

Investment In The Alcoholic Beverages/Liquor Beverages Industry Viewed From Press Regulation No. 10 Year 2021

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ABSTRACT

Alcoholic beverages as a trading and industrial commodity have become a global issue because of the impact they have, both in terms of health, economics, social, culture, and crime. Alcoholic beverages is of concern to all countries because of its multiple effects, including in Indonesia. Indonesia as a country with cultural and religious diversity has its own rules regarding the distribution and sale of alcohol. However, the crime rate arising from alcohol is very high in Indonesia. On the other hand, the state has the responsibility to provide guarantees for public health protection and legal protection against the effects of alcohol. To carry out the state's responsibilities, there has been political will generated as a legal politics of minimum regulation, both in the form of policies and regulations in statutory regulations. In addition to the problems of regulation and implementation. There is an idea for the direction of legal policy or legal politics for minimum regulation for the future. The impact of drinking liquor when viewed from a health perspective if it is excessive, the habit of drinking liquor will certainly have a negative impact on health and when viewed from a social perspective, the habit of drinking this will cause many problems. For example, irritability, the discomfort of people living around it, and the causes of traffic accidents. In addition, alcohol is also usually the cause of domestic violence. Many acts of violence that occur due to alcohol. In the process of overcoming the problem of alcoholism, in addition to various approaches such as psychology, medicine and law. The application of law for the prevention of alcoholism requires an effective management system to be seen from the fact of the need for optimal handling of this problem. With the issuance of Presidential Decree No. 10 of 2021 concerning opening investment opportunities for alcohol, this policy is considered very unfavorable for the community from various aspects. Regulations that make the alcohol industry an open business will harm society because the circulation of alcohol is becoming more open. Alcohol regulations seem to prioritize the considerations and interests of entrepreneurs rather than the interests of the people.

Keywords: Investment, Presidential Decree, Legal Reform, Liquor

ABSTRAK

Minuman beralkohol sebagai komoditas perdagangan dan industri telah menjadi isu global karena dampak yang ditimbulkannya, baik dari segi kesehatan, ekonomi, sosial, budaya, dan kriminalitas. Minuman beralkohol menjadi perhatian semua negara karena efeknya yang berlipat ganda, termasuk di Indonesia. Indonesia sebagai negara dengan keragaman budaya dan agama memiliki aturan tersendiri mengenai peredaran dan penjualan miras. Namun, tingkat kejahatan yang timbul dari alkohol sangat tinggi di Indonesia. Di sisi lain, negara memiliki tanggung jawab untuk memberikan jaminan perlindungan kesehatan masyarakat dan perlindungan hukum terhadap pengaruh miras. Untuk menjalankan tanggung jawab negara, telah lahir political will sebagai politik hukum pengaturan minimal, baik dalam bentuk kebijakan maupun pengaturan dalam peraturan perundang-undangan. Selain masalah regulasi dan implementasi. Adanya gagasan arah kebijakan hukum atau politik hukum untuk pengaturan minimal ke depan. Dampak minum minuman keras jika dilihat dari segi kesehatan jika berlebihan maka kebiasaan meminum minuman keras tentunya akan berdampak buruk bagi kesehatan dan jika dilihat dari segi sosial kebiasaan meminum minuman keras ini akan menimbulkan banyak masalah. Misalnya, mudah tersinggung, ketidaknyamanan orang yang tinggal di sekitarnya, dan penyebab kecelakaan lalu lintas. Selain itu, alkohol juga biasanya menjadi penyebab kekerasan dalam rumah tangga. Banyak tindak kekerasan yang terjadi akibat minuman keras. Dalam proses penanggulangan masalah alkoholisme, selain berbagai pendekatan seperti psikologi, kedokteran dan hukum. Penerapan undang-undang pencegahan miras memerlukan sistem pengelolaan yang efektif dilihat dari kenyataan perlunya penanganan yang optimal terhadap masalah ini. Dengan keluarnya Perpres No. 10 Tahun 2021 tentang pembukaan peluang investasi miras,

kebijakan ini dinilai sangat merugikan masyarakat dari berbagai aspek. Peraturan yang menjadikan industri miras sebagai usaha terbuka akan merugikan masyarakat karena peredaran miras semakin terbuka. Regulasi miras terkesan lebih mengutamakan pertimbangan dan kepentingan pengusaha daripada kepentingan masyarakat

Kata Kunci : Investasi, Keppres, Reformasi Hukum, Minuman Keras

A. Introduction

Alcoholic beverages as a trading and industrial commodity have become a global issue because of the impact they have, both in terms of health, economics, social, culture, and crime. Alcoholic Beverages is of concern to all countries because of its multiple effects, including in Indonesia. Indonesia as a country with cultural and religious diversity has its own rules regarding the distribution and sale of alcohol. However, the crime rate arising from alcohol is very high in Indonesia.

