

Hambatan Implementasi Kebijakan Minuman Keras di Kota Jayapura

Barriers to the Implementation of Alcohol Policies in Jayapura City

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ABSTRACT

Background: Basic Health Research (RISKESDAS) in 2018 found as many as 15 provinces out of 35 provinces had a prevalence of alcohol consumption above the national prevalence, and Papua was reportedly in the top 15 of the prevalence of high alcohol consumption (alcohol) as much as 4.6%. **Objective:** To describe the obstacles to the implementation of local government policies in curbing the circulation of alcohol in Jayapura City. **Method:** This is a descriptive study using a qualitative single instrumental case study design in Jayapura City from May to September 2020. Purposive sampling technique was employed to determine participants who consisted of an integrated team of alcohol control and supervision (n =6). Data collection was using in-depth interviews and non-participant observation. **Result:** Communication between the integrated team was not optimal. National Food and Drug Agency (BPOM) had not routinely conducted sample tests as the majority of traditional alcoholic beverages sold in shops such as local liquors were illegal. The division of duties and responsibilities by the integrated team was good, but the execution in the field was not as agreed upon. There were alcohol traders who have not applied for licenses to sell alcohol because the process to get license permits was too complicated. The content of Perda No.8 of 2014 weakened the police because they could not give punishment like Satpol PP, however, Satpol PP did not have an investigating team. **Conclusion:** The lack of commitment from the control and supervision team of alcohol circulation in carrying out their duties. The resources involved were lacking. Coordination among the integrated teams was not going well thus the division of tasks and authorities with implementation actions in the field did not work according to the policy enforce in Jayapura City. Evaluation of work programs by policy implementers could be carried out to increase the success of implementation.

Keywords: Alcohol, Barriers, Local Regulation, Policy

ABSTRAK

Latar Belakang: Riset Kesehatan Dasar (RISKESDAS) tahun 2018 menyebutkan sebanyak 15 provinsi dari 35 provinsi mempunyai prevalensi konsumsi miras diatas prevalensi nasional, dan Papua termasuk dalam posisi 15 besar prevalensi konsumsi minuman keras (miras) tinggi sebanyak 4,6%. **Tujuan:** Mendeskripsikan hambatan implementasi kebijakan pemerintah daerah dalam menertibkan peredaran miras di Kota Jayapura. **Metode:** Penelitian ini merupakan penelitian deskriptif kualitatif dengan single instrumental case study di Kota Jayapura pada bulan Mei-September 2020. Teknik purposive sampling dilakukan untuk menentukan partisipan yang terdiri dari tim terpadu pengendalian dan pengawasan miras (n=6). Pengumpulan data dilakukan dengan wawancara mendalam dan observasi non partisipan. **Hasil:** Komunikasi antara tim terpadu belum maksimal. BPOM hingga saat ini belum secara rutin melakukan uji sampel karena mayoritas miras

tradisional tidak dijual di toko secara legal seperti miras lokal. Pembagian tugas dan wewenang oleh tim terpadu sudah baik, namun eksekusi di lapangan tidak sesuai dengan yang telah disepakati. Terdapat pedagang miras yang belum mengurus izin penjualan miras karena alur pengurusan izin yang terlalu rumit. Isi Perda No.8 Tahun 2014 melemahkan pihak kepolisian karena tidak dapat memberikan penindakan hukuman keculai Satpol PP sedangkan pihak Satpol PP tidak memiliki tim penyidik **Kesimpulan:** *Komitmen tim pengendalian dan pengawasan peredaran miras dalam menjalankan tugas dan jumlah sumber daya yang terlibat masih kurang. Koordinasi antara sesama tim terpadu belum berjalan dengan baik sehingga pembagian tugas dan wewenang dengan tindakan implementasi di lapangan tidak berjalan sesuai kebijakan yang berlaku di Kota Jayapura. Evaluasi program kerja oleh implementator kebijakan dapat dilakukan untuk meningkatakan keberhasilan implementasi.*

Kata Kunci: *Minuman Keras, Hambatan, Peraturan Pemerintah Daerah, Kebijakan*

INTRODUCTION

Liquor or commonly known as the alcohol is a drink that contains ethanol. Ethanol is a psychoactive substance and its consumption causes loss of consciousness. Alcohol has a negative impact on health because of its uncontrolled circulation. In line with the research in India, it was known that the increase in alcohol consumption was so high that it had an impact leading to an increase in crime, namely high traffic accidents, and it had an impact on health problems (Luca, Owens and Sharma, 2019). The implementation of policies of the Indonesian government regarding the distribution and sale of alcohol has been regulated in Presidential Regulation of the Republic of Indonesia Number 74 of 2013 about Supervision and Control of Liquor, Regulation of the Minister of Trade of the Republic of Indonesia Number 04/M-DAG/PER/1/2015, as well as Regional Regulation of Jayapura City Number 8 of 2014 about the control and supervision of liquor (*Peraturan Presiden Republik Indonesia Nomor 74 Tahun 2013 tentang Pengendalian dan Pengawasan Minuman Beralkohol, 2013; Peraturan Daerah Kota Jayapura No.8 Tahun 2014, 2014; Peraturan Menteri Perdagangan Republik Indonesia Nomor 06/M-DAG/PER/1/2015 Tentang Perubahan Kedua atas Peraturan Menteri Perdagangan Nomor 20/M-DAG/PER/4/2014 tentang Pengendalian dan Pengawasan Terhadap Pengadaan, Peredaran dan Penjualan Minum, 2015*). The Ministry of Trade (KEMENDAG) has implemented the Regulation of Directorate General of Domestic Trade (Dirjen Dagri) Number

