

The Role of The Police in Combating the Circulation of Alcoholic Beverages Based on Justice Values (Case Study: Demak Police)

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Abstract. *The purpose of this research is to analyze the role of the police in combating the circulation of alcoholic beverages and to analyze the obstacles and solutions of the police in combating the circulation of alcoholic beverages.*

The approach method used in compiling the thesis is empirical legal research. The specifications in this study are descriptive analytical. The types and sources of data use primary data and secondary data. The data analysis used in this study is Qualitative analysis. The results of this study are (1) The role of the police in overcoming alcoholic beverages in Demak Regency includes preemptive, preventive and repressive efforts. Preemptive efforts involve education and socialization to prevent the public from being involved in the distribution and consumption of illegal liquor. Preventive efforts are carried out through supervision, patrols, and routine operations to prevent violations. Repressive efforts, where the police conduct raids and enforce the law against perpetrators of illegal liquor distribution. In the 2024 raid, the Demak Police managed to confiscate 5,526 bottles of liquor consisting of 2,441 bottles of manufactured liquor and 3,085 bottles of traditional liquor in the form of arak which were successfully confiscated and destroyed. (2) Obstacles in overcoming the distribution of illegal liquor in Demak Regency can be analyzed through three components of the legal system according to Lawrence M. Friedman's theory, namely legal substance, legal structure, and legal culture. The existing legal substance does not specifically regulate the distribution of liquor so that law enforcement is less effective. The legal structure faces challenges in the form of overlapping authority between the police and Satpol PP, which hinders synergy in enforcement. Meanwhile, the legal culture in society is still weak, with low awareness of the importance of complying with the rule of law and the persistence of a permissive attitude towards the circulation of illegal liquor. These three components must be improved so that efforts to combat the circulation of illegal liquor can run more effectively and

consistently. The solution to these obstacles is the formation of a special law on alcoholic beverages, strengthening coordination between law enforcement agencies, increasing education about the dangers of liquor.

Keywords: Alcoholic; Beverages; Dealing; Police.

1. Introduction

Indonesia as a country born in the 20th century, adopted the concept of a state of law according to the principle of constitutionalism. This can be seen from the agreement (consensus) of the Indonesian nation since the 1945 Constitution as the constitution of the Indonesian state was established. This agreement is what in its development transformed into a common ideal which is also commonly called the state philosophy or *staatsidee* (state ideal) which functions as a philosophical basis and common platforms or *kalimatun sawa* among fellow citizens in the context of state life.¹

Lately, the liquor that is circulating is not only legal liquor, but also many illegal liquors, such as mixed liquor, which is usually mixed with several other additional drinks. And besides that, in mixed liquor, chemical substances such as methanol (spirit) are often found which are at risk of causing death. In fact, chemical substances such as methanol itself are an industrial material that is widely used as a paint mixer, varnish remover, thinner (paint remover), to acetone (nail polish remover), and besides that, there are still many other additional materials whose types and exact levels are not yet known in the mixed liquor.²

Abuse of alcoholic beverages by consuming them beyond reasonable limits, in addition to being an individual problem that can harm oneself, in addition to being a broader problem for society. The habit of drinking alcohol that exceeds reasonable limits can cause a person's attitude to become anti-social and tend to harm the interests of others. On the other hand, the habit of drinking alcohol excessively can cause addiction and become dependent on alcohol.³

In its task, the police eradicate and minimize the criminal acts of distributing illegal liquor, the police often experience difficulties because traders often rebel and obstruct. Although in law enforcement, the police can only impose minor criminal articles for liquor distributors, namely selling liquor without a license, the article

¹Jimly Asshiddiqie, *The Constitution and Constitutionalism of Indonesia*, Sinar Grafika, Jakarta, 2010, p. 22.

²Grace Angelia Soenartho, *Consumer Legal Protection for Victims of the Distribution of Mixed Alcoholic Beverages*, *Jurnal Indonesia Sosial Teknologi*, Vol. 3, No. 5, 2022, pp. 598-608.

