Jurnal Ilmiah Universitas Batanghari Jambi **e-ISSN**: 2549-4236, **p-ISSN**: 1411-8939
Lembaga Penellitian dan Pengabdian kepada Masyarakat
Vol 23, No 3 (2023): Oktober, 2963-2967
DOI: 10.33087/jiubj.v23i3.4427

Implementation of Sanctions by Regional Regulation Number 8 of 2017 Concerning Control and Supervision of the Sales of Alcoholic Beverages in Ogan Komering Ilir District

Erisa Ardika Prasada, Dwi Purnama Sari, Azizah, Karyadin, Yessy Meryantika Sari, Celsy Rahmadani, Try Anjani
Universitas Islam Ogan Komering Ilir Kayuagung
*Correspondence: ardika.prasada@gmail.com

Abstract. *The regional government of Ogan Komering Ilir Regency controls and supervises alcoholic beverages to provide protection and maintain public health, order, and peace from the adverse effects of alcohol abuse. Control and supervision of the distribution and sale of alcoholic beverages is carried out on (a) licensing, (b) business activities selling all classifications and classes of alcoholic beverages, (c) distribution area and location, (d) circulation mechanism, (f) storage area, (g) business feasibility, and (h) sales volume. Holders of permits to sell alcoholic beverages must carry out the obligations and prohibitions as stipulated in Article 23 and Article 25 of the OKI Regency Regional Regulation Number 8 of 2017. If the holder of a permit to sell alcoholic beverages violates these obligations and prohibitions, they may be subject to administrative sanctions and criminal sanctions, as well as sellers of alcoholic drinks who do not have a permit to sell alcoholic drinks. The purpose of this study was to find out the application of sanctions to Regional Regulation Number 8 of 2017 concerning the control and supervision of the sales of alcoholic beverages in Ogan Komering Ilir Regency. This type of research is empirical legal research, namely a legal research method that uses empirical facts taken from verbal behavior obtained from interviews and real behavior carried out through direct observation. Several routine raids that have been carried out by the OKI District Police or Satpol PP found alcoholic beverage sellers who did not have a license to sell alcoholic beverages and karaoke entertainment venues that violated permits. Sanctions for those who sell alcoholic beverages are in the form of appeals and alcoholic beverages obtained during the raid are confiscated to be destroyed.*

Keywords*: alcoholic beverages; control; sanctions; supervision.*

Abstrak. Pemerintah daerah Kabupaten Ogan Komering Ilir melakukan pengendalian dan pengawasan minuman beralkohol sebagai upaya dalam memberikan perlindungan serta menjaga kesehatan, ketertiban, dan ketentraman masyarakat dari dampak buruk terhadap penyalahgunaan minuman beralkohol. Pengendalian dan pengawasan terhadap pengedaran dan penjualan minuman beralkohol dilakukan terhadap (a) perizinan, (b) kegiatan usaha penjualan semua klasifikasi dan golongan minuman beralkohol, (c) wilayah dan lokasi peredaran, (d) mekanisme peredaran, (f) tempat penyimpanan, (g) kelayakan usaha, dan (h) volume penjualan. Pemegang izin penjualan minuman beralkohol harus melaksanakan kewajiban dan larangan sebagaimana yang diatur dalam Pasal 23 dan Pasal 25 Perda Kabupaten OKI Nomor 8 Tahun 2017. Apabila pemegang izin penjualan minuman beralkohol melanggar kewajiban dan larangan tersebut, dapat dikenai sanksi administratif dan sanksi pidana, begitu juga dengan penjual minuman beralkohol yang tidak memiliki izin penjualan minuman beralkohol. Tujuan penelitian ini adalah untuk mengetahui penerapan sanksi Peraturan Daerah Nomor 8 Tahun 2017 Tentang Pengendalian Dan Pengawasan Penjualan Minuman Beralkohol di Kabupaten Ogan Komering Ilir. Jenis penelitian ini adalah penelitian hukum empiris yaitu suatu metode penelitian hukum yang menggunakan fakta-fakta empiris yang diambil dari perilaku verbal yang didapatkan dari wawancara maupun perilaku nyata yang dilakukan melalui pengamatan langsung. Beberapa razia rutin yang telah dilakukan oleh Pihak Kepolisian Resort Kabupaten OKI atau Satpol PP ditemukan penjual minuman beralkohol yang tidak memiliki izin untuk menjual minuman beralkohol dan tempat hiburan karaoke yang menyalahi izin. Sanksi terhadap pelaku penjualan minuman beralkohol berupa himbauan dan minuman beralkohol yang didapatkan dalam razia tersebut disita untuk dimusnahkan.

