



Post-disaster fuel hoarding in North Sumatra: a sharia economic analysis and criminal liability

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Abstract

This study investigates post-disaster fuel hoarding in North Sumatra with a case study of Mandailing Natal. Using a normative and comparative-legal approach, the research draws on documentary sources—scholarship in sharia economics, criminal-law and *fiqh* studies, applicable legislation, and local media accounts of hoarding practices. The analysis maps hoarding mechanisms, evaluates their conformity with *sharia* economic principles (including *maqāsid al-sharī'ah*), distributive justice, and market ethics, and assesses the fit between positive-law criminal liability and *fiqh* criteria. Findings indicate that practices such as the use of clandestine storage facilities, collusion between retail operators and collectors, and diversion of subsidized fuel to informal markets exacerbate shortages and impose disproportionate socio-economic burdens on vulnerable populations. From a sharia-economic and juristic standpoint, these behaviors constitute *ihlikār*, contravening the objectives of the sharia, norms of

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equitable distribution, and market-ethical obligations. Although national regulatory instruments in Indonesia are, on paper, capable of addressing such conduct, their effectiveness is undermined by evidentiary gaps, limited supply-chain traceability, and weak inter-agency coordination. The study recommends harmonising statutory and *fiqh* guidance in operational protocols, enhancing investigative and audit capacities, instituting real-time quota and inventory transparency, and combining preventive governance with restorative and proportionate sanctions to safeguard public welfare in post-disaster settings.

Keywords: criminal liability; distributive justice; fuel hoarding; Islamic law; sharia economic.

Introduction

Post-disaster fuel shortages illustrate that disruptions to supply and distribution chains arise not only from physical infrastructure damage,¹ but are frequently exacerbated by opportunistic economic behaviors, such as fuel hoarding.² When severe natural hazards impair logistics networks, refuelling and distribution capacities decline while demand remains elevated, creating conditions that facilitate hoarding, trigger price spikes, and produce unequal access to fuel.³ Hoarding therefore represents not merely a technical distribution problem but also an ethical and legal challenge with significant implications for the public interest.⁴ In the context of Indonesia, the speed, fairness, and effectiveness of shortage resolution critically depend on policy responses and on the robustness of law enforcement mechanisms that can prevent exploitation during emergencies.

This study investigates fuel hoarding in the aftermath of disasters, using North Sumatra as a case study. The region experienced severe flash flooding between late November and early December 2025; its geographic and demographic characteristics contributed to disruptions in the local energy supply chain.⁵ High infrastructure vulnerability and a heavy dependence on land-based distribution via the highway network heightened the risk of fuel

¹ Agung Nugroho, “Kelangkaan BBM Di Lokasi Bencana, Pakar UGM Desak Perbaikan Infrastruktur,” Universitas Gadjah Mada, December 12, 2025, <https://ugm.ac.id/id/berita/kelangkaan-bbm-di-lokasi-bencana-pakar-ugm-desak-perbaikan-infrastruktur>. Accessed on January 20, 2026.

² Ardi Yanuar, “Polisi Ciduk Sejumlah Pelaku Penyalahgunaan BBM Pasca Bencana Banjir Di Medan,” MedanPos Online, December 8, 2025, <https://www.medanposonline.com/sumatera-utara/16856/polisi-ciduk-sejumlah-pelaku-penyalahgunaan-bbm-pasca-bencana-banjir-di-medan>. Accessed on January 20, 2026.

³ Etienne Romsom, “Global Oil Theft: Impact and Policy Responses,” UNU-WIDER Working Paper 2022/16 (Helsinki: UNU-WIDER, 2022), 1–63, <https://doi.org/10.35188/UNU-WIDER/2022/147-1>.

⁴ John D. Serman and Gokhan Dogan, “‘I’m Not Hoarding, I’m Just Stocking up before the Hoarders Get Here.’: Behavioral Causes of Phantom Ordering in Supply Chains,” *Journal of Operations Management* 39–40, no. 1 (2015): 6–22, <https://doi.org/10.1016/j.jom.2015.07.002>.

⁵ Salwa, “UGM Hydrology Expert Explains Causes of Sumatra Flash Floods and Key Prevention Measures,” ed. Gusti Grehenson and Salma, Universitas Gadjah Mada, December 17, 2025, <https://ugm.ac.id/en/news/ugm-hydrology-expert-explains-causes-of-sumatra-flash-floods-and-key-prevention-measures>. Accessed on January 20, 2026.

shortages when logistics were interrupted.⁶ A preliminary review of national media coverage and firsthand reports from affected localities indicates that hoarding by commercial actors frequently exacerbated fuel access constraints for vulnerable populations. Consequently, the region provides a pertinent context for further legal, economic, and policy analysis of post-disaster fuel governance.

The study's Islamic (sharia) economic framework foregrounds principles of distributive justice, the prohibition of exploitation, and the preservation of public interest (*maslahah*).⁷ From the standpoint of *fiqh muamālāt* (Islamic commercial jurisprudence), economic practices are evaluated not solely by market efficiency but also by sharia norms that proscribe *gharar* (excessive uncertainty) and fraud,⁸ and the opportunistic exploitation of emergencies to extract unjust profits.⁹ These norms further impose ethical and social duties to protect communal access to basic necessities. Together, they provide a clear normative framework for assessing fuel hoarding: specifically, whether such conduct violates sharia economic ethics and to what extent distributive or regulatory intervention in emergency contexts is warranted to safeguard *maslahah*.

In the realm of criminal liability, this study evaluates how conventional criminal law and Islamic law (*fiqhiyyah*) frameworks can address the hoarding of fuel in post-disaster contexts. It examines core elements of criminal liability – namely the material element of the act (*actus reus*), the mental element or fault (*mens rea*),¹⁰ and the role of emergency circumstances that may aggravate or mitigate sanctions.¹¹ The analysis also considers specific offense categories relevant to hoarding, including economic crimes, offences against public order, and emergency-specific criminal norms that are triggered during disasters.¹² By

⁶ Verda Nano Setiawan, "Bukan Stok, Pertamina Ungkap Kendala Distribusi BBM Di Daerah Bencana," CNBC Indonesia, January 9, 2026, <https://www.cnbcindonesia.com/news/20260109191900-4-701166/bukan-stok-pertamina-ungkap-kendala-distribusi-bbm-di-daerah-bencana>. Accessed on January 20, 2026.

⁷ Hafas Furqani, "Theory of Distributive Justice in Islamic Perspective: A Conceptual Exploration," in *Building an Islamic Case for Open Markets: History, Theory & Practice*, ed. Ali Salman and Husnul Amin (Kuala Lumpur: Islam & Liberty Network, 2019), 187–216, <https://scholar.google.com/scholar?cluster=3809802206794815121>.

⁸ M Qoshid Al Hadi, "Fiqh Mu'amalah in Theory and Practice: An Overview of Islamic Economics," *Al Hurriyah: Jurnal Hukum Islam* 6, no. 2 (2022): 102–17, <https://doi.org/10.30983/alhurriyah.v6i2.5010>; Taufiq Taufiq and Razali Razali, "Ihtikar: Perilaku Menimbun Dalam Kajian Muamalah," *JURIS (Jurnal Ilmiah Syariah)* 19, no. 1 (2020): 85–95, <https://doi.org/10.31958/juris.v19i1.2130>.

⁹ Aang Asari et al., "Theory of Rights in Islamic Economic Law and Its Relation to Intellectual Property Rights," *Al-Iktisab: Journal of Islamic Economic Law* 6, no. 2 (2022): 169–88, <https://doi.org/10.21111/al-iktisab.v6i2.8384>.

¹⁰ Johannes Keiler, "Actus Reus and Mens Rea: The Elements of Crime and the Framework of Criminal Liability," in *Comparative Concepts of Criminal Law*, ed. Johannes Keiler and David Roef, 3rd ed. (Mortsel: Intersentia, 2019), 107–20.

¹¹ Roe Sarel, "Crime and Punishment in Times of Pandemics," *European Journal of Law and Economics* 54, no. 2 (2022): 155–86, <https://doi.org/10.1007/s10657-021-09720-7>.

