligence.

John Stuart Mill later refined Bentham's ideas by emphasizing the importance of the quality of happiness, not just its quantity. According to Mill, human happiness is not homogeneous; intellectual and virtuous happiness is more valuable than base forms of happiness.[23] Mill's principle states that the value of happiness can be empirically tested through the judgment of wise people, and that everyone has equal moral weight ("everyone counts as one"). Thus, an action is considered ethical if it brings about greater happiness than unhappiness—both in terms of quality and quantity-under the same context and conditions.

Based on the ideas of Bentham and Mill, the author concludes that acts of corruption, regardless of their modus operandi, clearly contradict the principles of utilitarianism because they benefit only a handful of perpetrators at the expense of the well-being of the broader public. Greed in corrupt practices not only diminishes public welfare through losses to the state but also undermines the quality of social life, the sense of justice, and public trust in institutions. From a utilitarian perspective, ethical actions should produce widespread and high-quality happiness, whereas corruption actually increases collective suffering. Therefore, corruption cannot be morally justified because it fails to meet the basic principle of utility, both in terms of the quantity of happiness deprived and the quality of social damage it causes.

Becker (1968) explains that criminal acts result in social loss, which is the total loss suffered by society due to crime. This social loss consists of three main components: damage

[22] Yulda Cahyaning Utami dan Harmanto Harmanto, "Pembentukan Karakter Tanggung Jawab Siswa Melalui Pembelajaran Ppkn Secara Hybrid Learning Di SMP Negeri 9 Surabaya," *Kajian Moral dan Kewarganegaraan* 10, No. 4 (2022): 1068–1082, https://doi.org/10.26740/kmkn.v10n4.p1068-1082.
[23] Michele Green, "Sympathy and Self-Interest: The Crisis in Mill's Mental History," *Utilitas* 1, no. 2 (1989): 259–77, https://doi.org/10.1017/S0953820800000261.

cost (direct damage caused by crime), conviction cost (the cost of law enforcement), and social loss from punishment (loss resulting from the imposition of punishment). In this case, this encompasses consumer losses, distortions in state subsidies, and damage to public trust in the oil and gas institutions. To minimize these total losses, Becker emphasizes the importance of controlling the ratio of crimes successfully detected, the severity of punishment per offense, and the total number of crimes. In cases of fuel adulteration, particularly in this instance, such calculations yield significant benefits for the perpetrators. The profits from altering fuel quality are extremely high, while the likelihood of being caught is low; this is due to weak technical oversight in the field and the complexity of the distribution network, which hinders tracing by law enforcement authorities.

Becker's economic model also asserts that an individual will choose to engage in illegal activity if the expected utility of the criminal activity is higher than that of legal activity.[24] Thus, the difference between who becomes a criminal and who does not is not primarily determined by morality or character, but rather by the differences in benefits and costs they face within the socioeconomic structure. Crime, from Becker's perspective, becomes a rational choice when the rewards outweigh the risks. According to the author, Becker's model explains why a punishment-only approach fails; as long as the cost-benefit calculation remains favorable to the perpetrator, greed will always find a way to keep acting.

The integration of corrupt moral motivation and rational calculation finds its most tangible form in the context of White Collar Crime, as defined by Sutherland, who describes this type of crime as acts committed by individuals of high social status who enjoy the trust of institutions in the performance of their duties.[25] The fuel adulteration case at PT Pertamina encompasses all aspects of this definition: the perpetrator was an internal official who had access to the distribution system, the authority to make operational decisions, and the trust of the institution-which was subsequently systematically abused. This strategic position not only provided an opportunity to commit the crime but also created the capacity to conceal it behind layers of complex bureaucratic procedures. Thus, greed in this situation is not merely a personal psychological impulse but transforms into a criminal strategy supported by the power structure, executed through rational choices, and reinforced by the institution's weak accountability.

3.2. The Transformation of Greed into a Criminal Structure

Durkheim explains that when social norms weaken, society experiences chaos and a moral vacuum that encourages deviant behavior, a phenomenon known as anomie. The term anomie was actually used by two figures: Emile Durkheim and Robert K. Merton. However, this study adopts the concept of anomie as defined by Emile Durkheim. Anomie was introduced by Emile Durkheim to denote a state of normlessness (the concept of anomie refers to the absence of social regulation). The concept of anomie as described by Durkheim posits that

[24] Guido Mehlkop dan Peter Graeff, "Modelling a Rational Choice Theory of Criminal Action: Subjective Expected Utilities, Norms, and Interactions," *Rationality and Society* 22, no. 2 (2010): 189–222, https://doi.org/10.1177/1043463110364730.

[25] Edwin H. Sutherland, "White Collar Crime: The Uncut Version," *New Haven: Yale University Press*, 1983, 7–8.

within society, there are individuals who exhibit anomic behavior due to pressures arising from various tensions within a social structure, thereby giving rise to such behavior in these individuals.[26] Durkheim offers three perspectives in his theory of anomie, namely: (1) humans are social beings (man is a social animal), (2) the existence of humans as beings (human beings are social animals), (3) humans live in society and their survival depends on that society as a community (tending to live in communities, and their survival depends on social connections).[27] In this category, crime can evolve into organized crime due to social pressure.

According to Robert K. Merton, the imbalance between a society's cultural goals-such as wealth, power, and status-and the limited legal means available to achieve them gives rise to social strain.[28] This pressure drives individuals to adapt through various patterns, one of which is innovation-that is, accepting cultural goals but using illegal means to achieve them. In the context of corruption in Indonesia, the pattern of innovation is evident when officials and bureaucratic actors continue to pursue power and wealth but choose corruptive paths because legal channels are deemed inadequate, slow, or less profitable. Competition for positions, the demands of political costs, and income inequality amplify the strain, leading to corruption being viewed as a rational strategy for maintaining social status. Although Merton also proposes other adaptation patterns such as ritualism, retreatism, and rebellion, the innovation pattern is the most dominant mechanism in explaining the prevalence of corrupt practices in Indonesia.[29]

In the oil and gas industry itself, this structural strain is clearly evident in an organizational culture focused on revenue generation and profit maximization; this creates an environment where misconduct is viewed as a logical solution, particularly when internal oversight is lax and accountability is lacking. In other words, the state of anomie in PT Pertamina's management is not merely a lack of rules, but also a situation where existing rules are no longer viewed as moral boundaries that must be adhered to.