Kata Kunci: minuman beralkohol; pengawasan; pengendalian; sanksi.

INTRODUCTION

Drinks containing alcohol are alcoholic drinks which are associated with health effects and can influence the behavior of users in social life, so it is necessary to control and supervise the sale of alcoholic drinks. Alcoholic drinks are not a tradition or habit of Indonesian society, because their impact on health and social aspects

is very detrimental. Alcoholic drinks have negative externalities for consumers. Alcoholic drinks contain ethanol at levels ranging from 1% to 55%, which if consumed excessively can make a person's feelings change easily, become irritable, and disturb attention to the environment. Furthermore, excessive consumption of alcoholic beverages can result in impaired motor nerve coordination and can cause permanent damage to brain tissue. People who experience impaired motor coordination control can do anything without realizing it, including criminal acts (Ryan, 2018). Regional governments control and supervise alcoholic beverages as an effort to provide protection and maintain public health, order and peace from the negative impacts of alcohol abuse.

Regional regulations have functions, among others, as policy instruments in the regions to implement regional autonomy and assistance tasks as mandated in the 1945 Constitution of the Republic of Indonesia and the Regional Government Law, but these regional regulations are basically implementing regulations of statutory regulations. higher invitation (Imawan, 2005). Regulations regarding alcoholic beverages are currently regulated in various laws and regulations. At the level of Law or Government Regulation, the regulation of alcoholic drinks is not specifically mentioned, namely only categorized as "drinks" or "processed food", for example in Law Number 36 of 2009 concerning Health (Articles 111 and 112), Law -Law Number 18 of 2012 concerning Food (Articles 86, 89, 90, 91, 97, 99, and 104), and Government Regulation Number 28 of 2004 concerning Food Safety, Quality and Nutrition. For regulations under the Law, there is Presidential Decree (Keppres) Number 3 of 1997 concerning Supervision and Control of Alcoholic Drinks, Regulation of the Minister of Trade Number 15/M-DAG/PER/3/2015 concerning the Third Amendment to Regulation of the Minister of Trade Number 43/M - DAG/PER/9/2009 concerning Provisions for Procurement, Distribution, Sales, Supervision and Control of Alcoholic Beverages, Regulation of the Minister of Industry Number 71/M-IND/PER/7/2012 concerning Control and Supervision of the Alcoholic Beverage Industry (which also regulates regarding traditional alcoholic drinks), as well as Ogan Komering Ilir Regency Regional Regulation Number 8 of 2017 concerning Control and Supervision of the Sale of Alcoholic Drinks (JDIH, 2017)

Local governments must be responsible for dealing with the problem of alcoholic beverages. The responsibility of the regional government is not only to issue regulations and policies or supervise and control the circulation of alcoholic beverages, but also to carry out strict supervision and law enforcement on the regulations and policies that have been issued and to socialize them to the public. regarding the negative impacts of consuming alcoholic beverages. The sale of alcoholic beverages without a permit for the sale of alcoholic beverages in OKI District was discovered by Personnel from the Ogan Komering Ilir Resort Police during routine raids, such as carrying out raids on alcoholic beverages and firecrackers in front of the Kayuagung Shopping Center (Humas Polres, 2022). In addition to Kayuagung, alcoholic drinks were also found without a permit for the sale of alcoholic beverages in several routine raids by the Civil Service Police Unit (Satpol PP) during the month of Ramadan 1443 Hijri in several cafes, dimly lit stalls and karaoke places on Jalan Lintas Timur starting from Teluk District. Gelam, Lempuing, and Mesuji (Radarsriwijaya, 2022). Based on the description of the background above, the author is interested in conducting research entitled Implementation of Sanctions by Regional Regulation Number 8 of 2017 concerning Control and Supervision of the Sales of Alcoholic Beverages in Ogan Komering Ilir District.

