

The Effectiveness of Local Regulation No. 2 of 2010 on the Circulation of Alcoholic Beverages in Walantaka Subdistrict

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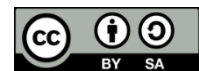
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ABSTRACT

Every citizen has the right to a good and healthy living environment, physical and spiritual prosperity, which is a basic right guaranteed by the state to protect the lives of all Indonesian people based on the 1945 Constitution of the Republic of Indonesia. One of the efforts to obtain a good and healthy living environment and protect the community from the negative impacts of alcoholic beverages is to prohibit alcoholic beverages so that the quality of health, order, peace, and security of the community is maintained. In this case, it is stated in the Regional Regulation of Serang City Number 2 of 2010 regarding the Circulation of Alcoholic Beverages in Walantaka District. Based on this, the formulation of the problem in this study is how the government policy regarding alcoholic beverages in Serang City and how effective Regional Regulation Number 2 of 2010 is on the Circulation of Alcoholic Beverages in Walantaka District. The research method used is an empirical juridical research method using data from interviews and library data as book literature, laws and regulations, and others. The results of this study indicate that Serang City Regional Regulation No. 2 of 2010 concerning the prevention, eradication and management of social diseases is a concrete form of the Serang City government to realize an area with a foundation of cultural and religious community life that is in line with the vision and mission of Serang City itself. So that in the end the people of Serang City are protected from all forms of actions that disturb the community, public order, security, health and values that live in the Serang City community and the effectiveness of Regional Regulation No. 2 of 2010 concerning the distribution of alcoholic beverages in Walantaka District has not been implemented optimally.

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1. INTRODUCTION

Indonesia, as a state based on law, has a constitutional obligation to regulate all

aspects of social life through just legal instruments.¹ The presence of law in community life aims to create order, justice

¹Soerjono Soekanto, Effectiveness of Law and the Role of Sanctions (Bandung: Remaja Rosdakarya, 2014), p. 5

and legal certainty for all citizens without exception.² Within the framework of a unitary state, the central government and regional governments have the authority to form regulations that suit the local needs of each region.³ This authority is a manifestation of the principle of decentralization, which grants regions autonomy to manage their own government affairs. One of the governmental functions under regional authority is maintaining public order and peace in their respective territories. This public order and peace encompass various aspects of social life that have the potential to cause disruption to the wider community. Therefore, regional governments are required to responsively issue regional regulations that address concrete issues on the ground [1].

Local governments play a strategic role in formulating public policies that are oriented towards protecting the interests of local communities.⁴ Regional regulations as regional legal products have legally binding power for all components of society in the region.⁵ The process of formulating regional regulations must be participatory and transparent to accommodate the aspirations of the community as a whole. The effectiveness of regional regulations is largely determined by the alignment of the legal norms they regulate with the sociological conditions of the local community [2].⁶ A regional regulation will not be optimally effective if its substance conflicts with prevailing social realities. Therefore, periodic evaluation of the effectiveness of regional regulations is necessary to measure the extent to which the regulatory objectives have been achieved. This effectiveness measurement includes aspects of law enforcement, public

compliance, and the actual impact of the regulation.

One of the social problems that continues to receive serious attention from governments in various regions is the uncontrolled circulation of alcoholic beverages.⁷ The circulation of alcoholic beverages beyond regulatory limits has given rise to various complex legal and social issues within society. This phenomenon is not limited to large cities but has also spread to previously relatively safe sub-districts and rural areas. Easy public access to alcoholic beverages indicates gaps in the monitoring and control systems implemented by relevant authorities. The circulation of illegal alcoholic beverages without official distribution permits further exacerbates the situation, as the safety and quality of these products are not guaranteed. This situation is exacerbated by weak coordination between government agencies in enforcing enforcement against alcoholic beverage businesses that violate regulations. As a result, the problem of alcoholic beverage distribution continues to escalate and poses a real threat to social stability in various regions [3].