This state of anomie then becomes fertile ground for the growth of white-collar crime, as described by Edwin H. Sutherland. As times change, criminals no longer come solely from uneducated groups but also from educated ones. The theory of white-collar crime—or what is commonly referred to as the theory of white-collar crime—explains that qualitative increases in crime represent developments that cannot be prevented or accurately anticipated by human reasoning. In other words, the evolution of crime is a logical consequence of the development of human intelligence itself, manifested in patterns of behavior. This is becoming increasingly

[26] David Courpasson, Dima Younes, and Michael Reed, "Durkheim in the Neoliberal Organization: Taking Resistance and Solidarity Seriously," https://doi.org/10.1177/2631787720982619.

[27] Annisa Intan Maharani dkk., "Analisis Fenomena Penyimpangan Sosial: Tawuran Remaja Dalam Teori Anomie Emile Durkheim," *JISPENDIORA Jurnal Ilmu Sosial Pendidikan Dan Humaniora* 2, no. 3 (2023): 139–154, https://doi.org/10.56910/jispendiora.v2i3.978.

[28] Amelia Saputri dkk., *Korupsi Sebagai Patologi Sosial Sistemik Di Indonesia Dan Kegagalan Hukum Pidana Dalam Menciptakan Efek Jera*, 2, no. 1 (2025): Hal. 344-352.

[29] Robert K Merton, "Social Structure and Anomie," dalam *Sociological Review*, vol. 3, no. 5 (1938). https://doi.org/10.2307/2084686.

evident, as the crimes that stand out in the 21st century are no longer predominantly committed by those with low educational levels but are instead dominated by those possessing significant ability and a high level of intelligence, including those of higher socioeconomic status. Regarding white-collar crime theory itself, there are several characteristics that distinguish it from other crimes, namely those related to the perpetrator's personality.

Schneider (1987) argues that economic offenders, who also embody the characteristics of white-collar criminals, generally commit illegal acts closely related to their profession or job, do not view themselves as criminals, and regard their actions as justifiable through both overt and tacit support from their social environment and public opinion. These offenders act based on rational considerations, not emotional impulses; lead lives that appear to align with social norms; adapt well within society; and earn respect within their social circles, even though a certain social stigma remains attached to their actions.[30]

Schneider's statement accurately reflects the pattern observed in cases of fuel adulteration, in which individuals within Pertamina exploit their operational access and positional authority to alter the quality of products within the distribution chain under their control.[31]

The development of white-collar crime theory subsequently shifted the understanding of crime from general crime toward organized crime, particularly in the business context. Sutherland classified white-collar crime in the business sector into various forms, including the presentation of misleading corporate financial reports, stock market manipulation, bribery in commercial activities, direct or indirect bribery of public officials to obtain favorable contracts or regulations, the dissemination of misleading information in advertising and sales, embezzlement and misuse of funds, fraud regarding the weight, size, and classification of goods, tax fraud, and the misuse of funds in takeover and bankruptcy proceedings.[32]

Unlike conventional crimes, which often involve violence or physical threats, white-collar crime takes place within a formal legal context but operates in a manipulative and exploitative manner. It can take the form of fraud, embezzlement, corruption, bribery, manipulation of financial reports, and violations of capital market laws; this crime occurs within the formal corridors of corporate bureaucracy, yet operates in a manipulative manner. Although not physical in nature, the impact of these crimes is highly destructive, both economically and socially, as they can lead to corporate bankruptcy, mass unemployment, and a crisis of confidence in institutions.

To explain why individuals in high-ranking positions choose to commit such crimes, a relevant theory is the Convenience Theory developed by Petter Gottschalk. The Convenience Theory was developed by Petter Gottschalk to understand why individuals in high

[30] Romli Atmasasmita, "Kapita Selekta Hukum Pidana Dan Kriminologi," *book*, 1995, 152.
[31] Hans Joachim Schneider, *"Viktimologie Und Kriminologie Des Wirtschaftsverbrechens," Dalam Wirtschaftskriminalität Und Wirtschaftsstrafrecht, Ed. Klaus Tiedemann* (Freiburg: Max-Planck-Institut, 1987), hlm. 45.
[32] *Ibid,* hal. 151.

socioeconomic positions commit white-collar crimes. According to Gottschalk, perpetrators are not solely driven by economic pressure or momentary impulses, but rather because the crime feels "convenient," is easy to commit, and carries low risk. There are three main pillars in this theory: Motivation-the internal drive that leads individuals to seek economic gain, power, or to maintain their reputation. This can be related to corporate goals, performance pressure, or personal ambition. Second, Opportunity: Access to resources, weak internal control systems, and strategic positions that allow the perpetrator to manipulate the system undetected. Third, Willingness: The perpetrator's ability to consciously violate the law based on personal justifications, such as the belief that everyone else is doing it or that the consequences are insignificant. This theory offers a comprehensive structural and psychosocial approach and emphasizes the importance of organizational systems and work culture in creating or preventing opportunities for misconduct.[33]

The phenomenon of fuel adulteration itself demonstrates that these three elements are well fulfilled in this case: the perpetrators have control over the distribution system (organizational opportunity), derive financial gain from product quality discrepancies (economic opportunity), and rationalize their actions within a complex bureaucracy that makes detection difficult (behavioral opportunity). This explains why this crime does not occur suddenly, but is planned, repeated, and integrated into the company's structure itself.

