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Legal Protection for Consumers Against Fraudulent Practices in the Sale of Cooking Oil (Minyakita)

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Abstract
This study aims to analyze the legal protection afforded to consumers against fraudulent practices in the sale of Minyakita cooking oil, focusing on how statutory norms and enforcement mechanisms function within Indonesia's consumer-protection framework. Using a normative juridical method, the research applies both statutory and analytical approaches to examine relevant legal provisions, including Law No. 8 of 1999 on Consumer Protection and the Indonesian Penal Code (KUHP). Data were obtained exclusively from secondary sources such as legislation, academic literature, and official reports, then analyzed qualitatively through descriptive interpretation. The findings reveal that consumer protection in Indonesia is normatively comprehensive but remains inconsistently enforced across regions due to limited institutional capacity and public awareness. The Minyakita case demonstrates that fraudulent repackaging and under-filling practices violated Article 8 paragraphs (1)(a) and (c) of the Consumer Protection Law and constituted deceit under Article 383 of the Penal Code. Business actors engaging in such acts bear civil, administrative, and criminal liability, including restitution, fines, or imprisonment as stipulated in Article 62 of the Law. The Consumer Dispute Settlement Agency (BPSK) provides accessible out-of-court mechanisms, yet enforcement effectiveness depends on the coordination of BPKN, BPSK, and law-enforcement bodies. Overall, the study concludes that Indonesia's consumer-protection regime requires stronger institutional synergy, public-awareness programs, and consistent sanction enforcement to ensure justice, deterrence, and fair trade practices in essential-commodity markets.

Keywords: Consumer Protection; Fraud; Minyakita; Legal Liability.

INTRODUCTION

Minyakita is a government-owned trademark of affordable packaged cooking oil officially launched by the Ministry of Trade of the Republic of Indonesia on 6 July 2022, as a response to the scarcity and price surge of cooking oil in early 2022 (Prayudia, 2025). The brand was designed as a policy instrument to stabilize the market and guarantee access to a basic staple for low- and middle-income consumers. Contrary to popular perception, Minyakita is not a direct budget-subsidized product, but the downstream outcome of the Domestic Market Obligation (DMO) policy, which requires palm-oil exporters to allocate a portion of their production for domestic needs before obtaining export permits (Rizky, 2025; Suara.com, 2025). Within this architecture, the government set a Highest Retail Price (Harga Eceran Tertinggi/HET) of IDR 15,700 per liter to curb speculative pricing and prevent the re-emergence of the 2022 "cooking-oil crisis".

However, subsequent implementation of Minyakita at the retail level has revealed a series of serious irregularities. Joint inspections by the Ministry of Trade and the National Food Task Force (Satgas Pangan Polri) found that bottles labeled as "1 liter" frequently contained only around 750 - 800 milliliters, far below the declared volume. In several markets in Jakarta, law-enforcement officers used calibrated measuring cylinders during surprise inspections and confirmed that allegedly 1-liter Minyakita bottles in fact contained only 800 milliliters, and were sold at IDR 17,000 per unit above the official HET. Beyond underfilling, investigations also uncovered repackaging practices, in which bulk or premium cooking oil was illegally re-bottled and labeled as Minyakita, then traded as if it were a state-branded product. A number of large-scale fraud schemes have been exposed in various regions. In Subang, West Java, the police

uncovered an illegal Minyakita factory that produced under-filled bottles of around 760 milliliters instead of one liter, without proper facilities and without accurate net-weight labeling; it was estimated that around 44 tons of underfilled Minyakita had been produced and distributed, yielding significant illicit profits for the perpetrator (planet.merdeka.com, 2025).

The suspect was alleged to have violated multiple statutes, including the Consumer Protection Law and trade and industry laws, with potential imprisonment of up to five years and substantial fines. In parallel, national media reported the discovery of counterfeit Minyakita products with forged or unauthorized labels and manipulated volumes in a number of provinces, indicating that fraudulent practices had evolved from isolated misconduct into more systematic economic crime linked to a government-branded essential commodity. These developments not only harm individual consumers, but also erode trust in the Minyakita programme and undermine the credibility of state policies aimed at food security and price stabilization.