On the other hand, the state has the responsibility to provide guarantees for public health protection and legal protection against the effects of alcohol. To carry out the state's responsibilities, there has been political will generated as a legal politics of minimum regulation, both in the form of policies and regulations in statutory regulations. There are quite a lot of positive laws and they are scattered in various laws and regulations and there is no comprehensive regulation regarding alcohol. Several legal policies or laws and regulations related to Alcoholic Beverages currently exist and apply in Indonesia, starting from the 1945 Constitution of the Republic of Indonesia to regional regulations.

The implementation of these legal policies shows that the Police in terms of law enforcement more often use regional regulations. Another problem arose in the implementation of Law no. 23 of 2014 concerning Regional Government related to supervisory authority lies with the Provincial Government, while the authority to grant permits lies with the Regency/City Government. In addition to the problems of regulation and implementation.

There is an idea for the direction of legal policy or legal politics for minimum regulation for the future. The legal politics of regulating alcoholic beverages so far has been regulated in various laws and regulations whose contents

relate to alcoholic beverages, including the 1945 Constitution of the Republic of Indonesia, the Criminal Code, the Trade Law, the Industry Law, Presidential Decree No. 74 of 2013, Presidential Decree No. 44 of 2016, Regulation of the Minister of Industry Number No. 63/M-IND/PER/7/2014 as amended by Regulation of the Minister of Industry Number 63/M-IND/PER/8/2015 concerning Control and Supervision of Industry and Quality of Alcoholic Beverages, Regulation Minister of Trade No. 20/M-Dag/Per/4/2014 as amended by Regulation of the Minister of Trade Number 72/M-DAG/PER/10/2014, provincial regional regulations, and regency/city regional regulations. In Presidential Decree No. 10 of 2021, it is stipulated that the business sector for the liquor industry containing alcohol, wine and malt alcohol is open for new investment in the provinces of Bali, East Nusa Tenggara Province, North Sulawesi Province and Papua Province with due regard to local culture and wisdom.

B. Formulation Of The Problem

From the background of the problems mentioned above, the authors can formulate the problem in this paper as follows:

- 1) What is the impact of alcohol on Indonesian society?
- 2) What are the laws and regulations regarding alcohol in Indonesia?
- 3) What is the impact of the issuance of PERPRES NO. 10 YEAR 2021 on industry and its impact on people's lives in Indonesia?

C. Research Methods

The procedure for research uses normative methods, namely by using an applicable legal rule. The procedure for this research uses normative juridical indicators where the indicators contained in it are an analysis of an applicable legal rule.¹

The technique of collecting data is done by means of literature in the library. The literature in data collection is considered to be conducting research using literature

¹ Benuf, Kornelius, and Muhamad Azhar. "Metodologi penelitian hukum sebagai instrumen mengurai permasalahan hukum kontemporer." *Gema Keadilan* 7.1 (2020): 20-33.

related to the research. The basic materials for this research data were obtained from secondary data, namely Decree of the Minister of Industry and Trade of the Republic of Indonesia No. 359-360/MPP/Kep/10/1997.²

The data analysis method used in this research is qualitative data analysis by means of exposure and elaboration of the data obtained in the form of structured words or descriptions with adjustments to the research discussion, objectives, concepts in a perfectly structured manner, then summarized to produce the final results in the study.³ Data analysis was carried out in a qualitative descriptive manner, where qualitative data is data expressed in the form of categories (the results are not numbers). The descriptive in question is an explanation regarding Regional Regulation of East Luwu Number 2 of 2007 concerning Control and Prohibition of Alcoholic Beverages. Further this is also analyzed from Criminal Code (KUHP), namely Article 300, Article 492, Article 536, Article 537, Article 538 and Article 539.

