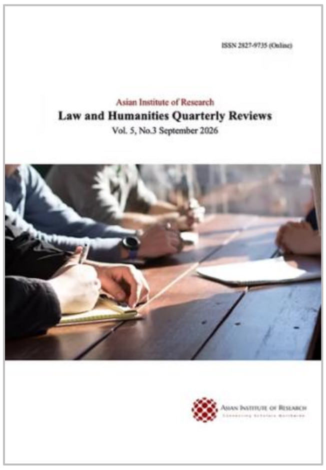

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Assessing Legal Certainty for Energy Accessibility in the Indonesian One Price Fuel Program through the Principle of Clarity of Purpose

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Abstract
The Indonesian One Price Fuel Program (OPFP) was introduced to reduce fuel price disparities and improve access to subsidized and assigned fuel in disadvantaged, frontier, and outermost regions in Indonesia. However, persistent distribution problems and reliance on informal fuel markets raise questions about whether the legal framework governing the program provides sufficient certainty to support energy accessibility. This article assesses the regulation of the OPFP through the principle of clarity of purpose under Article 5 of Indonesian Law No. 12 of 2011 on Law-Making, as amended. Using doctrinal legal research, the article applies an intra-legal assessment grounded in Indonesian positive law, particularly the clarity of purpose principle and the constitutional orientation of energy governance under Articles 33(2) and 33(3) of the Indonesian 1945 Constitution. The analysis shows that the Indonesian Ministry of Energy and Mineral Resources (MEMR) Regulation No. 36 of 2016 is generally aligned with the principle of clarity of purpose. Its objective is identifiable, connected to the public interest in energy accessibility, and designed to respond to the regulatory problem of unequal fuel access and distribution disparities in targeted regions. Nevertheless, the article does not claim to provide a complete assessment of legal certainty, as it focuses only on a single principle of good law-making. Rather, it concludes that the OPFP regulation provides sufficient clarity of purpose to support legal certainty regarding energy accessibility, while further assessment under other good law-making principles remains necessary.

Keywords: One Price Fuel Program, Clarity of Purpose, Legal Certainty, Energy Accessibility

1. Introduction

Indonesia is a country whose economy remains highly dependent on oil, as reflected in its substantial fuel consumption, which reached approximately 1.6 million barrels per day (CEIC, 2024). Beyond its primary use in transportation (Rahman et al., 2025), fuel also serves as a critical input for key economic sectors (Ritchie and Rosado, 2022), including transportation (Merforth et al., 2023), fisheries (Tyedmers et al., 2022), and mining (Cassoret, 2021). Consequently, fluctuations in fuel prices have a significant impact on the national economy (Goh et al., 2022). However, despite this heavy reliance, challenges persist in fuel distribution due to Indonesia's geographical conditions (Nur & Hakim, 2022). Indonesia's complex topography—characterized by mountains and dispersed islands (Leinbach, 1975)—limits interregional connectivity and logistics, thereby constraining economic distribution (Montgomery, 2024). As a result, economic growth tends to concentrate in major cities and industrial hubs (Porter, 1998), while remote areas experience comparatively slower development (Jamal, 2017). These findings highlight that achieving energy accessibility is a key challenge that demands immediate attention, particularly in geographically marginalized regions (Alfian Hadi Saputra et al., 2025).

In order to address the occurred problem, Government of Indonesia (GOI) initially establishes the acceleration of One-Price Fuel Program (OPFP) which further, this regulation is governed in Indonesia's Ministry of Energy and Mineral Resources (MEMR) Regulation No. 36 of 2016 on Acceleration of the Nationwide Implementation of a One Price Policy for Certain Types of Fuel (JBT) and Special Assignment Fuel (JBKP)–particularly in Frontier, Outmost, and Disadvantaged areas (FOD) (MEMR, 2016). The objective of this regulation is to ensure the availability, smooth distribution, and uniform fuel subsidy prices across all regions of the Republic of Indonesia (Adam & Hartono, 2025), regardless of geographical location and distribution-related factors (MEMR, 2016). OPFP is carried out through the assignment of business entities, which are designated by the Downstream Oil and Gas Regulatory (BPH Migas), to distribute JBT and JBKP to end consumers via Appointed Gas Station (SPBU Penerima Penugasan) acting as an extension of the assigned business entities (BPH Migas, 2024). These business entities are required to distribute both JBT and JBKP at GOI-determined retail prices in GOI-designated locations (MEMR, 2016), regardless of the transportation and logistics costs (Milwan et al., 2020).

