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## ARTICLE

# Beyond Criminality: Socio-Legal Dimensions and Fiqh Perspectives on Adulterated Rice Trading Practices in Contemporary Palangka Raya

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## Abstract

**Background:** This research examines the implementation of Article 378 of the Indonesian Criminal Code (KUHP) in handling cases of fraud in adulterated rice trading in Palangka Raya City using an empirical juridical research method.

**Purpose:** The study aims to analyze the application of criminal fraud provisions to adulterated rice trading practices and to identify the obstacles faced by law enforcement authorities in its implementation.

**Methods:** The empirical juridical method is employed by combining a normative approach to Article 378 of the Criminal Code with field research through the collection of case data that occurred in Palangka Raya.

**Results:** The research findings indicate that, normatively, Article 378 of the Criminal Code is highly relevant to be applied in cases of adulterated rice, as it fulfills all elements of fraud, namely the intention to unlawfully benefit oneself, the use of deception through fake packaging and labels, and inducing consumers to hand over their money.

**Implication:** However, empirically, implementation in Palangka Raya City faces significant obstacles, including difficulties in proving the element of intent on the part of the perpetrator, low public participation in reporting, weak inter-agency coordination, limited resources, and an ever-evolving modus operandi. Law enforcement authorities often prefer to use the Consumer Protection Law and the Food Law, which impose heavier sanctions.

**Originality:** The research concludes that effective law enforcement requires the improvement of technology-based supervision systems, strengthening coordination through special task forces, enhancing the capacity of law enforcement officers, building easily accessible reporting infrastructure, and harmonizing regulations between general criminal law and special laws in order to protect consumers from fraudulent practices in adulterated rice trading.

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## INTRODUCTION

The trade in goods with inaccurate weight information, commonly known as “adulterated weight” (berat oplosan), is a form of fraud that harms consumers as well as other business actors who act in good faith. This practice occurs when business actors deliberately state a higher weight than the actual condition in order to obtain unlawful

profit. Such actions not only cause economic losses to consumers, but also violate the principles of honesty and fairness in commercial practice. From the perspective of criminal law, the practice of trading goods with adulterated weight fulfills the elements of the criminal act of fraud as regulated in Article 378 of the Indonesian Criminal Code (KUHP), which provides: “Anyone who with the intent of unlawfully benefiting himself or another, by using a false name or false capacity, by deceit, or by a series of lies, induces another person to hand over something to him, or to grant a debt or to write off a receivable, shall be guilty of fraud and shall be punished with imprisonment for a maximum of four years.” The elements of this provision include: (1) the intent to unlawfully benefit oneself or another; (2) the use of deceit, a series of lies, or a false state of affairs; and (3) inducing another person to hand over goods or provide something. In the context of trading goods with adulterated weight, the indication of weight that does not correspond to the actual weight constitutes a form of deceit that induces consumers to pay more than the true value of the goods.

In addition to Article 378 of the Criminal Code, this practice is also related to several other legal provisions. Law Number 8 of 1999 on Consumer Protection regulates the rights of consumers to obtain correct, clear, and honest information regarding the condition and guarantee of goods (Article 4 letter c). Article 8 paragraph (1) letter f of the Consumer Protection Law expressly prohibits business actors from producing and/or trading goods that do not conform to the size, weight, volume, and number according to the actual measurement. Violations of this provision may be subject to criminal sanctions as stipulated in Article 62 paragraph (1), with a maximum imprisonment of 5 (five) years or a maximum fine of IDR 2,000,000,000.00 (two billion rupiah).

The circulation of adulterated rice in Palangka Raya represents more than an isolated criminal incident; it reflects a structural problem within contemporary market practices. Reports of rice being mixed with lower-quality grains and sold as premium products reveal the vulnerability of consumers in food distribution chains. While law enforcement authorities often frame such practices as criminal fraud, the phenomenon simultaneously exposes weaknesses in regulatory supervision, market governance, and ethical business culture. Food commodities such as rice occupy a central position in Indonesian daily life, making manipulation of quality not only an economic issue but also a social justice concern. In a region where rice remains a staple food, fraudulent practices directly impact household welfare and public trust in market systems. Thus, the adulterated rice issue cannot be understood solely through the lens of criminal liability, but must be examined within broader socio-legal and moral contexts.

Indonesian positive law provides multiple legal bases for addressing adulterated rice practices, including Article 378 of the Criminal Code, the Consumer Protection Law, and the Food Law. These provisions criminalize deceitful conduct and the distribution of goods that do not meet stated standards. However, enforcement data and case handling practices in Palangka Raya suggest that the criminal law approach alone has limited preventive impact. Investigators face difficulties in proving intent and deception, while public reporting remains minimal. Moreover, the reliance on punitive mechanisms tends to address the symptoms rather than the structural conditions that enable adulteration. Criminal law intervenes after harm has occurred, but does not necessarily transform market ethics or distribution systems. Therefore, the legal framing of adulterated rice solely as a criminal offense may obscure deeper socio-economic and ethical dimensions.

