

**A MAQASHID SHARIAH PERSPECTIVE ON THE LIMITATION OF SUBSIDIZED
FUEL (BBM)****Anisah Maharani Putri Werdani**

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mj122@ums.ac.id**ABSTRACT**

Fuel (BBM) is a vital commodity that significantly affects the livelihood of the general public. Currently, the use of subsidized fuel remains misdirected, with many financially capable individuals taking advantage of government-provided subsidies. Therefore, this paper seeks to examine the public benefit (*maslahah*) of limiting subsidized fuel distribution, in line with the objectives of *maqashid shariah*. This study employs a normative-juridical method using a descriptive-analytical approach, library research, and qualitative data analysis. The findings indicate that the concept of limiting subsidized fuel constitutes a *maslahah dharuriyyah* (essential benefit). According to the classification of Imam Al-Syatibi, this type of benefit, if neglected, can pose a threat to the safety of human life. The author argues that the policy of limiting subsidized fuel is an appropriate first step, as it impacts various sectors and prioritizes the public interest. Therefore, it is recommended that the government consistently socialize this policy to the community.

Keywords: *Maqashid Shariah, Subsidized Fuel Limitation, Maslahah*

INTRODUCTION

Fuel (BBM) is one of the essential commodities derived from the natural resources of oil and gas, originating from or processed from crude oil, and it plays a vital role in the livelihood of the general public [1,2]. According to Article 33 paragraph (3) of the 1945 Constitution of the Republic of Indonesia, fuel is part of the nation's natural wealth controlled by the state and intended for the prosperity of the people [3]. The government is responsible for ensuring the availability, distribution, and reserves of fuel, as well as providing subsidies to eligible recipients. However, the distribution of subsidized fuel has not

been equitable, thus requiring a review to ensure that subsidy policies are more targeted. In policymaking, the government must base its actions on the welfare of the people [4].

According to Agus Cahyono Adi, Head of the Bureau of Communication, Public Information Services, and Cooperation at the Ministry of Energy and Mineral Resources (ESDM) [5], the plan to restrict subsidy recipients is still under refinement. Regarding the upcoming revision of the subsidized fuel limitation policy, the government must tighten distribution to ensure it reaches the intended beneficiaries. Presidential Regulation No. 191 of 2014 and Minister of Energy and Mineral Resources Regulation No. 12 of 2012 already regulate the distribution and restriction of subsidized fuel, yet a clearer procedure and criteria are needed to define which consumers are eligible to receive subsidized fuel.

From the perspective of *maqashid shariah*, there are key points to analyze in the policy of limiting subsidized fuel. Linguistically, *maqashid* means objectives, and *shariah* refers to the path to a righteous life. Terminologically, it is defined as the underlying values that Islamic law aims to achieve [6]. Its purpose is to provide guidance for human life [7].

Standards and criteria are needed so that *maqashid* is not influenced by worldly desires and ambitions [8]. This was conveyed by Imam Al-Syatibi, who stated that the aim of *maqashid sharia* is to obtain *maslahah* [9]. Benefit is realizing the values of the Qur'an and Sunnah [10]. In this context, the government's plan to limit consumption of subsidized fuel is highly emphasized, so that those who cannot afford it can receive their rights, so that their problems and sense of justice can be fulfilled.

Fuel plays a vital and strategic role in the lives of Indonesian citizens. Therefore, the government must ensure its availability to the people. To make fuel affordable, the government provides subsidies to those in need. However, the distribution of subsidized fuel is often inaccurate. Consequently, the government must adopt a policy to limit its distribution. Although this policy may face resistance from the public—who may view it as lacking empathy—the real intent behind limiting subsidized fuel is to reallocate funds to other critical sectors such as healthcare, education, and human resource development.

In light of the above issues, the author has conducted a more in-depth study entitled "A Maqashid Shariah Perspective on the Limitation of Subsidized Fuel (BBM)."

METHOD

This study uses a juridical-normative method with a descriptive-analytical approach, focusing on the study of positive law related to the limitation of subsidized fuel in the perspective of *maqashid sharia*. The type of research used is library research, with primary legal materials in the form of the 1945 Constitution of the Republic of Indonesia, Law Number 22 of 2001, Presidential Regulation Number 15 of 2012, Regulation of the Minister of Energy and Mineral Resources of the Republic of Indonesia Number 01 of 2013 and Presidential Regulation Number 191 of 2014, secondary legal materials from books, articles, and previous research, and tertiary legal materials from dictionaries and encyclopaedias.