³Yulianus Dica Ariseno Adi, *Controlling the Distribution of Alcoholic Beverages in Preventing the Increase in Criminal Acts in the Jurisdiction of the Boyolali Police*, *Journal of Economic Development Law*, Vol 7, No. 1, 2019, pp. 91-102

used is Article 424 paragraph 1 of the Republic of Indonesia Law Number 1 of 2023 concerning the Criminal Code.⁴

The police's efforts to combat the crime have so far not shown any suppression of the crime rate, in fact the crime rate is increasing day by day. On the other hand, the development of society that provides public facilities has made the circulation of alcoholic beverages in society itself fertile. This is now the task of the police to always be active in overcoming it. Thus, the role of the police is greatly needed to work even harder by taking firm action against retail sellers of alcoholic beverages in order to provide a deterrent effect so that public security and order can always be maintained.⁵

One example of a crime due to alcohol that occurred in Demak Regency is a murder case during a liquor party in Sayung District, Demak, which took place in October 2022. A man with the initials S (28) from Demak killed his own friend, R (21), because he was upset at being teased while drinking alcohol together. On June 22, 2023, several young men who were influenced by alcohol were involved in an argument with a driver. Based on the case examples above, it shows that alcohol if consumed can have negative effects on health. Even though the amount is small, alcohol can have major impacts, such as damage to common sense, even mental disorders.

The police as a state apparatus in terms of law enforcement have a very important position and role, namely as a security maintainer whose implementation is to prevent and overcome a crime and violation. The police generally have two types of power. The first is the power of the police in the legal field, and the second is the power of the police in the government field. These two powers give rise to three main functions in the police, namely as a law enforcement officer, as a servant which includes maintaining public order, and as a protector of the community.⁶

The purpose of this study is to determine the role of the police in tackling the circulation of alcoholic beverages based on the values of justice, analyzing the obstacles and solutions of the police in tackling the circulation of alcoholic beverages.

2. Research Methods

The approach method used in compiling the thesis is empirical legal research. The specifications in this study are descriptive analytical. The types and sources of data

⁴See the Republic of Indonesia Law Number 1 of 2023 concerning the Criminal Code

⁵Dirdjosisworo, Soedjono, *Alcoholism, Legal and Criminological Explanation*. Remadja Karya, Bandung, 1994, p. 4

⁶Hafzana Bedasari and Muhammad Djaiz, *Efforts to Prevent and Overcome Juvenile Delinquency by Karimun Police*, Karimun Regency, *Menara Ilmu*, Vol. XII, Volume II No. 80, 2018, pp. 71-77

use primary data and secondary data. The data analysis used in this study is Qualitative analysis.⁷

3. Results and Discussion

3.1. The Role of the Police in Combating the Distribution of Alcoholic Beverages in the Jurisdiction of the Demak Police

The large number of alcoholic beverages circulating has an impact on the behavior of alcoholism in society and crimes caused by alcoholic beverages. This problem must be addressed and is the task of the Police, with this the Police are required to work more optimally by taking firm action against traders or sellers of alcoholic beverages in order to have a deterrent effect on beverage sellers so that security and order can always be maintained in society.⁸

Formulating the concept of law enforcement is a series of explanations of fairly abstract legal ideas and ideals into legal objectives. Like justice, moral values themselves are the content of legal objectives, which are realized in a real situation. Legal desires are a framework of thought that helps and shapes the formulation of laws into regulations. The formulation framework is stated in regulations which then become a determining factor in how law enforcement ultimately works.

Conceptually, law enforcement is an activity to harmonize the relationship of values outlined in solid rules and attitudes as a series of final stage value explanations. to create, maintain and defend peaceful social life. Law enforcement is an activity to harmonize the relationship of values outlined in solid rules and manifest and attitudes as a series of final stage value explanations to create, maintain and defend peaceful social life.⁹Law enforcement is also all the power and efforts to implement legal rules into the life of society, so that the objectives of law in society can be realized in the form of realizing the values of justice, proportionality, legal certainty, protection of rights, public peace and so on.

