

LAW ENFORCEMENT AGAINST THE CRIME OF DRINKING ALCOHOL IN THE JURISDICTION OF LABUHANBATU POLICE STATION

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ABSTRACT

Basically, a legal norm is part of the legal system, to apply an article in the Criminal Code (KUHPidana).

This study aims to find out and analyze law enforcement against criminal offenders of explosive and circulating liquor. As well as knowing and analyzing the modus operandi of criminal offenders of exploiting and distributing liquor. This research belongs to the normative type of research. So it can be known that the modus operandi of the perpetrator of bootleg liquor is put in plastic wrap and sold secretly. Another motive of the perpetrator is due to economic factors and cultural factors. Based on the explanation above, it can be concluded that the modus operandi of the bootleg liquor perpetrator is put in plastic wrap and sold secretly.

Another motive of the perpetrator is due to economic factors and cultural factors.

Keywords: *Law Enforcement, Crime, Liquor*

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INTRODUCTION

Basically, a legal norm is part of the legal system, to apply an article in the Criminal Code (KUHPidana) (Albert Rumokoy, 2006). Regulatory and coercive laws must be enforced, respected, and obeyed by everyone without exception (Lyons, 1984). It aims to provide regulations (guidelines, guidelines) in the association of life, to protect individuals in relations with the community so that it can be expected to create security, order, and welfare in the life of society, nation and state.

Law creates order and peace in people's lives. But the reality is that many people still violate the law. In Hans Kelsen's view, a legal system is "a hierarchy of norms, where higher-rise norms govern the creation of lower-rise norms". Realizing the Indonesian nation still faces various problems that are not supportive, can even be an obstacle and obstacle to national development where national development has positive and negative impacts.

The positive impact of national development is the realization of an increase in the welfare and prosperity of the Indonesian people (Lubis & Fahmi, 2021). While one of the negative impacts is the increase in crime in various ways and the negative impact is very influential and can hinder the smooth and successful development (Masten & Coatsworth, 1998). One of the problems that has become very concerning and must receive special attention from the government is the problem of liquor which is widely consumed by the wider community, especially in Indonesian society.

Excessive consumption of alcoholic beverages has a great effect on the attitudes and actions of perpetrators that lead to deviation (Abbey, 2011). This deviation is like speeding on the highway that disrupts traffic, which creates commotion and chaos and disturbs the peace of the rest of society. This is due to reduced self-control due to excessive consumption of liquor.

Lately we can see many deaths caused by bootleg liquor which in addition to being consumed excessively is also mixed with deadly chemicals that should not be intended for human consumption. Such a situation, if left unchecked, will cause unrest in society as well as damage to the next generation of young people. Alcohol abuse can have such an effect. One of them can cause the person concerned to behave contrary to norms, both legal norms and social norms that live in society.

At this time the use of liquor beyond the limits of fairness (*overdose*) occurs a lot in Indonesia Symptoms that can be seen by the many places that sell bootleg liquor (Kuhn et al., 2019). With so many liquor sellers, it also causes liquor consumers where to get the liquor becomes a very easy and easy thing so that it reaches teenagers. The increase in crime rates that occur in the community, especially general/conventional crimes such as theft, rape, robbery, molestation, and destruction of public facilities where not a few perpetrators are under the influence of liquor.

This is what strengthens the statements and opinions of the public that liquor can trigger crime (Critchlow, 1986). Therefore, it is associated with the negative consequences of liquor abuse. To overcome these problems, steps and breakthroughs are needed as well as firm actions but these actions are measurable based on sincere intentions to protect, protect, and serve the community, both the community as victims and the community as perpetrators themselves.

Without concern for them, it is the same as allowing the destruction of people's morals and the health effects of excessive consumption of liquor (Petersen, 2003). So it is necessary to follow up with countermeasures by law enforcement officials, which in this case are the Indonesian National Police. Law enforcement as a process, in essence, is the application of discretion which involves making decisions that are not strictly regulated by legal rules, but have elements of personal judgment (Soekanto, 2018).

