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POLEMICS OF THE BILL ON THE ALCOHOLIC BEVERAGES' PROHIBITION IN INDONESIA

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ABSTRACT

Background: The emergence of the Draft Bill on the Prohibition of Alcoholic Beverages, where it regulates the prohibition on producing, trading, consuming, and other matters related to alcoholic drinks. This certainly causes polemic among the people, because there are several aspect of life related to alcoholic drinks.
Aim: Therefore, the author did the research regarding to the effectiveness, impact and challenges faced by the government in the enactment of the Draft Bill on Alcoholic Beverages.
Method: The research of this paper is carried out with normative juridical method, qualitative types and documentation instrument methods to examine the relationship between two different but related variables.
Findings: From the results of the research, it can be concluded that the drafting of the Alcoholic Drinks Bill in terms of its effectiveness will be very difficult to carry out and its impacts include the cultural, economic, security, and tourism sectors. Each of the Draft Law should be considered entirely in the interest of the people and not personal interests. The government must implement the protocol in accordance with the law and the community must also obey and carry out every right and obligation as citizens who are dedicated and virtuous towards the state constitution.

KEYWORDS *Polemic, draft law, alcoholic drinks*

INTRODUCTION

Alcoholic beverages are beverages that contain ethanol (C2H5OH) processed from agricultural ingredients that contain carbohydrates by fermentation and distillation or fermentation without distillation, either 2 by giving treatment first or not, adding other ingredients or not, or processed by mixing concentrate with ethanol or by dilution of beverages containing ethanol, thus the understanding of alcoholic beverages in Article 1 number 1 draft of the Prohibition of Alcoholic Beverages. In indonesian life, alcoholic beverages are drinks used for various reasons, such as: (i) get satisfaction, (ii) for relaxation, (iii) the influence of socialization, (iv) traditional ceremonies (Moula, 2008). Alcoholic beverages are not only consumed by urban communities, but some tribes in Indonesia also use them for the benefit of customary events and socialization of fellow communities (example: Toraja and Batak Toba communities). So, it is very difficult to separate indonesian society from drinks that have alcohol content. On the other hand, with the movement of people's lives increasingly modern, the use of alcoholic beverages is often used in socializing activities (Riskiyani et.al, 2015).

Although there is already a lot of use of alcoholic beverages for certain purposes. Alcoholic beverages often have a negative effect on people who consume them even more so if consumed in large doses, such as causing addictive effects for consumers. With the continued effects of this addiction, it is possible to harm health, such as: Heart failure, brain damage, high blood pressure, stroke, etc. In addition to harming physical health, the effects of alcohol addiction

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also harm mental health, such as: increasing the risk of depression, triggering risky behaviors, and loss of self-control. Alcoholics have the same traits and behaviors as drug addicts, an alcoholic will continue to look for ways to drink alcoholic beverages to legitimize himself, and if an addict does not get what he wants, of course the person has no control over himself and will harm himself and also those around him (Lestari, 2019).

In addition to the negative impact caused by the effects of addiction, there is something that often threatens the welfare of the community as well, if not careful in using and buying alcoholic beverages. This is the use of *miras oplosan*. *Miras oplosan* is an alcoholic beverage mixed with other chemical substances, not infrequently miras oplosan takes its toll because it contains methanol. The reason people consume *miras oplosan* is none other than because the price is too cheap to get satisfaction similar to alcoholic beverages. In addition, Miras oplosan is also consumed because quite a lot of people who want to feel a different sensation from the general because they feel dissatisfied with ordinary alcohol, consuming miras oplosan is also done to prove that he is manly and tough in the presence of his friends, ignorance and cloudiness of the dangers of miras oplosan will even bring disaster in the community of society. The use of this oplosan miras can result in death, liver damage, burning, etc. In fact, it is not uncommon for cases of deaths caused by *miras oplosan* on a national and international scale, such as the death of 3 Malang residents due to consuming *miras oplosan* (Republika, 2019) and cases of death of 100 Mexicans due to consuming *miras oplosan* as an alternative to the scarcity of alcoholic beverages (SindoNews International, 2020).