04/PDN/PER/4/2014 about Technical Guidelines for the Implementation of Class-A Alcohol's Control of Circulation and Sales (*Peraturan Daerah Kota Jayapura No.8 Tahun 2014, 2014*).

The level of consumption of liquor (alcohol) in Indonesia has been increasing every year. The result of the 2018 Basic Health Research (Riskesdas) of 35 provinces in Indonesia showed that the national prevalence of alcohol consumers (respondents aged ≥ 10 years) during the last 12 months was 4.6%. A total of 15 provinces had a prevalence above the national prevalence. Papua was included in the top 15 provinces with the highest prevalence of alcohol consumption. Meanwhile, the national prevalence of alcohol drinkers in the past month was 3.0% with 13 provinces having scores above the national prevalence (Kementerian Kesehatan Republik Indonesia, 2019).

Papua Province was one of the 10 provinces with the highest proportion of alcohol consumption in Indonesia (Riskesdas, 2018). Meanwhile, Jayapura City was an alcohol supplier region in Papua Province. The culture of consuming alcohol was one of the problem among many problems in Papua, especially in Jayapura City, such as traffic accidents, murder, rape, and domestic violence. In line with the research conducted in 2018 which stated that liquor has become one of the cultures in Russia. Based on data from the Office of Women Empowerment, Child Protection, and Family Planning (DPPPA-KB) of Jayapura City in 2018 regarding physical and sexual violence, there were 16 cases of sexual violence against children, 1 case of physical

violence, and 61 cases of domestic violence (Data Kekerasan Fisik dan Seksual, 2018). At least there were around 78 million people killed because of alcohol consumption (Neufeld and Rehm, 2018). Alcohol has killed the people of Jayapura City like any other health problem that resulted in death. According to data from the Jayapura City Resort Police in February 2020, alcohol was the cause of rape cases in Junior High School students (*Kasus pelecehan seksual di Kota Jayapura*, 2020).



08/02/2020

Dicekoki Miras, Seorang Oknum Guru SMP Setubuhi Muridnya Sendiri

▲ Dipublikasikan oleh: Jayapura / ● 0 komentar

Source: Jayapura City Resort Police
Figure 1. Rape caused by alcohol influence

Excessive alcohol consumption would make people unconscious. Side effects for perceived health include disorders of the liver, kidney, and lungs, brain and nervous disorders, depression, and alcohol poisoning. In line with the research conducted in 2019, it was found that consuming alcohol could increase the risk of developing cancer (Christensen *et al.*, 2019). The practice of consuming alcohol to excess had an impact on the high number of traffic accidents in Jayapura City. This was in line with the Jayapura City Police Resort data which stated that from 2014 to 2017 the number of traffic accidents due to alcohol consumption occurred in Jayapura City has increased. In 2014 the number of traffic accident reached 91 cases with 51 deaths. This number was increasing, wherein 2015 the number of accidents totalled 202 of which 60 of them died. The said number kept increasing until 2016 which reached 524 traffic accidents in Jayapura City. Unlike the previous few years, in 2017 the number of traffic accidents due to alcohol decreased to 455 traffic accidents, as well as the number of deaths that occurred from 2017 and 2018 due to alcohol (Polrestabes Kota Jayapura, 2019). This was supported by

the data from the Jayapura City Health Office which stated that alcohol poisoning was among the top 10 diseases from 2012 to 2017 (4.226%).

The regulation of the Jayapura City government to curb the circulation of alcohol by controlling and supervising the circulation of alcohol has been regulated in Jayapura City Regional Regulation Number 8 of 2014. The Jayapura City Regional Regulation referred to the Presidential Decree Number 74 of 2013 and Regulation of the Minister of Trade of the Republic of Indonesia Number 04/M/DAG/PER/1/2014 and supported by Law Number 2 of 2002 regarding public order. The implementation of this policy involved several agencies formed in an integrated team consisting of National Food and Drug Agency (BPOM), Health Office, Police, Civic Service Police Unit (Satpol PP), Investment and One-Stop Integrated Service Office (PTSP), the Office of Industry, Trade, Cooperatives & Small and Medium Enterprise (Disperindakop), Custom and Excise, as well as community leaders.

