

# Legal Analysis of Law Enforcement Against the Misuse of Subsidized Fuel in the Province of Bangka Belitung Island

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## Abstract

This research aims to examine the forms of abuse of subsidized Fuel Oil (BBM) and analyze the legal review of law enforcement against such acts in the Province of Bangka Belitung Island. The misuse of subsidized fuel not only causes state losses but also directly impacts the community, particularly low-income groups who are intended to be the primary beneficiaries. The research method employed is a normative juridical approach with a legislative focus and case analysis in the region. The research results indicate that subsidized fuel abuse in the Province of Bangka Belitung Island occurs through practices such as hoarding, diversion of distribution, and document forgery. Legally, law enforcement efforts face various challenges, including weak distribution oversight, limited inter-agency coordination, and legal sanctions that have yet to have a deterrent effect. This research recommends strengthening regulations, enhancing supervision, and imposing stricter sanctions to curb the misuse of subsidized fuel and protect community rights.

**Keywords:** *Abuse of Subsidized Fuel; Legal Review; Law Enforcement.*



## A. INTRODUCTION

The abuse of subsidized fuel (BBM) in Indonesia, (Sihaloho et al., 2025) including on the Bangka Belitung Island, has become a concrete legal issue that repeatedly surfaces. Although the government has established a fuel subsidy policy to assist low-income communities, in practice, this fuel subsidy is often misused by specific individuals or corporations. Such abuse can take the form of hoarding, redirecting subsidized fuel distribution to non-priority industries, or falsifying transportation documents. This phenomenon not only violates the applicable legal provisions but also causes significant losses to the state and results in fuel shortages for the community that should receive subsidies. On the other hand, weak supervision, lack of coordination among law enforcement officers, and the low deterrent effect of the legal sanctions imposed further exacerbate the complexity of this issue at the regional level.

Normatively, the misuse of subsidized fuel is contrary to the provisions in Law Number 22 of 2001 concerning Oil and Natural Gas, (Sulaiman & Nento, 2023) Law Number 6 of 2023 concerning the Enactment of Government Regulation in Lieu of Law Number 2 of 2022 concerning Job Creation into Law (which revises several provisions related to oil and gas), Presidential Regulation Number 117 of 2021 concerning the Third Amendment to Presidential Regulation, Number 191 of 2014 concerning the Provision, Distribution, and Retail Selling Price of Fuel Oil, as well as several related criminal provisions. However, in the practice of law enforcement,

various obstacles have been found, ranging from proving unlawful actions to limitations in monitoring the distribution routes of fuel in remote areas. This indicates a significant gap between the ideal legal norms and their implementation in the field.

In the Province of Bangka Belitung Island, the misuse of subsidized fuel has become a significant concern. As an island province with developing mining, fishing, and tourism sectors, the demand for energy is very high (Yuliani, 2020). The geographical condition, which spreads across small islands, complicates the distribution of fuel, thus creating gaps for malpractice. Several cases of subsidized fuel misuse by police and prosecutors in recent years suggest that this phenomenon cannot be viewed as merely sporadic but rather as a structural problem that requires systemic solutions (Mastura et al., 2023).

This abuse directly impacts the community. Fuel that should be easily accessible and affordable for fishermen, farmers, and low-income communities has become scarce and expensive instead. As a result, there is economic pressure that has the potential to increase the poverty rate in the area. Furthermore, these abusive practices often remain unaddressed due to ineffective legal measures. In that case, it will lead to a delegitimization of the law in the eyes of the public, weakening the sense of social justice that is a fundamental principle in a rule of law state.

Within the framework of Indonesia's positive law, law enforcement against the misuse of subsidized fuel requires a comprehensive approach. It is not enough to rely solely on the repressive aspect (law enforcement after the violation occurs) but the preventive aspect (prevention through regulation and supervision) must also be strengthened. Criminal sanctions, both primary and additional, must be enforced consistently to create a deterrent effect. (Kodai & Suleman, 2023) However, the reality on the ground shows that the law enforcement process is often hindered by technical and non technical factors, such as weak evidence, interest interventions, or even the lack of synchronization between laws and regulations.

