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# Buying and Selling Gas LPG 3 Kg According to Law Number 8 of 1999 and Sharia: Case Study in Bengkalis District

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### **Article Information**

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## **Abstract**

Abstract

This analysis examined the phenomenon in Bengkalis District relating to purchasing 3 kg LPG gas. Researchers analyzed following Law No. 8 of 1999 concerning Consumer Protection Against the sale and purchase of 3 kg LPG gas. In addition, the research tries to analyze the prohibition of ihtikar for staples. Many problems arise because a business actor, one of which is a business actor, reduces the contents volume of gas liquefied petroleum gas (LPG) by 3 kg. Constraints in implementing the protection of the Kosumen against the sale and purchase of gas in Bengkalis Sub-Electricity, consumers need help getting 3 kg LPG gas due to some obstacles. There are still many consumers who feel that they live in injustice carried out by business actors to sell their merchandise because many business actors are looking for profit from consumers. This study also exposed the Ihtikar prohibition for basic goods. This study uses a qualitative method based on Law No. 8 of 1999 and explores, according to Muslim scholars, the ban on the accumulation of goods.

### Introduction

Regulations governing the legal protection of consumers in Indonesia are regulated in Law No. 8 of 1999 concerning consumer protection which means "Consumer Protection is all efforts that ensure legal certainty to protect consumers. Therefore, consumer protection means questioning the guarantee of fulfilling consumer rights. Globalization and rapid economic developments in this modern

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era have produced various types and variations of goods and services that can be purchased and used by the public <sup>1</sup>.

Consumer protection law is currently receiving considerable attention because it involves rules that are useful for the welfare of society<sup>2</sup>. Not only the public as consumers receive protection, but business actors also have the same rights to obtain protection, each of which has rights and obligations <sup>3</sup>. The Government plays a role in regulating, supervising, and controlling to create a conducive system that is interrelated with one another so that the goal of prospering the community can be achieved <sup>4</sup>. The circulation of so many agents also creates a big problem. And also, the sale of LPG gas on a limited basis has many issues. Article 1457 of the Civil Code or BW (*Burgerlijk wetboek*) states, "Sale and purchase is an agreement, by which one party binds himself to deliver an object, and the other party to pay the agreed price <sup>5</sup>.

Based on Article 1457 of the Civil Code, we can see that buying and selling is a form of agreement that gives birth to an obligation or obligation to provide something, which in this case materializes in the form of delivery of the object sold by the seller and the delivery of money by the buyer to the seller <sup>6</sup>.

One of the phenomena of consumer protection violations that occur in the Bengkalis community who use 3 kg LPG gas, consumers feel that the increase in the price of 3 kg LPG gas makes it difficult for consumers. Not only the price goes up if the price goes up, it might be overcome, but every day, the amount of 3 kg LPG gas weight decreases. In addition to the price of the reduced volume, leaks occur, and the GovernmentGovernment only considers things like this to be unproblematic <sup>7</sup>.

But there is a phenomenon that happens in the neighbourhood. In the sale of LPG gas, the seller is supposed to sell at the base. Where agents foster a base, the

<sup>&</sup>lt;sup>1</sup> Zulfikar Hasan and Nurul Syahira, "Opportunities and Challenges of Islamic Banks during the Covid-19 Pandemic," *Jurnal Multidisiplin West Science* 01, no. 02 (2022): 58.

<sup>&</sup>lt;sup>2</sup> Puji Hariyanti and Rahmy Utari, "Pengaruh Aktivitas Customer Service Dan Kepuasan Nasabah Terhadap Loyalitas Nasabah Bank Riau Kepri Capem Panam Pekanbaru," *Jurnal Komunikasi* 8 (2013). h 19

<sup>&</sup>lt;sup>3</sup> Shabrina Prayidyaningrum and Moh Djemdjem Djamaludin, "Theory of Planned Behavior to Analyze the Intention to Use the Electronic Money," *Journal of Consumer Sciences* 1, no. 2 (2016): 7.

<sup>&</sup>lt;sup>4</sup> Qiuxian Hu et al., "Empirical Study on the Evaluation Model of Public Satisfaction With Local Government Budget Transparency: A Case From China," *SAGE Open* 10, no. 2 (2020):. 78.