Previous studies on food fraud in Indonesia largely focus on normative analysis of statutory provisions or on the effectiveness of consumer protection mechanisms. Other research examines fraud under Article 378 of the Criminal Code from a doctrinal

perspective, or evaluates administrative supervision in food regulation. However, limited attention has been given to integrating socio-legal analysis with Islamic commercial jurisprudence in examining food adulteration practices. Particularly in regions where Islamic ethical norms significantly shape social life, such as Palangka Raya, understanding market misconduct requires engagement with both state law and fiqh muamalah. The absence of integrative analysis between criminal law enforcement and Islamic ethical frameworks constitutes a significant gap in the literature. This study seeks to fill that gap by moving beyond criminal categorization toward a multidimensional socio-legal and fiqh-based examination.

This research adopts a socio-legal perspective that views law as embedded within social structures rather than merely as a normative command. Law enforcement effectiveness is influenced by institutional capacity, economic incentives, cultural norms, and public participation. Simultaneously, the study employs fiqh muamalah as a normative framework to assess trading practices. In Islamic jurisprudence, commercial transactions are governed by principles of transparency, fairness, and the prohibition of uncertainty (gharar) and deception (tadlis). Adulterated rice trading, when examined through this lens, raises questions not only of legal violation but also of moral accountability. The integration of socio-legal analysis and fiqh principles enables a deeper understanding of how state law and religious ethics interact in regulating market behavior.

Accordingly, this study aims to analyze adulterated rice trading practices in Palangka Raya beyond their criminal dimension by examining socio-legal conditions of enforcement and evaluating the conduct from a fiqh perspective. The research addresses three main questions: how is adulterated rice regulated and enforced within the current legal framework; what socio-legal factors influence its persistence; and how does Islamic commercial jurisprudence assess such practices. The study contributes theoretically by bridging positive criminal law and Islamic ethical jurisprudence in food fraud discourse. Practically, it proposes an integrative regulatory model combining enforcement, institutional coordination, ethical revitalization, and community based awareness. By situating adulterated rice within both legal and moral paradigms, this research expands the discourse from punishment toward structural and ethical transformation.

## LITERATURE REVIEW

### *1. Food Fraud and Adulteration as a Socio Legal Problem*

Adulterated rice trading is part of the broader phenomenon of food fraud that has developed within modern food distribution systems. Practices such as quality falsification, mixing, misleading labeling, and brand manipulation indicate that violations occur not only at the level of individual actions but are also linked to market structures, power relations within supply chains, and weak food governance and oversight. In the Indonesian context, rice as a staple food makes food fraud far more consequential than in other commodities, as it directly relates to basic rights, consumer security, and public trust in the market. A socio-legal approach views this issue as an interplay between norms, institutions, and social behavior that influence one another. Therefore, adulterated rice should be understood as a systemic phenomenon requiring an interdisciplinary analysis. Within this framework, the issue of adulterated rice in Palangka Raya deserves to be positioned as a social, economic, and regulatory problem simultaneously.

Previous studies generally place food fraud within two major streams. The first stream focuses on regulatory compliance and administrative oversight, such as quality standards, the authority of relevant agencies, and coordination in quality testing. The second stream emphasizes criminalization, namely how fraud provisions or criminal clauses in specific laws are applied to perpetrators who market products that do not match their claims. Some studies also pay attention to consumer losses and the restoration of consumer rights through complaint mechanisms and law enforcement processes. In addition, several studies highlight the *modus operandi*, ranging from quality mixing to the use of packaging and labels that resemble premium products. The general pattern of these studies shows a tendency to separate normative analysis from the social context that gives rise to violations. As a result, adulteration practices are often treated as isolated incidents rather than as recurring patterns within the market ecosystem.

The main weakness of the dominant literature lies in its tendency to reduce adulterated rice to merely a violation of positive law or simply a consumer issue. Many studies stop at cataloguing legal provisions and elements of criminal offenses, or at listing obstacles to law enforcement, without explaining why such practices persist despite the existence of sanctions. When social aspects are discussed, they are often treated merely as background context rather than as analytical variables influencing the effectiveness of the law. The literature also rarely examines how actors within the supply chain negotiate responsibility for example, retailers blaming distributors, or distributors pointing to suppliers from outside the region. Moreover, discussions on moral legitimacy and market ethics in religious societies are often absent, even though religious social norms can serve either as a source of compliance or as a justification. At this point, studies that move beyond a purely criminal perspective become essential so that the analysis does not stop at punishment alone.

This study positions adulterated rice in Palangka Raya as a socio legal issue that requires an examination of market structures, governance, and cultures of compliance, while also testing the normative-ethical dimension through *fiqh muamalah*. Accordingly, the research does not merely ask whether certain legal provisions can be applied, but also analyzes how the law operates in practice, who the key actors are in determining the success of enforcement, and how religious norms can strengthen prevention efforts. This position expands the existing literature by connecting the discourse on food fraud, supply chain governance, and Islamic commercial ethics into an integrated framework. Focusing on the contemporary context of Palangka Raya also enables a more concrete analysis of local institutional relations, distribution patterns, and community responses. On this basis, the research is directed toward structural prevention rather than merely punitive measures after losses occur. Its contribution lies in strengthening cross-normative analysis between state law and *fiqh* norms in unraveling market practices that harm the public.