Several previous studies have indeed discussed the issue of subsidized fuel in general. Still, very few have specifically examined it in the context of the Province of Bangka Belitung Island, taking into account the local community's geographical, economic, and social characteristics. Therefore, this research is essential and makes significant scientific contributions to both the development of legal science and the provision of practical input to policymakers.

This research aims to identify the forms of subsidized fuel abuse occurring in the Province of Bangka Belitung Island, as well as to analyze the effectiveness and legal constraints in its enforcement. By employing a normative juridical approach in conjunction with concrete case studies, a comprehensive understanding of the dynamics of this issue can be gained, along with the formulation of actionable recommendations to enhance the effectiveness of law enforcement in the future.

The urgency of this research is also driven by the government's efforts to regulate the use of subsidized fuel, aiming to support national energy resilience and enhance public welfare. Without strict legal enforcement, the subsidy policy, which

is supposed to function as an instrument of social justice, instead has the potential to become a new source of injustice.

With that background, this research is expected to address two main issues: first, what forms of subsidized fuel abuse occur in the Province of Bangka Belitung Island, and second, how the legal review of law enforcement efforts against subsidized fuel abuse in that region is conducted (Prakasa & Fahmi, 2024). The results of this research will not only enrich the body of legal studies related to energy and natural resources but also serve as an essential reference for law enforcement officials, local governments, and academics in formulating policies and strategic measures to address this issue.

## **B. METHOD**

This research employs normative legal research methods, utilizing both a statutory and case-based approach. The data sources used include primary legal materials, such as regulations related to the misuse of subsidized fuel and court decisions; secondary legal materials, including books, scientific journals, and previous research findings; and tertiary legal materials, including legal dictionaries and encyclopedias. The data collection method involved conducting library research by reviewing various legal documents and relevant literature. The collected data is then analyzed qualitatively by describing, interpreting, and constructing the data to produce systematic and logical legal conclusions regarding the forms of subsidized fuel abuse and law enforcement efforts in the Bangka Belitung Islands Province.

## **C. RESULTS AND DISCUSSION**

### **1. Forms of Subsidized Fuel Misuse in the Province of Bangka Belitung Island.**

Subsidized Fuel Oil (BBM) in Indonesia, including on the Bangka Belitung Island, is intended for specific groups of society, such as small fishermen, farmers, and low-income communities. Fuel subsidies are part of the government's policy to ensure energy justice, reduce the cost of living burden, and support the productivity of vital sectors for the lower-income population. However, in its implementation, various forms of subsidized fuel misuse often occur and become serious legal issues that require comprehensive handling.

In the Province of Bangka Belitung Island, the misuse of subsidized fuel is generally carried out through several structured methods. One of the most common forms of abuse is hoarding. (Sihombing & Noor, 2024) The hoarding of subsidized fuel is carried out by purchasing large quantities of fuel using vehicles that have been modified to increase their tank capacity or by making repeated purchases (either using QR Codes or Fuel Cards) by unauthorized parties or through the misuse of recommendation letters, and then storing the fuel in illegal tanks in hidden warehouses. The goal is to resell the subsidized fuel at a higher price to industrial parties or general consumers who need a quick supply, thereby allowing the perpetrators to gain significant illegal profits. This practice clearly contradicts the provisions of Law Number 22 of 2001 concerning Oil and Natural Gas, Law Number

6 of 2023 concerning the Enactment of Government Regulation in Lieu of Law Number 2 of 2022 concerning Job Creation into Law (which revises several provisions related to oil and gas), Presidential Regulation Number 117 of 2021 concerning the Third Amendment to Presidential Regulation Number 191 of 2014 concerning the Provision, Distribution, and Retail Selling Price of Fuel Oil, and other rules or regulations governing Fuel Oil (BBM) in Indonesia.