Unlike conventional crime, Edwin H. Sutherland's White-Collar Crime (WCC) theory emphasizes that economic crimes are committed by individuals with high social status and authority who abuse their positions of trust. Interestingly, white-collar crime is not driven by momentary impulses or urgent financial needs, but rather by careful calculations to maximize profit or power. This is where Rational Choice Theory finds its significant relevance. In the context of fuel adulteration crimes, white-collar offenders do not act impulsively but rationally weigh the potential for massive gains (happiness/wealth) against the risks and costs of punishment (suffering) they may face. Therefore, WCC serves as the structural context within which these rational criminal decisions are made.

Explanations of corruption, where perpetrators intend to obtain financial gains unlawfully, can be linked to Rational Choice Theory. This theory posits that criminal offenders are rational individuals who calculate or consider that the benefits of committing a crime will outweigh the probability of being caught and the severity of the punishment (Becker, 1968). Rational choice theory underpins much research and the formulation of criminal policy, including the prevention and eradication of corruption.

As the author outlined in subsection 1, Bentham and Mill argued that a person seeks to maximize happiness and prevent suffering. Bentham further stated that when the "value" of suffering exceeds that of happiness, an individual will avoid prohibited actions. Rational choice theory assumes that offenders are rational individuals. They will commit a crime if the benefits or gains outweigh the probability of being caught and the severity of the punishment.

[33] Liberti Rumahorbo dan Hudi Yusuf, *Analisis Mendalam Perilaku Menyimpang White - Collar Crime (Studi Kasus melalui Lensa Teori Convenience)*, 3, no. 3 (2025).

However, several empirical studies help us better understand which factors influence-or do not influence-deterrence efforts against offenders. Some findings discussed in this paper are: (1) long prison sentences have only a small effect on deterrence; (2) certainty or a high probability of being caught has a significant effect on deterrence. Furthermore, an individual is inevitably influenced by the environment or organization in which they operate. Contemporary rational choice theory now accounts for external (macro) factors in shaping an individual's decision-making (micro).[34]

From the perspective of rational choice theory, the effectiveness of the deterrent effect is determined by three main elements: certainty, speed, and the severity of sanctions. Certainty refers to the extent to which an offender believes that their actions will be detected and prosecuted; speed refers to the duration of the law enforcement process from the investigation stage to the court's decision; while the severity of the punishment relates to the level of sanctions imposed on the perpetrator. In the context of corruption crimes in Indonesia, these three elements have not functioned optimally, as many cases remain undiscovered or are halted before trial; legal proceedings often proceed slowly and are delayed due to political or economic interference; and the imposition of relatively light criminal penalties, coupled with the granting of remissions and opportunities for early release, ultimately weakens the law's deterrent power against criminals.

The entire process of this transformation, beginning with structural anomie, then proceeding through abuse of authority, and culminating in the exploitation of corporate loopholes, ultimately unfolds through a process of rational choice. As discussed in the previous subsection, perpetrators conduct a meticulous cost-benefit analysis. As long as the likelihood of being caught is low and the sanctions imposed do not outweigh the gains obtained, illegal actions will continue to be chosen as the most profitable option. The ineffectiveness of deterrence within Indonesia's oil and gas law enforcement system reinforces this calculation. Thus, the shift from greed to a pattern of criminality in cases of fuel adulteration is not merely a coincidental process; it is the result of a combination of social pressures that generate motivation, corporate structures that provide opportunities, and a weak legal system that fails to provide sufficient deterrence to halt such actions.[35]

3.3. Modus Operandi from an Economic Criminology Perspective

The rising trend of economic crime particularly corruption in Indonesia is not surprising, given the rapid advancement of information and communication technology and transportation, further exacerbated by government policies that have opened the floodgates to foreign investment in the country.[36] The motivation for economic crimes in a country is closely linked to the gap between the wealthy and the poor, as well as the degree of legal certainty in business activities. The higher the legal uncertainty in the economic sector, the

---

[34] Choky R Ramadhan, *Integritas : Jurnal Antikorupsi Teori pilihan rasional untuk memahami koruptor di Indonesia*, 9, no. 2 (2023): 171–182.

[35] Amelia Saputri dkk., *Korupsi Sebagai Patologi Sosial Sistemik Di Indonesia Dan Kegagalan Hukum Pidana Dalam Menciptakan Efek Jera*, 2 (Oktober 2025): 344–52.

[36] Op.cit, hal. 75.

lower the accuracy and scope of the law in addressing fraudulent economic actors; and these shortcomings in legal accuracy and scope, in turn, will trigger an increase in the rate of economic crimes.

In addition to the factor of legal uncertainty related to economic uncertainty, the moral dimension of economic actors (the private sector, banks, and bureaucrats within the Ministry of Finance, the Ministry of Trade, and the Ministry of Justice) must also be considered as a third contributing factor in the occurrence of economic crimes in Indonesia today.

The political culture that has developed in Indonesia to this day remains strongly oriented (if not outright worshiping) power supported by a culture of modern feudalism. Such a political culture subsequently permeates nearly all aspects of life, including the development of the business world. Although strong legal foundations and regulations have been established to govern every aspect of life in society, ultimately the power of these regulations is undermined by this political culture. The adage, “everything can be controlled” (everything is under control), has become a distinct “subculture” within the business world in Indonesia today and carries a potentially criminogenic nature. This saying has taken root convincingly under the umbrella of intense and continuous collusion between economic actors and bureaucrats with vested interests.[37]

Edmund W. Kitch (in the Encyclopedia of Crime and Justice: 1983, p. 671) has identified three characteristics or features of economic crime, namely: first, perpetrators use methods that are difficult to distinguish from those of ordinary economic activities; second, these crimes typically involve businesspeople who are successful in their fields; and third, these crimes require special handling or control by law enforcement officials.[38]