The factors that affect law enforcement have a neutral meaning so the positive or negative impact lies in the content of these factors (Tyler et al., 2010). These factors, are first, the legal factors themselves, which in this paper will be limited to the law only. The second factor is law enforcement factors, namely those who form and apply the law. The third factor is the factor of facilities or facilities that support law enforcement. The fourth factor, the community factor, is the environment in which the law applies or is applied.

The fifth factor, is cultural factors, namely as the result of work, creation, and taste based on human charities in the association of life. The police is as a state apparatus in terms of law enforcement which has a very important role, namely as a maintainer of security which in its implementation is to prevent and overcome a criminal act. The police generally have two types of power.

METHOD

The research method used in this study is the normative legal research method. Normative legal research is legal research conducted by examining library materials or secondary data (Soekanto, 2007).

According to Marzuki (2017), normative legal research is a process to find a rule of law, legal principles, and legal doctrines to answer the legal issues faced.

In this type of legal research, often the law is conceptualized as what is written in laws and regulations or the law is conceptualized as rules or norms that are a benchmark for human behavior that is considered appropriate (Amiruddin, 2012).

RESULTS AND DISCUSSION

Law Enforcement Against Perpetrators of Criminal Acts of Explosive and Circulating Liquor

Law is a mixture of European legal systems, religious law, and customary law. Most of the systems adopted, both civil and criminal are based on European law. Especially from the Netherlands because of aspects of the past history of Indonesia which is a colony called the Dutch East Indies (Nederlandsch-Indie).

Religious law because most Indonesian people adhere to Islam, the dominance of Islamic law or sharia is more, especially in the fields of marriage, kinship, and inheritance. In addition, in Indonesia also applies the customary law system absorbed in legislation or jurisprudence, which is a continuation of local rules from the people and cultures in the Nusantara Region.

Criminal law is part of public law. Criminal law is divided into two parts, namely material criminal law and formal criminal law. Material criminal law regulates the determination of criminal acts, criminal offenders, and criminal (sanctions). In Indonesia, material criminal law arrangements are regulated in the criminal code (KUHP). Formal criminal law regulates the implementation of material criminal law. In Indonesia, formal criminal law arrangements have been ratified by Law Number 8 of 1981 concerning criminal procedure law (KUHAP).

Indonesia is a state of law that always prioritizes law as a foundation in all state and community activities. Indonesia's commitment as a state of law has always been and only stated in writing in Article 1 Paragraph 3 of the amended 1945 Constitution. Everywhere, a State wants its State to have just and firm law enforcement and law enforcement and not selective logging.

There is no sabotage, discrimination and privilege in handling any legal case whether criminal or civil (Wiggins & Anderson, 2019). Like the term above, "Pointed Down Blunt Up" is the right term to describe the condition of law enforcement in Indonesia. The current legal conditions in Indonesia are more often criticized than praised.

Various criticisms are directed both related to law enforcement, legal awareness, legal quality, the vagueness of various laws related to the process of law and also the weak application of various regulations.

Criticism is so often leveled related to law enforcement in Indonesia. Most of our people will talk that the law in Indonesia can be bought, those who have a position, name and power, who have a lot of money must be safe from interference with the law even if the country's rules are violated.

Recognition in society that because the law can be bought, law enforcement officials cannot be expected to conduct law enforcement thoroughly and fairly (Sparrow, 2011). The law must be implemented and enforced by everyone. Expect the establishment of laws in the event of concrete events.

How the law must apply is basically not allowed to deviate, fiat jzitia et preat mundus which means that even if the world collapses, the law must be enforced. That's what legal certainty wants.

Legal certainty is protection against arbitrary actions, which means that someone will be able to obtain something that is expected in certain circumstances society expects legal certainty because with legal certainty, society will be more orderly.