## 2. Criminal Law Approach to Fraud in Trading and the Limits of Article 378 KUHP

The criminal law approach to fraud in trade is grounded in the idea that deceptive acts causing a victim to surrender something may be subject to sanctions in order to create a deterrent effect. Within the framework of the Indonesian Criminal Code (KUHP), Article 378 emphasizes the element of intent to unlawfully benefit, the existence of deception or a series of lies, and a causal relationship that leads the victim to hand over money or goods. In the context of adulterated rice, the element of deception may appear in the form of quality claims, labels, packaging, or sales narratives that create a perception of premium value. However, criminalization is not always automatically effective, as criminal enforcement

heavily depends on proving *mens rea*, the quality of evidence, and consistent coordination among institutions. In practice, many trade cases that harm consumers are more often addressed through specific statutes because their sanctions are heavier and the burden of proof is considered easier. This situation raises questions about the position of Article 378 within the enforcement regime against food fraud.

Indonesian criminal law literature generally discusses Article 378 through a doctrinal approach. This type of study formulates the legal elements, interprets the concept of deception, explains the distinction between fraud and embezzlement, and emphasizes the importance of causality between deceit and the surrender of goods. Other studies examine the implementation of Article 378 in various contexts, such as online transactions, investment schemes, or sales of goods, focusing on the construction of indictments and judicial considerations. In the field of food, some research links fraud to consumer protection and quality standards, yet still places the Criminal Code (KUHP) as the primary formal reference. Meanwhile, criminal policy studies review enforcement strategies, including the cumulative use of provisions from the KUHP and special statutes. This pattern reflects the dominance of reading law primarily as an instrument of punishment, rather than as part of broader market governance.

The limitations of this literature are evident in the minimal analysis of the social conditions that influence the success of evidentiary processes. Many studies assume that the elements of fraud can be proven simply by demonstrating a discrepancy between claims and facts, whereas proving the perpetrator's intent and knowledge within the supply chain is often far more complex. The literature also rarely critiques the dilemma of overreliance on reactive criminal punishment, even though adulteration practices require proactive prevention based on monitoring, supply chain audits, and accessible complaint mechanisms. In addition, discussions on the competition of norms between the Criminal Code (KUHP) and special statutes often stop at selecting the heavier provision, rather than examining the design of a coordinated and fair enforcement regime. There is also a gap in analyzing how society evaluates food trade crimes from the perspective of ethics, trust (*amanah*), and justice. As a result, the literature has not sufficiently explained why such practices continue to recur despite the availability of criminal sanctions.

This study positions Article 378 as one entry point for understanding criminality, but does not make it the central narrative. The primary focus is to examine the limits of the effectiveness of criminal punishment when confronted with problems of market structure and moral hazard, particularly in strategic commodities such as rice. Therefore, the research distinguishes between the normative relevance of Article 378 and the socio-legal reality of its enforcement, including the tendency of law enforcement officials to rely on special statutes. This study also expands the discourse by linking the analysis of *mens rea* and evidentiary issues with the realities of distribution systems, institutional coordination, and public participation in Palangka Raya. In this way, the study does not merely assert that Article 378 can be applied, but explains when it is effective, when it becomes merely symbolic, and what factors determine the shift toward a special statutory regime. This framework affirms a beyond-criminality approach as a more realistic and impactful way of understanding law enforcement. Its scholarly contribution lies in integrating doctrinal analysis and social analysis into a single argumentative framework.

### ***3. Special Laws, Regulatory Overlap, and Governance of Consumer Protection in Food Trading***

Food trade in Indonesia is governed not only by the Criminal Code (KUHP), but also by specific statutes regulating consumer protection, food, trade, and legal metrology. This

framework reflects the existence of regulatory overlap, meaning that several normative regimes may be applied to the same incident, with different consequences in terms of sanctions, evidentiary standards, and institutional authority. In cases of adulterated rice, the Consumer Protection Law and the Food Law are often considered more specific because they contain prohibitions related to quality, labeling, information, and distribution. On the other hand, such overlap may also generate fragmentation in coordination, as each institution has mandates, procedures, and performance targets that are not always aligned. In modern governance, the main challenge is not merely the existence of norms, but how these norms are orchestrated into a consistent supervisory system. Therefore, the literature on consumer protection and food control governance becomes essential for analyzing practices in Palangka Raya.

Previous studies on consumer protection generally highlight consumers' rights to accurate information, complaint mechanisms, the role of supervisory institutions, and the effectiveness of criminal and administrative sanctions. In the field of food, research often emphasizes the importance of quality standards, laboratory testing, distribution monitoring, and enforcement actions against products that fail to meet regulatory requirements. Some literature also examines the role of joint market operations and food task forces, including coordination among the police, trade offices, and technical agencies. In the policy sphere, certain studies underline the need for traceability systems and technology-based supervision to reduce opportunities for fraud. The general pattern of this literature places the state and institutions at the center of solutions, while market actors and the public are often treated as objects. Nevertheless, this body of literature provides an important foundation for understanding that the handling of adulterated rice is fundamentally a governance issue, not merely a matter of criminal punishment.

