

Pertamina Retail's Legal Responsibilities in Self Service Services

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Abstract

Self-service technologies (SST) are technological intermediaries that enable customers to produce their own services. Recently, self-service services at gas stations have become popular among consumers. This service allows customers to refuel their vehicles without the help of gas station attendants. This gives customers the flexibility and convenience of refueling according to their needs. This self-service technology is proven to provide convenience and efficiency for the public in refueling. The most important thing in refueling is consumer safety and risk. Apart from that, self-service technology is also available. There are no special government regulations for PT. Pertamina.

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INTRODUCTION

The oil and gas industry plays a significant role in driving the Indonesian economy, because this industry is very important for the development and growth of a country. As part of the Pertamina Group, Pertamina Retail is one of the leading industries in Indonesia that operates in the oil and gas sector. This industry offers various goods and services to its customers, such as fuel sales. PT Pertamina (PERSERO) is a state-owned retail industry (BUMN-State-Owned Enterprises) responsible for providing fuel for vehicles in Indonesia. PT Pertamina is responsible for importing, processing, and distributing oil raw materials to all regions of Indonesia. Since independence, around the 1950s, the industry has operated under the name PERMINA from Pertamina. Their legal status has also changed from PT to PN in 1960, and then back to PT until now. Based on Pertamina's official website, PT. Pertamina (Persero) was founded on September 17, 2003 with Notarial Deed No. 20 of 2003. On July 20, 2006, PT. Pertamina (Persero) began a significant transformation and major surgery. Next, PT. Pertamina (Persero) changed the industry's vision on how it should become a global national oil industry. Pertamina aspires to become a world-class national energy industry. At the same time, our mission is to carry out integrated oil, gas, and renewable energy businesses based on solid commercial principles. Recently, self-service gas stations have become popular among consumers. This service allows customers to refuel their vehicles without being prompted by gas station attendants. This gives customers the freedom and convenience to refuel according to their needs.

Some Pertamina gas stations have introduced self-service technology. Therefore, customers are required to refuel their motorbikes themselves. Unfortunately, there are still drivers who do not master comfortable refueling or think it is trivial. Most people do not get off their motorbikes when filling the tank. This is usually tried by sport bikers. The reason is that the placement of the fuel tank at the front makes drivers reluctant to get out to refuel.

If old routines are replaced to adopt new technology, of course it will raise problems. Self-service technology (SST), operator service routines, are also controversial because not

many people or customers can use and master this new technology. For some people, technology is very useful and makes life easier. But for most elderly and low-educated people, mastering and using technology is a difficult thing. Socializing the new system is also Pertamina's task.

MATERIALS AND METHODS

The author uses a type of normative legal research, namely legal research that looks at library materials or secondary information. Normative legal research used by the author is research on legal principles, namely legal rules, which are benchmarks for behaving or behaving badly. If primary and secondary legal materials have legal principles, this research can be done (Marzuki 2021).

RESULTS AND DISCUSSION

How is Pertamina responsible for accidents that befall consumers in Self Service Technology services?

A legal relationship is a bond between 2 or more legal entities that affects the rights and obligations of one party in relation to the rights and obligations of the other party. Legal bonds can arise between legal subjects and between legal subjects and objects. Partnership bonds can be established between individuals, individuals with corporations, and between partner corporations. The legal bond between a legal entity and an item is reflected in the rights of the legal entity over the item, whether tangible, movable, or immovable. Legal bonds are conditioned by the existence of a legal basis and the existence of a legal event (Sagung Istri Dianita and others 2018).

According to Ernest Barker, in order for consumer rights to be complete, they must fulfill 3 provisions of the rights needed for human development, rights recognized by citizens and rights that are stated, protected and ensured. State bodies In Indonesia, consumer rights are regulated in Article 4 of Law Number 8 of 1999 on Consumer Protection (UUPK), especially letter B which states "the right to choose goods and/or services and obtain said goods and/or services based on the value of the goods and/or services and the provisions and guarantees promised", and letter C states "the right to correct, correct clear and honest explanations regarding the provisions and guarantees of goods and/or services". By using these two paragraphs in Article 4 of the UUPK, it appears that consumers have the right to all business actors in carrying out the promotion of goods and/or services and have the right to all data regarding goods and/or services. Therefore, on the other hand, it can be said that a business actor has an obligation to keep his promise and share all data related to his goods and/or services.

Not only the requirements regarding consumer rights, the obligations of economic actors are also regulated in Article 7 letter (b). UUPK is "the obligation of the business world to provide accurate, clear, and correct explanations regarding the conditions and guarantees of goods and/or services and provide descriptions regarding their operation, revision and maintenance, and a business also has obligations to consumers. It is considered as a consumer right" (Ahmadi Miru and Sutarman Yodo 2008).