According to the provisions of Indonesian MEMR Regulation No. 36 of 2016, one of the intended objectives is to ensure energy accessibility by designating the FOD Areas where gas stations shall be built by business entities (MEMR, 2016). Energy accessibility is a supporting aspect in achieving energy justice, which is further defined as the opportunity of those in a particular geographic location to access it and its associated services (Merforth et al., 2023). Limited access to energy resources or infrastructures might hamper the development and continue poverty in countries (Xia et al., 2023). Furthermore, Indonesian Law No. 30 of 2007 on energy also acknowledges the importance of energy accessibility in supporting national development as well as enhancing the national energy security (Indonesia, 2007). Ensuring energy accessibility in energy governance, including fuel, is significant for providing energy justice; its establishment requires institutionalise responsibility (Reddy, 2015).

As a result of the limited number of official distributors in FOD Areas, illegal reselling practices tend to increase, leaving communities with no viable alternative but to rely on informal retail kiosks to obtain subsidized fuel (Milwan et al., 2020). In practice, disparities in distribution and the prevalence of informal markets cause communities in FOD areas to pay higher prices than those officially set, as the absence of viable alternatives compels consumers to purchase fuel at elevated prices (Havranek et al., 2012). Consequently, the intended goals of availability, accessibility, and affordability under the OPFP framework cannot be fully realized (Adam & Hartono, 2025). Against this background, this study assesses whether the provisions of Indonesian MEMR Regulation No. 36 of 2016 clearly express the legal purpose of the OPFP and provide sufficient legal certainty to support energy accessibility in FOD areas.

This study focuses on the legal substance of the OPFP, particularly the norms and regulatory provisions that underlie the program's acceleration. The OPFP was established to address fuel distribution disparities in Indonesia and to support energy access for communities, especially in FOD areas (MEMR, 2016). However, the emergence of various issues in implementing the OPFP raises a legal question about whether the regulation governing the program reflects a sufficiently clear objective and provides adequate legal guidance to achieve its intended purpose.

Based on this background, this study asks: to what extent does the regulation of the OPFP reflect the principle of clarity of purpose under Article 5 of Indonesian Law No. 12 of 2011, as amended several times, most recently by Indonesian Law No. 1 of 2026 (as amended), and does it provide sufficient legal certainty to support energy accessibility? To answer this question, the article first clarifies the conceptual relationship between legal certainty, energy accessibility, and the principle of clarity of purpose. Second, it assesses the OPFP regulation through the principle of clarity of purpose, particularly by examining whether the regulation clearly states its objective

(Republic of Indonesia, 2011, elucidation of Article 5), connects that objective to energy accessibility as a constitutional public-interest aim (Republic of Indonesia, 2011, elucidation of Article 5), and is intended to solve problems (Indrati, 2007, pp. 35–36). Finally, it determines whether the OPFP regulation provides a sufficiently certain legal basis for supporting energy accessibility.

2. Method

This study uses doctrinal legal research with statutory and conceptual approaches. Doctrinal legal research is appropriate because this study focuses on identifying, interpreting, and systematizing the legal rules and principles governing the OPFP, rather than measuring the empirical effectiveness of the program in practice (Hutchinson & Duncan, 2012; Hutchinson, 2015). The statutory approach is used to examine the relevant legal instruments governing the OPFP, particularly Article 5 of Indonesian Law No. 12 of 2011 on Lawmaking, as amended by Indonesian Law No. 15 of 2019 and Indonesian Law No. 13 of 2022, and Regulation of the Indonesian Minister of Energy and Mineral Resources No. 36 of 2016 concerning the acceleration of the implementation of one price for certain types of fuel oil and special assignment fuel oil nationally. The conceptual approach is used to clarify the relationship between legal certainty, energy accessibility, and the principle of clarity of purpose.

This study also adopts an intra-legal assessment. Following Mackor's understanding of legal doctrine, the analysis does not assess the OPFP primarily through external economic, political, or administrative-effectiveness criteria. Instead, it assesses the OPFP regulation through criteria that are part of the Indonesian positive legal order itself, particularly the principle of clarity of purpose under Article 5 of Indonesian Law No. 12 of 2011 (as amended) and the constitutional orientation of energy governance under Article 33(2) and Article 33(3) of the Indonesian 1945 Constitution (Mackor, 2016). In this sense, the study evaluates whether the OPFP regulation is sufficiently clear within the Indonesian legal system, rather than judging the program's success as a matter of policy implementation.

