

Law Enforcement Against the Sale of Alcoholic Beverages in Gorontalo City

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Article Info

Article history:

Received: 11 Agustus 2025

Publish: 1 September 2025

Keywords:

Law Enforcement;
Sales;
Alcoholic Beverages.

Abstract

Alcoholic beverages are basically a form of disruption to the lives and livelihoods of the community, therefore, philosophically, in supervising and regulating the sale of alcoholic beverages circulating in the Gorontalo City area, the Gorontalo City Government has formed regulations that can provide comfort and order for the community. This study uses the empirical research method (field research) or field research, namely research whose objects are regarding symptoms, events, and phenomena that occur in society, institutions or countries that are non-library by looking at. With Research Results In an effort to overcome the circulation of alcoholic beverages, the Police will make 3 (three) efforts, namely: preventive efforts, preventive efforts and repressive efforts.

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1. INTRODUCTION

Alcoholic beverages are basically a form of disruption to the lives and livelihoods of the people, therefore, philosophically, the formation of the Bill on the Prohibition of Alcoholic Beverages is part of fulfilling the goals of the Republic of Indonesia, namely protecting all the people and the nation, as well as all of Indonesia's blood, advancing general welfare, improving the life of the nation, and participating in implementing world order based on independence, eternal peace, and social justice.

Efforts to protect all the people and nation of Indonesia are also strengthened by the right of every person to protection of themselves, their families, their honor, their dignity and the property under their control, and the right to feel safe from the threat of fear to do or not do something, which is a basic right, the right to live in physical and mental prosperity, to have a place to live and to have a good and healthy living environment, and the right to receive health services (Article 28 G, paragraph (1), and Article 28 H, paragraph (1) of the 1945 Constitution of the Republic of Indonesia.

The rapid economic development of today's globalization era has forced people to think more progressively and change their lives to adapt to these developments. To meet their daily needs, people must compete to meet their economic needs. This has driven people to be more proactive in earning money or income quickly and easily, even if they justify any means. One such method is trading or selling.

Trade is sometimes conducted in fraudulent ways. An example is the sale of alcoholic beverages, often referred to as hard liquor. In the Regulation of the Minister of Trade Number 06/MDag/Per/1/2015 of 2015 concerning the Second Amendment to the Regulation of the Minister of Trade Number 20/M-Dag/Per/4/2014 concerning Control and Supervision of the Procurement, Distribution, and Sale of Alcoholic Beverages, it is stated that those wishing to carry out alcoholic beverage trading business activities must first

obtain a SIUP-MB (a permit to carry out trading business activities specifically for alcoholic beverages). Due to this complicated process, people have begun to take a compromise and ignore the existing regulations.

Implementing regional regulations requires oversight of the sale of alcoholic beverages, as well as enforcement of the laws of those involved. The police have the authority to investigate these crimes, as stipulated in Article 300 of the Criminal Code (KUHP), which states, "the penalty is a maximum of one year's imprisonment or a maximum fine of three hundred rupiah." The Public Order Agency (Satpol PP) also has the authority to prosecute distributors or sellers of illegal liquor who do not have government permits.

In the Criminal Code, the crime of alcoholic beverages is regulated in Article 300, Article 492, Article 536–539 which have criminal elements, namely making drunk, getting drunk in public and selling freely. The crime of alcoholic beverages according to the Criminal Code, as stated in Article 300 of the Criminal Code which is defined as intentionally selling, making drunk and threats of violence to force drinking intoxicating drinks and Article 492 of the Criminal Code which is defined as being in a state of intoxication disturbing public order. Article 536 of the Criminal Code sells alcoholic beverages to minors.

Some people who consume alcohol have made drinking a habit that is difficult to overcome. Alcohol users, including young and old, teenagers, and even children, have begun to try it due to curiosity and environmental factors. Alcoholic beverages have now become a significant problem in Indonesia. Many victims have fallen victim to this drink. This drink is often used for traditional ceremonies or as a recreational drink, but it is also addictive. Excessive alcohol consumption can cause illness.

Meanwhile, if the habit of some people, or in certain areas, consuming alcoholic beverages because it is considered a traditional heritage (arak, palm wine, etc.), if it is linked to the religious side, where the majority of Indonesians are Muslim, and alcoholic beverages are forbidden by law, then this will be very contradictory. Another sociological aspect is how to "manage" the negative impact of alcohol through prevention, risk reduction (preparedness), responsiveness, and recovery efforts, due to drinking alcoholic beverages.