METHODS

The research method used is empirical juridical research, namely a legal research method that uses facts obtained from verbal behavior, interviews or real behavior carried out through direct observation. Legal research that bases itself on various aspects of experience, and usually refers to sensory experience (Sunggono, 2005). This research is descriptive analytical, meaning that this research is research that describes, examines, explains and analyzes the application of sanctions in Regional Regulation Number 8 of 2017 concerning Control and Supervision of Alcoholic Drink Sales in Ogan Komering Ilir Regency. This research is a scientific activity based on certain methods, systematics and thinking which aims to study a certain law by analyzing it (Mukti & Achmad, 2010). Based on the type of research, the data source in this research uses secondary data, namely various information that has been

previously available by researchers which is used to complete the need for research data, literature, official documents, books, research results material in the form of reports, and library materials. (Waluyo, 1996)

RESULT

Control and Supervision of Sales of Alcoholic Beverages

Based on Article 26 of Ogan Komering Ilir Regency Regional Regulation No. 8 of 2017 concerning Control and Supervision of Sales of Alcoholic Drinks (OKI District Regulation No. 8 of 2017), regulates that the regional government controls and supervises the sale of alcoholic beverages in the region on a regular, integrated and coordinated basis. Implementation of control and supervision over the sale of alcoholic beverages is carried out by a Supervisory Team whose membership consists of elements of the Regional Government. The Supervisory Team was formed and appointed by the Regent with the main task of planning control activities, supervision, implementation, persuasive action, monitoring, evaluation and reporting. Control and supervision over the distribution and sale of alcoholic beverages as intended in paragraph (1), is carried out on (a) licensing, (b) sales business activities of all classifications and classes of alcoholic beverages, (c) distribution areas and locations, (d) distribution mechanisms , (f) storage place, (g) business feasibility, and (h) sales volume.

Alcoholic beverages are defined as goods under control. The classification of alcoholic beverages is regulated in Article 4 of the District Regulation. OIC No. 8 of 2017, namely:

1. Class A alcoholic drinks are drinks containing ethyl alcohol or ethanol (C2H50H) with a concentration of up to 5% (five percent);
2. Class B alcoholic drinks are drinks that contain ethyl alcohol or ethanol (C2H50H) with levels of more than 5% (five percent) up to 20% (twenty percent); And
3. Class C alcoholic drinks are drinks that contain ethyl alcohol or ethanol (C2H50H) levels of more than 20% (twenty percent) to 55% (fifty five percent)."

Direct sales of class A alcoholic beverages can be sold in international star-rated hotels, bars and restaurants. Direct sales of class B and class C alcoholic drinks can only be sold in 3 (three) star hotels, 4 (four) star hotels and 5 (five) star hotels, bars and international restaurants. As a measure to control and supervise alcoholic beverages, it is regulated in Article 23 and Article 25 of the District Regulation. OIC Number 8 of 2017 concerning the obligations and prohibitions of alcoholic beverage permit holders, namely that every alcoholic beverage sales permit holder is obliged to:

1. comply with the provisions contained in the permit for the sale of alcoholic beverages;
2. ask prospective buyers to show identity cards;
3. maintain peace and public order;
4. submit a report on the realization of sales of alcoholic beverages to the Regent through the Service; provide information regarding its business activities if at any time required by the Regent or an appointed official in the context of control and supervision.

Prohibition of license holders for the sale of alcoholic beverages as follows:

1. Every person is prohibited from producing and/or importing alcoholic beverages without permission from the Government which administers government affairs in the industrial and trade sectors.
2. Every person is prohibited from distributing and/or distributing alcoholic beverages without a distribution permit from the Government which carries out supervision in the field of medicines and food.
3. Every person is prohibited from retailing and selling alcoholic beverages directly, at the place as intended in Article 5 and Article 7 paragraph (1) without having a permit to sell alcoholic beverages from the Regent.
4. Everyone is prohibited from trading alcoholic beverages at locations or places adjacent to: 1) youth arenas, street vendors, terminals, stations, small kiosks, youth lodgings, and campgrounds; 2) places of worship, schools, hospitals; 3) venue for wedding receptions, places for people's entertainment, and; 4) certain other places determined by the Regent.