The primary legal materials are collected from official legal sources. The *Badan Pemeriksa Keuangan* (BPK) Regulation Database is used to identify the OPFP's current normative framework, including its status, legal basis, and relevant regulatory materials. The Indonesian Constitutional Court database is used to identify decisions relevant to legal certainty, good law-making principles, and the constitutional meaning of state control over important branches of production and natural resources. Secondary materials, including books, journal articles, and policy-related literature, are used to support the conceptual explanation of legal certainty and energy accessibility.

The analysis is conducted qualitatively through legal interpretation. First, the study reconstructs the current normative framework of the OPFP by examining the relevant laws and regulations. Second, it operationalizes the principle of clarity of purpose into three guiding indicators. The first indicator asks whether the regulation clearly states the objective of the OPFP (Republic of Indonesia, 2011, elucidation of Article 5). The second indicator asks whether that objective is connected to energy accessibility as a constitutional public-interest aim, especially the state's responsibility over important branches of production affecting public livelihood and the use of natural resources for the greatest prosperity of the people under Article 33(2) and Article 33(3) of the Indonesian 1945 Constitution (Republic of Indonesia, 2011, elucidation of Article 5). The third indicator asks whether the regulation is intended to solve problems (Indrati, 2007, pp. 35–36).

Through this method, the study does not claim to measure the OPFP's actual success or failure in the field. Rather, it examines whether the legal design of the OPFP regulation clearly expresses its purpose and provides a sufficiently certain legal basis for supporting energy accessibility.

3. Results

In this section, the Indonesian OPFP framework is analyzed in three phases: (i) reconstructing the current normative framework of the OPFP and clarifying the conceptual relationship between legal certainty, energy accessibility, and the clarity of purpose principle under Article 5 of Indonesian Law No. 12 of 2011 (as amended);

(ii) assessing the OPFP regulation through the clarity of purpose principle; (iii) clarifying whether the OPFP regulation provides sufficient legal certainty to support energy accessibility.

3.1. The Conceptual Relationship between Legal Certainty, Energy Accessibility, and the Principle of Clarity of Purpose

This subsection delineates the conceptual relationship between legal certainty, energy accessibility, and the principle of clarity of purpose, illustrating how they function together within regulatory frameworks. First, we examine the theoretical underpinnings of legal certainty as articulated by various scholars, including how it ought to be applied in provisions. Secondly, we define the principle of clarity of purpose and assess how it can reinforce legal certainty within these frameworks. Thirdly and finally, we focus on synthesizing these concepts, demonstrating how clarity of purpose serves as the vital foundation for the legal certainty needed to enhance energy accessibility.

Legal certainty is a foundational principle of a robust legal system, ensuring that laws are clear, predictable, consistently applied, and established through valid legislative processes (Aditya, 2023). Scholars broadly agree that legal certainty guarantees that individuals, institutions, and the government adhere to their established rights and obligations (Parluhutan Sagala et al., 2025; Squintani & Rijswick, 2016). Legal certainty is also responsible for supporting the establishment of ideal rules of law; according to Gustav Radbruch, the main elements of a good law are legal certainty, justice, and benefits (Radbruch as cited in Supriyadi et al., 2025). Otto defines real legal certainty as the presence of clear, state-recognized laws that are consistently obeyed by the government, accepted by the public, impartially applied by independent judges, and concretely enforced through court decisions (Otto, 2012).

Furthermore, Indonesian Law No. 12 of 2011 (as amended) mandates that the establishment of regulations shall reflect the principles of legal order and legal certainty (Indonesia, 2011) and the provisions regulated must reflect legal certainty (Joi Phiau et al., 2025). Legal certainty ensures that all parties can predict the legal consequences of their actions (Aditya, 2023), thereby fostering social stability and public order (Shcherbanyuk et al., 2023). In a more specific context, this clear delineation of legal standing allows for the effective operation of fair energy access mechanisms, as stakeholders fully understand the scope of their authority and the extent of their responsibilities under the statutory mandate (Aditya, 2023). Accordingly, the existence of legal certainty within the regulatory framework demonstrates that the regulation is intentionally designed to address issues through a clear, consistent, and accountable legal mechanism.

