



**Samarah:** Jurnal Hukum Keluarga dan Hukum Islam  
Volume 6 No. 2. July-December 2022  
ISSN: 2549 – 3132; E-ISSN: 2549 – 3167  
DOI: 10.22373/sjkh.v6i2.15045

## **The Approach of Local Wisdom and Islamic Law to the Establishment of Regional Regulations on Alcoholic Drinks**

Rahmatiah HL

Universitas Islam Negeri Alauddin Makassar

Tri Suhendra Arbani

Universitas Islam Negeri Alauddin Makassar

Muljono Damopolii

Universitas Islam Negeri Alauddin Makassar

Abdullah M. Nur

Institut Agama Islam (IAI) Al-Aziziyah Samalanga Bireuen Aceh

Mukhtar Hanafiah

Institut Agama Islam (IAI) Al-Aziziyah Samalanga Bireuen Aceh

Email: rahmatiah.rahmatiah69@gmail.com

**Abstract:** In several regions in Indonesia, there are many criminal cases of abuse of alcoholic beverages, but on the other hand, in many regions, they provide legalization for alcoholic beverages themselves. The phenomenon of alcoholic beverages is faced with cultural connotations and local wisdom. From this view, this study will look at the influence of local wisdom and Islamic legal views so that they can influence local regulatory policies. Furthermore, the other hand, it will also discuss law enforcement from alcoholic beverages that have a terrible impact on the community. The research method used is a normative legal research method. The study uses a statutory approach and the analysis of legislation theory. The study results indicate that the traditions strongly influence the North Toraja area's formation of regional regulations in its community. One view can be drawn that the link between the traditions of a region will follow the existing regulations in that area. This is in line with the basis for the formation of regional regulations. There are three principal foundations: the philosophical, the juridical, and the sociological. The majority of the population in every Indonesian region is Muslim, which also affects the norm value of local government regulation. This can be seen in the Province of Aceh, which strongly opposes the existence of alcoholic beverages in the area. For the Province of South-Sulawesi alone in Takalar Regency, the same thing applies by strictly prohibiting the drinking, producing, and trading alcoholic beverages, even though these include traditional drinks. Therefore, this research shows that strong Islamic values greatly influence the local community. Law enforcement is closely related to the implementation of sanctions from existing regulations. Penalty application is so religious in every area. Some impose sanctions regarding production and trade permits, and some apply criminal sanctions, and so on.

**Keywords:** Local wisdom, Islamic law, alcoholic drinks, regional regulations

|| Submitted: September 17, 2022 || Accepted: December 24, 2022 || Published: December 31, 2022

**Abstrak:** Di beberapa daerah di Indonesia banyak ditemukan kasus pidana penyalahgunaan minuman beralkohol, namun di sisi lain di banyak daerah justru memberikan legalisasi minuman beralkohol itu sendiri. Fenomena minuman beralkohol dihadapkan pada konotasi budaya dan kearifan lokal. Dari pandangan tersebut, penelitian ini akan melihat pengaruh kearifan lokal dan pandangan hukum Islam sehingga dapat mempengaruhi kebijakan peraturan daerah. Selanjutnya di sisi lain juga akan membahas penegakan hukum dari minuman beralkohol yang berdampak buruk bagi masyarakat. Metode penelitian yang digunakan adalah metode penelitian hukum normatif. Kajian ini menggunakan pendekatan perundang-undangan dan dengan analisis teori legislasi. Hasil penelitian menunjukkan bahwa tradisi sangat mempengaruhi pembentukan peraturan daerah Toraja Utara di masyarakatnya. Dapat ditarik satu pandangan bahwa keterkaitan antara tradisi suatu daerah akan mengikuti peraturan yang ada di daerah tersebut. Hal ini sejalan dengan dasar pembentukan peraturan daerah. Ada tiga landasan pokok: filosofis, yuridis, dan sosiologis. Mayoritas penduduk di setiap wilayah Indonesia beragama Islam, yang juga mempengaruhi nilai norma peraturan pemerintah daerah. Hal ini terlihat di Provinsi Aceh yang sangat menentang keberadaan minuman beralkohol di daerah tersebut. Untuk Provinsi Sulawesi Selatan sendiri di Kabupaten Takalar, hal yang sama berlaku dengan melarang keras minum, memproduksi, dan memperdagangkan minuman beralkohol, meskipun termasuk minuman tradisional. Karena itu, penelitian ini menunjukkan bahwa nilai-nilai Islam yang kokoh sangat mempengaruhi perilaku masyarakat setempat. Penegakan hukum erat kaitannya dengan penerapan sanksi dari peraturan yang ada. Penerapan hukuman sangat religius di setiap daerah. Ada yang menjatuhkan sanksi mengenai izin produksi dan perdagangan, ada yang menerapkan sanksi pidana, dan sebagainya.

**Kata Kunci:** Kearifan lokal, hukum Islam, minuman beralkohol, PERDA

## Introduction

The economic development of a region is also followed by pro-economy policies for the world community. In various regions of the world, both prohibiting (especially muslim countries) and legalizing alcoholic beverages, the fact remains a legal issue, especially regarding the negative impacts it has caused.<sup>1</sup> As the largest Muslim country in the world, the people

---

<sup>1</sup> Mustapha Sheikh and Tajul Islam, "Islam, Alcohol, and Identity: Toward a Critical Muslim Studies Approach," *ReOrient: Pluto Journal* 3, No. 2 (2018), p. 185-211. Ahmad

of Indonesia adhere to the teachings of Islam that alcoholic beverages are forbidden to be consumed. This is contradictory to national-level regulations such as laws, and no one prohibits the circulation of alcoholic beverages. As for the existing regulations, it only regulates circulation permits, and regional regulations in each region regulate further regulations.

In some areas, such as Aceh Province, the circulation of alcoholic beverages is strictly prohibited, but in other areas, permits are allowed for alcoholic beverages produced by the community. These are two contradictory things when examined legally. Moreover, no national-level regulation prohibits alcoholic beverages as long as they have a permit.<sup>2</sup>

The fact that exists in various regions in Indonesia that many alcoholic beverages are licensed under existing regulations and even become a culture of community life. This can be seen in local alcoholic drinks, both for recreational and ritual purposes, such as *Tuak* in Batak, *Arak* in Bali, *Sopi* in Maluku, *Moke* in East Nusa Tenggara, and so on.<sup>3</sup>

Regions in Indonesia have their traditions or local wisdom, which makes this a value or guideline for each region in making regional regulations. If taken literally, local wisdom becomes an intelligent collective behavior, grows in the local community, and has a cheerful nuance.<sup>4</sup> On the other hand, liquor contains the meaning of drinking and being drunk, so when juxtaposed with the term culture and local wisdom, it has a negative connotation in the life of the nation and state.

So many abuses of alcoholic beverages are connoted as local culture and wisdom, for example, in Balinese tradition, a small glass of wine is always served in commemoration of deceased ancestors and as a form of offering to

---

Houri and Ali Sadafi, "Biochemical Perspective of Alcohol Prohibition in Islam and Implication on Legal Alcohol Content of Drinks in Islamic Countries," *Ar-Raniry: International Journal of Islamic Studies* 3 No. 2 (2016), p. 249-270. Harris Y.P. Sibuea, "Penegakan Hukum Pengaturan Minuman Beralkohol," *Negara Hukum* 7, No. 1 (2016).

<sup>2</sup> Kristin Feltmann, et.al., "Compliance to the Alcohol Law: Overserving to Obviously Intoxicated Visitors at Music Festivals," *International Journal of Environmental Research and Public Health* 17, No. 22 (2020), p. 1-6.

