

CONTROL OF ALCOHOLIC DRINKS DISTRIBUTION IN SUPPORTING TOURISM BUSINESS

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Abstract: *In Surabaya, the demand for alcoholic drinks by tourists is quite high so that sales of alcoholic drinks support the running of tourism businesses such as hotels, bars, restaurants, pubs, night clubs and discotheques. Related to this case, the government made efforts to supervise and control the distribution of alcoholic drinks by making laws and regulations related to the control of the alcoholic drinks' distribution and stipulating requirements for tourism places that sell alcoholic drinks, one of which must have special permits, especially TDUP and SIUP-MB. However, it is not uncommon for several parties to commit violations by running their business without having a permit according to the laws and regulations. For this reason, law enforcement needs to be carried out by law enforcement officials, which in this case includes administrative law enforcement. Administrative law enforcement is implemented in the form of supervision and application of administrative sanctions.*

Keywords: *Alcoholic Drinks, Tourism Business, Control, Administrative Law Enforcement*

1. Introduction

Based on Article 1 point 1 of Presidential Regulation Number 74 of 2013 concerning Control and Supervision of Alcoholic Drinks, it is stated that what is meant by alcoholic drinks is drinks containing ethyl alcohol or ethanol (C_2H_5OH) which are processed from agricultural products containing carbohydrates by fermentation and distillation or fermentation without distillation. Meanwhile, according to the General Indonesian Dictionary, alcoholic drinks or liquor are defined as intoxicating drinks (things that are drunk). (Poerwadarminta, 1989) Alcoholic drinks have several side effects if consumed in excess, some are short-term in the form of Organic Mental Disorders or can be abbreviated as GMO including impaired thinking, feeling and behavior which often acts as a criminal because alcohol will immediately cause reactions in central nerve cells. (Organization, 2009) Physiological symptoms that occur can be seen from how to walk that is not steady or staggered, unable to stand upright, face and eyes become red. (Lee & Lee, 2020) While long-term side effects arise from consuming too often alcoholic drinks, which can blunt the immune system which makes alcoholics susceptible to viruses, especially HIV, hardening of the liver or cirrhosis of the liver-to-liver cancer, kidney disorders, acute ulcers to gastric cancer, difficult to have children, sterility, to death. (Rossow, 1996)

In fact, alcoholic drinks are not prohibited in Indonesia because the public's demand for alcoholic drinks is quite high considering that many areas become tourist attractions for both local and foreign tourists. (Nuraini, 2020) (Djatmiati et al., 2005) Even alcoholic drinks are part

of supporting tourism businesses in Indonesia, given the habit of foreign tourists who drink alcohol so that tourism businesses get enough attention from the government (Satjipto, 1980) because the large number of foreign tourists coming to Indonesia will contribute quite a lot to the State's foreign exchange. In Law Number 10 of 2009 concerning Tourism, there are types of tourism businesses in Indonesia including:

- 1) Tourist attraction;
- 2) Tourism area;
- 3) Tourism transportation services;
- 4) Tour travel services;
- 5) Food and drink services;
- 6) Provision of accommodation;
- 7) Organizing entertainment and recreation activities;
- 8) Organizing meetings, incentive trips, conferences and exhibitions;
- 9) Tourism information services;
- 10) Tourism consulting services;
- 11) Tour guide services;
- 12) Tirta tourism; and
- 13) Spa.

The sale of alcoholic drinks in the tourism business is included in food and drink services, based on the Regional Regulation of the Surabaya City Number 23 of 2012 concerning Tourism, namely restaurants, cook shop, 3-, 4- and 5-star hotels, cafes, bars/teahouses, pubs, club's night, discotheque.