Implementation of Sanctions on Distribution of Alcoholic Beverages

Article 7 OKI Regency Regional Regulation Number 8 of 2017 stipulates that "Class A alcoholic drinks containing ethyl alcohol or ethanol (C2H50H) with levels up to 5% (five percent) can be sold in certain tourism locations and cannot be sold retail in traditional

stalls , minimarkets, supermarkets, and hypermarkets." The sale of alcoholic beverages must also be licensed. Holders of permits to sell alcoholic beverages must carry out the obligations and prohibitions as stipulated in Article 23 and Article 25 of the OKI Regency Regional Regulation Number 8 of 2017. If the holder of a permit to sell alcoholic beverages violates these obligations and prohibitions, they may be subject to administrative sanctions and criminal sanctions, as well as sellers of alcoholic drinks who do not have a permit to sell alcoholic drinks. Administrative sanctions in Article 29 of the OKI Regency Regional Regulation Number 8 of 2017 are as follows: Administrative sanctions can be in the form of: a) written warning; b) temporary suspension; c) administrative fines; and I or; d) license revocation.

The criminal sanctions in Article 33 of the OKI Regency Regional Regulation Number 8 of 2017 are as follows: (1) Every person who violates the provisions of Article 25 is subject to imprisonment for a maximum of 6 (six) months and/or a maximum fine of Rp. 50,000,000.00 (fifty million rupiah); (2) Any person who uses or drinks alcoholic beverages and/or is drunk in a public place so as to disturb the peace and public order, is subject to imprisonment for a maximum of 3 (three) months and/or a fine of a maximum Rp. 25,000,000.00 (two) twenty-five million rupiah); (3) The provisions referred to in paragraphs (1) and (2) constitute a violation."

Several routine raids that have been carried out by the OKI District Police or Satpol PP found alcoholic beverage sellers who did not have a license to sell alcoholic beverages and karaoke entertainment venues that violated permits. The Community Disease Operation (Pekat) was carried out by Satpol PP who raided seven cafes in the eastern crossroads (jalintim) area in Teluk Gelam District and Pedamaran District. During the Pekat Operation, Satpol PP confiscated a number of alcoholic beverages without a permit and was given a verbal warning (Sumeks, 2023). Raids were also carried out at karaoke entertainment venues that violated permits. Routine raids are carried out by the Ogan Komering Ilir Police to anticipate disturbances to security, public order, and drug abuse. Karaoke entertainment venues that are supposed to be family entertainment, but open every Saturday and Sunday night until 02.00 in the morning and sell alcoholic drinks. The karaoke place was given a warning sanction not to violate the license again (Sindonews, 2020). Based on the results of an interview with Aji Dwi Fernanda, Banit Idik of the OKI Police Criminal Investigation Unit, he explained that routine raids are usually carried out during the month of Ramadhan during ketupat operations to raid alcoholic drinks. Alcoholic drinks are usually sold in discotheques and star hotels and have a distribution permit which means that alcoholic drinks can be bought and consumed only in those places, they cannot be consumed and bought and sold in other places. The alcoholic drinks that are usually obtained during raids are Red Wine, Ashoka, Mansion House from small traders or small stalls because they do not have distribution permits. Sanctions against perpetrators of selling alcoholic beverages are included in light crimes. Sanctions in the form of appeals and alcoholic beverages obtained in the raid were confiscated for destruction. Those selling alcoholic drinks who do not have a distribution permit are not subject to fines, because those selling alcoholic drinks are shops or kiosks or small stalls (Fernanda, 2023). Evidence obtained from several raids was destroyed in the yard of the Ogan Komering Ilir Regional Government Office (Pemda), including evidence resulting from the Cipta Condition raid which was held in the period 29 March to 10 April 2023 by the OKI Police, TNI, and Satpol PP . Evidence of alcoholic drink bottles was destroyed by crushing them using heavy stump equipment, while firecrackers were destroyed by soaking them (Tribunnews, 2023).