Besides hoarding, another form of abuse that frequently occurs is the diversion of distribution (Surya & Suhartini, 2023). This diversion usually involves agents, gas stations, or fishermen's gas stations (SPBUN), such as the involvement of gas station operators who deliberately serve subsidized fuel purchases by unauthorized parties, the participation of specific individuals at fishermen's gas stations (SPBUN) where the fuel quota intended specifically for fishermen is sold to non-fishermen or other actors who have access to the official distribution channels of subsidized fuel, who then divert the subsidized fuel to sectors where it should not be, such as mining companies, large plantations like palm oil, or the manufacturing industry. In the Province of Bangka Belitung Island, where the tin mining and palm oil plantation sectors are rapidly developing, the energy demand from the industrial sector is very high. This creates an opportunity for individuals to divert subsidized fuel to the industrial sector in exchange for significant financial gains. However, according to the applicable regulations, the industrial sector is required to use non-subsidized fuel at commercial prices. This action not only harms the state's finances but also violates the principle of social justice in the distribution of national energy.

Next, another form of abuse is also frequently found in **document forgery** (Rizaldi & Hosnah, 2024). In practice, this document forgery can take the form of fake recommendation letters that appear to be issued by the relevant departments (such as the Marine and Fisheries Department or the Agriculture Department), allowing the perpetrators to purchase subsidized fuel in large quantities without meeting the legitimate requirements. This modus operandi is very detrimental to the state because it creates a fictitious demand for subsidized fuel that should be allocated to eligible communities. In the context of criminal law, this act of forgery fulfills the elements of the crime of forgery as regulated in Article 263 of the Indonesian Penal Code (KUHP).

The geographical factors of the Province of Bangka Belitung Island also contribute to the high rate of subsidized fuel misuse. As an archipelagic region consisting of many small islands, the distribution of subsidized fuel is often complex to monitor closely. The long sea distribution routes and the lack of adequate supervision at small ports create gaps that actors exploit to smuggle subsidized fuel. Subsidized fuel intended for remote islands to meet the needs of fishermen and village communities is instead diverted to the commercial sector in areas with high economic activity. This situation shows that the aspect of distribution oversight has become a weak point in the subsidized fuel distribution system in the area (Hariqah & Yusran, 2024).

The phenomenon of subsidized fuel abuse in the Province of Bangka Belitung Island cannot be separated from the interrelated economic and legal factors. From a

financial perspective, the price disparity between subsidized fuel and non-subsidized fuel is huge, creating high incentives or profits for actors to seek quick gains through diversion activities. From a legal perspective, weak oversight, limited effective law enforcement, and regulatory loopholes are the primary factors driving the prevalence of this practice. For example, the limited capacity of supervisory agencies to monitor the distribution of fuel from depots to end consumers, as well as the minimal use of information technology in distribution oversight, (Chantika et al., 2024) provides ample room for deviation by perpetrators.

Further analysis reveals that the abuse of subsidized fuel on Bangka Belitung Island also involves a complex network. It is not only carried out by individuals or small groups but also involves collusion between distribution agents, rogue officials, and entrepreneurs. These collusive relationships make the practice of abuse increasingly difficult to uncover and take legal action against. The presence of significant economic interests often leads to these practices being protected or even backed by certain powers, both at the local and national levels.

The impact of various forms of abuse on society is very significant. On the one hand, the availability of subsidized fuel becomes limited, so eligible communities, such as small fishermen and farmers, face shortages or must buy fuel at prices far above the subsidized rate. On the other hand, this creates social inequality and exacerbates the economic burden on the lower-income population. On a macro level, this practice also harms the state's finances because the subsidies provided are not targeted (Soen et al., 2022), causing the primary objective of the subsidy policy equitable welfare distribution to be unachieved.

From a legal perspective, various forms of subsidized fuel abuse should be subject to several legal instruments, including Law Number 22 of 2001 on Oil and Natural Gas, Law Number 6 of 2023 on the Enactment of Government Regulation in Lieu of Law Number 2 of 2022 on Job Creation into Law (which revises several provisions related to oil and gas), as well as provisions in the Criminal Code and anti-corruption laws if the abuse involves state apparatus. However, the effectiveness of applying this law highly depends on the courage and integrity of law enforcement officers, as well as the support of a transparent and accountable system.