Criminal law enforcement cannot be separated from the police apparatus. The police are law enforcers and the police are at the forefront of law enforcement. Based on Law Number 2 of 2002 concerning the Indonesian National Police which regulates the rights and obligations of the police. The police are one of the subsystems in the criminal justice system tasked with implementing abstract criminal law into reality in Article 1 paragraph (1) of the Criminal Procedure Code, being part of a system, the police apparatus in carrying out its duties adheres to Law Number 13 of 1961 concerning Provisions of the National Police.¹⁰

⁷Amiruddin Zainal Asikin, Introduction to Legal Research Methods, Raja Grafindo Persada, Jakarta, 2010, p. 31.

⁸Soedjono Dirjosisworo, Alcoholism, Explanation of Law and Criminology, Remaja Karya, Bandung, 1984, p.111.

⁹Munir Fuady, Critical Legal School (Paradigm of Legal Powerlessness), Citra Aditya Bakti, Bandung, 2003, p. 39.

¹⁰MAT Mokorimban. Op. Cit, 2018, p.114.

In Article 2 of Law Number 2 of 2002 concerning the Indonesian National Police, "The function of the Police is one of the functions of the state government in the field of maintaining public security and order, law enforcement, protection, shelter and service to the community". Article 4 of Law No. 2 of 2002 also emphasizes "The Indonesian National Police aims to realize domestic security which includes maintaining public security and order, order and upholding the law, implementing protection, shelter and service to the community, and fostering public peace by upholding human rights."¹¹

The police generally have two types of power. The first is the police power in the legal field, and the second is the police power in the governmental field. These two powers give rise to three main functions in the police, namely as law enforcement officers, as servants which include public order guards, and as protectors of the community. In carrying out their duties and functions, the police can be preventive or repressive. As guardians of public order, initially the police emphasized the preventive aspect, namely making efforts to prevent crime from occurring with the support and active participation of the community. If prevention efforts fail, the police take repressive steps. In terms of law enforcement and crime eradication, the repressive character of the police is more prominent.¹²

In carrying out its duties and functions, the police are preventive and repressive, where the actions taken by police officers to prevent and reduce the negative impacts that will occur with the support and participation of the community, where if the police fail to take preventive action, the police take repressive steps that emphasize and supervise the community more. Alcoholism that is affected by liquor cannot be controlled by the community and the crimes that occur due to liquor. People who cannot control the amount of alcohol they drink are called alcoholics. This problem is the role and duty of the police to overcome so that it does not become more rampant. The role of the police is very much needed to take firm action against sellers of retail or illegal liquor in order to get a deterrent effect so that security and order are always maintained in society. Law has existed since society existed, which in other words is called "ubi societas ibi ius". An anthropologist Branislow Malinowaski¹³emphasizes that in a primitive society, law arises from the needs of society.

Based on the results of the interview with AKP Wasito as Head of Samapta Polres Demak at the Demak Police Headquarters, it provides a real picture of the phenomenon of illegal distribution of alcoholic beverages and is implied by the characteristics of human resources in Indonesia which still cannot be generalized

¹¹Awaloedin Djamin, The Position of the Police in the State System: Issues of the Police in the National Security Bill. National Security Journal, Vol. 1, No. 3, 2015, pp. 25-36

¹²Niru Anita Sinaga. Code of Ethics as a Guideline for the Implementation of Good Legal Profession. Scientific Journal of Aerospace Law, Vol. 10, No. 2, 2020,

¹³Pip Jones. Translated by: Achmad Fedyani Saifuddin. Introduction to Social Theories From Functionalism to Post-Modernism. Yayasan Pustaka Obor Indonesia, Jakarta, 2009. p.77

regarding the presence of alcoholic beverages or liquor that according to the source of the problem currently facing Indonesia, the government does not prohibit the distribution of alcoholic beverages but in this case the government wants to regulate so that there is no indiscriminate sale of alcoholic beverages and every shop that sells must have a permit to sell alcoholic beverages from the local government as a form of minimizing the chaos that ends in crime.¹⁴

The role of the police in efforts to overcome social diseases is part of the social policy of efforts to protect the community that can be done through preventive efforts and repressive efforts. The penal path emphasizes the repressive nature or oppression, eradication after the crime occurs, and the non-penal path emphasizes the preventive nature, namely prevention before the crime occurs. In relation to repressive efforts, the police mainly carry out the mandate of the Criminal Procedure Code No. 8 of 1981 or commonly referred to as the Criminal Code, namely referred to as investigators and investigators.¹⁵

The role of police investigators in conducting investigations in order to reduce the circulation of alcoholic beverages in the community, and the role of the community is also greatly needed in assisting the duties of police investigators by providing information about the existence of alcoholic beverage crimes in the surrounding area, whose participation is expected in the implementation of assisting the police's duties, so that the circulation of alcoholic beverages can be reduced.