¹² Nekeisha Spencer and Eric Strobl, "Crime Watch: Hurricanes and Illegal Activities," *Southern Economic Journal* 86, no. 1 (2019): 318–38, <https://doi.org/10.1002/soej.12376>.

comparing positive legal norms with fiqhiyyah principles, the study aims to develop clear criteria for distinguishing legitimate economic conduct from punishable misconduct and to identify proportionate, alternative sanctions consistent with the *maqāsid al-sharī'ah* (the higher objectives of Islamic law).¹³

Several prior studies provide essential theoretical and empirical foundations for this research. An empirical analysis by Gustavo Nino demonstrates that supply-chain disruptions substantially affect the price and availability of basic necessities in Colombia, with particularly severe consequences in disaster-prone areas subject to flash floods and landslides.¹⁴ Within the Indonesia context, Nur Wulan Suci reports that post-disaster fuel shortages in East Java, for example following floods or landslides, impede fuel distribution and thereby constrain local economic activity.¹⁵

From a normative Islamic jurisprudential perspective, Nurnaningsih Nawawi examines practices of monopoly and hoarding (*ihdikār*) in *fiqh muamālāt* of staple commodities in Makassar (locally referred to as *talaqqi rukban*), identifying these practices as inconsistent with sharia economic principles.¹⁶ Complementary work by Taufiq and Razali categorizes *ihdikār* into three legal classifications—*harām* (prohibited), *makruh* (discouraged), and *mubah* (permitted)—and argues that hoarding amounts to *harām* when it concerns widely needed goods whose prices can be manipulated by a single actor.¹⁷

Juridical and policy analyses further substantiate the legal and institutional dimensions of the problem. Legal research by Achmad Surya and Suhartini in the jurisdiction of the Central Aceh District Police emphasizes that the illegal diversion or resale of subsidized fuel constitutes a criminal offence under the Law No. 22 of 2001 concerning Oil and Gas (Oil and Gas Law).¹⁸ Policy analysis by Fitra Arsil and Qurata Ayuni evaluates state distribution controls and institutional roles during emergencies—such as the Covid-19 pandemic—highlighting how regulatory mechanisms based on the principle of

¹³ Rafan Darodjat and Agus Suwandono, “Special Criminal Law against Sharia Economic Crimes,” *Jurnal Justisia Ekonomika* 8, no. 2 (2024): 1179–89, <https://doi.org/10.30651/justeko.v8i2.24012>.

¹⁴ Gustavo Nino, “Disruption in Ground Transportation: Natural Disasters and Disintegration of Local Food Markets,” *Food Policy* 140 (2026): 103051, <https://doi.org/10.1016/j.foodpol.2026.103051>.

¹⁵ Nur Wulan Suci, “Kelangkaan Minyak Bumi Yang Dapat Menghambat Jalannya Perekonomian Masyarakat Di Daerah Jawa Timur,” *E-Jurnal Ekonomi Sumberdaya Dan Lingkungan* 13, no. 2 (2024): 93–104, <https://online-journal.unja.ac.id/JSEL/article/view/21145>.

¹⁶ Nurnaningsih Nawawi, “Talaqqi Rukban and Ihtikar In the Traditional Market at Makassar in Perspective of Islamic Economic Laws,” *Jurnal Ilmiah Al-Syir'ah* 18, no. 1 (2020): 50–62, <https://doi.org/10.30984/jis.v18i1.1074>.

¹⁷ Taufiq and Razali, “Ihtikar: Perilaku Menimbun Dalam Kajian Muamalah.”

¹⁸ Achmad Surya and Suhartini Suhartini, “Law Enforcement on Criminal Acts of Fuel Oil Distribution Illegally Subsidized,” *Unifikasi: Jurnal Ilmu Hukum* 10, no. 1 (2023): 49–57, <https://doi.org/10.25134/unifikasi.v10i01.745>.

“compelling urgency” permit rapid government action outside ordinary legislative timelines.¹⁹

Finally, the literature on Islamic sanctions and social protection informs the study’s consideration of remedial measures. A review by Syahla Berta Aulia et al. explores the prophetic traditions (hadith) and the application of *ta’zīr* sanctions in Indonesian Islamic criminal and administrative practice against perpetrators of cooking-oil hoarding, discussing implications for the rights of economically vulnerable groups.²⁰ Collectively, these empirical, normative, juridical, and policy studies form a substantive literature base that this research will augment with detailed case data from North Sumatra.

From an initial review of the literature, this paper identifies a clear gap: few studies integrate sharia economic analysis with criminal-liability frameworks specifically for post-disaster fuel hoarding. Empirical evidence on the motives, mechanisms, and networks of hoarding at the provincial level remains sparse, and policy prescriptions that coherently align sharia norms, criminal law, and administrative practice have not been operationalized. Accordingly, this study asks three research questions: (1) how does fuel hoarding occur in North Sumatra after disasters; (2) to what extent do these practices contravene the principles of sharia economics; and (3) what constitutes an appropriate criminal-liability framework—under both positive law and *fiqh*—to address such conduct? The study’s objectives are to map post-disaster fuel-hoarding practices, evaluate those practices through a sharia economic lens, and formulate actionable recommendations for criminal enforcement and preventive policy grounded in the *maqāsid al-sharī’ah* and principles of public protection.

Methods

This study employs an integrated normative–empirical design with a comparative component to analyse post-disaster fuel-oil (BBM) hoarding in North Sumatra. At the normative level, the research reconstructs and interprets relevant legal and ethical norms drawn from the Qur’an, the hadith corpus, *fiqh muamālāt* and the literature on sharia economics, as well as statutory instruments and doctrines of positive criminal law. This component aims to derive clear ethical and legal criteria for assessing hoarding practices in crisis contexts.²¹ Empirical data were collected through preliminary field observations and a series of semi-structured interviews with anonymous respondents and media reporters to elicit information about alleged hoarding activities in

¹⁹ Fitra Arsil and Qurrata Ayuni, “Model Pengaturan Kedaruratan Dan Pilihan Kedaruratan Indonesia Dalam Menghadapi Pandemi Covid-19,” *Jurnal Hukum & Pembangunan* 50, no. 2 (2020): 423–46, <https://doi.org/10.21143/jhp.vol50.no2.2585>.

²⁰ Syahla Berta Aulia, Muhammad Abdurrasyid Ridlo, and Adriansyah NZ, “Studi Analisis Deskriptif Fenomena Ihtikar Atas Penimbunan Minyak Goreng Dan Konsekuensinya Terhadap Pengambilan Hak Orang Miskin Dalam Tinjauan Hadis,” *Jurnal Riset Agama* 4, no. 2 (2024): 149–167, <https://journal.uinsgd.ac.id/index.php/jra/article/view/19920>.

²¹ Jonaedi Efendi and Johnny Ibrahim, *Metode Penelitian Hukum: Normatif Dan Empiris*, Cet. 2 (Jakarta: Prenada Media Group, 2018), 123–24.

relatively concealed locations. Fieldwork protocols were designed to protect respondent anonymity and to ensure researcher and participant safety; the sampling approach prioritized access to informants with direct knowledge of local distribution and market practices.²²

The comparative element juxtaposes the principles and elements of criminal liability under positive law with corresponding concepts in Islamic jurisprudence (*fiqh*).²³ The comparison focuses on core components of criminal responsibility, *actus reus* (the material element), *mens rea* (the mental element), and the relevance of emergency or exigent circumstances in aggravating or mitigating liability, so as to identify points of convergence and divergence and to inform normative synthesis.

The research draws on an extensive literature review that includes scholarship on sharia economics, studies of criminal liability, works on Islamic criminal law, and relevant legal instruments and case law, for example Law No. 22 of 2001 concerning Oil and Gas (Oil and Gas Law), Law No. 1 of 2023 concerning the Criminal Code (New Criminal Code); and Law No. 6 of 2023 concerning the Stipulation of Government Regulation in Lieu of Law No. 2 of 2022 (Job Creation Law). Supplementary materials comprised court decisions, authoritative religious fatwas and guidelines, and investigative media coverage of fuel-hoarding incidents.

Data collection relied primarily on documentary and secondary sources supplemented by interview data.²⁴ Analysis proceeded by means of qualitative content analysis, doctrinal legal comparison, and source triangulation to enhance interpretive validity and reliability.²⁵ Findings from these procedures were then synthesised with the *maqāsid al-sharī'ah* framework to generate normative implications, policy recommendations, and practicable law-enforcement options grounded in *maslahah* (public interest).

Results and Discussion

Mapping of fuel-hoarding practices and mechanisms post-disaster in North Sumatra

Disruptions to fuel distribution following the disaster emerged as a salient problem across multiple localities, provoking public anxiety and prolonged queues at gas stations (*Stasiun Pengisian Bahan Bakar Umum/SPBU*).²⁶ At the

²² Efendi and Ibrahim, 149–50.