Thus, the forms of subsidized fuel abuse in the Province of Bangka Belitung Island can be categorized into three major categories: hoarding, diversion of distribution, and document forgery, with the background of economic factors, legal weaknesses, and geographical conditions that support the occurrence of these practices. Addressing this issue requires a multi-level strategy, not only by tightening law enforcement's repressive measures but also by improving the oversight system, increasing transparency, and strengthening existing regulations.

## **2. Legal Review of Law Enforcement against the Misuse of Subsidized Fuel in the Province of Bangka Belitung Island.**

Law enforcement against the misuse of subsidized fuel in the Province of Bangka Belitung Island is a complex challenge, considering the characteristics of this archipelagic region and the high economic value of such malpractice. Legally, the

legal framework regulating prohibitions, sanctions, and oversight mechanisms against the misuse of subsidized fuel is already in place. However, the effectiveness of its implementation in the field is still far from optimal, marked by the continued prevalence of hoarding cases, distribution diversion, and document forgery related to subsidized fuel.

The primary legal basis for enforcing the misuse of subsidized fuel is Law Number 22 of 2001 concerning Oil and Natural Gas and Article 55 of Law Number 6 of 2023 concerning the Stipulation of Government Regulation in Lieu of Law Number 2 of 2022 concerning Job Creation into Law (related to oil and gas) that "Any person who misuses the Transportation and/or Trade of subsidized Oil Fuel and/or its provision and distribution assigned by the Government" may be subject to criminal sanctions. The penalty for this violation is imprisonment for a maximum of 6 (six) years and a fine of up to Rp60,000,000,000.00 (sixty billion rupiah). In addition, Presidential Regulation Number 117 of 2021 concerning the Third Amendment to Presidential Regulation Number 191 of 2014 on the Provision, Distribution, and Retail Selling Price of Fuel Oil clarifies the categories of those entitled to receive subsidized fuel and regulates the distribution mechanism to ensure that subsidies are targeted correctly (Nainggolan et al., 2024). With these provisions, the misuse of subsidized fuel, whether in the form of distribution diversion or hoarding, should be firmly prosecuted under the law.

From the perspective of law enforcement, the approach taken by law enforcement officers in the Province of Bangka Belitung Island so far has been more repressive, involving investigations, arrests, and prosecutions after the violation has occurred. Some cases have been successfully brought to court and received verdicts, but the scale of the cases addressed is still small compared to the potential abuse occurring in the field. One of the main obstacles is the difficulty in proving, especially in establishing, a direct link between the perpetrator and the deviation in the distribution of subsidized fuel. For example, in hoarding cases, authorities must prove that the fuel found originated from the subsidized distribution channel and was obtained unlawfully or in violation of applicable laws.

The legal review also reveals that, in addition to the technical challenges of proof, there are regulatory obstacles in the form of unclear governance regarding the distribution of subsidized fuel data. Every transaction of subsidized fuel purchase at gas stations or agents should be meticulously documented, including the buyer's identity, the volume, and the purpose of the purchase. However, in practice, this documentation is often inaccurate or even deliberately manipulated. This results in law enforcement having difficulty tracing the distribution routes of subsidized fuel in detail, thereby weakening the effectiveness of the investigation.

Law enforcement against the misuse of subsidized fuel is also not free from the aspect of legal sanctions applied. In several cases, the criminal penalties imposed tend to be lenient and do not create a sufficient deterrent effect. In fact, the penal provisions in the Oil and Gas Law are already quite severe from a normative perspective. The lenient sentences are often attributed to judges considering the social circumstances

of the perpetrators or the excuse of economic necessity; however, if this practice continues, it can encourage other perpetrators to commit similar violations. In this context, the application of the principle of *ultimum remedium* in economic criminal law needs to be considered more selectively (Fitri, 2020). The abuse of subsidized fuel, which has a significant impact on the broader community's economy, should be addressed with stricter and more consistent law enforcement.