Related to this case, the government establishes laws and regulations to supervise and control the sale and distribution of alcoholic drinks. (Maimon & Browning, 2012) Several laws and regulations were made specifically to regulate the issue of alcoholic drinks, including the Presidential Decree Number 74 of 2013 concerning Control and Supervision of Alcoholic Drinks, Regulation of the Minister of Trade Number 20/M-DAG/PER/2014 concerning Control and Supervision of the Procurement, Distribution and Sales of Alcoholic Drinks, Regulation of the Minister of Trade (Permendag) Number 06/M-DAG/PER/1/2015 concerning Second Amendment to Regulation of the Minister of Trade Number 20/M-DAG/PER/2014 concerning Control and Supervision of the Procurement, Distribution and Sales of Alcoholic Drinks, and several Regional Regulations or Perda

The regulations for the alcoholic drinks' distribution are handed back to local wisdom of the respective local governments to regulate the procedures for selling alcoholic drinks, especially for tourist areas. (de Waard & de Moor-van Vugt, 1995) Regional governments are given the authority to determine which regions are allowed to sell alcoholic drinks based on the principles of regional autonomy and the principles of decentralization as stipulated in Law Number 23 of 2014 concerning Regional Government Article 1 point 6 because local governments are considered to understand the habits of their people whether they need drinks alcoholic or not.

Regulations regarding the control of alcoholic drinks in the Surabaya city are only listed in several regional regulations and mayor regulations, for example the Surabaya City Regional Regulation Number 55 of 2003 concerning Licensing in the Health Sector, Surabaya City Regional Regulation Number 1 of 2010 concerning Business Operation in the Trade and Industry

Sector, Regulation of the Mayor of Surabaya Number 64 of 2014 concerning Procedures for Imposing Administrative Sanctions for Violation of the Regional Regulation of Surabaya City Number 23 of 2012 concerning Tourism but regulations regarding control of the alcoholic drinks distribution are specifically regulated in the Regional Regulation of East Java Province Number 6 of 2014 concerning Control and Supervision of Distribution Alcoholic drinks. Regarding tourism, the Surabaya City has its own laws and regulations, namely the Surabaya City Regional Regulation Number 3 of 2012 concerning Tourism.

Based on the Regulation of the Minister of Trade Number 20/M-DAG/PER/2014 concerning Control and Supervision of the Procurement, Distribution and Sales of Alcoholic Drinks, it is stated that companies or individuals who carry out procurement, distribution and/or sales of alcoholic drinks are required to have a special license, namely in the form of SIUP-MB or Business License for Alcoholic Drinks Trade and ITP-MB or Permit for a Place to Sell Alcoholic Drinks. In the tourism sector, companies are also required to have a TDUP or a tourism business registration certificate to establish their business. In fact, many tourism establishments such as hotels, cafes, restaurants, entertainment venues, shops and retailers sell alcoholic drinks of class A, class B and class C without having a license to sell alcoholic drinks. Therefore, there are many raids that have arrested places selling alcoholic drinks that do not have SIUP-MB and ITP-MB.

Law enforcement officials have made various efforts to prevent the illegal distribution of alcoholic drinks. The extermination of alcoholic drinks that is confiscated by law enforcement officials from places that do not have permits is considered not optimal because it has not affected the distribution of alcoholic drinks in the community. Many alcoholic drink sellers seek away their distribution so that the sale of alcoholic drinks remains rampant in various places and is easily accessible to the community.

2. Research Method

The type of writing used in this undergraduate thesis was legal research. Legal research is to find out the truth of coherence, namely whether there are legal rules according to legal norms and norms in the form of orders or prohibitions in accordance with legal principles, as well as a person's actions in accordance with legal norms or legal principles. (Marzuki, 2016)

The problem approach used was the statute approach and conceptual approach. (Sunggono, 2010) The statute approach or statutory approach is an approach method that is carried out by examining all laws and regulations related to the legal issues that are being handled. In addition, it is also necessary to understand hierarchy and principles in statutory regulations. Meanwhile, the conceptual approach is a problem approach by building a concept to be used as a reference. This is done by examining the views of legal scholars from various countries, related to the legal issues discussed.

The source of primary legal material consists of laws and regulations and applicable government regulations, including:

- Law Number 10 of 2009 concerning Tourism
- Law Number 28 of 2009 concerning Regional Taxes and Regional Retribution.
- Law Number 23 of 2014 concerning Regional Government