Prohibition in religion also makes the main thing that affects the prohibition of alcoholic beverages. As we know that Indonesia is a country that strongly upholds religious values. These religious values are evidenced in the first precept of Pancasila, namely the Supreme Divinity. Therefore, religion is an important element in life in Indonesia. Some religions in Indonesia have a ban on alcoholic beverages such as Islam in QS. An Nisaa' (4): 43.

Therefore, the House of Representatives (DPR) formulated a law on the prohibition of alcoholic beverages to balance alcohol consumption and needs among the public. Indonesia actually already has a legal product that regulates clearly about alcoholic beverages. The formulation of the Alcoholic Beverage Prohibition Bill was formulated in 1997 ago. Based on Presidential Decree No. 3 of 1997, the production of alcoholic beverages can only be done with the permission of the Minister of Trade. Then there is the strict and strict age limit on age. The buyer of alcohol must be 25 years old. Then for the place of circulation of drinks group B (Alcohol content 5-10%) and group C (alcohol content 20% and above) can only be sold in hotels, bars, restaurants, and certain places determined by the local government. Then the government made a new policy regarding the Regulation of the Minister of Trade (Permendag number 6 of 2015 on Supervision, Circulation, and Sale of Alcoholic Beverages). The government prohibits minimarkets from selling alcoholic beverages. Furthermore, there is a Draft Law on the prohibition of alcoholic beverages submitted by the Prosperous Justice Party/*Partai Keadilan Sejahtera* (PKS) and the United Development Party/*Partai Persatuan Pembangunan* (PPP) which in its ratification raises polemics. Among them in Chapter III Article 7 which reads "Everyone is prohibited from consuming alcoholic beverages group A, group B, group C, traditional alcoholic beverages, and mixed or mixed alcoholic beverages as referred to in Article 4".

Many parties in the community consider that the contents of the Alcoholic Beverage Prohibition Bill there are irregularities and mistakes that are considered unreasonable. On the one hand, political parties and organizations (Community organizations) support the government's policy to pass this bill because it is considered to be able to squeeze alcoholics in Indonesia. The policy of this bill is also considered more noble and in line with religious teachings that prohibit anyone to get drunk.

On the other hand, many parties do not approve the alcoholic beverage bill. Starting from civilians, politicians to religious leaders. Djarot Saiful Hidayat, considers this bill chaotic and irrational regarding the article that states everyone is prohibited to store and produce alcoholic beverages. Djarot considers that if this article is applied the prison will be full. Then the view of representatives of *Parisada Hindu Dharma Indonesia* (PHDI) mentioned that alcoholic beverages are still needed in religious ceremonies such as in Bali. Then when this alcoholic beverage bill will affect the economic sector. Tax revenue from alcoholic beverages alone in 2017 was $5.6 trillion. Although there are exceptions to tourists. But locals are also influential in this tax on alcohol. In addition, if the alcoholic beverage ban bill is passed, then the fate of entrepreneurs and producers of alcoholic beverages will be affected. Where, producers and employers of alcoholic beverages experience a considerable decrease in revenue, which can result in job cuts (layoffs) of employees on a certain scale.

Then if the prohibition bill of alcoholic beverages is passed it can eliminate the circulation of alcoholic beverages that can actually cause people to produce their own liquor or alcohol in the form of oplosan. As we know that this oplosan actually poses a high risk in death and stopping the circulation of alcohol actually increases the circulation of oplosan. Therefore the best thing is not to ban it but to control as in Japan, China and other developed countries that control liquor (Mulyadi, 2014).

Based on the things described above, the pros and cons of the alcoholic beverage prohibition bill is actually a polemic and requires a comprehensive review in answering the polemic. Therefore, the author wants to review this study in the title "Polemic Regarding the Alcoholic Beverage Prohibition Bill in Indonesia".

The issue of the Prohibition of Alcoholic Beverages Bill triggers and connects the problem with theories contained in the scope of the Criminal Law. Moeljatno (2002) in his book entitled *The Principles of Criminal Law* gives the understanding that criminal acts are "an act or series of human acts that are contrary to the laws or other laws against acts to which acts are held of punitive action."