D. Finding & Discussion

1. Overview of Liquor

In everyday life liquor is not a strange thing anymore. However, there are various definitions of liquor put forward by experts, namely: According to Ellen G. White, what is meant by liquor is all kinds of drinks that can damage the development of reason and make people easily offended because they can damage brain tissue.⁴ Poerwadarmita stated that what is meant by liquor is a drink that intoxicates.⁵ Unlike the case with Yusuf Qadarwi who said liquor (qhamar) is part that contains alcohol and is intoxicating.⁶ In one of his writings, Mustafa stated that people know alcohol as a substance contained in a liquid that contains sugar. Gives a fresh taste, and alcohol commonly known in chemistry is called ethyl alcohol.

² Salim, Fauji. "Tinjauan Yuridis Normatif Atas Perlindungan Hukum Bagi Pasien Sebagai Konsumen Dalam Malpraktek Di Rumah Sakit." *Lex Renaissance* 5.2 (2020): 390-402.

³ Zulkifli, Suhaila, et al. "Implementasi Prinsip Subrogasi pada Asuransi Kendaraan Bermotor: Studi pada PT Pan Pacific Insurance." *SIGn Jurnal Hukum* 2.1 (2020): 20-29.

⁴ Mustafa, *Alkohol Dalam Pemaparan Islam dan Dunia Kesehatan* (Bandung: Alam'rof, 1984). page 135.

⁵ Poerwadarmita, *Kamus Umum Bahasa Indonesia* (Jakarta: Balai Pustaka, 1976). page 651.

⁶ Yusuf Qardawi, *Halal dan Haram Dalam Islam* (Surabaya: Bina Ilmu, 1890). page 91.

Some of the above opinions can be concluded that liquor is a drink that contains alcohol and can be intoxicating, which if drunk in excess will interfere with or cover the human mind and cause unconsciousness.

Further to the Decree of the Minister of Industry and Trade of the Republic of Indonesia No. 359-360/MPP/Kep/10/1997, the definition of alcoholic beverages is stated as follows: that alcoholic beverages are drinks containing ethanol which are processed from agricultural products containing carbohydrates by means of fermentation and distillation or without distillation, either by giving behavior beforehand or not, or processed by mixing the concentrate with ethanol or by diluting the drink with ethanol.

The Decree of the Minister of Industry and Trade also explains the process of making liquor, starting from agricultural products until it is processed in a modern way through factories. The reasons people drink, if we pay close attention to the reasons people drink, the main driving force lies in oneself⁷

- 1) Great curiosity to try, without realizing or thinking long about the consequences.
- 2) The desire to have fun.
- 3) The desire to follow trends or styles.
- 4) The desire to be accepted by the environment or group.
- 5) Decree of the Minister of Industry and Trade of the Republic of Indonesia No. 359-360/MPP/kep/10/1997.
- 6) Running away from boredom, problems or hardships of life.
- 7) The misconception that occasional use is not addictive.
- 8) Not able or not brave enough to face pressure from the environment or social groups
- 9) You can't say "no" to alcohol.

Alcoholic beverages can indeed be used for various purposes. One of them is also used to mix food and drinks for many types of cakes, chocolates and cakes which are sold freely in every shop in Europe that uses cognag, rum brandy, wine and other types. We also encounter many body fragrances that use alcohol. Unfortunately, we often don't realize this. In America and Europe, every day the

⁷ Ibid

police conduct raids and check the alcohol content of motorists on the roads. This is an effort to reduce traffic accidents, because the biggest accidents on both continents are the result of drunk drivers. Even worse, 25% of alcoholics eventually die.⁸

They die twenty-six years earlier than life expectancy. In addition, about 13.8 million people have problems due to drinking alcohol.

2. Review of Legislation/Regional Regulations Concerning Prohibition of the Distribution of Alcoholic Beverages

In laws and regulations, there are too many definitions that state that liquor in general is a drink that can cause someone who drinks it to lose consciousness and usually this can cause many consequences as stated above.

In the Makassar City Regional Regulation Number 7 of 2006 concerning Supervision, Control, Distribution, and Sales as well as Permits for Sales of Alcoholic Beverages Beverages that alcohol is all drinks containing ethanol which are processed from agricultural products containing carbohydrates by means of fermentation and distillation or fermentation without distillation, either by pretreating it or not, or processed by mixing the concentrate with ethanol or by diluting a drink containing ethanol;

From the definition above, alcohol is one of the drinks that can bring various kinds of crimes in society. According to Article (1) KEPPRES R.I. No.3/1997 alcoholic beverages are drinks containing ethanol/ethyl alcohol which are processed from agricultural products containing carbohydrates. Processing carried out by means of fermentation and distillation or fermentation without distillation, which is processed by adding concentrate with ethanol or by diluting drinks containing ethanol.