In Gorontalo City, liquor, often referred to as "miras," is an alcoholic beverage. Consuming alcohol has far more disadvantages than benefits. The effects of alcohol consumption can be felt within minutes. These effects depend on the amount or concentration of alcohol consumed.

The problem of alcohol abuse is increasingly widespread and concerning, this can be seen from the many victims who died from alcohol, both due to high doses and from mixed alcohol or more often called oplosan. Many liquor sellers who distribute alcohol do not have a business license to sell alcohol. The permit is not owned by the seller due to various reasons such as complicated procedures and high costs are the reasons why liquor sellers do not have a permit. Liquor sellers to survive must rely on their business from selling alcohol.

They, with or without guilt and fear, are determined to sell alcoholic beverages without a permit, the negative impact of which is dangerous for consumers. All actions of alcoholic beverage sellers should be clarified in a statutory regulation, that an action is only valid if it is carried out according to or based on certain legal rules. Legal provisions can only be set aside if the public interest truly requires it or the application of a legal rule would violate the basic principles of justice that apply in society.

2. RESEARCH METHOD

This type of research is empirical research, so the research used is empirical research. Empirical research (field research) is research whose object is symptoms, events, and

phenomena that occur in society, institutions, or countries, which is non-literary in nature, by observing.

3. RESEARCH RESULTS AND DISCUSSION

A. Law Enforcement Against the Sale of Alcoholic Beverages

Law enforcement against the sale of alcoholic beverages in Indonesia is a process that is not only formal and legal, but also closely related to the social, cultural, economic, and even political aspects that develop within society. Although the presence of alcoholic beverages is not completely prohibited nationally, the Indonesian government has strictly established various regulations aimed at controlling and supervising their distribution to protect the public interest, particularly in terms of public health and social order.

In the context of positive law, there are a number of regulations that serve as the basis for the government in regulating the distribution of alcoholic beverages, including Presidential Regulation Number 74 of 2013 concerning the Control and Supervision of Alcoholic Beverages, which clearly classifies alcoholic beverages based on their alcohol content and regulates their distribution and sales mechanisms. In addition, the Regulation of the Minister of Trade, which has undergone several amendments, also emphasizes the prohibition on the sale of alcoholic beverages in certain places such as minimarkets, except in areas that specifically obtain permits based on cultural considerations, tourism, or local needs.

However, in practice, law enforcement against violations of the sale of alcoholic beverages is not always effective. Many cases show that alcoholic beverages are still freely sold in various places without official permits, and are often consumed by minors. The existence of illegal alcoholic beverages, including mixed drinks that are extremely dangerous, is one form of failure in law enforcement, resulting in a high death rate from alcohol poisoning. This phenomenon is exacerbated by weak oversight by authorities, as well as the presence of certain officers who are involved in legal violations, such as allowing or extorting illegal businesses.

On the other hand, it cannot be denied that law enforcement often faces a dilemma between the interests of public health and morals and the realities of the economy and tourism, especially in areas that depend on income from the entertainment sector and international tourism, such as Bali, Batam, and several other regions. Overly repressive policies prohibiting the sale of alcohol are feared to have a negative impact on the business climate and tourism, so the government must be able to find a balance between efforts to protect the public and economic growth.

Viewing the phenomenon of the circulation of alcoholic beverages as a public problem means seeing a public problem that must be resolved by the government which is a unity between the executive, judicial, and legislative functions. This means, there must be cooperation starting from the creation of ideal public policies that regulate the circulation of alcoholic beverages, the implementation of public policies by the executive function, and consistent law enforcement of existing regulations. The Indonesian National Police (Polri) as one of the elements of the government as mandated by Law No. 2 of 2002 has the task of maintaining public security and order, enforcing the law, and providing protection, shelter, and services to the community. This means that the Indonesian National Police (Polri) as one of the government institutions is tasked with maintaining.

One way to maintain public security and order is by enforcing applicable laws. However, not all laws can be handled by the Indonesian National Police; only acts that fall within the realm of criminal law can be enforced by the Indonesian National Police.

The police's role in enforcing the law regarding the distribution of alcoholic beverages is to continue investigating suspects in the distribution of alcoholic beverages until the case is filed with the prosecutor's office, if the case meets the elements of a criminal offense.