From a legal perspective, such practices clearly contravene Law No. 8 of 1999 on Consumer Protection (Undang-Undang Perlindungan Konsumen/UUPK), particularly Article 8 paragraph (1) letters (a) and (c), which prohibit business actors from trading goods that do not conform to the quantity, weight, or quality as stated on labels or descriptions, as well as from providing misleading or false information about the condition of a product (Panjaitan, 2021; Widiarty, 2024). In addition, these acts may amount to criminal deceit under Article 383 of the Indonesian Penal Code (KUHP), and in certain situations also engage provisions of Law No. 18 of 2012 on Food and Law No. 20 of 2014 on Standardization and Conformity Assessment. According to Soekanto, (2021) and HS & Nurbani, (2013), in economic relations law must serve a dual function: as a regulatory instrument that sets clear ex ante standards for production, packaging, and labeling, and as a corrective mechanism that rectifies imbalances when weaker parties such as consumers suffer harm. Theoretically, Radbruch (2023) reminds that any legal response to economic offences must balance legal certainty (Rechtssicherheit), justice (Gerechtigkeit), and purposiveness or utility (Zweckmäßigkeit). Butar-butar (2018) and (Kristiawanto, 2022) further argue that a normative juridical approach is indispensable to reveal the underlying legal principles that ought to guide fair trade, honest communication, and the responsibility of business actors, while Djufri (2023) stresses that effective consumer protection requires not only substantive rules but also procedural fairness and equality before the law in investigation, prosecution, and adjudication.

Existing scholarship on consumer protection and food-product regulation in Indonesia broadly supports this normative framework, but also highlights persistent enforcement gaps. Studies on labeling of food products emphasize that the label constitutes a key legal mechanism for protecting consumers' rights to information, safety, and redress, and that violations of labeling rules often directly translate into material and health risks (Fanani, 2021; Pandie, 2024). Empirical research on household-scale food industries shows that many small producers still fail to comply with label requirements regarding product name, net weight, composition, production date, and expiry information, and that supervision remains largely reactive and sampling-based, leaving many violations undetected (Habibie, 2024). Other works on halal labels, nutritional-information labels, and imported food without Indonesian-language labels also find that business actors' non-compliance with labeling obligations undermines consumer rights and that enforcement by BPOM and related agencies is often constrained by limited resources and fragmented institutional coordination (Pangestu, 2023; Widiarty, 2019).

More recent studies specifically discuss online sales of imported food without proper labels and conclude that despite clear prohibitions in UUPK and Government Regulation No. 69 of 1999 on Food Labels and Advertising, illegal products continue to circulate widely, indicating a gap between normative regulation and actual market practice (Aliansi, 2025; Mayani & Wardah, 2018). Nevertheless, these academic contributions typically examine labeling and food-safety issues in a generic or sectoral manner, and rarely focus on state-branded essential goods

such as Minyakita, where consumer-protection concerns intersect with food-security policy and economic-crime dynamics. There is still limited doctrinal and case-based analysis that specifically explores how the consumer-protection framework centered on UUPK, KUHP, the Food Law, and the Standardization Law operates in concrete fraud schemes involving Minyakita, and whether the available administrative, civil, and criminal mechanisms are used in a coherent and effective way. In particular, the question remains whether current law-enforcement responses provide not only punitive sanctions for business actors, but also real restitution, deterrence, and restoration of public trust in the Minyakita programme.

This research therefore narrows its focus to a concrete case that encapsulates many of these issues: the decision of the Sampang District Court (Pengadilan Negeri Sampang) No. 125/Pid.Sus/2025/PN Spg concerning the owner of Toko El Kamil, who was convicted for producing and marketing counterfeit Minyakita cooking oil with illegally affixed SNI marks. In that case, the court imposed a four-year-and-three-month prison sentence based primarily on violations of Article 68 jo. Article 26(1) of Law No. 20 of 2014 on Standardization and Conformity Assessment, after finding that the fake Minyakita products did not meet national standards and caused significant economic loss to the state and consumers.

The court's consideration also touched on broader ethical and religious values, referencing honesty in trade and the prohibition against cheating weights and measures, thereby illustrating how legal, economic, and moral dimensions converge in Minyakita-related fraud. Against this background, the central problem of this study is how far the existing legal framework and its implementation in cases such as PN Sampang effectively protect consumers from fraudulent Minyakita practices particularly underfilled, mislabeled, and counterfeit products and what gaps remain between normative guarantees and actual enforcement. Accordingly, this article aims to (1) map the legal norms governing consumer protection in Minyakita fraud cases; (2) analyze the accountability of business actors as reflected in the PN Sampang decision, complemented by other enforcement actions such as the Subang illegal factory case; and (3) evaluate the extent to which administrative, civil, and criminal mechanisms provide integrated and effective remedies for consumers. By grounding its analysis in this specific case, the study seeks to move from general discussions on consumer protection and food labeling to a focused examination of how the law actually works in practice when confronted with fraudulent sales of Minyakita cooking oil.