The law is tasked with creating legal certainty because it aims at public order. Law serves as the protection of human interests. In order for human interests to be protected, laws must be implemented.

The execution of the law can take place normally, and peacefully, but it can occur also due to violations of the law. In this case, the law that has been violated must be enforced. It is through this law enforcement that this law becomes a reality.

In enforcing the law there are three things that must always be considered, namely legal certainty (*rechtssicherheit*), legal expediency (*Zweckmassigkeit*), and legal justice (*Gerechtigkeit*).

Law enforcement is aimed at improving order and legal certainty in society. This is done, among others, by regulating the functions, duties and authorities of institutions in charge of enforcing the law according to the proportion of their respective scopes, and is based on a good cooperation system and supports the goals to be achieved (Sudikno Mertokusumo. 2013: 1).

Based on Article 1 point (2) of the Code of Criminal Procedure, the investigation is a series of actions of investigators in terms and according to the manner provided for in this law to search for and collect evidence with clear evidence about the criminal act that occurred and to find the suspect.

Those authorized to conduct investigations based on Article 6 paragraph (1) of the Criminal Procedure Code for investigators are:

1. State Police Officer of the Republic of Indonesia.
2. Certain Civil Service Officials are specially authorized by law. In the investigation process, investigators are assisted by auxiliary investigators who must meet the requirements to conduct investigations, including:
 - a. Have at least a senior secondary school education for investigators or at least a police non-commissioned officer school education for both investigators and auxiliary investigators.
 - b. Have knowledge and experience related to investigations.
 - c. Have the skills and abilities both psychic and physical to perform investigative tasks.

Basically, the process of investigating the crime of bootleg liquor is the same as any other investigation process.

The investigation process in question aims to reveal alleged criminal events that occurred or crime events allegedly committed by perpetrators"

Regarding the perpetrators of bootleg liquor crimes, investigators must pay attention to important matters based on applicable legal provisions in accordance with

"Article 204 of the Criminal Code means that whoever sells, offers, delivers or distributes goods that he knows to endanger the life or health of persons, even though the dangerous nature is not notified, is punishable by imprisonment for not more than fifteen years.

In the case of bootleg liquor, "the investigation is based on a report or complaint from the complainant. When the report has been received by the investigator, the investigator immediately conducts a case before conducting an investigation". The title of the case in question aims to determine the criminal act or not, formulate an investigation plan, and so on.

The investigator who will conduct the investigation must send the SPDP (Notification of Commencement of Investigation) to the prosecutor's office or public prosecutor as contained in Article 109 Paragraph (1) of Law Number 8 of 1981 concerning the Code of Criminal Procedure.

In the event that the investigator has investigated an event that constitutes a criminal offense, the investigator notifies the public prosecutor, the Notice of Commencement of Investigation (SPDP) is a Notification Letter to the Chief Prosecutor about the commencement of an investigation conducted by an investigator of the Indonesian National Police.

Investigation activities are carried out in stages based on Article 15 of the Regulation of the Chief of Police Number 14 of 2012 concerning Investigation Management including:

- 1) Investigation.
- 2) SPDP delivery.
- 3) Forced effort.
- 4) Examination.
- 5) Title of case.
- 6) Settlement of case files.
- 7) Submission of the case file to the public prosecutor.
- 8) Surrender of suspects and evidence.
- 9) Termination of investigation.

