

# Criminal Sanctions for the Distribution of Alcoholic Beverages Reviewed Based on Buton Regency Regional Regulation Number 14 of 2013 Concerning Permit Fees Sales of Alcoholic Beverages

**Andrian, St. Fatmawati L., Basoddin**

Faculty of Law, University of Southeast Sulawesi

Received: 16/09/2024

Accepted: 05/04/2025

Published: 30/06/2025

\*Representative e-Mail: [fatma.sultra@gmail.com](mailto:fatma.sultra@gmail.com)

## ABSTRACT

*This study aims to determine the types of alcoholic beverages that are permitted and prohibited from being distributed in Buton Regency, and to determine the form of sanctions and law enforcement for individuals or legal entities who wish to distribute alcoholic beverages without a permit in accordance with Buton Regency Regional Regulation Number 14 of 2013 concerning Alcoholic Beverage Sales Permit Fees. This study uses a normative legal research method using a statute approach and a conceptual approach. This method is used because the object of the research study is the principles and principles of law, legal rules, theories and legal doctrines from legal experts. The results of this study are to determine the forms and types of alcoholic beverages that are permitted and prohibited from being distributed, especially in Buton Regency. in accordance with Regulation Area No. 14 Year 2013 that is Alcoholic beverages with an ethanol content of 1% – 55% are permitted for consumption, while traditional beverages and alcoholic beverages are prohibited for consumption. Sanctions for business actors or legal entities that distribute alcoholic beverages without a permit in accordance with Buton Regency Regional Regulation Number 14 of 2013 concerning Alcoholic Beverage Sales Permit Fees can be subject to administrative sanctions (Article 29), and criminal sanctions (Article 30).*

**Keywords:** *Alcoholic Beverages, Criminal Sanctions, Permit Fees, Buton Regency Regional Regulation Number 14 of 2013*

## I. INTRODUCTION

The Republic of Indonesia is a state of law that guarantees a sense of security and comfort for all Indonesian people and protects all Indonesian people from all forms of criminal acts. In the preamble to the 1945 Constitution of the Unitary State of the Republic of Indonesia (UUD NKRI) as the State constitution, it has been emphasized that the State's goal is to protect all the people and all of Indonesia's territory. Thus, the State, in this case law enforcement, has a full duty to guard and protect the Indonesian people from all forms of criminal acts that threaten the comfort and security of society. Indonesia.

The existence of law in society does not stand alone. Law is closely related to community life. Law is often referred to as a social phenomenon, where there is society, there is law. The existence of law is a societal need, both the needs of individuals and in interacting with others in their social interactions. (Krisdwiartoro Agustinus; 2023, 1–2). The Indonesian nation still faces various problems that are less supportive, and can even become obstacles and barriers to national development, where national development has both positive and negative impacts. The positive impact of national development is the realization of an increase in the welfare and prosperity of the Indonesian people. Meanwhile, one of the negative impacts is the increase in crime in various ways and forms. This negative impact has a very large influence and can hinder the smooth and successful progress of development.

One of the most concerning issues that requires special attention from the government is the widespread consumption of alcoholic beverages by the general public, particularly in Indonesia. Various Indonesian media outlets, from television and electronic media to print, provide the public with news about a series of deaths resulting from alcohol consumption. alcoholic.

Alcohol abuse in Indonesia is currently a growing problem among adolescents, generally increasing year by year. The number of people who consume alcoholic beverages is 4.9%. This habit of drinking alcohol occurs in those

aged 15-25 years, with the prevalence of alcohol consumption increasing sharply at age 15, with various environmental, social, and cultural factors contributing to this. Alcohol consumption is higher in rural areas than in urban areas, and alcohol consumption is higher among men than women, according to data from the Basic Health Research.

The results of the Basic Health Research (Riskesdas) show that the proportion of alcoholic beverage consumption and types of alcoholic beverages in the population aged over 10 years is 3%, including whisky 3.8%, wine - arak 21.6%, mixed wine 3.3%, beer 29.5%, traditional drinks 38.7% and others 3.1% (Riskesdas 2018). Traditional alcoholic beverages have been a part of the lives of Indonesian people in various regions of the archipelago since ancient times, starting from religious rituals, traditional rituals and symbols in life. daily.

In 2021, alcohol consumption in Indonesia was recorded at 0.36 liters per capita, a 7.7% decrease from 0.39 liters per capita in the previous year. Regionally, alcohol consumption by rural residents reached 0.6 liters per capita in 2021, a slight decrease from 0.61 liters per capita in the previous year. Meanwhile, alcohol consumption in urban areas was recorded at 0.18 liters per capita last year, a decrease from 0.22 liters per capita in 2020 .

The liquor trade is expanding, driven by the presence of intermediaries or distributors. Perpetrators exploit various methods of alcohol abuse, including social media. Alcohol-related crime in Indonesia, including riots, rape, murder, traffic accidents, and brawls, has been increasing year after year. Consequently, Indonesia has been declared an "alcohol emergency." Today, alcohol has evolved into "mixed" alcohol. Mixed alcohol is a type of alcohol whose ingredients are not derived from ethyl alcohol (ethanol), but from methyl alcohol (methanol), a chemical compound that is highly dangerous and can damage organs.