RESEARCH METHODS

This study employed a normative juridical research method, focusing on a doctrinal and conceptual analysis of the prevailing laws and regulations concerning consumer protection in Indonesia. The research specifically examines the application of Law No. 8 of 1999 on Consumer Protection and relevant provisions in the Indonesian Penal Code (KUHP) that address fraudulent acts in trade practices. According to Butar-butar, (2018) and Kristiawanto (2022), normative legal research seeks to identify, interpret, and systematize legal norms to determine their coherence and effectiveness in achieving justice and legal certainty. This method is particularly suitable for assessing the alignment between normative provisions and their implementation in practice, especially in the context of consumer fraud in the Minyakita case.

The research adopted both a statutory approach and an analytical approach. The statutory approach involved reviewing primary legal materials such as laws, government regulations, and ministerial decrees relevant to consumer protection, including Law No. 8 of 1999, Articles 378 and 383 of the Penal Code, and related ministerial regulations. Meanwhile, the analytical approach emphasized conceptual interpretation and evaluation of the legal principles embedded in these regulations. As HS & Nurbani (2013) and Soekanto (2021) explain, analytical legal

research enables the researcher to examine the logic and coherence of legal terminology and to evaluate how abstract legal provisions are translated into concrete enforcement and jurisprudence. This dual approach was essential for understanding both the textual and practical dimensions of consumer protection law.

The data used in this research consisted entirely of secondary data obtained from literature studies. Sources included official statutory documents, government publications, academic books, journal articles, and credible online reports from mass media. The collection of these materials was conducted through a documentary study method, allowing the researcher to analyze various legal instruments, precedents, and academic interpretations without direct field observation. This aligns with the argument of Widiarty (2022) and Djufri (2023) that secondary legal data serve as the primary foundation for doctrinal analysis, providing a comprehensive understanding of both theoretical and empirical aspects of legal application. Data were analyzed using a qualitative descriptive technique, which involved interpreting and synthesizing the contents of laws, regulations, and doctrinal commentaries to assess their relevance and effectiveness. This method avoids quantitative measurement and instead focuses on conceptual accuracy, clarity, and logical consistency of legal norms (Butar-butar, 2018). Through qualitative interpretation, this study identified the legal obligations and responsibilities of business actors in fraudulent practices, the rights of consumers, and the mechanisms available for legal remedies. The analysis also compared existing practices with the philosophical framework of justice proposed by Radbruch (2023), emphasizing the balance between legal certainty (Rechtssicherheit) and fairness (Gerechtigkeit).

Finally, the originality of this research lies in its focus on fraudulent trade practices within the Minyakita distribution system as a national economic case study. While earlier research such as Pratama (2022) on online trade fraud, Permatasari (2021) on food safety, and Rahman, (2021) on consumer protection during the pandemic has explored similar themes, this study uniquely examines how legal norms and enforcement mechanisms operate in essential commodity markets where the state's role in consumer protection is pivotal. By integrating statutory interpretation, analytical reasoning, and contextual examination, this research aims to contribute to the development of consumer law scholarship and the refinement of enforcement policies in Indonesia.

RESULT AND DISCUSSION

A. The Legal Framework of Consumer Protection in Indonesia

Consumer protection in Indonesia is primarily regulated under Law No. 8 of 1999 on Consumer Protection (UUPK), which establishes comprehensive principles for safeguarding consumer rights. This law articulates the obligations of business actors (Article 7), prohibits deceptive trade practices (Articles 8-18), and provides the basis for both administrative and criminal accountability (Articles 60-63). The UUPK also recognizes reversal of the burden of proof (Article 19 paragraph 1) to address the inherent power imbalance between consumers and producers. As emphasized by Widiarty (2022) and Panjaitan (2021), this reversal represents a critical advancement in Indonesian consumer law, reinforcing the presumption of liability to ensure fairness and accountability.

Furthermore, the UUPK grants procedural mechanisms through the establishment of the Consumer Dispute Settlement Agency (BPSK), which serves as an out-of-court forum for mediation, conciliation, or arbitration (Article 55). This institution embodies the state's effort to provide accessible and inexpensive justice for consumers harmed by unfair business practices. However, Djufri, (2023) and Soekanto (2021) note that despite this robust legal structure,

enforcement remains inconsistent, with varying levels of compliance across regions due to limited institutional capacity and lack of public awareness.