In general, the initial purpose of the issuance of this bill is as a means to protect all aspects of people's lives and maintain and uphold community unity. Criminal crimes are generally committed because of environmental influences and low social control in communities where there are still deviant behaviors that are even given room to develop, either consciously or unconsciously, intentionally or unintentionally.

The main theory underlying the creation of this bill is the theory of relative use. This theory prominently underlines that the act of prosecution is at its core not just as retaliation. However, the main focal points are the goals and positive things that can be picked if the act is done. If associated with this bill, the goal to be achieved is to realize an alcohol-free community environment while creating the future survival of the nation's children according to the ideals of the country. This theory of relative punishment lies not in its punishment, but rather in the

goal it wants to achieve. The purpose of the theory of relative use itself is divided into 2 types, namely general prevention and special prevention (Kertanegara, 1960).

General Prevention

The purpose of general invention or in English called *"Generale Preventile"* in general is to maintain public order from crime while changing the mindset of society in order to make everyone more in compliance with the laws and regulations. General prevention is also aimed at scaring the public with the act of imprisonment, fines, and removal of positions. The existence of this general invention/prevention will change the pattern of behavior and the way of thinking of the community to be more careful in acting in accordance with the provisions of positive laws that prevail.

Johannes Andenaes describes the general notion of common invention itself there are 3 forms of influence and excellence of its own namely: 1) The influence of prevention; 2) Influence to uphold the morals of role models in society; and 3) Influence to force and encourage people to commit acts that are in compliance and respect of the law (Andenaes, 1970).

Special Precautions

Special prevention or *Special Preventie* in English has a different purpose than general prevention. The focal point on special prevention is directed to convicts who have been proven to be breaking the law. The purpose of special prevention is to provide a deterrent effect while educating those convicted to no longer repeat their bad deeds. This goal also transforms society from the wrong path back to the right path according to its dignity.

Alcoholic beverages

Alcoholic beverages are all types of drinks that contain ethanol or commonly called grain alcohol (Nurwijaya, 2009). Based on Article 1 number 1 of the Draft Bill on prohibition of alcoholic beverages, alcoholic beverages are beverages containing ethanol (C2H5OH) that are processed from agricultural ingredients that contain carbohydrates by means of fermentation and distillation or fermentation without distillation, either by giving treatment first or not, adding other ingredients or not, or processed by mixing concentrate with ethanol or by dilution of ethanol-containing beverages. Then alcoholic beverages based on article 4 of the Prohibition of Alcoholic Beverages Bill can be classified into 3 types, namely:

1) Group A: Alcoholic beverages with ethanol levels of more than 1% to 5%
2) Group B: Alcoholic beverages with ethanol levels of more than 5% to 20%
3) Group C: Alcoholic beverages with ethanol levels of more than 20%

METHOD

The preparation of the study entitled Polemic Regarding the Bill on the Prohibition of Alcoholic Beverages in Indonesia uses Normative Juridical research methods. Normative Juridical research method is a literature law study conducted by examining library materials or mere secondary data (Sunggono, 2003).

This method is used for research on issues related to the Alcoholic Beverage Prohibition Bill. The materials used as research objects of this approach method use primary, secondary, and tertiary legal materials. Primary legal material as the main material consisting of basic norms or rules, basic rules or regulations, and laws and regulations that have binding power. In addition to primary legal materials, in this study also uses secondary legal materials in the form of draft laws, research results, works from legal circles and so on. Next, is tertiary legal materials in the form of dictionaries, encyclopedias, cumulative indices and so on. The way of thinking used in academics is a mind with deductive methods because it approaches the general law (Qamar et.al, 2017).

RESULTS AND DISCUSSION

Effectiveness of the Enactment of the Alcoholic Beverage Prohibition Bill

With the enactment of the alcoholic beverage bill the government seeks to make Indonesia free and clean from alcoholic beverages. However, if the prohibition of alcoholic beverages is imposed many Indonesians do not approve (Suara.com, 2020). There are several reasons for the rejection, including that Indonesia has many customs or religious rituals that use alcoholic beverages. Although there are already exceptions in Article 8 paragraph 2 of the Prohibition of Alcoholic Beverages Bill where this article provides exceptions for customary interests, religious rituals, tourists, pharmaceuticals, and places permitted by legislation. However, many Indonesians judge that this regulation violates the right to human privacy. The United Nations Committee on Economic, Social, and Cultural Rights reveals that the right to health also encompasses freedom. This freedom also includes the right to control one's own health and body (LBH Masyarakat, 2016). Therefore, if a person is forbidden to drink alcoholic beverages can violate the right to human privacy.

