



Retail Practice of Peralite Fuel in Small-Scale Sales: A Perspective from Islamic Law and Presidential Regulation No. 117 of 2021

Kasri¹, Haeran², Alisyah Pitri³

¹Institut Islam Al-Mujaddid Sabak (IIMS) Tanjung Jabung Timur, Indonesia

²Institut Islam Al-Mujaddid Sabak (IIMS) Tanjung Jabung Timur, Indonesia

³Institut Islam Al-Mujaddid Sabak (IIMS) Tanjung Jabung Timur, Indonesia

*Correspondent Author: Kasrisri777@gmail.com

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Abstract:

This study examines the retail sale of Peralite fuel in Kelurahan Kampung Singkep from the perspectives of Islamic law and Presidential Regulation No. 117 of 2021. The phenomenon arises from limited public access to official fuel stations and local economic needs that give rise to informal retailing practices. Employing a qualitative phenomenological approach, the research draws on interviews, participant observation, and documentary evidence involving retailers, consumers, and community leaders engaged in these transactions. Findings indicate that small-scale Peralite retailing operates without formal authorization, relies on simple informal distribution mechanisms, and reflects generally low legal awareness among participants. From the standpoint of Islamic jurisprudence, such transactions may be permissible when they meet standards of fairness, transparent measurement, and mutual consent, yet they risk involving *gharar* (uncertainty) where ownership and distribution legitimacy are unclear. Under positive law, these practices conflict with Perpres No. 117/2021, which reserves distribution and retailing of designated fuel types to authorized entities. The study contributes to Islamic economic jurisprudence and public policy debates by highlighting the need to reconcile normative *fiqh* principles with pragmatic regulatory frameworks to ensure equitable, legal, and accessible fuel distribution for underserved communities.

Keywords:

Peralite; retail fuel practices; Islamic law; Presidential Regulation No. 117/2021; informal energy distribution.



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INTRODUCTION

In a modern context, the need for energy, especially fuel oil, is a vital factor for the sustainability of economic and social activities. In Indonesia, energy policies such as subsidies and fuel distribution arrangements are strategic issues that reflect a balance between social justice and distribution efficiency (Policy Analysis of Fuel Subsidy in Indonesia, 2022). Presidential Regulation No. 117 of 2021 confirms that Peralite is a "Special Type of Assigned Fuel" and may only be distributed by authorized business entities. This policy aims to control illegal sales and maintain supply stability in remote areas that are difficult to reach by authorized gas stations. However, in the field, the practice of unlicensed retail Peralite sales still occurs as a form of economic adaptation of local communities to limited energy access.

The phenomenon of retail sales poses a legal dilemma between the economic needs of the community and compliance with regulations. In Kampung Singkep Village, traders sell Peralite using small bottles or jerry cans as an alternative to local distribution. This practice raises questions about its validity in Islamic law and positive law, especially if there is dishonesty in the measure or price. In the view of *fiqh muamalah*, buying and selling require clarity of contract, honesty, and the prohibition of *gharar* (uncertainty) and *tadlis* (deception) (Abd Salim; Muluk, 2023). Therefore, fuel retailing practices that are not transparent can be categorized as violating Sharia principles. A phenomenological qualitative approach is used to understand the meaning and value behind this transaction from the perspective of the actors and the applicable legal norms.

This research aims to examine the practice of buying and selling retail Peralite in Singkep Village within two frameworks: Islamic law and positive law. The focus includes how the transaction meets or violates the principles of fairness, clarity, and legality stipulated in Presidential Regulation 117/2021. This study seeks to answer the formulation of the problem of the validity of retail practices according to Islamic law and their conformity with the provisions of government regulations. Through a phenomenological approach, this study interprets the experiences of sellers and buyers, placing them in the context of *fiqh muamalah* and national energy policy.

The main contribution of this research is to integrate two dimensions of analysis that have often been separated in *fiqh muamalah* studies and energy regulation studies. Most previous studies have looked at aspects of Islamic law or fuel policy separately (Amalia, 2025), whereas this study combines the two in an empirical context in a rural area. This article highlights how the principles of 'adl (justice), *gharar*, and *tadlis* can interact with the positive legal framework governing the distribution of subsidized fuel. Using field data in the form of interviews and observations, this research confirms the relevance of *fiqh* in microeconomic practice while offering a new reading of social justice-based energy policy.