Legal certainty, in Indonesian law-making regulation, is not achieved merely by drafting regulations in clear, unambiguous language; it also requires strict adherence to the formal principles of good law-making as stipulated in Indonesian Law No. 12 of 2011 (as amended) (Firial Tiara Efriliani, 2025). Article 5 Indonesian Law No. 12 of 2011 (as amended) defines the formal principle as follows: (a) clarity of purpose; (b) proper authority or institutional competence; (c) conformity between type, hierarchy, and content; (d) implementability; (e) effectiveness and efficiency; (f) clarity of formulation; and (g) transparency. The fulfillment of the good-lawmaking principle is a mandatory requirement for lawmakers in arranging laws and regulations because this principle is utilized as an indicator to measure whether the established regulation is formally valid (Harijanti, 2021).

This formal principle is a mandatory requirement that must be fulfilled to ensure that the enacted law is good and appropriate, and it also reflects legal certainty (Rosadi, 2010). Among the various indicators used to assess legal certainty in legislation, this study focuses on the principle of clarity of purpose. Clarity of purpose is important because a regulation can only effectively address a societal problem when its objectives are clearly formulated and capable of guiding its implementation (Putra, 2022). The clarity of purpose can be defined in three guiding indicators. According to the explanation of Article 5 of Indonesian Law No. 12 of 2011 (as amended), clarity of purpose means that every law and regulation must have a clearly defined objective to be achieved. This implies that the main purpose of the regulation must be clearly identifiable and understandable (Indrati, 2020). Furthermore, the second indicator is that laws and regulations must be established based on the 1945 Constitution;

therefore, their content must safeguard human rights, uphold the state ideology (Pancasila), and align with the public-interest aim (Republic of Indonesia, 2011, elucidation of Article 5). The third indicator is that, laws and regulations is intentionally established to solve problems (Indrati, 2007, pp. 35–36). This aligns with M.P. Jain's view that the formulating laws are sufficiently forward-looking to address problems (MP Jain as cited in Widiati, 2012).

The principles in assessing the legal certainty of a certain regulation are also used by the Constitutional Court (Rishan, 2021). The Constitutional Court also applies these principles when assessing the form of a regulation. To examine legal certainty, the Court requires not only adherence to the due process of lawmaking but also an evaluation of the quality and rationale for the regulation's establishment (Rubenfeld, 2025). These elements can be further assessed through Article 5 of Indonesian Law No. 12 of 2011 (as amended) (Rishan, 2021). Consequently, if a regulation fails to pass the formal review conducted by the Constitutional Court—which utilizes Article 5 of Indonesian Law No. 12 of 2011 (as amended) as one of the bases of assessment—the regulation may be declared void (Rishan, 2021). Therefore, it can be understood that failing to fulfil even one of these principles may render the regulation invalid and without legally binding force (Rishan, 2021).

Energy Accessibility is defined as a principle which highlights the necessity of providing universal access to modern, affordable, and reliable energy to eradicate poverty and support sustainable development in developing nations (Heffron et al., 2018). Thus, energy accessibility is a fundamental aspect in promoting equitable and fair welfare and prosperity of the people, as stipulated in Article 3 letter f Indonesian Law No. 30 of 2007 (Indonesia, 2007), particularly in FOD areas (Putri Sipahutar et al., 2022). Moreover, it is widely known that communities in the FOD areas face abundant challenges related to energy access (Alfian Hadi Saputra et al., 2025). This condition leads to other issues, including high transportation costs, limited economic activity, and hindered access to essential public services in education and healthcare (Acheampong et al., 2021).

In this regard, access to fuel, which is one type of energy resource, remains crucial since it can be utilized for transportation and other economic activities (Cassoret, 2021). Thus, Indonesian Law No. 22 of 2001, as amended several times, most recently by Indonesian Law No. 1 of 2026 (as amended) on ONG acknowledges that fuel is a vital commodity and that it affects the livelihoods of many people (Indonesia, 2001). Consequently, pursuant to Article 33 (2) and (3) of the Indonesian 1945 Constitution, the state has the power to control and regulate fuel governance to promote the greatest prosperity of the people (Pinilih & Chairunnisa, 2019). Therefore, given the vital importance of energy accessibility in enhancing community welfare and eradicating poverty, particularly in FOD areas, as access to fuel is crucial to driving local economies. Therefore, as mandated by the constitution, the state is responsible for ensuring energy accessibility—specifically through accessible fuel—to achieve the greatest prosperity for the people.