In terms of the effectiveness of the alcoholic beverage prohibition bill, it will be very difficult to implement. There are several factors and reasons that make this alcoholic drink difficult to enforce. The first factor lies in Article 6 of the Alcoholic Beverage Bill in which when people store, distribute, and sell alcoholic beverages Group A, Group B, and Group C. Traditional alcoholic beverages and mixed alcoholic beverages may be subject to criminal offenses. Article 19 mentions that violating Article 6 will result in being punished with a prison sentence of at least 2 years and a maximum of 10 years or a fine of at least Rp. 200,000,000,- (Two hundred million) and at most Rp. 1,000,000,000.00 (One billion Rupiah). If this regulation applies, many Indonesians will be affected by criminal acts that actually end up in prison because many Indonesians who store alcohol. Indonesia's prison capacity is currently overloaded. Government data shows that at this time Indonesia has exceeded its capacity by 74%. The number of prisoners in Indonesia is 230,000 while the amount of available capacity is 132,000 (Directorate General of PAS, 2020). Hence, if this drink prohibition bill is enacted then there will be many people who are imprisoned which is actually fatal to the survival of prison.

America itself once imposed a ban on alcoholic beverages. This prohibition began in 1917 on the eighteenth amendment. It was passed in 1919 and officially enacted in 1920. From then on, the U.S. banned all types of alcohol and hoped that alcohol could reduce the adverse effects of alcoholic beverages such as violence, accidents, and other acts caused by liquor. However, the U.S. government is unaware of the devastating effects of banning alcoholic beverages.

Where there is liquor smuggling and the destruction of excise duty. Based on research by Charles Hanson Towne in 1923, during 1920 to 1921. Thefts and robberies increased 9 percent, homicides increased 12%, and police spending jumped 11.4%. Another impact that is no less bad, victims fell due to alcohol poisoning. Many people try to drink alcohol. Alcoholic beverages then went on sale clandestinely. As a result, about 10.000 people died downing the beverages (Tirto, 2016). Then America also lost taxes as much as USD 3 billion. Since then, the prohibition of alcoholic beverages was eliminated and instead regulated the circulation of alcoholic beverages with a minimum age of buyers above 21 years. The history of banning alcoholic beverages in America makes it a lesson for us that prohibition is not an effective solution in preventing alcoholic beverages. With the prohibition of alcoholic beverages, there will be the same mistakes made by the American state.

If the Alcoholic Beverage Ban Bill is enacted in Indonesia, it will more or less have the same impact as America. Indonesia once had a regulation regarding Presidential Decree No. 3 of 1997 on the Circulation of Alcoholic Beverages which regulates a strict and very strict age limit where the purchase of beverages alcohol must be over 25 years of age. While for the circulation of alcohol Group B and Group C only in certain places. Then because it was felt that this regulation was not enough, the Ministry of Trade issued Regulation of the Minister of Trade No. 06/M-DAG /PER/1/2015 which became the legal basis for the prohibition of the trade of alcoholic beverages in minimarkets. This makes it a rampant drink. Whereas as the data described above, this will actually increase the circulation of *oplosan* and will increase the number of people who die from drinking *oplosan*. In terms of its effectiveness, what we take care of is its circulation because basically prohibition is not the right solution because it will cause new problems. The right solution for the government is to provide educational information about alcoholic beverages and prohibitions when consuming excessive alcohol. For example, in developed countries that make regulations prohibited to drive a vehicle if it is under the influence of alcoholic beverages. In this case, Indonesia must also emulate developed countries that have made effectiveness in alcoholic beverages. If Indonesia still insists on banning the consumption of alcohol, we will follow america's mistakes in the past where the prohibition of alcoholic beverages actually increases the crime rate and suppresses state revenues from legal taxes. Therefore, the prohibition of alcoholic beverages if applied in Indonesia will be ineffective because it will cause other crimes.