<sup>&</sup>lt;sup>5</sup> Syaparuddin, "Measuring The Accomodation of Sharia Principles in Determining the Pricing of Consumer Financing Products of BSM (Sharia Mandiri Bank)," *Al-Ulum* 17, no. 1 (2017: 1–19.

<sup>&</sup>lt;sup>6</sup> Mohammad Yusron Sholikhin, Rachmania Nurul, and Fitri Amijaya, "E-Commerce Based on the Law of Buying and Selling in Islam," *The 2nd International Conference on Islamic Economics, Business, and Philanthropy (ICIEBP* 2019 (2019): 1360–70, https://doi.org/10.18502/kss.v3i13.4290. h 90

<sup>&</sup>lt;sup>7</sup> Samuel Sembiring, Ruben Leonardo Panjaitan, and Ali Altway, "Pemanfaatan Gas Alam Sebagai LPG (Liquified Petroleum Gas)," *JURNAL TEKNIK ITS* 8, no. 2 (2021):. 34.

ground is trained to deal with the LPG gas and given equipment such as scales and others<sup>8</sup>. However, in reality, the buying and selling of gas are carried out by small businesses, often referred to as stalls or shops. That is not allowed because it violates the sales license, and they must also learn how to sell. Even small business owners do not know the actual weight of the LPG gas and do not know if there is a gas leak <sup>9</sup>. Agents who secretly give the gas to small businesses do not have a license from the Trade and Industry Office and can be said to have made a great mistake. That makes the sellers even more irresponsible because small things will become big without permission. Why the GovernmentGovernment does not take steps in the future because this is very dangerous, and if the GovernmentGovernment does not take steps, the GovernmentGovernment should give permission to these small traders and supervise small traders properly so that there is no harm to consumers.<sup>10</sup>

Researchers found a phenomenon in 3 kg LPG gas, where consumers feel uneasy because of difficulties finding LPG gas, low stock, leaks and illegal sellers. There will be many problems in the sale and purchase of LPG gas. And also, the consumers will feel disadvantaged.

Not only that, a very big problem is when the occurrence or arrival of a disease called Covid 19 adds to the problems that occur. The existence of Covid 19 makes many people stop working, so their economic income is dramatically reduced <sup>11</sup>. That makes agents and packers need clarification. Because people change 12 kg of gas to 3 kg because the economy has dropped significantly, this problem occurs at the agent because purchases from the community increase, making it difficult to distribute. That makes the scarcity of 3 kg LPG Gas<sup>12</sup>. Based on the description above, the researchers are interested in examining this problem more deeply <sup>13</sup>.

<sup>&</sup>lt;sup>8</sup> Tahun Anggaran et al., "Manajemen Komunikasi Dinas Pariwisata Kebudayaan, Kepemudaan Dan Olahraga Dalam Mengembangkan Potensi Desa Wisata Di Kabupaten Bengkalis," *Komunikasi* XIII, no. 2010 (2013): 23.

<sup>&</sup>lt;sup>9</sup> Joko Setyono, "Good Governance Dalam Perspektif Islam (Pendekatan Ushul Fikih: Teori Pertingkatan Norma)," *Jurnal Muqtasid* 6 (2015): 35.

<sup>&</sup>lt;sup>10</sup> Nurul Azmi Annisa R and Ari Sugiharto, "Implementasi Augmented Reality (AR) Untuk Deteksi Gas Lpg Berbasis Esp8266," *Jurnal DinamikA* 3, no. 2 (2022): 56.

<sup>&</sup>lt;sup>11</sup> Hasan and Syahira, "Opportunities and Challenges of Islamic Banks during the Covid-19 Pandemic."

<sup>&</sup>lt;sup>12</sup> Yosephine Mory Kezia Simbolon, "Perlindungan Hukum Bagi Konsumen Pengguna Gas LPG 3 Kg Menurut Undang Undang Perlindungan Konsum," *Zaaken: Journal of Civil and Bussiness Law* 1 (2020): 17.

<sup>&</sup>lt;sup>13</sup> Yosephine Mory Kezia Simbolon, "Perlindungan Hukum Bagi Konsumen Pengguna Gas LPG 3 Kg Menurut Undang Undang Perlindungan Konsum," *Zaaken: Journal of Civil and Bussiness Law* 1 (2020): 20.