To thoroughly examine the complexity and various dimensions of crimes involving the manipulation of systems and business entities, a solid scientific foundation is required. There are many definitions of criminology offered by criminologists. However, the author wishes to focus on the definition of criminology proposed by W.A. Bonger. According to Bonger, criminology is a science that aims to investigate the phenomenon of crime in its broadest sense.[39] Bonger explains that criminology is a multidisciplinary field divided into two main branches: Pure/Theoretical Criminology and Practical Criminology. Pure Criminology encompasses criminal anthropology, criminal sociology, criminal psychology, criminal psychopathology and neuropathology, as well as penology. These fields study the physical characteristics of criminals, the social factors causing crime, the personality and psychological aspects of offenders, conditions of mental or neurological disorders, as well as the development and function of punishment. Meanwhile, Practical Criminology encompasses criminal hygiene and criminal policy as efforts to prevent and combat crime, as well as

[37] Op.cit, hal. 65-75.
[38] Op.cit, hal. 60
[39] Ragil Septiawan Dkk., Kajian Kriminologi Terhadap Pelaku Tindak Pidana Dengan Sengaja Dan Tanpa Hak Mendistribusikan Dan/Atau Mentransmisikan Dan/Atau Membuat Dapat Di Aksesnya Informasi Elektronik Dan/Atau Dokumen Elektronik Yang Memiliki Muatan Yang Melanggar Kesusilaan Di Wilayah Hukum Tasikmalaya (Studi Kasus Putusan Nomor 171/Pid.Sus/2022/PN.Tsm), 02 (2024).

criminalistics, which focuses on investigative techniques and the establishment of criminal evidence through various scientific methods such as forensic science, fingerprint analysis, graphology, and evidence analysis. Overall, criminology serves to understand, prevent, and address crime through a comprehensive and integrative approach.[40]

A criminological approach is crucial for understanding and preventing economic crimes because it offers an in-depth analysis of causal factors, perpetrators' behavioral patterns, and the resulting social impacts. Through criminological studies, policymakers can identify the root causes of the problem and devise more effective preventive solutions. This approach also aids in designing targeted policies to address legal and institutional loopholes frequently exploited by economic criminals. Given the far-reaching impact of economic crimes on public trust, economic stability, and social welfare, collaborative prevention efforts among the public, law enforcement agencies, and the government are urgently needed. This collaboration enables synergy in oversight, consistent law enforcement, and public education to build awareness and prevent specific economic crimes from occurring in the future.[41]

Corruption is typically carried out with meticulous planning, involving various methods. These methods are supported by deceptive tactics that grow increasingly sophisticated over time. Corruption is carefully planned from the very beginning—starting with the drafting of financial and operational budgets, as well as the formulation of development plans. It is precisely this thorough planning that allows corruption to proceed smoothly, seamlessly, and with minimal risk of detection by the authorities. Corruption has become deeply entrenched and well-organized, making it a crime that is difficult to combat.

The modus operandi of corruption in the management of the state budget can be identified through systematic stages, from formulation to implementation. During the budget formulation stage, irregularities typically manifest as the division of projects between the executive and legislative branches, collusion between officials and businesspeople, the allocation of projects for family interests, disparities between administrative expenditures and public expenditures, the procurement of fictitious aid or projects, the creation of budget items lacking a clear basis of need, budget waste resulting from overlapping duties and functions of agencies, claims for aid for personal gain, and the use of the bureaucracy as a means to obtain financial gain. During the operational planning stage, deviations occur through the inflation of budgets and project volumes, the bloating of legislative expenditures, violations of legal regulations, overlapping budget allocations, unrealistic budget setting, and manipulation of budget line allocations—whether by classifying administrative expenditures as public expenditures or shifting development expenditures into routine expenditures to create new projects that benefit perpetrators—accompanied by unclear details of budget lines and the setting of tax revenue and fee targets lower than their actual potential. Furthermore, during the budget implementation phase, irregularities manifest as corruption involving state

[40] Topo Santoso, "Hukum Pidana : suatu pengantar," *book*, 2021, 55–56.
[41] Tota Roganda Siahaan Dan Hudi Yusuf, *Jiic: Jurnal Intelek Insan Cendikia Tinjauan Kriminologi Terhadap Tindak Pidana Ekonomi Khusus: Faktor Penyebab Dan Dampak Sosial Di Masyarakat Criminological Review Of Special Economic Crime: Causing Factors And Social Impact In Society*, T.T.

revenue, such as extortion of state-owned or regional enterprises, embezzlement of local fees, collusion and extortion in taxation and customs, as well as the provision of bribes and lobbying funds to decision-makers.[42]

In the practice of corruption involving the adulteration of petroleum products (BBM), there are common patterns frequently used by perpetrators to obtain economic gains through illegal means. The first pattern involves mixing types of petroleum products with different octane ratings, such as combining lower-octane fuel with higher-octane fuel, and then selling the resulting mixture at the price of higher-quality fuel to reduce production costs and increase profit margins. The second pattern involves blending fuel, particularly diesel, with oil from illegal refineries and certain chemicals designed to mask the fuel's quality and physical characteristics, so that the adulterated product appears to meet official standards and can be marketed as legal fuel—even though it actually endangers consumers and harms the state.

In this context, the author highlights the crude oil corruption case involving PT Pertamina Patra Niaga, in which the suspect RS purchased RON92 fuel, even though what was actually purchased was only RON90 or lower. Subsequently, the fuel was blended at storage facilities or depots to achieve RON92, a practice that constitutes an illegal act.

The origins of this legal violation stem from the domestic crude oil supply mandate for the 2018–2023 period, which was intended to prioritize domestic supply as stipulated in Articles 2 and 3 of Ministry of Energy and Mineral Resources Regulation No. 42 of 2018. In response to this crude oil supply mandate, PT Pertamina instead manipulated the policy, leading to a decline in refinery production. The parties involved in this case are suspected of intentionally reducing refinery output, thereby increasing reliance on imported crude oil and refined products.