Impact of the Enactment of the Alcoholic Beverage Prohibition Bill

As is well known, each bill certainly has its own purpose. This also applies to the Alcoholic Beverage Prohibition Bill. According to the Prosperous Justice Party, as one of the supporters of the Alcoholic Beverage Prohibition Bill, it is argued that the purpose of the alcoholic beverage prohibition bill is to prohibit the use and sale of alcoholic beverages. Because, according to them, alcoholic beverages are said to be dangerous drinks. In addition, the purpose of the alcoholic beverage bill is to oppose the consumption of alcoholic beverages with the aim of getting euphoria, which is contrary to the teachings of Islam (Hukumonline, 2018).

Alcoholic beverages in Indonesia play a role in making an impact on certain sectors, such as economic, tourism, security, and cultural sectors. Alcoholic beverages income of tourist areas in Indonesia. This is because, the habit of foreign tourists in consuming alcoholic beverages (Medcom, 2016).

In the cultural sector, there are some areas in Indonesia that use alcohol as normal consumption or as drinks that are used as cultural preservation. For example, we can look at *the barren* ceremony in the Batak Toba community and the consumption of alcoholic beverages in North Tapanuli as a means of relaxation and socializing (Ikegami, 1997). Alcoholic beverages become one of the means in various indigenous tribes in Indonesia to run the culture and social aspects of the community.

In the economic sector, mmea beverage tax revenue (Beverages containing ethyl alcohol) will also certainly be threatened to decrease drastically due to low demand (*demand*). Regulation of the Minister of Finance (PMK) No. 158 of 2018 describes the tariff of alcoholic beverages where alcoholic beverages group A with an alcohol content of up to 5%, is taxed at Rp 13,000 which applies both domestically and imported. Class B alcoholic beverages that have an alcohol content of more than 5% to 20% are taxed at Rp 33,000 for domestic alcoholic beverages and Rp 44,000 for imported alcoholic beverages. Last is a group C alcoholic beverage where the alcohol content reaches more than 20%, pmk pegs a tax of Rp 80,000 for the scale of domestic alcoholic beverages and Rp 139,000 for the import scale.

Table 1. Alcoholic Beverage Excise Tariff based on Minister of Finance Regulation No. 158 of 2018

Factions	**Alcohol Content**	**Excise Rate (per liter)**	
		Domestic	**Impose**
A	Up to 5%	Rp 13,000	Rp 13,000
B	More than 5% to 20%	Rp 33,000	Rp 44,000
C	More than 20%	Rp 80,000	Rp 139,000

State revenue through alcoholic beverages is not as fantastic as the tobacco cigarette tax opinion, DJBC (Directorate General of Customs and Excise Indonesia) noted that state revenue through alcoholic beverage tax. As of December 2019, this figure can reach 7 trillion Rupiah, this figure is an increase from previous years. Between 2011 and 2016, state tax revenues from alcoholic beverages continued to increase by 30% due to increased demand (Kontan, 2019).