<sup>3</sup>Rizki Dermawan, "Perlindungan Konsumen Terhadap Konsumsi Minuman Beralkohol," *Opini Hukum dan Hak Asasi Manusia* 1, No. 2 (2021), p. 17-24.

<sup>4</sup> Zainur Mahsir Ramadhan, "Sosiolog Salah Kaprah Nilai Miras Sebagai Kearifan Lokal," *Republika*, 2021, <https://www.republika.co.id/berita/qpylb284/sosiolog-salah-kaprah-nilai-miras-kearifan-lokal> (accessed 3 July 2022).

their ancestors.<sup>5</sup> One of the areas in South Sulawesi Province, namely the North Toraja Regency, assuming that alcoholic beverages are an honorary drink that is always present at every ritual event and is a tradition from generation to generation, they maintain the tradition of drinking alcoholic beverages from their ancestors. If alcohol becomes a habit, it becomes a bad precedent for the culture and local wisdom of the Indonesian nation. This bad habit is not good and can cause contradictions in local culture and wisdom.

Alcoholic beverages as local wisdom were also in the spotlight when Presidential Regulation 10 of 2021 concerning the Investment Business Sector was signed by President Joko Widodo. Where this Presidential Regulation regulates the opening of alcohol investment, business investment can be carried out in Bali Province, East Nusa Tenggara Province, North Sulawesi Province, and Papua Province. Furthermore, because of the many rejections from various elements, including the 'alim' ulama and the consideration of contradictions in culture and local wisdom, the President of the Republic of Indonesia, Joko Widodo, announced the revocation of the alcohol investment points.

According to the World Health Organization (WHO), Indonesians consume around 0.8 liters of alcohol per capita, whereas most consumers are not recorded. In other words, it is illegal. Alcoholic beverages are no longer foreign to the people of Indonesia, for some areas such as Bali, Lombok, Sulawesi, and Semarang, produce alcoholic beverages with local wisdom.<sup>6</sup> The word "local wisdom" is a sentence that is often used by supporters of the policy of legalizing alcoholic beverages.

Alcoholic drinks are in the spotlight because they can lead to many criminal acts because they are under the influence of alcoholic beverages, for example fights and brawls between groups and teenagers fights because of drunkenness and misunderstanding.<sup>7</sup> A man in Buleleng district, Bali, was arrested for injuring his neighbor with a spear because he was drinking and

---

<sup>5</sup> Albertus Arioseto Bagas Pangestu, et.al., 'Miras Sebagai Manifestasi Kearifan Lokal', Balairung Press, 2021, p. 1 <<https://www.balairungpress.com/2021/03/miras-sebagai-manifestasi-kearifan-lokal/>> (accessed 3 July 2022).

<sup>6</sup> Christy Lavenia, "Tinjauan Evolusi Dalam Budaya Minum Alkohol," Geotimes, 2020, <https://geotimes.id/opini/tinjauan-evolusi-dalam-budaya-minum-alkohol> (accessed 3 July 2022).

<sup>7</sup> Suara Sulut, "Mabuk Dan Salah Paham Berujung Tawuran," Suara Sulut.Com, 2021, <https://suarasulut.com/2021/11/22/mabuk-dan-salah-paham-berujung-tawuran> (accessed 3 July 2022).

getting drunk with his friends,<sup>8</sup> and various criminal acts of blaming alcoholic beverages can be known online and offline, but this alcoholic drink cannot be stopped because it is associated with the connotation of local wisdom. In addition, alcoholic beverages contributed around Rp. 7.3 trillion to state excise revenues in 2019. This amount includes significant revenues in helping the country's economy. Based on CNN news, Jakarta, the National Police Headquarters Brigadier General Alwi Setiyono stated that in the last 3 (three) years, 233 criminal cases were triggered by alcoholic beverages consumed by perpetrators in Indonesia.<sup>9</sup>

In reality, consuming alcoholic beverages in some areas of Indonesia has become a habit and culture. Data in 2015 shows that the area with the highest prevalence of drinking alcohol in South Sulawesi is North Toraja Regency, with 27.5% in the last 12 months, or 22.6%. Most of them consume because of their social environment. From the cultural aspect, tuak is a drink that can strengthen brotherhood and is always served in traditional celebrations. The diffusion occurs when the Toraja people invite immigrants to a traditional ceremony and offer them palm wine. To respect guests, the invitees will consume palm wine and eventually get used to it. Those with higher social status provide beer at every event. So habitually, the consumption of alcoholic beverages in North Toraja is part of the community's tradition, both at traditional party celebrations and in daily activities.<sup>10</sup>

The above view is standard in Toraja Regency, but in other areas, it is something that is considered harmful or even deviant because of the impact it causes. Differences in views and values from one community to another also significantly affect the policies or regulations that the local government then makes. These differences in regional regulations provide a separate debate to unite universal values so that all Indonesian people can accept them.

Studying the number of criminal cases of abuse of alcoholic beverages, the researcher is interested in studying further the phenomenon of alcoholic

---

<sup>8</sup> Devi, "Pria Bali Menombak Tetangganya Yang Sedang Mabuk, Karena Ditantang Untuk Berkelahi," News.Com, 2022, <https://www.news24xx.com/2022/01/06/pria-bali-menombak-tetangganya-yang-sedang-mabuk-karena-ditantang-untuk-berkelahi> (accessed 3 July 2022).

<sup>9</sup> CNN Indonesia, "Polri: 3 Tahun Terakhir Ada 223 Kasus Pidana Terkait Miras," Indonesia, CNN, 2020, <https://www.cnnindonesia.com/nasional/20201113185358-20-569597/polri-3-tahun-terakhir-ada-223-kasus-pidana-terkait-miras> (accessed 3 July 2022).

<sup>10</sup> Agus Hermanto Iman Nur Hidayat, "Urgensi Legislasi Undang-Undang Tentang Minuman Beralkohol Di Indonesia," *The Indonesian Journal of Islamic Law and Civil Law* 2, no. 1 (2021), p. 19.

beverages, especially since alcoholic beverages are faced with cultural connotations and local wisdom. This study's primary focus is to see how far the role of local wisdom, which has become a habit for the community, can influence regulations at the regional level.

This is also important because, on the other hand, most Indonesians are Muslim, but the emerging policies regarding alcoholic beverages permit distribution, although regions strictly prohibit it. From this point of view, it becomes exciting to continue to be studied or discussed thoroughly. This becomes important in looking at future policies or regulations and will undoubtedly provide much input for Indonesia's government and local governments.

From this view, this study will look at the influence of local wisdom and Islamic legal views so that they can influence local regulatory policies. Furthermore, the other hand, it will also discuss law enforcement from alcoholic beverages that have a terrible impact on the community.

The research method used is a normative legal research method. The approach used is the statutory approach and the analysis of legislation theory.<sup>11</sup> The normative research method intended is to examine the law in terms of the norms of its legal validity in solving existing legal problems. The sources of law in this study use primary and secondary sources of law. The descriptive method, in this case, provides solutions from problem-solving so that a concept or solution is available in the future.

### **The Effect of Local Wisdom on the Formation of Regional Regulations Regarding Alcoholic Beverages**

The drunken effects of alcoholic beverages, if not controlled, cause many social problems and public safety. This is because drunk people have unstable emotions, resulting in many criminal acts caused by alcoholic drinks.<sup>12</sup> There are so many impacts of alcoholic beverages ranging from health impacts for individuals to social impacts such as the occurrence of chaos in society and the impact of crime. All of these impacts become the

---

<sup>11</sup> Soerjono Soekanto and Sri Mamudji, *Penelitian Hukum Normatif: Suatu Tinjauan Singkat*, Jakarta: Rajawali Press, 2015. Salim and Erlies Septiana Nurbani, *Penerapan Teori Hukum pada Penelitian Tesis dan Disertasi*, Jakarta: Rajawali Press, 2017, p. 33-66.

