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LEGAL ANALYSIS OF THE CIRCULATION OF COUNTERFEIT OIL IN WEST KALIMANTAN

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ABSTRACT

The circulation of counterfeit motor oil in West Kalimantan has become a growing legal and social problem as public demand for motor vehicles increases. This practice not only causes economic harm to consumers but also threatens the safety of vehicle users and infringes upon the trademark rights of legitimate businesses. This study aims to analyse the forms of counterfeit motor oil circulation, the contributing factors, the effectiveness of law enforcement, and its impact on the community in West Kalimantan. The research method employed is qualitative research using a case study approach. Data collection techniques involved observation, interviews, and documentation with police officers, consumers, and business operators. Data analysis utilised the Miles, Huberman, and Saldaña model through data reduction, data presentation, and drawing conclusions. The research findings indicate that the circulation of counterfeit oil is influenced by economic factors, low public legal awareness, weak supervision of goods distribution, and the growth of digital commerce. Law enforcement remains suboptimal; therefore, strengthened supervision, public education, and inter-agency collaboration are required to protect consumers and eradicate the trade in counterfeit oil.

Keywords: *counterfeit oil, consumer protection, law enforcement, brands, West Kalimantan.*

INTRODUCTION

The circulation of counterfeit oil is a form of trade crime that is growing rapidly in line with the public's increasing demand for motor vehicles (Haque et al., 2021). Globally, the counterfeiting of automotive products has become a serious concern as it not only harms consumers but also threatens economic stability and the protection of intellectual property rights. *The International Trademark Association* (INTA) explains that counterfeit automotive products, including vehicle lubricants, form part of cross-border economic crime involving networks

illegal distribution and the exploitation of weak market oversight(OECD & Office, 2025) . This phenomenon demonstrates that oil counterfeiting is a multidimensional issue involving legal, economic, social and consumer safety aspects.

From a legal perspective, such practices not only cause material harm to consumers but also create legal uncertainty within the national trading system. According to Satjipto Rahardjo, the law functions as an instrument of social protection that must be capable of guaranteeing a sense of security and justice for society (Wilatika et al., 2022) . Therefore, the circulation of counterfeit oil is viewed as an act contrary to the objectives of the law as it deprives consumers of their right to obtain safe and high-quality goods. In Indonesia, the high growth in motor vehicles has led to an increased demand for vehicle lubricants (Nailis, 2016) . This situation is exploited by illegal businesses to produce and distribute counterfeit oil in packaging resembling the genuine product (et al., 2022) . According to Sudikno Mertokusumo, the law serves to create order and provide protection for the interests of society (Mertokusumo, n.d.) . In this context, the circulation of counterfeit oil runs counter to the objectives of the law as it causes economic losses and undermines consumer confidence in the use of automotive products (Rahayu et al., 2025) .

In theory, legal protection forms the main basis of this study. According to Philipus M. Hadjon, legal protection is an effort to safeguard human dignity through the recognition of the rights of legal subjects. In the context of the circulation of counterfeit motor oil, legal protection is realised through regulations governing consumer rights and the obligations of business operators. The circulation of counterfeit oil is legally contrary to Law No. 8 of 1999 on Consumer Protection. Article 8(1)(a) and (d) prohibit business operators from trading in goods that do not meet standards and do not correspond to their actual condition (Rahayu et al., 2025) . Furthermore, Article 62 imposes criminal penalties on business operators who violate these provisions (Amri, 2022) . From a criminal law perspective, the act of oil counterfeiting can also be categorised as a form of fraud that harms the public for the sake of economic gain (Akmal, 2025) .

In addition to consumer protection, the practice of oil counterfeiting also violates the provisions of Law No. 20 of 2016 on Trademarks and Geographical Indications. Article 100 stipulates that any person who, without authorisation, uses a trademark that is substantially similar to a registered trademark is liable to imprisonment and a fine (Yuliyanto, 2023) . Satjipto Rahardjo states that the law must be able to provide progressive social protection for the public and business operators who have suffered losses (Anisa Rizki Fadhila, 2021) . Therefore, oil counterfeiting not only undermines consumer confidence but also disrupts a healthy business competitive environment.