An effort to prevent the circulation of alcohol by the Jayapura City government through an integrated team had been carried out, although until now the circulation of illegal alcohol can still be found, often due to several implementation barriers. Data on illegal alcohol sales violations in Jayapura City in 2019 during the month of Ramadan, namely 302 bottles of various types of alcohol, 533 cans of various types of alcohol, and 25 liters of *ballo*-type local drinks. The types of alcohol that were secured by the police including Robinson whiskey, red wine vodka, Red Label *Putih Jumbo* beer, *Bintang* beer, jenever, *Cap Orang Tua* wine, Angker Putih beer, and traditional alcohol (*Ballo*) also *saguer* (a drink made from palm trees, has a sweet and sour taste and contains alcohol) (Polrestabes Kota Jayapura, 2019).

The highest peak of crime cases due to alcohol in Jayapura City occurred in 2018 with a total of 189 cases. This study therefore was aimed to examine the obstacles for implementation of alcohol policy in Jayapura City and to obtain a complete and in-depth understanding of the situation.

METHOD

The type of study used was a descriptive study because it only conducted observations without providing intervention on the variables studied. The study was a single instrumental case study that was discussed in a qualitative descriptive manner. The single instrumental case study was a case study research conducted using a case to describe an issue or concern (Matthew B. Miles, A. Michael Huberman, 2014). The study was conducted in Jayapura City which included in the top five cities in Papua Province with a high crime rate in 2018. The time of the research started from May to September 2020. The informants in this study were stakeholders in Jayapura City who were involved in the implementation of the policy of local government to curb the circulation of alcohol. The determination of informants in this study used purposive sampling technique.

The data used in this study were primary data obtained through in-depth interviews and non-participant observation as well as secondary data

from similar studies and several other references, namely scientific articles and books. The data analysis technique used in this study was content analysis technique. The content analysis technique was an in-depth study of the content of information; in this study related to the factors that cause obstacles to the implementation of local government policies in curbing the circulation of alcohol in Jayapura City (Matthew B. Miles, A. Michael Huberman, 1983). The analysis process was carried out through four stages including the stage of data collection, data reduction, data presentation, and drawing conclusion. The study protocol has gained approval from the Health Ethics Commission of Faculty of Dental Medicine, Universitas Airlangga stated on the Ethics Certificate No.145/HRECC.FODM/III/2020.

RESULTS AND DISCUSSION

The characteristics of the informants in this study can be seen in Table 1. The majority of the informants were male as many as 4 people and 5 people own their bachelor's degrees.

Table 1. Characteristics of Informants

Research Subject	Gender	Initial	Education	Agency/Position
1	Female	IM	S1	National Food and Drug Agency (Head of Complaints and Information)
2	Male	SS	S1	Customs and Excise (Head of Enforcement and Investigation Section)
3	Female	DS	S2	Industry, Trade, Cooperatives & Small and Medium Enterprise Office (Head of Trade)
4	Male	YM	S2	Investment and One-Stop Integrated Service Office (Head of Office)
5	Male	EN	S1	Jayapura City Resort Police (Head of Drug Unit)
6	Male	SF	S1	Civic Service Police Unit (Head of Regional Regulation Enforcement)

Obstacles to the implementation of local government policies in curbing the circulation of alcohol in Jayapura City if seen according to the theory of policy implementation could have caused by some inhibiting factors. These factors were coordination, policy content, implementation support, and potential sharing (Peters, 2018).

Coordination

Lack of coordination between the Regional Apparatus Work Unit (SKPD) could easily result in an inaccurate

description, both to the object of the policy and to the implementers of the content of the policy that would be implemented and the result of the policy. The implementation of local government policies in curbing the circulation of alcohol in Jayapura City was not supported by information that had an impact on communication between integrated teams. It was found that in its implementation, there was no communication among fellow control and supervision teams in Jayapura City as the following interview excerpt:

“Ya paling tidak mungkin ada kesepakatan bahwa sebelum mereka entah memperpanjang atau membuka usaha baru harusnya ada rekomendasi dari kita sehingga dasar itulah dipake Dinas Perizinan Terpadu Satu Pintu untuk mengeluarkan izin usaha tetapi saya gak terlalu tau persis tugas pokok mereka tetapi yang saya tau secara garis besar tugas pokok mereka yaitu mengeluarkan izin tetapi mereka juga ada fungsi pengawasan tetapi fungsi pengawasannya lebih ke izin tapi mungkin yah sekali izin include tupoksi kami yang mereka cover semua sehingga kadang-kadang yang terjadi di lapangan seperti kami mendapat complain dari pelaku usaha.” (DS) (Yes, at least there is an agreement before they either extend or open a new business that there should be a recommendation from us so it can be used by the One-Stop Integrated Licensing Office to issue the business permission but I don't really know their main duties, all I know in general, their main duty is to issue permission but they also have a supervisory function but the supervisory function is more about permission but maybe the permission includes our main duties and functions which they cover, so that sometimes what happens in the field such as we get complaints from the business actors).

Lack of coordination between Regional Apparatus Work Unit (SKPD) prevented the Head of Trade of Industry and Trade Office in Jayapura City from taking the initiative to order the team to conduct alcohol supervision. It can be seen from the statement of the informant from Industry, Trade, Cooperatives & Small and Medium Enterprise Office of Jayapura City as the following interview excerpt:

“Kalau anggota kami itu mereka antusias banget itu mereka rebutan karena kadang kalau turun itu adalah maksudnya kita juga sudah tau kalau masalah miras ini semua mau. Jadi kadang kalau anggota saya ikut turun saya bilang jangan minta tapi kalau mereka kasi yah salah mereka asalkan jangan saya dengar kalian minta.