In presenting data on goods or services, business actors must observe the requirements of Articles 9 and 10 of the UUPK. Here, the industry is prohibited from offering, producing, or offering illegally to dispose of goods and/or services for advertising purposes. In connection with the condition and warranty of goods and/or services, we provide a description of the operation, revision and maintenance before the Customer purchases or uses the goods or services provided by the Organizer. In this interpretation, the legal bond between business actors and consumers arises if the business actor makes promises and explanations regarding goods and/or services. Because since then the rights and obligations

of both business actors and consumers have emerged. This legal report is made under Articles 1320 and 1338 of the Civil Code (KUHPer), here a business actor agrees to what he promises when making a promise in an advertisement, leaflet or brochure, so that the promises are legally binding on the parties. The legal event that occurs between business actors and consumers is the sale of goods or services.

When making a transaction, customers must feel safe sharing and receiving purchase facts that clearly report the type of product purchased, price, and other required data. This is needed to avoid disputes that may arise later. Presenting and receiving facts at a time can benefit both parties (Yuanitasari and others 2020).

Legal Responsibility of Pertamina Retail Business Actors to Consumers in Self Service

Pertamina Retail is a business actor that sells products or services directly to end users or product users. In essence, Pertamina Retail only functions as a supplier of products or fuel products from producers to consumers to help consumers buy products from producers which are generally only available through large purchases. Retailers are only intermediaries between producers and consumers, but they should not be fully responsible for the products they sell, especially if they themselves make mistakes in feeding. But the reality is that consumers always demand accountability from retailers in their capacity as retailers or distributors. Because consumers feel responsible for the retailers or retailers where they buy products, from product manufacturers to consumers or product suppliers, to the law allowing consumers to sue retailers only if the retailer is guilty (Zulham 2013).

On August 8, 1999, all business actors listed in the Law 8 Years of Consumer Rights Protection Article 8 Consumer Losses could not be clearly concluded as business actors, especially all business actors. Listed industrial traders, distributors, cooperatives, business actors and corporations, corporations, corporations, corporations. The determination of business actors in 1999 was very important to urge consumer discussions, so that consumers could fix payments because they had products or products that had been received by consumers, distributors or retailers. Based on Law Number 8 of 1999, the obligations of business entities are regulated in special chapters starting from chapter 6 to article 28 article 19. Based on article 19: Business actors are responsible for compensation for damage, pollution and/or losses due to consuming goods and/or services made or sold to consumers. Article 19 of Law Number 8 of 1999 "Concerning Protection of Consumer Rights" defines the obligations of economic actors as follows: (Ramdhani and others 2021):

1. Business actors are responsible for compensation for damage, pollution, and/or consumption costs due to consuming goods and/or services made or sold.
2. Compensation as regulated in paragraph. (1) can be in the form of replacement or replacement of goods and/or services of the same or equivalent value, or compensation in accordance with health requirements and/or laws and regulations.
3. Compensation is attempted within 7 days after the transaction is completed.
4. Provision of compensation in accordance with paragraph. Numbers 1 and 2 do not rule out the possibility of prosecution based on the bonus fact that there is a guilty factor and does not apply in the event that the organizer is able to convince the existence of such factors.

Based on Article 24 of Law Number 8 of 1999 "Concerning Protection of Consumer Rights", the obligations of business entities are as follows:

1. A business that sells goods and/or services to other industries if:
2. Other industries sell goods and/or services to consumers without making any changes
3. Other industries that participate in and in the transaction do not recognize any changes in the goods and/or services attempted by the industry (producer) or inconsistencies in the model, quality and composition.

4. Businesses as defined in paragraph 1 are exempted from claims for compensation and/or consumer lawsuits if other industries that purchase the product or service replace the product or service and resell it to consumers.

In Law Number 8 of 1999 Concerning Consumer Protection, articles 19 and 24 stipulate the responsibilities of business actors, but they are responsible for all consumer losses if there is a retail error, whether it occurs in the storage or sales process. Because the producer is responsible for product defects throughout the creation process, but if the product is damaged during the sales process, the producer is responsible. The responsibility of the business actor includes, if observed in Article 19 paragraph (1), compensation for damages due to pollution, as well as losses caused by consumers who use the traded products. This shows that the business actor is responsible for all losses felt by consumers. The absolute provisions borne by the following retailers (Septiani Hutapea NIM and Education and Culture, University of Jember, Faculty of Law [n.d.]):

1. Lack of supervision of gas station officers in supervising consumers when filling fuel independently (Self Service).
2. Lack of product/service education from Self Service itself which results in accidents in filling fuel.