<sup>12</sup> Tri Rini Puji Lestari, "Questioning the Regulation on Consumption of Alh," *Aspirasi* 7, No. 2 (2018), p. 128.

basis for being able to regulate the existence of alcoholic beverages in the community.<sup>13</sup>

The existence of alcoholic beverages is a social problem that has been difficult to overcome until now. Various solutions have been proposed to address the difficulties of eradicating them. Various regions seem to be competing to make local regulations in controlling the circulation of alcoholic beverages by permitting which ones can be consumed and which ones are not, where they can be consumed, and sanctions for them.<sup>14</sup> However, most of these regional regulations focus on licensing the circulation of alcoholic beverages, not on prohibiting them from circulating. So that it is almost impossible to prohibit alcoholic beverages if it only regulates the issue of permits.

Sociologically, regulating alcoholic beverages is intended as an answer or solution to problems related to handling the dangers caused by alcoholic beverages. Therefore, the focus of the regulation is to carry out prevention, risk reduction, responsiveness, and recovery due to alcoholic beverages.<sup>15</sup>

The roles and responsibilities of local governments in dealing with the circulation of alcoholic beverages are carried out in the form of control and supervision through the formation of laws and regulations.<sup>16</sup> The fact that exists in various regions in Indonesia that many alcoholic beverages are licensed following existing regulations and even become a culture of community life. This can be seen in local alcoholic drinks, both for recreational and ritual purposes, such as tuak in Batak, Arak in Bali, sopi in Maluku, Moke in East Nusa Tenggara, and so on.<sup>17</sup>

The link between tradition and local regulations has been going hand in hand. Regional regulations are formed for two reasons, namely because of

---

<sup>13</sup> Parman. BM Nainggolan, et.al., "Law Enforcement Analysis Against the Night Entertainment Business Owner During Covid-19 Pandemic," *Journal of Multidisciplinary Academic* 5, No. 2 (2021) p. 155-160.

<sup>14</sup> Yuanita Sholikhah, "Tinjauan Hukum Pidana Islam Terhadap Peraturan Daerah Tentang Pengawasan Dan Pengendalian Minuman Beralkohol Di Kabupaten Madiun," *Al-Qānūn: Jurnal Pemikiran Dan Pembaharuan Hukum Islam* 23, No. 8 (2020), p. 63-84.

<sup>15</sup> Ni'matul Huda, et.al., "Urgensi Pengaturan Peredaran Minuman Beralkohol Di Daerah Istimewa Yogyakarta," *Jurnal Hukum Ius Quia Iustum*, 2018.

<sup>16</sup> Etmin Rosalina Pandaleke, "Peranan Pemerintah Daerah Terhadap Penanganan Minuman Beralkohol Di Kabupaten Minahasa Dalam Perspektif Hukum Pidana," *Lex Privatum* 5, No. 6 (2017), p. 194-208.

<sup>17</sup> Aline Monique Carniel et al., "Alcoholic Drinks Consumption among College Students," *Journal of Addiction Research & Therapy* 10, No. 1 (2019), p. 1-4.

orders from higher laws and regulations and secondly, because of the needs of the local community. Especially in South Sulawesi alone, if it is related to the regulation of regional regulations regarding alcoholic beverages, each region regulates with a different concept. Some regions strictly prohibit and regulate the circulation of alcoholic beverages from the distribution permit.

South Sulawesi Province is one of Indonesia's regions where most of the population is Muslim. There are 24 regencies and cities in South Sulawesi Province. There are 18 regencies/cities that have regional regulations (*Peraturan Daerah/PERDA*) regarding alcoholic beverages. The list can be seen as follows:

Table 1  
Regulations Governing Alcoholic Beverages Regional  
in South Sulawesi Province

No	Regency	Regional Regulations
1	Wajo Regency	Regional Regulation (PERDA) Wajo Number 1 of 2010 concerning Control and Control of Alcoholic Beverages Circulation
2	Bulukumba Regency	Regional Regulation (PERDA) Bulukumba Regency Number 03 of 2002 concerning Prohibition, Supervision, Control, Distribution, and Sales of Alcoholic Beverages in
3	Soppeng Regency	Regional Regulation (PERDA) of Soppeng Regency Number 12 of 2006 concerning Supervision, Control, and Control of Alcoholic Beverage Circulation;
4	Bantaeng Regency	Regional Regulation (Perda) Bantaeng Regency Number 12 of 2005 concerning the Prohibition of Liquor
5	Palopo City	Regional Regulation (PERDA) of Palopo City Number 1 of 2013 concerning Supervision and Control of the Circulation of Alcoholic Drinks
6	Makassar City	Regional Regulation (PERDA) Makassar City Number 4 of 2014 concerning Supervision and Control of the Procurement, Role, and Sales of Alcoholic Beverages;
7	Jeneponto Regency	Regional Regulation (PERDA) Jeneponto Regency No. 8 of 2006. Prohibition of the Circulation of Alcoholic Drinks and Its Supervision
8	Gowa Regency	Regional Regulation (PERDA) Gowa Number 50 of 2001 concerning Supervision and Supervision of Performances and Entertainment Places as well as the Prohibition of Alcoholic Drinks;



9	Sinjai Regency	Regional Regulation (PERDA) of Sinjai Regency Number 4 of 2009 concerning Supervision and Control of Production, Circulation, Deviation, Sales, and Consumption of Alcoholic Beverages
10	Enrekang Regency	Regional Regulation (PERDA) of Enrekang Regency Number 18 of 2004 concerning the Prohibition of Alcoholic Drinks
11	Barru Regency	Regional Regulation (PERDA) of Barru Regency No. 21 of 2001 on liquor
12	Maros Regency	. Regional Regulation (PERDA) of Maros Regency Number 09 of 2001 concerning Prohibition of Circulating, Producing, and Consuming Alcoholic Beverages, Narcotics, and Psychotropics;
13	Takalar Regency	Regional Regulation (PERDA) of Takala Regency Number 2 of 2004 concerning Prohibition of Producing, Distributing, Consuming Alcoholic Beverages, Narcotics, and Psychotropics;
14	North Toraja Regency	Regional Regulation (PERDA) of North Toraja Regency Number 9 of 2017 concerning Amendments to North Toraja Regency Regional Regulation Number 16 of 2011 concerning Retribution for Sales of Alcoholic Beverages;
15	City of Pare-Pare	Regional Regulation (PERDA) of City of Pare-Pare Number 6 of 2012 concerning Amendments to Regional Regulation of City of Parepare Number 3 of 2007 concerning the Prohibition of Alcoholic Drinks
16	North Luwu Regency	Regional Regulation (PERDA) of North Luwu Regency Number 3 of 2013 concerning Alcoholic Beverages
17	Alcoholic Selayar Regency	Regional Regulation (PERDA) of Selayar Islands Number 21 of 2009 concerning the Prohibition of Circulation and Sales of Beverages ;
18	East Luwu Regency	Regional Regulation (PERDA) East Luwu Regency No. 2 of 2007 concerning Control and Prohibition of Alcoholic Beverages

Of the 18 regional regulations above, four regional regulations were abolished, namely: Sinjai Regency Regulation Number 4 of 2009 concerning Supervision and Control of Production, Distribution, Deviation, Sales and Consumption of Alcoholic Beverages; Selayar District Regulation Number 21 of 2009 concerning the Prohibition of Circulation and Sales of Alcoholic

Beverages; Regional Regulation of East Luwu Regency Number 2 of 2007 concerning Control and Prohibition of Alcoholic Drinks; and Jeneponto Regency Regional Regulation Number 8 of 2006 concerning the Prohibition of Alcoholic Drinks.