- Presidential Regulation Number 74 of 2013 concerning Control and Supervision of Alcoholic Drinks
- Minister of Trade Regulation Number 20/M-DAG/PER/4/2014 concerning Control and Supervision of the Procurement, Distribution and Sales of Alcoholic Drinks
- Minister of Trade Regulation Number 72/M-DAG/PER/10/2014 concerning Amendments to the Regulation of the Minister of Trade Number 20 M-DAG/PER/4/2014 concerning Control and Supervision of the Procurement, Distribution and Sales of Alcoholic Drinks
- Regulation of the Minister of Trade (Permendag) Number 06/M-DAG/PER/1/2015 concerning the Second Amendment to the Regulation of the Minister of Trade No. 20/M-DAG/PER/2014 concerning Control and Supervision of the Procurement, Distribution and Sales of Alcoholic Drinks
- East Java Provincial Regulation Number 6 of 2014 concerning Control and Supervision of the Distribution of Alcoholic Drinks
- Regional Regulation of Surabaya City Number 55 of 2003 concerning Licensing in the Health Sector
- Regional Regulation of Surabaya City Number 1 of 2010 concerning Business Operation in the Trade and Industry Sector
- Regional Regulation of Surabaya City Number 23 of 2012 concerning Tourism
- Regulation of the Mayor of Surabaya Number 64 of 2010 concerning Procedures for Imposing Administrative Sanctions for Violation of the Regional Regulation of Surabaya City Number 1 of 2010 concerning Business Operation in the Trade and Industry Sector
- Regulation of the Mayor of Surabaya Number 64 of 2014 concerning Procedures for Imposing Administrative Sanctions for Violation of Regional Regulations of Surabaya City Number 23 of 2012 concerning Tourism

While the source of secondary material is material that provides an explanation of the primary legal material. Secondary material sources consist of books, literature, journals, materials from the internet that are related to and support this writing, and news related to the issues to be discussed.

In this writing, data collection techniques were used to study documents or library materials. Documents, data, library materials and legal materials were collected from primary legal material sources in the form of laws and regulations and government regulations as well as secondary materials in the form of books, literature, journals and news related to the issues discussed, as well as from the community directly who can be used as a resource to support the writing of this undergraduate thesis. After that, the related data was grouped and conclusions were made on the related data that had been collected.

Analysis of legal materials aims to analyze data that has been collected from primary legal materials and the truth has been sought in the form of statutory regulations and secondary legal materials in the form of literature, books, print or electronic media, internet media by analyzing data existing using descriptive analysis method. Data relating to the problems faced in this undergraduate thesis were then collected, data grouping was carried out, looking for solutions to problems that arise, then conclusions were drawn on the discussion.

3. Results and Discussion

Presidential Decree Number 74 of 2013 classifies alcoholic drinks into 3 types based on their levels, namely:

- First Class or Class A: alcoholic drinks with an alcohol content of about 1% -5%. For example, beer
- Second Class or Class B: Alcoholic drinks with content of about 5% -20%. For example, wine, sake
- Third Class or Class C: Alcoholic drinks with a content of about 20% -55%. Examples are vodka, whiskey, liqueur, cognac, wine.

The central government in controlling the distribution of alcoholic drinks in the community has decentralized authority to regional governments on the basis of the principle of regional autonomy to control and supervise alcoholic drinks in its working areas. This control used several legal instruments in the form of regulations and permits.

In Law Number 11 of 1995 concerning Excise, it regulates the imposition of excise on alcoholic drinks. Several articles have undergone amendments as stated in Law Number 39 of 2007 concerning Amendments to Law Number 11 of 1995 concerning Excise. Several articles of Law Number 11 of 1995 Concerning Excise that are still in effect that regulate alcoholic drinks, among them are Article 4 paragraph (1) letters a and b. However, according to Law Number 39 of 2007, it explains that the provisions of Article 4 remain with the amendment to the explanation of Article 4 paragraph (2) so that for Article 4 the explanation becomes as stipulated in the explanation in Law Number 39 of 2007. For traditional alcoholic drinks which are made simply, according to this law, distribution is not subject to excise, as long as it is not packaged for retail sales. The goal is to relieve community who make the production of alcoholic drinks simply as their livelihood. This is regulated in Article 8 paragraph (1) letter b of Law Number 39 of 2007

Presidential Decree Number 74 of 2013 classifies alcoholic drinks into three classes in accordance with Article 3 paragraph (1), namely Class A, Class B, and Class C. The next paragraph of this article stipulates that the three categories of alcoholic drinks referred to are goods under supervision. The supervision in question is the supervision of the procurement, distribution and sale of alcoholic drinks, both domestically produced and imported alcoholic drinks. This is stated in Article 3 paragraph (3).