²³ Peter Mahmud Marzuki, *Penelitian Hukum Edisi Revisi*, Cet. 13 (Jakarta: Kencana, 2017), 173.

²⁴ He-in Cheong et al., “Secondary Qualitative Research Methodology Using Online Data within the Context of Social Sciences,” *International Journal of Qualitative Methods* 22 (2023), <https://doi.org/10.1177/16094069231180160>.

²⁵ Rika Preiser et al., “Qualitative Content Analysis,” in *The Routledge Handbook of Research Methods for Social-Ecological Systems*, ed. Reinette Biggs et al. (London: Routledge, 2021), 270–81, <https://doi.org/10.4324/9781003021339-23>.

²⁶ Vina Oktavia, “Pertamina Sebut Antrean BBM Di Daerah Bencana Akibat Hambatan Distribusi, Bukan Stok Kosong,” *Kompas*, December 2, 2025,

provincial level, contemporaneous media accounts report that flood- and landslide-induced logistical interruptions materially reduced distribution capacity, producing a rapid increase in local demand while supplies—particularly of subsidized fuel—remained constrained. Government monitoring efforts and public appeals discouraging panic buying were frequently noted in these reports.²⁷

Table 1 summarises observed queueing patterns at selected service stations in the immediate aftermath of the flash floods (late November–early December 2025):

Table 1. Observed queueing and supply-congestion indicators at selected SPBU in North Sumatra

Regency/City	Queues Due to Fuel Shortages	Source
North Tapanuli		Metro TV YouTube Channel. ²⁸
Padangsidempuan		Metro TV YouTube Channel. ²⁹
South Tapanuli		Metro TV YouTube Channel. ³⁰

<https://www.kompas.id/artikel/pertamina-sebut-antrean-bbm-di-lokasi-bencana-akibat-kendala-distribusi>. Accessed on January 20, 2026.

²⁷ Garispolisi.com, “Warga Jangan Panic Buying Pertamina Pastikan Persediaan BBM Di Sumut Aman,” Garispolisi.com, December 3, 2025, <https://www.garispolisi.com/2025/12/warga-jangan-panic-buying-pertamina.html>. Accessed on January 20, 2026.

²⁸ Metro TV, *BREAKING NEWS - BBM Langka Pasca Bencana, Warga Ramai Antri* (Indonesia: YouTube, 2025), <https://www.youtube.com/watch?v=82R4PbGNmdY>. Accessed on January 21, 2026.

²⁹ Metro TV, *BREAKING NEWS - Antrean Panjang Masyarakat Mengisi BBM* (Indonesia: YouTube, 2025), <https://www.youtube.com/watch?v=tu2YdZxHw6k>. Accessed on January 21, 2026.

³⁰ Metro TV, *Kelangkaan BBM Pasca Banjir Di Tapanuli Selatan, Warga Masih Mengantr' Panjang - [Metro Siang]* (Indonesia: YouTube, 2025), <https://www.youtube.com/watch?v=gsQAa-vDEYk>. Accessed on January 21, 2026.

Deli Serdang



KompasTV YouTube Channel.³¹

Sibolga



tvOneNews YouTube Channel.³²

Mandailing Natal



Official iNews YouTube Channel.³³

Source: processed by the author from various sources.

The fuel shortage was further aggravated by opportunistic hoarding detected at multiple locations, where actors exploited the emergency to obtain supra-market returns. At the district level, cases documented in Mandailing Natal Regency exhibit a distinctive temporal pattern: prior to the disaster, retail stocks at several service stations were relatively stable. In the immediate post-disaster phase, distribution to the retail tier fell sharply while household and commercial demand rose markedly. Local media accounts and official statements describe the emergence of illicit storage facilities, the use of jerry cans and modified motorcycle or vehicle tanks to convey large fuel volumes, and collusive arrangements between certain station operators and intermediary collectors. These practices disrupted local distribution networks and produced localized price spikes at specific retail points. Reported enforcement actions during this period underscore the tension between urgent public needs and predatory economic conduct.

³¹ KompasTV, *BBM Di Sumatera Utara Langka, Antrean Kendaraan Mengular Di Sejumlah SPBU* (Indonesia: YouTube, 2025), <https://www.youtube.com/watch?v=fahm6anHJuc>. Accessed on January 21, 2026.

³² tvOneNews, *BBM Langka! Ratusan Warga Sibolga Padati SPBU, Antre BBM Picu Keributan* | *OneNews Update* (Indonesia: YouTube, 2025), https://www.youtube.com/watch?v=pQoj19PF_gI. Accessed on January 21, 2026.

³³ Official iNews, *Krisis BBM Makin Parah! Warga Mandailing Natal Sumut Akui Antre Sampai 5 Hari* | *Breaking News (5/12)* (Indonesia: YouTube, 2025), <https://www.youtube.com/watch?v=vg1ksxq3qCw>. Accessed on January 21, 2026.

The line graph in the Figure 1 (below) synthesizes fuel-stock trends derived from local distribution reports and the author’s field observations in Mandailing Natal Regency. The series of monitoring points predominantly show an abrupt decline in available stocks immediately following the floods, a peak in queueing and panic buying during the first seven days, and subsequent oscillations in supply as authorities implemented emergency interventions and supplementary deliveries.

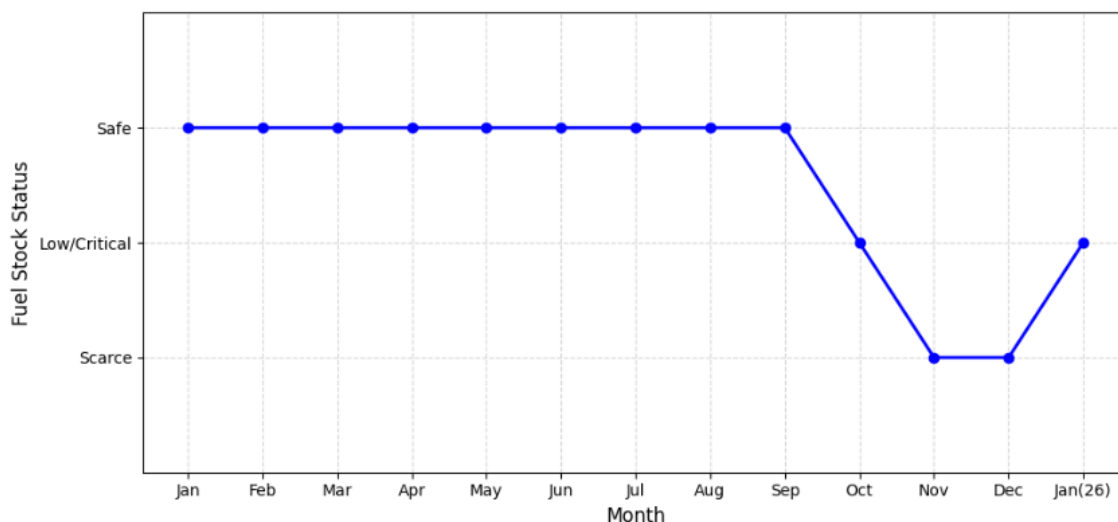


Figure 1. Temporal trends in retail fuel stocks and queue length, Mandailing Natal Regency (late November–December 2025)

Source: Processed by the author.³⁴

Table 2 (below) summarizes recurring illicit practices reported in the wake of disasters in the province. These practices include the modification of vehicle fuel tanks to obtain subsidized fuel, collusion between fuel-station personnel and purchasers to accumulate supplies, and adaptive logistics techniques (for example, the use of jerry cans or the alteration of vehicles) to transfer large quantities of fuel outside official distribution channels. The primary evidence derives from media reports of enforcement actions and raids, together with statements by officials; collectively these sources indicate that hoarding is not merely sporadic but can be organized and exploit regulatory gaps and emergency conditions.

Table 2. Illegal practices involving fuel abuse in North Sumatra post-disaster

Illegal Practice	Source (selected media reports)
Purchase of subsidized fuel via vehicle-tank modification	TVRI Nasional YouTube Channel. ³⁵
Collusion between fuel-station personnel and	detikSumut; ³⁶ Medan Pos Online. ³⁷

³⁴ A summary of local reports and information from anonymous sources, as well as the author’s observations in the Mandailing Natal Regency. Collected on January 20–22, 2026.