Kalau sampai kalian minta berarti tidak boleh ikut turun lagi tapi itu kita sudah turun tapi tetap ada juga pelaku usaha yang melanggar itu nanti kami beri surat peringatan” (DS) (Our members are very enthusiastic, they scramble because sometimes when we are in the field, we already know that everyone wants it when it comes to alcohol. Sometimes if my members participate in the field I tell them not to ask for it but if they give it, that is their fault as long as I do not hear them asking for it. If they do ask, it means they are not allowed to participate in the field activities again, but then we have already gone to the field and there are still business actors who violate the regulation thus we will give a warning letter).

The Industry, Trade, Cooperatives & Small and Medium Enterprise Office of Jayapura City stated that its party as the Head of the Alcohol Circulation Control and Supervision Team was unable to carry out its duties and functions. This condition occurred because the Industry, Trade, Cooperatives & Small and Medium Enterprise Office of Jayapura City supervised and controlled other cross-sectoral teams such as the Civic Service Police Unit, the Investment Office and police, had previously carried out supervision without any communication to other integrated team members. It became an obstacle for the Industry and Trade Office of Jayapura City to carry out its authority to supervise the alcohol trade.

The Industry and Trade Office of Jayapura City stated that it currently no longer has the authority to issue permits or provide recommendations related to the alcohol trade because as of now, all licensing arrangements are carried out by the Investment and One-Stop Integrated Service Office of Jayapura City. This caused the Industry and Trade Office of Jayapura City to also encounter obstacles in obtaining data of alcohol store names. The Office of Industry, Trade, Cooperatives & Small and Medium Enterprise (Disperindakop) had to request the list of alcohol stores from the Investment Office first before they could supervise the alcohol stores listed. The lack of communication between fellow alcohol control and supervision teams

caused implementation in the field to be hampered.

The Policy implementation theory according to Grindle explained that several factors supporting policy implementation, one of which was communication. There were three important things discussed in the policy communication process, namely transmission, consistency, and clarity (Grindle, 2017).

The first factor that supported policy implementation was transmission. An official implementing a decision should be aware that a decision has been made and that an order for its implementation has been issued. Meanwhile, according to the findings in the field, it was known that there has been an instruction from the mayor stating that alcohol should not be sold before religious holidays but there were still illegal alcohol trades. This implied that policy implementers should be more assertive in implementing the regulation which have been enacted. The need for cross-sectional cooperation to build public awareness to be able to obey the regulation issued by the Mayor of Jayapura City.

The second factor that supported policy implementation was clarity, namely that some policy implementation guidelines should not only be accepted by policy implementers, but the communication should also be clear. Based on the findings in the field, the clarity of the main tasks and functions between Regional Apparatus Work Unit was clear, however, the implementation often overlapped in the division of tasks in the field.

The third factor that supported policy implementation was consistency, namely if policy implementation aimed to run effectively, the orders should be consistent and clear. The consistency of implementing policies in Jayapura City has not gone well because the alcohol supervision that was carried out by the integrated team has only been conducted once in 2019 following the instructions of the mayor. From 2020 to 2021, the mayor was no longer issuing the instructions to limit the sale of alcohol during religious holidays which made the Regional Apparatus Work Unit conduct the supervision independently. As a result, alcohol control was not conducted optimally. According to research in 2018,

it was found that the failure of the implementation of Minahasa local government policies was due to the lack of good cooperation between related agencies which caused there were still many illegal alcohol traders (Bataren, Rumapea and Kiyai, 2018).

Information barriers were also experienced by the Civic Service Police Unit team, stating that the obstacle that was often experienced during alcohol supervising and controlling process including there were still many alcohol business actors who received protection from the police. This caused the moment Civic Service Police Unit team almost conducted an alcohol raid, many business actors have already known the information beforehand even before the raid was carried out so as the team arrived at the location, there were no alcohol traders around or closing the alcohol stores.

Research in 2018 stated that there were several parties of policy implementers who took advantage. The advantage was obtained from security money deposited by alcohol traders in Cilegon City. It was known that the money deposited by the alcohol traders was used to secure the alcohol trader's business from raids. This cultivated the courage of both the alcohol traders and the consumers because they felt safe from any alcohol control activities (Aqrom, 2018).

The majority of fellow control and supervision teams did not have clear communication. Each agency carried out its duties according to its main tasks and functions, but during the implementation of alcohol control in the field, it was like a scramble for each agency. The result of the interview with the Industry and Trade Office stated that the members of its agency often wanted to participate in the field to get the confiscated alcohol.