In order to be able to produce, procure, import and sell alcoholic drinks, business actors must first have a business license in accordance with the provisions of Article 4 paragraphs (1), (2), (3), and (4). In addition, it also contains regulations regarding which places/locations are allowed to sell alcoholic drinks, namely hotels, bars and restaurants that meet the requirements of the tourism law, duty-free shops, and are not close to places of worship, educational institutions, and hospitals. Especially for class A alcoholic drinks, retail stores can sell alcoholic drinks in packaged form. This is in accordance with the provisions of Article 7. In relation to the production, procurement and sale of traditional alcoholic drinks, producers and sellers of traditional alcoholic drinks can produce, procure and sell traditional alcoholic drinks for the needs of customs and religious ceremonies in their respective territories.

The same is the case as written in Presidential Decree Number 74 of 2013 that the Regulation of the Minister of Trade No. 20/M-DAG/PER/2014 also classifies alcoholic drinks

into three classes in the provisions of Article 2. This regulation regulates the procurement of imported and traditional alcoholic drinks of class A, class B, and class C in Article 4 and Article 5 which states that only companies that have IT-MB –as well as required to have SIUP-MB, which can procure alcoholic drinks. The explanation regarding IT-MB and the method of filing it is also regulated in this regulation, to be precise in Articles 6-13. Regarding the locations/places that are allowed to sell alcoholic drinks, there is a change in Article 14 paragraph (3). In the Regulation of the Minister of Trade No. 20/M-DAG/PER/2014 states that the locations that are allowed to sell class A alcoholic drinks are retail shops, minimarkets, supermarkets and hypermarkets. However, this article was amended in the Regulation of the Minister of Trade (Permendag) Number 06/M-DAG/PER/1/2015 concerning the Second Amendment to the Regulation of the Minister of Trade No. 20/M-DAG/PER/2014 concerning Control and Supervision of the Procurement, Distribution and Sales of Alcoholic Drinks, that minimarkets are no longer allowed to sell class A alcoholic drinks but supermarkets and hypermarkets are still allowed to sell class A alcoholic drinks. There is a minimum age limit for alcoholic drinks in the places/locations mentioned above, namely 21 years. Alcoholic drink trading activities can only be carried out by companies acting as IT-MB, distributors, sub-distributors, retailers, or direct sellers selling class B and class C alcoholic drinks, which already have SIUP-MB. Provisions regarding the SIUP-MB and the method of application are listed in the articles in this regulation.

In its implementation, the East Java Provincial Regulation Number 6 of 2014 concerning Control and Supervision of the Distribution of Alcoholic Drinks explicitly regulates the control of the distribution of alcoholic drinks specifically for the East Java region. This Regional Regulation contains the classification of alcoholic drinks in Article 2, the authority of the Regional Government in Article 3 and Article 4, then regarding licensing in Article 5 to Article 10, the issue of distribution control in Article 11 to Article 23, related to traditional alcoholic drinks in Articles 24 to 28, regarding the supervision of the distribution of alcoholic drinks in Article 29 and Article 30, regarding rehabilitation in Article 31 to Article 33, community participation in Article 34, provisions for administrative sanctions in Article 35, provisions for investigations in Article 36, subsequent articles regulating criminal provisions, transitional provisions, other provisions, and closing provisions.

Regional Regulation of Surabaya City Number 1 of 2010 concerning Business Operation in the Trade and Industry Sector contains provisions on the implementation of SIUP-MB. Article 28 explains that "Every company that carries out activities of distribution and/or sales of alcoholic drinks of class B and/or class C is required to have a SIUP-MB and a Trading Business License. Meanwhile, business actors whose locations are close to places of worship, schools, hospitals, settlements and other places designated by the Regional Head, cannot carry out their business activities, according to Article 28 paragraph (5). Article 29 contains a provision that the Regional Government limits the alcohol content in alcoholic drinks that can be sold by SIUP-MB holders, namely not more than 55%. Alcoholic drinks of class B containing spices, herbs and its kind, the alcohol content contained should not be more than 15%. According to Article 29 paragraph (3), everyone is prohibited from consuming alcoholic drinks of class B and C on the spot. Apart from that, alcoholic drinks of class B and C are also prohibited from being sold in retail in packs, except in duty free shops. The places referred to have been regulated in Article 29 paragraph (5). It also regulates the age of buyers who are allowed to buy alcoholic drinks of class A, B, and C, namely 21 years and over by showing their identity card.

