

## **Analysis of Economic Analysis of Law Principle In Purchase Fuel By Application (Study of MyPertamina)**

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### **Abstrak**

*Bahan bakar minyak sudah menjadi kebutuhan ditengah masyarakat, bahan bakar minyak terdiri dari bahan bakar minyak yang bersubsidi dan non-subsidi. Bahan bakar minyak bersubsidi diperuntukkan untuk masyarakat menengah, hal ini menjadi fokus pemerintah agar bahan bakar minyak tepat sasaran salah satu upaya pemerintah adalah rencana penggunaan MyPertamina untuk pembelian bahan bakar minyak bersubsidi, akan tetapi hal ini menimbulkan pro dan kontra di masyarakat. Tujuan dalam penelitian ini adalah bagaimana asas efisiensi dalam Economic Analysis of Law memandang rencana pemerintah ini. Penulis menggunakan metode penelitian normatif dalam tulisan ini karena didalamnya membahas tentang asas, norma dengan teknik pengumpulan data kepustakaan atau literatur dan analisis dalam penelitian ini menggunakan analisis prespektif. Hasil dari penelitian ini adalah rencana ini belum sepenuhnya efisien dikarenakan sebagian masyarakat yang disusahakan oleh beberapa hal contohnya kurangnya sosialisasi tentang hal ini, larangan menggunakan handphone di SPBU atau berkendala saat mengakses MyPertamina.*

*Kata Kunci: Bahan Bakar Minyak; Mypertamina; Subsidi*

### **Abstract**

Fuel has become a necessity in the society, fuel consists of subsidized and non-subsidized fuel oil. Subsidized fuel oil is intended for the middle class, this is the focus of the government so that fuel oil is right on target. One of the government's efforts is the plan to use MyPertamina to purchase subsidized fuel oil, but this raises pros and cons in the community. The purpose of this research is how the principle of efficiency in the economic analysis of law views this government plan. The author uses normative research methods in this paper because it discusses the principles, norms with library data collection techniques or literature which is then analyzed using perspective analysis techniques. The result of this study is that this policy plan is not yet fully efficient because because of this plan, some people are troubled by several things, for example the lack of socialization about this, the prohibition of using cellphones at gas stations or obstacles when using MyPertamina.

Keywords: Fuel; Mypertamina; Subsidy

### **Introduction**

Energy is a strategic sector and has an important role in achieving social, economic and environmental aim for sustainable development and is a support for national economic activities (Sa'adah and others 2017). Indonesia is one of the countries in the world whose demand for fuel is still supported by imports. Imports of fuel oil that enter Indonesia are used by public or by corporate institutions called BBM. Domestic fuel consumption is already above 1.5 million barrels per day, while production is below 800,000 barrels per day, so that the shortage of oil consumption of 700,000 barrels and covered by import (Choriliyah, S., Susanto, H. A., & Hidayat 2016).

Subsidies were first used in England in the 10th century under King Charles II. However, subsidies began to develop in the 20th century, since then subsidy programs have become a common practice for governments in their financial budgets (Napitupulu and Putra 2017). Subsidies are a form of assistance provided by the government to some people

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that can reduce the cost of producing goods or reduce the price paid by consumers for an item. The aim is how subsidies are able to improve the free market mechanism by providing resources for the poor and underprivileged and by correcting market failure mechanisms by creating efficient allocation of goods and services (Ermawati 2015).

The World Trade Organization (WTO) cites the following as examples of what it considers to be subsidies: any and all financial contributions or direct support from the government; the transfer of risk through the provision of debt, equity, and guarantees; the restoration of lost income through tax relief; the provision of infrastructure, goods, and services at prices lower than their market value; royalty discounts and investments in infrastructure; and any and all other types of financial assistance. Other forms of subsidies include: the provision of infrastructure, goods, and services at prices lower than their market value; the provision of goods, services, and infrastructure at prices lower than their market value (Han and Kim 2019).

