

Administrative Law Review on The Enforcement of Kampar District Regulation Number 8 Of 2017 By The Satuan Polisi Pamong Praja Against The Circulation of Alcoholic Beverages

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Abstract.

*This study aims to examine and analyze the implementation of the authority of the Satuan Polisi Pamong Praja (Satpol PP) of Kampar District in enforcing Kampar District Regulation Number 8 of 2017 concerning Public Order and Tranquility in relation to the circulation of alcoholic beverages (tuak), as well as to identify the factors that hinder its implementation. This research uses a juridical-empirical research method with an administrative law approach, where data is collected through field studies and literature reviews. The research findings indicate that the Satuan Polisi Pamong Praja of Kampar District has carried out its functions and authority in enforcing this regulation through activities such as law enforcement, socialization, and actions against violations related to the circulation of tuak. However, in practice, there are still several obstacles, including limited human resources and infrastructure, low public awareness, and weak coordination between relevant agencies. From an administrative law perspective, the law enforcement practices carried out by Satpol PP Kampar have complied with the principles of *bestuur recht* or good governance law, although its effectiveness needs to be improved through stronger technical regulations, enhanced capacity of officials, and increased community participation in supporting the enforcement of the District Regulation.*

Keywords: Administrative Law; Enforcement of Regional Regulations; Satuan Polisi Pamong Praja; Alcoholic Beverages and Tuak.

1. INTRODUCTION

The Unitary State of the Republic of Indonesia (NKRI) is a state governed by law, with Pancasila serving as the source of all legal sources. This means that all forms of activities and actions, both individually and socially, as a societal order reflecting social patterns, lifestyles, and behaviors, are based on legal regulations and norms rooted in the philosophy and foundation of the state, Pancasila. According to Article 1, Paragraph (3) of the 1945 Constitution of the Republic of Indonesia, "The State of Indonesia is a Law-based State." (Undang-Undang Dasar Negara Republik Indonesia Tahun 1945, n.d.) It adheres to decentralization in the administration of government.

In line with the government's efforts to achieve public order and peace as part of the implementation of regional autonomy, one aspect that requires attention is the control over the circulation of alcoholic beverages. Alcoholic beverages are drinks containing ethanol that are processed from agricultural materials containing carbohydrates through fermentation and distillation or fermentation without distillation, either with or without certain treatments, with or without additional ingredients, and can be produced through the mixing of concentrates with ethanol or diluting beverages containing ethanol from fermentation. (Peraturan Presiden (Perpres) Nomor 74 Tahun 2013 Tentang Pengendalian Dan Pengawasan Minuman Beralkohol, n.d.)

Alcoholic beverages are drinks containing ethanol processed from agricultural materials containing carbohydrates through fermentation and distillation or fermentation without distillation, either with or without prior treatment, with or without the addition of other ingredients, or processed by mixing concentrates with ethanol or diluting beverages containing ethanol from fermentation. (Peraturan Menteri Perdagangan Nomor 20/M-DAG/PER/4/2014 Tahun 2014 Tentang Pengendalian Dan Pengawasan Terhadap Pengadaan, Peredaran, Dan Penjualan Minuman Beralkohol, n.d.)

Furthermore, in the context of Indonesian cultural traditions, there is a widely known traditional alcoholic beverage, tuak. Tuak is an alcoholic beverage produced through the fermentation of beverage materials or fruits containing natural sugars. This type of alcoholic drink has become part of local wisdom and is a regional specialty that is difficult to eradicate from the social life of the community. The presence of tuak in every traditional celebration in various regions in Indonesia is inseparable from the traditions passed down by ancestors, where part of the community views it as a symbol of honor and brotherhood in traditional ceremonies.

Tuak is an alcoholic beverage made from fermented materials or fruits containing sugar. Alcoholic beverages (tuak) are regional specialties that cannot be removed. The presence of alcoholic beverages in every traditional party, particularly in Indonesia, is due to traditions originating from the ancestors of the community in a region, and some people consider alcoholic beverages as a drink of honor. (Riskiyani et al., 2015)

However, as time progresses and awareness of the importance of public order and peace increases, regional governments have begun to set stricter regulations regarding the circulation of alcoholic beverages, including tuak. The circulation of alcoholic beverages has been prohibited in Kampar Regency under Regional Regulation No. 8 of 2017 on Public Order and Tranquility, specifically in Chapter VII, Article 23, Paragraph (1), which states: "Any individual or business entity is prohibited from producing, processing, importing, transporting, distributing, trading, storing, stockpiling, or providing alcoholic beverages and liquor in public places or selling them in public places without permission from the Regent or authorized official." In Paragraph (2), it states: "Any individual is prohibited from providing opportunities or places for activities related to alcoholic beverages and liquor." Paragraph (3) states: "Any individual is prohibited from consuming alcoholic beverages in public places." Paragraph (4) states: "Alcoholic beverages and liquor, as referred to in Paragraphs (1) through (3), include traditional alcoholic beverages." Paragraph (5) states: "The circulation and sale of traditional alcoholic beverages for customary or religious ceremony needs in the region." (HR, 2020)