In the Regulation of the Mayor of Surabaya Number 64 of 2010 concerning Procedures for Imposing Administrative Sanctions for Violation of the Regional Regulation of Surabaya City Number 1 of 2010 concerning Business Operation in the Trade and Industry Sector, hereinafter referred to as Perwali Surabaya Number 64 of 2010 contains regulations regarding administrative sanctions for violations of SIUP-MB. According to Article 24 paragraph (1), every SIUP-MB holder who violates the provisions of Article 30 of the Regional Regulation will be subject to administrative sanctions in the form of a written warning. In Article 25, it is written that if the SIUP-MB holder does not heed the written warning, then the Head of the Service will be temporarily suspended by issuing a Decree on the Termination of SIUP-MB. The SIUP-MB can be reintroduced if the business actor complies with the SIUP-MB Temporary Termination Decree by making improvements and carrying out its obligations. If they continue to carry out their business activities, the SIUP-MB holder will be subject to administrative sanctions in the form of revocation of SIUP-MB and an administrative fine of not more than IDR 50,000,000.00 by the Regional Head in accordance with the provisions of Article 26. The next article states if the SIUP-MB has been revoked while the business actor is still running his/her business activities, so the Head of the Civil Service Police Unit will forcibly close his/her business premises. However, in this regard, business actors can file objections to the Head of the Service. If the objection is accepted, the Head of Office can re-issue the SIUP-MB as stated in Article 28.

In order to be able to sell alcoholic drinks, a business actor must have a special permit issued by the local government. Business actors can apply for a permit to the local government by bringing the necessary prerequisites. The issuance of permits by the local government is one of the instruments used by local governments to make it easier to control and supervise the distribution of alcoholic drinks. Following are some of the permits related to the sale of alcoholic drinks, namely the Alcoholic Drinks Trading Business License (SIUP-MB) which according to the Minister of Trade Regulation No. 20/M-DAG/PER/4/2014 concerning Control and Supervision of the Procurement, Distribution and Sales of Alcoholic Drinks is a license to carry out trading business activities specifically for alcoholic drinks. The use of the SIUP-MB is specifically for the sale of class B and class C alcoholic drinks; however, the company is also allowed to sell class A alcoholic drinks. According to the provisions of Article 18 Permendag No. 20/M-DAG/PER/4/2014 concerning Control and Supervision of the Procurement, Distribution and Sales of Alcoholic Drinks that "Every company that acts as IT-MB, Distributor, Sub Distributor, Retailer, or Direct Seller that trades class B Alcoholic Drinks and class C must have SIUP-MB." Application Submission for SIUP-MB for Registered Alcoholic Drinks Importer, hereinafter referred to as IT-MB, can only be made by a company that is a Limited Liability Company and has become a legal entity. The matter regarding the application for SIUP-MB is regulated in Article 22 Permendag Number 20/M-DAG/PER/4/2014 concerning Control and Supervision of the Procurement, Distribution and Sales of Alcoholic Drinks and Article 28 paragraph (4) of Surabaya City Regional Regulation Number 1 of 2010 concerning Business Operation in the Trade and Industry Sector

The second is the Certificate of Alcoholic Drink Retailers Class A, hereinafter referred to as SKP-A, is the Certificate for Alcoholic Drink Retailers Class A. The local government issues SKP-A for business actors who apply to sell only class A alcoholic drinks and are not allowed to sell alcoholic drinks other than class A. Regulations regarding SKP-A are contained in Permendag No. 20/M-DAG/PER/4/2014 concerning Control and Supervision of the

Procurement, Distribution and Sales of Alcoholic Drinks Article 18 paragraph (3) In connection with the requirements for submitting SKP-A for supermarkets and hypermarkets, it has been regulated in Article 22 paragraph (7) as amended in Permendag No. 06/M-DAG/PER/1/2015 concerning the Second Amendment to Regulation of the Minister of Trade Number 20/M-DAG/PER/2014 concerning Control and Supervision of the Procurement, Distribution and Sales of Alcoholic Drinks, while SKP-A applications for retailers are regulated in paragraph (2).