The modus operandi in this case involved intentionally reducing domestic refinery production, while crude oil production from Production Sharing Contractors (PSCs) was also rejected on the grounds that it did not meet specification standards and economic viability. As a result of these actions, oil that should have been used domestically was instead exported, while domestic needs were met with imported crude oil by PT Kilang Pertamina Internasional and imported refinery products by PT Pertamina Patra Niaga. In this import procurement process itself, it was found that the winning bidder had been predetermined and agreed upon beforehand. These suspects agreed to purchase at inflated prices that did not comply with applicable regulations, resulting in significant financial losses for the state. Additionally, mark-up practices in oil shipment contracts were discovered, carried out by the suspect serving as the CEO of PT Pertamina International Shipping. This suspect reaped substantial profits from these transactions.[43]

[42] Susi Amalia, "Analisis Dampak Korupsi Pada Masyarakat (Studi Kasus Korupsi Pembangunan Shelter Tsunami di Kecamatan Labuan Kabupaten Pandeglang)," *Epistemik: Indonesian Journal of Social and Political Science* 3, no. 1 (2022): 54–76, https://doi.org/10.57266/epistemik.v3i1.77.

[43] Suci Ananda Febrianti dkk., "Struktur Pasar BBM (Bahan Bakar Minyak) di Indonesia: Peran Monopoli, Skandal Korupsi, dan Prospek Implementasi Blockchain," *Jurnal Multidisiplin Ibrahimy* 3, no. 1 (2025): 29–37, https://doi.org/10.35316/jummy.v3i1.7439.

Furthermore, the impact of these illegal oil imports affects the base price of fuel, which serves as a benchmark for setting market index prices. Consequently, fuel subsidies and compensation paid from the state budget increase every year. As a result of these illegal activities, the state has suffered a loss of 193.7 trillion rupiah.

From a legal perspective, the act of adulterating fuel can be categorized as a criminal act of corruption because it causes financial harm to the state and involves the abuse of authority. However, this case is difficult to prosecute because the main perpetrators often hide behind intermediary companies or beneficial ownership structures. From a criminal law perspective, this act clearly meets the elements of abuse of authority or position to benefit oneself or others, which can cause state losses, as stipulated in Article 3 of Law No. 31 of 1999 as amended by Law No. 20 of 2001 on the Eradication of Corruption Offenses. The most critical aspect of this case is its connection to corruption, particularly since PT Pertamina is a State-Owned Enterprise funded by the state budget. Legal principles regarding corruption in Indonesia have evolved to recognize state financial losses not only in terms of budget misuse but also in the loss of potential revenue due to improper arrangements in the distribution of strategic goods.[44]

Article 2(1) of Law No. 31 of 1999 provides:

> "Any person who unlawfully engages in acts of self-enrichment or enriches another person or a corporation in a manner that may cause financial loss to the state or harm the national economy..."[45]

In cases of fuel adulteration, illegal activities occur through the manipulation of the quantity and quality of subsidized fuel. Government subsidies are calculated based on product specifications; when the fuel distributed falls below these standards yet is still recorded as if it meets them, an economic discrepancy arises that results in financial losses for the state. This constitutes a form of fraud involving misrepresentation in transactions between the government and state-owned enterprises.[46]

The use of fuel oil blends (BBM) involving internal parties at PT Pertamina is directly related to Law No. 22 of 2001 on Oil and Natural Gas, which serves as the lex specialis in the management of the energy sector in Indonesia. This law establishes the state as the primary controller of oil and gas resources in accordance with Article 33 of the 1945 Constitution, so that any form of violation in the distribution of subsidized petroleum products is not merely an administrative issue, but also a criminal act that can threaten the country's economic sovereignty.[47]

---

[44] Romli Atmasasmita, *Hukum Kejahatan Bisnis: Teori Dan Praktik Di Era Globalisasi* (Jakarta: Prenadamedia Group, 2014), hlm. 112-115.

[45] Indonesia, *Undang-Undang Nomor 31 Tahun 1999 tentang Pemberantasan Tindak Pidana Korupsi*, Lembaran Negara Republik Indonesia Tahun 1999 Nomor 140, sebagaimana diubah dengan Undang-Undang Nomor 20 Tahun 2001, Lembaran Negara Republik Indonesia Tahun 2001 Nomor 134, Pasal 2 ayat (1).

[46] Austin Al Hariz, *Buku Ajar Tindak Pidana Korupsi* (Bening Media Publishing, 2026), hlm. 11.

[47] Indonesia, *Undang-Undang Nomor 22 Tahun 2001 tentang Minyak dan Gas Bumi*, Lembaran Negara Republik

Section 54 of Law No. 22 of 2001 explicitly provides that:

> "Any person who commits the counterfeiting of petroleum products and/or the adulteration of petroleum products shall be punished by imprisonment for a maximum of 6 (six) years and a fine of up to Rp60,000,000,000.00 (sixty billion rupiah)."[48]

This regulation serves as the primary basis for prosecuting the practice of adulteration. From an economic criminology perspective, the perpetrators' malicious intent is not merely individual in nature, but is also organized within the context of corporate crime that exploits loopholes in the bureaucracy of state-owned enterprises.[49] In addition, Article 54 and Article 53(d) of the same law are also relevant, as they impose penalties on those who engage in fuel trading activities without a valid permit from the Minister, including blending activities that alter product specifications without the approval of BPH Migas.[50]

Furthermore, Government Regulation No. 36 of 2004 on Downstream Oil and Gas Business Activities (as amended by Government Regulation No. 30 of 2009) emphasizes that all activities related to the processing, transportation, storage, and trade of petroleum products must comply with established technical specifications. Violations of product specifications, including the blending of Pertalite with lower RON, constitute a violation of quality standards that can legally be considered prohibited pollution.[51]