The circulation of counterfeit motor oil in Indonesia has been observed in various strategic commercial areas (Agency, 2025) . Based on police reports and national news coverage from 2025–2026, law enforcement agencies have successfully uncovered a number of warehouses where used oil is repackaged as new oil under well-known brands(*Suspected to be Counterfeit, West Kalimantan Regional Police Conduct Crime Scene Investigation at Oil Warehouse in Kubu*, n.d.) . The modus operandi generally involves collecting used bottles, refilling them with low-quality liquid, and selling them through garages or online

platforms. This practice highlights weaknesses in the supervision of goods distribution and low public awareness of the dangers of using counterfeit oil (Gunawan, 2023.) . As is the case in West Kalimantan, which is one of the regions vulnerable to the circulation of counterfeit oil due to its active cross-border trade routes with neighbouring Malaysia (Elyta, 2017) .

Report data indicates an increase in the number of cases involving the circulation of counterfeit motor oil in West Kalimantan over the past five years. Based on a compilation of data from media reports, police records and field observations, the number of cases has shown an upward trend year on year. This situation suggests that law enforcement and the monitoring of goods distribution are not yet functioning optimally. As evidenced by the rise in cases of counterfeit motor oil circulation in West Kalimantan during the 2025–2026 period. The table below:

Year	Number of Findings/Cases	Notes
2022	1 case	Limited findings from public reports
2023	2 cases	Illegal distribution begins to be detected in garages
2024	4 cases	Local media have begun to highlight the circulation of counterfeit oil
2025	7 cases	Major bust by the Special Crimes Directorate of the West Kalimantan Regional Police
2026	9 cases	Cases enter the P-21 stage and prosecution proceedings

Source: West Kalimantan Regional Police Report

From the above discussion, it is evident that a number of previous studies have addressed legal protection for consumers against counterfeit goods and the criminal offence of trademark counterfeiting. For instance, Prasetyo’s (2021) study focuses more on aspects of consumer protection, whilst Rahmawati (2022) examines trademark law enforcement in relation to counterfeit automotive products. Hidayat’s (2023) study discusses the monitoring of illegal trade in border areas. However, the majority of studies remain largely normative and have not yet extensively examined the empirical experiences of the community or the distribution patterns of counterfeit motor oil in West Kalimantan. The limitations of previous research are also evident in the minimal use of qualitative approaches to understand distribution patterns, monitoring processes, and obstacles to law enforcement regarding the circulation of counterfeit oil. Yet qualitative approaches are essential for exploring the experiences of law enforcement officials, business operators, and consumers regarding these illegal trading practices. Consequently, there remains a research gap that requires more in-depth empirical and sociological analysis. Furthermore, this study aims to analyse the circulation of counterfeit oil in West Kalimantan from the perspectives of consumer protection law, criminal law, and trademark law. The research focuses on the forms of circulation, causal factors, the effectiveness of law enforcement, and its impact on society. This study is expected to provide a theoretical contribution to the development of legal studies on trade and consumer protection , as well as a practical contribution in the form of policy recommendations for law enforcement agencies and local governments in combating the circulation of counterfeit oil in West Kalimantan

RESEARCH METHODOLOGY

This research employs a qualitative method using a case study approach to examine the prevalence of counterfeit motor oil in West Kalimantan from the perspectives of the law and the social conditions of the community. According to (Creswell and Poth (2021) , case studies are used to examine a phenomenon directly in real-world conditions. The research was conducted in the city of Pontianak and several border areas of West Kalimantan. The research informants consisted of police officers, garage owners, motor vehicle consumers, and officials from the trade department. Informants were selected using purposive sampling, which involves selecting individuals considered to be knowledgeable about the research issue. In addition, *snowball* sampling was also used to obtain additional informants based on recommendations from previous informants.

Data collection was carried out through observation and documentation. Observations were conducted at several garages and lubricant retail outlets to observe oil trading activities first-hand. Documentation was obtained from police reports, media reports, field photographs, and legislation relevant to the research (Ali, 2021) . To ensure the validity of the data obtained, this study employed source triangulation and methodological triangulation by comparing the results of observations with existing documents. The researcher also carried out member *checking*, which involved asking informants to verify the data against actual conditions.