Members of the control and supervision team such as National Food and Drug Agency (BPOM), Customs and Excise, Health Office, and community leaders were involved in outreach to the community but not all teams were involved in the field activities. The police and BPOM supervise alcohol in terms of inspecting the alcohol samples. Routine inspection of alcohol was carried out in conjunction with inspections of other processed foods such as food ingredients

and cosmetics. Good information among the alcohol control and supervision teams could help to achieve the common goal, which was controlled alcohol supervision and circulation in Jayapura City.

Policy Content

Policy implementation failed due to unclear statements related to human and non-human resources, as well as less assertive policy enforcement as stated on the following interview excerpt:

“Kami tidak pernah melakukan tindak pidana kepada pelanggar kebijakan karena kami dibatasi dengan Perda No.8 tahun 2014 bahwa yang berhak melakukan penindakan hanya tim PPNS dari satpol PP sedangkan mereka sendiri tidak memiliki tim PPNS jadi yah kami hanya bisa memberikan pembinaan saja kepada pelanggar kebijakan.” (EN) (We have never committed a crime against policy violators because we are limited by Regional Regulation Number 8 of 2014 that only the Civil Servant Investigator (PPNS) team of the Civic Service Police Unit has the right to take action while they themselves do not have a PPNS team so, well, we can only provide guidance to policy violators).

“Untuk minuman tradisional kami belum melakukan pengawasan yah karena kami di sini melakukan pengawasan jika mereka sebagai pelaku usaha mendaftarkan produknya di kami barulah kami melakukan pemeriksaan.” (IM) (For traditional drinks, we have not done any monitoring yet because we are here to supervise if they as the business actors register their products to us, then we can carry out inspections).

“Kalau bilang yang sudah kita lakukan yah itu maksudnya sampai sejauh ini yah yang saya ada di bidang ini yah paling kami ikut terlibat di dalam tim pengendalian kalau itu dilakukan terus memang kalau pengawasan saya bilang terus terang jumlah pelaku usaha itu sekarang kami sudah tidak tau karena itu tadi ada yang bilang izin yang sudah tidak lewat kami tetapi langsung kesana

memang sih kadang-kadang kita mau marah PTSP juga itu perintah atasan yah mungkin mereka menitipkan laporan kadang-kadang saya bilang kalian tidak nyurat eh seharusnya kalian tau bahwa itukan tembusannya ke kita jadi ya itu mau dibilang kendala yah itu kendala jadi untuk saat sekarang untuk pengawasan kami kebanyakan jalan sendiri.” (DS) (If talking about what we have done, well, that means so far, what I mentioned in this field, at least we are involved in the control team which is carried out continuously, when it comes to supervising, frankly speaking, we do not know the current number of the business actors because as mentioned earlier, there was a party who said that the permit is not through us anymore but straight through there, indeed sometimes we want to be mad at PTSP but it is also the order from the leader, well, maybe they board out the report and sometimes I say they did not send us any letter beforehand and they should know that the copy should be directed to us, so I want to say that it is indeed an obstacle, for the time being we mostly do the supervision independently).

The result of interview obtained with the police mentioned that the control and supervision of alcohol in Jayapura City based on Regional Regulation Number 8 of 2014 stated that there were several contents of the Regional Regulation that weakened the task of the police to supervise and control the circulation of alcohol (Peraturan Daerah Kota Jayapura No.8 Tahun 2014, 2014). The contents of the regulation stated that investigations of violators of Regional Regulations were only carried out by the Civil Servant Investigators (PPNS) and accompanied by the National Police. This caused the police to only act as a companion and unable to punish the crime. In line with the 2018 research in Cilegon City, the failure of implementation was due to the unavailability of PPNS in Cilegon City (Wollanda, 2018). The results of this study were in line with the research conducted in 2019 which showed that the policies implemented had unintended consequences such as weakening the capacity of the community to act

selectively in managing alcohol (D'Abbs, Burlayn and Jamijin, 2019).

The interview conducted with the police showed that there were obstacles in taking action against policy violators caused by Regional Regulation Number 8 of 2014 Chapter XI Article 22 Paragraph 1 and 2 (Peraturan Daerah Kota Jayapura No.8 Tahun 2014, 2014). As a result, the police only carried out their duties to do the community security patrols according to their main duties and functions which led them to arrest and provide guidance to the violators if they found illegal alcohol traders (Undang-Undang Republik Indonesia Nomor 2 Tahun 2002 tentang Kepolisian Negara Republik Indonesia, 2002). The violators would also be monitored for the next two weeks. The police could only provide a deterrent effect to the violators by confiscating evidence in the form of alcohol, but could not provide punishments for crimes because this has violated Regional Regulation Number 8 of 2014.

Criminal law sanctions were defined as actions given to the violators of the enacted provisions. The legal process listed in Regional Regulation Number 13 of 2002 did not run as it should which made the prosecution for violators remained to be just a threat (Aqrom, 2018). However, in practice the punishment given was a minor crime (also called as *tipiring*) in the form of maximum imprisonment of 3 months or a fine of IDR 25,000,000. Violators were also only given a direction and guidance that did not give a deterrent effect. The application of the law that was less assertive to violators was caused by the involvement of certain parties in the violation of the Regional Regulation mentioned.