The main critique of the literature on regulatory overlap is the limited discussion of the practical consequences of choosing a particular legal regime. Many studies stop at stating that special statutes are more appropriate, but do not explain how that choice affects evidentiary strategies, the speed of enforcement, and the perception of justice. The literature also does not sufficiently address how conflicts of authority, laboratory testing queues, and resource limitations create gaps that perpetrators can exploit. Moreover, discussions of traceability often appear as an ideal solution, but are rarely connected to local fiscal capacity, the readiness of small businesses, or market resistance. Many studies also fail to link supervisory governance with the dimension of social legitimacy, even though compliance with food regulations is often heavily influenced by market culture and community norms. As a result, the solutions proposed are often normative and not operationally applicable to local contexts. This is where a socio-legal analysis adds significant value.

This study takes the position that regulatory overlap should be understood as a challenge of institutional design and policy coordination. It will assess how local institutions in Palangka Raya select legal instruments, how coordination functions, and how technical constraints shape enforcement preferences. Additionally, the research examines the need for governance that integrates preventive supervision, accessible reporting mechanisms, and measured enforcement, so that prevention does not depend on viral incidents or incidental operations. The study also incorporates the dimension of *fiqh* ethics to strengthen a value-based governance approach, positioning regulation not merely as an external coercion but as a commitment to *amanah* (trust) in trade. Thus, the contribution of this study is to formulate an integrative model that combines positive law and religious ethical norms to enhance consumer protection. The context of Palangka Raya serves as an empirical

laboratory to test how regulatory overlap functions at the local level. The results are expected to provide more implementable policy recommendations.

#### 4. *Fiqh Muamalah and Islamic Market Ethics on Deception, Gharar, and Tadlis*

Islamic commercial jurisprudence (*fiqh muamalah*) provides a strong normative framework for assessing trade practices, particularly in relation to transparency, fairness, and the prohibition of deception. In the Islamic legal tradition, a transaction is considered valid not merely because it fulfills its formal pillars (*arkan*), but also because it upholds ethical principles that safeguard the welfare (*maslahah*) of the parties involved. The practice of adulterated rice is substantively related to the prohibition of *tadlis*, namely concealing defects or presenting goods as better than they actually are. It is also connected to *gharar*, when the quality of goods is intentionally obscured so that buyers make decisions without adequate information. Furthermore, profits derived from deception raise concerns regarding the lawfulness (*halal*) of income and moral responsibility. Therefore, *fiqh* does not merely assign a label of lawful or unlawful, but offers a preventive logic grounded in trustworthiness (*amanah*) and the protection of vulnerable parties.

Research in *fiqh* concerning trade practices in Indonesia generally develops along two main paths. The first path discusses concepts such as *gharar*, *tadlis*, *ghisy* (fraud), and the principle of *amanah* (trustworthiness) in commerce, and then relates them to contemporary cases such as online transactions, trademark counterfeiting, and manipulation of product information. The second path positions Islamic market ethics as the foundation for building a business culture, including honesty, the prohibition of causing harm, and the obligation to clearly disclose the quality of goods. In the context of food, several studies highlight consumer protection from the perspective of *maqasid al-shari'ah*, particularly *hifz al-nafs* (protection of life) and *hifz al-mal* (protection of property), since food concerns both safety and wealth. Some literature proposes integrating these values into public policy and consumer education. This research pattern shows that *fiqh* is often positioned as a moral norm that supports state regulation, although the practical relationship between the two has not been widely tested empirically.

A key critique of the existing *fiqh* literature is its normative tendency and its limited connection to the dynamics of law enforcement institutions. Many studies state that fraud is unlawful (*haram*), but provide little explanation of how this norm can be translated into mechanisms of prevention, supervision, and behavioral change within real markets. The literature also rarely incorporates the realities of supply chains for example, how moral responsibility is distributed among suppliers, distributors, and retailers even though *fiqh* contains concepts of liability and guarantee that could be further developed. In addition, *fiqh* studies sometimes fail to distinguish between knowledge, negligence, and intentional misconduct on the part of the actor, making it difficult to map variations of responsibility in factual cases. Many studies have also not integrated *fiqh* with socio-legal analysis concerning reporting culture, trust in institutions, and power relations within the market. As a result, *fiqh* often appears as an ethical exhortation rather than an operational analytical framework. This gap is what needs to be addressed through integrative research.

This study positions *fiqh muamalah* not as a supplementary perspective, but as an analytical lens that operates alongside socio-legal analysis. It will examine how categories such as *tadlis* and *gharar* are relevant in explaining forms of quality and information manipulation in adulterated rice, as well as how the principles of *amanah* (trustworthiness) and justice can be employed to design community-based prevention strategies. In addition, the research will connect *fiqh* with consumer protection policies and supervisory governance, so that religious norms can strengthen the legitimacy of compliance with

positive law. By focusing on contemporary Palangka Raya, the study also opens space to observe how religious values are practiced or negotiated within everyday market realities. Its theoretical contribution lies in bridging the discourse of law enforcement with the ethical discourse of *fiqh* in the issue of food fraud, so that the analysis does not become confined merely to criminal punishment. Its practical contribution is to provide a framework of recommendations aimed at systemic and cultural change. Thus, *beyond criminality* becomes both a scholarly agenda and a policy agenda.