Based on Regional Regulation of East Luwu Number 2 of 2007 concerning Control and Prohibition of Alcoholic Beverages, that alcoholic beverages are drinks containing ethanol which are processed from agricultural products containing carbohydrates by means of fermentation and distillation or fermentation without distillation, either by pretreating or not, adding other ingredients or not, or

⁸ Mustafa, op.cit., page 137.

processed by mixing concentrate with ethanol or by diluting beverages containing ethanol but not drugs.

Article 537 of the Criminal Code in Soesilo R's explanation says that liquor is a drink that is intoxicating and contains alcohol.⁹ In the aforementioned article, it is said that drinking liquor is basically something that is not permissible and legally prohibited. Although the Criminal Code does not explain in detail about liquor, the existence of liquor in society is something that disturbs and even threatens public peace. moreover, it has seen various kinds of crimes caused by alcoholic beverages.

Prohibition of drinking alcoholic beverages in society is found in various forms of regulations, laws, regional regulations, government regulations and others.

The existence of liquor in society is also felt by some and even the majority of people tend to reject and dislike the existence of liquor in that community. Alcoholic beverages can indeed be used for various purposes. One of them is also used to mix food and drinks with many types of cakes, chocolates and cakes which are sold freely in every shop in Europe that uses cognac, rum brandy, wine, and other types. We also encounter many perfumes that use alcohol. Unfortunately, we often don't realize this. In America and Europe, every day the police conduct raids and check the alcohol content of motorists on the roads. This is an attempt to reduce traffic accidents. This is because the biggest accidents on both continents are the result of drunk drivers. Even worse, 25% of alcoholics eventually die.

They die twenty-six years earlier than life expectancy. In addition, about 13.8 million people have problems due to drinking alcohol.

In Indonesia, a big problem is mixed alcoholic beverages. Almost every month in various areas victims are found as a result of drinking bootleg liquor.

Alcohol is a problem that is quite a dilemma because liquor has become part of the customs in several places in Indonesia, such as the people of Papua, Manado and Bali, it is often used as a traditional ritual. . It is noted that from this habit that resulted in hundreds of deaths, maybe even thousands, as for example what happened in some areas, many people have died from mixed drinks for decades. that's what happened in Indonesia. And also alcoholic beverages besides being

⁹ Soesilo, R, KUHP Beserta Komentar-Komentar (Bogor: Jakarta Politea, 1985). page 334

harmful to the health of a teenager's body will also have a negative impact on school time, working period if he is already working, social life in his family and friends.

Basically, there is no law that specifically regulates the circulation and abuse of liquor. This problem is only regulated in several articles in the Criminal Code (KUHP), namely Article 300, Article 492, Article 536, Article 537, Article 538 and Article 539 of the Criminal Code, each of which reads:

Article 300

- 1) Shall be punished by a maximum imprisonment of one year or a maximum fine of four thousand five hundred rupiahs:
 1. Any person who deliberately sells or gives intoxicating drinks to someone who is already visibly drunk; Trafficking in women and trafficking in boys who are not yet adults, is punishable by a maximum imprisonment of six years.
 2. Whoever deliberately makes a child under sixteen years old drunk;
 3. Any person who, by force or threat of force, forces a person to drink intoxicating beverages.
- 2) If the act results in serious injury, the offender is punished by a maximum imprisonment of seven years.
- 3) If the act results in death, the offender is punished by a maximum imprisonment of nine years.
- 4) If the person guilty of committing the crime in carrying out his search, his right to carry out the search can be revoked.

Article 492

- 1) Any person who is in a state of public drunkenness obstructs traffic, or disturbs order, or threatens the safety of other people, or does something that must be done carefully or by taking certain precautions in advance so as not to endanger the life or health of other people, shall be punished by a maximum light imprisonment of six days or a maximum fine of three hundred and seventy-five rupiahs.
- 2) If at the time of committing the offense one year has passed since the

conviction has become permanent due to the same offense, or because of the matters formulated in Article 536, a maximum imprisonment of two weeks is imposed.