In Buton Regency Regional Regulation No. 14 of 2013 concerning Alcoholic Beverage Sales Permit Fees, "Article 1 number 10, what is meant by Alcoholic Beverages are beverages containing ethanol processed from agricultural products containing carbohydrates by means of fermentation and distillation or fermentation without distillation, whether by providing prior treatment or not, adding other ingredients or not, or processed by mixing concentrate with ethanol or by diluting the beverage with ethanol." (Regional Regulation. 2013)

Alcoholic beverages or liquor are often discussed in society, because they have negative impacts, can damage the perpetrators and damage the lives of the community even worse and also cause various crimes (crimes). The government is aware of these dangers by issuing regulations related to the distribution of liquor, so as not to cause crime in society. These regulations include: In the Criminal Code (KUHP) regulates the problem of abuse of Liquor, alcohol or liquor crimes are spread in several articles, including article 300; article 492; article 536; article 537; article 538; article 539 of the Criminal Code. The Ministry of Trade of the Republic of Indonesia issued Regulation of the Minister of Trade Number 06 / M-DAG / PER / 1/2015 which amended a number of articles in Regulation of the Minister of Trade Number 20 / M-Dag / PER / 4/2014. One of the changes in the Regulation of the Minister of Trade regulates that alcoholic beverages can no longer be sold in minimarkets. This regulation was formed with the spirit of protecting the morals and culture of society and increasing the effectiveness of control and supervision of the procurement, distribution and sale of alcoholic beverages.

Apart from the Minister of Trade Regulations, there are also several Regional Regulations that supervise and control the distribution of alcoholic beverages. Of these regulations, of course there will be enforcement of the law on the distribution of liquor. (Khairu Nasrudin; 2019, 161–162)

Presidential Regulation No. 74 of 2013 concerning the Control and Supervision of Alcoholic Beverages, which is the highest legal basis for supervising the distribution of alcoholic beverages in Indonesia, was made because the Supreme Court, with Decision No. 42 P/HUM/2012 dated June 18, 2013, declared Presidential Decree No. 3 of 1997 concerning the Supervision and Control of Alcoholic Beverages invalid and without legal force. Presidential Regulation No. 74 of 2013 is contrary to Law No. 36 of 2009 concerning Health, Law No. 8 of 1999 concerning Consumer Protection, and Law No. 7 of 1996 concerning Food.

Presidential Decree No. 74 of 2013 conflicts with several regional regulations that completely ban the distribution of alcoholic beverages. The Presidential Decree should provide regional regulations with the authority to completely restrict the distribution of alcoholic beverages within their jurisdictions. The core legal substance of Presidential Decree No. 74 of 2013 stipulates that alcoholic beverages may be circulated again under supervision.

Related To regulate the distribution of alcoholic beverages in Indonesia, legal action is required from the government to establish regulations, including control, supervision, and prohibition. Currently, the basis for the distribution of alcoholic beverages in Indonesia is Presidential Regulation No. 74 of 2013 concerning Control and Supervision.

Alcoholic Beverages which are followed by implementing regulations, namely Minister of Trade Regulation No. 6 of 2015 concerning the Second Amendment to Minister of Trade Regulation No. 20 of 2014 concerning Control and Supervision of Procurement, Distribution and Licensing of Alcoholic Beverages.

Prevention and mitigation of the illegal trade in alcoholic beverages must be implemented within the community. Some of the measures that must be taken include preventive and repressive measures. Preventive measures can be implemented through public education about the dangers posed and the criminal sanctions threatened to sellers. Meanwhile, repressive measures include concrete actions taken by law enforcement, such as raids on various locations suspected of illegally selling alcoholic beverages. illegal.

## II. LITERATURE REVIEW

### 2.1 Understanding Aspects Criminal

According to the Big Indonesian Dictionary (KBBI), aspect refers to the emergence or interpretation of ideas, problems, situations, and considerations from a particular perspective (<https://kbbi.web.id/Aspek>). The term "Criminal" is a borrowed translation from the Dutch word *straf*. In addition to the words "Pidana" and "Jenayah" (criminal), they also have the same meaning and are often referred to as punishment. The term "criminal" is more appropriate than the term "punishment" because law is commonly used as a translation. from *law*.

It can be said that the term criminal in the narrow sense is related to criminal law. Criminal is defined as suffering intentionally imposed/given by the state on a person or several people as a legal consequence (sanction) for their actions that have violated the prohibitions of criminal law. Specifically, this prohibition in criminal law is referred to as a criminal act (*strafbaar feit*) ( <https://id.wikipedia.org/wiki/Pidana> ). There are several understanding of "criminal" as put forward by criminal law experts, namely:

1. Satochid Kertanegara is of the opinion that punishment is torture or suffering.
2. Moeljatno is of the opinion that punishment is a special sorrow imposed on someone who does evil.
3. Ted Honderich stated that criminal law is the imposition of sanctions imposed by the authorities on perpetrators of crimes.
4. Rupert Cross stated that punishment is the imposition of torture by the state on someone who has been convicted of a crime. crime.