Based on the discussion above, legal certainty, energy accessibility, and the principle of clarity of purpose are conceptually connected. The legal certainty concept requires regulations to be clear, predictable, and capable of guiding the conduct of public authorities, regulated actors, and affected communities. In the context of energy accessibility, this certainty becomes important because access to fuel is not merely a technical distribution issue, but also relates to the state's constitutional responsibility under Article 33(2) and Article 33(3) of the 1945 Constitution. Therefore, the principle of clarity of purpose provides analytical lens for assessing whether the OPFP regulation clearly identifies its objective, connects that objective to energy accessibility from the constitutional values as a public-interest aim, and is designed to address the identified regulatory problem of unequal fuel access and distribution disparity. On this basis, the next subsection applies these guiding indicators to assess the OPFP through the principle of clarity of purpose.

3.2. Assessing the Indonesian One Price Fuel Program Regulation through the Principle of Clarity of Purpose

Building on the discussion in Section 3.1, this subsection examines the fulfillment of the principle of Clarity of Purpose in MEMR Regulation No. 36 of 2016 concerning the One Price Fuel Program. This assessment is crucial to determine whether the regulation was enacted with clearly defined objectives and was intended to achieve that objectives. Furthermore, the analysis is carried out using the guiding indicators previously identified in Section 3.1.

It is widely recognized that low-income households in FOD areas are the most affected by rising energy prices, primarily due to difficulties in fuel transportation (Cassoret, 2021). Several previous studies have highlighted the challenge of distributing energy, especially in regions classified as FOD. These challenges are largely associated with high logistical and transportation costs, which significantly disrupt the distribution process (Cassoret, 2021). A study by (Sambodo and Novandra, 2019) found that high transportation-related fuel prices in rural Indonesia are significantly correlated with the number of poor households (Sambodo and Novandra, 2019). Similarly, (Persyn et al., 2022) argue that transportation costs are influenced by geographical characteristics, with costs in core–periphery structures being higher than those in central regions. Access to energy, especially in FOD Areas, requires significant effort, reflecting the unequal distribution of access to energy, especially fuel (Alfian Hadi Saputra et al., 2025).

Therefore, in 2016, Indonesia's former President formally introduced a fuel-related policy aimed at ensuring the availability, smooth distribution, and uniform retail prices of Certain Types of Fuel (*Jenis Bahan Bakar Tertentu*—JBT) and Special Assignment Fuel Types (*Jenis Bahan Bakar Khusus Penugasan*—JBKP) across all regions of Indonesia, which is implemented in Indonesian MEMR Regulation No. 36 of 2016. According to the objectives, the implementation of OPFP helps to provide fuel availability, smooth distribution, and affordability (DEN, 2022) toward energy, especially for communities in the FOD areas (Alfian Hadi Saputra et al., 2025).

Table 1: Examination of the Regulation's Objectives

Objectives	**Description**
Fuel Availability	the ability to ensure the availability and distribution of government-designated fuel throughout the territory of Indonesia. (Indonesian Law No. 22 of 2001 (as amended))
Smoothly Distribution	distribute fuel in remote areas and regions where market mechanisms are not yet functioning effectively, thereby supporting equitable fuel access across the country. (Indonesian Law No. 22 of 2001 (as emended))
Price Uniformity	Ensuring that fuel cost considering the financial capacity of the state, the purchasing power of the public, and/or the real economic and social conditions of the public. (Presidential Regulation No. 191 of 204 (as amended)

OPFP regulation is a form of state responsibility in fuel control because it governs how the intended objectives can be achieved. Article 33 (2) of the Indonesian 1945 Constitution imposes a mandatory constitutional obligation on the State to control branches of production that are vital to the State and affect the livelihoods of the people (Indonesia, 1945). As discussed previously, fuel is a strategic and vital commodity, thereby necessitating State responsibility and control (Zain, 2017). Furthermore, Article 33 (3) of the Indonesian 1945 Constitution mandates that such control be exercised in a manner that promotes the greatest possible prosperity of the people (Indonesia, 1945). According to Indonesian Constitutional Court Decision No. 001-021-022/PUU-I/2003, form of state control may be exercised through the enactment of laws and regulations (Ritonga et al., 2021). Considering this interpretation, the establishment of Indonesian MEMR Regulation No. 36 of 2016 constitutes an implementation of the state's constitutional mandate under Articles 33(2) and 33 (3) of the Indonesian 1945 Constitution.

This implementation of this mandatory enacted in the provisions of Indonesian MEMR No. 36 of 2016. The obligation that must be implemented by the related institutions based on the regulation is as follows:

a. The Obligation of Designated Business Entities to Ensure the Availability of Distributor (Fuel Station) in Designated FOD Location by Indonesian MEMR if there is no distributor available in the area.

b. The Business Entities shall apply the same price for the distributor established in the designated location.
c. The Business Entities shall give the highest margin fee to the distributor.
d. BPH Migas is responsible for supervising the implementation of the OPFP and enforcing sanctions where violations occur.