The third is a Certificate for Direct Seller of Alcoholic Drinks ClassA, hereinafter referred to as SKPL-A according to Article 1 point 19 Permendag Number 20/M-DAG/PER/4/2014 concerning Control and Supervision of the Procurement, Distribution and Sales of Alcoholic Drinks is a Certificate for Direct Seller of ClassA Alcoholic Drinks. SKPL-A is a must have for business actors selling class A alcoholic drinks directly drunk on the spot. Application for SKPL-A is regulated in Article 22 paragraph (9)

The fourth is that the Alcoholic Drinks Sales Place Permit, hereinafter referred to as ITP-MB, is not much, only contained in Law Number 28 of 2009 concerning Regional Taxes and Regional Retribution. In this law, it is stated in Article 141 that the Permit for the Place of the Sale of Alcoholic Drinks is included in certain types of licensing retribution. Then in Article 143 it is stated that "The object for the Retribution for the Alcoholic Drink Sales Place Permit as referred to in Article 141 letter b is the granting of a license to sell alcoholic drinks in a certain place." Thus, according to this regulation, ITP-MB can be categorized as an object that can be subject to retribution. Meanwhile, the regulation of ITP-MB is not yet included in regional law products in Surabaya City.

Permit is a form of state administrative decision which becomes one of the government instruments to regulate and control community activities so that they are not arbitrary. In its issuance, a license has its own characteristics, including:

- Permits that are free or bound
- Permits that are beneficial or burdensome
- Permits that expire soon or are long lasting
- Permits that are personal (individual) or material

Licensing for the sale of alcoholic drinks is included in a material permit because the license is issued based on the type of activity carried out, namely selling alcoholic drinks, taking into account the feasibility of the place, location, target market, distributor and production. The permit to sell alcoholic drinks also has a validity period, i.e., for example, the SIUP-MB is valid for 3 years and you have to extend it if you still want to sell alcoholic drinks.

As a big city, Surabaya has several places as tourist destinations, in terms of culinary tourism, historical tourism, natural tourism, religious tourism, and others. The Surabaya city has a vision and mission in the tourism sector. The vision of cultural and tourism development in East Java that is wanted to be realized in the 2014-2019 period is "The realization of a society that is prosperous and characterized by developing tourism and culture." (NN, 2017) Meanwhile, the mission of cultural and tourism development is:

- 1) Developing tourism that is competitive, sustainable and the promotion of quality tourism
- 2) Increase public appreciation and understanding of cultural values and diversity, as well as the preservation of cultural heritage

Tourism development in this city has been poured in the Regional Medium Term Development Plan (RPJMD). The development of tourism in the Surabaya city includes

infrastructure development as a strategy to increase tourist attractiveness, one of which is improving the quality of the Tourism Attraction Object (ODTW).(NN, 2017) For example, the development of the Mangrove Forest area is in accordance with the 2017 development theme of increasing local economic competitiveness through accelerating infrastructure development environmentally friendly and developing the quality of human resources. Not only that, the government has also increased infrastructure development in the accommodation sector, namely hotels that support tourism in Surabaya city. Tourists will find it easy when visiting the Surabaya city because they don't have to bother looking for accommodation. The second is the Development of Security Conditions is also much needed to support the course of tourism. As stated in the RPJDM, the strategy of increasing security control and environmental comfort as well as realizing harmony in social life is carried out through several policy directions, including:

- a) Mobilization and control of community protection units
- b) Increasing cooperation and control in the security sector
- c) Training on environmental safety and comfort control for cadres of national insight
- d) Increasing the intensity of activities that support tolerance and religious harmony
- e) Development of political parties and social organizations
- f) Monitoring of foreigners, foreign social organizations and foreign workers

Meanwhile, city security is enhanced by deploying various security units, such as security guards and *hansip*, as well as deploying the police to improve city security. Community participation here is also needed to maintain the security of the city, by not causing riots, not committing criminal acts, or participating in reporting