B. Fraudulent Practices in the Minyakita Case

The Minyakita case presents a significant illustration of consumer vulnerability and weak oversight in essential-goods distribution. Launched as a government initiative to stabilize cooking-oil prices, Minyakita was intended to guarantee affordability through the Retail Price Ceiling (HET) of IDR 15,700 per liter. However, field inspections conducted by the Ministry of Trade in March 2025 uncovered fraudulent practices in which certain distributors sold bottles labeled as "1 liter" containing only 750-800 milliliters. Others repackaged premium cooking oil into Minyakita containers to exploit market demand (Suara.com, 2025; Tempo.co, 2025).

Such acts violate Article 8 paragraph (1) letters (a) and (c) of the UUPK, which explicitly prohibit the distribution of goods inconsistent with declared quantity or quality, and fall under Article 383 of the Indonesian Penal Code (KUHP) on deceitful conduct. These findings confirm a systemic failure in supply-chain supervision. According to the Director General of Consumer Protection and Trade Order (PKTN), the perpetrators mainly first and second tier distributors gained unlawful profit margins of IDR 2,000 - 3,000 per bottle (Prayudia, 2025). The Minyakita case thus exemplifies how economic fraud within state-regulated commodities undermines the public-trust framework. As Radbruch (2023) asserts, legal systems must ensure that justice (Gerechtigkeit) complements legal certainty (Rechtssicherheit); failure to enforce sanctions proportionally erodes confidence in the rule of law.

C. Liability of Business Actors

The principle of liability (tanggung gugat) in consumer transactions evolved significantly after the enactment of the UUPK. Prior to 1999, liability was confined to contractual breaches (wanprestasi) and torts (onrechtmatige daad) under the Civil Code. The UUPK broadened liability by introducing strict responsibility for defective or misleading products, regardless of direct contractual relations.

Article 19 obligates business actors to compensate for material losses, including replacement of goods, refund, or medical treatment, within seven days of transaction. Failure to comply invites civil suits or criminal sanctions under Article 62, with penalties up to five years' imprisonment or IDR 2 billion in fines. Widiarty (2024) and Panjaitan (2021) emphasize that these dual sanctions civil and criminal form an integrated framework ensuring not only restitution but also deterrence. Nonetheless, the UUPK also provides exceptions under Article 27, such as when product defects arise after distribution, result from consumer negligence, or exceed the statutory limitation of four years. This balance between liability and exemption reflects the principle of proportionality in consumer law, as advocated by HS & Nurbani (2013), which prevents over-criminalization while maintaining fairness for both parties.

D. The Burden of Proof and Consumer Remedies

A central innovation of the UUPK lies in its reverse burden of proof mechanism, shifting evidentiary responsibility from consumers to business actors. Traditionally, under Article 1865 of the Civil Code, the plaintiff must prove the claim; however, in consumer disputes, this requirement is impractical given the asymmetry of resources and information. As Butar-butar (2018) explains, the reversed burden ensures equitable access to justice by presuming the trader's liability unless proven otherwise.

In practice, consumers affected by Minyakita fraud can pursue several remedies:

1. Direct restitution or product replacement, upon presenting valid purchase receipts;
2. Filing complaints to BPSK, where mediation, conciliation, or arbitration must conclude within 21 working days; and
3. Judicial proceedings, if out-of-court resolution fails, as stipulated in Articles 45 and 46 of the UUPK.

The BPSK process itself operates with simplified procedures complaints may be oral or written, and decisions are final and binding unless appealed to the District Court within 14 days. This accessible model aligns with the principles of simple, fast, and low cost justice, though Widiarty (2022) notes that implementation across regions varies due to limited operational budgets and uneven public literacy.

E. Institutional Enforcement and Policy Implications

The National Consumer Protection Agency (BPKN), as mandated under Articles 31-34 of the UUPK and reinforced by Government Regulation No. 4 of 2019, plays an advisory and supervisory role in formulating national consumer policy. It coordinates with the Ministry of Trade and regional governments to receive public complaints and recommend policy adjustments. However, the agency faces structural and budgetary constraints that limit its field capacity.