From the point of view of the rules above, this regulation is quite a lot of alcoholic beverages in Indonesia, especially at the local level. However, there have been various responses and in-depth debates regarding local regulations at the local level. This is because the regulations are not uniform, some are strictly prohibited, and some permit certain conditions.<sup>18</sup>

On the other hand, local communities are influenced by traditional factors such as those in Tanah Toraja Regency. The In various districts/cities in South Sulawesi, we can see that there are two regional regulations regarding alcoholic beverages, namely:

1. Regional Regulations concerning the Prohibition, Supervision, Control, Circulation, and Sales of Alcoholic Beverages. This means that alcoholic beverages are prohibited from being circulated and traded in an area, but in the context of supervision, alcoholic beverages can be produced, circulated, or traded in places that have obtained permits.
2. Regional Regulation on Prohibition of Producing, Distributing, and Consuming Alcoholic Beverages. This means that alcoholic beverages in the area are strictly prohibited from being produced, distributed, and consumed. So the area strictly prohibits alcoholic beverages.

One example of a district in South-Sulawesi Province whose local regulations are influenced by existing and ongoing traditions, for example, is North Toraja Regency. Data in 2015 shows that the area with the highest prevalence of drinking alcohol in South Sulawesi is North Toraja Regency, which has been 27.5% in the last 12 months, or 22.6%. Most of them consume because of their social environment. From the cultural aspect, tuak is a drink that can strengthen brotherhood and is always served in traditional celebrations. The diffusion occurs when the Toraja people invite immigrants to a traditional ceremony and offer them palm wine. To respect guests, the invitees will consume palm wine and eventually get used to it. Those with higher social status provide beer at every event. So habitually, the

---

<sup>18</sup> Umi Wahyu Nurhayati, Amin Purnawan, and Ira Alia Maerani, "Law Enforcement Against Liquor Circulation," *Jurnal Daulat Hukum* 2, No. 1 (2019), p. 23.

consumption of alcoholic beverages in North Toraja is part of the community's tradition, both at traditional party celebrations and in daily activities.<sup>19</sup>

If other areas focus on controlling alcoholic beverages, there are also those that strictly prohibit alcoholic beverages. This differs from the one in North Toraja Regency because the regional regulations focus on retribution from alcoholic beverages. This fact can be seen from the title of the regional regulation and its contents, namely the Regional Regulation of North Toraja Regency Number 9 of 2017 concerning Amendments to the Regional Regulation of North Toraja Regency Number 16 of 2011 concerning Retribution for the Sales of Alcoholic Beverages.

This can be seen in the content of the regional regulation of Tanah Toraja Utara Regency in Article 21, paragraphs 1 and 2, that (1) The tariff structure is classified based on the sales system and the type of place where alcoholic beverages are sold. Furthermore, paragraph (2), The structure and amount of the levy tariff as referred to in paragraph (1) are:

1. Star Hotel class lodging in Rp.2,500,000,000.00 (two million five hundred thousand rupiahs);
  2. restaurant Rp. 1,500,000,000.00 one million five hundred thousand rupiahs);
  3. bars, pubs, nightclubs, discotheques, karaoke in the amount of Rp. 5,000,000.00 (five million rupiahs);
  4. cafe.; in the amount of Rp. 1,000,000.00 (one million rupiah);
  - and 5. in/Wisma/homestay/guest house class accommodation Rp. 1,300,000.00 (one million three hundred thousand rupiahs).
- b. wholesale and retail sales at Supermarkets and/or supermarkets in the amount of Rp. 1,000,000.00 (one million rupiah).

From this fact, the North Toraja area's formation of its regional regulations is strongly influenced by the traditions in its community. Even though it is, in some areas considered, alcoholic beverages have a negative impact. One view can be drawn that the link between the traditions of a region will follow the existing regulations in that area. This is in line with the basis for the formation of regional regulations. There are three main foundations: the philosophical, the juridical, and the sociological.

The sociological foundation means that it reflects the reality that lives in society. Statutory regulation is said to have a sociological basis if the existing provisions guarantee the fulfillment of the needs and realities that exist in the community. On this sociological basis, it is hoped that the laws

---

<sup>19</sup> Margie Gladies Sopacua, "Criminology Study on the Circulation of the Sopi Traditional Liquor in the Villages of Zeith, Asilulu, and Kaitetu During the Covid-19 Pandemic," *Law Reform* 17, No. 2 (2021), p. 168-182.

and regulations made will be accepted by the community somewhat and spontaneously. Legislation that is accepted reasonably will have the power to be effective.<sup>20</sup>

From this basis, what has been used so far for the drafters of regional regulations is that as long as it follows the values that exist in the community and does not conflict with higher regulations, it can be regulated. So, of the 24 regencies and cities in the Province of South Sulawesi, there are different regulations regarding alcoholic beverages. Some are strictly prohibited, some are controlled through licensing, and some are collecting retribution from alcoholic beverages from their territory.

The next question is whether it does not violate national law?. So far, no law-level regulation prohibits alcoholic beverages, only a matter of control. Control in this case only relates to the type of alcoholic beverages that can be consumed, where the permit is granted, and the tax on it. There are even some rules that give production permits.

The scope of the local government's authority in controlling the production of traditional alcoholic beverages according to the Regulation of the Minister of Industry No. 63/M-IND/PER/7/2014 is a data collection on business activities of making traditional alcoholic beverages. The authority regarding permits for the production of traditional alcoholic beverages has not yet been regulated, so there is still a legal vacuum. In Law Number 23 of 2014 concerning Regional Government, the authority to issue Certificates of Home Industry Food Production rests with the regional government. Based on the definition of traditional alcoholic beverages and if carried out a systematic interpretation and expansion of the statutory regulations, the issuance of production permits for traditional alcoholic beverages rests with the regional government. Instruments that can be used in controlling the production of traditional alcoholic beverages are the formation of laws and regulations, licensing, and law enforcement.<sup>21</sup>

Every authority must be followed by responsibility. Concerning the authority of local governments in controlling traditional alcoholic beverages, the government is also responsible for controlling them. These responsibilities include responsibility for the formation of regional legal products, responsibility for issuing home industry food production permits, and

---

<sup>20</sup> Gokma Toni Parlindungan, "Prinsip-Prinsip Negara Hukum Dan Demokrasi Dalam Pembentukan Peraturan Daerah," *Jurnal Hukum Respublica* 16, No. 2 (2017), p. 384–400.

<sup>21</sup> Luffita Alfianti, "Upaya Pemerintah Daerah Dalam Pengendalian Produksi Minuman Beralkohol Tradisional," *Yuridika* 33, No. 1 (2018), p. 93.

responsibility for legal suppression of home industry food production permits.<sup>22</sup>

### **Islamic Law's View on the Establishment of Regional Regulations on Alcoholic Beverages**

Several main points are important to be studied and considered regarding this policy of punishment for the consumption of alcoholic beverages. First, it is emphasized in the body of the 1945 Constitution of the Republic of Indonesia, namely the provisions of Article 29 paragraph (1) Amendment IV, which states, "*The state is based on the One Godhead.*" In this sentence, Pancasila essentially contains religious or spiritual values.<sup>23</sup> This means that, as stated by Sudarto, the national development goals must also pay attention to spiritual equality, the presence of a policy criminalizing the consumption of alcoholic beverages is appropriate. The reason is, that none of the religions in Indonesia allow alcoholic beverages. Surah al-Maidah [5]: 90 as follows: "you who believe, indeed liquor, gambling (sacrifice for) idols, and drawing fate with arrows, is a heinous act and includes the work of the devil. So stay away from them so that you may be successful."