On the other hand, Article 3 of Law No. 31 of 1999, which addresses the abuse of authority, is also relevant to perpetrators who are internal Pertamina officials. With structural positions such as depot head, distribution manager, or director, they have access and authority that is subsequently abused to support the practice of fuel adulteration. The Supreme Court has emphasized in several decisions that SOE employees can be considered state officials bound by the provisions of this Article 3.[52]

This aspect of corruption is further underscored by Presidential Regulation No. 191 of 2014 as amended by Presidential Regulation No. 69 of 2021 as amended by Presidential Regulation No. 117 of 2021 on the Provision, Distribution, and Retail Price of Petroleum Products, which governs subsidy mechanisms and price calculations. Manipulation of the quantity or quality of subsidized petroleum products clearly violates the subsidy budgeting system established in these regulations, thereby further strengthening the grounds for state

---

Indonesia Tahun 2001 Nomor 136, Tambahan Lembaran Negara Nomor 4152, Konsiderans Menimbang huruf (b) dan (c).

[48] *Ibid,* pasal 54.

[49] H. Sutherland, "White Collar Crime: The Uncut Version."

[50] Indonesia, *Undang-Undang Nomor 22 Tahun 2001*, Pasal 53 huruf (d); lihat juga Badan Pengatur Hilir Minyak dan Gas Bumi, *Pedoman Teknis Penyaluran BBM*, Peraturan BPH Migas Nomor 6 Tahun 2015.

[51] Indonesia, *Peraturan Pemerintah Nomor 36 Tahun 2004 tentang Kegiatan Usaha Hilir Minyak dan Gas Bumi*, Lembaran Negara Republik Indonesia Tahun 2004 Nomor 124, sebagaimana diubah dengan Peraturan Pemerintah Nomor 30 Tahun 2009, Pasal 1 angka 11 dan Pasal 74.

[52] R Deddy Harryanto, "PENERAPAN PASAL 3 UNDANG-UNDANG PEMBERANTASAN TINDAK PIDANA KORUPSI ATAS PERBUATAN KORUPSI OLEH PEGAWAI NEGERI DAN/ATAU PEJABAT PUBLIK," no. 1 (2016): hlm, 4.

financial losses.[53] Economic criminology now views money laundering as an integral and inseparable stage of organized economic crime. Illegal profits from counterfeiting schemes—estimated to reach trillions of rupiah-require layering and integration so they can be used without restriction.[54]

Article 3 of Law No. 8 of 2010 establishes penalties for anyone who places, transfers, divests, spends, pays out, or conceals assets known to be the proceeds of crime. In the context of the adulterated fuel scheme, the flow of funds generated from manipulation passes through several layers, ranging from manipulated price differentials at depots, distribution to gas station networks, to the transfer to assets that are difficult to trace.[55]

Article 2(1)(a) of the Anti-Money Laundering Law clearly states that corruption and crimes in the oil and gas sector fall under the category of predicate crimes, the proceeds of which may be treated as the subject of money laundering. This indicates that prosecution may be conducted concurrently, meaning that perpetrators may be charged under both the Corruption Eradication Law and the Anti-Money Laundering Law using the "follow the money" approach recommended by the FATF (Financial Action Task Force).[56]

Section 4 of the Anti-Money Laundering Law also covers individuals who conceal or disguise the source of wealth derived from criminal activity, even if they were not directly involved in the underlying criminal offense. This provision is particularly important in the corporate context, where the actual beneficiaries of illicit profits may differ from those who carried out the crimes on the ground.[57]

Furthermore, the practices of fuel adulteration and document forgery are punishable under Articles 53 and 54 of Law No. 22 of 2001 on Oil and Natural Gas, which prohibit unauthorized deviations from oil and gas processing and distribution procedures. In the context of corporate law itself, this modus operandi highlights the importance of implementing beneficial ownership. Many intermediary companies involved in the fuel supply chain do not list the actual beneficial owners in official documents. Consequently, law enforcement faces difficulties in tracing who ultimately benefits from such criminal acts. Therefore, the implementation of Presidential Regulation No. 13 of 2018 regarding the application of the principle of identifying the beneficial owners of corporations is crucial, including the obligation for companies operating in the oil and gas sector to report accurate beneficial ownership information.

From the consumers' perspective, they have suffered significant harm, which violates Law No. 8 of 1999 on Consumer Protection. The process of proving this corruption case presents its own challenges, namely: First, the difficulty of tracing administrative and financial trails that

---

[53] Indonesia, *Peraturan Presiden Nomor 191 Tahun 2014 tentang Penyediaan, Pendistribusian dan Harga Jual Eceran Bahan Bakar Minyak*, Lembaran Negara Republik Indonesia Tahun 2014 Nomor 399, Pasal 3 dan Lampiran I.

[54] Yunus Husein, *Bunga Rampai Anti Pencucian Uang* (Bandung: Books Terrace & Library, 2007), hlm. 34-37.

[55] Indonesia, *Undang-Undang Nomor 8 Tahun 2010 tentang Pencegahan dan Pemberantasan Tindak Pidana Pencucian Uang*, Lembaran Negara Republik Indonesia Tahun 2010 Nomor 122, Tambahan Lembaran Negara Nomor 5164, Pasal 3.

[56] Financial Action Task Force (FATF), "Guidance on the Risk-Based Approach for the Banking Sector," 2014, 22.

[57] Indonesia, *Undang-Undang Nomor 8 Tahun 2010*, Pasal 4.

have been obscured through cross-company transactions and layered accounts. Second, the difficulty of proving a causal link between the adulteration and financial losses to the state, particularly because the losses are often hidden behind market price differentials and volume manipulation.