Administratively, fuel (BBM) price fixing has existed in Indonesia since the 1960s, but the Asian financial crisis and the years of recovery that have since changed policies around fuel subsidies, are; *first*, the sharp devaluation of the rupiah which caused the cost of fuel subsidies to increase tenfold, from 0.3% of GDP in 1996 to 2.9% in 1998. *Second*, the adverse impact of the Asian Financial Crisis on poverty levels in Indonesia, the government is the government seeking loans from the International Monetary Fund (IMF), and the abolition of fuel subsidies (Kyle 2018).

Subsidies policies including subsidies for fuel (BBM) carried out by the government always raise pro and contra opinions, there are parties who agree with the reason that it is estimated that it can increase industrial competitiveness, can create new jobs and support poverty alleviation, be able to encourage economic growth in the region; and can provide political benefits for leaders in power, while those who refuse on the grounds that fossil fuel subsidies are not pro-environment, subsidies burden the budget, subsidies encourage wastage of consumption, subsidies are not well targeted, threaten energy security, hinder energy infrastructure investment, ignore the impact natural inflation, creating market distortions and barriers to NRE development (Meliala 2014)(Muchlisin and others 2012).

According to the findings of a number of studies that analyzed the effects of subsidies as well as reforms to subsidies in a number of countries, the majority of the benefits of subsidies were received by people who were wealthy. When compared to the group that has the lowest income, the one-tenth of the population that has the highest income receives six times the amount of subsidy benefits as that group. These results are the culmination of an investigation into the conditions that prevailed in twenty different developing nations. More than 80 percent of the profits from gasoline subsidies are received by the top 20 percent of the population, which results in a very unequal distribution of those profits. This is because the top 20 percent of the population makes up the majority of the population (Kurniawan and others 2015).

In Indonesia, the total amount of money that was spent on energy subsidies during the time period spanning January to February 2022 amounted to Rp. 21.7 trillion, as indicated by the data that was provided by the Ministry of Finance. This value is equivalent to 16.97 percent of the budget for the energy subsidy, which is equivalent to approximately 10.48 percent of the total budget for subsidies in the APBN 2022. [This value] The APBN has

proposed a total subsidy budget for the year 2022 of 206.96 trillion Rp for the government to consider. The budget is separated into the following categories: the subsidies for energy amount to 134.03 trillion rupiah, while the subsidies for non-energy amount to 72.93 trillion rupiah (Kusnandar 2022).

The study on the analysis of the economic analysis of law principle on the use of the MyPertamina application in purchasing fuel has not been found by the authors, and previous studies from this research are as follows: first, research by M. Zainul Abidin, he was found that the fuel subsidy policy has the potential to be inconsistent with the principles of efficiency that are equitable, sustainable and environmentally sound in Article 33 paragraph (4) of the 1945 Constitution because the allocation of public spending for the subsidy is more profitable for the rich than the poor and negative impact on public health and the environment (Abidin 2013). Second, research from Nasdar etc. Mentioning that the factors causing the misuse of fuel oil and natural gas are divided into two, namely internal factors originating from the individual himself and external factors originating from the external environment of humans, generally influenced by economic and environmental factors (Nasdar and others 2022). Third, research from Iqbal etc. Explain that the taxation policy can be an effort to limit the consumption of subsidized fuel in the community who always experience over quota every year due to waste and also does not burden the state finances related to fuel subsidies in the APBN (Iqbal and Salomo 2018).

This study purposed to find out how the principle of efficiency in economic analysis of law views the regulatory plan for the use of MyPertamina in purchasing fuel.

### **Method Research**

In accordance with the direction of the purpose of this research which tries to explain principle of efficiency in economic analysis of law views the regulatory plan for the use of MyPertamina in purchasing fuel, this research use normative research. normative research puts the law as a system of norms, are principles, norms (ND and Achmad 2010). The data sources used in this study are secondary data sources, are data obtained from literature studies or literature that has a relationship with the object under study (Soemitro 1983). After collecting the data in the research, the next step is to analyze the data, and in this study using prespective analysis methods. Prescriptive analysis technique is an analytical technique proposed specifically to provide arguments for the results of research that has been carried out. These arguments are then used as prescriptions or judgments by which they can weigh what is right and what is wrong or what is appropriate from a legal point of view related to the problem under study based on the results of the research (ND and Achmad 2010).