³⁵ TVRI Nasional, *Polisi Ungkap Penyalahgunaan BBM Subsidi Di Tengah Situasi Bencana* (Indonesia: YouTube, 2025), <https://www.youtube.com/watch?v=6TNU5NitKks>. Accessed on January 21, 2026.

buyers to hoard fuel

Repeated bulk purchases of subsidized fuel Mistar.id.³⁸

Illegal warehousing of subsidized fuel in large quantities for hoarding Lintas10.com.³⁹

Source: Author's compilation from the cited media reports and official statements.

A concise review of the literature indicates that hoarding (*ihtikār*) has long been examined in *fiqh mu'āmalāt* as conduct that threatens the fulfilment of public needs and is impermissible when it produces shortages and price increases that injure the community.⁴⁰ Scholarship in sharia economics characterizes hoarding as incompatible with distributive justice and the public interest,⁴¹ while legal studies in Indonesia identify gaps in statutory frameworks and weaknesses in enforcement related to the hoarding of essential commodities,⁴² including fuel. Contemporary analyses commonly recommend an integrated response combining preventive measures (for example, enhanced oversight of distribution chains and greater transparency in quota allocation) with proportionate legal sanctions to deter and remediate hoarding behavior.⁴³ These perspectives provide an interpretive framework for assessing field evidence from the study area.

Systematic mapping of fuel-hoarding practices in Mandailing Natal reveals an interaction between post-disaster infrastructure fragility, opportunistic behaviour in local markets, and insufficient retail-level

³⁶ Finta Rahyuni, "Sekongkol Timbun BBM Subsidi Saat Langka, Operator-Pembeli Di Sumut Ditangkap," *detiksumut*, December 9, 2025, <https://www.detik.com/sumut/hukum-dan-kriminal/d-8250038/sekongkol-timbun-bbm-subsidi-saat-langka-operator-pembeli-di-sumut-ditangkap>. Accessed on January 22, 2026.

³⁷ Toga Pasaribu, "Petugas SPBU 14.202.113 Tanjung Mulia Diduga Kerjasama Dengan Mafia Jual BBM," ed. Jalaluddin Lase, *Medan Pos Online*, October 12, 2025, <https://www.medanposonline.com/hukum/15168/petugas-spbu-14202113-tanjung-mulia-diduga-kerjasama-dengan-mafia-jual-bbm>. Accessed on January 22, 2026.

³⁸ Syahrial Siregar and Hendra Sembiring, "Dugaan Pembelian BBM Subsidi Dalam Jumlah Besar Di SPBU Lubuk Pakam Resahkan Warga," *Mistar.id*, November 27, 2025, <https://mistar.id/news/sumut/dugaan-pembelian-bbm-subsidi-dalam-jumlah-besar-di-spbu-lubuk-pakam-resahkan-warga>. Accessed on January 22, 2026.

³⁹ *Lintas10.com*, "Ditemukan Gudang Penimbunan BBM Di Pasar LX Labuhan Deli Rugikan Negara, BBM Jenis Solar Bersubsidi 'Jatuh' Ketangan Mafia Migas," *Lintas10.com*, January 7, 2026, <https://www.lintas10.com/ditemukan-gudang-penimbunan-bbm-di-pasar-lx-labuhan-deli-rugikan-negara-bbm-jenis-solar-bersubsidi-jatuh-ketangan-mafia-migas.html>. Accessed on January 22, 2026.

⁴⁰ Taufiq and Razali, "Ihtikar: Perilaku Menimbun Dalam Kajian Muamalah."

⁴¹ Aulia, Ridlo, and NZ, "Studi Analisis Deskriptif Fenomena Ihtikar Atas Penimbunan Minyak Goreng Dan Konsekuensinya Terhadap Pengambilan Hak Orang Miskin Dalam Tinjauan Hadis."

⁴² Ulinnuha Saifullah, "Commodity Hoarding (Ihtikar) in Surah Al-Hashr: Exploring Historical Roots and Reassessing Interpretative Perspectives," *Az-Zarqa': Jurnal Hukum Bisnis Islam* 15, no. 1 (2023): 43–61, <https://doi.org/10.14421/azzarqa.v15i1.2977>.

⁴³ Adam Ajimoti Ishaq et al., "Analyzing the Impact of Vandalism, Hoarding, and Strikes on Fuel Distribution in Nigeria," *Computation* 14, no. 2 (2026): 30, <https://doi.org/10.3390/computation14020030>.

distribution controls.⁴⁴ Media accounts and photographic evidence from North Sumatra (see Table 2) document recurring, sometimes organised, hoarding strategies that intensify supply shortfalls; law-enforcement responses to date have included targeted raids and administrative penalties. These empirical findings serve as a basis for applying Islamic-economic principles to evaluate the harms of hoarding and for developing a model of criminal liability calibrated to the objective of protecting public welfare.

Sharia economic analysis of illegal fuel hoarding

Sharia economics provides a normative and ethical framework that situates economic activity within the legal-moral precepts of Islam. Operationally, it comprises a system of principles that privileges limited and responsible ownership, prohibits practices that inflict public harm, such as usury (*ribā*), excessive uncertainty (*gharar*), and hoarding (*ihtikār*), and emphasizes the social responsibilities of economic agents together with the promotion of the public good (*maslahah*).⁴⁵ These principles extend beyond private contracting to require equitable redistribution, transparency in pricing and quota allocation, and restraints on conduct that undermines access to basic necessities.⁴⁶ Applied to post-disaster fuel hoarding, the sharia economic lens functions as a normative benchmark for judging whether particular economic actions can be justified or must be condemned and sanctioned because they damage collective welfare.

This study combines a doctrinal analysis of *fiqh muāmalāt* and the *maqāsid al-sharī'ah* with an empirical review of economic literature on market responses to supply shocks. The analytical agenda is twofold. *First*, it clarifies the normative contours of prohibited hoarding (*ihtikār*) – its definitional elements, the underlying values it contravenes, and the conditions under which hoarding becomes illicit in sharia discourse. *Second*, it evaluates the observable socioeconomic effects of hoarding on access to energy and food, income distribution, and community stability. Thus, the following section divides the discussion into three dimensions (*maqāsid al-sharī'ah*, distributive justice, and market ethics), to link theory with previous research findings and field evidence, including the case in Mandailing Natal.

Maqāsid al-sharī'ah and the implications of fuel hoarding

Maqāsid al-sharī'ah denotes the higher objectives of Islamic law, traditionally summarized as the preservation of religion, life (*hifz al-nafs*), intellect, lineage, and property (*hifz al-māl*). In the context of essential goods and post-disaster response, the principles of *hifz al-nafs* and *hifz al-māl* are especially salient

⁴⁴ The author's findings from observations and interviews with anonymous sources and local media in Mandailing Natal on January 20–23, 2025.

⁴⁵ Ending Solehudin et al., "Transformation of Shariah Economic Justice: Ethical and Utility Perspectives in the Framework of Maqashid Shariah," *Al-Risalah: Forum Kajian Hukum Dan Sosial Kemasyarakatan* 24, no. 1 (2024): 101–15, <https://doi.org/10.30631/alrisalah.v24i1.1467>.

⁴⁶ Rahmad Hidayat Lubis et al., "Designing a Successful Islamic Investment Portofolio: A Conceptual, Practical, and Inspirational Guide for Muslim Investors," *Adilla: Jurnal Ilmiah Ekonomi Syari'ah* 9, no. 1 (2026): 79–91, <https://doi.org/10.52166/adilla.v9i1.9754>.

because access to energy underpins healthcare delivery, emergency mobility, and the functioning of the local economy.⁴⁷ From this vantage point, the permissibility of economic acts is not judged solely by contractual formality but by their consequences for the common good (*maslahah*). Conduct that endangers life or materially undermines public welfare therefore falls outside the bounds of acceptable practice and contrary to *maqāsid al-sharī'ah*.⁴⁸

Fuel hoarding (*ih̥tikār*) after a disaster can be conceptualized as a direct infringement of both *hifz al-nafs* and *hifz al-māl*. When actors withhold fuel to create scarcity and extract supra-competitive rents, they reallocate essential resources away from the general population toward a narrow set of beneficiaries, thereby increasing health- and safety-related risks for vulnerable groups (for example, patients, first responders, and low-income households).⁴⁹ Empirical studies of commodity hoarding or *ih̥tikār* report consistent outcomes—sharp price spikes, reduced access for disadvantaged groups, and heightened social friction—outcomes that, in *maqāsid* terms, constitute harms to distributive justice and the public interest and thus merit normative condemnation.⁵⁰

A *maqāsid al-sharī'ah*-informed assessment of hoarding should attend to three interrelated criteria:⁵¹

1. intent, whether the action evidences deliberate exploitation of an emergency for private gain;
2. scale and impact, the magnitude of deprivation and the population groups affected; and
3. availability of alternatives, whether equitable distribution channels or substitutes were reasonably accessible.

