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The Law Enforcement Of The Police Station Of Ternate In Overcoming The Liquor Distribution In Ternate City Communities

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ABSTRACT

The concrete legal problem addressed in Ternate is that the center of the supply of liquor (miras) is very high from various centers of Halmahera which originate from different places and are exported by sea so that it makes it a bit difficult for the police to detect it. Liquor, which is widely consumed across the community, is even traded in a free place, ironically again among the younger generation, students, who can get it in a freely accessible place. Alcohol consumption contributes to negative behaviors and attitudes like speeding on the highway, which can disturb traffic, disturb the peace, and create noise and chaos. This is due to excessive drinking, which leads to diminished willpower. Several calls for the local government of Ternate to take greater care in controlling liquor availability. Also, there are multiple signals in regards to legislation, regional regulations, the law enforcement officials' implementation, and the community's legal culture. Thus, the role of law enforcers is placed

within the context of realizing the objectives of the law with security and order for individual's realization of a peaceful and prosperous society. The regional government together with the DPRD of Ternate to be asked to immediately amend the Regional Regulation of Ternate Number 5 of 2004 concerning alcohol, which is considered not able to trigger a deterrent effect because the penalties regulated in the current Ternate municipal, regional regulations stipulate the maximum penalty, should be able to substitute with minimal penalties to have a deterrent effect on liquor sellers and consumers.

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A. Introduction

The Republic of Indonesia is a Unitary State and Pancasila is the source of all law. This includes all activities and actions both individually and socially as a social order that should reflect social patterns and lifestyles, behavior that is recognized by legal regulations and norms that are recognized by consuming alcohol. It can be seen everywhere, such as in crowds, and in social situations. There will be a drinking activity. Teenagers and young people as well as parents go out drinking on occasion. Though it can lead to disagreements, fights, and actions that disrupt social harmony, it's not without risk.

Principals of law enforcement, like institutional stability and professionalism, are influenced by four factors. The first factor is the law itself, either in its direct influence on material norms or else in its formal enforcement. The second issue is the integrity of law enforcement personnel. Third, adequate facilities and support systems. The fourth is how the law is perceived by society. As the state apparatus in terms of law enforcement, the police have a critical position and role, namely as the guardian of security, which in its implementation is to prevent and overcome a crime and violation. Police generally have two different types of power. The concept of police power is first discussed in law and then in government. These two powers function as the foundation for the three main functions of the police: a law enforcement apparatus, a servant, and a public protector.

The police's duties and functions are to prevent or suppress crime. To combat crime, the police initially focused on preventing crime through the maintenance of a stable community and participatory policing. If prevention fails, law enforcement will take repressive action. With regard to law enforcement and crime fighting, the author highlights the repressive role of police officers. The police's

countermeasures have not been focused on the number of crimes that have been committed. Instead, the crime rate is rising, and is increasing. Developing a society that provides public facilities allows for the distribution of liquor in the community.¹

It is now the responsibility of the police to activate themselves in dealing with this issue. Thus, the police has an important role in determining how to take firm action against alcohol sellers in order to maintain peace and order in society. The increase in the distribution of liquor (alcohol) in Japan is a society phenomenon that is not limited to adults, but also penetrates students. The fact that every crowd of young people is associated with alcohol consumption at a minimum. In a society formed from human social interaction, there exists a unity of life within a specific cultural pattern in a limited environment, and a wider setting with the same cultural patterns. However, all social and cultural practices can lead to positive or negative results.

Despite a number of police efforts to eradicate the distribution and use of alcoholic drinks (miras), especially the rata and ciu brands in the jurisdiction of Ternate, alcohol has still been found both recently supplied through the areas of West Halmahera, North Halmahera, South Halmahera, and even from North Sulawesi. Responding to this, the Head of the Ternate Police (Kapolres), AKBP Azhari Juanda, requested the Regional Government to revise the regional regulation (Perda) regarding alcohol, which is deemed unable to cause a deterrent effect because of the penalties stipulated in the existing Ternate municipal regulations. The current gross penalty is out of step with the minimum penalty.

According to the Chief of Police, the Ternate Police have continued to respond to the circulation of alcohol in the city for the past year. Yet it continued to flourish and even tended to grow. To anticipate the distribution of alcohol, his party advocates a joint movement program, "this program is a kind of collective effort of all parties, be it the city government police, the military, vertical agencies, religious leaders, community leaders, youth leaders, women leaders, the educational environment and all levels of society to see the problem of alcohol which is something that must be resolved, "for him" this alcohol is a source of crime, can have an impact on various offenses, such as murder, traffic accidents, fights, domestic violence and can cause conflict between one or two people who can have a more significant impact Therefore a meeting was held with the city government,

¹Dirdjosisworo, Soedjono, 1994, *Alkoholisme, Paparan Hukum dan Kriminologi*, Remadja Karya, Bandung.