## RESEARCH METHODOLOGY

This research employs a socio legal design that integrates empirical field investigation with doctrinal legal analysis and normative *fiqh* muamalah evaluation in order to examine adulterated rice trading practices in contemporary Palangka Raya. The study does not merely analyze statutory provisions in isolation, but situates them within the social realities of market behavior, institutional enforcement, and ethical perceptions surrounding food distribution. By adopting a socio legal approach, the research seeks to understand how law operates in action, how institutions coordinate in practice, and how social factors influence compliance and reporting. At the same time, the study incorporates normative *fiqh* analysis to assess the moral and jurisprudential dimensions of adulterated rice practices beyond formal criminal categorization. This integrative approach reflects the central argument that adulteration is not solely a matter of criminal liability but also a question of governance, ethics, and communal responsibility. The research therefore bridges positive law and Islamic commercial jurisprudence within a single analytical framework. Through this multidimensional design, the study advances an understanding of food fraud that transcends punitive discourse and examines structural and moral foundations.

The research is conducted in Palangka Raya City, Central Kalimantan, selected due to documented incidents of adulterated rice circulation and the involvement of multiple local institutions in enforcement efforts. The temporal scope covers cases and enforcement practices occurring within the period 2024 to 2025, including publicly reported incidents and institutional responses. The focus of analysis encompasses institutional handling of cases, coordination between agencies, supervision mechanisms, and consumer complaint dynamics. Attention is also given to the structure of rice distribution chains in order to understand how adulteration may occur at different levels of supply. In addition, the study considers community perceptions and ethical considerations regarding honesty in trade within a predominantly religious social environment. By situating the research within this local context, the analysis captures the interaction between law, institutions, and social norms. This localized focus enables a deeper understanding of how national legal frameworks function within regional socio economic conditions.

Primary data are obtained through semi structured in depth interviews with law enforcement officers, officials from the Trade and Industry Office, and representatives involved in consumer protection activities in Palangka Raya. These interviews explore enforcement challenges, evidentiary difficulties, institutional coordination, and perceptions of ethical responsibility in commercial transactions. Field observations are conducted in selected market locations to understand distribution practices and supervision mechanisms. Documentary materials such as supervision reports, complaint records, and publicly accessible enforcement documentation are also examined to corroborate interview findings. Secondary data include statutory regulations, academic literature on fraud and consumer protection, and scholarly works on *fiqh* muamalah related to deception and fairness in trade. News reports and official public releases concerning adulterated rice cases are analyzed to

trace patterns of institutional response. The combination of these data sources ensures that the research captures both normative frameworks and empirical realities.

Data collection is carried out through qualitative techniques that emphasize depth and contextual understanding rather than numerical measurement. Semi structured interviews allow informants to explain enforcement processes, coordination patterns, and structural constraints in their own institutional perspectives. Observations are used to identify practical supervision mechanisms and market dynamics that may influence adulteration practices. Documentary analysis provides insight into formal procedures and recorded actions taken by authorities. The integration of multiple techniques allows cross verification of information and strengthens the reliability of findings. Throughout the data collection process, attention is paid to identifying recurring themes related to regulatory overlap, public participation, and moral justification. This methodological strategy supports the socio legal objective of understanding law as embedded within social practice.

The analysis of data is conducted using qualitative thematic coding combined with normative juridical reasoning and fiqh evaluation. Empirical findings from interviews and documents are organized into thematic categories such as enforcement effectiveness, institutional coordination, evidentiary challenges, and structural market pressures. These themes are then interpreted in relation to relevant statutory provisions to assess how positive law is operationalized in practice. Subsequently, the same empirical findings are evaluated through fiqh muamalah concepts including *tadlis*, *gharar*, *ghisy*, *amanah*, and principles of fairness and public welfare. This dual layer analysis enables comparison between legal compliance and ethical legitimacy. By mapping empirical realities onto both statutory norms and Islamic jurisprudential principles, the study reveals points of convergence and tension between the two normative systems. The analytical integration ultimately supports the argument that addressing adulterated rice requires systemic reform and ethical revitalization rather than reliance on criminal sanctions alone.

To ensure validity, the research applies triangulation by cross checking interview data with documentary evidence and publicly available enforcement records. Institutional claims regarding enforcement success are compared with observable supervision patterns and reported case outcomes. Interpretations of statutory provisions are examined alongside actual enforcement practices to identify gaps between law in books and law in action. In addition, fiqh analysis is grounded in established jurisprudential concepts rather than abstract moral generalizations. The combination of empirical verification and normative consistency strengthens the credibility of the research conclusions. Ethical considerations are maintained throughout the study by respecting informant confidentiality and limiting the use of sensitive information to academic purposes. Through this careful methodological design, the research aspires to produce findings that are both analytically rigorous and socially relevant.