Article 536

- 1) Any person who is clearly in a drunken state on a public road, shall be punished by a maximum fine of two hundred and twenty five rupiahs.
- 2) If at the time of committing the violation one year has passed since the conviction has become permanent for the same offense or as defined in Article 492, the fine can be replaced by imprisonment for a maximum of three days.
- 3) If there is a second repetition within one year after the first conviction ends and becomes permanent, a maximum imprisonment of two weeks is imposed.
- 4) On the third repetition or more in one year, after the conviction which is once done because of the second repetition or more times becomes fixed, is subject to imprisonment for a maximum of three months.

Article 537

Any person who sells or supplies liquor or arrack outside the army canteen to members of the Armed Forces below the rank of lieutenant or to his wife, child or servant, shall be punished by a maximum light imprisonment of three weeks or a maximum fine of one thousand five hundred rupiahs.

Article 538

A seller or his representative who sells liquor who in the course of his work gives or sells liquor or arak to a child under the age of sixteen, shall be punished by a maximum light imprisonment of three weeks or a maximum fine of four thousand five hundred rupiahs.

Article 539

Any person who on the occasion of holding a public party or public

performance or holding a procession for the public, provides free of charge liquor or wine and or promises it as a gift, shall be punished by a maximum light imprisonment of twelve days or a maximum fine of three hundred seventy five rupiah.

From the several articles mentioned above, it can be said that the sanctions imposed on those who are proven to have committed, distributed and consumed liquor or because of alcohol then a crime that endangers themselves, their family and society is too light. Why not, this can be seen from some of the information obtained that many entrepreneurs who import (circulate) liquor illegally are subject to fairly light sanctions, or not only fines.

Even though sanctions are restrictions on freedom given to a person or group of people by the authorities due to committing an act that is detrimental to oneself, others and the environment, which aims to deter perpetrators. J.M. Van Bemmelen said that by having a crime/sanction, other people are made to be afraid of committing a crime (general prevention) and to keep the perpetrators away from drinking or distributing liquor (special prevention).¹⁰

Furthermore, Roeslan Saleh raged in his opinion that punishment is very necessary because the influence of punishment is not solely aimed at the criminal but to influence people who are not evil, namely citizens who obey society's norms.¹¹

In his opinion above, Roeslan wants there to be a reaction to the violations of norms that have been committed by perpetrators of crimes, especially liquor dealers, and this should not be allowed to go unpunished.

In Article 492 of the Criminal Code it is stated that the punishment applied to those who are given sanctions as stated in the article above, namely imprisonment for 6 days or a fine for perpetrators of alcohol abuse, is no longer appropriate. With the sanctions as mentioned above, the perpetrators of alcohol abuse do not feel heavy or tormented by the sanctions in Article 492 of the Criminal Code.

¹⁰ J.M. Van Bemmelen, *Hukum Pidana 1- Hukum Pidana Material Bagian Umum* (Terjemahan Hasnan) (Jakarta: Bina Cipta 1984), page 27.

¹¹ Muliadi dan Barda Nawawi Arief, *Teori-teori dan Kebijakan Pidana* (Bandung: Alumni, 1992), page 153.

Specifically in tackling alcoholism, the elements that must be managed are:

1) Apparatus, organization, infrastructure and facilities

Apparatus that handles problems directly or indirectly related to alcoholism is an organization with a clear structure and job description. These tasks relate to the prevention through control of the abuse of alcoholism in production, trade and use to the point of addiction, and drunkenness which causes problems. In addition, there are organizations working in the field of repressive countermeasures, namely law enforcement officials within the ranks of the criminal justice administration, and agencies that help victims or drunks who are dependent on alcohol, namely care and treatment institutions. So in detail at least linking agencies and institutions in Indonesia as follows :

- a. Director General of Customs and Excise at the Ministry of Finance;
- b. Ministry of Health;
- c. Indonesian republic police;
- d. Attorney;
- e. Ministry of law and human rights;
- f. Ministry of Social Affairs;
- g. Ministry of information and telecommunication;
- h. Ministry of Religion;
- i. And others.

These agencies and institutions as organizations that have a special relationship in tackling alcoholism move or are mobilized, their capabilities must be strengthened in carrying out their respective roles. The strengthening efforts include:

- a. The skills and abilities of officials in overcoming the problem of alcoholism are carried out through courses, upgrading and the like.
- b. Special institutions that carry out treatment activities for sufferers of alcoholism and that launch preventive countermeasures activities.