Data analysis in this study utilised the Miles, Huberman and Saldaña model, which comprises data reduction, data presentation and drawing conclusions (Miles et al., 2014) . Data reduction was carried out by selecting and simplifying data relevant to the research focus. Subsequently, the data was presented in narrative form to make it easier to understand. The final stage involved drawing conclusions based on the results of the interviews, observations, and documentation that had been analysed (Ali, 2021) . This analytical model was chosen as it helps the researcher to understand the relationship between legal, social, and practical aspects of the circulation of counterfeit oil in West Kalimantan more clearly.

RESULTS AND DISCUSSION

Forms and Patterns of Counterfeit Oil Distribution in West Kalimantan

The circulation of counterfeit motor oil in West Kalimantan has been found to take place through various distribution channels, such as vehicle workshops, spare parts shops, small kiosks and online marketplaces. Based on field observations, counterfeit motor oil products generally use packaging bearing well-known brands such as Federal, Yamalube and Castrol to attract consumers' attention. This practice is carried out by exploiting the lack of supervision over the distribution of goods and the public's low awareness of the importance of the authenticity of automotive products . In a social context, the public tends to choose products that are cheaper without considering the quality or legality of

the product. This situation indicates that the public's economic circumstances are the main cause of the growth of the counterfeit oil trade in West Kalimantan.

This is based on interviews with police officers, which revealed that operators of illegal businesses obtain used genuine oil bottles from vehicle repair shops and then refill them with low-quality lubricants. Once repackaged, the product is resold with an appearance resembling the genuine product. One informant stated that *"the public finds it difficult to distinguish between genuine and counterfeit products because the packaging is almost identical."* This statement demonstrates that the practice of oil counterfeiting is carried out in a systematic and organised manner. These findings indicate that the trade in counterfeit oil has evolved into a form of economic crime that is detrimental to the wider public

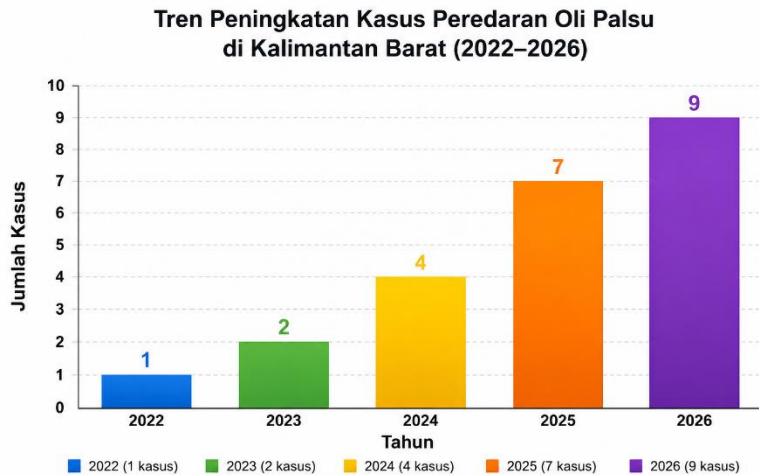
From a legal perspective, the practice of distributing counterfeit oil contravenes Article 8(1)(a) of Law No. 8 of 1999 on Consumer Protection, which prohibits businesses from trading in goods that do not meet the required standards (Mulyanti, 2024) . Furthermore, Article 8(1)(d) also explicitly prohibits the trading of goods that do not correspond to their actual condition as stated on the product label. The circulation of counterfeit oil also violates the provisions of Article 100 of Law No. 20 of 2016 on Trademarks and Geographical Indications, as it involves the use of a well-known trademark without the permission of the trademark owner (Amri, 2022) . Consequently, such practices constitute a form of legal infringement that not only harms consumers but also undermines fair business competition (Legowo et al., 2021) .