The role of the police is greatly needed by the community to solve social problems caused by alcohol, namely by improving performance in the implementation that has been carried out so far. In overcoming the impact of alcohol, the police make several efforts, namely:

1. Pre-emptive Efforts

One concrete step in preemptive efforts is educating the public. The Demak Police routinely conduct socialization regarding the negative impacts of alcohol, both in terms of health and law. They work together with community leaders, religious leaders, and educational institutions to reach people from various backgrounds. With this approach, it is hoped that the public will become more aware of the dangers of illegal alcohol and avoid involvement in it.

The police also strengthen cooperation with related agencies such as local governments, BNN (National Narcotics Agency), and mass organizations (community organizations). This cooperation aims to expand the reach of socialization and create synergy in creating an environment free from illegal liquor. In addition, coordination with these parties helps in mapping areas prone

¹⁴Interview Results with AKP Wasito as Head of Samapta Polres Demak at Demak Police Headquarters on August 13, 2024

¹⁵Interview Results with AKP Wasito as Head of Samapta Polres Demak at Demak Police Headquarters on August 13, 2024

to the circulation of illegal liquor and formulating more comprehensive prevention policies.

2. Preventive Efforts

The preventive role of the Demak police in tackling the circulation of illegal liquor is a more proactive effort to prevent the circulation and consumption of liquor before the problem develops further. Preventive in this context means taking actions that prevent crime from occurring, either through supervision, monitoring, or implementing policies that support the creation of a community free from illegal liquor. Through a preventive approach, the Demak police are trying to reduce the potential for violations that can occur due to the circulation of liquor in the area.

Efforts made by the police in preventing alcohol abuse together with related agencies by providing counseling to the community, the police station is always there and is most prioritized, whether directly or indirectly, to reduce the level of circulation of alcohol so that with the counseling provided, it can reduce the circulation of illegal alcohol and the community knows the impacts caused by users of illegal alcohol. As well as carrying out police operations by means of patrols and raids in locations that are considered vulnerable to the distribution and abuse of alcohol.¹⁶

The police also involve the community in this preventive effort through partnership programs, such as Bhabinkamtibmas, where police officers are placed in villages or sub-districts to maintain security and order. These officers serve as a liaison between the community and the police, allowing information related to the circulation of illegal liquor to be reported and followed up immediately. Community participation is very important because they are the ones who know best about the conditions in their surroundings.

3. Repressive Efforts

Police efforts to reduce crime rates include conducting raids on illegal liquor. The police have the right and obligation to control illegal liquor that does not have a permit in accordance with applicable laws and regulations. Based on the results of research reviewed by the author, members are not sufficiently appropriate in supervising the circulation of liquor, especially street vendors and other kiosks that do not have permits. If a liquor crime occurs, the police will take repressive action where the police will conduct investigations, searches and arrests if there is an indication of a liquor crime. However, with this repressive action, many police have difficulties due to rebellious traders. The police carry out liquor operations two to three times a week and even when there are many reports from the police

¹⁶Interview Results with AKP Wasito as Head of Samapta Polres Demak at Demak Police Headquarters on August 13, 2024

and the general public, it could be more. In law enforcement, the police only impose minor criminal penalties on liquor dealers, namely illegal liquor sellers.¹⁷

According to AKP Wasito, the Demak Police continue to intensify the Liquor Raid, the activity is to suppress Social Diseases (Pekat) in Demak Regency. "We continuously intensify the Pekat operation, including raids on Liquor, Karaoke raids, and other Pekat," In the Liquor raids, the Demak Police always synergize with the TNI and Satpol PP, we do this to create a conducive situation in Demak Regency. In the last month, the Demak Police have successfully confiscated 5,526 bottles of Liquor consisting of 2,441 bottles of factory-made Liquor and 3,085 bottles of traditional Liquor in the form of arak which were successfully confiscated and have been destroyed.