Theoretically, this research is based on the concepts of fairness and transparency in *fiqh* transactions and JBKP regulations in Presidential Regulation 117/2021. The *fiqh* literature emphasizes the importance of clarity of object, size, and ownership of goods in the sale and purchase contract (Abdullah, 2021; Ash-Shāwī, 2020; Yahya & Rizki, 2023). Meanwhile, energy law studies highlight the need for state control over Peralite distribution to prevent abuse (Hukumonline, 2023; Ombudsman RI, 2021). The main gap filled by this research is the lack of empirical studies that combine aspects of *fiqh* and positive law together. As such, this research strengthens the literature on the integration of Islamic law and public policy in addressing the economic problems of the small people in the energy sector.

METHOD

This research uses a qualitative research strategy with a phenomenological approach, aiming to capture the meaning of the experiences of the retail Peralite buying and selling actors (sellers and buyers) in the context of Islamic law and Perpres 117/2021 regulations. The phenomenological approach was chosen because it emphasizes understanding the participants lived experiences in depth, exploring their perceptions, views, and meanings of these practices in their social reality

(Alhazmi & Alghamdi, 2022). In phenomenological research, the researcher acts as the main instrument in data collection and analysis, and uses purposive sampling techniques to select relevant and rich informants (Hossain et al., 2024).

The research data sources consisted of primary data obtained through semi-structured interviews, participatory field observations, and field notes, and secondary data in the form of regulatory documents (Perpres 117/2021, Oil and Gas Law, government documents), institutional reports, and academic literature. In primary data collection, interviews were conducted with sellers, buyers, community leaders, and relevant officials in Kampung Singkep Village until data saturation was reached (additional data no longer generated new information) (Hossain et al., 2024). Observations were directed at transaction activities (dosing, containers, interactions) for data verification. Secondary data were obtained through official searches of government documents and open scientific publications.

Primary data inclusion criteria include: informants who are directly involved in the retail Peralite buying and selling practices in Singkep Village within the 2019-2025 timeframe; informants who are willing to be interviewed in-depth; documentation of regulations issued by the central or local government in the relevant period. Exclusion was applied to informants who only knew from third parties or documentation that was not official or did not have clear time and source information. Research subjects (units of analysis) were retail Peralite sellers, buyers, and key stakeholders (community leaders, local officials) involved in practices and regulations.

Data were analyzed using inductive thematic analysis techniques and the interactive analysis method (data reduction, data presentation, conclusion drawing-verification) a la Miles & Huberman (1994) which has been widely adopted in legal and social qualitative research (Saldaña, 2024). The initial coding was done openly, then categorized into themes related to the terms of the contract, measurement, elements of justice, and regulations. For regulatory documents and legal texts, content analysis and discourse analysis were used to explore the implicit meaning and relationship of norms to empirical practice (Hossain et al., 2024). Internal validity was maintained through source triangulation (interviews, observations, documentation) and cross-checking between informants.

RESULTS AND DISCUSSION

Results

The results of this research were obtained through in-depth interviews, field observations, and documentation conducted in Kampung Singkep Village during the period 2023-2025. Based on thematic analysis of primary data, four main themes were obtained that reflect the phenomenological structure of retail Peralite buying and selling practices, namely: (1) Economic and social motivations in retail buying and selling practices, (2) Distribution systems and transaction mechanisms, (3) Legal awareness and perceptions of government regulations, and (4) Conformity of buying and selling practices with the principles of Islamic law. These four themes were constructed from the results of open, axial and selective coding of interview transcripts with six sellers, six buyers, and relevant community leaders and local officials.

1. Economic and social motivations in retail buying and selling practices.

Most seller informants, such as Ibu Sukasih and Ibu Hasnah, stated that the main reason for selling Peralite retail is the economic needs of the household and the opportunity for micro-enterprise in the midst of difficult employment opportunities. The sales are conducted independently with limited capital, selling an average of 60 liters per week with daily profits ranging from Rp40,000-Rp58,000. Sellers emphasize that this practice is considered morally harmless because it helps people obtain fuel without having to travel long distances to gas stations. This data is consistent with the findings of a similar study by Wahyuni and Hadi (2021) which states that rural communities in Indonesia often resort to informal economic practices based on local needs and wisdom when formal access is limited. Field observations show that most sales locations are in strategic roadside areas, using one-liter glass bottles or modified jerry cans.