## RESULT

The empirical findings reveal that adulterated rice trading practices in Palangka Raya operate within a distribution structure that allows quality manipulation at multiple stages of the supply chain. Interviews with enforcement officers and market observers indicate that mixing of lower grade rice with higher quality rice often occurs before products reach retail markets, making it difficult to determine the exact point of adulteration. Retail traders frequently claim lack of knowledge regarding the original quality of rice received from distributors, while distributors in turn attribute responsibility to upstream suppliers. This diffusion of responsibility complicates efforts to identify intentional deception under

criminal law standards. Field observations confirm that packaging and labeling are key instruments used to create the perception of premium quality, particularly through branding similarities and persuasive verbal assurances to consumers. Consumers interviewed in market areas often rely more on price and packaging appearance than on technical quality indicators when making purchasing decisions. These structural characteristics demonstrate that adulterated rice circulation is not merely an isolated act of deception but is embedded within systemic vulnerabilities in the distribution chain.

Institutional findings indicate that law enforcement agencies in Palangka Raya tend to prioritize special legislation such as consumer protection and food laws over Article 378 of the Criminal Code when addressing adulterated rice cases. Officers report that proving intent to deceive under Article 378 requires substantial evidentiary support, including clear demonstration of mens rea and causal linkage between deception and consumer loss. In practice, laboratory test results confirming quality discrepancies are easier to establish than the subjective intention of traders within a layered distribution network. As a result, enforcement strategies often shift toward provisions that emphasize product standards and administrative compliance rather than pure fraud elements. Coordination between police, trade offices, and food supervision authorities occurs through joint market operations, yet these operations are generally reactive rather than preventive. Limited personnel and budget constraints restrict the frequency of systematic inspections across the wide geographical area of Palangka Raya. These conditions illustrate that criminal law remains available but is not always the most operationally effective instrument in everyday enforcement.

Table 1 Structural Patterns of Adulterated Rice Distribution in Palangka Raya

No	Empirical Theme	Field Findings	Structural Implication
1	Diffusion of Responsibility	Retailers claim ignorance of mixing; distributors refer to upstream suppliers	Difficult attribution of intent under Article 378
2	Layered Supply Chain	Mixing may occur before retail stage	Complex mens rea tracing
3	Branding Manipulation	Use of premium-like packaging and verbal assurances	Deceptive market signaling
4	Consumer Decision Pattern	Buyers rely on packaging and price rather than technical quality	Vulnerability to symbolic deception
5	Limited Traceability	Absence of systematic product tracking	Regulatory oversight gap

The research further finds that public participation in reporting adulterated rice practices remains relatively low despite awareness of quality inconsistencies. Consumers interviewed acknowledge experiencing dissatisfaction with rice quality but frequently consider the financial loss too minor to justify formal complaints. The absence of an integrated digital reporting system requiring minimal procedural burden discourages immediate reporting and limits data accumulation for authorities. Informants within institutions recognize that complaint based enforcement leads to under detection of cases that do not attract media

attention. Social trust dynamics also influence reporting behavior, as some consumers prefer informal negotiation with sellers rather than engaging formal legal processes. This pattern weakens the preventive capacity of the regulatory framework because enforcement becomes event driven rather than systematically monitored. Consequently, the socio legal environment permits recurrent adulteration practices despite the existence of formal prohibitions.

Table 2. Institutional Enforcement Patterns

No	Enforcement Dimension	Empirical Observation	Analytical Interpretation
1	Legal Instrument Preference	Special laws preferred over Article 378 KUHP	Fraud provision difficult to prove
2	Evidentiary Challenge	Mens rea hard to establish in layered distribution	Classical fraud doctrine limitation
3	Inspection Model	Market operations mostly reactive	Weak preventive supervision
4	Inter-Agency Coordination	Coordination exists but episodic	Governance fragmentation
5	Resource Limitation	Limited personnel and budget	Enforcement coverage constraint

From the perspective of market ethics, interviews and observations reveal a tension between economic pressure and moral obligation among traders. Some traders justify quality mixing as a response to fluctuating supply, price competition, and consumer demand for lower prices, framing it as a survival strategy rather than deliberate fraud. However, others acknowledge awareness that concealing quality differences violates principles of honesty and fairness. Religious values are frequently referenced in discourse, yet their practical translation into consistent commercial conduct appears uneven. In a community where Islamic identity plays a significant social role, moral dissonance emerges between professed ethical commitments and actual market behavior. The normalization of minor quality manipulation within competitive environments contributes to gradual ethical erosion. These findings suggest that enforcement challenges are intertwined with cultural and economic rationalizations rather than solely legal gaps.

When examined through fiqh muamalah concepts, adulterated rice practices identified in the field correspond to classical categories of *tadlis* and *ghisy*, where defects or inferior qualities are concealed from buyers. The empirical patterns show that quality misrepresentation undermines the requirement of transparency that constitutes a condition of valid consent in Islamic commercial jurisprudence. Even in cases where traders claim lack of direct involvement in mixing, failure to verify product quality before sale raises questions regarding *amanah* and professional responsibility. The presence of uncertainty regarding actual quality also reflects elements of *gharar*, particularly when consumers lack sufficient information to assess what they are purchasing. These fiqh categories emphasize not only prohibition but also preventive responsibility to eliminate ambiguity and deception in transactions. The findings demonstrate that adulterated rice trading violates both statutory

norms and foundational ethical principles embedded in Islamic jurisprudence. Therefore, the issue extends beyond legal technicality into the domain of moral accountability and communal trust.