CONCLUSION

Prevention of the circulation of alcoholic beverages in society has been carried out in several ways as follows: a) Conduct outreach in the community about the negative effects of alcoholic beverages; b) Carry out patrol activities at shops or kiosks suspected of selling alcoholic beverages. This can be done when there is an order from the Regional Police and a report from the public; and c) Conduct routine raids and enhanced routine activities. Raids are routinely carried out before the month of Ramadan, because before Ramadan there are frequent cases of Community Diseases (Sekat) in the form of gambling, alcoholic beverages, and women. The sale of alcoholic beverages must be licensed. Holders of permits to sell alcoholic beverages must carry out the obligations and prohibitions as stipulated in Article 23 and Article 25 of the OKI Regency

Regional Regulation Number 8 of 2017. If the holder of a permit to sell alcoholic beverages violates these obligations and prohibitions, they may be subject to administrative sanctions and criminal sanctions, as well as sellers of alcoholic drinks who do not have a permit to sell alcoholic drinks. Sanctions against perpetrators of selling alcoholic beverages are included in light crimes. Sanctions in the form of appeals and alcoholic beverages obtained in the raid were confiscated for destruction. Those selling alcoholic beverages who do not have a distribution permit are not subject to fines, because the perpetrators selling alcoholic beverages are shops or kios or small stalls.

REFERENCES

Fernanda, M. A. 2023, Banit Idik Sat Reskrim Polres OKI.

Humas Polres. 2022, *Humas Polri*. Retrieved from https://humas.polri.go.id/en/2022/12/22/polres-oki-melakukan-razia-terhadap-masyarakat-yang-menjual-minuman-keras-dan-petasan/

Imawan, R. 2005. *Desentralisasi Demokratisasi dan Pembentukan Good Governance dalam Desentralisasi dan Otonomi Daerah*. Jakarta: LIPI Press.

JDIH. 2017. Peraturan Daerah Kabupaten Ogan Komering Ilir Nomor 8 Tahun 2017 tentang Pengendalian dan Pengawasan Penjualan Minuman Beralkohol, diakses melalui https://peraturan.bpk.go.id/Details/47295

Mukti Tajur dan Yulianto Achmad, D. 2010. *Dualisme Penelitian Hukum Empiris Dan Normatif*. Yogyakarta: Pustaka Pelajar.

Radarsriwijaya. 2022, *Radar Sriwjaya*. Diakses melalui from https://www.radarsriwijaya.com/2022/04/05/pol-pp-oki-razia-warung-remang-remang-di-jalintim

Ryan Putra Dwi Cahyo, S. A. 2018. Tinjauan Atas Pengawasan Terhadap Perizinan Pengusaha Tempat Penjualan Eceran Minuman Beralkohol. *Jurnal Perspektif Bea dan Cukai*, 2.

Sindonews. 2020, Karaoke Blitz Kayuagung Salahi Izin, Polisi Dapati Miras dan Wanita PL, diakses melalui https://daerah.sindonews.com/berita/1549249/174/karaoke-blitz-kayuagung-salahi-izin-polisi-dapati-miras-dan-wanita-pl

Sumeks. 2023, Satpol PP OKI Gelar Operasi Pekat, Sisir 7 Cafe Jalintim Teluk Gelam, Hanya Beri Teguran Lisan, diakses melalui https://sumeks.disway.id/read/653081/satpol-pp-oki-gelar-operasi-pekat-sisir-7-cafe-jalintim-teluk-gelam-hanya-beri-teguran-lisan

Sunggono, B. 2005. *Metodologi Penelitian Hukum*. Jakarta: PT. RajaGrafindo Persada.

Tribunnews. 2023, Ribuan Botol Minuman Keras, 65 Liter Tuak, dan 20.857 Petasan Dimusnahkan Jelang Lebaran, diakses melalui https://palembang.tribunnews.com/2023/04/17/ribuan-botol-minuman-keras-65-liter-tuak-dan-20857-petasan-dimusnahkan-jelang-lebaran.

Waluyo, B. 1996. *Penelitian Hukum Dalam Praktek*. Jakarta: Sinar Grafika.