2. Distribution system and transaction mechanism.

The practice of buying and selling retail Peralite is carried out through an unofficial distribution chain, where sellers obtain supplies from third parties who buy directly at gas stations. Each seller makes purchases two to three times per week. The transaction mechanism between sellers and buyers takes place in direct cash without a written agreement. The average selling price is IDR15,000 per bottle, higher than the gas station price (IDR10,000-Rp10,500 per liter), with the difference considered as compensation for transportation and packaging costs. Based on observations, some sellers do not use official measuring instruments, but instead estimate the measurement according to the capacity of the bottle, potentially leading to size discrepancies. This is in line with Supriyanto's (2022) findings that in informal micro enterprises in the energy sector, the use of non-standard measuring instruments is common due to limited capital and government supervision.

3. Legal awareness and perceptions of government regulation.

The majority of sellers and buyers stated that they did not have an in-depth knowledge of Presidential Regulation 117-2021, but had a general understanding that selling fuel at retail is "not allowed by the government". However, they believed that the practice is socially permissible, as it is considered to help the community and does not cause direct losses. Some community leaders stated that law enforcement is uneven, so the trading activities continue without significant obstacles. This view reinforces the results of a study by Herdiansyah (2023), which states that weak socialization and enforcement of fuel distribution regulations at the local level have caused retail practices to remain widespread in rural areas. Local governments also tend to tolerate this practice due to local economic factors.

4. Conformity of buying and selling practices with the principles of Islamic law.

From the perspective of Islamic law, the informants considered that the practice of buying and selling retail Peralite is not contrary to Sharia as long as it is carried out honestly, transparently, and without cheating on doses. The principles of justice and willingness between parties are

maintained by ensuring agreement on prices and doses. However, there is a potential violation of sharia in the aspect of uncertainty of the origin of goods and distribution permits, because the seller is not an official party that has the right to distribute special types of fuel assignments. This data is in accordance with the results of research by Fauziah (2022) which emphasizes that in fiqh muamalah, the validity of buying and selling is not only determined by the contract and willingness, but also by the halalness of ownership and clarity of the origin of the object of sale. In this context, the practice of buying and selling retail Peralite may contain gharar due to the uncertainty of the distribution license and the legal status of the goods.

A thematic analysis of interviews with local religious leaders shows that they consider such activities to be not entirely sharia-compliant, although they can be accepted as "uzr" (social exceptions) to meet the needs of people in areas with minimal access to energy. This view is in line with research by Rahman (2020) which highlights how local communities interpret the flexibility of Islamic law in the context of the informal economy, especially when the state has not been able to provide adequate public facilities.

Secondary data supports this result: a 2023 report by the Downstream Oil and Gas Regulatory Agency (BPH Migas) notes that in more than 20 districts in Indonesia, the practice of retail fuel sales is still widespread, especially in areas with low gas station density. On the other hand, data from the Ministry of Energy and Mineral Resources (2024) shows that 67% of non-official fuel retail sales in rural areas are conducted without distribution licenses, but contribute to meeting the micro-energy needs of the community.

Based on the results of observation and documentation triangulation, this study found that the practice of retail Peralite buying and selling in Kampung Singkep Village has a subsistence economy character, an informal distribution mechanism, and a low level of legal awareness, but is perceived as morally valid within the social framework of the local community. The structure of this result becomes the basis for the discussion in the next section to analyze its implications for Islamic law and Indonesian positive law.

Discussion

The research results show four main themes of economic and social motivation, distribution system and transaction mechanism, legal awareness and perception of regulations, and the conformity of buying and selling practices with the principles of Islamic law which are in line with the research objectives: knowing how the practice of retail Peralite buying and selling in Singkep Village in the perspective of Islamic law and analyzing the regulation of Perpres 117/2021 on this practice. These themes confirm that retail practices in Singkep Village are not only driven by local economic needs, but also involve social, moral and regulatory aspects simultaneously.

Within the theoretical framework of fiqh muamalah, especially the principles of 'adl (fairness), clarity of objects, and the prohibition of gharar and tadlis, the results indicate that there is a discrepancy between actual practices and fiqh rules. Sellers who use approximate measurements or do not document distribution permits approach the element of gharar, which is the uncertainty of the

object or origin of the goods (Abdullah, 2021). The basic principle of fiqh muamalah states that transactions that contain elements of uncertainty or hidden conditions are defective or void (Abidin, 2023). The fact that some of these transactions are conducted without official authorization suggests that the object of the contract may not be fully valid according to sharia, as the seller does not have legal distribution rights.