Where intent to exploit an emergency and substantial public harm are present, the *maqāsid al-sharī'ah* framework justifies proportionate state intervention aimed at restoring the public interest. Such intervention may include administrative controls, corrective measures, and, where appropriate, penal sanctions consistent with the objectives of the sharia.⁵²

⁴⁷ Deri Wanto, Rahmad Hidayat, and R. Repelita, “Maqasid Shariah’s Change as Theory: From Classical to Cotemporary Maqasid Shariah,” *Al-Istinbath: Jurnal Hukum Islam* 6, no. 2 (2021): 427–54, <https://doi.org/10.29240/jhi.v6i2.3122>.

⁴⁸ Siti Mahfuzah and Muhammad Syafiq, “Maqasid Al-Shari’ah’s Analysis of the Prohibition of Ihtikar in the Perspective of Sharia Economic Law Between the Principles of Benefit and Justice,” *Saqifah: Jurnal Hukum Ekonomi Syariah* 10, no. 1 (2025): 27–38.

⁴⁹ Taufiq and Razali, “Ihtikar: Perilaku Menimbun Dalam Kajian Muamalah.”

⁵⁰ Aulia, Ridlo, and NZ, “Studi Analisis Deskriptif Fenomena Ihtikar Atas Penimbunan Minyak Goreng Dan Konsekuensinya Terhadap Pengambilan Hak Orang Miskin Dalam Tinjauan Hadis”; Nawawi, “Talaqqi Rukban and Ihtikar In the Traditional Market at Makassar in Perspective of Islamic Economic Laws.”

⁵¹ Mahfuzah and Syafiq, “Maqasid Al-Shari’ah’s Analysis of the Prohibition of Ihtikar in the Perspective of Sharia Economic Law Between the Principles of Benefit and Justice.”

⁵² Andi Intan Cahyani, “Menimbun Barang (Ihtikar) Perspektif Hadis (Suatu Kajian Tematik),” *El-Iqthisady: Jurnal Hukum Ekonomi Syariah* 2, no. 1 (2020): 27–41, <https://doi.org/10.24252/el-iqthisadi.v2i1.13845>.

Contemporary juristic literature and policy scholarship converge on a two-pronged response, its preventive governance and remedial sanctions. Preventive measures include quota management, real-time supply-chain transparency, and strengthened retail-level oversight to reduce opportunities for organized diversion. Remedial options, ranging from administrative penalties to discretionary *ta'zīr* sanctions are warranted when evidentiary standards demonstrate intentionality or gross negligence that produces widespread harm.⁵³ Framed by *maqāsid al-sharī'ah*, these instruments should be designed to be proportionate, targeted, and oriented toward restoring access and social equity rather than punitive excess.

Distributive justice: the impact of hoarding on access and well-being

Distributive justice concerns the ethical allocation of resources, benefits, and burdens so that individuals receive shares proportional to their needs and legitimate claims. Unlike narrow conceptions of market efficiency, distributive justice foregrounds equity: it seeks to prevent systemic disadvantage, protect vulnerable groups, and ensure that basic goods and services remain accessible,⁵⁴ especially during emergencies. From a sharia economic perspective, this principle requires that public resources and essential necessities be distributed in ways that do not disproportionately harm particular social groups and that preserve a minimum level of access for those most at risk.⁵⁵

Fuel hoarding undermines distributive justice by diverting quotas and public stocks into parallel markets where commodities are sold at heavily marked-up prices. Empirical studies of supply crises demonstrate consistent outcomes: widened access gaps, reductions in essential consumption among low-income households, loss of operational capacity for micro-enterprises, and outsized gains for informal collector networks.⁵⁶ In affected localities, such as Mandailing Natal, unequal distribution of fuel can retard economic recovery and increase reliance on external assistance.

Two recurrent patterns link theory to field observations:

1. retail-level oversight weaknesses create opportunities for diversion and organized hoarding; and

⁵³ Ozi Suhendra Sitompul and Syaddan Dintara Lubis, "Tinjauan Hukum Pidana Dan Hukum Pidana Islam Terhadap Penimbunan Dan Penjualan BBM Bersubsidi," *Legal Standing* 8, no. 1 (2024): 95–109, <https://doi.org/10.24269/lv.v8i1.8266>.

⁵⁴ Annick de Vries et al., "Distributive Justice," in *Justice in Climate Policy: Distributing Climate Costs Fairly* (Cham: Springer Cham, 2024), 15–30, https://doi.org/10.1007/978-3-031-59427-4_2.

⁵⁵ Suziraha Dzulkepli and Mohd Nizam Barom, "Financial Inclusion and the Goal of Distributive Justice in Islamic Economics," *The Journal of Muamalat and Islamic Finance Research* 18, no. 1 (2021): 66–77, <https://doi.org/10.33102/jmifr.v18i1.330>.

⁵⁶ Nawawi, "Talaqqi Rukban and Ihtikar In the Traditional Market at Makassar in Perspective of Islamic Economic Laws."

2. unchecked market responses, through price spikes and altered distribution flows, compound injustice unless promptly addressed by public policy.

Legal and policy literature on commodity crises recommends targeted priority-allocation tools (for example, emergency quotas for healthcare and critical services) and real-time transparency systems for distribution data as primary preventive measures.⁵⁷ Accordingly, a sharia economic-informed approach advocates both proportionate sanctions where intentional exploitation is demonstrated and systemic recalibration of distribution mechanisms to restore equity. In short, remedial measures should combine enforcement with institutional reforms that secure fair access and protect the most vulnerable.

Market ethics: economic actors' behavior and moral responsibility

Market ethics comprises the moral and professional norms that govern conduct in commercial exchanges, imposing duties of honesty, fairness, and accountability on economic agents.⁵⁸ Beyond profit maximization, these norms require actors to consider the broader social consequences of their activities.⁵⁹ Within sharia economics, market ethics emphasizes *sidq* (truthfulness), the prohibition of exploitative practices, and the pursuit of *maslahah* (public benefit).⁶⁰ Accordingly, a well-functioning market is construed not simply as an allocator of resources but as an institution for advancing the common good; practices that exploit information asymmetries, emergencies, or collusive relationships to extract supra-competitive rents are therefore ethically unacceptable and, in many interpretations, religiously proscribed.⁶¹

The practice of fuel hoarding is considered a violation of market ethical principles because it often involves fraudulent acts such as hiding stock, collusion between operators and collectors, and the manipulation of information by spreading panic or withholding data on available fuel stocks. Research on market behavior under emergency conditions has found that in the absence of social sanctions and effective regulations, opportunistic actors will

⁵⁷ Dhea Maura Azhari, "Islamic Law Study: Hoarding (Ikhtikar) of Natural Resources (SDA)," *Al-Qanun: Jurnal Kajian Sosial Dan Hukum Islam* 2, no. 3 (2021): 216–28, <https://doi.org/10.58836/al-qanun.v2i3.12347>; Muhammad Achyar and Chairul Fahmi, "Islamic Law Review of Monopoly Practices in Modern Economics," *Al-Mudharabah: Jurnal Ekonomi Dan Keuangan Syariah* 5, no. 2 (2024): 288–308, <https://doi.org/10.22373/al-mudharabah.v5i2.6545>.

⁵⁸ Manoj Kumar Kamila and Sahil Singh Jasrotia, "Ethics and Marketing Responsibility: A Bibliometric Analysis and Literature Review," *Asia Pacific Management Review* 28, no. 4 (2023): 567–83, <https://doi.org/10.1016/j.apmr.2023.04.002>.

⁵⁹ Deri Darmawan Lubis, "Dilemma of Consumer Protection Law Enforcement in E-Commerce in the Grabtoko Case: Who Is Responsible?," *SHISHYA: Studies and Perspectives on Law and Justice* 2, no. 1 (2026): 19–27.

⁶⁰ Solehudin et al., "Transformation of Shariah Economic Justice: Ethical and Utility Perspectives in the Framework of Maqashid Shariah."