Soekanto (2021) and Darmadi (2023) stress that institutional strengthening must focus on three key areas: (1) increasing the number and professionalism of BPSK officers, (2) improving public awareness of consumer rights, and (3) integrating a national complaint database through digital platforms such as SIMIRAH. Furthermore, inter-agency coordination between BPKN, BPSK, and law-enforcement bodies remains fragmented, leading to overlapping jurisdiction and procedural inefficiency.

From a governance perspective, Widiarty (2024) proposes an integrated model of consumer-law enforcement that combines preventive supervision (standardization, labeling control, and digital tracking) with repressive sanctions (administrative fines, business-license suspension, and prosecution). This hybrid framework would harmonize enforcement with the philosophy of progressive law articulated by Radbruch (2023) that law must evolve dynamically to protect the public interest.

F. Evaluation of Legal Effectiveness

In evaluating the Minyakita case, it becomes evident that legal protection mechanisms exist but remain only partially effective. The UUPK provides a strong normative foundation, yet its impact is significantly reduced when enforcement is perceived as tolerant or symbolic rather than firm and consistent. Reports indicate that only 37% of consumers file formal complaints despite clear evidence of fraud (Suara.com, 2025). This low level of reporting reflects not only limited legal awareness, but also a lack of public confidence that complaints will trigger prompt and robust law-enforcement action with tangible consequences for business actors.

According to Panjaitan (2021), enforcement gaps persist because the deterrent effect of sanctions is weakened by relatively light penalties, suspended sentences, and the absence of follow-up measures such as license revocation, business-closure orders, or asset seizure. From this perspective, strengthening the deterrent value of consumer-law enforcement in Minyakita cases requires firm law enforcement action in at least three dimensions: (1) the adoption and consistent application of clear sentencing guidelines that prioritize custodial sentences and significant fines for fraudulent practices involving essential goods; (2) intensified and continuous market surveillance by cross-sectoral task forces, coupled with immediate administrative measures (product recalls, withdrawal from circulation, revocation of distribution permits); and (3) proactive involvement of consumer advocacy groups (LPKSM) not only in assisting victims, but also in monitoring courts' decisions and pushing for exemplary cases that signal zero tolerance for fraud.

Ultimately, the analysis underscores that effective consumer protection in the Minyakita context demands more than normative completeness: it requires institutional capacity and a socio-legal environment in which fraudulent business actors realistically expect firm, predictable, and publicly visible sanctions. Without these three pillars substantive rules, strong institutions, and a culture of strict accountability justice for consumers, especially in relation to essential goods such as Minyakita, will remain elusive. The law must therefore not only regulate on paper,

but also educate, prevent, and decisively restore balance in market relations through credible enforcement, reflecting the moral and social dimensions of justice envisioned by Radbruch (2023).

CONCLUSION

Based on the analysis in this study, legal protection for consumers who are victims of fraudulent practices in the sale of Minyakita cooking oil exists within both normative and implementative frameworks. Normatively, protection is provided through Law No. 8 of 1999 on Consumer Protection (Article 7 on business obligations; Article 8 paragraph (1) letters a and c prohibiting the trade of goods inconsistent with stated measures or quantities), as well as criminal provisions (Article 62 paragraph (1) of the Consumer Protection Law and Article 383 of the Criminal Code), which may be invoked to establish the liability of offenders. Implementatively, protection is enforced through monitoring instruments and policies such as Minister of Trade Regulations, reporting and monitoring mechanisms (e.g., SIMIRAH), and inspection and enforcement actions by relevant authorities. The protection is twofold preventive (price ceiling regulation, packaging standardization, and distribution chain supervision) and repressive (administrative, civil, and criminal sanctions for compensation and deterrence). Furthermore, the liability of business actors engaged in Minyakita fraud is multidimensional. Normatively, business actors are obliged to fulfill their duties under Article 7 of Law No. 8/1999, including guaranteeing product quality, accurate quantity, and honest information. Therefore, if proven to have reduced volume, repackaged products inconsistently, or violated the fixed retail price (HET), they may face administrative sanctions (e.g., fines, license revocation), civil claims (consumer compensation), and criminal prosecution under Article 62 of the Consumer Protection Law and Article 383 of the Criminal Code. Deviant operational practices discovered such as the 23% of noncompliant samples identified during the analyzed period further affirm that business responsibility is not merely formal but requires effective enforcement to ensure deterrence and consumer restitution. Hence, legal responsibility in the Minyakita case must be viewed as integral, encompassing moral, social, and juridical dimensions to realize justice and legal certainty for consumers.

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