To provide answers to the problems studied, data analysis techniques are carried out qualitatively which focus on in-depth observation. The use of qualitative methods in this study is descriptive and not expressed in the form of numbers or figures so that it can produce a study of a more comprehensive phenomenon that affects the internal aspects of the individual. These internal aspects include beliefs, political views, and social background of the individual concerned.

RESULTS AND DISCUSSION

A. Limitation of Fuel Subsidies Based on Legislation

Fuel is a strategic need across various aspects of life. As part of public service, the government allocates funds from the State Revenue and Expenditure Budget (APBN) to meet the public's fuel needs [11]. Subsidized fuel falls under the category of public service, and its funding comes from the APBN to ensure more affordable access for the community. A subsidy itself is financial assistance provided by the government to improve people's purchasing power and support struggling enterprises so they can continue serving the broader public [12].

Regarding the restriction of subsidized fuel, Presidential Regulation No. 15 of 2012 regulates retail prices and the users of specific types of fuel. Article 5 states [13]:

- 1) The use of certain types of fuel by users as referred to in Article 4 shall be gradually restricted;
- 2) The phasing of restrictions as referred to in paragraph (1) shall be regulated by the Minister of Energy and Mineral Resources based on the results of a coordination meeting led by the Coordinating Minister for the Economy.

Further, Minister of Energy and Mineral Resources Regulation No. 01 of 2013, Article 2, states [14]:

- 1) Phasing out restrictions on the use of Certain Types of Fuel for road transportation;
- 2) Restrictions on the use of Certain Types of Fuel for sea transportation.

Presidential Regulation No. 191 of 2014 stipulates that subsidies are granted only for specific types of fuel (JBT), namely diesel (gas oil) and kerosene. Article 16 paragraph (1) explains that for kerosene, the subsidy per liter is a state expenditure calculated as the difference between the retail price per liter (after taxes) and the base price per liter. Paragraph (2) states that diesel receives a fixed subsidy calculated as the shortfall between its taxed base price and retail price per liter [15].

A new distribution system for Peralite fuel will be based on specific eligibility criteria. The Ministry of Energy and Mineral Resources (ESDM), in collaboration with the Downstream Oil and Gas Regulatory Agency (BPH Migas) and other institutions, is establishing criteria for vehicles eligible for

subsidized Peralite. According to the plan, only vehicles with engine capacities below 1.400cc, public transport, and commercial transport will be allowed to purchase Peralite [16].

The purpose of the fuel subsidy restriction is part of the material policy, namely to provide detailed resource benefits to the intended target [17]. With clear restrictions, it will reduce the potential for misuse and optimize benefits for people in need, especially for fuel for land transportation because many need it. With the right target fuel subsidy restrictions, it is also expected to be able to provide a positive impact on the management of the state budget, reduce the burden on the APBN and can have a positive impact on several other public sectors that also need funds for sustainability and improvement of service quality.

B. *Maqashid Shariah* Perspective on the Policy of Limiting Subsidized Fuel

According to Al-Syatibi, *maqashid sharia* is divided into three categories of *maslahah*, namely *dharuriyyah*, *hajiyyah*, and *tahsiniyyah* [18]. These three categories have the aim of maintaining or achieving the five main objectives of Islamic law, namely maintaining religion (*hifd ad-din*), maintaining the soul (*hifd an-nafs*), maintaining reason (*hifd al'aql*), maintaining descendants (*hifd an-nasl*), maintaining property (*hifd al-mal*). *dharuriyyah* is categorized as a primary need, where neglect of the five basics can threaten its essence. *hajiyyah* tends to be secondary, although it does not threaten the basic essence, it can cause problems and limit human life. Meanwhile, *tahsiniyyah* concerns the maintenance of manners and propriety, does not threaten the essence of the five principles, but rather functions more as a complement. *Maqashid sharia* has the aim of *maslahah*, which is to protect his religion, soul, mind, descendants, and property. Any effort that eliminates the five *maqashid* is considered harmful [19].