### **Results and Discussion**

Economic analysis of law is the application of economic principles as rational choices to analyze legal issues, this theory was born in the United States which adheres to the common law system. There are two important efficiency concepts in economic analysis of law, both are: Pareto Efficiency (Italian economist) and Kaldor-Hicks Efficiency (the names of two British economists). Pareto efficiency questions whether law-making or changing laws can make one person better off without making another person worse off? he can

compensate those who are harmed by the policy or changes of the law itself, the latter approach is called cost-benefit analysis (Achmad [n.d.]).

Richard A. Posner mentions that the role of law in economics must be seen in terms of value, utility, and efficiency. Posner defines efficiency with "that allocation of resources in which value is maximized". Posner also argues about the use of economic theory in law, namely "many of the doctrines an institution of the legal system best understood and explained as efforts to promote the efficient of resources' and that "the common law is best. . . explained as a system for maximizing the wealth of society" (Murni 2012).

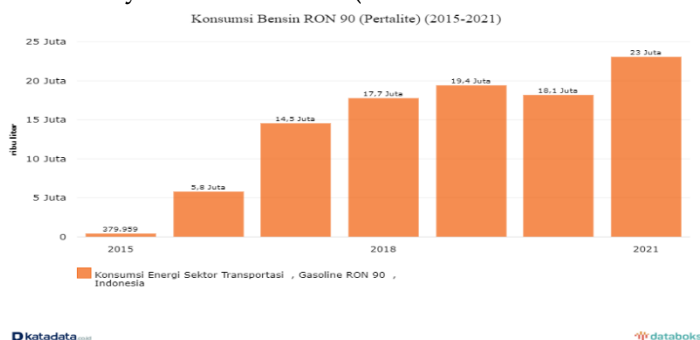
"The appropriate action of doing something or producing something without wasting a significant amount of time, energy, or financial resources" is how the word "efficiency" is defined in the Indonesian Dictionary. This definition can be found under the heading "the appropriate action of doing something or producing something." [Further citation is required] The following is a list of the different indicators of efficiency: first, the extent to which users are able to access a website; second, the ease with which users are able to locate information; and third, the rate at which users are able to make use of the website. The ease with which one can determine who is qualified to make use of a particular resource has a direct bearing on the amount of efficiency that can be achieved with that resource. In other words, the more people who are eligible to use the resource, the higher its potential level of efficiency (Yuliana and others 2020).

According to Davis et al (1989), the perception of ease is the feeling that one has when they are do something and they are not bothered by the difficulties that they are encountering (Lestari and Iriani 2018). According to Basu (2008), the idea of convenience refers to the amount of effort that customers put forth in order to obtain goods or services that are not only simple but also efficient and comfortable. Moreover, the concept of convenience also refers to the amount of effort that customers put forth in order to obtain goods or services that are comfortable. One of the characteristics that define convenience, according to Turban (2010), is "ease of transactions." This definition describes a circumstance in which the process of carrying out a transaction is made as simple as possible, and the number of factors that make the process difficult is kept to a minimum as much as possible (Lestari and Iriani 2018).

According to Sun and Zhang, there are four elements in convenience or efficiency, are: easy to learn, easy to use, clear and understandable, and come skillful (Hartono and others 2021). Ease of transaction is defined when someone believes that the system is easy to use without requiring much effort, another definition states that transaction convenience is a method that is used easily for a transaction and consumers do not experience difficulties when making transactions (Hartono and others 2021).

PT. Pertamina as the largest producer and distributor of the gasoline market produces and distributes gasoline. Initially, Premium fuel types dominated the gasoline market in Indonesia, although subsidies for Premium had been lifted. In addition to revoking Premium subsidies, the Indonesian government through PT. Pertamina has also added new variants of high-octane product types, namely Peralite which has an octane of 90 starting in 2015. Peralite is a non-subsidized fuel as Pertamina's new product with an octane value between Premium and Pertamax. The addition of these variants is carried out by the government to

carry out slow migration on the pattern of fuel consumption in Indonesia in order to achieve a fuel economy as initiated by other countries (Primadona and Rizaldi 2021).