The sale of alcoholic drinks is an activity that is very supportive of the tourism business because it is one of the factors to boost tourist potential. The activity of selling alcoholic drinks in Surabaya city—which in fact includes a tourist area, including in the form of tourism businesses in the food and drink service sector, according to Article 11 of the Regional Regulation of Surabaya City Number 23 of 2012 concerning Tourism, namely Food and drink service tourism businesses are food and drink equipped with tools and equipment for the manufacturing, storage and/serving processes. The tourism places referred to by the Regional Regulation of Surabaya City Number 23 of 2012 concerning Tourism are bars/teahouses, restaurants marked with *talam kencana* or *talam selaka*, 3-, 4- and 5-star hotels, cafes, pubs, nightclubs, discotheques.

A tourism entrepreneur must have several permits if he/she wants to open a tourism business where alcoholic drinks are sold, the first is a Tourism Business Registration Certificate or TDUP. Licensing for the sale of alcoholic drinks at tourism sites is in the form of SIUP-MB which has been discussed in the previous sub-chapter. Applications for SIUP-MB are submitted to the Head of District/City Service or Head of Provincial Service for DKI Jakarta. So, the two main licenses that must be owned by a tourism business with alcoholic drink sales activities are TDUP and SIUP-MB.

The use of distribution labels in every alcoholic drink issued by the governor is also an effort to control the distribution of alcoholic drinks in tourism areas. This is in accordance with the provisions of Article 11 paragraph (1) of the Regional Regulation of the Province of East Java Number 6 of 2014 concerning Control and Supervision of Alcoholic Drinks. Then the sales system for class A, class B, and class C alcoholic drinks according to the Regional Regulation of

East Java Province Number 6 of 2014 concerning Control and Supervision of Alcoholic Drinks consists of direct sales for drinking and retail sales.

In terms of storage of alcoholic drinks, it is also regulated in regional regulations. Direct Sellers and Retailers are required to store alcoholic drinks in a warehouse where alcoholic drinks are stored and separate from other items and must record every entry and release of class A, class B and class C alcoholic drinks from the storage warehouse on the storage data card.

Law enforcement is one way of realizing ideas in accordance with reality. The process of realizing these ideas in accordance with reality is the essence of law enforcement. (Satjipto, 1980) Law enforcement relating to the distribution and sale of alcoholic drinks in Surabaya is included in the realm of administrative law enforcement, which consists of preventive administrative law enforcement, carried out before the implementation of activities occurs. According to J.B.J.M ten Berge, administrative law enforcement instruments include supervision and application of sanctions. (Ten Berge, 1993) Supervision is part of the scope of administrative law enforcement that is preventive because supervision is a preventive step to enforce compliance. Meanwhile, the application of sanctions is a repressive step. Repressive supervision is only useful when it is carried out comprehensively and intensively, the report is objective and analytical in nature, and when the report is submitted fairly quickly. The government has imposed sanctions through the imposition of administrative sanctions.

Administrative law enforcement is carried out by state apparatus in this case, one of which is the Civil Service Police Unit (Satpol PP) which in carrying out its duties is based on Article 4 of Government Regulation Number 6 of 2010 concerning Civil Service Police Units. There is also law enforcement through statutory regulations.

Based on the principles of regional autonomy and decentralization principles as stated in Article 1 point 6 of Law Number 23 of 2014, regional governments are given the authority to regulate and manage all government affairs in their regions themselves. In terms of administrative law enforcement, local governments have the authority to carry out law enforcement in their own regions in accordance with applicable regulations. The regional government has the authority to carry out preventive law enforcement efforts by conducting supervision in the form of the formation of Regional Regulations related to alcoholic drinks, as well as issuing licenses for the sale of alcoholic drinks. Meanwhile, repressive law enforcement takes the form of administrative sanctions. In general, administrative sanctions can be in the form of fines, suspension to revocation of certificates and/or permits, temporary suspension of administrative services to reduction of production rations, and administrative actions (document granting services). One example in the tourism business sector is that administrative sanctions are given to a tourism business place that does not have a TDUP, based on the provisions of Article 6 paragraph (1) of the Regulation of the Mayor of Surabaya Number 64 of 2014 concerning Procedures for Imposing Administrative Sanctions for Violation of the Regional Regulation of Surabaya City Number 23 of 2012 concerning Tourism.