The social impact caused by the uncontrolled circulation of alcoholic beverages is very broad and affects various levels of society.⁸ Excessive alcohol consumption has become a major trigger for criminal acts such as fights, assaults, and domestic violence. Police data from various regions shows that the majority of cases of disturbances to public order and security are closely related to the influence of alcohol. Furthermore, the distribution of alcohol also contributes to the increasing number of traffic accidents resulting in fatalities and material

²Jimly Asshiddiqie, *Regarding the Law* (Jakarta: Rajawali Pers, 2016), p. 23.

³Bagir Manan, *Constitutional Theory and Politics* (Jakarta: FH UI Press, 2013), p. 78.

⁴Satjipto Rahardjo, *Legal Science* (Bandung: Citra Aditya Bakti, 2012), p. 45.

⁵Philipus M. Hadjon, *Introduction to Indonesian Administrative Law* (Yogyakarta: Gadjah Mada University Press, 2015), p. 112.

⁶Sudikno Mertokusumo, *Understanding Law: An Introduction* (Yogyakarta: Liberty, 2011), p. 136

⁷Ahmad Redi, "Problems of Law Enforcement on the Distribution of Alcoholic Beverages in Indonesia," *Indonesian Legislation Journal*, Vol. 14, No. 2 (2017): p. 185.

⁸Yulia Neta, "The Social Impact of the Circulation of Alcoholic Beverages on Society," *Journal of Sociology of Law*, Vol. 3, No. 2 (2018): p. 42.

losses. The social environment surrounding the distribution of alcohol often experiences moral degradation, negatively impacting the younger generation. Children and adolescents exposed to the distribution of alcohol tend to engage in deviant behavior and significantly decline in academic performance. This situation creates a vicious cycle that is difficult to break unless addressed comprehensively through a simultaneous legal and social approach [4], [5].

From a public health perspective, long-term alcohol consumption has a highly destructive impact on human organs. Numerous medical studies have proven that alcohol is a major risk factor for liver disease, heart disease, and central nervous system damage. The World Health Organization consistently lists alcohol as a leading cause of premature death in developing countries. In Indonesia, cases of poisoning from mixed alcohol containing methanol have repeatedly claimed significant lives. The economic burden borne by the country due to the health impacts of alcohol consumption is also significant due to the increasing costs of public health services. Hospitals and community health centers in various regions report an increasing number of patients experiencing health problems due to alcohol abuse. Therefore, controlling the distribution of alcohol is not merely a legal issue but also an effort to protect public health comprehensively [6].

Legally, the authority of regional governments to regulate the distribution of alcoholic beverages is based on a number of applicable laws and regulations.⁹ Law No. 23 of 2014 concerning Regional Government provides the legal basis for regions to regulate matters of public order and security. Furthermore, Presidential Regulation No. 74 of 2013 concerning the Control and

Supervision of Alcoholic Beverages serves as the primary reference for regions in formulating local regulations. Minister of Trade Regulation No. 20 of 2014 concerning the Control and Supervision of the Procurement, Distribution, and Sale of Alcoholic Beverages also provides clear technical guidelines. Based on this regulatory framework, regional governments have strong legitimacy to issue more specific regional regulations tailored to local conditions. Regional regulations on alcoholic beverages generally address beverage classification, licensing, sales locations, and sanctions for violators [7], [8].¹⁰ Harmonization between central and regional regulations is an absolute prerequisite for regulations on alcoholic beverages to be implemented effectively and without overlap [2].

Serang City as the capital of Banten Province has issued Regional Regulation Number 2 of 2010 concerning Supervision and Control of Alcoholic Beverages [9].¹¹ This regional regulation was initiated by the increasing circulation of alcoholic beverages in the Serang City area, which has caused public unrest. The substance of Regional Regulation Number 2 of 2010 includes provisions regarding prohibitions, licensing, supervision, and criminal provisions for violators. This regulation prohibits the circulation of class C alcoholic beverages and limits the circulation of class A and B alcoholic beverages to certain designated locations. The Serang City Government, through the Civil Service Police Unit, is authorized to enforce regulations and take action against businesses that violate them. Sanctions stipulated in this regional regulation include revocation of business licenses, administrative fines, and even imprisonment for repeat violators. Despite being in effect for more than a decade, the effectiveness of this regional regulation in

⁹Ridwan HR, *State Administrative Law* (Jakarta: Rajawali Pers, 2014), p. 97.