### 2.2 Types of crimes:

The types of crimes as contained in Article 10 (ten) of the Criminal Code are divided into 2 (two) types, namely:

1. Principal (main) crime :
  - a. Death Penalty;
  - b. Prison sentence:
    - 1) Life imprisonment life.
    - 2) Imprisonment for a certain period of time (maximum 20 years and minimum 1 year).
  - c. Imprisonment (at least 1 day and at most 1 year);
  - d. Criminal Fine;
  - e. Criminal Cover.
2. Additional Penalties :
  - a. Revocation of rights certain
  - b. Confiscation (seizure) of goods certain;
  - c. Announcement of the judge's decision.

Based on the description above, it can be seen that the various types of criminal offenses in the Criminal Code are divided into 2 (two) categories, namely: Principal Criminal Offenses and Additional Criminal Offenses which are the basis for imposing criminal sanctions in judges' decisions. (Principles of Criminal Law 2010). Several figures have developed the idea that criminal offenses have various objectives, including:

1. Revenge
2. Prevent the recurrence of criminal acts.
3. Prevent other people from doing the same thing The same.
4. Has a maintenance function peace.
5. Conflict resolution.

Moeljatno argues that "criminal" is a special punishment imposed on someone who commits a crime. The term "Strafbaarfeit" is originally a Dutch term that has been translated into Indonesian with various meanings, including offense, criminal act, criminal act or event that can be punished. There are several definitions of these terms from experts, which can be explained as follows. :

1. Pompe argues that the meaning of "Strafbaarfeit" is different : Explanation based on theory, provides the understanding that "Strafbaarfeit" is a violation of norms which is carried out due to the perpetrator's mistake and is threatened with
  - a. Punishment to maintain the rule of law and save welfare general.
  - b. An explanation based on positive law provides an understanding of "strafbaarfeit", namely an event (feit) which is concluded by statutory regulations to be a type of action that can be punished.
2. JE Jonkers' understanding of "Strafbaarfeit" is differentiated :
  - a. The short definition provides the meaning of "Strafbaarfeit" which is an incident (feit) that can be subject to criminal penalties by Constitution.
  - b. A longer or deeper definition provides the meaning of "Strafbaarfeit", namely an unlawful act which is carried out intentionally by a person who can be held responsible.
3. Simons

It is of the opinion that the meaning of "Strafbaarfeit" is behavior (handeling) which is subject to criminal penalties, is against the law and is carried out with error by someone who is capable of being responsible.

4. Van Hammel

The forms of criminal acts are divided into two forms, namely General Criminal Offenses and Special Criminal Offenses, where the regulations are in the Criminal Code (KUHP) and other laws outside the KUHP as

supporting regulations.

### 2.3 Theory Criminalization

Regarding the purpose of punishment, several theories have been adopted by experts, whose rationale revolves around the question of why a crime is subject to punishment. These theories of punishment are as follows:

### 2.4 Theory or Theory Absolute

This theory was introduced by Kent and Hegel. According to this theory, punishment is imposed solely because a person has committed a crime or criminal act. Adherents of the absolute theory include Immanuel Kant, Hegel, Leo Polak, Van Bemmelen, Pompe, etc. The Absolute Theory is based on the idea that punishment does not have a practical purpose, such as reforming criminals, but punishment is an absolute demand, not just something that needs to be imposed but is a necessity, in other words, the essence of punishment is retribution ( *revenge* ). As stated by Muladi:

"The absolute theory views punishment as retribution for a wrong that has been committed, so it is oriented towards the act and lies in the occurrence of the crime itself. This theory emphasizes that sanctions in criminal law are imposed solely because a person has committed a crime, which is an absolute consequence that must exist as retribution for the person who committed the crime, so that sanctions aim to satisfy the demands of the perpetrator." justice.

According to Soesilo, punishment is a form of retribution based on the ancient belief that anyone who kills must be killed. This belief is based on "Talio" or "Qisas," where the person who kills must atone for their sin with their own soul. This means that the crime itself contains the elements that demand and justify the imposition of punishment. The demand for absolute justice. This is clearly seen in Immanuel Kant's opinion in his book "Philosophy of Law" as follows:

"Punishment is never imposed merely as a means to promote some other end, either for the perpetrator himself or for society, but in all cases must be imposed simply because the person concerned has committed a crime. Even if all members of society agree to destroy itself (disband the society), the last murderer still in prison must be sentenced to death before the resolution/decision to disband the society is implemented. This must be done because everyone should receive the reward for his actions, and the feeling of revenge must not remain in the members of society, because otherwise they would all be seen as having participated in the murder which is a violation of justice. general". Adherents of this retributive theory can also be divided into several groups, namely:

1. Adherents of the pure retributive theory ( *The pure retributivist* ) are of the opinion that punishment must be appropriate or commensurate with the perpetrator's mistake.
2. Adherents of the impure retributive theory (with modifications) can also be divided in:
  - a. *The limiting retributivist*
  - b. Adherents of the distributive retributive theory ( *Retribution in distribution* ),

In John Kaplan's book, this *retribution theory* is divided into two theories, namely:

- a. theory ( *the revenge theory* ), And
- b. *The theory of expiation theory* )

### 2.5 Goal Theory or Theory Relatively

The basis of this relative theory or objective theory is that punishment is a tool to enforce order (law) in society. Muladi's opinion on this theory is: Punishment is not a form of retribution for the perpetrator's mistakes but a means to achieve beneficial goals to protect society towards social welfare. Sanctions are emphasized on their purpose, namely to prevent people from committing crimes, so they are not aimed at absolute satisfaction. justice. This statement shows that punishment is not imposed *quia peccatum est* (because someone commits a crime) but rather *ne peccatum* (so that someone does not commit a crime). crime).