- c. Personnel within the law enforcement apparatus designated for the task of tackling alcoholism need to be equipped with special knowledge about alcoholism, its problems and methods of coping.
 - d. Between the personnel in their respective ranks and between the ranks, there is an intimate coordination and complement each other on possible apparatus or personal weaknesses.
 - e. All personnel who are in charge of tackling alcoholism should cultivate a sense of compassion for others.
 - f. It is necessary to prepare facilities and infrastructure that are suitable and efficient in countermeasures operations, both in the form of treatment and care institutions, field operational units, judicial proceedings and so on.
 - g. There needs to be an institution or institution that can manage and mobilize private social institutions and individuals who wish to participate in tackling alcoholism.
 - h. Strengthening specific legislation on alcoholism that can be developed and refined into a full national law.
- 2) Legislation The existing statutory regulations are the Distilled Alcohol Excise Ordinance. Stbl.1898 no. 90, Beer Excise Ordinance. Stbl. 1931 no. 488 and 489, Law no. 9 of 1960, RI Minister of Health Regulation number 86/Menkes/Per/IV/77, 1977, Minister of Health Regulation No. 86/Menkes/Per/IV/1977 concerning Liquor in 1977 and Presidential Decree Number 3 of 1997 concerning Supervision and Control of Alcoholic Beverages, these laws and regulations can serve as input or input for the preparation of an up-to-date draft law on national alcoholism.

If the efforts to combat alcoholism are carried out using a systemic approach and in a management manner, then the existence of the Basic Law on Alcoholism is relevant, because it is through administrative legal arrangements that link and mobilize people in organizations, resources, funds and facilities can work well. Given the

integrated conceptual nature, it is also necessary to contribute other aspects of science in a complementary interdisciplinary pattern. These disciplines include sociology, anthropology, psychology, statistics, administration, management, criminology, and others. This interdisciplinary necessity is a demand nowadays where law cannot be separated from important metajuridical sciences in a developing and developing society.

Satjipto Rahardjo said that it is one thing to issue legal regulations simply to maintain a status quo, while it is quite another to make regulations with the aim of regulating society. Now the state not only maintains the status quo, but is also required to become an agent with broader powers. To fulfill this task, he can begin to design a policy in the economic field, for example, which aims to increase welfare and equalize the distribution of production results.

Thus it can be seen that the conventional boundaries between law and economics have become blurred, because it turns out that designing a legal product also means designing a process for its production and distribution. This situation does not only occur in the economic field, but also in other fields. And then it is emphasized that the process of mutual entry between fields that were originally strictly compartmentalized is one of the most interesting forms of development today.

Apart from that, of course, the consequence of this situation is that in order to enforce a law for the regulation of certain purposes (alcoholism) it is necessary to organize and administer with a management system that mobilizes the people who manage it, funds and resources, equipment, and so on, in such a way that It is hoped that the promulgation of a statutory provision can achieve what it aims to achieve.

More concretely, in addition to what has been stated above, the countermeasures can also be carried out as follows:

- 1) Discipline for Enforcement of Presidential Decree No. 3 of 1997 Concerning Supervision and Control of Alcoholic Beverages.

Public awareness and control rules are two things that cannot be separated. This alcohol is legally positive is legal. Therefore, after building public awareness, clear and firm control rules are needed, as well as strong law enforcement. The government must have the courage to take serious steps, namely asking minimarket entrepreneurs who are currently still selling alcohol to withdraw their products and stop selling the alcohol. Minimarkets that sell alcohol, regardless of the alcohol content, a little or a lot, still have the potential to harm the environment. Remember, the addictive substances contained in Alcoholic Beverages.

2) Support the ratification of the Bill on Alcoholic Beverages.

At present, the positive laws regarding alcohol are only Presidential Decree No. 3/1997 and regional regulations in several regions, but regulations between regions differ drastically. Through regional regulations, the local government can completely prohibit the production, ownership, distribution, sale, storage, carrying, promotion and consumption of alcohol. Even though the presidential decree remains binding, ideally it is an adjustment by making a law (UU), so that the same arrangement can cover all residents and regions in Indonesia. With the law, criminal determination can be made more difficult for crime prevention.

The situation in this country shows the urgency and need for the Alcohol Law. Existing rules are inadequate with the evidence of the high number of crimes due to alcohol. Thankfully, all factions in the DPR RI agreed to include the proposed Draft Law (RUU) on the Regulation of Alcoholic Beverages into the 2013 Priority National Legislation Program.