Below is the implementation of the fuel subsidy limitation policy, viewed through the lens of the five objectives of *maqashid shariah*:

1. Preservation of Religion (*hifz ad-din*)

Sharia obliges rulers (governments) to establish just regulations so that the responsibilities entrusted to them are properly fulfilled. This is emphasized in Surah Sad: 26:

دَاوُدُ إِنَّا جَعَلْنَاكَ خَلِيفَةً فِي الْأَرْضِ فَاحْكُم بَيْنَ النَّاسِ بِالْحَقِّ وَلَا تَتَّبِعِ الْهَوَى فَيُضِلَّكَ عَنْ سَبِيلِ اللَّهِ إِنَّ الَّذِينَ يَضِلُّونَ عَنْ سَبِيلِ اللَّهِ لَهُمْ عَذَابٌ شَدِيدٌ بِمَا نَسُوا يَوْمَ الْحِسَابِ

"O David, indeed We have made you a successor upon the earth, so judge between the people in truth and do not follow [your own] desire, as it will lead you away from the path of Allah..."

In this context, the government has a responsibility to issue policies that ensure public prosperity. A well-implemented fuel subsidy limitation policy aligns with this goal by ensuring subsidies reach the underprivileged. The government must also socialize the policy effectively especially regarding the use of the *MyPertamina* application, as many citizens still lack digital literacy.

2. Preservation of Life (*hifz an-nafs*)

The government, as a leader, must ensure public welfare by upholding justice, as stated in Surah An-Nisa (4:58):

إِنَّ اللَّهَ يَأْمُرُكُمْ أَنْ تُؤَدُّوا الْأَمَانَ إِلَىٰ أَهْلِهَا وَإِذَا حَكَمْتُمْ بَيْنَ النَّاسِ أَنْ تَحْكُمُوا بِالْعَدْلِ إِنَّ اللَّهَ نِعِمَّا يَعِظُكُمْ بِهِ إِنَّ اللَّهَ كَانَ سَمِيعًا بَصِيرًا

"Indeed, Allah commands you to render trusts to whom they are due and when you judge between people to judge with justice..."

In line with the 1945 Constitution Article 33 paragraph 3, it is implied that fuel is a natural resource under the control of the state but must still be allocated for the prosperity of the people, especially for those in need. The restriction of subsidized fuel affects the soul, because if the distribution of subsidies does not meet its target, it will cause social jealousy which will trigger fraudulent behavior by humans. There will be many criminal acts from various groups. Illegal actions will also be increasingly rampant [20]. This destroys morals, so that the soul will be damaged. For this reason, the government is expected to be able to maintain the distribution of fuel fairly, and especially the affordability of fuel for the lower middle class.

3. Preservation of Intellect (*hifz al-'aql*)

As stated in the Preamble to the 1945 Constitution, one of Indonesia's national visions is to educate its citizens. When fuel subsidies are well-targeted, they can help achieve public welfare. Moreover, by limiting subsidies, funds can be reallocated to the education sector. As emphasized in Surah Al-'Alaq (96:1–5), education is a divine command. *"Read in the name of your Lord who created... Who taught by the pen, taught man that which he knew not."* This encourages the state to improve public access to education. Thus, proper fuel subsidy allocation not only directly improves economic welfare but also indirectly enhances intellectual capacity through improved education.

4. Maintaining offspring (*hifd an-nasl*)

وَلْيَخْشَ الَّذِينَ لَوْ تَرَكَوْا مِنْ خَلْفِهِمْ ذُرِّيَةً ضِعَفًا خَافُوا عَلَيْهِمْ فَلْيَتَّقُوا اللَّهَ وَلْيَقُولُوا قَوْلًا سَدِيدًا

"Let those who, if they die, leave behind them weak offspring (for whom) they fear. So fear Allah and speak with words that are right (in terms of maintaining the rights of their descendants)" (QS. An-Nisa: 9).

This verse reminds us to pay attention to the fate of our descendants, emphasizing the importance of fearing Allah for those who are worried about the welfare of their children in the future, who are still not independent and have the potential to live in a state of neglect, weakness, and poverty, for which thorough preparation is needed to ensure a decent life for the present and the future and for future generations.