# **Research Methodology**

Research is a vehicle to find or further justify the truth. In this study, the research method used is qualitative <sup>14</sup>. Qualitative research can be interpreted as research that produces descriptive data regarding spoken and written words and the observable behaviour of the people studied <sup>15</sup>.

#### **Result and Discussion**

# Implementation of Law No. 8 of 1999 Concerning Consumer Protection Against the Sale and Purchase of Gas in Bengkalis District According to Sharia Law

Law 8 of 1999 concerning consumer protection is "all efforts to ensure legal certainty to protect consumers". From the explanation of the law, it can be concluded that if you buy an item, there is protection given to the community for the goods used in their lives. So the public will be guaranteed the rights purchased, and the seller will feel sufficient with the merchandise <sup>16</sup>.

# 3 kg LPG seller

From the results of interviews with one of the members of the Industry and Trade Office, the researcher stated workers did not know the definition of 3 kg LPG gas but said that 3 kg LPG gas used to be a conversion item from kerosene to gas. 3 kg LPG gas is different from 12 kg gas; this gas is subsidized, the filling is regulated, the regulations are written, the distribution is supervised, and the price determines who receives 3 kg LPG gas. Those who received it used to use kerosene, and then it was replaced and subsidized into 3 kg LPG gas<sup>17</sup>. However, in reality, gas sellers sell LPG gas in other places. For example, in the agreement, it is only allowed to be traded to underprivileged people, but agents and business actors often sell 3 kg LPG gas to food vendors or eating places.

# Problems with 3 kg LPG Gas

Every implementation of consumer protection against the sale and purchase of 3 kg gas must have problems that are unrelenting in a situation. In the sale of 3 kg

 <sup>&</sup>lt;sup>14</sup> Jeremy Lane, "A Descriptive Analysis of Qualitative Research Published in Two Eminent Music Education Research Journals," *Bulletin of the Council for Research in Music Education*, no. 188 (2011): 69.
<sup>15</sup> Susana Verdinelli and Norma I. Scagnoli, "Data Display in Qualitative Research," *International Journal of Qualitative Methods* 12, no. 1 (2013): 81.

 $<sup>^{16}</sup>$  Indonesia, "Undang-Undang Republik Indonesia Nomor 8 Tahun 1999 Tentang Perlindungan Konsumen."

<sup>&</sup>lt;sup>17</sup> Saladdin Wirawan Effendy, "Analisis Usaha Bisnis Distribusi Gas Lpg 3 Kg (Studi Kasus Kota Palembang) Oleh:," FEB UNSOED, 2017. 8

LPG gas, people often get issues, and these problems arise then the consumers also protest against business actors. Sellers who get objections from the community.

From these two places, it is stated that there are a lot of problems from the bases that get 3 kg LPG gas officially; they always bring problems, even though they know the grounds have complete tools such as scales, fire extinguishers and tools to see leaks. Different from implementing the consumer protection law on the devices the base has fulfilled, there are still problems. Article 1460 states that the goods sold become the buyer's responsibility, even though the goods have not been traded; this looks different from law no-8 of 1999 concerning consumer protection article 7, paragraphs a and b  $^{18}$ .

The enactment of written law makes the right as a consumer has yet to be realized properly. Many consumers still feel that they are living in injustice in meeting the needs of 3 kg LPG gas because many seek to profit from the rights that these consumers should obtain. The community, together with the government, must be able to combat this situation; we must return to the benefits of Law No. 8 of 1999 concerning consumer protection. Do not let consumers be empowered by continuous public deception <sup>19</sup>.

# Constraints in the Implementation of Consumer Protection on the Sale and Purchase of Gas in Bengkalis District According to Sharia Law

In business behaviour, there is no order in ensuring that the products traded in the community are not carried out unlawfully, such as misleading practices when offering, promoting, changing or distributing counterfeit products or the result of a hijacking activity and reducing the volume of the measure<sup>20</sup>.

The main factor that causes the implementation of consumer protection on the sale and purchase of 3 kg LPG gas in Bengkalis District is the low level of consumer awareness of their rights<sup>21</sup>. That is due to the need for more consumer understanding of consumer protection. If consumer rights are addressed, consumers can only do something if the community knows and realizes it. Many people need to learn about

 $<sup>^{18}</sup>$  Indonesia, "Undang-Undang Republik Indonesia Nomor8 Tahun 1999 Tentang Perlindungan Konsumen."