The researcher thus concludes that the distribution pattern of counterfeit motor oil in West Kalimantan has developed due to weak market oversight and the public's growing demand for motor vehicles. Cross-border trade routes in West Kalimantan have further increased the likelihood of illegal products entering the region from other parts of the country or from abroad. Furthermore, advances in digital technology have created new opportunities for illegal operators to market their products via social media and online marketplaces. From the perspective of Satjipto Rahardjo's progressive legal theory, these conditions indicate that the law has not yet been fully capable of providing social protection to the public (Anisa Rizki Fadhila, 2021) . Consequently, there is a need to strengthen the supervision of goods distribution and to continuously enhance public legal awareness.

Rising Trend in Cases of Counterfeit Motor Oil Circulation in West Kalimantan

There has been an increase in the number of cases involving the circulation of counterfeit motor oil in West Kalimantan from 2022 to 2026. Based on police records and media reports, the number of cases rose from 1 in 2022 to 9 in 2026. This increase indicates that the trade in counterfeit motor oil continues to grow in line with the public's rising demand for motor vehicle lubricants. Furthermore, the growth of digital commerce has also facilitated the distribution of illegal products to the public. These conditions demonstrate that the goods distribution monitoring system is not yet functioning

optimally in addressing the circulation of counterfeit engine oil in West Kalimantan, particularly in Pontianak and Kuburaya. This is evidenced by data from reports held by the West Kalimantan Regional Police and the media, as well as the testimonies of local residents below:



Sumber Data: Kompilasi dari laporan media (Kalbar Antara, Pontianak Post, Tribun Pontianak), rilis resmi Polda Kalimantan Barat (Ditreskrim) dan keterangan Polres jajaran (2022–2026)

The graph above shows an upward trend in cases of counterfeit oil distribution in West Kalimantan from 2022 to 2026. Initially, the number of cases was relatively low, but from 2024 onwards there was a significant increase in line with heightened media scrutiny and reports from the public. The peak of this increase occurred in 2025–2026 after the Special Crimes Investigation Directorate of the West Kalimantan Regional Police uncovered a large-scale counterfeit oil distribution network. This situation indicates that the supervision of goods distribution and law enforcement against illegal businesses remain suboptimal. In addition to causing economic harm to consumers, the circulation of counterfeit oil also has the potential to cause vehicle damage and threaten public safety. From a sociological perspective, the high prevalence of counterfeit oil is influenced by societal economic factors, consumer culture, and weak oversight of goods distribution. Soerjono Soekanto explains that the effectiveness of the law is influenced by societal factors, law enforcement agencies, supporting infrastructure, and legal culture (Anisa Rizki Fadhila, 2021). When the public prioritises low prices over product quality and safety, the opportunities for the trade in counterfeit goods to flourish become greater.

According to interviews with officers from the Special Crimes Directorate of the West Kalimantan Regional Police, the rise in cases is due to illegal traders exploiting the lack of oversight over online trade and the distribution of goods in border areas. One investigator stated that *“the circulation of counterfeit motor oil is now more difficult to control because it is sold via social media and online marketplaces.”* This statement indicates that the development of digital technology presents new challenges for law enforcement in combating the trade in illegal goods. The research findings also show that cases are generally uncovered following reports from the public or large-scale police operations.

From a criminal law perspective, the act of oil counterfeiting can be categorised as a criminal offence of fraud as stipulated in Article 378 of the Criminal Code (KUHP). Business operators deliberately use counterfeit packaging and brands to gain economic advantage by misleading consumers (Wahyudi et al., 2025). Furthermore, Article 62 of Law No. 8 of 1999 on Consumer Protection imposes criminal penalties on business operators who trade in goods that do not meet standards. These legal provisions indicate that the state actually possesses a sufficiently strong legal basis to take action against those involved in the distribution of counterfeit oil (Mulyanti, 2024).

The above analysis indicates that the rise in cases of counterfeit oil circulation is influenced by a combination of economic and technological factors, as well as weak oversight of goods distribution. High public demand for automotive products has led illegal operators to see significant economic opportunities. On the other hand, low public awareness of the dangers of using counterfeit oil increases the likelihood of this illegal trade flourishing (Yusuf et al., 2025). From the perspective of Soerjono Soekanto's theory of legal effectiveness, weak law enforcement is influenced by factors relating to law enforcement officials, supporting facilities, and the legal culture of society. Therefore, tackling the circulation of counterfeit oil requires a combined approach involving both legal measures and public education.