¹⁰Ni Ketut Supasti Dharmawan, "The Effectiveness of Regional Regulations on Controlling Alcoholic Beverages," *Udayana Master of Law Journal*, Vol. 5, No. 3 (2016): p. 512.

¹¹La Ode Husen, "Implementation of Regional Regulations on Alcoholic Beverages in Serang City," *Scientific Journal of Aerospace Law*, Vol. 8, No. 1 (2017): p. 34.

controlling the circulation of alcoholic beverages remains a matter of debate among academics and legal practitioners [2], [9].

Walantaka District is one of the districts in Serang City that experiences quite complex social dynamics related to the circulation of alcoholic beverages.¹² Walantaka District's geographical location, directly bordering the regency, makes it a strategic route for the distribution of various commodities, including alcoholic beverages. Economic growth and population growth in the district have also influenced the consumption and distribution patterns of alcoholic beverages among the local community. Initial observations indicate that a number of stalls and grocery stores still sell alcoholic beverages without official permits from the local government. Alcohol distribution in Walantaka District is often conducted clandestinely to avoid raids by law enforcement officers. This situation indicates that oversight of the implementation of Regional Regulation Number 2 of 2010 in the district has not been optimal. The gap between the legal norms stipulated in the regional regulation and the reality on the ground is a serious issue that requires in-depth study [6].

The effectiveness of a regional regulation is highly dependent on five main factors, namely legal factors, law enforcement, facilities, society and culture.¹³ In the context of Regional Regulation Number 2 of 2010, law enforcement factors are one of the main obstacles that hinder the achievement of regulatory objectives.¹⁴ The limited personnel and budget of the Serang City Public Order Agency (Satpol PP) often hinder intensive supervision. Furthermore, low public awareness of the dangers of alcohol and the provisions of regional regulations also weaken the effectiveness of

law enforcement [3]. Cultural factors and the habits of some residents who consider alcohol consumption to be normal also pose challenges for the local government. Weak coordination between sub-district and village governments and local security forces also contributes to the ineffectiveness of grassroots supervision. These various obstacles demonstrate that a legal approach alone is insufficient to comprehensively address the problem of alcohol distribution.

Based on the background of the problems outlined above, research into the effectiveness of Regional Regulation No. 2 of 2010 in Walantaka District is urgently needed. This research is expected to provide a comprehensive overview of the extent to which the regional regulation is effective in controlling the circulation of alcoholic beverages in the area. This study also aims to identify inhibiting and supporting factors in the implementation of regional regulations at the sub-district level.¹⁵ The results of this study are expected to serve as evaluation material for the Serang City Government in refining its alcohol control policies in the future. Furthermore, this research also contributes to the development of legal science, particularly in the fields of state administrative law and regional government law. Through a juridical-sociological approach, this study will examine the gap between *das sollen* and *das sein* in enforcing regional regulations on alcoholic beverages. Thus, this research not only has high academic value but also provides practical benefits for policymakers and the wider community.

2. METHODS

The main elements contained in the methods section are: research design;

¹²I Gede Agus Kurniawan, "Legal Review of the Distribution of Alcoholic Beverages in the Regions," *Kertha Negara Journal*, Vol. 4, No. 8 (2016): p. 7.

¹³Achmad Ali, *Uncovering Legal Theory and Judicial Prudence* (Jakarta: Kencana, 2015), p. 231.

¹⁴Muhammad Erwin, "Criminal Law Policy in Combating the Distribution of Alcoholic Beverages," *IUS QUIA IUSTUM Law Journal*, Vol. 22, No. 1 (2015): p. 68.

¹⁵Bambang Waluyo, "Law Enforcement against Violations of Regional Regulations," *Journal of Law and Development*, Vol. 45, No. 3 (2015): p. 315.

population and sample or informants as research targets; data collection techniques, including a description of instrument development, supplemented by data analysis methods. Research articles that use primary and secondary tools and materials should be written in detail. The tools section describes the sophistication of the tools used, while the materials section describes the type and composition of the materials used. The description of the methods sub-chapter should be structured in one paragraph.