⁶¹ Solehudin et al., "Transformation of Shariah Economic Justice: Ethical and Utility Perspectives in the Framework of Maqashid Shariah."

exploit information and coordination gaps to gain short-term profits.⁶² From an sharia economics perspective, such actions not only undermine the efficient allocation of resources but also violate the moral obligations of economic actors toward the community.⁶³

The literature indicates that a combination of business ethics training, supply chain transparency, and consistent law enforcement can curb opportunistic behavior.⁶⁴ Within the framework of sharia economics and *fiqh muamalat*, a preventive approach, through moral education for business actors and incentives for fair distribution practices is considered just as important as punitive sanctions.⁶⁵ Therefore, market-based ethical recommendations call for training programs, public reporting mechanisms, and a clear framework of administrative or criminal penalties to discipline market actors who violate ethical and legal norms.

Sharia economic analysis identifies post-disaster fuel hoarding as a serious normative violation of the *maqāsid al-sharī'ah*, the principle of distributive justice, and market ethical standards. The combination of empirical evidence from media reports and behavioral patterns at the retail level, along with findings in the literature, indicates that addressing this phenomenon requires a combination of instruments, including normative clarification regarding how *fiqh muamālāt* assesses the act of hoarding and its sanction criteria; improvements to distribution mechanisms to ensure equitable access; and ethical training programs that complement the legal enforcement framework. These findings will serve as the basis for discussing the framework of criminal liability for acts of illegal fuel hoarding.

Criminal liability and enforcement options for illegal fuel hoarding

Criminal liability traditionally requires proof of two central components: the material element (*actus reus*)—the external conduct or omission that objectively harms protected legal interests, and the mental element (*mens rea*)—the subjective state of the actor (intent, knowledge, recklessness, or negligence) that establishes culpability.⁶⁶ Contemporary criminal doctrine also recognises alternative bases for attribution, including corporate liability, strict-liability offences, and theories of identification or delegation that attribute the acts of

⁶² Ishaq et al., “Analyzing the Impact of Vandalism, Hoarding, and Strikes on Fuel Distribution in Nigeria.”

⁶³ Aulia, Ridlo, and NZ, “Studi Analisis Deskriptif Fenomena Ihtikar Atas Penimbunan Minyak Goreng Dan Konsekuensinya Terhadap Pengambilan Hak Orang Miskin Dalam Tinjauan Hadis.”

⁶⁴ Nurjannah Nurjannah et al., “Praktik Bisnis Yang Dilarang Dalam Islam: Perspektif Etika Dan Hukum,” *Al-Buhuts* 20, no. 1 (2024): 50–61.

⁶⁵ Nursaid Nursaid, Zain Smith, and Amrit Dhakal, “Development of Islamic Economics and Practices in Indonesia (2013-2023): Opportunities and Challenges,” *Revenue Journal: Management and Entrepreneurship* 1, no. 1 (2024): 51–63, <https://doi.org/10.61650/rjme.v1i1.323>.

⁶⁶ Keiler, “Actus Reus and Mens Rea: The Elements of Crime and the Framework of Criminal Liability.”

agents to organisations.⁶⁷ Any penal response must be anchored in fundamental criminal-law principles: legality (*nullum crimen sine lege*), proportionality, and the purposes of punishment (preventive, retributive, and restorative). These principles constrain both the substance of offences and the scale of sanctions to ensure fairness and effectiveness.⁶⁸

Emergencies and disaster contexts complicate the assessment of culpability in two interrelated ways:

1. distinguishing between opportunistic acts that warrant criminal punishment and acts intended for self-preservation, such as stockpiling for family needs; and
2. assessing the role of emergency circumstances as an aggravating or mitigating factor.

This concept of a state of emergency may give rise to certain exceptions, such as justifying actions that would otherwise be prohibited, but it can also serve as an aggravating factor if it is proven that the perpetrator exploited the situation to gain an unfair advantage.⁶⁹ Therefore, the rules of evidence, the assessment of the elements of fault, and the imposition of sanctions must always take the context into account, including whether the hoarding of fuel caused significant public harm or was merely a reasonable economic action.

Liability under Indonesian positive law

Article 23(1) of Law No. 22 of 2001 on Oil and Gas (Oil and Gas Law), as amended by Law No. 6 of 2023 on the Enactment of Government Regulation in Lieu of Law No. 2 of 2022 on Job Creation into Law (Job Creation Law) regulates downstream business activities, which include processing, transportation, storage, and trading. Thus, stockpiling or operating a downstream business without a permit falls under a specific regulatory framework and may be subject to administrative and criminal sanctions if carried out in violation of licensing provisions.⁷⁰ These provisions serve as the basis for determining whether the storage or trading of petroleum products is conducted within the framework of a licensed business or as an illegal activity that violates downstream oil and gas regulations.

⁶⁷ Lalu Saipudin et al., "The Concept of Corporate Criminal Liability in the Indonesian Criminal Law System," *Jurnal IUS Kajian Hukum Dan Keadilan* 13, no. 2 (2025): 475–99, <https://doi.org/10.29303/ius.v13i2.1817>.

⁶⁸ Syamsul Fatoni et al., "Asas Proporsionalitas: Perspektif Hukum Positif Dan Maqosid Syariah Dalam Sistem Peradilan Pidana," *Jurnal Hukum IUS QUIA IUSTUM* 32, no. 1 (2025): 46–71, <https://doi.org/10.20885/iustum.vol32.iss1.art3>; Elena Maculan and Alicia Gil Gil, "The Rationale and Purposes of Criminal Law and Punishment in Transitional Contexts," *Oxford Journal of Legal Studies* 40, no. 1 (2020): 132–57, <https://doi.org/10.1093/ojls/gqz033>.

⁶⁹ Supriyono Supriyono and Ahmad Yulianto Ihsan, "Criminal Liability in Prison Fire Case: A Case Study of Class I Tangerang Prison Fire," *Indonesian Journal of Criminal Law Studies* 7, no. 1 (2022): 127–46, <https://doi.org/10.15294/ijcls.v7i1.38377>.

⁷⁰ Yuda Andri, Abdul Rasyid Saliman, and Wijayano Hadi Sukrisno, "Legal Analysis of Law Enforcement Against the Misuse of Subsidized Fuel in the Province of Bangka Belitung Island," *International Journal of Science and Society* 7, no. 2 (2025): 578–87, <https://doi.org/10.54783/ijcsoc.v7i2.1471>.

Article 55 of the Oil and Gas Law jo. the Job Creation Law imposes a penalty of up to six years' imprisonment and a fine of up to Rp60,000,000,000 on any person who abuses the transportation and/or trade of government-subsidized petroleum products; this provision is considered a key provision for prosecuting perpetrators of subsidized fuel hoarding. As stated in the Article:

“Any person who misuses the transportation and/or trade of petroleum products, gas fuel, and/or liquefied petroleum gas that are subsidized and/or for which the supply and distribution are mandated by the Government shall be punished by imprisonment for a maximum of 6 (six) years and a fine of up to Rp60,000,000,000.00 (sixty billion rupiah).” (Translated).

The changes and revisions to legal norms introduced by the latest legislation in the Job Creation Law strengthen the severity of penalties and clarify the elements of the criminal offense of fuel distribution abuse. These provisions are frequently used as the basis for charges in fuel hoarding cases across various regions.

The provisions of Law No. 1 of 2023 on the Criminal Code (New Criminal Code) address the criminal offense of receiving stolen goods in Article 591, which prohibits the purchase, possession, sale, or concealment of property known or reasonably suspected to be derived from a criminal offense, punishable by up to 4 years' imprisonment and a fine. As stated in the Article:

“Any person who commits the offense of receiving stolen goods shall be punished by imprisonment for a maximum of 4 (four) years or a fine of up to Category V, namely Rp500 million, if such person: (a) purchases, offers, rents, exchanges, accepts as collateral or pawns, accepts as a gift, or for the purpose of deriving a profit, sells, rents, exchanges, pawns, transports, stores, or conceals an item known or reasonably suspected to have been obtained through a criminal offense; or (b) derives profit from the proceeds of an item known or reasonably suspected to have been obtained through a criminal offense.” (Translated).