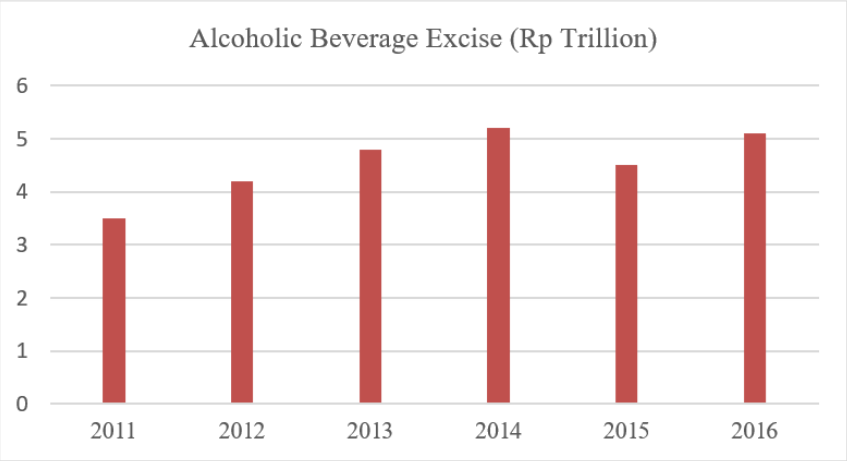


Fig. 1. Alcoholic Beverage Excise

Aside from the decrease in MMEA tax revenue (Beverages containing ethyl alcohol). There are also some impacts in the economic sector, such as the potential to shut down the alcoholic beverages industry found in Indonesia (Traditional and non-traditional alcoholic beverages). In addition, the enactment of the Alcoholic Beverage Prohibition Bill can also reduce investor interest in investing in the alcoholic beverage sector. This is due to the absence of alcohol. Legal certainty in protecting investor interest.

In the security sector, where in this sector often raises debates among the public. This is because with the prohibition of the public to consume alcoholic beverages (Stipulated in article 7 of the Prohibition of Alcoholic Beverages Bill) and circulate (Article 6). As a result of the prohibited sale and use of alcoholic beverages, there are likely new problems such as illegal smuggling of alcoholic beverages. During the month of January to October 2019, DJBC (Directorate General of Customs and Excise of Indonesia) recorded the crackdown of liquor containing large-scale alcohol reached 1593 cases. This figure increased by 18.20% from 2018. Increasing the circulation of illegal alcoholic beverages is certainly a big challenge for the government if this bill is actually passed seeing that it has not passed this bill. Violations of illegal alcoholic beverages remain numerous and continue to increase the number of cases (Katadata, 2019). With the worst possibility, namely the increasing use of miras oplosan, due to the scarcity of alcoholic beverages that are difficult to find in public shopping.

Although there are some adverse effects of the enactment of the Alcoholic Beverage Prohibition Bill, there are also some positive impacts from the enactment of the bill. Like, maintaining the moral and religious values of every society. Based on research, it was found that currently in Indonesia, alcohol has also been widely consumed by minors, and causes bad consequences for children (Ethan &Hartanto, 2021). In addition, with the enactment of the regulation, it is expected to reduce the number of traffic accidents caused by drunkenness.

Challenges faced by Government with the Passing of the Alcoholic Beverage Prohibition Bill

With the passing of a draft regulation, of course the government must assume new responsibilities. For example, efforts in optimizing these rules. In carrying out these businesses, of course, there are challenges faced by the government. The level of the challenge faced,

depending on how important it is contained in the regulation. In addition, it can be determined by how much the community that supports the regulation runs smoothly. This is because, for the running of a regulation requires cooperation between the people and the government.

When discussing the Alcoholic Prohibition Bill, people will find several articles that invite some controversy, as stated in Article 5, Article 6, and Article 7. Article 5 contains a prohibition on the manufacture of alcoholic beverages. Article 6 contains a prohibition on the inclusion, storing, or selling of alcoholic beverages, and article 7 contains a prohibition on the consumption of alcoholic beverages. Nonetheless, this bill provides exceptions to Article 5, Article 6, and Article 7. It is contained in Article 8 paragraph (2), where exceptions are granted for the following reasons: i) Customary interests, ii) Religious rituals, iii) Tourists, and iv) Pharmacy.

Article 5 of the Prohibition of Alcoholic Beverages Bill provides a prohibition to produce alcoholic beverages. Meanwhile, the place to sell alcoholic beverages is determined by the place stipulated in the Alcoholic Beverage Prohibition Bill is a restaurant with a sign of dating, a restaurant with a *talam selaka* mark, and a 5-star hotel. Thus, with limited places to sell alcoholic beverages, it can result in reduced opinion of the alcoholic beverage industry. Where, it can lead to action of layoffs (Termination of Employment) by the beverage industries. In addition, the enactment of the Alcoholic Beverage Prohibition Bill can result in disruption of the investment climate in Indonesia.