### 2.6 Combined/modern theory ( *Verenigings Theorien* )

In addition to the absolute and relative theories mentioned above, a third theory has emerged that, on the one hand, recognizes the element of retribution in criminal law. However, on the other hand, it also recognizes the elements of prevention and correction of criminals inherent in every crime.

theory views the purpose of punishment as plural, as it combines relative (purpose) and absolute (retribution) principles as a single unit. This theory has a dual character, where punishment contains a retributitional character insofar as it is seen as a moral critique in response to wrongdoing. Meanwhile, the objective character lies in the idea that the goal of this moral critique is reformation or change in the convict's behavior in the future. day.

The purpose of punishment is plural, as it combines relative (purpose) and absolute (retribution) principles. This theory has a dual character, where punishment contains a retaliatory character insofar as it is seen as a moral critique in response to wrongdoing. Meanwhile, its objective character lies in the idea that the purpose of this moral critique is to reform or change the convict's future behavior. This theory was introduced by Prins, Van Hammel, and Van List with the following perspective:

- a. The most important objective of criminal law is to eradicate crime as a symptom. public.
- b. Criminal law and criminal legislation must pay attention to the results of anthropological studies and sociological.
- c. Criminal law is one of the most effective means that the government can use to eradicate crime. Criminal law is not the only means, therefore criminal law should not be used alone but must be used in combination with other efforts. social.

Thus, according to this theory, punishment requires not only physical suffering but also psychological suffering, and most importantly, punishment and education. From the above explanation, it can be concluded that the



purpose of punishment is to bring about improvements in individuals or those who commit crimes, especially minor offenses. (Sudewo 2022, 30-40)

## 2.7 Definition of Drink Hard

Liquor (Miras), distilled beverages, or spirits are alcoholic beverages containing ethanol produced by distilling (that is, concentrating through distillation) ethanol produced by fermenting grains, fruits, or vegetables. Examples of spirits are arak, vodka, gin, baijiu, tequila, rum, whiskey, brandy, and soju.

### 2.7.1 Definition of Alcoholic Beverages According to Experts

According to Ellen G. White, alcoholic beverages are all types of drinks that can damage the development of reason and make people irritable because they can damage brain tissue. Poerwadarmita stated that alcoholic beverages are intoxicating drinks. This is different from Yusuf Qadarwi who said that alcoholic beverages (qhamar) are parts that contain alcohol and are intoxicating. Mustafa in one of his writings stated that people know alcohol as a substance found in liquids containing sugar. It produces a refreshing taste, and alcohol is commonly known in chemistry as ethyl alcohol.

From the above opinions, it can be concluded that alcoholic beverages are drinks that contain alcohol and can be intoxicating, which if consumed excessively will interfere with or cloud a person's common sense and result in unconsciousness. (Ayu Lestari Dewi, et al. 2022)

Based on the Regulation of the Minister of Health and Trade of the Republic of Indonesia Number: 15/M-DAG/PER/3/2006 Concerning Supervision and Control of Imports, Distribution and Sales, and Licensing of Alcoholic Beverages, Alcoholic beverages are grouped into 3 categories, namely as follows:

1. Class A is an alcoholic beverage with an ethanol content ( $C_2H_5OH$ ) of 1% to 5%;
2. Class B is an alcoholic beverage with an ethanol content ( $C_2H_5OH$ ) of more than 5% up to 20%;
3. Class C refers to alcoholic beverages with an ethanol ( $C_2H_5OH$ ) content of more than 20%, up to 55%. Each type of liquor has a different alcohol content; the higher the alcohol content, the greater the risk of health problems. (Retno Sari Dewi 2020).

Referring to the Minister of Trade Regulation No. 6 /MDag/Per/1/2015 of 2015 concerning the Second Amendment to Regulation Number 20 /M-Dag/Per/4/2014 concerning Control and Supervision of Procurement, Distribution, and Sales of Alcoholic Beverages, it is explained that to carry out business activities, a permit must be obtained to be able to carry out business activities specifically for trading alcoholic beverages. (Minister of Trade of the Republic of Indonesia 2015)

Thus, what is meant by liquor or alcoholic beverages is any type of intoxicating drink, so that by drinking it you lose consciousness, which includes liquor such as arak, drinks that contain a lot of alcohol, such as wine. However, the sale of these alcoholic beverages is generally limited to only a number of people who have passed a certain age limit. For alcoholic liquor, the longer it is stored, the more delicious it tastes. Alcoholic liquor with a higher ethanol content can be produced through a distillation process of products produced through a fermentation process. The higher the content, the risk of health problems will be. (Retno Sari Dewi 2020)