However, in practice, the enforcement of the law concerning these regulations often faces various obstacles, including issues related to supervision, public legal awareness, and the effectiveness of local law enforcement officers. Local administrative law enforcement requires coordination between the relevant regional authorities, in this case, the Civil Service Police Unit (Satpol PP), and other law enforcement officers, as well as public support, to ensure that the regulations are implemented as intended. Without alignment between normative regulations and administrative implementation on the ground, regional regulations will only remain written norms without effective power to change social behavior. (Huda, 2019)

Nevertheless, the situation on the ground shows a discrepancy between normative provisions and community practices. The circulation and sale of alcoholic beverages, particularly tuak, still take place almost every day in various areas of Kampar Regency. These activities are clearly in violation of the provisions in Regional Regulation No. 8 of 2017 on Public Order and Tranquility, specifically Article 23, Paragraph (5), which essentially permits the circulation of traditional alcoholic beverages only for customary or religious ceremonies, not for entertainment activities or drunkenness.

Based on the above explanation, this study aims to examine: How is the enforcement of the Civil Service Police Unit's authority in Kampar Regency in upholding Regional Regulation No. 8 of 2017 concerning the circulation of alcoholic beverages (tuak)? What are the factors that hinder the enforcement of Kampar Regency's Regional Regulation No. 8 of 2017 by the Civil Service Police Unit regarding the circulation of alcoholic beverages (tuak)?

II. METHODS

The type of research used is empirical juridical research, which is legal research that examines how law is implemented in practice. This approach not only views the law as a set of written norms (law in books), but also explores how the law is enforced and functions within society (law in action). This study aims to understand how the implementation of the enforcement of Kampar Regency Regional Regulation

No. 8 of 2017 by the Civil Service Police Unit in controlling the circulation of alcoholic beverages (tuak) is carried out, as well as the challenges faced in its application.(Ismail Suardi Wekke.dkk, 2019)

III. RESULT AND DISCUSSION

1. Implementation of the Authority of the Civil Service Police Unit of Kampar Regency in Enforcing Regional Regulation No. 8 of 2017 on the Circulation of Alcoholic Beverages (Tuak)

The implementation of regional government is a realization of the 1945 Constitution of the Republic of Indonesia, aiming for regional governments to be part of the Indonesian government system as an effort to regulate the relationship between the central government and regional governments. The implementation of autonomy is based on the principles of democracy, broad autonomy, and extensive authority, power-sharing, regulatory powers, and respect for original rights, as outlined in Article 18 of the Constitution of the Republic of Indonesia.

Thus, the state is obligated to grant authority to the regions to regulate and manage the interests of the local communities. Therefore, regions need to be granted the authority to handle various governmental affairs as their domestic affairs, as well as to have regional income. Concerning autonomous regional authority, maintaining public order is one of the concurrent governmental affairs between the Central Government and the Provincial and Regency/City Governments, as mandated in Law No. 23 of 2014 on Regional Government.

The fundamental concept of good governance is how the actions or deeds of the government can provide the best service to the community to improve well-being, both materially and spiritually. The term "government action or deed" itself is derived from the words "action" or "deed."(Ilmar Amiruddin, 2015)

The Civil Service Police Unit (Satpol PP) plays a role in maintaining order within its jurisdiction based on regional regulations. This is because Satpol PP acts as the right hand of local officials, working continuously to enforce order in their area. In the context of enforcing Regional Regulations and Local Government Regulations, Satpol PP has a significant role and function as one of the apparatuses of the regional government. According to Law No. 32 of 2014 on Regional Government, Article 255, Paragraph (1), "The Civil Service Police Unit is established to enforce Regional Regulations and Local Government Regulations, maintain public order and tranquility, and provide public protection."(Undang-Undang Nomor 32 Tahun 2014 Tentang Pemerintahan Daerah, 2014)

Kampar Regency Regional Regulation No. 8 of 2017 on Public Order and Tranquility, Article 23, Paragraph (5) stipulates a ban on the circulation of tuak, a type of alcoholic beverage.

Based on an interview with the Head of the Enforcement Division of Kampar Regency's Regional Regulation, when asked about violations of the Regional Regulation, particularly concerning the circulation of tuak without a permit, which violates Kampar Regency's Regional Regulation No. 8 of 2017, Article 23, Paragraph (5), the mechanism for enforcement or actions taken by the Civil Service Police Unit to enforce this regulation was explained as follows:

"In terms of law enforcement mechanisms or actions taken for violations of the law, according to the Standard Operating Procedure (SOP) of the Civil Service Police Unit of Kampar Regency, the team will explain the purpose of their visit to individuals involved in the circulation of tuak. They will inform them that their actions violate Kampar Regency's Regional Regulation, then the team will issue a warning, advising them not to repeat the violation, and take appropriate action as per the sanctions stipulated in the Regional Regulation of Kampar Regency."