To address these challenges, investigators must utilize forensic audits, digital tracing, and interagency cooperation such as with the Financial Transaction Reports and Analysis Center (PPATK) and the Financial Services Authority (OJK) to uncover the flow of funds and the corporate structures of the perpetrators. The absence of real-time monitoring systems at storage facilities and refineries, coupled with limited public access to crude oil import data, creates opportunities for systemic manipulation. Yet the oil and gas sector itself is one of the main pillars of state revenue. Without good and proper transparent governance, the state will continue to experience budget leaks and a loss of public trust.[58]

4. CONCLUSION

The conclusion of this study confirms that the practice of fuel adulteration is a form of organized economic crime that is not only rooted in individual greed but has transformed into a systemic phenomenon supported by weaknesses in oversight structures, power dynamics, and an organizational culture that is permissive of misconduct. In this context, greed is no longer merely a personal moral impulse but has become an institutionalized mechanism through networks of interests and economic rationality that prioritize greater profits over legal risks. This is reinforced by criminological theories such as white-collar crime, rational choice, and anomie, which demonstrate that crime occurs due to a combination of motivation, opportunity, and a weak deterrence system. Therefore, combating fuel adulteration cannot be addressed solely through repressive measures such as criminal prosecution; rather, it must be tackled comprehensively through reforms in the governance of the oil and gas sector, strengthening oversight and accountability systems, and revitalizing public ethics to prevent the recurrence of similar crimes in the future.

REFERENCE

Afriyeni, Firli, dan Oktana Wahyu Perdana. "Analisis Hukum terhadap Tindak Pidana Pengoplosan BBM dan Efektivitas UU Migas." *Dharma Pendidikan Universitas PGRI MPU Sindok Nganjuk* 20, no. 2 (2025). https://doi.org/10.69866/dp.v20i2.609.

Amalia, Susi. "Analisis Dampak Korupsi pada Masyarakat (Studi Kasus Korupsi Pembangunan Shelter Tsunami di Kecamatan Labuan Kabupaten Pandeglang)." *Epistemik: Indonesian Journal of Social and Political Science* 3, no. 1 (2022). https://doi.org/10.57266/epistemik.v3i1.77.

Annisa Intan Maharani, Agnes Clara Nainggolan, Istiharoh Istiharoh, Pramasheila Arinda Putri, dan Riyan Adhitya Pratama. "Analisis Fenomena Penyimpangan Sosial: Tawuran Remaja dalam Teori Anomie Emile Durkheim." *JISPENDIORA: Jurnal Ilmu Sosial Pendidikan dan Humaniora* 2, no. 3 (2023).

[58] Dian Jayanto, "Moral Outrage, Sticky Crisis, dan Strategi Komunikasi Krisis Pertamina Studi Kasus Skandal Korupsi dan Pengoplosan BBM," *Communicology: Jurnal Ilmu Komunikasi* 13, no. 1 (2025): 1–21, https://doi.org/10.21009/comm.034.01.

https://doi.org/10.56910/jispendiora.v2i3.978.
Atmasasmita, Romli. *Hukum Kejahatan Bisnis: Teori dan Praktik di Era Globalisasi*. Jakarta: Prenadamedia Group, 2014.
———. *Kapita Selekta Hukum Pidana dan Kriminologi*. 1995.
Courpasson, David, Dima Younes, dan Michael Reed. "Durkheim in the Neoliberal Organization: Taking Resistance and Solidarity Seriously." https://doi.org/10.1177/2631787720982619.
Efendi, Jonaedi, dan Johnny Ibrahim. *Metode Penelitian Hukum: Normatif dan Empiris*. Jakarta: Prenadamedia Group, 2018.
Financial Action Task Force (FATF). *Guidance on the Risk-Based Approach for the Banking Sector*. 2014.
Febrianti, Suci Ananda, Septiana Sihombing, Rahmalia Maharani, Mardila Saputri, dan Mozaik Plamonia Ramadhan. "Struktur Pasar BBM (Bahan Bakar Minyak) di Indonesia: Peran Monopoli, Skandal Korupsi, dan Prospek Implementasi Blockchain." *Jurnal Multidisiplin Ibrahimy* 3, no. 1 (2025). https://doi.org/10.35316/jummy.v3i1.7439.
Funay, Beatrix Nino, Angelia Hunu Ola Lewokeda, Fadil Mas'ud, dan Maria Selfiani Teci. "Relevansi Teori Kriminologi Klasik dalam Menjelaskan Rasionalitas Pelaku Tindak Pidana Korupsi di Indonesia." *Pendas: Jurnal Ilmiah Pendidikan Dasar* 10 (2025).
Ginanjar, Ginanjar, dan Hudi Yusuf. "Tindak Kejahatan Korupsi White Collar Crime Menjadi Tren di Kalangan Pejabat Negara: Studi Kasus Korupsi Bansos Covid-19." *Jurnal Intelek Insan Cendikia* 2, no. 7 (2025).
Green, Michele. "Sympathy and Self-Interest: The Crisis in Mill's Mental History." *Utilitas* 1, no. 2 (1989): 259–77. https://doi.org/10.1017/S0953820800000261.
Habbe, Abdul Hamid, dan Lili Aprilianti. *Factors Influencing Corruption Actions with Parliamentary Behavior as Moderating Variables*. 2019.
Hariz, Austin Al. *Buku Ajar Tindak Pidana Korupsi*. Bening Media Publishing, 2026.
Hartanto, Dava Vahreal, Fariz Navrizal, Fernanda Surya, Hajar Berlanty, dan M. Naufal. "Menegakkan Keadilan dalam Pengelolaan Sumber Daya Negara (Studi Kasus: Korupsi Pengoplosan di Pertamina)." *IHSA Institute* 16, no. 1 (2025).
Harryanto, R. Deddy. "Penerapan Pasal 3 Undang-Undang Pemberantasan Tindak Pidana Korupsi atas Perbuatan Korupsi oleh Pegawai Negeri dan/atau Pejabat Publik." 2016.
Husein, Yunus. *Bunga Rampai Anti Pencucian Uang*. Bandung: Books Terrace & Library, 2007.
Jayanto, Dian. "Moral Outrage, Sticky Crisis, dan Strategi Komunikasi Krisis Pertamina: Studi Kasus Skandal Korupsi dan Pengoplosan BBM." *Communicology: Jurnal Ilmu Komunikasi* 13, no. 1 (2025). https://doi.org/10.21009/comm.034.01.
Kenneth, Nathanael. "Maraknya Kasus Korupsi di Indonesia Tahun ke Tahun." 2024.
Khairani, Dinda, Icha Santika, Muhammad Mandala Nasution, Ridho Yoandika, dan Miftha Rizkina. "Analysis of Fraudulent Cases in Procurement of Goods and Services at State-Owned Enterprise Pertamina: Oil Adulteration and Its Impact on the National Economy." *EDUCTUM: Journal Research* 4, no. 1 (2025).
Kolomý, Vojtěch. "Kant on Moral Feeling and Respect." *Kantian Review* 28, no. 1 (2023): 105–23. https://doi.org/10.1017/S1369415422000504.
Marzuki, Mahmud. *Penelitian Hukum: Edisi Revisi*. Jakarta: Prenadamedia Group, 2017.
Marzuki, Peter Mahmud. *Penelitian Hukum: Suatu Pengantar*. Jakarta: Prenadamedia Group, 2022.