All businesses and retailers are required to ensure that the goods and services they send are of high quality and comfortable for customers to use. The impact is that Pertamina Retail is fully responsible if there is a disaster in filling fuel independently (Self Service) which causes losses to customers.

Pertamina Retail's Responsibility Obligations

The principle of mandatory responsibility applies to PT. Pertamina Retail - The principle of liability based on defects and the principle of liability based on default are as follows (Putra and others 2021):

- 1) The principle of liability for negligence includes liability based on negligence factors and contractual bonds (non-disclosure agreements). This theory is a principle of liability that is very detrimental to consumers because the fulfillment of these two provisions, especially the existence of real factors, is the main contractual bond between the producer and the consumer.
- 2) The principle of liability is the principle of the producer based on a breach of contract (guarantee), so that the initial consumer is the party who first contracted and/or the contract or contract because the product is damaged and expensive. The advantage of the shoe principle or oral roy is the application of this principle is the application of an absolute obligation (a strict obligation). This means that if the seller is not allowed to keep his promise, the seller tries to fulfill his promise. There are still losses and the seller is always responsible to the consumer.

In principle, consumer protection is ensured by law, but the implementation of consumer protection in industry can sometimes be contrary to the legal framework and principles regulated by law, including the Consumer Protection Code Law Number 8 of 1999. Indonesian Civil Law and Various Legal Theories. The existence of legal provisions relating to business actors and consumers allows consumers and business actors to recognize what their rights and obligations are and what responsibilities must be fulfilled by business actors.

Of course, this not only allows consumers to protect their rights if violated by business actors, but also makes it easier for industry to recognize the extent of their obligations and responsibilities for the products, goods and services they sell. business activities. In buying and selling between sellers and buyers, both parties must prioritize good faith. This makes it easier for consumers and businesses to resolve disputes over customer losses because many industries ignore their responsibilities.

Not only that, based on Article 19 paragraph 1 of Law Number 8 of 1999 concerning the protection of consumer rights, the responsibility of business actors to provide compensation for the destruction of pollution and/or services made or sold (Kogoya 2015). Paragraph (2) regulates that the compensation as defined in paragraph (1) can be in the form of a refund of replacement money, provision of goods and/or services of equal or equivalent value, and/or provision of compensation. In accordance with the provisions of laws and regulations and existing laws and regulations. Self-service innovations such as Pertamina Retail can cause disasters or losses for consumers, so the position of the government as a regulator is very large, the government is an institution that carries out tasks and responsibilities. representing consumer protection The legal responsibility of a business, especially Pertamina Retail, is a series of obligations that must be fulfilled by the industry in accordance with applicable laws and regulations and business applications. This legal responsibility covers several aspects, including protecting consumer rights, ensuring the safety and quality of our services, and ensuring compliance with applicable laws. The following is a complete description of the legal responsibilities of Pertamina Retail businesses:

1. Consumer Safety:

- **Product Safety:** Pertamina Retail has a responsibility to ensure that the products they sell, such as fuel, are safe for consumers to use. This includes ensuring fuel quality and equipment maintenance at fuel stations (Sastradinata 2019).
- **Facility Safety:** Business actors must ensure that fuel station facilities are safe for consumers. This includes maintaining fuel filling equipment and effective safety procedures.
- **Employee Training:** Business actors need to provide training to their employees to deal with emergency actions and situations involving consumer safety.

2. Product and Service Quality:

- **Providing Clear Information:** Pertamina Retail must provide clear information about the products and services they offer, including prices, types of fuel, and instructions for use.
- **Procurement of Quality Products:** Business actors are responsible for ensuring that the products they provide meet applicable quality standards. This includes testing and monitoring fuel quality.
- **Complaint Handling:** Pertamina Retail must have an efficient mechanism to handle consumer complaints and grievances related to the products or services provided.

3. Consumer Protection:

- **Consumer Rights:** Business actors must protect consumer rights, including the right to correct information, the right to obtain goods or services that are in accordance with the promised quality

Responsibility related to safety is a crucial aspect in self-service. Business actors have the responsibility to ensure that the facilities and equipment used by consumers are comfortable and meet applicable safety standards. This includes regular maintenance of fuel filling equipment, monitoring the condition of the filling station, and training station officers to respond to emergency actions quickly and efficiently (Tuela 2014).

From the explanation above, the responsibility of Pertamina, in this case PT. Pertamina Retail to consumers for the formation of losses/accidents is as follows:

1. Reliable responsibility is professional liability, which is based on civil liability under an agreement or contract that causes losses to consumers because they use the goods and/or services they produce; or

2. Criminal liability (criminal liability) from business actors for threatening the safety and security of consumers because they use the goods and/or services they provide; or Reliable responsibility based on civil responsibility under an agreement or contract.