This means that the principle of legality has applied in the context of liquor/alcohol as a crime/criminal case or jarimah hudud which has been threatened with punishment from Allah SWT as a heinous act that must be shunned so that we get good luck.

Based on the verses and hadiths mentioned above, it is clear that liquor is a forbidden drink, including all actions related to liquor such as drinking, distributing, producing, selling, providing, and so on, because these actions are heinous acts and include the actions of the devil. The verse very clearly commands Muslims to avoid alcohol because such actions will cause enmity and hatred among humans and become a barrier to remembering Allah and performing prayers.

Therefore, Islam, in general, forbids drinking liquor because Islam does not want to open up opportunities for such damage to occur. The context of the prohibition of alcohol in Islamic law is prevention, all things that can cause damage to be ignored as early as possible. Therefore, if there are

---

<sup>22</sup> Nur Lailatul Musyafaah, et al., "Islamic Community Organization Collaboration in Rejecting Presidential Regulation on Alcohol Investment," *Journal of Drug and Alcohol Research* 10, No. 9 (2021), p. 1-7.

<sup>23</sup> Edi Sutomo, "Law Enforcement on Merger of Indemnity Claims in Criminal Case Persecution," *Law Development Journal* 2, No. 2 (2020), p. 241.

provisions of state law that allow liquor for certain people, it can open up opportunities for sharia not to be realized.

The regulation that prohibits alcoholic beverages is to realize one of the objectives of the Shari'a, namely the preservation of the mind from possible damage from liquor. So *maqâshid al-syarî`ah* is an indicator of whether a law is *shari'a* or not. Based on the jinayah approach or Islamic criminal law, it can be understood that the provisions of Article 8 of the Bill on the Prohibition of Alcoholic Drinks, which legalizes the production, distribution, and drinking of alcoholic beverages, are not in line and contrary to Islamic law because the prohibition of liquor in Islamic criminal law is a definite law from the *texts-nash qath'i*.

Allah's affirmation of the law of wine is solely to realize the benefit of humans. In al-Syathîbî's thought that Allah instituted His laws (shari'a) to achieve the level of benefit, both in matters of religion and the world are harmonious. The logical consequence of his view is that all obligations (*taklif*) were born to realize the servant's benefit. Furthermore, al-Syathîbî emphasized that there is no single law of Allah that does not have a purpose, meaning that Allah gives a burden beyond the power of the servant (*Taklif mâ la yuthaq*).<sup>24</sup>

In Islamic Law, exceptions to law are only allowed in an emergency or forced condition. An emergency allows something that is prohibited. In the Koran: "Verily, Allah forbids you carrion, blood pork, and other animals (when slaughtered) called (name) other than Allah. Nevertheless, he is innocent if he is in a state of necessity (eating it) even though he does not want it and does not go beyond the limit." The words "*do not want and do not exceed limit*" which Tabari interprets as not having a burning desire to eat what is forbidden besides not intending to exceed the limit which, justifies one eating what is forbidden When he can refrain from eating it because whatever can be obtained is considered lawful according to law.

This is in line with what is in the Province of Aceh, we all know that the people of Aceh strongly apply Islamic law in their daily lives.<sup>25</sup> This can

---

<sup>24</sup> Safaruddin Harefa, "Juridic Review on Punishment For Hard Drinkers (Khamr) By Positive Criminal Law and Islamic Criminal Law," *Journal of Islamic and Law Studies* 4, No. 2 (2020), p. 37-48.

<sup>25</sup> Muhammad Amin Suma, et.al., "The Implementation of Shari'a in Aceh: Between the Ideal and Factual Achievements," *Ahkam: Jurnal Ilmu Syariah* 20, No. 1 (2020). Mizaj Iskandar, et.al., "From the Public Space to the Prison Space: Regulation Polemic and the Implementation of Canin Law in Aceh," *al-Ihkam: Jurnal Hukum dan Pranata Sosial* 17, No. 1 (2022). Khairuddin Khairuddin, "Government Supervision In Overcoming Problems

be seen from the strict application of the law, drinking alcohol or alcoholic beverages is forbidden. This can be seen in the Qanun of the Province of Aceh Number 12 of 2003 concerning Alcoholic Drinks and the like. The article that regulates it is:

"Article 4 Alcohol Drinks and the like are harams. Furthermore, Article 5 states that Everyone is prohibited from consuming alcohol. As well as in Article 6 (1) Every person or legal entity/business entity is prohibited from producing, providing, selling, importing, distributing, transporting, storing, stockpiling, trading, giving, and promoting alcoholic beverages and the like. (2) Any person or legal entity is prohibited from participating in/assisting on producing, providing, selling, importing, distributing, transporting, storing, stockpiling, trading and producing alcoholic beverages and the like."

This is an example of an area that uses Islamic law to strictly prohibit alcoholic beverages, including their production and trading. In the South-South Sulawesi Province itself, there is one area that also explicitly prohibits drinking, producing, and trading it. That area is Takalar Regency. Districts where most of the population is also Muslim strictly prohibit alcoholic beverages in their area. This is different from most districts in South-Sulawesi Province which only control circulation in the form of licensing.

In Takalar Regency through Regional Regulation Number 2 of 2004 concerning the Prohibition of Producing, Distributing the Consumption of Alcoholic Drinks, Narcotics, and Psychotropics, this regional regulation strictly prohibits alcoholic beverages, both traditional drinks and modern drinks containing intoxicating substances. This can be seen from Article 2, Paragraph 1, which states that:

"Prohibiting all types of alcoholic beverages, including palm wine/*ballo*, to be produced, freely consumed, traded, traded and circulated in the regions"

Islamic law also strongly characterizes regional regulations in a province or district. This can be seen from the two examples above, which are predominantly Muslim.

## Law Enforcement of Alcoholic Beverage Abuse

Criminal acts of alcohol abuse significantly affect a person's reasoning power so that the causes of criminal behavior such as sexual harassment, rape, theft, vandalism, robbery, persecution, and even brutal and indiscriminate murder often occur because the perpetrator is under the influence of alcoholic beverages. Based on the East Luwu Police Criminal Investigation Unit report, in the last two years, there have been 10 (ten) violent crimes due to the influence of alcoholic beverages. Besides, many studies have shown abnormal behavior due to the use of alcoholic beverages.<sup>26</sup>

Law enforcement is the embodiment of values that contain justice and truth, and law enforcement is not only the duty of law enforcers. Factors that influence law enforcement can be caused by, among others, legal factors, law enforcement, community factors, and cultural factors.<sup>27</sup>

Specifically, regarding alcoholic beverages, law enforcement can be seen from two aspects, and this is like the study of the first problem that some strictly prohibit and others who allow it. It also affects the law enforcement that will be used. For law enforcement, there are two things, namely: a) law enforcement on production permits and retribution for alcoholic drinks circulation; b) criminal law enforcement.

Concerning the types of criminal acts related to the circulation and consumption of alcoholic beverages, the criminal law policy outlines policies to determine: a) How far do the applicable criminal provisions need to be changed or updated; b) What can be done to prevent the occurrence of criminal acts; c) How the crime's investigation, prosecution, trial, and execution must be carried out. Of the three law enforcement, of course, it will depend on the existing regulations in each region. So law enforcement will automatically be different in each district or city. As for the details of problems that often arise in law enforcement, among others:

### 1. Production Licensing Issues and User Fees

The basis for regulating the production of alcoholic beverages is stated in Law number 23/2014. In the appendix, the central government's authority is the division of government affairs in the industrial sector for the issuance of

---

<sup>26</sup> Fauzan Fauzan and Nasaruddin Umar, "Norma Pengecualian Dalam Pasal 8 Rancangan Undang-Undang Larangan Minuman Beralkohol (Analisis Fikih Jinayah Dan Ilmu Perundang-Undangan)," *Madania: Jurnal Kajian Keislaman* 22, No. 1 (2018), p. 131.