The sanctions for violations related to the circulation of alcoholic beverages in Kampar Regency are outlined in Kampar Regency Regional Regulation No. 8 of 2017 on Public Order and Tranquility, Article 34, Paragraph (19), which states, "Article 23, Paragraph (1) incurs a penalty of Rp. 5,000,000 (five million rupiahs) for enforcement/implementation of the Regional Regulation and/or administrative sanctions such as temporary license suspension." Article 34, Paragraph (20) states, "Article 23, Paragraph (2) incurs a penalty of Rp. 1,000,000 (one million rupiahs) for enforcement/implementation of the Regional Regulation and/or administrative sanctions such as temporary confiscation of ID cards, other identification cards, and media announcements." Article 34, Paragraph (21) states, "Article 23, Paragraph (3) incurs a penalty of Rp.

250,000 (two hundred fifty thousand rupiahs) for enforcement/implementation of the Regional Regulation and/or administrative sanctions such as temporary confiscation of ID cards, other identification cards, and media announcements.”

1. *Factors Hindering the Implementation of Kampar Regency Regional Regulation No. 8 of 2017 by the Civil Service Police Unit in Enforcing the Circulation of Alcoholic Beverages (Tuak)*

Due to numerous violations committed by irresponsible individuals and the various methods of violation used, the task of the Civil Service Police Unit in stopping the circulation of alcoholic beverages that violate regulations is, of course, influenced by several factors that have the potential to hinder law enforcement.

In the enforcement of laws regarding the circulation of alcoholic beverages (tuak) based on Kampar Regency Regional Regulation No. 8 of 2017 on Public Order and Tranquility, there are several factors that hinder effective and efficient law enforcement. The factors encountered include:

a. Lack of Personnel, Budget, and Transportation on the Ground

In an interview with the Head of the Regional Regulation Enforcement Division of the Kampar Regency Public Order Agency (Satpol PP), it was explained that one of the main obstacles to enforcing regional regulations is a shortage of personnel. This limits law enforcement, especially considering the vastness of Kampar Regency. This lack of personnel impacts the ability to optimally enforce law enforcement across the vast area.

Furthermore, a limited budget is also a major obstacle to enforcement. Another obstacle faced is the limited number of operational vehicles needed to conduct routine inspections at the sub-district level. Furthermore, the limited number of Civil Servant (PNS) investigators within the Satpol PP also exacerbates the situation, hampering effective law enforcement against the distribution of alcoholic beverages, thus complicating the effective implementation of Kampar Regency Regional Regulations.

b. Lack of Public Reporting

One of the significant obstacles faced by the Kampar Regency Public Order Agency (Satpol PP) in enforcing the law against the circulation of palm wine (tuak) is the lack of public reports. This poses a significant obstacle to efforts to regulate and prosecute the circulation of this alcoholic beverage. Most people involved in the circulation of tuak are those who bring it into Kampar Regency, and a lack of legal understanding and awareness among the public leads them to view its consumption as normal.

This lack of legal understanding prevents people from feeling the need to report the circulation of tuak in their neighborhoods. This activity clearly violates Kampar Regency Regional Regulation Number 8 of 2017 concerning Public Order and Peace. Most residents living near these alcoholic beverage distribution areas also do not consider the circulation of tuak to be a serious problem, thus lacking a sense of urgency to report or report the incident to the authorities.

Although some residents are disturbed by the circulation of tuak, the lack of reports regarding its circulation is a major factor hampering law enforcement. The continued circulation of narcotics without public complaints makes it difficult for the Public Order Agency (Satpol PP) to take action in accordance with Kampar Regency Regional Regulations. Without public reports, law enforcement becomes more difficult and ineffective.

IV. CONCLUSION

The implementation of the authority of the Civil Service Police Unit (Satpol PP) of Kampar Regency in enforcing Regional Regulation No. 8 of 2017 concerning the circulation of alcoholic beverages (tuak) has essentially been carried out in accordance with applicable laws and regulations. Satpol PP has an administrative function in enforcing the regulation, conducting supervision, order enforcement, and non-judicial actions against violations. However, in practice, this enforcement has not been optimal, as there is still the circulation and sale of alcoholic beverages (tuak) in the community. This indicates that the implementation of Satpol PP's authority has not been fully effective in terms of supervision, enforcement, and coordination among related agencies.

The factors hindering the implementation of Regional Regulation No. 8 of 2017 by the Civil Service Police Unit in regulating the circulation of alcoholic beverages (tuak) include:

- a. The lack of legal awareness among the community, who still perceive tuak as part of tradition and social habit;
- b. The limited resources of Satpol PP, both in terms of personnel and operational facilities;
- c. The minimal coordination among agencies, such as with the police and village government, in conducting raids and supervision; and
- d. The social tolerance towards the circulation of traditional tuak, leading to law enforcement that is often compromise-driven.

Therefore, a more assertive and systematic administrative legal approach is required, through increased legal socialization, integrated supervision, and consistent enforcement of sanctions so that the implementation of the regulation can be effective, and the goal of public order in Kampar Regency can be realized.

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