

ABSTRAK

PERTANGGUNGJAWABAN PIDANA PELAKU TINDAK PIDANA PENIMBUNAN BAHAN BAKAR MINYAK BERSUBSIDI (Studi Putusan Nomor 4/Pid.Sus/2025/PN Sgi)

Emi Fajri *
Prof. Dr. Mustamam, M.Ag**
Dr. Cut Nurita, SH.MH**

Penimbunan BBM adalah kegiatan menimbun atau menyimpan Bahan Bakar Minyak secara ilegal dalam jumlah besar, biasanya untuk dijual kembali dengan harga yang lebih tinggi saat terjadi kelangkaan. Penimbunan ini sering menyasar BBM bersubsidi, yang dampaknya merugikan masyarakat dan membebani keuangan negara. Rumusan masalah dalam tesis ini adalah bagaimana pengaturan hukum tindak pidana penimbunan bahan bakar minyak bersubsidi di Indonesia, bagaimana pertanggungjawaban pidana terhadap pelaku tindak pidana penimbunan bahan bakar minyak bersubsidi dalam Putusan Nomor 4/Pid.Sus/2025/PN Sgi, bagaimana pertimbangan hukum hakim dalam Putusan Nomor 4/Pid.Sus/2025/PN Sgi

.Penulisan tesis ini menggunakan metode telaah pustaka (*library research*) untuk mentelaah data-data sekunder dengan melakukan analisis kasus putusan Pengadilan Negeri Sigli Nomor 4/Pid.Sus/2025/PN Sgi. Jenis data penelitian ini adalah data sekunder. Bahan hukum primer dan sekunder disusun secara sistematis dan dianalisis secara kualitatif.

Pengaturan hukum pidana terhadap tindak pidana penimbunan bahan bakar minyak bersubsidi dalam perkara Putusan Pengadilan Negeri Sigli Nomor 4/Pid.Sus/2025/PN Sgi diatur dalam Pasal 55 Undang-undang Nomor 22 tahun 2001 tentang Minyak dan Gas Bumi sebagaimana telah diubah dalam Pasal 40 Angka 9 Undang-undang Nomor 11 tahun 2020 tentang Cipta Kerja. Terjadinya tindak pidana penimbunan bahan bakar minyak bersubsidi adalah faktor ekonomi dengan maksud untuk dimiliki secara melawan hukum.

Kesimpulan dari pembahasan adalah pertanggungjawaban pelaku tindak pidana penimbunan bahan bakar minyak bersubsidi dalam Putusan Pengadilan Negeri Sigli Nomor 4/Pid.Sus/2025/PN Sgi terdakwa dipidana penjara selama 8 (empat) bulan dan pidana denda sebesar Rp5.000.000,00 (lima juta rupiah), dengan ketentuan apabila pidana denda tersebut tidak dibayar, maka diganti dengan pidana kurungan selama 1 (satu) bulan. Pertimbangan hakim karena tidak ada alasan pembeda dan pemaaf, sehingga dinyatakan bersalah, serta hal-hal yang memberatkan dan meringankan. Hal yang meringankan terdakwa belum pernah dihukum sedangkan hal yang memberatkan adalah perbuatan terdakwa merugikan konsumen BBM Bersubsidi

Kata Kunci : Pertanggungjawaban Pidana, Penimbunan Minyak, Subsidi.

*Mahasiswa Program Pascasarjana Program Ilmu Hukum Universitas Islam Sumatera Utara.

**Dosen Pembimbing I Program Pascasarjana Ilmu Hukum Universitas Islam Sumatera Utara

**Dosen Pembimbing II Program Pascasarjana Ilmu Hukum Universitas Islam Sumatera Utara

ABSTRACT

CRIMINAL RESPONSIBILITY OF PERPETRATORS OF THE CRIMINAL ACTS HOARDING OF SUBSIDIZED FUEL OIL (Study of Decision Number 4/Pid.Sus/2025/PN Sgi)

Emi Fajri *
Prof. Dr. Mustamam, M.Ag**
Dr. Cut Nurita, SH.MH**

Fuel hoarding is the illegal act of hoarding or storing large quantities of fuel oil, usually to resell at a higher price during shortages. This hoarding often targets subsidized fuel, which has detrimental effects on the public and burdens state finances. The problem formulation in this thesis is how the legal regulation of the crime of hoarding subsidized fuel oil in Indonesia, how criminal liability for perpetrators of the crime of hoarding subsidized fuel oil is determined in Decision Number 4/Pid.Sus/2025/PN Sgi, and what the judge's legal considerations are in Decision Number 4/Pid.Sus/2025/PN Sgi.

This thesis uses a library research method to examine secondary data by analyzing the Sigli District Court Decision Number 4/Pid.Sus/2025/PN Sgi. The type of data in this research is secondary. Primary and secondary legal materials are systematically compiled and analyzed qualitatively.

The criminal law provisions for the hoarding of subsidized fuel in the Sigli District Court Decision Number 4/Pid.Sus/2025/PN Sgi are regulated in Article 55 of Law Number 22 of 2001 concerning Oil and Gas, as amended by Article 40 Number 9 of Law Number 11 of 2020 concerning Job Creation. The occurrence of the criminal act of hoarding subsidized fuel is an economic factor with the intention of unlawfully possessing it.

The conclusion of the discussion is that the perpetrator of the criminal act of hoarding subsidized fuel in the Sigli District Court Decision Number 4/Pid.Sus/2025/PN Sgi is responsible for the defendant being sentenced to 8 (four) months in prison and a fine of Rp5,000,000.00 (five million rupiah), with the provision that if the fine is not paid, it will be replaced with 1 (one) month in prison. The judge's considerations were that the defendant was found guilty due to the lack of justification or excusable reasons, as well as aggravating and mitigating factors. The mitigating factor was the defendant's prior conviction, while the aggravating factor was his actions causing harm to subsidized fuel consumers.

Keywords: Criminal Liability, Oil Hoarding, Subsidies

**Students of the Postgraduate Program in the Law Program at the Islamic University of North Sumatra.*

***Supervising Lecturer I of the Postgraduate Program in Law at the Islamic University of North Sumatra*

***Supervisory Lecturer II of the Postgraduate Program in Law at the Islamic University of North Sumatra*