<sup>27</sup> Amanda Roberts, et. al., "Alcohol and Other Substance Use during the COVID-19 Pandemic: A Systematic Review," *Drug and Alcohol Dependence* 229, No. PA (2021), p. 109150.



business licenses for the alcoholic beverage industry. In addition to Law number 23/2014, there are laws and regulations governing alcoholic beverages, namely Article 4 of Presidential Regulation Number 74/2013, which states that alcoholic beverages originating from domestic production can only be produced by business actors who already have an industrial business license from the minister who carries out government affairs in the industrial sector. Meanwhile, alcoholic beverages originating from imports can only be obtained by business actors who already have import licenses from the minister who carries out government affairs in the trade sector. Further regulation regarding the production of alcoholic beverages is regulated in the regulation of the minister of industry.

In Article 1 number 1 of the Presidential Regulation of the Republic of Indonesia Number 74 of 2013 concerning the Control and Supervision of Alcoholic Beverages (from now on referred to as Perpres No. 74/2013), it is stated that alcoholic beverages are 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, traditional alcoholic beverages are alcoholic beverages made traditionally and hereditary, which are packaged and made at any time, and are used for the needs of customs or religious ceremonies. Following this definition, Article 3, paragraph 1 of Presidential Decree no. 74/2013 classifies alcoholic beverages into three groups, namely:

- a. Alcoholic Drinks class A is a drink containing ethyl alcohol or ethanol ( $C_2H_5OH$ ) with a content of up to 5% (five percent);
- b. Class B Alcoholic Drinks are drinks containing ethyl alcohol or ethanol ( $C_2H_5OH$ ) with a concentration of more than 5% (five percent) up to 20% (twenty percent); and
- c. Class C Alcoholic Drinks are beverages containing ethyl alcohol or ethanol ( $C_2H_5OH$ ) with a concentration of more than 20% (twenty percent) to 55% (fifty-five percent).

## **2. The Crime of Alcoholic Beverages**

The Criminal Code (*Kitab Undang-Undang Hukum Pidana/KUHP*) regulates criminal sanctions for anyone who sells, offers, delivers, or distributes goods that endanger the life or health of people as regulated in Article 204 of the Criminal Code. This article states as follows:

- a. Any person who sells, offers, delivers, or distributes goods which he knows to be dangerous to the life or health of a person, despite their nature; not notified, shall be punished by a maximum imprisonment of fifteen years.
- b. If the act reveals a dead person, the guilty person is threatened with life imprisonment or maximum imprisonment of twenty years.  
Another article also regulates alcohol in Article 300 paragraphs (1, 2, 3, and 4).
  - a. Threatened with a maximum imprisonment of one year or a maximum fine of four thousand and five hundred rupiah: 1. whoever deliberately sells or gives intoxicating drinks to people who appear drunk; Perda for women and local regulations for boys who are still minors, are punishable by a maximum imprisonment of six years. 2. Any person who knowingly makes a child under the age of sixteen intoxicated intentionally; 3. any person who by force or threat of violence compels a person to drink intoxicating drinks.
  - b. If the act results in serious injury, the guilty person shall be punished by a maximum imprisonment of seven years.
  - c. If the act results in death, the guilty person shall be punished by a maximum imprisonment of nine years.
  - d. If a person is guilty of committing a crime in carrying out a search, his right to search may be revoked.

Some regulate people who drink alcoholic beverages and then get drunk on public roads. This is regulated in Article 536 paragraph (1): Anyone drunk on a public road shall be punished with a maximum fine of two hundred and twenty-five rupiahs.

### 3. For the Level of Regional Regulations in The Province of Aceh

Qanun of the Province of Aceh Number 12 of 2003 concerning Alcoholic Drinks (*khamar*) and the like. The Qanun was then updated and revised, namely qanun jinayat number 6 of 2014.<sup>28</sup> As for the article that regulates it, namely. Article 4 Alcohol Drinks and the like are haram. Article 5 Everyone is prohibited from consuming alcoholic beverages and the like.

---

<sup>28</sup>Hasnil Basri Siregar, "Lessons Learned from the Implementation of Islamic Shari'ah Criminal Law in Aceh, Indonesia," *Journal of Law and Religion*, Vol. 24, No. 1, (2008/2009). pp. 143-176. Mutiara Fahmi, et.al., "Punishment for Zina Muḥṣān Offenders in Aceh Qanun No. 6 of 2014 in the Perspektif of Fiqh al-Siyāsah," *Samarah: Jurnal Hukum Keluarga dan Hukum Islam* 6, No. 1 (2021).

Article 6 (1) Every person or legal entity/business entity is prohibited from producing, providing, selling, importing, distributing, transporting, storing, hoarding, trading, giving, and promoting alcoholic beverages. (2) Everyone or legal entity is prohibited from participating/helping in producing, providing, selling, importing, distributing, transporting, storing, stockpiling, trading, and producing alcoholic beverages.

The prohibition of data is followed by sanctions for violators of the Qanun or regional regulations. Socialization and guidance regarding the qanun is the Islamic Sharia Office (*Dinas Syariat Islam*), Wilayatul Hisbah and other related institutions.<sup>29</sup> The sanction is not punishment such as detention but with Uqubat. Uqubat, in this case, is Uqubat Whip. The contents of the article.<sup>30</sup>

Article 31 (1) 'Uqubat whipping is carried out by an officer appointed by the Public Prosecutor. (2) In carrying out the duties as referred to in paragraph (1), the Public Prosecutor must be guided by the provisions stipulated in this Qanun and/or the provisions to be regulated in the Qanun on formal law. Article 32 (1) The implementation of 'uqubat is carried out immediately after the judge's decision has permanent legal force. (2) The postponement of the implementation of 'uqubat can only be carried out based on a stipulation from the Head of the Prosecutor's Office if there are things that endanger the convict after obtaining a statement from an authorized doctor.

Article 33 (1) 'Uqubat flogging is carried out in a place that many people can witness in the presence of the Public Prosecutor and the appointed doctor; (2) Whipping is carried out with rattan with a diameter of 0.75 to 1 (one) centimeter, a length of 1 (one) meter and does not have a double/split end. (3) Whipping is carried out on any body part except the head, face, neck, chest, and genitals. (4) The degree of hitting or lashing is not to injure. (5) The male convict is whipped in a standing position without support, without being tied up, and wearing a thin shirt that covers his aura. At the same time, women are in a sitting position and covered with a cloth on top. (6) A pregnant woman's whipping is carried out 60 (sixty) days after giving birth.

Criminal sanctions are imposed for areas in the Province of South-Sulawesi, especially in Takalar Regency, which strictly prohibits alcoholic

---

<sup>29</sup> Afriani Maifizar, "Wilayatul Hisbah (WH) Strategy to enforce the Law Against *Khalwat* Case in Ujung Karang West Aceh Regency" *Ijtihad: Jurnal Wacana Hukum Islam dan Kemanusiaan* 22, No. 1 (2022), p. 37-52.