Ternate Police, Kodim, Attorney General's Office, Court, Campus, religious leaders, community leaders, Ministry of Religion, MUI and DPRD to discuss the problem of alcohol which often occurs in Ternate.

One of the suggestions submitted by the Ternate Police is for a joint movement against alcohol and drugs or *gamalama*, from this offer there are several points, including from all agencies in the city of Ternate to carry out internal consolidation, have an outstanding commitment to cleaning internally, there needs to be a synergy of cooperation. Both the local government and the authorities to carry out surveillance and prosecution. The Ternate Police also urge the city government and the DPRD to immediately revise the Ternate City liquor regulation (Miras) of Ternate City Number 5 of 2004 so that there is a deterrent effect as well as criminal sanctions, which are minimal sanctions either in the form of imprisonment or fines so that it can cause a deterrent effect for both seller and drinkers dealer so as not to happen over and over again. Besides, there is a need for a joint declaration so that the public knows, in this case, all parties to commit themselves to the problem of alcohol circulation in the city of Ternate.²

B. Discussion

1. Law Enforcement of Ternate Police in Handling the Distribution of Liquor

In such conditions, crowd activities in Ternate, known as *hura-hura*, could be used to hold drunken gatherings. At these events, many young people consumed *Arak* and *Tuak*, while others used the *Rat-brand Alcohol*. Although the government has already banned selling alcoholic drinks in Ternate, there are still several illegal sellers. At the same time, however, the merchant does not have a license as there are many alcohol retailers, making it easy for people to purchase these drinks at a low cost. Although the community often misuses traders' proliferation and cheap alcohol, these activities are hazardous for those who consume excessive amounts of alcohol. Due to the numerous liquor sellers and factories in Ternate City, the local government has revised a regional liquor regulation, resulting in higher penalties.

There are too many legal definitions which define all drinks as those that can cause one to lose consciousness. Its effects usually involve many consequences, as outlined in the Ternate Regional Alcohol Control Regulation Number 5 of 2004. One serious problem that has received government attention is the drinking of

²Azhari Zuanda, *Kapolres Minta Segera Revisi Perda Miras Kota Ternate*, Media Indotimur.com, Retrieved on June 15th, 2019.

alcohol by the wider population. Excessive consumption of alcohol negatively affects the perpetrator's attitudes and actions, which makes him or her act disrespectfully, disturbing the peace of others. This is due to reduced self-control due to overconsumption of alcohol.

2. Law Enforcement of the Distribution of Liquor in Ternate

The application of non-penal and preventive methods to reduce occurrences of crime. Considering that attempts to combat crime/illegal acts by non-penal channels are more of a prevention measure before the occurrence of a criminal act, the main goal is to deal with favorable causes, among others, concentrating on issues or the complexities of social environments that can directly or indirectly cause or flourish crime. Efforts to prevent criminal activities include the crime of drunkenness, such as through company culture changes. In order to prevent future criminal acts, we need to restructure the environment by reducing the number of things that support criminal acts. We use science and technology to create a settings where people are able to develop in a positive direction. Indeed, prevention is better prioritized than repression because it is relatively simple and straightforward while prevention doesn't require a complicated and bureaucratic organization.

In North Maluku, especially in Ternate, the public's concern about getting intoxicated is pervasive. The security forces (Ternate Police Station) consider this a serious concern and are taking appropriate action. With the increase in alcohol related criminal activity, the Ternate Police took several actions/efforts which included the following:

- 1) A "territorial" operation initiated to control the sellers, entrepreneurs, and liquor users.
- 2) The Ternate City Police instructed its members always to check all ships, as well as incoming spits, in every corner of the port in Ternate City.

The regional government also should issue a regional regulation on alcohol in an attempt to deter sellers and distributors from selling. Based on what has been stated thus far, it can be concluded that the police should carry out alcohol control operations consistently and continuously. In the opinion of the writer, it should not be carried out in certain situations such as with certain people. The purpose of integrated operations is to tackle the issues of liquor supply, distribution, and sales in the city of Ternate. Therefore, some preventative actions that need to be conducted include:

- 1) Imposing restrictions on the import of liquor in the city of Ternate.

- 2) The ability to control the sale of alcohol, the ability to own and operate certain establishments selling alcohol, and other areas considered prone to liquor.
- 3) Alcoholic drinks are only sold in certain places, such as bars, restaurants, and star hotels at high prices.
- 4) Police patrols conducted continuously in places prone to liquor..