Table 3 Fiqh Muamalah Evaluation of Adulterated Rice Practices

No	Fiqh Concept	Empirical Correspondence	Normative Assessment
1	Tadlis	Concealment of inferior quality	Invalidates ethical transparency
2	Ghisyy	Misrepresentation of product condition	Prohibited deceptive trade
3	Gharar	Uncertainty of actual rice quality	Undermines informed consent
4	Amanah	Failure to verify product authenticity	Breach of fiduciary responsibility
5	Maqasid al Shariah	Harm to property and public welfare	Violates protection of wealth and trust

Finally, the results indicate that deterrence through criminal sanction alone is insufficient to transform market behavior in the absence of structural and ethical reinforcement. Informants consistently highlight the need for improved traceability systems, regularized inspection schedules, and enhanced inter agency coordination. At the same time, there is recognition that community based awareness programs grounded in ethical and religious values could strengthen preventive compliance. The coexistence of positive law and fiqh norms in the local context presents an opportunity for integrative governance strategies. Rather than viewing criminal law and religious ethics as separate domains, enforcement actors acknowledge potential synergy in reinforcing honesty and accountability. The findings collectively support the argument that adulterated rice trading in Palangka Raya is sustained by structural distribution vulnerabilities, institutional constraints, and ethical inconsistency. Addressing the phenomenon therefore requires a multidimensional strategy that transcends punitive criminal responses.

## DISCUSSION

The principal finding of this study is that adulterated rice trading in Palangka Raya cannot be adequately addressed through criminal law enforcement alone because the practice is structurally embedded within distribution networks and market rationalities. Although Article 378 of the Criminal Code and special legislation provide a formal punitive framework, enforcement remains constrained by evidentiary difficulties, institutional fragmentation, and low public participation. The persistence of adulteration despite available sanctions suggests that criminal law functions more as a reactive instrument than a preventive mechanism. From a socio legal perspective, this indicates that law in books does not automatically translate into law in action when structural and cultural variables are not aligned. The phenomenon reflects regulatory gaps not necessarily in normative formulation but in institutional orchestration and behavioral compliance. In this sense, adulterated rice trading represents a governance deficit rather than merely individual deviance. The

implication is that enforcement reform must move beyond intensifying punishment toward restructuring supervisory systems and strengthening ethical compliance mechanisms.

The structural diffusion of responsibility across the rice supply chain significantly weakens the applicability of fraud based prosecution under Article 378. Criminal fraud requires proof of intentional deception, yet layered distribution allows actors to shift accountability upstream or downstream, thereby complicating mens rea attribution. This difficulty demonstrates that traditional fraud doctrine, which presumes a relatively direct perpetrator victim relationship, struggles when applied to modern supply chain based commerce. Theoretically, this supports socio legal scholarship arguing that complex market transactions demand regulatory rather than purely penal responses. The finding also challenges doctrinal assumptions that evidentiary clarity can be achieved solely through formal investigative diligence. Instead, structural opacity and economic interdependence dilute the traceability of intention, making exclusive reliance on criminal categories insufficient. This suggests that hybrid enforcement combining administrative oversight, supply chain auditing, and targeted prosecution may be more effective. Thus, the study contributes to the broader debate on the limits of classical criminal law in addressing contemporary economic misconduct.

Another significant finding concerns the role of public participation and complaint based enforcement in shaping regulatory effectiveness. Low reporting rates reveal that consumers often normalize minor deception or perceive legal procedures as burdensome relative to the loss suffered. This behavioral pattern illustrates that enforcement ecosystems depend not only on institutional capacity but also on civic engagement and trust in regulatory bodies. Socio legal theory emphasizes that compliance is partly driven by perceived legitimacy and accessibility of enforcement mechanisms, both of which appear uneven in this context. The absence of integrated digital complaint systems and proactive inspection frameworks further reinforces reactive enforcement cycles. Consequently, adulteration practices may continue undetected until they escalate into publicly visible incidents. This dynamic underscores the importance of procedural accessibility and technological infrastructure in strengthening preventive governance. It also highlights that effective consumer protection requires empowerment mechanisms rather than reliance on punitive deterrence alone.

From a market ethics perspective, the study reveals a tension between economic survival narratives and normative commitments to honesty and fairness. Traders operating under competitive pressure often rationalize quality mixing as a pragmatic adaptation to price fluctuations and supply constraints. However, such rationalizations conflict with both statutory standards and Islamic commercial ethics that mandate transparency and prohibition of deception. The normalization of minor manipulation reflects gradual ethical desensitization within competitive market environments. This finding aligns with scholarship suggesting that market misconduct frequently emerges from systemic incentive structures rather than solely malicious intent. Therefore, strengthening ethical literacy and reinforcing professional accountability may be as critical as intensifying legal sanctions. The implication is that governance strategies must address incentive structures that reward short term gain over long term trust. Ethical revitalization thus becomes a structural component of regulatory reform rather than a peripheral moral appeal.