Factors Contributing to the Widespread Circulation of Counterfeit Motor Oil in West Kalimantan

Researchers' observations indicate that economic factors are the primary cause of the rise in the circulation of counterfeit oil in West Kalimantan. The majority of consumers choose to buy oil at low prices due to limited financial means. People prioritise price over the quality and legality of the products they purchase. Some consumers admit that they do not know the difference between genuine and counterfeit oil because the product packaging is made to look very similar. This situation demonstrates that low consumer literacy is a key factor in the growth of the trade in illegal goods (Rahayu et al., 2025).

In addition to economic factors, the public's low level of legal awareness is also a major cause of the rise in the circulation of counterfeit motor oil. Some members of the public do not yet understand their consumer rights as set out in the Consumer Protection Act. Many consumers are unaware that the use of counterfeit products can damage vehicles and endanger the safety of road users (Bukit et al., 2022). From a legal perspective, this situation indicates that the implementation of Law No. 8 of 1999 on Consumer Protection has not been optimal, particularly Article 4, which outlines consumers' rights to comfort, safety, and security when using goods. Furthermore, Article 7 also emphasises the obligation of business operators to provide accurate and honest information regarding the condition of goods being traded (Nailis, 2016). Under the provisions of Article 100(1) of Law No. 20 of 2016 on Trademarks and Geographical Indications, which states that any person who, without authorisation, uses a trademark that is substantially similar to a registered trademark for similar goods may be punished by imprisonment for a maximum

of 5 years and/or a fine of up to Rp2,000,000,000.00. Consequently, the practice of oil counterfeiting is not merely a common commercial offence, but also constitutes a form of intellectual property rights infringement that harms the legitimate trademark holder and the public as consumers

The circulation of counterfeit oil demonstrates a violation of consumer rights and the obligations of businesses within the national trading system. Consequently, such practices are not only economically damaging but also violate the principle of legal protection for the public. Therefore, the factors outlined above indicate that the growth of the counterfeit oil trade cannot be separated from the social and cultural factors within society. In society, there is a tendency to tolerate the existence of counterfeit goods as long as the price of the product is cheaper than the genuine article. This culture of consumption provides scope for illegal business operators to continue developing the trade in counterfeit goods. According to Philipus M. Hadjon's theory of legal protection, the state has a duty to provide protection to the public through effective supervision and law enforcement. Consequently, there is a need to improve consumer education and strengthen the public's legal culture regarding the use of genuine automotive products.

The Effectiveness of Monitoring and Law Enforcement Regarding the Circulation of Counterfeit Motor Oil

The effectiveness of monitoring the circulation of counterfeit motor oil in West Kalimantan has not yet been optimised by law enforcement agencies, as the limited number of inspectors is one of the main obstacles to monitoring the distribution of illegal goods. Furthermore, West Kalimantan's location, which features cross-border trade routes with Malaysia, makes the flow of goods more difficult to control. These geographical conditions are exploited by illegal operators to distribute counterfeit oil through unofficial trade routes and networks of small garages. One police officer stated that *"monitoring the distribution of counterfeit oil is quite difficult because the goods enter via numerous trade routes and are sold covertly."* This statement indicates that the weakness of oversight in the distribution area is a key factor in the growth of the counterfeit oil trade in West Kalimantan. Consequently, law enforcement actions are more often carried out following public reports or major police operations, rather than through continuous preventive monitoring. This situation indicates that the mechanisms for monitoring the distribution of goods in the automotive sector still require institutional strengthening and a more effective coordination system.

Furthermore, the community's legal culture is one of the factors contributing to the weak effectiveness of oversight regarding the circulation of counterfeit oil. Some members of the public still regard the use of counterfeit goods as normal, provided the price is lower than that of the genuine product. The public's low legal awareness means that demand for counterfeit oil remains high, allowing the illegal trade to continue to flourish. Furthermore, limited enforcement resources—such as a shortage of tools for identifying genuine products and a lack of enforcement personnel—further undermine law enforcement

efforts on the ground. Therefore, this study concludes that a collaborative approach is required between the government, law enforcement agencies, legitimate businesses, and the public to strengthen the oversight of goods distribution. Legal education for the public and the monitoring of digital trade are also crucial steps to enhance the effectiveness of law enforcement against the circulation of counterfeit oil in West Kalimantan.