Referring to the Minister of Trade Regulation No. 6 /MDag/Per/1/2015 of 2015 concerning the Second Amendment to Regulation Number 20 /M-Dag/Per/4/2014 concerning Control and Supervision of Procurement, Distribution, and Sales of Alcoholic Beverages, it is explained that to carry out business activities, a permit must be obtained to be able to carry out business activities specifically for trading alcoholic beverages. (Minister of Trade of the Republic of Indonesia 2015)

Thus, what is meant by liquor or alcoholic beverages is any type of intoxicating drink, so that by drinking it you lose consciousness, which includes liquor such as spirits that contain a lot of alcohol, such as wine. However, the sale of these alcoholic beverages is generally restricted to certain groups who have passed a certain age limit. For liquor Alcoholic beverages, the longer they are aged, become more delicious. Alcoholic beverages with higher ethanol content can be produced through the distillation process of the product produced through the fermentation process.

## 2.8 Understanding Alcoholism.

According to the Big Indonesian Dictionary (KBBI), alcohol is a colorless liquid that is volatile, flammable, used in industry and medicine, is an intoxicating ingredient in most alcoholic drinks, an organic compound with an OH group on a saturated carbon atom. (Retnoningsih Ana and Suharso; 2012:30)

According to the World Health Organization (WHO), alcoholism is defined as "a form of dependence on alcoholic beverages or liquor to a certain extent, so that a person shows mental and physical symptoms, disrupts relationships with others, undermines social behavior and status. There are two types of alcoholism, namely:

1. Chronic alcoholism, which is experienced or suffered by someone whose soul is no longer healthy and who is dependent on it which is very dependent on the alcohol found in liquor, so if you don't drink liquor your body will feel sick.
2. Acute alcoholism, which is drinking alcohol to experience the effects of the alcohol in the body. This can be dangerous because it can cause someone to become addicted to drinking alcohol, which can cause reactions in the body that can result in the drinker losing control of their thoughts and actions. (Retno Sari Dewi) (2020)

The definition of alcoholic beverages as regulated in the Decree of the President of the Republic of Indonesia Number 3 of 1997 concerning the supervision and control of alcoholic beverages, in Article 1 it is explained: What is meant by alcoholic beverages in this Presidential Decree are beverages containing ethanol which processed from agricultural products containing carbohydrates by means of fermentation with distillation or fermentation without distillation, either by providing prior treatment or concentration with ethanol or by diluting drinks containing ethanol.

(II 2013).

### III. RESEARCH METHOD

The legal research used in this study is normative legal research. This method is used because the object of the research study is the principles and principles of law, legal rules, legal theories and doctrines from legal experts. The research approaches used are: a statute approach, which examines various legal regulations that are the focus and central theme of the research; and a case approach, which studies the application of legal norms or rules in practice. law.

### IV. RESEARCH RESULTS AND DISCUSSION

#### 4.1 Types of Alcoholic Beverages that are Permitted and Prohibited from Circulating in Buton

From the definition side, alcoholic beverages are drinks containing ethyl alcohol or ethanol ( $C_2H_5OH$ ) processed from agricultural products containing carbohydrates by fermentation and distillation or fermentation without distillation. From this definition it is clear that the type of alcohol permitted in alcoholic beverages is Ethanol. Based on the Regulation of the Minister of Industry No. 71/M-Ind/PER/7/2012 concerning the Control and Supervision of the Alcoholic Beverage Industry, the maximum permitted ethanol limit is 55%. Ethanol can be consumed because it is obtained or processed from agricultural products through the fermentation of sugar into ethanol which is an organic reaction. If using starch/carbohydrate raw materials, such as rice/sticky rice/tape/cassava, then the starch is first converted into sugar by amylase and then converted into ethanol. As long as it is produced according to the provisions of Good Processed Food Production Practices, meets safety and quality requirements and does not exceed the level. If the maximum ethanol content has been set, then alcoholic beverages do not have the potential to cause poisoning. (RI, BPOM 2014, 3). In Regional Regulation Number 14 of 2013, alcoholic beverages are grouped as follows:

1. Class A alcoholic beverages are alcoholic beverages with an ethanol content ( $C_2H_5OH$ ) of 1% (one percent) to 5% (five percent). percent).
2. Class B alcoholic beverages are alcoholic beverages with an ethanol content ( $C_2H_5OH$ ) of more than 5% (five percent) up to 20% (twenty percent). percent).
3. Class C alcoholic beverages are alcoholic beverages with an ethanol content ( $C_2H_5OH$ ) of more than 20% (twenty percent) up to 55% (fifty five percent). percent).

In addition to the above classifications, there is a special category of alcoholic beverages: Traditional Alcoholic Beverages. Traditional alcoholic beverages are those traditionally prepared and passed down through generations, packaged simply, made occasionally, and used for traditional customs or religious ceremonies. Some regions in Indonesia even have their own traditional alcoholic beverages. typical. Traditional alcoholic drinks (arak, konau), mixed or concocted alcoholic drinks, and alcoholic drinks with an ethanol content of more than 55% are among the drinks that are prohibited for consumption.