<sup>19</sup> Indonesia.

<sup>&</sup>lt;sup>20</sup> A Kuncoro et al., "LPG Sebagai Energi Alternatif Untuk Bahan Bakar Dual-Fuel Mesin Diesel Kapal Nelayan," *Seminar Nasional Sains Dan Teknologi*, no. November (2016): 7.

<sup>&</sup>lt;sup>21</sup> Wiki Aji et al., "Pengembangan Sistem Informasi Berbasis Web Untuk Pendistribusian Gas LPG," *JAMBURA JOURNAL OF INFORMATICS* 3, no. 1 (2021): 13.

using 3 kg LPG Gas correctly. People only know how to use it without knowing about safety and what if there is a leak.

# Information about 3 kg LPG Users (Consumers)

In the Consumer Protection Act, the consumer is a term often used in conversations about everyday life. Definition of consumers These are users of goods available in the community for the benefit of themselves or their families or other people who are not for re-trading. Consumers are also entitled to their rights and obligations, which must be obtained properly. But these rights must be used properly<sup>22</sup>.

Marketing of products and goods affects consumers because the products purchased are real. Daily needs in the household make consumers always make mistakes in choosing goods. The seller not only sells but needs to be a bond between the seller and the buyer because the goods purchased are of great responsibility. If there is a problem, the business actor is obliged to solve the problem. Information about the use of LPG gas in practice, consumers need 3 kg of LPG gas in their daily life, price bidding also occurs, scarcity, and the total volume of an item does not meet the requirements<sup>23</sup>. That is because the information provided to the government needs more information. The government only thinks that this problem is not a problem. The government can only see old data usage if it updates data that must be corrected<sup>24</sup>.

During the Covid 19 era, however, many changes occurred. The government did not see this, so the government was still using the previous data. So needs and trade do not appear in the balance.

# Consumer Difficulties and Losses in 3 Kg LPG

In this modern era of globalization, human life requires various goods to be used. One of the human needs is to use 3 kg LPG in daily cooking. However, this needs the government and business actors to make a motive to be an advantage for him. One example is raising the price of LPG from the HET (highest retail price). That makes it difficult for consumers to obtain 3 kg LPG.

<sup>&</sup>lt;sup>22</sup> Rachmadi Usman, "Karakteristik Uang Elektronik Dalam Sistem Pembayaran," *Yuridika* 32, no. 1 (2017): 134.

<sup>&</sup>lt;sup>23</sup> Diah Krisnatuti Prandji, Muhammad Dhemdhem Djamaludin, and Nuriza Kiftah, "Analisis Perilaku Penggunaan Lpg Pada Rumah Tangga Di Kota Bogor," *Jur. Ilm. Kel. & Kons* 3, no. 2 (2010): 87.

 $<sup>^{24}</sup>$ Yosephine Mory Kezia Simbolon, "Perlindungan Hukum Bagi Konsumen Pengguna Gas LPG 3 Kg Menurut Undang Undang Perlindungan Konsum."

# There is no guarantee and lack of outreach

Every item sold by the seller has a guarantee. This guarantee is given so that when the consumer has a loss, the seller must compensate for the loss. However, in reality, the authors found problems with guarantees that were not provided by consumers when consumers suffered losses. Business actors do not offer good contracts and good agreements in a trade.

Consumer protection needs to get more attention because foreign investment has become part of Indonesia's economic development. International competition can have negative implications for consumers. Consumer protection is not only for low-quality goods but also for goods that endanger people's lives. Therefore, business actors are expected not to commit so much fraud.

However, the things above were blamed not only by business actors but also by the government itself. Problems like this should be related to parties such as the Department of Industry and Trade taking firm action against business actors who do anything they want to consumers.

# The Impact of Buying and Selling According to Islamic Law Against Staple Hoarders That Are Not In Accordance with Islamic Law

According to Umar Bin Khattab, hoarding goods is the biggest cause of the economic crisis experienced by humans today. Umar bin Khattab's analysis is also in line with today's economy, where several rich and economically developed countries monopolize the production and trade of several world food and industrial needs <sup>25</sup>.

These countries have dominated the purchase of raw materials from financially backward countries and monopolized the sale of industrial goods needed by economically backwards countries. That poses a grave danger to the fairness of the distribution of wealth and income on a global level.