More clearly, the investigation stage of the bootleg liquor crime against investigators is described as follows:

1. Making reports and complaints Based on Article 1 point (24) of Law Number 8 of 1981 concerning the Code of Criminal Procedure, a report is a notification delivered by a person due to or obligation under the Law to an authorized official about a criminal event having occurred or is being or is suspected to have occurred. According to Article 1 point (25) of the Code of Criminal Procedure, a complaint is a notification accompanied by a request by an interested party to an authorized official to follow up.
2. Witness examination A witness is a person who can provide information for the purposes of investigation, prosecution and trial about a criminal case that he hears himself, sees for himself and experiences for himself. Regarding the crime of bootleg liquor, usually the witness is the closest person to the victim who experienced a criminal act.
3. Suspect examination A suspect is a person suspected of committing a criminal act or criminal act prohibited by law or legal regulation. Regarding the suspect in Article 1 Number 14 of the Criminal Procedure Code, the suspect is someone who, because of his actions or circumstances, based on preliminary evidence should be suspected of being the perpetrator of a criminal act.
4. Case title The title of the case is carried out at the beginning of the investigation process, the middle of the investigation process, and the end of the investigation process based on the National Police Regulation of the Republic of Indonesia Number 14 of 2014 concerning investigation management. In this case, before entering the investigation process, a case must first be held to enter the investigation process.
5. Completion of the case file to the public prosecutor The results of the investigation conducted by the investigator will be published in the minutes of the investigation. After the case file is completed, it immediately conducts further filing.

The modus operandi of criminal offenders is to explode and distribute liquor

The rise of bootleg liquor cases is clearly a concern for the government." Perpetrators of bootleg liquor producers and dealers can be charged with Article 340 of the Criminal Code (KUHP) regarding premeditated murder.

The reason is, this case has cost many lives." Not only Article 340 of the Criminal Code, the perpetrators will also be charged with Article 204 of the Criminal Code regarding unlawful acts for selling goods that endanger life and health.

"In the case of bootlegging and liquor circulation so far, the Labuhanbatu Resort Police charged the perpetrators with violations of the Criminal Code (KUHP)."

The head of the Criminal Investigation Operations Bureau of the Labuhanbatu Resort Police "said the suspected opposers and liquor dealers who were criminally involved were arrested at Belawan Port. Crimes, especially perpetrators of the crime of bootleg and distribution of liquor or in today's terms, namely bootleg liquor have become "one of the most prominent crimes in the Labuhanbatu Resort Police Jurisdiction. This is due to the large number of deaths due to bootleg liquor poisoning in the Labuhanbatu Resort Police Jurisdiction."

That bootleg liquor is usually made from a mixture of harmful ingredients and risks causing death, such as methanol. Methanol causes a variety of body function disorders, ranging from seizures to organ failure leading to death. In addition to methanol, it is not uncommon to find loan alcoholic beverages also contain mosquito repellent lotion and also headache medicine. The trade-in bootleg liquor produced by cottage industries and traded through street vendors or stalls makes the circulation of bootleg liquor not easily traceable by police officers.

"The modus operandi of the bootleg liquor perpetrator is put in plastic wrap and sold secretly."

"In connection with the description above, the factors that influence the perpetrators of criminal acts to explode and distribute liquor include:

1. Economic factors.

Poverty is a phenomenon that cannot be denied in every country until now there is no way out to solve the phenomenon.

Almost every year the price of basic necessities continues to increase, while the income of each individual is not necessary to meet the increase. So that it results in a reason for someone to commit a criminal act. This economic condition is what makes a person forced to do things that are clearly violated. It is undeniable that the level of human needs is increasing so that it demands high expenditure and to meet those needs one sometimes justifies all means.

2. Cultural factors.

In Batak custom, drinking liquor is a common thing to restore energy and some even make liquor into their daily drink" examples such as vodka, teak, red wine, and others. Because of this, the perpetrators took the initiative to sell bootleg liquor at a relatively cheaper price, making it easier to sell it.

CONCLUSION

Based on the explanation above, it can be concluded that the modus operandi of the bootleg liquor perpetrator is put in plastic wrap and sold secretly. Another motive of the perpetrator is economic factors and cultural factors.

Suggestion

The government is expected to provide jobs to the community is so that the people can meet their daily needs. In enforcing the bootleg liquor law, presumably, the role of the police and government can be to provide education to the public or understand the public about the dangers of bootleg liquor.

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