Administrative law enforcement efforts are related to the use of the authority to apply administrative sanctions that are owned by the government. Several elements in the application of administrative sanctions, the first is legitimacy, juridical instruments, administrative law norms, and the cumulation of sanctions.

In carrying out law enforcement it is not always smooth and fluent, sometimes there are obstacles. Some of the obstacles related to sanctions as a form of law enforcement are juridical

because there is no law that specifically regulates the distribution and sale of alcoholic drinks. Then there are non-juridical obstacles, which are related to sociological barriers, namely things that can hinder law enforcement that come from factors of community development, the social system as a whole that includes all aspects of society. Law enforcement is also assisted by the participation of the community to take part in enforcing regional regulations related to alcoholic drinks by providing social sanctions aimed at creating a deterrent effect on perpetrators to feel guilty for their moral-related actions.

An example of administrative law enforcement occurred at the Stadium Cafe, which is located in the RMI Kebun Bibit Shop, Surabaya. During the raid, the Civil Service Police Unit obtained unlicensed alcoholic drinks and secured 3 female employees and 2 young male visitors because they did not have ID cards (Susanto, 2016)

Law enforcement that should be carried out by the regional government is based on the Regional Regulation of the Province of East Java Number 6 of 2014 concerning Control and Supervision of the Distribution of Alcoholic Drinks Article 35 paragraph (2) that administrative sanctions are carried out in stages, in the form of written warnings, temporary business closures, business closures, then the business license is revoked.

Besides Stadium Café, a restaurant on Bali Street, Surabaya, namely THE GOODS DINNER was raided by a joint team of Polrestabes and Surabaya Civil Service Police Unit in February 2017. It was found that the restaurant was operating and selling alcoholic drinks without having SIUP-MB and TDUP (Alamy, 2017). This clearly violates the provisions of Article 18 paragraph (1) of Mayor Regulation Number 64 of 2014 THE GOODS DINNER Restaurant is subject to sanctions based on Article 6 of the Regulation of the Mayor of Surabaya Number 64 of 2014 concerning Procedures for Imposing Administrative Sanctions for Violation of the Regional Regulation of Surabaya City Number 23 of 2012 concerning Tourism.

Based on these two cases, it can be concluded that there is a violation of administrative norms in the distribution and sale of alcoholic drinks in Surabaya. Administrative law enforcement needs to be carried out by law enforcement officials in accordance with applicable regulations in order to cause a deterrent effect on norm violators so that violations do not occur again.

4. Conclusion

In Surabaya, which is a tourist city, there are many tourist attractions such as hotels, bars, restaurants, pubs, night clubs, and discotheques that are not escape from the sale of alcoholic drinks. Related to this case, the government is making efforts to supervise and control the distribution of alcoholic drinks by making laws and regulations related to the control of the distribution of alcoholic drinks and stipulating requirements for tourism places that sell alcoholic drinks, one of which must have special permits, especially TDUP and SIUP-MB.

Administrative law enforcement consists of preventive administrative law enforcement, namely in the form of supervision and repressive administrative law enforcement, in the form of the application of administrative sanctions. However, the law enforcement process sometimes has obstacles in its implementation which consist of juridical constraints because there is no law that specifically regulates the distribution of alcoholic drinks and non-juridical constraints because there are sociological obstacles in the form of things that come from community

development factors, as well as community participation required in the law enforcement process related to alcoholic drinks.

In Indonesia, the highest level of legislation relating to alcoholic drink is at the level of the presidential regulation. Seeing the rapid distribution of alcoholic drinks in community, the government is expected to make a law specifically regulating the control and supervision of the distribution of alcoholic drinks. It is also hoped that the local government of Surabaya City will make a special regional regulation that regulate the distribution of alcoholic drinks in Surabaya because until now the regulations regarding the distribution of alcoholic drinks in Surabaya are only attached to a number of regional regulations on licensing.

The need for an understanding from the younger generation about the bad effects of alcoholic drinks, that alcoholic drinks do more harm than good. Coupled with the distribution of mixed alcoholic drinks that are easily obtained by various groups which cause a lot of crime, disease and death for consumers. Here, it is necessary to provide counseling for teenagers so that alcoholic drink abuse does not occur.

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