It is necessary for drunks to maintain various forms of religious guidance and counseling and be involved in various religious groups. In this formation, religious figures/leaders make these drunks aware through sermons that drunkenness violates moral norms and is a sin. In the United States, alcoholism is among the most significant social problems. In the pastoral role within Christianity. Pastors all agree on the approaches for alcoholics in their church.

It is also important to educate the general public about the harmful effects of alcohol, the legal limitations on alcohol, the religious prohibitions against alcohol, and the economic costs of alcohol. This activity is accompanied by watching a video of people displaying a variety of disgusting behavior when intoxicated. This film can also demonstrate the potential to shame other people.

Furthermore, he was instructed to immediately complete the revision of the regional regulation of the city of Ternate (Perda) on alcohol sales to maximize the effective handling of alcohol distribution in Ternate. In the application of the sanctions, it is hoped that the use of the sanctions will be for a minimum of 30 million fines and for a minimum of 30 days imprisonment for alcohol dealers, especially traditional alcohol or Cap Tikus. However, the problem remains widespread due to the penalties stipulated in the regional regulations, which are limited to criminal actions with no corresponding sanctions. If the sanctions are severe, the penalty being imprisonment for one month and a fine of 30 million. In that case, the alcoholic dealers will reconsider their supply of alcohol, which will eliminate their ability to circulate the alcohol in this area.”³

Number of Cases of Liquor/Alcohol Suppliers to Ternate in 2020

No	Region/City	Year 2020
1	Manado	1.670 Ct.
2	North Halmahera	1.223 Ct.
3	West Halmahera	832 Ct.

³ Results of Interview with the Deputy Chief of Police of Ternate City, Kompol Jufri Dukomulamo, in his room on August 20th. 2020.

4	Total	3,725 Ct.
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Source: Data from Ternate Police

There is a brisk market in the smuggling of liquor coming from Ternate. This is a significant factor in the youth culture of the community. The main issue with smuggling of liquor from Ternate is its limited access by sea. If we travel along this path, it is possible we will elude the police. The liquors in Tobelo North Halmahera are all by sea, and they pay to charter a midnight speeding boat to bring the product to ternate. Likewise, from Ternate, West Halmahera District as the city is located nearby, so these illegal business people use this method. The use of speed boats in the middle of the night for thirsty people to drink wherever they want.

Unlike the Manado region of North Sulawesi province, where rat-branded liquor is valued high, the Manado region is more economically poor. They start from there to enter the city of Ternate by ship, even in a different way, they combine a fish cupboard or coolbox then seal it with the other method. If not, then usually crated and dropped off at the middle of the ocean, and then picked up in the middle of the ocean by speed boat and then taken to the destination. As the smuggling of liquor is so well-camouflaged, the police are hard pressed to detect it. Much smuggling of alcohol into Ternate occurs each year.

3. Police Strategy to Prevent the Influence of Liquor

Ternate City police officers are dispatched directly to the community and not to become bored with providing counseling through their authority:

- 1) By repressing. Each member of the situation is covered by the applicable laws. If only the user is being penalized while the seller is not then it is unfair. As the product is passed through a chain of different users, a chain continues to rotate. To stop the distribution of alcohol, the linkage has to be cut.
- 2) Create an environment where the addict is occupied with an experience he likes / a pleasurable hobby so that the time to recall the item gradually diminishes.
- 3) Create a condition for addicts themselves who are determined to leave the world they have been doing, which is the best and most important thing.
- 4) If addicts often get drunk with their friends, then the addicts should be kept away from their interactions.
- 5) If a Muslim, then they should pray often at the mosque and listen to religious lectures. The family should notify him of the perils of drinking/drugs gently. Don't use violence, ridicule, or brag over him.

4. The efforts of the Ternate Police to Overcome Alcoholic Beverages

The prevention of alcohol can be applied in a way:

1. It seems like this alcohol is problematic if it has to be eradicated. While there is no tolerance for alcohol in some religions, in others, it is also important to note the positive economic impact of tourism. Therefore, it is important to pay attention to the legal instruments to regulate alcohol use but not eradicate it.
2. Local laws should regulate and inspect liquor distributors and sellers. Although alcohol is explicitly controlled in the Criminal Code, in particular articles 536, 537, 538, and 539, it seems that these articles need to be revised again because many are less firm and less about the alcohol substance itself, making it difficult for officials. Measures to keep data secure.
3. Distributors and distributors must be registered, and the seller must be licensed as well. Some locations, such as hotels, discotheques, karaoke shops and specialty liquor dealers, must be governed by local regulations. The license for being an alcohol dealer, distributor, and container must be strict. This implies that it is not too straightforward to do an alcohol business regardless of the age of the customer.
4. 4. The misuse of permits and municipal alcohol laws must be dealt with punishing, not killing, those who have done wrong. Legalization and local distribution of alcohol would generate significant income for local economies (PAD). in order to check whether dealers, sellers, and containers are in compliance with necessary legislation and food safety laws, raids should be carried out regularly.