<sup>30</sup> Siti Tatmainul Qulub and Ahmad Munif, "Bagi Tenaga Kerja Indonesia Perspektif Hukum Islam," *Al-Daulah: Jurnal Hukum Dan Perundangan Islam* 7, No. 1 (2017), p. 58.

beverages and their trade. The rules are regulated in Article 7 paragraph (1) Regional Regulation of Takalar Regency Number 2 of 2004 concerning Prohibition of Producing, Distributing, Consuming Alcoholic Beverages, Narcotics, and Psychotropics; it is stated that the violation of alcoholic beverages, their production and trading is punishable by imprisonment for a maximum of six months or a maximum of Rp. 5,000,000, (Five million rupiah).<sup>31</sup>

From the two examples of regulations above, law enforcement is based on criminal sanctions for violations of alcoholic beverages. So each region is very diverse in determining the penalties regulating alcoholic beverages. This illustrates that the region's role in regulating alcoholic beverages plays an important role because, on the one hand, it is a source of regional income, but on the other hand, it hurts the community, especially against the teachings of Islam.<sup>32</sup>

The above rules regulate alcoholic beverages at the national and regional levels. For the process of sentencing or criminalization, of course, must pay attention to various aspects of consideration as follows:<sup>33</sup>

- a. The use of criminal law must pay attention to the goals of national development, namely realizing a just and prosperous society that is evenly distributed in spiritual material based on Pancasila;
- b. Acts that are attempted to be prevented or overcome by criminal law must be undesirable, namely actions that cause harm (material and or spiritual) to the community members;
- c. The use of criminal law must also take into account the *cost and benefit principles* as well as social costs or social costs;
- d. The use of criminal law must also pay attention to the capacity or working power of law enforcement agencies. That is, there should not be too much workload. The reason that mentions the existence of this victim requires that the act must cause something terrible or cause harm.

---

<sup>31</sup> Adri Fernando Roleh, "Kedudukan Komisi Pemberantasan Korupsi Dalam Sistem Ketatanegaraan Indonesia," *Lex Privatum* 5, No. 10 (2017), p. 75-82.

<sup>32</sup> Abraham Ethan Matupa Sahat Marune, "Polemics of The Bill on the Alcoholic Beverages Prohibition In Indonesia," *Interdisciplinary Social Studies* 1, No. 3 (2021), p. 173.

<sup>33</sup> Moch Choirul Rizal, "Criminalization Policies on Consuming Alcoholic Beverages in Indonesia," *Jurnal Hukum Dan Peradilan* 7, No. 1 (2018), p. 151.

Based on the considerations above, the reasons for sentencing generally include:<sup>34</sup> a) the presence of a victim; criminalization is not solely aimed at retaliation; b) must be based on the ratio principle, and c) the existence of social agreement (*public support*).

The problem of law enforcement is a complicated problem due to many influencing factors, including the content of laws and regulations, interest groups in society, legal culture, and the morality of law enforcers involved in the judicial process. Law enforcement will exchange roles with the environment, which is commonly referred to as an exchange of actions with elements of human, socio-cultural, political, and so on. When carrying out law enforcement, three things must be considered: legal certainty, expediency, and justice. In addition, law enforcement is also an activity to harmonize the relationship of values that are described in rules or views that are settled and attitudes of action as a series of final value translations that create, maintain, and maintain a peaceful social life.

## **Conclusion**

From the facts, the results of the study show that the North Toraja area in the formation of its regional regulations is strongly influenced by the traditions that exist in its community. Blood regulations make even alcoholic beverages in the area attract retribution for sale. Although this is in, some areas consider alcoholic beverages a negative impact. One view can be drawn that the link between the traditions of a region will follow the existing regulations in that area. This is in line with the basis for the formation of regional regulations, where there are three main foundations: the philosophical, the juridical, and the sociological. Where the sociological foundation closely follows the interests of society and the values it holds. The majority of the population in every Indonesia region is Muslim, which also affects the norm value of local government regulation. This fact can be seen in the Province of Aceh, which strongly opposes the existence of alcoholic beverages in the area. In the area of the South-Sulawesi Province in Takalar Regency, this district is different from other districts or cities because it applies a strict prohibition against drinking, producing, and trading alcoholic beverages, even though these include traditional drinks. This shows that the solid Islamic values strongly influence this reality in the local community. Law enforcement is closely related to the implementation of sanctions from existing regulations.

---

<sup>34</sup> Siti Aminah, et al., "Enkapsulasi Meningkatkan Kualitas Komponen Bioaktif Minuman Instan," *UNIMUS* 4, No. 1 (2021), p. 1869–1882.

It can be seen from various examples of blood regulations in South Sulawesi. The sanctions that are applied vary in each region. Some impose sanctions regarding production permits and trade permits, and some apply criminal sanctions, and so on. Law enforcement, in this case, is related to the wishes of law enforcement and regional political will because alcoholic drinks, as previously described, are so religiously regulated in the Province of South Sulawesi that the implementation of law enforcement in the Province of South Sulawesi is not the same in every district/city.

## References

### Journals and Books

- Alfianti, Luffita, "Upaya Pemerintah Daerah Dalam Pengendalian Produksi Minuman Beralkohol Tradisional." *Yuridika* 33, No. 1 (2018). <https://doi.org/10.20473/ydk.v33i1.5671>.
- Aminah, Siti and Wikanastri Hersoelistyorini, "Enkapsulasi Meningkatkan Kualitas Komponen Bioaktif Minuman Instan." *UNIMUS* 4, No. 1 (2021).
- Carniel, Aline Monique, et.al., "Alcoholic Drinks Consumption among College Students." *Journal of Addiction Research & Therapy* 10, No. 1 (2019). <https://doi.org/10.4172/2155-6105.1000374>.
- Dermawan, Rizki. "Perlindungan Konsumen Terhadap Konsumsi Minuman Beralkohol." *Opini Hukum dan Hak Asasi Manusia* 1, No. 2 (2021).
- Fahmi, Mutiara, et.al., "Punishment for Zina muḥṣān Offenders in Aceh Qanun No. 6 of 2014 in the Perspektif of Fiqh al-Siyāsah," *Samarah: Jurnal Hukum Keluarga dan Hukum Islam* 6, No. 1 (2021)..
- Fauzan, Fauzan, and Nasaruddin Umar. "Norma Pengecualian Dalam Pasal 8 Rancangan Undang-Undang Larangan Minuman Beralkohol (Analisis Fikih Jinayah dan Ilmu Perundang-Undangan)." *Madania: Jurnal Kajian Keislaman* 22, No. 1 (2018). <https://doi.org/10.29300/madania.v22i1.918>.
- Feltmann, Kristin, et.al., "Compliance to the Alcohol Law: Overserving to Obviously Intoxicated Visitors at Music Festivals." *International Journal of Environmental Research and Public Health* 17, No. 22 (2020). <https://doi.org/10.3390/ijerph17228699>.
- Houri, Ahmad and Ali Sadafi, "Biochemical Perspective of Alcohol Prohibition in Islam and Implication on Legal Alcohol Content of Drinks in Islamic Countries," *Ar-Raniry: International Journal of Islamic Studies* 3 No. 2 (2016). Doi: 10.22373/jar.v3i2.9809.