The type of research used is juridical-empirical, which is used in writing this thesis to analyze library materials and review research by going directly into the field. Field research is research conducted in a place and location chosen to research and investigate something that occurs there.¹⁶

This research approach uses a qualitative approach with a descriptive type of research, namely research that attempts to describe a phenomenon of an event that occurs where the researcher attempts to analyze the events and incidents that become the focus of his attention to then be explained and depicted as in the form of descriptions and analyses that provide a clear picture. Qualitative research with a descriptive approach requires direct information from sources about the conditions of the subject and the conditions of the research object to be studied.¹⁷

3. RESULTS AND DISCUSSION

3.1 Government Policy Regarding Alcoholic Beverages in Serang City

Serang City Regulation No. 2 of 2010 concerning the prevention, eradication and management of social ills is a concrete form of the Serang City government to realize a region with a foundation of cultural and religious community life that is in line with the vision and mission of Serang City itself. So that in the

end the people of Serang City are protected from all forms of actions that disturb the community, public order, security, health and values that live in the people of Serang City. Starting from the things mentioned above, that a sense of security, comfort, and peace needs to be realized in Serang City, therefore the actions of social ills in Serang City must be given rules regarding guidance, supervision, and control, prohibition, and action against social ills in order to avoid disturbances/negative impacts that will arise in society [9].¹⁸

Serang City Regional Regulation Number 2 of 2010 is one of the policies established by the Serang City government with the aim of preventing, eradicating, and addressing social ills in Serang City. This takes into consideration several factors, including: (Draft of Serang City Regional Regulation No. 2 of 2010)

- 1) That Serang City is a foundation area for the life of a cultured and religious society, in line with the vision and mission of Serang City.
- 2) That various forms of actions that constitute social ills are actions that disturb society, public order, security, health and the values that live in the Serang City community.

That a sense of security, comfort and peace needs to be realized in Serang City, therefore, the acts of social ills in Serang City require regulations regarding guidance, supervision and control, prohibition and action against social ills in order to avoid disturbances/negative impacts that will arise in society.

It is also stated in Article 1 paragraph 14 of Regional Regulation No. 2 of 2010 that social ills are things or actions that occur in the midst of society that are unpleasant to the

¹⁶Abdurahman Fathoni, Research Methodology and Thesis Writing Techniques, Jakarta: PT Rineka Cipta, 2006, p. 96

¹⁷Saifudin Azwar, Research Methods, Yogyakarta: Pustaka Pelajar, 1998, p. 8

¹⁸Khaerul Umam, The Effectiveness of Regional Regulation Number 2 of 2010 Concerning the Prevention, Eradication, and Management of Social Diseases by the Serang City Social Service, Jurnal Dimensi Hukum, Vol. 8 No. 9 of 2024

community or disturbing the community that are not in accordance with religious and customary rules as well as polite manners in society. The classification of social ills is stated in Article 3 paragraphs 1, 2, and 3 as follows:

The classification of social diseases regulated in this Regional Regulation includes all forms of actions, deeds or behavior that are unpleasant and disturbing to society and/or violate religious teachings and moral norms;

Social ills as referred to in paragraph (1) include the following actions and behavioral acts:

- 1) Women with Social Disabilities (WTS)
- 2) Transvestites who sell themselves
- 3) Alcohol Abuse
- 4) Homeless and Beggars
- 5) Street children

All actions and/or deeds related to social ills as referred to in paragraph (2) are actions and/or deeds that violate order as regulated in the applicable laws and regulations.

From the classification of social diseases in Serang City Regulation Number 2 of 2010, the focus of this research will be on the abuse of alcoholic beverages. In Serang City Regulation Number 2 of 2010, it is explained that alcoholic beverages are beverages containing ethanol processed from chemical or agricultural products containing carbohydrates by fermentation and distillation or fermentation without distillation, either by providing prior treatment or not, adding other ingredients or not, or processed by diluting beverages containing ethanol with an alcohol content of 1% to 5% for Class A, 5% to 20% for Class B and 20% to 55% for Class C; Distribution of alcoholic beverages is the distribution of alcoholic beverages to be traded in the region.