Mehlkop, Guido, dan Peter Graeff. "Modelling a Rational Choice Theory of Criminal Action: Subjective Expected Utilities, Norms, and Interactions." *Rationality and Society* 22, no. 2 (2010).

Mertokusumo, Sudikno. *Penemuan Hukum: Sebuah Pengantar*. Yogyakarta: Cahaya Atma Pustaka, 2014.

Merton, Robert K. "Social Structure and Anomie." 1938.

ND, Mukti Fajar, dan Yulianto Achmad. *Dualisme Penelitian Hukum: Normatif dan Empiris*. Yogyakarta: Pustaka Pelajar, 2010.

Nst, Aslamiyah, Suhaiy Batul, Risdalina Siregar, dan Kusno. "Kajian Hukum Putusan Hakim atas Pertanggungjawaban Tindak Pidana Pelaku Pemalsuan Uang Rupiah Perspektif Kriminologi." 2025.

Pura, Rahman, dan Sahidah Rogram. "Kebutuhan, Keserakahan, dan Rendahnya Supremasi Hukum sebagai Faktor Penentu Perilaku Korupsi Aparatur Pemerintah."

Ramadhan, Choky R. "Teori Pilihan Rasional untuk Memahami Koruptor di Indonesia." *Integritas: Jurnal Antikorupsi* 9, no. 2 (2023).

Rumahorbo, Liberti, dan Hudi Yusuf. "Analisis Mendalam Perilaku Menyimpang White-Collar Crime (Studi Kasus melalui Lensa Teori Convenience)." 2025.

Sahbania, Rizka, Edzky Satria Zulkarnain, Sandy Maulana Putra, dan Reni Anjelena. "Korupsi dan Lemahnya Penegakan Hukum: Analisis Ketidakadilan dan Dampaknya bagi Kepercayaan Publik." *Journal of the Research Center for Digital Democracy* 1, no. 1.

Sapitri, Lia, Novia, Robby Pratama, Sendy Fatih Pranata, Sultan Refzi, dan M. Ilham Wira Pranata. "Tinjauan Kriminologis terhadap Tindak Pidana Korupsi (Studi Kasus Putusan Nomor 5563 K/Pid.Sus/2024)." *Jurnal Legalitas* 4, no. 1 (2026). https://doi.org/10.58819/jle.v4i1.224.

Saputri, Amelia, Annisya Nurhasanah, Arsyanika Nhayla Ananda, Indri Kurnia Saputri, dan Wevy Sary Efticha. "Korupsi sebagai Patologi Sosial Sistemik di Indonesia dan Kegagalan Hukum Pidana dalam Menciptakan Efek Jera." 2025.

Schneider, Hans Joachim. "Viktimologie und Kriminologie des Wirtschaftsverbrechens." Dalam *Wirtschaftskriminalität und Wirtschaftsstrafrecht*, diedit oleh Klaus Tiedemann. Freiburg: Max-Planck-Institut, 1987.

Soekanto, Soerjono, dan Sri Mamudji. *Penelitian Hukum Normatif: Suatu Tinjauan Singkat*. Jakarta: Rajawali Pers, 2015.

Sugiartha, I Nyoman Gede, I Dewa Ayu Risma Pranasita, dan Kade Richa Mulyawati. "Modus Operandi Penyelundupan Narkoba Sindikat Kejahatan Transnasional Terorganisasi dalam Perspektif Kriminologi." *Jurnal Analogi Hukum* 5, no. 3 (2023).

Susanti, Dyah Ochtorina, dan A'an Efendi. *Penelitian Hukum (Legal Research)*. Jakarta: Sinar Grafika, 2022.

Sutherland, Edwin H. *White Collar Crime: The Uncut Version*. New Haven: Yale University Press, 1983.

Topo Santoso. *Hukum Pidana: Suatu Pengantar*. 2021.

Utami, Yulda Cahyaning, dan Harmanto. "Pembentukan Karakter Tanggung Jawab Siswa melalui Pembelajaran PPKn secara Hybrid Learning di SMP Negeri 9 Surabaya." *Kajian Moral dan Kewarganegaraan* 10, no. 4 (2022). https://doi.org/10.26740/kmkn.v10n4.p1068-1082.

Wahyuddin, Imam, Siti Murtiningsih, dan Sulhatul Habibah. "Kejahatan di Masa Pandemi

Covid-19 Perspektif Filsafat Kehendak Arthur Schopenhauer (1788–1860).” 2023.
Yati, Fauzi. “Problematika Penentuan Baik dan Buruk.” 2023.
Yusuf, Hudi. “Tindak Kejahatan Korupsi White Collar Crime Menjadi Tren di Kalangan Pejabat Negara.” 2025.