

INTISARI

URGENSI PEMBENTUKAN UNDANG-UNDANG MENGENAI LARANGAN MINUMAN BERALKOHOL

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Penelitian ini bertujuan untuk mengkaji dasar pemikiran perlunya pengaturan larangan minuman beralkohol dalam sebuah Undang-Undang. Lebih lanjut penelitian ini bertujuan untuk mengkaji formulasi pengaturan terkait parameter kriminalisasi larangan minuman beralkohol dalam Undang-Undang pada masa mendatang.

Penelitian dilaksanakan menggunakan penelitian hukum normatif dengan pendekatan peraturan perundang-undangan dan pendekatan historis, serta didukung data primer melalui wawancara dengan aparat penegak hukum dan akademisi di bidang hukum pidana serta perundang-undangan. Penelitian ini juga mengkaji beberapa peraturan perundang-undangan mulai dari tingkat nasional, hingga di daerah sehingga dapat melihat bagaimana regulasi terkait minuman beralkohol yang sudah berjalan.

Hasil penelitian menunjukkan dasar pemikiran secara filosofis, larangan minuman beralkohol sejalan dengan nilai-nilai Pancasila dan tujuan negara sebagaimana termaktub dalam Pembukaan UUD NRI Tahun 1945. Secara sosiologis, maraknya konsumsi dan peredaran minuman beralkohol menimbulkan berbagai dampak negatif, seperti meningkatnya kriminalitas, dan ketertiban sosial. Secara yuridis, pengaturan yang ada masih bersifat parsial dan tersebar di berbagai peraturan sektoral, sehingga menimbulkan disharmonisasi hukum dan ketidakpastian dalam penegakan. Formulasi parameter kriminalisasi terhadap larangan minuman beralkohol harus didasarkan pada asas-asas hukum pidana, seperti asas legalitas, asas subsidiaritas, dan asas kesamaan. Kriminalisasi perlu diterapkan terhadap produksi, distribusi, dan konsumsi minuman beralkohol tanpa izin yang berpotensi mengancam ketertiban umum dan keselamatan masyarakat, dengan tetap memperhatikan prinsip ultimum remedium dan penghormatan terhadap kearifan lokal. Oleh karena itu, formulasi pengaturan larangan minuman beralkohol dalam Undang-Undang diharapkan mampu memberikan kepastian hukum, perlindungan masyarakat, dan arah kebijakan hukum pidana yang lebih koheren dan relevan

Kata Kunci: Minuman Beralkohol, Parameter Kriminalisasi, Pembentukan Undang-Undang.

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ABSTRACT

THE URGENCY OF FORMING AN ACT CONCERNING THE PROHIBITION OF ALCOHOLIC DRINKS

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This study aims to examine the underlying rationale for the necessity of regulating the prohibition of alcoholic beverages through legislation. Furthermore, the research seeks to analyze the formulation of legal provisions concerning the parameters of criminalization related to the prohibition of alcoholic beverages in future laws.

The study employs a normative legal research method with statutory and historical approaches, supported by primary data obtained through interviews with law enforcement officials and academics specializing in criminal law and legislation. It also reviews several laws and regulations at both national and regional levels to observe how existing regulations concerning alcoholic beverages have been implemented.

The results of the study indicate that, philosophically, the prohibition of alcoholic beverages aligns with the values of Pancasila and the national objectives enshrined in the Preamble of the 1945 Constitution of the Republic of Indonesia. Sociologically, the widespread consumption and circulation of alcoholic beverages have led to various negative impacts, such as increased crime rates and social disorder. Juridically, the existing regulations remain partial and dispersed across various sectoral instruments, resulting in legal disharmony and uncertainty in enforcement. The formulation of criminalization parameters for the prohibition of alcoholic beverages must be based on the fundamental principles of criminal law, including the principles of legality, subsidiarity, and equality. Criminalization should be applied to the production, distribution, and consumption of alcoholic beverages without authorization that may threaten public order and safety, while upholding the ultimum remedium principle and respecting local wisdom. Therefore, the formulation of legislation prohibiting alcoholic beverages is expected to provide legal certainty, public protection, and a more coherent and relevant direction for criminal law policy. Keywords: Alcoholic Beverages, Criminalization Parameters, Law Making.

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