The provisions on receiving stolen goods are relevant for prosecuting actors who not only hoard but also distribute fuel obtained through criminal acts or misuse; they close loopholes for parties acting as collectors or dealers who profit from goods derived from criminal acts. This provision enables law enforcement to target the downstream chain of hoarding, not merely the principal perpetrators.⁷¹

From the perspective of criminal liability theory, the above positive norms demonstrate a combination of approaches, including:

⁷¹ Samsuto Samsuto, Yasmirah Mandasari Saragih, and Biner Sihotang, “Kajian Yuridis Pertanggungjawaban Hukum Dalam Tindak Pidana Penadahan,” *Jurnal Riset Rumpun Ilmu Sosial, Politik Dan Humaniora* 5, no. 2 (2026): 683–693, <https://doi.org/10.55606/jurrish.v5i2.8462>.

1. a sufficiently clear definition of the prohibited act, such as the misuse of transportation or trade involving subsidized fuel;
2. the threat of severe penalties, including imprisonment and substantial fines, to serve as a deterrent; and
3. a scope that encompasses both direct perpetrators and intermediaries through the offense of receiving stolen goods.

However, a theoretical challenge arises in proving the elements of intent or exploitation in the context of a disaster, namely distinguishing between stockpiling for productive or family purposes and hoarding motivated by exploitation. Furthermore, the effectiveness of sanctions requires enforcement capacity ranging from investigations and distribution audits to document forensics so that the elements of *actus reus* and *mens rea* can be convincingly proven in court. Official legal sources indicate that the regulations are adequate in text, but empirical implementation is the key to successful enforcement.⁷²

Liability under Islamic Law

Criminal liability in Islamic law is the obligation of a person of sound mind and legal age to bear the legal consequences of criminal acts committed knowingly and of their own free will.⁷³ Hoarding of goods in Islam, or *ihdikār*, is the act of purchasing goods in excess of one's needs with the intent to hoard them, control the market, and sell them at exorbitant prices at one's discretion when the public is in need.⁷⁴ The prohibition against *ihdikār* has a strong legal basis in the hadiths of the Prophet Muhammad, peace be upon him (PBUH). Several hadiths narrated (*hadith riwayat/HR*) contain explicit statements, such as in the following hadith:

"From Ma'mar ibn 'Abdillah, may Allah be pleased with him (radiallahu 'anhu/RA), that the Prophet Muhammad, peace be upon him, said: 'It is not permissible to hoard goods; otherwise, one is considered a sinner.'" (HR. Muslim, no. 1605).

In addition to this hadith, there are other hadiths stating that hoarders will be cursed or deprived of Allah's mercy if they hoard the basic necessities of the people. As in the following hadith:

"From Ma'qil ibn Yasar RA, the Prophet Muhammad PBUH said: 'Whoever influences the price of foodstuffs for Muslims so that they become expensive, it is Allah's right to place him in a vast place in Hell on the Day of Judgment.'" (HR. Ahmad, 4: 485).

These narratives are used by the majority of scholars to emphasize that the hoarding of essential goods, which leads to poverty and scarcity, is a

⁷² Andri, Saliman, and Sukrisno, "Legal Analysis of Law Enforcement Against the Misuse of Subsidized Fuel in the Province of Bangka Belitung Island"; Sitompul and Lubis, "Tinjauan Hukum Pidana Dan Hukum Pidana Islam Terhadap Penimbunan Dan Penjualan BBM Bersubsidi."

⁷³ Zul Fahmi et al., "Criminal Liability for Illegal Abortion in Indonesian and Islamic Law: A Comparative Study," *Bilancia: Jurnal Studi Ilmu Syariah Dan Hukum* 19, no. 1 (2025): 35–68.

⁷⁴ Taufiq and Razali, "Ihtikar: Perilaku Menimbun Dalam Kajian Muamalah."

reprehensible act and is subject to both moral and legal sanctions. Contemporary studies of the hadith on *ihtikār* highlight the relevance of these texts in justifying state corrective measures against the hoarding of essential commodities. In essence, these hadiths do not merely contain ritual prohibitions but convey a normative message regarding the social responsibility of economic actors – that the economy must safeguard the public interest (*maslahah*) of the community.⁷⁵ Therefore, when fuel hoarding disrupts healthcare, transportation, and public safety services in the aftermath of a disaster, these hadiths serve as a basis for condemning such practices and supporting corrective actions by the authorities. This approach frames hoarding not merely as a moral sin, but as an act that threatens *hifzh al-nafs* and *hifzh al-māl* in accordance with the *maqāsid al-sharī'ah*.

The Qur'an also commands believing Muslims to pay zakat and not to hoard wealth. Those who refuse to pay zakat face the threat of Hellfire and its excruciating torment.⁷⁶ This is as Allah SWT States in the Qur'an, Surah (QS) al-Taubah, verses 34–35:

“O you who have believed, indeed many of the rabbis and monks devour the wealth of people unjustly and turn them away from the path of Allah. Those who hoard gold and silver but do not spend them in the way of Allah, give them the ‘good news’ that they will face a painful punishment on the Day when that (gold and silver) is heated in the Fire of Jahannam and then pressed onto their foreheads, bellies, and backs (while it is said), ‘This is what you used to hoard for yourselves (and did not spend). So taste the consequences of what you have been hoarding.’” (QS. al-Taubah [9]: 34–35).

In classical *fiqh* literature, there are various opinions regarding the scope and definition of *ihtikār*. The majority of scholars from the Hanafi, Maliki, Shafi'i, and Hanbali schools generally consider *ihtikār* to be a prohibited act when it involves staple goods and causes social harm, though there are differences regarding the scope of the objects in question, whether limited to staple goods or also including other necessities, as well as the timeframe involved.⁷⁷ Imam al-Ghazali tends to focus the prohibition on basic necessities

⁷⁵ Cahyani, “Menimbun Barang (Ihtikar) Perspektif Hadis (Suatu Kajian Tematik)”; Aulia, Ridlo, and NZ, “Studi Analisis Deskriptif Fenomena Ihtikar Atas Penimbunan Minyak Goreng Dan Konsekuensinya Terhadap Pengambilan Hak Orang Miskin Dalam Tinjauan Hadis.”

⁷⁶ Mabid Barokah, Johan Alamsah, and Anggun Puspita Ningrum, “Larangan Menimbun Harta Dalam Al-Qur'an (Analisis Metode Tafsir Maudhu'i Fazlur Rahman),” *Al-Dzikra: Jurnal Studi Ilmu Al-Qur'an Dan Al-Hadits* 17, no. 2 (2023): 313–24, <https://doi.org/10.24042/00202317701800>; Ayub Harahap, Roni Risky Nasution, and Aditia Ahmad Nst, “Principles of Zakat Management and Fiqhiyah Objectives: A Literatur Review of Verses, Hadiths, and Zakat Laws,” *SHISHYA: Studies and Perspectives on Law and Justice* 1, no. 2 (2025): 90–102.

⁷⁷ Muhammad Taufiqurrohmah, “Perbandingan Konsep Ihtikar Menurut Pendapat Fiqh Empat Mazhab Dan Konsep Penimbunan Barang Menurut Hukum Positif” (Thesis (Undergraduate), Universitas Islam Negeri Maulana Malik Ibrahim, 2016), <http://etheses.uin-malang.ac.id/6041>.

that have a direct impact on people's lives, while Yusuf al-Qaradawi extends the scope to include other basic necessities.⁷⁸ This distinction is relevant when determining whether fuel, which is not a staple food but is crucial for public service infrastructure, falls under the category protected by the prohibition against hoarding.

In practical application, contemporary research often interprets these texts contextually; that is, goods whose hoarding would cause significant public harm may be considered to fall under the scope of prohibited *ih tikār*, thereby warranting the imposition of *ta'zīr* sanctions or other forms of punishment prescribed by religious authorities.⁷⁹ This flexible madhhab approach allows *fiqh* to provide normative legitimacy to positive laws that address the hoarding of fuel in emergency situations.⁸⁰ Modern *fiqh* literature emphasizes that the *maqāsid al-sharī'ah* serve as the primary reference in determining whether firm action against hoarding is necessary.⁸¹

Contemporary studies link *fiqh* findings to modern economic realities, with research on *ih tikār* confirming that the traditional prohibition remains relevant for commodities that, under certain conditions—such as natural disasters—possess strategic importance, such that hoarding causes significant public harm.⁸² Studies on the application of Islamic law also advocate a combination of mechanisms: preventive measures through distribution transparency and quota controls, as well as repressive sanctions through *ta'zīr*, and administrative or criminal penalties to address hoarding practices.⁸³ This literature supports the understanding that *fiqh* can serve as a source of normative judgment that complements positive law.