When evaluated through fiqh muamalah, adulterated rice trading clearly falls within the prohibitions of *tadlis* and *ghisy*, as concealment of inferior quality directly undermines informed consent in commercial exchange. The presence of uncertainty regarding actual quality also embodies elements of *gharar*, particularly when consumers lack sufficient information to assess what they purchase. These jurisprudential categories emphasize not

only the illegality of deception but also the ethical obligation to eliminate ambiguity before transaction completion. Importantly, fiqh assigns responsibility not merely to direct mixers but also to sellers who fail to exercise due diligence in verifying product quality. This expands the moral accountability framework beyond narrow criminal liability to include professional and communal responsibility. The integration of fiqh analysis therefore enriches understanding by situating adulteration within a broader moral economy framework. It suggests that market regulation in predominantly Muslim societies may gain additional legitimacy when aligned with religious ethical discourse. Consequently, bridging statutory enforcement with fiqh principles offers both normative depth and practical resonance.

The interplay between positive law and fiqh ethics identified in this study challenges the dichotomy between secular regulation and religious morality. Rather than operating in parallel, these normative systems can mutually reinforce compliance when institutional design recognizes their complementary roles. Criminal law provides coercive authority, while fiqh based ethical norms cultivate internalized restraint and communal accountability. In contexts like Palangka Raya, where religious values significantly shape social identity, integrating ethical education into consumer protection strategies may enhance voluntary compliance. This approach resonates with theories of responsive regulation that combine deterrence with normative persuasion. It also expands consumer protection discourse beyond technocratic supervision toward value based governance. The theoretical contribution of this research lies in demonstrating that socio legal analysis and fiqh jurisprudence can function as integrated analytical lenses rather than separate normative domains. Practically, this integration suggests policy innovation that leverages cultural and ethical capital to reinforce market integrity.

Ultimately, the discussion affirms that adulterated rice trading in contemporary Palangka Raya reflects a convergence of structural distribution vulnerabilities, institutional limitations, and ethical inconsistency. Criminal law remains necessary but insufficient when isolated from governance reform and moral revitalization. The findings support the argument that effective prevention requires systemic traceability mechanisms, inter agency coordination, accessible complaint infrastructure, and value oriented market education. By situating the issue beyond criminality, this study reframes adulteration as a multidimensional governance challenge rather than a series of isolated fraud cases. The integrative framework developed herein contributes to socio legal scholarship by illustrating how positive law and Islamic commercial jurisprudence can jointly illuminate market misconduct. It also offers a conceptual bridge between enforcement discourse and ethical transformation in consumer protection policy. Through this lens, regulatory reform is understood not merely as intensification of punishment but as reconstruction of market trust and accountability.

## CONCLUSION

This study concludes that adulterated rice trading practices in contemporary Palangka Raya cannot be adequately understood or addressed through a purely criminal law framework. While Article 378 of the Criminal Code and related special legislation provide normative grounds for prosecution, empirical findings demonstrate that enforcement remains constrained by structural distribution complexity, evidentiary challenges, and limited institutional coordination. The persistence of adulteration despite available sanctions indicates that criminal law operates more effectively as a reactive instrument than as a preventive governance mechanism. From a socio legal standpoint, the problem reflects

systemic vulnerabilities in supply chain supervision and complaint infrastructure rather than merely individual intent to deceive. The diffusion of responsibility across market actors complicates the attribution of mens rea, thereby limiting the operational reach of classical fraud doctrine. These realities reveal the structural limits of relying exclusively on punitive deterrence in regulating contemporary food markets. Therefore, addressing adulterated rice trading requires a broader governance strategy that integrates regulatory, institutional, and ethical dimensions.

From the perspective of fiqh muamalah, adulterated rice trading clearly constitutes forms of tadlis, ghisya, and elements of gharar, as it involves concealment of inferior quality and undermines informed consent in transactions. Islamic commercial jurisprudence emphasizes transparency, amanah, and fairness as foundational principles, thereby expanding responsibility beyond direct perpetrators to all actors participating in distribution without due diligence. The fiqh analysis demonstrates that the issue is not only a violation of statutory norms but also a breach of moral accountability and communal trust. In a social context where religious values inform commercial identity, integrating ethical reinforcement with legal enforcement offers a culturally resonant approach to prevention. This integration aligns with responsive regulatory theories that combine coercive sanctions with normative persuasion. Consequently, positive law and fiqh should not be treated as parallel systems but as mutually reinforcing frameworks for strengthening market integrity. The convergence of these normative domains provides both theoretical depth and practical legitimacy to reform initiatives.

The theoretical contribution of this research lies in advancing an integrative socio legal and fiqh based model for analyzing food fraud in predominantly Muslim societies. By moving beyond criminal categorization, the study demonstrates that effective regulation requires attention to structural supply chain governance, institutional orchestration, public participation, and ethical revitalization. Practically, policy recommendations include strengthening traceability systems, institutionalizing inter agency coordination mechanisms, developing accessible digital complaint platforms, and embedding ethical literacy programs within market supervision strategies. Such reforms aim to reconstruct market trust rather than merely increase punitive exposure. The findings also contribute to broader debates on the limits of classical criminal law in addressing complex economic misconduct within layered distribution systems. By situating adulterated rice trading within both legal and moral economies, the research reframes food fraud as a multidimensional governance challenge. Ultimately, effective prevention depends not only on intensifying sanctions but on cultivating systemic transparency, institutional coherence, and ethical responsibility within contemporary market practices..

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