Addressing a social problem requires cooperation from all relevant parties, both the government and the community. The success of efforts to address social problems depends on the commitment of each party to fulfill their role to the fullest so that the problem can be resolved. Likewise, the Indonesian National Police (Polri), as one of the government's functionaries tasked with enforcing the law, must truly carry out its role to the fullest. Enhancing the role of the Indonesian National Police (Polri) in solving the social problem of the circulation of alcoholic beverages can be done by evaluating the implementation of tasks that have been carried out so far and improving performance. There are three efforts by the police to overcome the circulation of alcoholic beverages, namely:

a. Preemptive Measures

Preemptive efforts are the initial efforts undertaken by the Gorontalo City Police to prevent crime. Efforts undertaken in preemptive crime prevention involve instilling good values/norms so that these norms are internalized within an individual. Even if there is an opportunity to commit a violation/crime but there is no intention to do so, the crime will not occur. Therefore, in preemptive efforts, the intention factor is eliminated even though the opportunity exists.

b. Preventive Efforts

Preventive efforts include outreach to the public, schools, and communities at risk of consuming these beverages. Furthermore, cross-sectoral meetings with community leaders are held to discuss the dangers of alcohol and how to address them. Police officers can visit communities to provide information about the dangers of alcoholic beverages and their impact on the environment, encouraging people to consider avoiding them.

This effort not only encourages residents to abstain from alcohol but also prevents young people who have never tried it from doing so. This can then foster an anti-alcohol culture within the community. Once this culture is established, social control efforts can be carried out not only by the National Police but also by the community. This will facilitate efforts to combat the circulation of alcoholic beverages in the community. Furthermore, this can be done by monitoring the sale of ingredients or chemicals sold in pharmacies or chemical stores that are prone to abuse, especially those used as ingredients in adulterated alcohol.

c. Repressive Efforts

Repressive efforts take the form of enforcement and enforcement operations. These targets include food stalls, cafes, and herbal medicine shops suspected of selling illegal and adulterated alcoholic beverages. One measure the National Police can take to curb the circulation of alcoholic beverages in the community is by conducting raids on illegal alcoholic beverages. This enforcement task is mandated by the Food Law, which grants the National Police the right and obligation to enforce regulations on illegal alcoholic beverages without permits in accordance with applicable laws and regulations.

The Indonesian National Police urgently needs to crack down on these illegal alcoholic beverages because the alcohol content in these illegal beverages is relatively high and does not meet government standards. High alcohol content can certainly have uncontrollable effects on drinkers. Efforts to control these illegal alcoholic beverages are expected to reduce the circulation of illegal alcohol in Gorontalo City. The police are also attempting to recruit information networks as part of an intelligence operation

to uncover the circulation of alcoholic beverages. This action is being taken because the circulation of alcoholic beverages is currently mimicking the circulation and transactions of narcotics. Sellers and buyers of liquor do not meet in person but order via telephone or other information technology media.

B. Obstacle Law Enforcement Against the Sale of Alcoholic Beverages

Law enforcement against the sale of alcoholic beverages in Indonesia, despite being supported by a number of fairly comprehensive regulations, continues to face various structural, cultural, and technical obstacles, often resulting in ineffective and suboptimal implementation in practice. These obstacles stem not only from weaknesses in institutions or the legal system but are also closely related to the socio-economic realities that exist within society and the conflicting interests of various parties.

One of the main obstacles to law enforcement is the lack of coordination between law enforcement agencies, such as the police, the Public Order Agency (Satpol PP), the trade office, and local government agencies. These agencies often operate in a fragmented and unintegrated manner, resulting in inconsistent enforcement of violations that are easily evaded by illegal businesses. This lack of synchronization also creates legal loopholes that can be exploited by certain individuals to commit repeated violations, due to the lack of a continuous and comprehensive oversight system.

Furthermore, the high circulation of illegal or unlicensed alcoholic beverages, particularly in the form of mixed liquor sold in small stalls or hidden locations, presents a serious challenge that is difficult to address through repressive approaches alone. This is due to limited human resources and budgets within local law enforcement agencies, which are disproportionate to the vast areas they oversee and the high market demand for affordable alcoholic beverages, particularly among low-income communities.

4. CONCLUSION

The previous descriptions serve as a starting point for drawing conclusions regarding the main problem of this research, namely:

Based on the above description, it can be concluded that law enforcement against the sale of alcoholic beverages in Indonesia still faces various multidimensional obstacles, both from the institutional side, regulations, the morality of the authorities, and the socio-cultural realities of society. These obstacles include the lack of coordination between law enforcement agencies, the rampant circulation of illegal alcoholic beverages, corrupt practices and weak integrity of the authorities, disparities in policies between regions, as well as the strong influence of culture and low legal awareness of the public.

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