In short, *fiqh* classifies hoarding, particularly of strategic goods that may threaten *hifz al-nafs* and *hifz al-māl*, as prohibited and subject to legal action. Differences among schools of thought explain variations in scope, but a moral consensus reinforces the legitimacy of positive norms that penalize fuel hoarders during emergencies. Therefore, the integration of *fiqh* principles (the prohibition of *ih tikār*, *maqāsid al-sharī'ah*) and positive norms forms the ethical-legal foundation for proportional enforcement measures.

⁷⁸ Imam Fakhruddin, "Ihtikār Dalam Pemikiran Imam Ghazali Dan Yusuf Qardhawi," *An-Nawa: Jurnal Studi Islam* 2, no. 2 (2020): 66–83, <https://doi.org/10.37758/annawa.v2i2.120>.

⁷⁹ Sitompul and Lubis, "Tinjauan Hukum Pidana Dan Hukum Pidana Islam Terhadap Penimbunan Dan Penjualan BBM Bersubsidi."

⁸⁰ Taufiqurrohman, "Perbandingan Konsep Ihtikar Menurut Pendapat Fiqh Empat Mazhab Dan Konsep Penimbunan Barang Menurut Hukum Positif."

⁸¹ Mahfuzah and Syafiq, "Maqasid Al-Shari'ah's Analysis of the Prohibition of Ihtikar in the Perspective of Sharia Economic Law Between the Principles of Benefit and Justice."

⁸² Aulia, Ridlo, and NZ, "Studi Analisis Deskriptif Fenomena Ihtikar Atas Penimbunan Minyak Goreng Dan Konsekuensinya Terhadap Pengambilan Hak Orang Miskin Dalam Tinjauan Hadis"; Taufiq and Razali, "Ihtikar: Perilaku Menimbun Dalam Kajian Muamalah."

⁸³ Sitompul and Lubis, "Tinjauan Hukum Pidana Dan Hukum Pidana Islam Terhadap Penimbunan Dan Penjualan BBM Bersubsidi."

A comparison of positive law and Islamic law, and enforcement options

After analyzing the illegal hoarding of fuel under positive law in Indonesia and Islamic law, we can compare how these two legal systems view such illegal acts, particularly when committed during the emergency period following the natural disaster that occurred in North Sumatra. The following is a brief comparison of positive law and Islamic law, as shown in Table 3 below:

Table 3. Comparison of positive law and Islamic law regarding illegal hoarding of fuel

Aspect	Positive Law	Islamic Law
Sources	The Oil and Gas Law <i>jo.</i> the Job Creation Law, and the New Criminal Code.	The Qur'an, hadith, and the <i>ijtihad</i> of scholars.
Scope	Subsidized fuel, downstream activities such as transportation, trade, or storage.	Generally, basic necessities; contemporary interpretations include strategic goods, including fuel.
Elements	Elements of misuse of transportation or trade, intent to exploit, and actual conduct.	<i>Ihtikār</i> : intent to withhold goods to raise prices; causing public harm.
Penalties	Imprisonment (up to 6 years), substantial fines (up to billions), and confiscation (Article 591 of the New Criminal Code).	<i>Ta'zīr</i> or moral sanctions, penalties determined by the authorities (which may be administrative or criminal in an Islamic state).
Proof	Forensic evidence of distribution, documents, witnesses, and audits.	Evidence of intent from the act; the <i>maqāsid al-shari'ah</i> criteria for determining public harm.
Purpose	Prevention, enforcement of legal certainty, and state restitution.	Protecting the <i>maslahah</i> , and preventing injustice (<i>zulm</i>).

Source: processed by the author from various sources.

The first enforcement option emphasizes structured, evidence-based criminal prosecution by utilizing provisions of the New Criminal Code, particularly Article 591 on receiving stolen goods, and Article 55 of the Oil and Gas Law *jo.* the Job Creation Law to prosecute key perpetrators, collectors, and illicit distribution networks. Practical implementation requires investigative capacity—quota audits, document forensics, tracing the distribution chain, seizing evidence, and applying the doctrine of corporate liability when necessary. Previous legal research has highlighted that regulations regarding fuel misuse are already quite stringent in text, but the main weakness lies in evidence and tracing the chain, from quota deviations, forged documents, and collusion between operators and buyers, so enforcement requires coordination among law enforcement agencies, including the police, the prosecutor's office,

and the oil and gas regulator, as well as the use of economic investigative tools.⁸⁴

The second option complements the repressive approach with preventive and restorative measures, including increased transparency in the supply chain and real-time information systems for quotas or distribution, ethics training for certified gas station operators and business entities, and the swift imposition of administrative sanctions in the event of violations, restitution mechanisms for victims and the auctioning of confiscated stock, as well as swift administrative legal action in the form of revoking business licenses at the retail level if collusion is proven. Previous research on addressing hoarding during the COVID-19 crisis—including shortages of masks, medicines, and food—recommends a combination of legal enforcement, market regulation, and rapid response mechanisms to minimize public harm.⁸⁵ This conclusion remains relevant when applied to the context of post-disaster fuel hoarding at the local level, particularly in Mandailing Natal.

Conclusion

The findings of this study indicate that the identified practices of fuel hoarding following natural disasters in Sumatra, particularly at the district level, exacerbated shortages already triggered by disruptions to logistics and infrastructure. Documentary evidence from local news reports reveals patterns of illegal storage in warehouses or drums, collusion between gas station operators and fuel collectors, and adaptive mechanisms such as modifying vehicle fuel tanks and using jerry cans that allow fuel to bypass official distribution channels. The empirical impacts are clear: long lines, rising local prices, and disrupted access for vulnerable groups, which slow down the community recovery process in study areas such as North Sumatra and, more specifically, in Mandailing Natal.

From a normative perspective, a combination of sharia economic analysis and legal scholarship demonstrates that the practice of hoarding is contrary to the principles of *maqāsid al-sharī'ah*—specifically *hifz al-nafs* and *hifz al-māl*—the principle of distributive justice, and market ethical standards that demand concern for the public interest. Indonesian positive law has provided relevant criminal and administrative instruments through provisions regarding the misuse of the transportation or trade of subsidized fuel in the Oil and Gas Law *jo.* the Job Creation Law and provisions on receiving stolen goods in the New Criminal Code. However, this study highlights implementation gaps, namely the burden of proving exploitative intent, tracing the distribution chain, and inter-agency investigative capacity, which remain major obstacles. *Fiqh muamālāt* and the views of contemporary scholars provide normative legitimacy for proportional intervention, including *ta'zīr* sanctions and restorative

⁸⁴ Samsuto, Saragih, and Sihotang, “Kajian Yuridis Pertanggungjawaban Hukum Dalam Tindak Pidana Penadahan.”

⁸⁵ Arsil and Ayuni, “Model Pengaturan Kedaruratan Dan Pilihan Kedaruratan Indonesia Dalam Menghadapi Pandemi Covid-19.”

measures, while also emphasizing the importance of prevention to protect the public interest.

From these findings and analyses, valuable practical conclusions can be drawn for policy: the handling of fuel hoarding in the aftermath of a disaster must combine firm, evidence-based law enforcement with preventive and restorative measures, such as transparency regarding quotas and real-time information systems, distribution audits, ethical training for retailers, and restitution mechanisms for victims. Harmonization between positive norms and the principles of *fiqh* or Islamic law, as well as the *maqāsid al-sharī'ah*, must be embodied in operational guidelines at the local level to ensure that enforcement is lawful, proportional, and socially effective. This study fills a gap in the literature by presenting an integrated normative-empirical analysis. Further research is recommended to conduct quantitative verification of fuel distribution, evaluate the effectiveness of enforcement measures, and conduct comparative studies across regions to formulate a more practical policy model.

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During the preparation of this manuscript, the authors utilized ChatGPT and QuillBot to assist with grammar checking, correcting typographical errors, and improving the overall readability of the text. All outputs generated with the assistance of these tools were subsequently reviewed and edited by the authors, who assume full responsibility for the final content of the published article. The authors declare that they have no known competing financial interests or personal relationships that could have appeared to influence the work reported in this paper.

Author Contributions

Conceptualization of the study was undertaken by R.H.L. and M.M. Methodology development was carried out by R.H.L. and M.M. Validation was conducted by T.N.F. and A.R.N. The research was supervised by R.H.L., K., and T.N.F. The original draft of the manuscript was prepared by R.H.L., K., and M.M. All authors contributed to the review and editing of the manuscript and have read and approved the final published version.

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