Continuing to Article 6 of the Prohibition of Alcoholic Beverages Bill which provides a prohibition to trade, store, enter,and distribute alcoholic beverages. Where, this prohibition is too broad, thus allowing many people to get entangled in the law for reasons such as the following. If we want to look at things that have happened before, where the enactment of Permendag No. 6 of 2015 which gives a ban on the sale of alcoholic beverages group A (alcoholcontent) ≤5%) in convenience stores and retailers' stores. This actually causes new problems, such as increasing sales and consumption of minol oplosan among minors. It is dikarenakan, the circulation of miras oplosan which is quite easy to find.

Article 7 prohibition of alcoholic beverages regulates the prohibition against consuming alcoholic beverages. The prohibition of alcoholic beverages will certainly have an impact on alcohol lovers and also the social environment of certain communities that use alcoholic beverages as a means of socialization and relaxation. For example, in the Batak Toba and Toraja tribes. In fact, there is a term in the Toraja community "Sitting in circles, rotating glasses" and the habit to drink *tuak* as a complement in socializing in the Batak Toba community. This case does not include the exclusion of customary interests stipulated in Article 8 paragraph (2) letter A bill of prohibition of alcoholic beverages, but such habits already occur daily and it has been hereditary in Indonesia (CNN Indonesia, 2017).

Thus, with the enactment of the Alcoholic Beverage Prohibition Bill the government must prepare to face new challenges. The challenge is in the form of aggressive action in eradicating the circulation of *miras oplosan* and illegal *miras*. In addition, it can be in the form of ensuring the welfare of the industry, entrepreneurs who work in the alcoholic beverage industry. Providing jobs for laid-off employees from the alcoholic beverage industry, and changing people's habits and perceptions in certain areas of alcoholic beverages. Thus the government must also have the ability to deal with the habit of consuming alcoholic beverages in the social environment of the community in a particular area.

CONCLUSION

Alcoholic beverages have become a part of people's lives. However, there are also adverse effects of the consumption of alcoholic beverages, can eliminate the awareness of victims and the use of miras oplosan. Due to the adverse impact of alcohol consumption, this makes it as a reason in the submission of the Alcoholic Beverage Prohibition Bill. The submission of the alcoholic beverage bill in terms of its effectiveness will be very difficult to implement. Because there are still many Indonesians who use alcohol for certain purposes. Although there are exceptions to certain things, it still does not guarantee all. So if it is carried out there will be many people who can be imprisoned which will worsen the over-capacity rate in the penitentiary environment. Then in terms of the enactment of the Prohibition of alcoholic beverages has also been carried out by the American State which actually feels the adverse effects of the prohibition from the rise of illegal alcohol and oplosan, smuggling, to the destruction of taxes. Alcoholic beverages also greatly impact various sectors in people's lives, such as the cultural sector, economy, security, and tourism. With these impacts, the Government will of course face some challenges such as facing people's habits in consuming alcoholic beverages by changing people's habits and people's perception of alcoholic beverages. Meanwhile, in the economic sector, the government must be able to guarantee the welfare of producers, entrepreneurs, and workers in the beverage industry. Furthermore, in the security sector the government must be able to conduct supervision and control of alcoholic beverages to the maximum. Thus, the government must be serious to be able to reduce the number of cases of liquor enforcement.

REFERENCES

Andenaes, J. (1970). The Morality of Deterrence. *The University of Chicago Law Review*, *37*(4), 649-664.

CNN Indonesia. (2017). RUU Larangan Minuman Beralkohol Pertimbangkan Budaya Lokal. https://www.cnnindonesia.com/nasional/20170815204049-20-235016/ruu-larangan-minuman-beralkohol-pertimbangkan-budaya-lokal

Ditjen PAS Kemenkumham RI. (2020). Data Terakhir Jumlah Penghuni Per-Kanwil. http://smslap.ditjenpas.go.id/public/grl/current/monthly/year/2020/month/6

DPR RI. (2015). Rancangan Undang Undang Larangan Minuman Beralkohol Tahun 2015. https://www.dpr.go.id/dokakd/dokumen/RJ2-20150626-022127-5059.pdf

Ethan, A., & Hartanto, B. (2021). Case Analysis On Violence Against Children Assessed From A Legal And Criminological Perspective. *INTERNATIONAL JOURNAL OF SOCIAL, POLICY AND LAW*, *2*(3), 63-73.