3) Support the ratification of the Draft Criminal Code on Moral Crimes.

Even though the Criminal Code explicitly regulates alcohol, the articles need to be revised again because many are unclear and lack substance regarding alcohol itself, making it difficult for the security forces to take decisive action. For this reason, the Draft Criminal Code again proposes revisions to the articles governing the problem of

intoxicating drinks, which are contained in Chapter XVI on Criminal Acts of Morality, Chapter Seven on Intoxicants to people who are visibly drunk.

In article 499 1(b) : "punished by a maximum imprisonment of 1 year or a maximum fine of Rp. 30 million each person who sells or provides intoxicating substances to a person with a maximum imprisonment of 1 year or a maximum fine of Rp. 30 million everyone sells or gives intoxicants to people under the age of 18. In addition, they are also threatened with a similar penalty if they force someone to drink the alcohol, the penalty is increased to 4 years in prison if the drunkenness causes other people to be seriously injured. If it results in the death of another person, a person who is drunk is punished with a maximum of 9 years in prison.

The impact of drinking liquor when viewed from a health perspective if it is excessive, the habit of drinking liquor will certainly have a negative impact on health and when viewed from a social perspective, the habit of drinking this will cause many problems. For example, irritability, the discomfort of people living around it, and the causes of traffic accidents. In addition, alcohol is also usually the cause of domestic violence.

Many acts of violence that occur due to alcohol. Every day we hear that this country is flooded with news about immoral acts, theft, accidents, domestic violence, fights, brawls, deaths, murders and others, all of which are often related to and caused by alcohol. The impact of alcohol has become a problem that must be very concerned. Criminologically, alcoholism is a criminogenic factor that causes the impact of crimes related to criminal acts.

Efforts to overcome alcoholism which include assistance, care, treatment for alcoholics and preventive measures in the form of environmental development efforts in a broad sense are endeavored to reduce the intention to approach drinking. Also working criminal justice administration. In the process of overcoming the problem of alcoholism,

in addition to various approaches such as psychology, medicine and law. The application of law for the prevention of alcoholism requires an effective management system to be seen from the fact of the need for optimal handling of this problem.

3. Closing

a. Conclusion

The impact of drinking liquor when viewed from a health perspective if it is excessive, the habit of drinking liquor will certainly have a negative impact on health and when viewed from a social perspective, the habit of drinking this will cause many problems. For example, irritability, the discomfort of people living around it, and the causes of traffic accidents. In addition, alcohol is also usually the cause of domestic violence.

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With the issuance of Presidential Decree No. 10 of 2021 concerning opening investment opportunities for alcohol, this policy is considered very unfavorable for the community from various aspects. Regulations that make the alcohol industry an open business will harm society because the circulation of alcohol is becoming more open. Alcohol regulations seem to prioritize the

considerations and interests of entrepreneurs rather than the interests of the people.

In addition, with the issuance of Presidential Decree No. 10 of 2021 will trigger the rise of counterfeit, illegal and counterfeit alcohol. Not only its circulation in the areas mentioned in Presidential Decree No. 10 of 2021 only, but it will also be easier to circulate in other areas.

Previously, Presidential Decree No. 39 of 2014 concerning businesses List of Business Fields that were closed and business fields that were open with requirements in the field of investment, as an elaboration of Article 12 paragraph (3) of Law number 25 of 2007 concerning investment, stipulates that the beverage industry alcohol is a closed business sector.

b. Suggestions

Overcoming alcoholism must be an organized conceptual mobilization of all potential. Partial and sporadic handling will not bring the expected results. Seeing the reality of the complexity of the problem of alcoholism that requires an integrated conceptual response, it is time for Indonesia to prepare a forum that can deal specifically with the problem of alcoholism and all potentials to be mobilized in an integrated conceptual response to the problem of alcohol. In order to support an effective prevention of alcoholism in Indonesia, it is necessary to have a basic law on alcoholism which contains rules that link the legal aspect with the management required for a successful and efficient management of alcoholism prevention in Indonesia.

The government should study further regarding Presidential Regulation No. 10 of 2021, not only in terms of foreign exchange earnings and the opening of eight jobs in the alcohol industry sector, the government should also take into account the impact caused by the alcohol itself.

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