Previous studies discussing informal buying and selling practices of commodities in rural areas such as weight cutting in vegetables or retail trading of daily necessities show that the existence of hidden measure cutting is often considered a form of *tadlis*. (Yahya & Rizki, 2023). However, some contemporary fiqh studies also mention that a mild element of *gharar* is acceptable in daily practice if the intentions of both parties are clear and there is no significant loss (Rega, 2023). In the context of fuel regulation, some studies focus more on the macro aspects of subsidies and distribution, not many touch on micro-retail practices (Siregar, 2023). Thus, the results of this study are consistent with the finding that non-formalist practices such as retail buying and selling will be in the gray zone between rules and social reality.

The scientific contribution of this article is to bring together the normative (fiqh muamalah) and empirical (local practice) dimensions in an integrative framework. This research extends contemporary muamalah literature that emphasizes that fiqh must always adopt contextual *ijtihad* in responding to local practices (Amalia & Juliana, 2025). On the regulatory side, this article provides micro insights that are rarely touched upon in the BBM policy literature on how aspects of informal distribution and public perception affect the effectiveness of regulations (Ombudsman RI, 2023). Thus, this article enriches the theory of fiqh muamalah with new empirical evidence and enriches the understanding of energy distribution regulations on a micro scale.

However, this study has limitations that deserve to be acknowledged proportionally. Firstly, the geographical coverage is only one *kelurahan* (Kampung Singkep), so the findings may not be fully representative for other areas with different demographic or infrastructural characteristics. Secondly, the use of qualitative data makes numerical generalizations difficult; quantitative variables such as sales volume or the level of deviation in dosing are based solely on informant statements and limited observations. Third, the limited local literature on retail fuel trading practices makes contextual comparisons limited compared to studies of other commodities.

Based on these results and interpretations, there are important implications for future research, practitioners and policy makers. For future research, it is recommended to expand the coverage area and incorporate mixed methods to obtain valid quantitative data related to measurement or volume deviations. Practitioners (e.g. local communities) can facilitate training on the use of more accurate and transparent measuring instruments so that retail practices are more in line with muamalah ethics. Meanwhile, policymakers need to consider more adaptive and implementable regulations at the local level, such as granting limited permits to micro merchants under certain conditions or developing a local licensing scheme for JBKP retailing so that the practice can be officially supervised, while maintaining the fairness and legitimacy of sharia in energy distribution.

CONCLUSION

The results showed that the practice of buying and selling Peralite retail in Kampung Singkep Village is a microeconomic activity that grew out of the community's need for fuel availability in areas that are difficult to reach by official gas stations. Empirically, this practice is carried out with a simple mechanism, without formal permission, and involves trust-based social relations between sellers and buyers. From the perspective of Islamic law, the practice can be considered legal as long as it fulfills the principles of willingness, honesty, and clarity in measurement, but it has the potential to contain elements of *gharar* if there is uncertainty about the ownership and legality of the goods. Meanwhile, according to positive law, this activity does not meet the provisions of Presidential Regulation Number 117 of 2021 because only licensed business entities are authorized to distribute and sell Peralite-type fuel. Thus, the practice of retail buying and selling Peralite is in an ambivalent area between fulfilling socio-economic needs and administrative violations of national energy regulations.

Theoretically, this research makes an important contribution to the development of Islamic economic law studies by showing how the principles of *fiqh muamalah* are applied in the context of the modern informal economy. The integration between Islamic legal norms and state regulations demonstrates the need to expand contextual *fiqh* approaches that are responsive to social realities. Practically, the results of this study offer new insights for policymakers to develop a more inclusive regulatory model that accommodates the needs of small communities without neglecting legal certainty and the principle of distributional justice.

The implication is that this research encourages the need for energy policy evaluation to be more favorable to rural communities by considering aspects of accessibility and local economic sustainability. Future research is recommended to expand the study area and use a mixed methods approach to measure economic and social impacts more comprehensively. In addition, efforts to increase legal literacy and sharia-based business ethics at the community level can be a strategic step to encourage legal, fair and equitable buying and selling practices both from the perspective of religion and state regulations.

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