

DAMPAK SURAT EDARAN NOMOR T-19/MG.05/WM.M/2025 MENGENAI KEBIJAKAN PEMBATAAN IMPOR BBM NON-SUBSIDI DAN POTENSINYA TERHADAP PENYALAHGUNAAN POSISI DOMINAN OLEH PT PERTAMINA DALAM PASAR BBM NON-SUBSIDI

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INTISARI

Penelitian ini bertujuan untuk menganalisis dampak pemberlakuan Surat Edaran Nomor T-19/MG.05/WM.M/2025 mengenai kebijakan pembatasan impor BBM non-subsidi dalam struktur pasar BBM non-subsidi ditinjau dari perspektif hukum persaingan usaha. Penerapan kebijakan melalui Surat Edaran *a quo* berpotensi menimbulkan penyalahgunaan posisi dominan oleh PT Pertamina yang akan ditinjau berdasarkan kriteria-kriteria dalam rezim hukum persaingan usaha Indonesia.

Metode yang digunakan dalam penelitian ini adalah normatif dengan pendekatan kualitatif. Pengumpulan data primer dilakukan dengan mewawancarai Komisi Pengawas Persaingan Usaha. Adapun pengumpulan data sekunder dilakukan melalui studi pustaka berdasarkan regulasi yang berlaku dan literatur ilmiah yang relevan. Penelitian ini bersifat deskriptif dengan memberikan hasil analisis dampak pemberlakuan Surat Edaran Nomor T-19/MG.05/WM.M/2025.

Berdasarkan hasil penelitian tersebut, disimpulkan bahwa kebijakan pembatasan impor dan distribusi BBM non-subsidi melalui Surat Edaran Nomor T-19/MG.05/WM.M/2025 semakin memperkuat posisi dominan PT Pertamina dalam struktur pasar BBM non-subsidi dan berpotensi menimbulkan penyalahgunaan posisi dominan oleh PT Pertamina. Oleh karena itu, penelitian ini merekomendasikan perlunya advokasi kebijakan dan evaluasi berkala oleh KPPU, perbaikan desain kebijakan agar lebih adaptif dan kompetitif, serta penerapan prinsip *competitive neutrality* agar BUMN dan badan usaha swasta dapat bersaing pada level persaingan yang adil dan setara.

Kata Kunci: Penyalahgunaan Posisi Dominan, Badan Usaha Milik Negara, Hukum Persaingan Usaha, *Competitive Neutrality*.

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THE IMPACT OF CIRCULAR LETTER NO. T-19/MG.05/WM.M/2025 REGARDING POLICIES ON RESTRICTIONS ON IMPORTS OF NON-SUBSIDIZED PETROLEUM PRODUCTS AND ITS POTENTIAL FOR ABUSE OF DOMINANT POSITION BY PT PERTAMINA IN THE NON-SUBSIDIZED PETROLEUM PRODUCTS MARKET

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ABSTRACT

This study aims to analyze the impact of the implementation of Circular Letter No. T-19/MG.05/WM.M/2025 regarding the policy restricting imports of non-subsidized petroleum products on the structure of the non-subsidized petroleum product market from the perspective of competition law. The implementation of the policy through the Circular Letter has the potential to lead to the abuse of a dominant position by PT Pertamina, which will be examined based on the criteria under Indonesia's competition law regime.

The method used in this study is normative with a qualitative approach. Primary data collection was conducted by interviewing the Competition Supervisory Commission. Secondary data collection was carried out through a literature review based on applicable regulations and relevant scientific literature. This study is descriptive in nature and provides an analysis of the impact of the implementation of Circular Letter No. T-19/MG.05/WM.M/2025.

Based on the results of this study, it is concluded that the policy restricting the import and distribution of non-subsidized fuel through Circular Letter No. T-19/MG.05/WM.M/2025 further strengthens PT Pertamina's dominant position in the non-subsidized fuel market structure and has the potential to lead to the abuse of that dominant position by PT Pertamina. Therefore, this study recommends the need for policy advocacy and periodic evaluation by the KPPU, improvements to policy design to make it more adaptive and competitive, and the application of the principle of competitive neutrality so that state-owned enterprises and private businesses can compete on a fair and equal footing.

Keywords: *Abuse of Dominant Position, State-Owned Enterprises, Competition Law, Competitive Neutrality*

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