The BPOM of Jayapura City was also experiencing obstacles to policy implementation because the majority of the community did not only consume local drinks, but also traditional home-made alcohol. Traditional alcohol has been regulated in the Regulation of the Head of BPOM RI Number 14 of 2016 about safety and quality standards of alcoholic beverages made from the fermentation process (Badan Pengawas Obat dan Makanan, 2016). Until today, the National Food and Drug Agency of Jayapura City has not routinely conducted sample testing because the majority of

traditional alcohol has not been legally sold in stores such as local alcohol. The majority of traditional liquor in Jayapura City was sold at home or in a place far from the crowds, so it was difficult to know the sale of traditional drinks as stated on the following interview excerpt:

“Mengenai minuman tradisional kami disini tidak melakukan untuk itu karena tidak ada datanya dan tidak ada juga pedagang miras tradisional yang melapor untuk izin penjualan karena yang jual miras tradisional kan tersembunyi lokasinya kami tidak tau jadi kalau mau dilakukan kami harus lakukan kerjasama dengan polisi.” (IM) (Regarding traditional drinks, we do not do that here because there are no data and no traditional alcohol traders report for a sales permit because the location of those who sell traditional alcoholic drinks are hidden somewhere we do not know, so if we want to do it, we have to cooperate with the police).

This condition caused the majority of traditional alcohol traders to choose not to register for food safety at BPOM to obtain a distribution permit number. Another obstacle, to get to know the sale of traditional alcohol, the police team and the Civic Service Police Unit had to cooperate to find out the location of the sale in order to make the sale of traditional alcohol able to be overseen. Considering that the majority of alcohol consumers in Jayapura City were traditional alcohol consumers because the price was cheap. In line with the research conducted in 2017 which showed that the price of alcohol affected the amount of consumption among low-income community (Subramanian and Kumar, 2017). This was supported by data from the Jayapura City Resort Police in June 2019, before Eid, the police managed to secure 230 liters of *Ballo* or fermented drinks and 5 liters of *saguer* (a drink derived from palm trees). In line with the research conducted in 2018 which stated that the physical environment was one of the obstacles to policy implementation (Langi, Sambiran and Kimbal, 2018). According to the results of the study, there were obstacle in managing the licensing flow.

According to the Regulation of the Minister of Industry of Republic Indonesia Number 63/M-IND/PER/7/2015, it was stated that every alcohol industry company was required to have an industrial business license. The sales permit would be issued by the Investment Coordinating Board after obtaining a recommendation from the general director who carried out the duties and function of fostering the alcohol industry. Traditional alcohol manufacturing businesses were required to report their traded goods to the City/Regency Industry Office for data collection. The result of the data collection would be reported to the general director who carries out the duties and functions of fostering the alcohol industry with a copy to the Head of the Industry Office as the material for the guidance and supervision of the alcohol manufacturing business (Peraturan Menteri Perdagangan Republik Indonesia Nomor 06/M-DAG/PER/1/2015 Tentang Perubahan Kedua atas Peraturan Menteri Perdagangan Nomor 20/M-DAG/PER/4/2014 tentang Pengendalian dan Pengawasan Terhadap Pengadaan, Peredaran dan Penjualan Minum, 2015).

Since the existence of the One-Stop Integrated Service and Investment Office (DPMPTSP) in Jayapura City, the entire permit-making process could only be carried out through the agency mentioned, including the license to sell alcohol. This caused the Industry and Trade Office unable to optimally monitor the alcohol trade. The results obtained showed that since 2018 the Office of Industry, Trade, Cooperatives & Small and Medium Enterprise has not issued any permits or letters of recommendation regarding the sale of alcohol in Jayapura City. The police had also experienced a similar situation whereby they could not give punishments to policy violators because they were limited by the contents of the policy of Regional Regulation Number 8 of 2014 Chapter XI Article 22 Paragraphs 1 and 2. Criminal acts could only be given by Civil Servant Investigators (PPNS) while there were no members of PPNS yet (Anon 2014). This proved that there was discontinuity between the content and the implementation of the policy. This was also seen in another study in Thailand where it was found that the performance of policy makers was lacking in controlling

the availability and access of alcohol (Kaewpramkusol et al. 2018), similar to the situation in Jayapura City.

The content of the Jayapura City Government's policy was more focused on the ownership of permits thus there were no restrictions on the sales of alcohol for retailers. As a result, the licensing to open an alcohol sales business continued to increase, because the restrictions on alcohol sales = only applied to sub-distributors, not to the retailers and the on-the-spot sales. This condition resulted in the Jayapura City Government's need to review the contents of the policies that had been enacted. A similar statement was made by research conducted in 2018 which stated that in order to implement Presidential Regulation Number 74 of 2013 on liquors, the Jakarta City Government determined that only a few locations were allowed to be used to sell alcohol so that the supervision and control of alcohol could be easier to carry out (Andriyani, 2017).