Article 7 of Serang City Regional Regulation Number 2 of 2010 regulates several matters relating to alcoholic beverages, namely as follows:

- 1) Everyone is prohibited from drinking alcoholic beverages.

Every person and/or business entity is prohibited from storing, distributing and/or selling class A, class B and class C alcoholic drinks.

- 2) Every person and/or business entity is prohibited from using or allowing their premises to be used as a place to carry out acts as referred to in paragraph (1) and paragraph (2).
- 3) Every person is prohibited from being a backing for the place where the act as referred to in paragraph (1) and paragraph (2) is carried out.
- 4) Exceptions to the provisions referred to in paragraph (2) are alcoholic beverages containing spices, herbal medicines and the like for health purposes and which are in star hotels.
- 5) Drinks for health purposes as referred to in paragraph (3) are determined by the Mayor in accordance with statutory regulations.

3.2 The Effectiveness of Regional Regulation Number 2 of 2010 on the Distribution of Alcoholic Beverages in Walantaka District

Based on the research results obtained by researchers in Walantaka sub-district regarding Serang City Regional Regulation Number 2 of 2010 which regulates the provisions for various diseases in society and in this research the focus is on the distribution of alcoholic beverages. In Serang City Regional Regulation Number 2 of 2010 concerning alcoholic beverages, it is regulated in Article 7 which explains that (1) everyone is prohibited from drinking alcoholic beverages, (2) every person and/or business entity is prohibited from storing, distributing and/or selling alcoholic beverages of class A, class B and class C (3) Every person and/or business entity is prohibited from making or allowing their place as a place to carry out acts as referred to in paragraph (1) and paragraph (2). (4) Every person is prohibited from being a backing for a place to carry out acts as referred to in paragraph (1) and paragraph (2) (5) Exceptions to the provisions as referred to in

paragraph (2) are alcoholic beverages containing spices, herbal medicines and the like for health purposes and which are in star hotels. (6) Drinks for health purposes as referred to in paragraph (3) are determined by the Mayor in accordance with statutory regulations.

In Regional Regulation Number 2 of 2010, it also regulates the role of society in Article 12, namely: 1) Everyone has the right and responsibility to participate in realizing life in a safe, orderly and peaceful environment and free from actions, deeds and behavior of social ills. (2) The form of community participation as referred to in paragraph (1) is in the form of: Preventing all actions, deeds or behavior of social ills that are known or that are likely to occur; Monitoring all actions and/or deeds related to social ills in the residential environment; Reporting to officials or authorized parties if they know or find actions, deeds and behavior of social ills.

Interviews with informants from Walantaka District revealed that the community was unaware of Regional Regulation Number 2 of 2010. Due to the lack of information regarding this regulation, many people have normalized the use of alcoholic beverages. The informants interviewed by the researchers even saw construction workers carrying out their work while drinking alcohol. This indicates that the distribution and use of alcoholic beverages is still easy in Walantaka District.

Residents in Walantaka District also stated that there is a lack of widespread supervision of alcohol consumption in the district. The distribution and transaction of alcohol in Walantaka District is considered commonplace, as evidenced by the fact that alcohol transactions take place in private homes and some in food stalls. Sources stated that there has been no oversight or enforcement by the authorities.