The human population will continue to grow, so that fuel users will also gradually increase and will reduce national supplies. Because it affects future survival, the government needs to optimize the

distribution of fuel so that it will not be threatened by scarcity. In accordance with Law No. 22 of 2001 Article 8 paragraph (2), it emphasizes that the government has an obligation to ensure the availability and smooth distribution of fuel for the benefit of the people. The state must regulate and distribute fuel efficiently and fairly in order to maintain energy security and the survival of future generations. In this way, it is able to maintain descendants (*hifd an-nasl*), because with the increasing population over time, more and more people need fuel, especially subsidized fuel.

5. Preservation of Wealth (*hifz al-māl*)

Resources and wealth must be distributed fairly, as reflected in Surah Al-Hashr: 7:

مَا آفَاءَ اللَّهِ عَلَى رَسُولِهِ مِنْ أَهْلِ الْقُرَىٰ فَلِلَّهِ وَاللرَّسُولِ وَلِذِي الْقُرْبَىٰ وَالْيَتَامَىٰ وَالْمَسْكِينِ وَابْنِ السَّبِيلِ لَا يَكُونُ دُولَةً بَيْنَ الْأَغْنِيَاءِ مِنْكُمْ وَمَا آتَاكُمُ الرَّسُولُ فَخُذُوهُ وَمَا نَهَاكُمْ عَنْهُ فَانْتَهُوا وَاتَّقُوا اللَّهَ إِنَّ اللَّهَ شَدِيدُ الْعِقَابِ

"Whatever (wealth obtained without war) that Allah bestowed on His Messenger from the people of several countries was for Allah, the Messenger, relatives (Rasul), orphans, the poor, and people who were on a journey. (So) so that the wealth does not only circulate among the rich among you. Accept what the Messenger gave you. What he forbade you, leave it. Fear Allah. Indeed, Allah is very severe in punishment."

Subsidized fuel is fuel provided by the government using APBN funds so that it can be sold at a cheaper price. Subsidized fuel has a limited amount according to the quota set by the government because it is only intended for certain consumers. The existence of subsidies will have an impact on the APBN as well as on the people's economy, so if subsidized fuel is right on target, it will be able to help ease the burden on people who really need it. Fuel is vital in all activities for many people, for that reason, with the distribution of subsidies for certain consumers as regulated in laws and regulations, it is hoped that it will be very helpful and able to balance the spending of people who need it. This is done in order to achieve people's welfare. For that reason, with the limitation of subsidized fuel that is right on target, state finances will be controlled, but still able to influence the people's economy.

Maqashid sharia has a goal, namely welfare. The state has an important role in creating a balance between individual welfare and public welfare. As the manager of the state, the government has full authority to regulate the distribution of fuel. Therefore, policies that limit subsidized fuel must be based on sharia principles, namely to realize welfare. Therefore, it can be seen that this is in accordance with the concept and objectives of *maqashid sharia*, namely to create welfare for human life.

The government needs to socialize the policy to the public, because the policy of limiting subsidized fuel is solely aimed at maintaining the stability of the country's economy and the people. The government's determination of the policy of limiting subsidized fuel is carried out to protect the rights of the poor, and also aims to save the subsidy budget so that it does not swell. If all sectors in this country run well, it means that the country has succeeded in maintaining prosperity and welfare for its people, this is in line with the objectives of the *maqashid sharia* concept.

CONCLUSSION

Subsidized fuel is included in the *dharuriyyah* needs, if not met then it can threaten the safety of the people. The purpose of *maqashid sharia* is the welfare of the people, for that it is hoped that the policy of limiting subsidized fuel can create public welfare. Based on *maqashid sharia*, the policy of limiting subsidized fuel affects the five main *maqashid*, namely on religion (*hifd ad-din*), where leaders in religion are required to create fair rules so that the mandate can be fulfilled. On the guidelines for maintaining the soul (*hifd an-nafs*), where if the distribution of subsidized fuel is not on target then many people will cheat, so that their souls will be damaged. Furthermore, related to maintaining reason (*hifd al'aql*), with the availability of subsidized fuel that is on target, it is hoped that a prosperous people will be created, so that it will also have an impact on education for the nation's children. In addition, it also has an impact on descendants (*hifd an-nasl*), because it affects survival for the future, so the government needs to optimize the distribution of fuel, so that it will not be threatened by scarcity. The last thing that has the most impact on the limitation of subsidized fuel is maintaining wealth (*hifd al-mal*), which with the existence of subsidies will have an impact on the APBN and the people's economy, so that if subsidized fuel is right on target, it will be able to help ease the burden on people who really need it.

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