**Picture 1.**  
**subsidized fuel use 2015-2021(Pahlevi 2022)**

Pertamina emphasizes that promotions are linked to fuel for cars in the MyPertamina application. MyPertamina is a loyalty and e-payment program that provides easy user experiences from PT Pertamina for all Pertamina customers. In this e-money service, it has been registered and supervised by Central Bank of Indonesia (BI) (Mustamu and others 2019). In addition to providing rewards for consumers with offers in the application, this program also supports non-cash activities or commonly referred to as cashless which is also a government program. Consumers not only benefit from the rewards given, but this application also makes it easier for consumers to make transactions (Oktaviana and others 2021).

It has been brought to the attention of the general public that there are still number of issues that are concealed behind the various services that are made available to customers by PT Pertamina through the platform of MyPertamina. These issues have been brought to the attention of the general public. Customers are made aware of these issues and given access to them. These issues include the fact that the MyPertamina application can be difficult to open, the number of gas stations that are unable to use LinkAja!, account registration that frequently fails, and successful transactions using MyPertamina. Other problems include the inability to use LinkAja! at certain gas stations. The inability to use LinkAja! at certain gas stations is yet another issue that has arisen. Although the points did not increase, which led to a decrease in the level of trust that customers had in MyPertamina and prevented customers from receiving any benefits as a result of using the service. This resulted in a decrease in the level of trust that MyPertamina had in its customers (Muhammad Ibrahim and Novandriani Karina Moeliono 2020).

The MyPertamina application has also been questioned about its safety by the public, a number of motorists think that the MyPertamina application is not in line with the prohibition on the use of mobile phones in gas stations. Furthermore, based on research conducted by snapcart, LinkAja! which works with the MyPertamina application as an electronic payment service that aims to make it easier for consumers when making transactions to purchase Pertamina products, only getting a value of 1%. People prefer the

OVO brand to be used as their favorite digital payment application which gets a value of 58%. This is also due to various problems in the eyes of the community such as top up using Linkaja! failed but the balance was cut, transactions are often pending, cashback is not given (Muhammad Ibrahim and Novandriani Karina Moeliono 2020).

According to Diah Nurwitasari, a member of Commission VII DPR RI, the policy of Pertamina, which mandates the use of MyPertamina when purchasing fuel, necessitates extensive socialization of the MyPertamina digital program. In her evaluation, Diah Nurwitasari came to this realization as a result of her observation. This regulation was implemented by the organization known as Pertamina. Immediately after that, an assessment is carried out with the purpose of making improvements to the existing circumstance. Because this subsidy program was operating exactly as it should have been, the utilization of the application was initiated in order to stop subsidized fuel from being redirected to industries or other groups (Amrullah 2022).

### **Conclusion**

The government has plan to create a policy regarding the use of MyPertamina to control the distribution of subsidized fuel so that it is exactly on target. This policy plan concerns the use of MyPertamina to control the distribution of subsidized fuel. These initiatives have been done in an effort to develop a strategy for public policy. Nevertheless, this policy plan needs to be considered from the social aspect that will be caused by this policy, and this is one of the challenges that will need to be confronted by both the government and society. Because some people will find it challenging to implement some of these plans, and because the lack of massive socialization by the government makes people less understanding, which is another challenge, the view of the principle of effectiveness in the economic analysis of law in the plan to purchase fuel through the MyPertamina application is less effective. This is because some people will find it difficult to implement some of these plans, and because the lack of massive socialization by the government makes people less understanding. This is because some individuals will find it difficult to put these plans into action, and partly because the absence of major socialization by the government makes people less understanding. To fulfill one of its key obligations, the government classifies individuals based on their eligibility to receive financial help in the form of gasoline subsidies. This classification was created with the intention of ensuring that those who receive aid fulfill their responsibilities without placing an undue burden on the remaining members of the community.

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