Research conducted in 2018 stated that the Russian Government implemented a policy of closing home alcohol distributors who did not have legal certification. The policy of increasing alcohol tax was also implemented with the hope of reducing sales and demand for alcohol in the community. The Russian Government also implemented a unique policy which was increasing the price of alcohol at certain hours. One of these was considered to be quite effective in reducing the level of legal and illegal consumption of alcoholic beverages (Neufeld and Rehm, 2018). This research was also supported by the research conducted in Australia which stated that raising the alcohol tax had the potential to reduce consumption and increase government revenues, but it was underutilized for public health and public finance purposes in Australia (Vandenberg, Jiang and Livingston, 2019).

Implementation Support

Public policy would be difficult to implement without support. One of the obstacles to implementing policies to curb the circulation of alcohol was the lack of implementation support as stated on the following interview excerpt:

“Pelaksanaan di lapangan yaa itu memang kita melakukan evaluasi

setelah itu kita lapor lagi ke pimpinan. Tetap evaluasi setiap turun itu kita lakukan, evaluasi apa hal-hal yang positif dan negatif itu yang kita evaluasi. Misalnya ada pelanggaran perizinan itu nanti kita sebut item-item toko mana yang melakukan pelanggaran nanti itu kita lapor ke pak wali dan wakil wali kota. Jadi “pak setelah kita melakukan penertiban sidak di lapangan kejadiannya seperti ini” jadi itu dibuatkan berita acara.” (EN) (The implementation in the field, we indeed did an evaluation and after that we report it again to the leader. We continue to evaluate every time we are in the field, evaluate the positive and negative things those are what we did. For example, if there is a licensing violation, we will mention which store items committed the violation and later we will report it to the mayor and deputy mayor such as “Sir, after we carried out inspections in the field, it happened like this,” so that a report is made).

“Secara gabungan kalau 6 bulan ini kayaknya seingat saya yah saya tidak bicara data. Seingat saya belum pernah untuk 6 bulan ini yah. Cuma kalau kami sendiri itu hampir tiap hari karena kalau kita monitor tiap malam selalu tempat-tempat penjualan miras itu, kita patroli, kita dekatin dan ibarat kita duduk di situ nungguin mereka sampai mereka bubar sendiri. Tapi itu sudah kemampuan kita karena personil yang kurang eh jadi sedangkan Kota Jayapura juga terlalu banyak pengaduan sehingga kita kadang tinggalkan lagi.” (EN) (If combining the past 6 months, I think as far as I remember, I have not talked about the data. As far as I remember it has not been done for these 6 months. But for us, it is almost every day because if we monitor every night always those places of alcohol selling, we patrol, we approach them and it is like we are sitting there waiting for them until they disperse by themselves. But that is our ability because of the lack of personnel, meanwhile the City of Jayapura also has too many complaints which causes us to sometimes ignore it again).

According to the results of the interview conducted with the Office of Industry, Trade, Cooperatives & Small and Medium Enterprise also the police, if there were violations in the field, an evaluation would be carried out to follow up on cases that occur in the field. The result of this evaluation would then be reported to the mayor. However, the obstacle that was often faced was the absence of a response in the form of an evaluation from the mayor of Jayapura City. This meant that the police proposed to the mayor so that the permission could be revoked but the request was often not followed up by the mayor of Jayapura City as the leader. In line with the other study which stated that there was no significant change in limiting the hours of alcohol sales to reduce alcohol consumption behavior (Taylor *et al.*, 2018).

The absence of implementation support from policy implementers resulted in no deterrent effect for alcohol traders who violate the regulation. It was in line with research conducted in 2018 which stated that the lack of human resources in implementing policies in Southeast Minahasa Regency caused the control and supervision of alcohol not to be implemented properly (Bataren, Rumapea and Kiyai, 2018). Therefore, policy support from policy makers, implementers, and policy recipients to achieve successful implementation of alcohol policy in Jayapura City was needed.

The implementation of local government policies in curbing the circulation of alcohol has not been carried out in accordance with applicable regulations. Criminality was a form of actions and deeds that harmed others parties both economically and psychologically that violating the laws of social and religious norms in Indonesia. The integrated team support for the successful implementation of alcohol policy was still not fully committed to curb the alcohol. Based on the data from the Jayapura City Resort Police from 2014 to 2018, criminal cases in Jayapura City were still in the range of 100 cases. According to the data on alcohol raids during the month of Ramadan, there were still 835 sales of alcohol without permits in various locations in Jayapura City. It was also supported by research conducted in 2018 which found a significance in the

implementation process. The Civic Service Police Unit of Cilegon City along other security forces as implementers of the policy have not stroven hard enough regarding this policy as there were still violations committed by the implementer such as taking security money rations to avoid being the subject of raids (Aqrom, 2018).

Potential Sharing

The results of the study found that the division of tasks and authority in the control and supervision team in Jayapura City was good, however, the execution in the field was not in accordance with what has been agreed upon. This induced obstacles in its implementation as stated on the following interview excerpt:

“Secara garis besar tugas pokok mereka yaitu mengeluarkan izin ah tetapi mereka juga ada fungsi pengawasan tetapi fungsi pengawasannya lebih ke izin tapi mungkin yah sekali izin include tupoksi kami sehingga saat kita turun kadang pelaku usaha mereka complain kenapa kemarin mereka sudah diperiksa sekarang kami datang lagi.” (DS) (Broadly speaking, their main task is to issue permits but they also have a supervisory function which is more like permission, maybe it already includes our main functions thus when we are in the field, sometimes the business actors complain as to why the day before they have been checked, but we are coming again to do the same thing).