To enhance energy accessibility, Indonesian MEMR No. 36 of 2016 further governs implementation through regulatory measures that require business entities to pay higher-margin fees to distributors (MEMR, 2016). Since distribution costs in FOD areas are significantly higher, higher-margin fees are intended to offset these costs and enhance investment attractiveness (Hidayat & Mulyono, 2025). To further strengthen the implementation of the OPFP, Indonesian MEMR Regulation No. 36 of 2016 also provides for sanctions against business entities that fail to fulfil these obligations (MEMR, 2016). These sanctions are enforced by BPH Migas, acting as the regulator and supervisor of the downstream oil and gas sector (MEMR, 2016).
Ultimately, this sub section will assess the fulfillment of the principle of clarity of purpose in the establishment of Indonesian MEMR Regulation No. 36 of 2016. To assess the clarity of purpose within the regulation, the guiding indicators as stated in section 3.1. will be applied. Therefore, the clarity of purpose in the MEMR Regulation No. 36 of 2016 will be exercised as follows:

3.2.1. The Objectives to be achieved are explicitly stated in the regulation

As previously stated, Indonesian Ministerial Regulations are an integral part of the hierarchy of laws and regulations under the regime of Indonesian Law No. 12 of 2011 (as amended). Consequently, their formation must adhere to the provisions set forth in the *Law a quo*. According to Appendix II of the *Law a quo*, it is mandatory for legislation to include a preamble (*considerans*).

The preamble serves as a concise description of the fundamental thoughts that constitute the considerations and reasons for establishing a regulation (Indonesia, 2011). In accordance with legislative theory, the principle of clarity of purpose is manifested within this preamble and the explanatory sections of the law. As noted by Luky Djani (2005:45), this clarity serves as a vital guide for stakeholders, ensuring they can easily discern the lawmaker's original intent during the law's implementation. In this context, the clarity of purpose has been explicitly stipulated in the considerations, as further observed in Table 1 below regarding Fuel Availability, Smooth Distribution, and Price Uniformity.

3.2.2. The Objectives Aligned with the 1945 Constitution and Aiming for Public Interest

Pursuant to Article 33(2) and (3) of the 1945 Constitution, the control of natural resources by the state must be carried out in a manner that ensures their optimal utilization for the greatest prosperity of the people (Rachman, 2016). This principle forms the constitutional basis for the state’s authority, exercised through the Government of Indonesia (GOI), to control natural resources, including fossil fuels. Such authority is reflected in five dimensions of state control, namely policy formulation (*beleid*), regulation (*regelendaad*), administration (*bestuursdaad*), management (*beheersdaad*), and supervision (*toezichthoudendaad*), as articulated by the Constitutional Court (CC) of Indonesia in Decision No. 001-021-022/PUU-I/2003. Indonesian Law No. 22 of 2001 on Oil and Gas affirms that oil and natural gas are strategic, non-renewable natural resources controlled by the state and constitute vital commodities for the national economy, whose management must aim to maximize public welfare. Therefore, according to the constitution, the objective of the state’s authority over fuel is to achieve people’s welfare.

As previously stated, access to energy significantly affects basic and essential needs (Thorbecke, 2025), thus necessitating government intervention to improve fuel accessibility (Alfian Hadi Saputra et al., 2025). Therefore, this section will analyze how the provisions stipulated in Indonesian MEMR Regulation No. 36 of 2016 may contribute to improving public welfare.