To anticipate and/or overcome the misuse of the distribution of alcoholic beverages, the Regional Government is

required to carry out regular and continuous enforcement. In terms of enforcement, the Regional Government forms an integrated team consisting of the following elements: a. Indonesian National Police; b. Indonesian National Armed Forces; c. Civil Service Police; d. Health Service; e. Cooperatives, Industry and Trade Service; f. Legal Department; g. Religious Organizations and Community Organizations; and h. Other elements deemed necessary. The team is coordinated by the Regional Apparatus Organization responsible for enforcing Regional Regulations.¹⁹

The Regional Government is obliged to provide guidance and supervision in order to overcome the dangers of consuming alcoholic beverages containing intoxicating elements, in this case the Health Service is appointed and responsible for the guidance and supervision. Guidance and supervision are carried out in the form of, among others: a. Counseling regarding the dangers of consuming alcoholic beverages; b. Guidance and supervision of Hotel, Restaurant, Pub and Café Managers who have obtained permits and special areas; and c. Rehabilitation for victims of addiction. Guidance and supervision, by the Health Service can form a guidance team that is determined by the Regent's Decree. Guidance and supervision involve related elements.²⁰

The Serang City Government has given a firm stance to limit the circulation of alcoholic beverages in Serang City, one of the actions taken by the Serang City Government in dealing with the circulation of alcoholic beverages is by revising regulations related to the distribution of alcoholic beverages which include stricter sanctions for all parties involved in the circulation of illegal alcoholic

¹⁹Dian, Legal analysis of the prohibition of alcoholic beverages, *Sawerigading Law Journal*, Vol. 1 No. 2, September 2022

²⁰Dian, Legal analysis of the prohibition of alcoholic beverages, *Sawerigading Law Journal*, Vol. 1 No. 2, September 2022

beverages, including building owners whose properties are misused.²¹

The enforcement and supervision carried out by the Serang City government has not yet reached all areas of Serang City, this was stated by one of the informants who was a researcher who stated that he had never seen any socialization of the Regional Regulation, supervision and enforcement against the distribution of alcoholic beverages or those who drink alcoholic beverages.

The role of the community in the distribution of alcoholic beverages is crucial. This is to increase the effectiveness of Regional Regulation Number 2 of 2010, one of the provisions of which concerns the distribution of alcoholic beverages. The community must play an active role because if someone is found to be behaving dependent on alcohol, the impact will affect not only that individual but also all family members and the wider community. Therefore, the community needs to be mobilized to coordinate efforts to prevent alcohol abuse.

4. CONCLUSION

Serang City Regional Regulation No. 2 of 2010 concerning the prevention, eradication and management of social diseases is a concrete form of the Serang City government to create a region with a foundation of cultural and religious community life that is in line with the vision and mission of Serang City itself. So that in the end the people of Serang City are protected from all forms of actions that disturb the community, public order, security, health and values that live in the Serang City community. In Serang City Regional Regulation No. 2 of 2010 concerning alcoholic beverages, it is regulated in Article 7 which explains that (1)

everyone is prohibited from drinking alcoholic beverages, (2) every person and/or business entity is prohibited from storing, distributing and/or selling alcoholic beverages of class A, class B and class C (3) Every person and/or business entity is prohibited from making or allowing their place as a place to carry out acts as referred to in paragraph (1) and paragraph (2). (4) Every person is prohibited from being a backing for a place where acts as referred to in paragraph (1) and paragraph (2) are carried out. (5) Exceptions to the provisions as referred to in paragraph (2) are alcoholic drinks containing spices, herbal medicines and the like for health purposes and which are in star hotels. (6) Drinks for health purposes as referred to in paragraph (3) are determined by the Mayor in accordance with statutory regulations.

The Serang City Government is advised to improve the consistency and effectiveness of the implementation of Serang City Regional Regulation Number 2 of 2010, particularly regarding supervision and law enforcement regarding the prohibition on the distribution and consumption of alcoholic beverages. Strengthening coordination between the Civil Service Police Unit, the police, and other related agencies is necessary so that the objectives of the Regional Regulation in maintaining public order, security, health, and social and cultural values of the community can be optimally realized. The Serang City Regional People's Representative Council is advised to conduct periodic evaluations of the effectiveness of Serang City Regional Regulation Number 2 of 2010, including reviewing the provisions of exceptions as regulated in Article 7 paragraph (5) and paragraph (6), so as not to give rise to multiple interpretations and potential abuse in its implementation practices.

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²¹ <https://mediabanten.com/pemkot-serang-perketat-peredaran-miras-melalui-revisi-perda-puk/> quoted on January 28, 2026

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