#### 4.2 Criminal Sanctions Against Alcoholic Beverage Distributors Who Do Not Have a Business License Based on Buton Regency Regional Regulation Number 14 of 2013

Presidential Regulation (Perpres) Number 74 of 2013 stipulates that alcoholic beverages are designated as goods subject to supervision, covering procurement, distribution, sales, and consumption. This Presidential Regulation implies that alcoholic beverages are not prohibited in this country, but to prevent negative impacts, supervision is necessary in terms of procurement, distribution, sales, and consumption. its consumption.

In Buton Regency Regional Regulation Number 14 of 2013 concerning Alcoholic Beverage Sales Permit Fees, it is regulated arrangement, supervision, and control of places selling alcoholic beverages in the region. Regional Regulation Number 14 of 2013 concerning Alcoholic Beverages in Buton Regency was issued and ratified on February 20, 2013, with the issuance of the regional regulation concerning drink hard in accordance with need public. Which Currently, open and blatant drinking of alcoholic beverages is rampant. Therefore, with the enactment of Regional Regulation Number 14 of 2013 concerning the Alcoholic Beverage Sales Permit Fee, which regulates the Prohibition, Supervision, Regulation, Distribution, and Sale of Alcoholic Beverages, it is hoped that in the future, the people of Buton Regency will be more compliant and understand the impacts of alcoholic beverages. The problem of alcoholic beverages has recently caused problems that disrupt public order and security. Violent crimes, such as robbery, assault, and murder, are usually committed by the perpetrators using alcoholic beverages or the effects of said alcoholic beverages.

Regional Regulation (Perda) Number 14 of 2013 regulates the requirements for individuals or legal entities who wish to distribute alcoholic beverages in Chapter III (articles 5 - 7):

Therefore, individuals or legal entities wishing to sell alcoholic beverages must have a Business Permit for the Sale of Alcoholic Beverages (SITU-MB) and a Business Permit for the Trading of Alcoholic Beverages (SIUP-MB) to ensure the legality of their business is recognized by the government. Violations of these provisions may result in sanctions from the relevant agencies. Violations will be subject to confiscation and administrative sanctions, including warnings, imprisonment and/or detention, and fines. For distribution of alcoholic beverages without a permit, perpetrators will be subject to imprisonment and/or fines as stipulated in Article 204 of the Criminal Code states, "Anyone who sells, offers, delivers, or distributes goods knowing that they endanger the life or health of a person, without informing him of this fact, shall be subject to a maximum imprisonment of fifteen years." In addition, Article 300 of the Criminal Code also regulates criminal penalties for those who distribute alcoholic beverages, which

includes the provision, "Anyone who intentionally sells or provides intoxicating drinks to a person who appears to be intoxicated shall be subject to a maximum imprisonment of one year or a maximum fine of four thousand five hundred rupiah." Government Regulation No. 38/2007 concerning the Division of Government Affairs between the Provincial Government and the Regency/City Government mandates that the trade in alcoholic beverages is a regional government matter. In Buton Regency, criminal sanctions for alcoholic beverages without a permit are regulated in Buton Regency Regulation No. 14 of 2013. about Retribution Permission Place Sale Drink Alcoholic. Sanctions and/or criminal penalties for distributors of alcoholic beverages in Buton Regency are:

**Article 29:**

- (1) Alcoholic Beverage Sales Permits who violate the provisions as referred to in Article 7 will be subject to administrative sanctions in the form of a reduction in the retribution period and/or revocation of the permit.
- (2) The granting of administrative witnesses as referred to in paragraph (1) is preceded by a letter reprimand.
- (3) Further provisions regarding the procedures for imposing administrative sanctions are regulated by the Regulations. Regent.

**Article 30:**

- (1) Individuals or bodies who store, sell or distribute alcoholic beverages in a certain place within a regional area that does not have a sales permit as referred to in Article 5 paragraph (1), are threatened with imprisonment for a maximum of 3 (three) months or a fine of a maximum of 3 (three) times the amount of the levy that should be imposed and/or confiscation or destruction of the beverages. alcoholic.
- (2) Individuals or bodies who store, sell or distribute alcoholic beverages with a certain alcohol content whose distribution is prohibited or do not have a distribution/sales permit as referred to in Article 5 paragraph (2), are threatened with imprisonment for a maximum of 3 (three) months or a fine of a maximum of 3 (three) times the amount of the levy that should be imposed and/or confiscation or destruction of the beverages. alcoholic.
- (3) Individuals or bodies that produce, store and sell traditional alcoholic beverages in the regional area without permission from the Regent as referred to in Article 5 paragraph (3) are threatened with imprisonment for a maximum of 2 (two) months or a fine of a maximum of 2 (two) times the amount of the levy that should be imposed and/or confiscation or destruction of the beverages. alcoholic.
- (4) Retribution payers who do not fulfill their obligations, thereby causing losses to regional finances, are threatened with imprisonment for a maximum of 3 (three) months or a fine of a maximum of 3 (three) times the amount of the Retribution owed which is not or is less than paid.
- (5) Fine as intended in paragraph (1), paragraph (2), paragraph (3), and paragraph (4) constitute state revenue.