Hukumonline. (2018). RUU Larangan Minuman Beralkohol Tunggu Ketegasan DPR. https://www.hukumonline.com/berita/baca/lt5acf3ff6cc4a2/ruu-larangan-minuman-beralkohol-tunggu-ketegasan-dpr/

Ikegami, S. (1997). Tuak dalam Masyarakat Batak Toba. Laporan Singkat tentang Aspek Sosial-Budaya Penggunaan Nira. *Annual Report of the University of Shizuoka. Hamamatsu College*, (11-3).

Katadata. (2019). Penerimaan Bea Cukai 2019 Tembus Target Rp 208 Triliun berkat Rokok & Miras. https://katadata.co.id/berita/2019/12/31/penerimaan-bea-cukai-2019-tembus-target-rp-208-t-berkat-rokok-miras

Kartanegara, S. (1960). *Hukum Pidana: Kumpulan Kuliah*. Balai Lektur Mahasiswa.

Kontan. (2019). Cukai Alkohol Dan Minuman Bisa Sumbang Rp 7 Triliun Hingga Akhir 2019. https://nasional.kontan.co.id/news/cukai-alkohol-dan-minuman-bisa-sumbang-rp-7-triliun-hingga-akhir-2019

LBH Masyarakat. (2016). Policy Brief Kebijakan Minuman Beralkohol. https://lbhmasyarakat.org/wp-content/uploads/2016/01/280116_Policy-Brief-Kebijakan-Minuman-Beralkohol_LBH-Masyarakat-1.pdf

Lestari, T. R. P. (2019). Menyoal Pengaturan Konsumsi Minuman Beralkohol di Indonesia. *Aspirasi: Jurnal Masalah-masalah Sosial*, *7*(2), 127-141.

Medcom.id. (2016). Larangan Minuman Beralkohol Matikan Industri Pariwisata. https://www.medcom.id/ekonomi/mikro/ybD9AJAk-larangan-minuman-beralkohol-matikan-industri-pariwisata

Moeljatno, S. H. (2002). Asas-asas Hukum Pidana. *Rineka Cipta, Jakarta*.

Moula, D. (2008). *PERILAKU KONSUMSI MINUMAN BERALKOHOL: Studi Kasus Pada Suku Pamona Pu'umboto Kecamatan Pamona Selatan Kab. Poso* (Doctoral dissertation, Universitas Hasanuddin).

Mulyadi, M. (2014). Darurat Miras Oplosan. *Info Singkat Kesejahteraan Sosial DPR RI*, *6*(24), 9-12.

Nurwijaya, H., & Ikawati, Z. (2009). *Bahaya alkohol: dan cara mencegah kecanduannya*. Elex Media Komputindo.

Qamar, N., Syarif, M., Busthami, D. S., Hidjaz, M. K., Aswari, A., Djanggih, H., & Rezah, F. S. (2017). *Metode Penelitian Hukum (Legal Research Methods)*. CV. Social Politic Genius (SIGn).

Republika. (2019). https://www.republika.co.id/berita/pxz0ta335/tiga-warga-malang-tewas-akibat-miras-oplosan

Riskiyani, S., Jannah, M., & Rahman, A. (2015). Aspek Sosial Budaya Pada Konsumsi Minuman Beralkohol (Tuak) Di Kabupaten Toraja Utara. *Media Kesehatan Masyarakat Indonesia*, *11*(2), 76-85.

SindoNews International. (2020). https://international.sindonews.com/read/27673/42/tenggak-miras-oplosan-lebih-dari-100-warga-meksiko-tewas-1589400308

Suara.com. (2020). Ramai di Medsos, DPR: RUU Larangan Minuman Beralkohol Belum Diajukan https://www.suara.com/news/2020/06/11/122813/ramai-di-medsos-dpr-ruu-larangan-minuman-beralkohol-belum-diajukan

Sunggono, Bambang. (2003). *Metodologi Penelitian Hukum*, Jakarta: Raja Grafindo Persada.

Tirto. (2016). Sejarah Gelap Pelarangan Alkohol. https://tirto.id/sejarah-gelap-pelarangan-alkohol-mcE