Based on the result of interview with the Head of the Industrial Division of Jayapura City, the supervision of alcohol in the field was not carried out according to the main duties and functions. The Licensing Office should supervise the sales permit, however, in fact, the supervision carried out by the Licensing Office included the duties of the Industry Office to conduct supervising of alcohol trades. The cause of the failure of the policy implementation was the aspect of potential sharing to policy implementers related to the duties and authorities of implementing agencies. The arrangement of organizational structure of implementing the policy would cause problems if the division of authority and

responsibility was not adjusted to the division of tasks or there were restrictions such as time adjustments for policies that the majority of the public reject. There were four factors that caused the public to disobey the policy, including:

a) There was a concept of disobedience to the law. There were several laws and regulations or public policies that were less binding for individuals. Alcohol traders in Jayapura City felt that the local government’s policy to curb the circulation of alcohol was not binding yet. It indicated that there was no deterrent effect given to violators. Based on the result of interview with the police, it was found that the majority of policy violators who were arrested by the police officers were only given the guidance as stated on the following interview excerpt:

“Kalau dulu bisa kena sanksi tipiring tindak pidana ringan kalau sekarang yah hanya pembinaan saja.” (EN) (In the past could be penalized for minor crime, but now there is only guidance).

“Jadi dari perda itu sendiri yang membatasi pergerakan kita. Jadi kita hanya bisa menangkap mengamankan kalau mau dimusnahkan kita bisa melakukan pemusnahan bersama satpol PP tapi kalau proses hukumnya sendiri kita harus menyerahkan kepada penyidik PPNS dan kita hanya mendampingi mereka jadi buakan kita yang memproses kita hanya mendampingi.” (EN) (It is the local regulation itself that limits our movement. We can only arrest and secure, if we want to destroy we can do that together with the Satpol PP but for the legal process itself, we have to hand it over to the PPNS investigators and we only accompany them so it is not us who process it, we only accompany them).

According to Regional Regulation Number 8 of 2014, the party who had the right to decide whether one committed a crime was the PPNS of Civic Service Police Unit. The result of the interview with the Civic Service Police Unit showed that the PPNS team has not been formed, which

caused the public compliance towards the policy of supervising and controlling the circulation of alcohol in Jayapura City to become low.

- b) There were community members in a certain group having ideas that were contrary to legal regulations and the wishes of the government. The majority of the business actors assumed that the purpose of enforcing the Regional Regulation on alcohol was to earn benefit in the form of money. This caused business actors to resist the alcohol sales control.
- c) The existence of desire to seek profit quickly by members of the community which caused the public to act by deceiving or violating the law.
- d) The existence of legal uncertainty or unclear policies that might conflict with one another which could be the source of public's non-compliance with laws or public policies. The results of interview conducted with the community showed that the reason they did not comply with the alcohol control policy was because many Jayapura City officials were seen consuming alcohol. This was in line with a research conducted in 2016 which stated that the policy of selling alcoholic beverages has become ineffective because law enforcers were not assertive in implementing policies therefore the government took a more modern approach to increase the effectiveness of alcohol policies (Holder, 2016). It was also in accordance with a research conducted in 2016 which showed a relationship between the policy campaign approach to the community and community's attitude towards alcohol policy (Lund, Halkjelsvik and Storrø, 2016).

If the implementers in Jayapura City gave sufficient support, they would be more likely to be successful in implementing the policies as intended by the policy makers. The policies that were enacted needed to have thoughtful planning. The seriousness in addressing the problem that hinder the implementation of alcohol policy in Jayapura City is needed. The public perspective might differ from those of policy makers and implementers. The implications that might occur in the

implementation of alcohol control and supervision policies in the future if this matter was left unchecked, it would become a bad tradition of the implementation apparatus and cause public distrust towards the policy implementers.

CONCLUSION

The obstacles to implementing local government policies in curbing the circulation of alcohol in Jayapura City did not only lie on the policy implementers, but also the alcohol traders. The commitment of the alcohol circulation control and supervision team in carrying out their duties was still lacking. In addition to that, the implementers considered the content of the policy to be still less precise, because the involvement of resources was still not optimal. The coordination among the control and supervision teams has not gone well which caused a difference between the division of tasks and authorities that have been determined by the central and regional government, with the actions in the field. Assertive and strict sanctions for law enforcers who accepted bribes or did not support the implementation of this policy in the field. During actions in the field, BPOM should be involved to see alcoholic products that did not pass the BPOM certification thus the sample testing could be carried out. Evaluation by the entire integrated team had to be conducted before and after carrying out an alcohol control. A review of the content of the policy could be conducted to clarify the authority of the integrated team in carrying out its duties.

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