5. Factors Causing the Distribution of Liquor in Regency/City

a. Socio – Cultural Factor

Drinking is a universally accepted activity. Before drinking or consuming alcoholic beverages (beer, wine, slanted hats), people had previously consumed liquor. It is known today as a traditional drink . In the community in Ternate, when there is an occasion, alcohol typically is one of the event organizers' passions. In terms of tradition, alcoholic drinks are used in people's lives in general, and people are restricted to not binge drink or drink excessively in general.

Therefore, it is the Regional Government's obligation in this matter if they do not address the issue. It is increasingly difficult to eliminate the habit of drinking alcohol, and liquor distribution in society will lead to increased societal demands for liquor.

b. Lack of Decisive Law Enforcement Officials

Lawrence Friedman quoted three concepts in his writings to uphold a prosperous, secure, serene, and peaceful societal order in the field of law. The trade-offs are:

- 1) Legal entity, namely, the government's laws, regulations, and policies that govern the way it governs its citizens..
- 2) Legal structure, which is law enforcement officers who carry outlaws, or regulations made by the government and the community to ensure the safety of the society.
- 3) Legal culture, namely citizens' opinions about the law, in the sense that the community feels the law is a force for protection. They do not engage in legal and regulatory offenses requiring punishment. The need for public awareness is an element of a culture longing for peace.

Aside from that, it is essential for groups to understand the consequences of drinking together. Additionally, there is a need for harmony between regulations, decision makers, and the community so that the distribution of liquor as the cause of various crimes and violations can be neutralized and support from law enforcement officials to be more assertive and proactive in taking action against the smuggling of liquor.⁴

6. The basis of Islamic Law Theory About Liquor/Alcohol

Liquor is an intoxicating substance, and one that is forbidden. The limitation of a drink is based on whether it is useful, not on what the material is or how the drink is made. Drinks which are classified as haram are senseless and acts of satan. To follow the rules of Islamic prohibition, all Muslims must adhere to these rules. There are no exceptions.

Allah says :

يَا أَيُّهَا الَّذِينَ آمَنُوا إِنَّمَا الْخَمْرُ وَالْمَيْسِرُ وَالْأَنْصَابُ وَالْأَزْلامُ
رِجْسٌ مِّنْ عَمَلِ الشَّيْطَانِ فَاجْتَنِبُوهُ لَعَلَّكُمْ تُفْلِحُونَ

The meaning:

“O you who believe, verily (drinking) khamar, gambling, (sacrificing for) idols, raffling one's fate in full are including acts of evil. So stay away from these deeds so that you get good luck”. (QS. al – Maidah/5:90)

Imam Bukhari, when explaining the order of the prohibitions, stated that because liquor is one of the most ways to lose property, then the prohibition of

⁴Arief, Muliadi dan Barda Nawawi, 1992, *Teori – Teori dan Kebijakan Pidana*, Alumni, Bandung.

drinking *khamar* with gambling is followed because gambling is one of the ways that destroy property, eating destruction of property is followed by the prohibition of glorifying idols which is the destruction of religion.

Islam does not have indifference to khamr, but in Islam's view, the harm caused by khamr to human life is far greater than the benefits it provides. The sins and harm contained in khamar and gambling, such as loss of memory, property, and blocking from dhikr to Allah, from prayer, (pushing) envy, enmity, and mutual hatred are more incredible wealth obtained through buying and selling khamar or getting it through gambling. After consuming alcohol, effects become noticeable within a few minutes, but the magnitude of effects will depend upon how much alcohol is consumed. If a small amount of alcohol is consumed, it gives a person the same effects of being relaxed, euphoric, and angry. When affected, the mouth often feels dry, the eyes dilate, and the heart races. There may be nausea as well..