Table 2: Analysis of the Provisions in Indonesian MEMR Regulation No. 36 of 2016

No.	Articles	Content	Description of Efforts to Improve Public Welfare
1.	Article 3	The distributor of Fuel Subsidy who distribute the fuel in designated FOD areas shall not be subject to distribution costs~~.w~~	The elimination of distribution costs will increase distributors' profitability even when selling at the same price in FOD areas. This policy is expected to support the business viability of distributors, thereby ensuring the availability of subsidized fuel in FOD regions.(Adam & Hartono, 2025).
2.	Article 4	BPH Migas shall give new designation to the designated business entities to establish fuel distribution in designated FOD areas.	The new assignment obligation is a measure to support the availability of fuel distribution infrastructure, thereby improving the supply of subsidized fuel in FOD areas in order to reduce disparities in energy infrastructure. (Sandee, 2016)
3.	Article 5	BPH Migas assigns Business Entities the obligation to supply and fuel subsidy at designated locations, including developing necessary infrastructure proportionally, while applying retail prices which are set by the Indonesian MEMR.	The obligation to apply uniform pricing is expected to reduce logistics and transportation costs, thereby improving people's purchasing power. (Abdulrahman, 2023).
4.	Article 7	To foster the distribution of fuel subsidy in designated FOD areas, Business Entities shall apply higher margin fee to the distributors which operate in those FOD Areas.	This serves as an incentive for distributors operating in FOD areas. This effort is one form of support in ensuring the availability of subsidized fuel (Triatmodjo et al., 2025).
5.	Article 9	BPH Migas imposes sanctions on Business Entities receiving assignments if they fail to fulfill their obligations in supporting the acceleration of the OPFP.	This provision ensures that the implementation of the OPFP program can be carried out smoothly. (Nelson, 2025).

Based on the table, the stipulated provisions align with the constitutional objective and public interest of achieving public welfare through the distribution and supply of the OPFP. Furthermore, the provisions explicitly govern the establishment and implementation of energy accessibility.

3.2.3. The Establishment of the Regulation is Intended to Solve Problems

As stipulated in its preamble, Indonesian MEMR Regulation No. 36 of 2016 was enacted to ensure fuel availability, facilitate smooth distribution, and achieve price uniformity, particularly for communities residing in Frontier, Outermost, and Disadvantaged (FOD) Areas. Therefore, it is necessary to examine whether there were actual problems that required regulatory intervention as part of the Government of Indonesia's responsibility to achieve the objectives stipulated in the regulation. To identify the empirical issues that necessitated such intervention, this section examines challenges related to energy governance, particularly those concerning access to energy.

Indonesia's vast archipelagic geography has historically contributed to significant disparities in fuel prices across regions (Sandee, 2016). Previous studies have demonstrated that the distribution of energy, particularly to areas classified as FOD Areas, remains highly challenging. Consequently, difficulties in ensuring energy accessibility continue to persist. For example, Tempo.com reported on the challenges faced by Indonesian fishermen in accessing subsidized fuel (Tempo, 2026), despite the fact that, as discussed in Section 3.1, fuel plays a significant role in supporting their welfare. Furthermore, the fuel distribution process in Papua, Maluku, and Kalimantan faces numerous obstacles, including unpredictable weather conditions, difficult terrain, shallow rivers, and limited infrastructure, all of which contribute to fuel shortages (Halim, et.al., 2023). These conditions demonstrate the need for effective policy solutions, considering that access to energy constitutes a fundamental prerequisite for achieving the greatest prosperity of the people.

According to these circumstances, the objectives stipulated in Indonesian MEMR Regulation No. 36 of 2016 are relevant to addressing the problems associated with energy governance and energy accessibility. The regulation clearly assigns responsibilities to key institutions, including distributors, business entities, and BPH Migas, in supporting the achievement of energy accessibility. Therefore, this guiding indicator of the principle of Clarity of Purpose can be considered fulfilled.

In conclusion, Indonesian MEMR Regulation No. 36 of 2016 has upheld the principle of clarity of purpose by explicitly setting out the objective of ensuring the availability and equitable distribution of fuel across Indonesian regions, particularly in FOD Areas. Accordingly, the presence of a clear purpose in Indonesian MEMR Regulation No. 36 of 2016 supports the realization of legal certainty by providing a predictable and coherent legal framework. Furthermore, based on these findings, an assessment will be conducted to determine whether legal certainty under the Indonesian OPFP has improved access to energy in FOD Areas.

3.3. Assessing Legal Certainty for Energy Accessibility in the Indonesian One Price Fuel Program

Building upon the evaluation in the preceding section, this subsection assesses how the fulfillment of the clarity of purpose principle within Indonesian MEMR Regulation No. 36 of 2016 translates into substantive legal certainty. While Section 3.2 established the fulfillment of the clarity of purpose of Indonesian MEMR Regulation No. 36 of 2016, this section analyzes whether that the clarity of purpose principle reflected in the Indonesian MEMR Regulation No. 36 of 2016 has created clear, predictable, and consistent legal norms for achieving energy accessibility. It is widely recognized that the law serves as a comprehensive framework for maintaining societal order, resolving conflicts, and proactively driving societal transformation through social engineering (Al Kautsar & Muhammad, 2022). Therefore, it is imperative to determine whether Indonesian MEMR Regulation No. 36 of 2016 reflects legal certainty and is intended to enhance energy accessibility.