AKP Wasito explained that 83 sellers and buyers of liquor have been subject to law enforcement in the form of Minor Criminal Offenses (Tipiring). In law enforcement of liquor, only minor criminal offenses (Tipiring) will be imposed on liquor dealers, namely liquor sellers. The sanctions often given by police officers are by confiscating liquor traded in places that do not have permits and imposing fines and often referring to law enforcement in a non-criminal manner pioneered by Bhabinkamtibmas in collaboration with community leaders. Prevention efforts are very difficult because consuming liquor is ingrained or has become a common disease for society.

3.2. Obstacles of the Demak Police in Tackling the Distribution of Alcoholic Beverages in Demak Regency and Their Solutions

Combating the circulation of illegal liquor in Demak Regency can be analyzed through Lawrence M. Friedman's legal system theory which includes legal substance, legal structure, and legal culture. In terms of substance, the main weakness is the absence of a special law that specifically regulates the control of alcoholic beverages. Existing regulations such as the Criminal Code, ministerial regulations, and regional regulations are considered not strong enough to be a clear legal umbrella. This causes liquor control to often be ineffective, even potentially giving birth to a black market. Without comprehensive regulations, law enforcement against the circulation of illegal liquor is difficult to carry out firmly.

In terms of legal structure, there is a problem of coordination between law enforcement officers, especially between the police and Satpol PP. The misalignment in the division of tasks and authorities often causes confusion in the field. The police have authority in the criminal aspect, while Satpol PP is tasked with enforcing Regional Regulations. However, this overlapping of duties causes law enforcement operations to be less efficient and sometimes conflict with each other. Weak coordination also slows down supervision and prosecution of

¹⁷Interview Results with AKP Wasito as Head of Samapta Polres Demak at Demak Police Headquarters on August 13, 2024

perpetrators of illegal liquor distribution, so that the room for violations remains wide open.

In terms of legal culture, the low level of public awareness of the dangers of illegal liquor is a major challenge. Although Demak Regency is known for its religious character, the culture of alcohol consumption still exists, especially in certain social contexts. Many residents consider the circulation of illegal liquor as normal or even part of social norms, which results in weak compliance with legal regulations. In addition, law enforcement officers are sometimes less assertive, either due to the influence of social or economic relationships with perpetrators of violations, which further weakens the effectiveness of law enforcement.

To overcome these obstacles, the formation of a special law on alcoholic beverages is an important solution so that there is a strong and comprehensive legal umbrella. On the other hand, strengthening coordination between law enforcement agencies can be done through joint training, integrated SOPs, and the formation of joint task forces. In addition, public education about the dangers of illegal liquor needs to be improved through an integrated campaign involving religious figures, educational institutions, and social media to build public awareness.

4. Conclusion

The role of the police in combating alcohol in Demak Regency includes preemptive, preventive and repressive efforts. Preemptive efforts involve education and socialization to prevent the public from being involved in the distribution and consumption of illegal alcohol. Preventive efforts are carried out through supervision, patrols, and routine operations to prevent violations. Repressive efforts, where the police conduct raids and enforce the law against perpetrators of illegal alcohol distribution. In the 2024 raid, the Demak Police managed to confiscate 5,526 bottles of alcohol consisting of 2,441 bottles of manufactured alcohol and 3,085 bottles of traditional alcohol in the form of arak which were successfully confiscated and destroyed. Obstacles in combating the distribution of illegal alcohol in Demak Regency include: The existing legal substance does not specifically regulate the distribution of alcohol so that law enforcement is less effective. Legal structure: overlapping authority between the police and Satpol PP, which hinders synergy in enforcement. Meanwhile, the legal culture in society is still weak, with low awareness of the importance of complying with the rule of law. The solution to these obstacles is the establishment of a special law on alcoholic beverages, strengthening coordination between law enforcement agencies, and increasing education about the dangers of alcohol.

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