If it consume more, it will has a worse effect; the person feels freer to express themselves without feeling inhibited, becomes more emotional and usually, the drinker speaks slurred, blurred vision and can become unconscious because of that, we often find many motorbike or car accidents caused by drunken drivers. Even for health, it is seriously threatened, such as colitis, liver disease, and brain damage. With these various evils, it is not surprising that Islam views khamar as *miftahu kulli syarrin* (the key to all evil) (the key to all evil). Due to the influence of khamar, he will act out uncontrollably, and commit crimes..⁵

Based on the above study, it can be concluded that 95% of the population in Ternate is Muslim, so Islamic values are still deeply ingrained in people's lives. His primary red thought is that drinking alcohol is an act of misconduct, which Allah does not like because it harms the drinker. The negative side of the product is that it is not suitable for the health of the user. It takes away property and depletes resources. Therefore the fact that drinking alcohol is a sin was obvious.

7. Ternate DPRD Revised Local Regulation on the Prohibition of Alcoholic Drinks

The DPRD will revise the Regional Regulation Number 5 of 2004 concerning the prohibition and distribution of alcoholic drinks. Deputy Chair I of the DPRD of Ternate, Mubin A Wahid stated that the revision of the Regional Regulation was carried out because it contradicts higher regulations, and that law enforcement officials do not enforce it. The Regional Regulation increases the

⁵M. Quraish Shihab, 2009, *Tafsir Al – Mishbah Pesan, Kesan dan Keserasian Al-Quran Vol 3 & 1*, Lintera Hati, Jakarta.

power of law enforcement, not reduces it, as stipulated in the Presidential Decree and Permendag. "With the absolute prohibition of Regional Regulation No. 5/2004 without any exceptions, it is very unlikely that this will be carried out effectively," he asserted. Upon further investigation, the DPRD learned that the Regional Regulation of Ternate prohibited the sale of alcoholic drinks. The Commission I have studied the subject matter of the same regional regulations.

In the proposed bylaws, his party suggests introducing a point to control who or what businessman is permitted to sell alcoholic beverages. The regional edict changed the age requirements for alcoholic beverages, no longer prohibits and circulates Minol. So far, where the alcoholic drinks come from, no one has been able to refuse. There should be a way to track this where it enters one door. According to the Mubin, people with the right or permission to purchase alcoholic drinks are regulated and controlled in the Presidential Decree and other Permendag regulations. "So only those who have permits get consent, so the consent process can be fair and systematic, and it can be controlled. Those who do not have this permit are violating the law."

The revision of the Regional Regulation has no intention of legalizing alcoholic drinks, but how it is regulated in order to put a stop to the free circulation of alcoholic drinks in the community. Supervision, involvement, and intolerance is coupled with firm action. "Commission I will invite MUI, the Office of the Ministry of Religion, academics, social and community organizations to discuss together what is the best way. The legislation regulating alcohol in North Maluku is one of the priorities of DPRD in the 2019 legislative program."

The ban on alcohol distribution was created in 2005, and as of now needs to be updated. In today's socio-cultural context, it is no longer in line with current circumstances, particularly those related to efforts to deter and enforce penalties against offenders, which many parties desire because the DPRD remains on the regional pledge to be free from the circulation of alcohol. One of the key points of the revision of the local prohibition of alcohol distribution is that sanctions will be increased to severe crimes.

As of now, many people distribute alcohol (including the aforementioned Miras) in Ternate because the sanctions are only in the form of instructions and destruction of evidence. However if the sentence is to be of a punitive nature, as with other common crimes, the public will undoubtedly think long and hard about whether they want to buy liquor. The DPRD will coordinate with other related parties, such as the Police and the Ternate Attorney General's Office, especially for discussions relating to penalties for the illegal distribution of alcohol. "Meanwhile,

community leaders in Ternate Soleman expressed their support for the prohibition of the circulation of alcohol because alcohol issues have been one of the causes of numerous clashes between residents or other criminal activities".

Meanwhile, the head of the DPRD for Ternate City, Nurlela Syarif, claimed that in the revision of the area regulation, the prohibition of alcohol sale and distribution is to enforce sanctions on those who sell alcohol, as well as those who drink it, particularly those who get drunk and disturb public order.⁶

C. Closing

Police law enforcement in managing the distribution of liquor has been unsuccessful against illegal sales in Ternate. Despite a regional regulation, the law enforcement apparatus is the implementing body. In cases where the Police and the Civil Service Police work together, the Police should coordinate with the Civil Service Police to implement the law in an integrated manner. The severity of sanctions for the circulation of alcohol are written into law so that repeat offenders know that they will be harshly punished for their actions. The local government of the city of Ternate may also carry out control and supervision over liquor's marketing in order to provide legal certainty for the public regarding such places such as restaurants, hotels, and tourist destinations. The coordination between the police and Satpol PP, so that there is no loss of information while performing raids and so that those who commit acts against the law can be ripped off.

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