- Harefa, Safaruddin, "Juridic Review on Punishment For Hard Drinkers (Khamr) By Positive Criminal Law and Islamic Criminal Law." *Journal of Islamic and Law Studies* 4, No. 2 (2020). DOI: <http://dx.doi.org/10.18592/jils.v4i2.4217>.
- Hidayat, Iman Nur and Agus Hermanto. "Urgensi Legislasi Undang-Undang Tentang Minuman Beralkohol di Indonesia," *The Indonesian Journal of Islamic Law and Civil Law* 2, No. 1 (2021). DOI: <https://doi.org/10.51675/jaksya.v2i1.162>.
- Huda, Ni'matul, et.al., "Urgensi Pengaturan Peredaran Minuman Beralkohol Di Daerah Istimewa Yogyakarta." *Jurnal Hukum Ius Quia Iustum*, 2018. <https://doi.org/10.20885/iustum.vol22.iss1.art4>.
- Iskandar, Mizaj, et.al., "From the Public Space to the Prison Space: Regulation Polemic and the Implementation of Canin Law in Aceh," *al-Ihkam: Jurnal Hukum dan Pranata Sosial* 17, No. 1 (2022). <https://doi.org/10.19105/al-lhkam.v17i1.5646>.
- Khairuddin, Khairuddin. "Government Supervision In Overcoming Problems Drinking Tuak At The Gunung Meriah Aceh." *Aksara: Jurnal Ilmu Pendidikan Nonformal* 7, No. 3 (2021). <https://doi.org/10.37905/aksara.7.3.1313-1322.2021>.
- Lestari, Tri Rini Puji. "Questioning the Regulation on Consumption of Alh." *Aspirasi* 7, No. 2 (2018).
- Marune, Abraham Ethan Matupa Sahat. "Polemics of The Bill On the Alcoholic Beverages Prohibition In Indonesia." *Interdisciplinary Social Studies* 1, no. 3 (2021).
- Maifizar, Afriani, "Wilayatul Hisbah (WH) Strategy to Enforce the Law Against Khalwat Case in Ujung Karang West Aceh Regency" *Ijtihad: Jurnal Wacana Hukum Islam dan Kemanusiaan* 22, No. 1 (2022). Doi : 10.18326/ijtihad.v22i1.37-52.
- Musyafaah, Nur Lailatul, et.al., "Islamic Community Organization Collaboration in Rejecting Presidential Regulation on Alcohol Investment." *Journal of Drug and Alcohol Research* 10, No. 9 (2021).
- Nainggolan, Parman, BM. et.al., "Law Enforcement Analysis Against the Night Entertainment Business Owner During Covid-19 Pandemic." *Journal of Multidisciplinary Academic* 5, No. 2 (2021).
- Nurhayati, Umi Wahyu, Amin Purnawan, and Ira Alia Maerani. "Law Enforcement Against Liquor Circulation." *Jurnal Daulat Hukum* 2, No. 1 (2019). <https://doi.org/10.30659/jdh.v2i1.4151>.
- Pandaleke, Etmin Rosalina. "Peranan Pemerintah Daerah Terhadap Penanganan Minuman Beralkohol Di Kabupaten Minahasa Dalam

- Perspektif Hukum Pidana.” *Lex Privatum* 5, No. 6 (2017).
- Parlindungan, Gokma Toni. “Prinsip-Prinsip Negara Hukum Dan Demokrasi Dalam Pembentukan Peraturan Daerah.” *Jurnal Hukum Respublica* 16, no. 2 (2017).
- Qulub, Siti Tatmainul and Ahmad Munif. “Bagi Tenaga Kerja Indonesia Perspektif Hukum Islam.” *Al-Daulah: Jurnal Hukum Dan Perundangan Islam* 7, No. 1 (2017).
- Rizal, Moch Choirul. “Criminalization Policies on Consuming Alcoholic Beverages in Indonesia.” *Jurnal Hukum Dan Peradilan* 7, No. 1 (2018). <https://doi.org/10.25216/jhp.7.1.2018.151-174>.
- Roberts, Amanda, et.al., “Alcohol and Other Substance Use during the COVID-19 Pandemic: A Systematic Review.” *Drug and Alcohol Dependence* 229, (2021). <https://doi.org/10.1016/j.drugalcdep.2021.109150>.
- Roleh, Adri Fernando. “Kedudukan Komisi Pemberantasan Korupsi Dalam Sistem Ketatanegaraan Indonesia.” *Lex Privatum* 5, No. 10 (2017). <https://doi.org/10.1017/CBO9781107415324.004>.
- Sheikh, Mustapha and Tajul Islam, "Islam, Alcohol, and Identity: Toward a Critical Muslim Studies Approach," *ReOrient: Pluto Journal* 3, No. 2 (2018). <https://doi.org/10.13169/reorient.3.2.0185>.
- Sholikhah, Yuanita. “Tinjauan Hukum Pidana Islam Terhadap Peraturan Daerah Tentang Pengawasan Dan Pengendalian Minuman Beralkohol Di Kabupaten Madiun.” *Al-Qānūn: Jurnal Pemikiran Dan Pembaharuan Hukum Islam* 23, No. 8 (2020).
- Sibuea, Harris Y.P. “Penegakan Hukum Pengaturan Minuman Beralkohol.” *Negara Hukum* 7, No. 1 (2016). Doi: 10.22212/jnh.v7i1.926.
- Siregar, Hasnil Basri, "Lessons Learned from the Implementation of Islamic Shari'ah Criminal Law in Aceh, Indonesia," *Journal of Law and Religion*, Vol. 24, No. 1, (2008/2009)
- Soekanto, Soerjono and Sri Mamudji, *Penelitian Hukum Normatif: Suatu Tinjauan Singkat*, Jakarta: Rajawali Press, 2015. Salim and Erlies Septiana Nurbani, *Penerapan Teori Hukum pada Penelitian Tesis dan Disertasi*, Jakarta: Rajawali Press, 2017, p. 33-66..
- Sopacua, Margie Gladies. “Criminology Study on the Circulation of the Sopi Traditional Liquor in the Villages of Zeith , Asilulu , and Kaitetu During the Covid-19 Pandemic.” *Law Reform* 17, No. 2 (2021).
- Sutomo, Edi. “Law Enforcement on Merger of Indemnity Claims in Criminal Case Persecution.” *Law Development Journal* 2, no. 2 (2020). <https://doi.org/10.30659/ldj.2.2.241-256>.



Suma, Muhammad Amin, et.al., "The Implementation of Shari'a in Aceh: Between the Ideal and Factual Achievements," *Ahkam: Jurnal Ilmu Syariah* 20, No. 1 (2020). DOI: 10.15408/ajis.v20i1.14704.

### **Media Data**

Sulut, Suara. "Mabuk Dan Salah Paham Berujung Tawuran." *Suara Sulut.Com*, 2021. <https://suarasulut.com/2021/11/22/mabuk-dan-salah-paham-berujung-tawuran/>. (accessed 3 July 2022).

Ramadhan, Zainur Mahsir. "Sosiolog Salah Kaprah Nilai Miras Sebagai Kearifan Lokal." *Republika*, 2021. <https://www.republika.co.id/berita/qbbylb284/sosiolog-salah-kaprah-nilai-miras-kearifan-lokal>. (accessed 3 July 2022).

Lavenia, Christy. "Tinjauan Evolusi Dalam Budaya Minum Alkohol." *Geotimes*, 2020. <https://geotimes.id/opini/tinjauan-evolusi-dalam-budaya-minum-alkohol>. (accessed 3 July 2022).

Indonesia, CNN. "Polri: 3 Tahun Terakhir Ada 223 Kasus Pidana Terkait Miras." *Indonesia, CNN*, 2020. <https://www.cnnindonesia.com/nasional/20201113185358-20-569597/polri-3-tahun-terakhir-ada-223-kasus-pidana-terkait-miras>. 9accessed 3 July 2022.

Devi. "Pria Bali Menombak Tetangganya Yang Sedang Mabuk, Karena Ditantang Untuk Berkelahi." *News.Com*, 2022. <https://www.news24xx.com/2022/01/06/pria-bali-menombak-tetangganya-yang-sedang-mabuk-karena-ditantang-untuk-berkelahi/>. (accessed 3 July 2022).

Albertus Arioseto Bagas Pangestu, et.al., "Miras Sebagai Manifestasi Kearifan Lokal." *Balairung Press*, 2021. <https://www.balairungpress.com/2021/03/miras-sebagai-manifestasi-kearifan-lokal/>. (accessed 3 July 2022).