This Regional Regulation imposes imprisonment, fines, administrative sanctions, and confiscation as accountability for those distributing alcoholic beverages without a permit in Buton Regency. The implementation of sanctions in this regional regulation is an activity or action intended to implement established policies. Several case examples illustrate the types of law enforcement regarding the distribution of alcoholic beverages and spirits:

1. The 2023 Anoa Community Disease Operation (Pekat) by the Buton Police successfully confiscated hundreds of liters of traditional alcoholic beverages (miras) in the jurisdiction of the Police. Buton.

Buton Police Chief, AKBP Rudy Silaen., SH., SIK., MI Kom, through the Head of Operations, AKP Ilham, said the operation was carried out for 20 days in various areas in Pasarwajo District, Buton Regency, Southeast Sulawesi. Monday 06/03/2023.

"This traditional Konau liquor was confiscated from various villages, both those making and selling it, and we have secured the evidence at the Buton Police Headquarters," said AKP Ilham.

"This operation is part of the 2023 Pekat Anoa campaign, targeting alcohol, drugs, gambling, prostitution, thuggery, and street crime," he explained.

The Head of Operations continued, "The evidence we confiscated was 400 liters of traditional Konau liquor, which we obtained directly from the liquor maker. This is to reduce criminal acts, particularly assaults, and even to eliminate violence caused by alcohol. "The 400 liters of traditional liquor consist of 50 liters of arak and 350 liters of Konau." he explained.

2. Ahead of the traditional festival, the Buton Police's joint Condition Creation Team held a condition creation operation (cipkon) in the jurisdiction of the Lasalimu Police. 24/09

Operation Cipta Keadaan (Create Conditions) was carried out in Kamaru Village, Lasalimu District, Buton Regency. The Narcotics Investigation Unit, along with personnel from the Lasalimu Police, led by Lasalimu Police Chief, First Inspector Subagiyo, SH, succeeded in confiscating various brands of alcoholic beverages. "The operation targeted residents' homes and kiosks suspected of selling liquor. The total evidence seized included 96 liters of traditional arak, 10 bottles of Kolesom wine, 11 bottles of Bintang beer, and 5 bottles of black beer," he explained. Police Chief. "The evidence has been secured directly at the Buton Police Headquarters," the Police Chief continued. This Operation "Create Conditions" will continue to be carried out by personnel from the Buton Police Narcotics Unit, along with other police stations, to minimize public order disturbances or crimes caused by alcohol, ahead of the escalation of community activities within the Buton Police jurisdiction. Sunday, September 24, 2023.

#### 4.3 Court Decision

The verdict of the trial of the Tipiring Liquor Case took place in the Candra Courtroom of Pasarwajo District

Court at around 13.30 WITA, with case number: 11/Pid.C/2020/PN Psw. Wibowo SH assisted by Assistant Clerk Adnan SH with the agenda of examining letters, evidence, as well as prosecutors/investigators, defendants, witnesses, submission of replies and duplicates, until the reading of the verdict.

The trial was attended by Buton Police Narcotics Unit Investigator Aipda Abidin SH, Defendant AK, Defendant's Legal Counsel Luwi Sutaheer SH, Buton Police Narcotics Unit fact witnesses Bripka Kamal and Briptu Safar, defendant Jarwis as mitigating fact witnesses. Defendant AK previously filed a pre-trial motion with Buton Police after the liquor he sold was confiscated by Buton Police. The following is the judge's decision, namely the defendant was legally and convincingly proven guilty of the charges charged so that a criminal sentence was imposed. The defendant was sentenced to pay a fine of Rp. 2,000,000.00 subsidiary to 1 month in prison. Evidence of alcoholic beverages was confiscated for destruction. The defendant was charged with court costs of Rp. 5,000. (\*)

## V. CONCLUSION AND SUGGESTION

### 5.1 Conclusion

Based on the research conducted, the author draws the following conclusions:

1. Alcoholic beverages containing ethyl alcohol or ethanol ( $C_2H_5OH$ ) with a maximum ethanol content of 55% are permitted in Buton Regency. Ethanol can be consumed because it comes from agricultural products by fermenting carbohydrates. Alcoholic beverages made from starch/carbohydrate sources such as rice, sticky rice, fermented cassava, etc. undergo a process where starch is converted into sugar by amylase before being converted into ethanol. As long as the beverage is made according to Good Food regulations, meets safety and quality requirements and does not exceed the maximum concentration of ethanol, it does not pose a risk of poisoning. Alcoholic beverages are classified into three groups according to their ethanol content: group A (1-5% ethanol), group B (5-20% ethanol) and group C (20-55% ethanol). In addition to these categories, there is a special category for traditional alcoholic beverages that are processed traditionally and used in traditional or religious ceremonies. It is important to note that alcoholic beverages Traditional alcoholic beverages, mixed alcoholic beverages, and beverages with an ethanol content of more than 55% are prohibited in consumption.
2. Alcoholic beverages must be supervised in their procurement, distribution, sales, and consumption to prevent negative impacts. The Regional Regulation stipulates the requirements for individuals or legal entities wishing to sell alcoholic beverages, namely, they must have a Business Permit for the Sale of Alcoholic Beverages (SITU-MB) and a Business Permit for the Trading of Alcoholic Beverages (SIUP-MB). Violations of these regulations can be subject to administrative sanctions, fines, or imprisonment. Violators will be subject to confiscation and given administrative sanctions, warnings, imprisonment and/or imprisonment, and fines. The regional government regulates the trade of alcoholic beverages as a regional government matter, and Buton Regency stipulates sanctions for distributors of alcoholic beverages without a permit in Buton Regency Regional Regulation Number 14 of 2013. Articles 29 and 30 of the regulation stipulate sanctions of imprisonment, fines, administrative sanctions, and confiscation for perpetrators of the distribution of alcoholic beverages without a permit. This is a form of accountability for perpetrators of the distribution of alcoholic beverages without a permit in Buton Regency. Buton.

### 5.2 Suggestions

1. For the public, especially in Buton Regency, to be more aware of the dangers posed by consuming alcoholic beverages with an ethanol content of more than 55%. And for producers of alcoholic beverages or illegal liquor to be more obedient to the law. There is.
2. For the Police, which is the institution whose primary duty is to maintain order within the country, to increase supervision and law enforcement against the circulation of illegal alcoholic beverages, especially in Buton Regency, on a regular basis, and there needs to be support from the community or youth organizations to be involved in monitoring the circulation of alcoholic beverages. illegal.

## REFERENCES

- "Criminology Prevention Efforts." *Indonesian Journal of Criminology* 232.2010 Wibowo, Decision on the Case of Minor Criminal Offenses of Alcoholic Beverages, Passarwajo District Court, 2020.
- Dwi Ayu Lestari. 2022 "Uniting Determination Towards a Healthy Indonesia".10.  
<https://databoks.katadata.co.id/datapublish/2022/03/29/alcohol-consumption-in-indonesia-continues-to-decline-in-the-last-5-years>, accessed on February 5 at 10:00 PM Wita
- <https://humas.polri.go.id/2023/03/06/polres-buton-berhasil-menyita-ratusan-liter-minuman-keras-tradisional/>, accessed on April 27, 2024 at 05.30 WITA
- <https://humas.polri.go.id/2023/09/25/minimalisir-kriminalitas-tim-cipta-kondisi-polres-buton-sita-puluhan-liter-miras/>, accessed on April 27, 2024 at 05.00 WITA
- [https://id.wikipedia.org/wiki/Minuman\\_keras](https://id.wikipedia.org/wiki/Minuman_keras), accessed on February 20, 2024 at 16.50 Wita
- <https://id.wikipedia.org/wiki/Pidana>, accessed on February 5, 2024 at 23.35 WITA
- <https://kbbi.web.id/Aspek>, accessed on 5 February 2024 at 23.35 WITA
- Ii, and A Responsible Attitude. 2004. 14.
- Krisdwianto Agustinus, Student ID Number 20302100164; Dynamics of Law Enforcement on the Illegal Distribution of Alcoholic Beverages. 2023:1-2



- Minister of Trade of the Republic of Indonesia. 2015. "Minister of Trade Regulation No. 6 of 2015" 2006: 1–5. RI, BPOM. 2014. "Main Presentation Topic: Examining the regulation of alcoholic beverages in Indonesia." *POM Info Food and Drug Monitoring Agency of the Republic of Indonesia* 3. "Basic Health Research." 2018
- Nasrudi Khairu. 2019 "Integrated Law Enforcement Against Criminal Acts of Distribution of Alcoholic Beverages" 161- 162.
- Principles of Criminal Law. Jakarta: Rineka Cipta. 2010
- Region, Retribution, Additional Gazette, Republic of Indonesia, Additional Gazette, Republic of Indonesia, Additional Gazette, and Republic of Indonesia. 2013. "Copy of Buton Regent," 3–4.
- Retno Sari Dewi. 2020. "Alcoholic Drinks That Influence the Emergence of Crime." *Journal of the Faculty of Law, Tulungagung University* , 39–56.
- Sudewo, Fajar Ari. 2022. "penology and the theory of punishment." *penology and the theory of punishment* 30-40.
- Syarifah Aminatus, The Relationship Between Stress Levels, Peers and Personality with Alcohol Abuse in Adolescent Motorcycle Community in Purwokerto. 2016. 10–18.

**Other Laws and Regulations:**

- Criminal Procedure Code,  
Presidential Regulation No. 74 of 2013 concerning the Control and Supervision of Alcoholic Beverages  
Decree of the Minister of Health concerning Quality Standards for the Production of Alcoholic Beverages, Law No. 23 of 1992 concerning Health,  
Law No. 7 of 1996 concerning Food, Law No. 36 of 2009 concerning Health  
Law No. 18 of 2012 concerning Food  
Law Number 8 of 1999 concerning Consumer Protection, Regulation of the Minister of Trade and Industry