Ihtikar, from the perspective of Islamic law, is a very immoral and inhumane trading practice because such practices cause much harm to human life. Among the disadvantages, it can cause *ad-laiq* (distress) for the community in obtaining food needs, especially in matters of a primary nature. Hoarding is prohibited if there are certain conditions. Among others, the goods being hoarded are basic food items in

<sup>&</sup>lt;sup>25</sup> Suherman Rosyidi, "The Economics of Ikhtikar," *Airlangga International Journal of Islamic Economics and Finance* 1, no. 2 (2018): 75.

the form of necessities, which is meant human needs every day for consumption or can be called eating <sup>26</sup>.

Because such trading practices cause much harm to human life, among the disadvantages that can be generated are difficulties (*al-dlayyiq*) for the community in obtaining food needs, especially in urgent (primary) matters. In the case of the hoarding of direct food items and resulting in distress (*al-dlayyiq*), this could occur because the goods are nominally limited, and it could also be because the price is so high that there is no doubt that the law is unlawful. Because this action results in the benefit of many people being neglected <sup>27</sup>.

## Recommendation

To guarantee legal protection for useful consumers it is hoped that the government will be able to learn more about good faith towards its orders and business actors. The government should be more in optimal supervision of forms related to the security, comfort and safety of consumers and business actors who can run their businesses. Properly and comply with consumer protection laws, and consumers fulfil their rights as consumers. And the government must also be able to look again at the new data so that purchases and fittings can be balanced with assets. Consumer protection agencies, whose job is to protect consumers, must provide socialization and explanations about consumer protection so that consumers can understand and know where to go if there is a problem.

Business actors should improve management systems and good work systems. The government shouldn't just move when there is a problem because consumers need business actors and the government. And the government needs socialization again to make people feel comfortable and safe. And for consumers themselves, don't blame the government too much because consumers also have to be sensitive to get information because the government cannot coordinate everything evenly.

# Conclusion

The implementation of Law Number 8 of 1999 concerning consumer protection for the sale and purchase of gas in Bengkalis District, according to Sharia, is unprotected because the business actors need better faith in carrying out their

<sup>&</sup>lt;sup>26</sup> Rahmat Firdaus, "Konsep Ihtikar Dalam Prespektif Fuqaha Dan Perbandingannya Dengan Konsep Monopoli Persaingan Usaha Tidak Sehat Dalam Undang-Undang No. 5 Tahun 1999," *J-HES Jurnal Hukum Ekonomi Syariah* 3 (2019).

<sup>&</sup>lt;sup>27</sup> Lukman Hakim, "Ihtikar Dan Permasalahannya Dalam Perspektif Hukum Islam," 2016, 24.

trade. The business actors need to be made aware of consumer protection laws. Business actors think that consumer protection laws do not exist and need to be revised. Of the 50 small business operators, 100% admitted they did not have a permit. That shows that the good faith of business actors does not exist. From the small sales themselves, they made in the questionnaire that they claimed to compensate consumers when consumers asked for compensation. Still, in reality, the authors found that small business actors and sellers did not provide guarantees because they did not get assurances from the government. The perpetrators of their packing business were given permits to the industry and trade service to carry out trade. In reality, many still need licenses from the existing agencies, only permits from the RT and RW. The enactment of the written law still makes the rights of consumers not realized properly. There are still many consumers who feel that they live in injustice because many seek to benefit from the privileges these consumers should have.

Obstacles in the implementation of consumer protection for the sale and purchase of 3 Kg LPG gas in Bengkalis District, according to Sharia, are caused by several things, including the need for better good faith between business actors and the government. They are resulting in the problem of consumers needing help in obtaining 3 kg LPG gas when fuel prices go up. Consumers get losses in using 3 kg LPG gas at around 24% of 50% per cent. That means that there are still many problems that occur in the field. Consumers also complain because many are getting 3 kg LPG gas, the volume of which is reduced. A scarcity has happened due to Covid 19, so the community's economy has changed. According to this, the use of 3 kg LPG gas has skyrocketed. There is no guarantee given to these consumers. Still, business actors admit that there needs to be more socialization by the government to the community, so people do not know about consumer protection laws and cannot demand guarantees and consumer rights.

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