PT. Pertamina Retail is responsible for losses experienced by consumers due to failure to fulfill consumer rights to comfort, security, and safety when consuming goods and services. PT. Pertamina Retail is responsible for providing assistance, healing and early treatment to consumers who are injured due to accidents when refueling (Hartono Redjeki Sri 2000).

CONCLUSION

The principle of responsibility that applies to PT Pertamina Persero's responsibility towards consumers who are victims of supermarket incidents is absolute responsibility (strict liability). This means that PT Pertamina Retail must distribute compensation to consumers. This reviews the guilt factor. Based on the results of the research that was tried, PT Pertamina Retail is responsible for customers who are victims of disasters due to supermarket activities. In accordance with paragraphs 1 and 2 of Art. 19 of Law Number 8 of 1999 concerning Protection of Consumer Rights, PT is responsible for tangible and intangible losses. Pertamina Retail's responsibility is to distribute compensation to customers who face disasters due to lack of guidance and data on supermarket services and payment for treatment if customers suffer minor or serious injuries.

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REFERENCES

- Ahmadi Miru dan Sutarman Yodo. 2008. *Hukum Perlindungan Konsumen*
- Hartono Redjeki Sri. 2000. *Aspek Aspek Perlindungan Konsumen Pada Era Perdagangan Bebas, Hukum Perlindungan Konsumen* (Mandar Maju Bandung)
- Kogoya, Isina. 2015. 'Sistem Pertanggungjawaban PT PLN Terhadap Konsumen Pengguna Jasa Listrik Negara', *Lex et Societatis*, III.3/Apr/2015: 138-43
<<https://ejournal.unsrat.ac.id/index.php/lexetsocietatis/article/view/7917>>
- Marzuki, Peter Mahmud. 2021. *Penelitian Hukum* (Kencana)
- Putra, I Putu Wiadnyana, Si Ngurah Ardhyana, and I Ketut Sudiarmaka. 2021. 'Perlindungan Hukum Bagi Konsumen Bahan Bakar Minyak Ditinjau Dari Undang-Undang Nomor 8 Tahun 1999 Tentang Perlindungan Konsumen (Studi Kasus Kecurangan SPBU Dalam Pengisian Bahan Bakar Minyak Di Kecamatan Melaya)', *E-Journal Komunitas Yustisia Universitas Pendidikan Ganesha*, 4.2: 493-500
- Ramdhani, Rafdi Dzulfikar, Lukman M. Baga, and Popong Nurhayati. 2021. 'Strategi Bisnis Pt Xyz Pada Industri Fuel Retail Di Dki Jakarta Dan Banten', *Jurnal Aplikasi Bisnis Dan Manajemen*, 7.3: 643-54
<<https://doi.org/10.17358/jabm.7.3.643>>

- Sagung Istri Dianita, Gusti Agung, A.A Sri Indrawati, and I Made Priyanto Dedy. 2018. 'Tanggung Jawab Pelaku Usaha SPBU Pertamina Terhadap Kerugian Konsumen Pada Pembelian BBM Dengan Jumlah Takaran Yang Tidak Sesuai Di Kecamatan Kerambitan Tabanan': 8
- Sastradinata, Dhevi Nayasari. 2019. 'Aspek Pertanggungjawaban Pengemudi Ojek Online Dalam Kasus Kecelakaan Yang Melibatkan Penumpang Dilihat Dari Hukum Perlindungan Konsumen', *Jurnal Independent*, 6.2: 113 <<https://doi.org/10.30736/ji.v6i2.80>>
- Septiani Hutapea NIM, Manatap, and Kementerian Pendidikan Dan Kebudayaan Universitas Jember Fakultas Hukum. [n.d.]. *KENYAMANAN KONSUMEN RESPONSIBILITY OF TAXIBIKE COMPANY IN INDONESIA TOWARDS BY SECURITY, SAFETY, AND COMFORT OF CONSUMERS OF TAXIBIKE SERVICE USERS*
- Tuela, Marcelo Leonardo. 2014. 'Upaya Hukum Perlindungan Konsumen Terhadap Barang Yang Diperdagangkan', *Lex Privatum*, 2.3: 56-70
- Yuanitasari, Deviana, Sonny Dewi Judiasih, and Ratu Chairunissa. 2020. 'Consumer Protection Related To Dispensing Pump Manipulation in Spbu (Gas Station)', *Jurnal Pembaharuan Hukum*, 7.2: 141 <<https://doi.org/10.26532/jph.v7i2.10855>>
- Zulham. 2013. *Hukum Perlindungan Konsumen*, Jakarta