Section 3.1 previously defined that legal certainty is a foundational principle of a robust legal system characterized by clear, predictable, and validly established laws that are consistently obeyed and impartially enforced, thereby enabling all stakeholders to anticipate the legal consequences of their actions and fostering overall social stability. Furthermore, section 3.1. also explains that legal certainty is not merely achieved by using unambiguous language; it requires strict adherence to good law-making principles mandated by Article 5 of Indonesian Law No. 12 of 2011 (as amended). While not the sole determinant, the principle of clarity of purpose is a foundational requisite for achieving substantive legal certainty (Rishan, 2021). In this regard, the clarity of purpose embodied in the regulation also contributes to the realization of legal certainty, as it provides clear objectives and obligations for all relevant stakeholders involved in achieving the intended goals in the distribution and allocation of fuel, as assessed in Table 3.

According to Section 3.2, the regulation provides highly predictable guidance for the key stakeholders operating within the downstream oil and gas sector. Legal certainty ensures that all parties can accurately predict the legal consequences of their actions, fostering operational stability (Aditya, 2023). For the government, specifically BPH Migas, the regulation provides a clear legal basis for assigning distributors, supervising, and enforcing administrative sanctions against non-compliant entities. For designated business entities, it sets explicit, predictable obligations regarding where to build infrastructure in FOD areas and mandates payment of higher-margin fees to offset elevated distribution costs. Furthermore, for the affected communities in remote regions, it guarantees a legally protected right to access subsidized fuel at uniform prices, shielding them from the severe price disparities caused by informal markets and geographic constraints.

The OPFP regulation establishes a sufficiently robust legal framework to support the constitutional mandates of Article 33(2) and (3) of the 1945 Constitution. Under Article 33(2), the state holds a mandatory obligation to control branches of production that are vital to public livelihood; because fuel is a highly strategic commodity, its governance necessitates direct state intervention through the regulatory function (*regelendaad*). Furthermore, the regulation's core objective of ensuring energy accessibility directly reflects the mandate of Article 33(3), which dictates that state control must be exercised to achieve the greatest possible prosperity for the people. Because access to energy is a fundamental prerequisite for economic sustainability and national development, the OPFP regulation effectively operationalizes these constitutional public-interest aims into binding legal obligations.

Despite this foundational clarity, certain operational ambiguities and enforcement challenges persist, which could potentially threaten comprehensive legal certainty in practice. While the regulation establishes clear overarching duties, gaps remain regarding the execution and accountability of "smooth distribution" when faced with insurmountable geographical limitations (Milwan et al., 2020). Empirical evidence also shows that in several regions of Indonesia—outside Java and Bali—fuel prices can reach up to Indonesian Rupiah 100,000 (IDR) per liter (Ichsan et al., 2021). Furthermore, distribution challenges are frequently observed in regions such as Maluku, where longer delivery times and higher transportation costs from depots to distributors contribute to elevated fuel prices (Sari et al., 2020). This is evidence that, although the regulation has provided legal certainty, implementation remains severely hindered by infrastructural and geographical barriers, demonstrating a significant gap between formal regulatory intent and empirical reality.

The Indonesian MEMR Regulation on the Acceleration of the OPFP has fulfilled the formal principle of clarity of purpose as stipulated in Article 5, letter a, of Indonesian Law No. 12 of 2011 (as amended). Accordingly, the fulfillment of legal certainty, as reflected through the clarity of purpose embodied in the regulation, demonstrates that the regulation was indeed specifically designed to address and resolve the issue of energy accessibility within the OPFP framework.

4. Conclusion

This study examined whether Indonesian MEMR Regulation No. 36 of 2016 on the Acceleration of the One-Price Fuel Program (OPFP) provides legal certainty to ensure energy accessibility in Indonesia's Frontier, Outermost, and Disadvantaged (FOD) areas by assessing its compliance with the principle of clarity of purpose under Article 5 of Indonesian Law No. 12 of 2011 (as amended). The study found that clarity of purpose serves as one of the foundations in ensuring legal certainty. Legal certainty functions as a guide of state action and ensure the fulfilment energy accessibility. Furthermore, MEMR Regulation No. 36 of 2016 fulfils the principle of clarity of purpose because its objectives are explicitly stated, aligned with the constitutional mandate to promote public welfare, and the establishment is intended to solve problems. Consequently, the regulation is specifically designed to support energy accessibility by providing legal certainty through the principle of clarity of purpose, thereby facilitating the implementation of the One Price Fuel Program in FOD areas.

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