In terms of preventive efforts, local governments, in collaboration with law enforcement agencies, play a strategic role in reducing the space for abuse. Strengthening distribution oversight, especially at small ports and inter-island sea routes, is a step that must be immediately optimized. Digital technology, such as the use of QR codes, GPS monitoring systems on distribution vehicles, and the integration of national distribution data, can be a solution to enhance transparency and accountability. However, to date, the implementation of such technology in the Province of Bangka Belitung Island remains minimal.

Additionally, a legal review of the fuel subsidy policy suggests that there is a need for synchronization between regional regulations and national guidelines (Busroh et al., 2024). Many regional governments have not yet established clear derivative rules to support the supervision of subsidized fuel. As a result, even though the police carry out enforcement actions, they are often not followed by supportive administrative processes such as the revocation of agent business licenses or the imposition of other preventive administrative sanctions. This synchronization is essential to ensure that law enforcement efforts are not solely based on criminal actions but also administrative and civil sanctions, thereby strengthening the deterrent effect.

Community involvement in the oversight process is also an essential aspect of a legal review. (Alelxaender, 2023) The principle of community participation in administrative law and environmental law, for example, can be adopted in the context of monitoring the distribution of subsidized fuel. Providing the public with access to report suspected abuse, accompanied by whistleblower protection guarantees, can be an effective tool to expand the scope of oversight. Unfortunately, the community reporting mechanism for fuel abuse cases in this area is still not functioning optimally, either due to distrust of the authorities or fear of intimidation from the perpetrators.

In law enforcement practices in the Province of Bangka Belitung Island, there are also serious challenges in the form of interest interventions. The abuse of subsidized fuel often involves actors with strong economic and political networks, which can disrupt law enforcement efforts through pressure or even collusion practices. Legally, this condition reflects the need to strengthen the principle of independence of law enforcement officers as regulated in Law Number 8 of 1981 concerning the Criminal Procedure Code (KUHAP) and the basic principle of the rule of law according to Article 1 paragraph (3) of the 1945 Constitution of the Republic of Indonesia. Without courage and independence in action, law enforcement officers will always be in a weak position when facing organized economic crime perpetrators.

Overall, the juridical review of law enforcement efforts against the misuse of subsidized fuel in the Province of Bangka Belitung Island shows that the issue is not only about the weakness of substantive law but also about the weakness of law enforcement implementation (HR, 2021). To improve this situation, reforms are needed in various sectors, starting from simplifying regulations, optimizing technology-based supervision, and strengthening inter-agency coordination to independent law enforcement free from political or economic intervention.

In the long-term framework, it is also necessary to consider the reorientation of fuel subsidy policies. Instead of using a goods subsidy scheme that is prone to misuse, the government could consider a direct subsidy scheme based on beneficiary data (such as through a national single identity system), making the distribution of subsidies more targeted and less susceptible to misuse (Paramita et al., 2020).

Thus, although the legal framework for addressing the misuse of subsidized fuel in the Province of Bangka Belitung Island is already in place, the success of its enforcement heavily depends on the integrity, professionalism, and innovation of the authorities and related agencies in monitoring and handling the cases that arise. The continuous improvement of the legal system is crucial to ensuring that fuel subsidies truly become an instrument of social justice rather than a source of new injustices.

#### **D. CONCLUSION**

Based on the analysis outlined above, there are two important conclusions in this research, namely. First, the forms of subsidized fuel abuse occurring in the Province of Bangka Belitung Island include hoarding practices, diversion of distribution to unauthorized parties, and forgery of fuel distribution documents. This abuse is caused by weak distribution supervision, high disparities in non-subsidized fuel prices, and the existence of an organized network of perpetrators, resulting in fuel scarcity in the community and distortion of basic commodity prices. Second, a legal review of law enforcement efforts reveals that although the legal basis for addressing the misuse of subsidized fuel is available through Law Number 22 of 2001 on Oil and Natural Gas and its derivative regulations, implementation in the field still faces significant obstacles. These obstacles include difficulties in proving violations, weak inter-agency coordination, suboptimal technology-based supervision, and low deterrent effects due to the inadequate enforcement of sanctions. Therefore, law enforcement needs to be strengthened through the reform of the oversight system, the enhancement of officials' professionalism, and the use of technology to ensure the transparency of subsidized fuel distribution.

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