The Social Impact and Consumer Losses Resulting from the Circulation of Counterfeit Oil

The use of counterfeit oil has a significant negative impact on consumers, both economically and in terms of safety. For some motor vehicle users, the use of counterfeit oil causes the vehicle's engine to overheat, leads to a decline in engine performance, and can result in long-term damage to vehicle components (Wahyudi et al., 2025) . Some consumers admit that they only realised the oil they were using was a counterfeit product after their vehicle broke down and they had it inspected at an authorised workshop. The use of counterfeit oil not only causes financial loss to consumers but also endangers the safety of vehicle users on the road (Yunita, 2025) .

In addition to harming consumers, the circulation of counterfeit oil also has a negative impact on legitimate businesses and a healthy competitive business environment (Santoso, 2016) . Counterfeit products that use packaging resembling well-known brands lead to a decline in public confidence in genuine products. In the long term, this situation can harm legitimate companies as their brand image is tarnished by the circulation of counterfeit goods in the market. Furthermore, some owners of authorised workshops have experienced a decline in customer trust as the public struggles to distinguish between genuine and counterfeit products. From an economic perspective, the trade in counterfeit oil also results in losses to the state through the loss of potential tax revenue and the growth of uncontrolled illegal trade (Hartiwiningsih, 2017) . Consequently, the impact of the circulation of counterfeit oil is not only felt by consumers but also affects economic stability and the business sector.

Some members of the public still regard the use of counterfeit goods as an economical alternative without considering the long-term risks. This phenomenon highlights the public's weak legal culture in understanding the importance of using safe and legal products. According to Soerjono Soekanto, the public's legal culture has a significant influence on the effectiveness of law enforcement in social life. When the public lacks a sound legal awareness, the trade in illegal goods will continue to flourish due to high market demand. Research analysis indicates that social and cultural factors are one of the main reasons why it is difficult to eradicate the circulation of counterfeit oil in West Kalimantan.

Therefore, the government and law enforcement agencies need to step up their monitoring of the distribution of goods, educate the public about the dangers of counterfeit oil, and strengthen law enforcement against illegal businesses. This study concludes that consumer protection cannot be achieved through legal regulations alone,

but also requires greater public awareness and more effective market surveillance to ensure that legal certainty is optimally realised.

CONCLUSION

Based on the findings of the research and the discussion, it can be concluded that the circulation of counterfeit oil in West Kalimantan constitutes a form of legal infringement closely linked to consumer protection, economic crime, and trademark infringement. The practice of distributing counterfeit oil is carried out through various distribution channels, such as vehicle workshops, spare parts shops, and digital platforms, by exploiting the public's low awareness of the importance of using genuine products. Economic factors, a consumer culture that tends to favour low prices, and weak supervision of goods distribution are the main causes of the growth of the counterfeit oil trade in West Kalimantan. In addition to causing economic harm to consumers, the use of counterfeit oil also has the potential to cause damage to vehicle engines and threaten the safety of motor vehicle users. From a legal perspective, such practices contravene the provisions of Law No. 8 of 1999 on Consumer Protection and Law No. 20 of 2016 on Trademarks and Geographical Indications, which provide protection for the rights of consumers and legitimate trademark holders.

This study also indicates that the effectiveness of supervision and law enforcement regarding the circulation of counterfeit motor oil remains suboptimal due to limited supervisory personnel, weak inter-agency coordination, and the growth of digital commerce, which has expanded the distribution of illegal goods. Law enforcement to date has tended to be repressive in nature and is typically carried out only following public reports or large-scale police operations. Therefore, there is a need to strengthen the supervision of goods distribution through synergy between law enforcement agencies, local governments, legitimate businesses, and the public. Furthermore, improving legal education and consumer awareness regarding the dangers of using counterfeit oil is a crucial step in efforts to prevent the trade in illegal goods. Consequently, consumer protection, legal certainty, and healthy business competition can be realised more effectively within the national trading system.

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