

INTISARI

Penelitian ini mengkaji mengenai pengaturan perizinan dan pengendalian peredaran minuman beralkohol di Daerah Istimewa Yogyakarta dalam kaitannya penerapan perizinan berusaha berbasis resiko melalui sistem *online single submission*. Penelitian ini dilatar belakangi adanya tranformasi perizinan yang menitik beratkan kepada kemudahan berusaha, kepastian hukum untuk mendorong perekonomian. Namun, implementasinya menimbulkan persoalan yuridis terkait efektifitas pengendalian dan pengawasan minuman beralkohol yang memiliki dampak terhadap ketertiban umum, keamanan dan kondisi sosial masyarakat. Penelitian ini akan mengalisis pengaturan perizinan terhadap minuman beralkohol sebelum penerapan perizinan berbasis resiko, mengkaji implikasi penerapan perizinan berbasis resiko terhadap peredaran minuman beralkohol, serta menganalisis peranan Pemerintah Daerah Daerah Istimewa Yogyakarta dalam menjalankan fungsi pengendalian dan pengawasan terhadap peredaran minuman beralkohol dengan diterapkannya perizinan berbasis resiko.

Penelitian ini merupakan penelitian hukum normatif dengan pendekatan yuridis empiris yang dianalisis secara kualitatif. Penelitian ini menggunakan pendekatan *statute approach* dan *conceptual approach* dengan melakukan telaah terhadap peraturan perundang-undangan dan konsep hukum terkait perizinan berusaha dan pengendalian serta pengawasan minuman beralkohol. Data penelitian diperoleh dari studi pustaka terhadap bahan hukum primer, sekunder dan tersier, serta wawancara kepada organisasi perangkat daerah terkait dalam hal ini DPMPTSP, Dinas Perdagangan dan SATPOL-PP. Analisis dilakukan secara deskriptif kualitatif untuk mendapatkan pemahaman yang sistematis terhadap implikasi penerapan perizinan berusaha berbasis resiko terhadap peredaran minuman beralkohol di Daerah Istimewa Yogyakarta.

Hasil penelitian menunjukan bahwa sebelum diterapkannya perizinan berusaha berbasis resiko pemerintah daerah memiliki peranan yang luas yaitu dalam proses pemberian izin, pengawasan dan pengendalian terhadap peredaran minuman beralkohol sebagaimana diatur dalam Peraturan Presiden Nomor 74 Tahun 2013, Peraturan Menteri Perdagangan Nomor 20/M-DAG/PER/4/2014 serta Peraturan Daerah Daerah Istimewa Yogyakarta Nomor 12 Tahun 2015. Perizinan berusaha berbasis resiko memberikan kemudahan didalam proses perizinan, tetapi disisi lainnya membatasi kewenangan pemerintah daerah untuk melakukan pengendalian dan pengawasan terhadap peredaran minuman beralkohol. Hal ini mengakibatkan kesulitan didalam pengawasan yang berakibat banyaknya pelaku usaha yang melakukan penjualan minuman beralkohol dan menimbulkan keresahan di masyarakat. Penelitian ini menemukan bahwa dalam penerapan perizinan berbasis resiko terjadi gap diantara kemudahan berusaha dengan perlindungan masyarakat. Berdasarkan gap tersebut Pemerintah Daerah Daerah Istimewa Yogyakarta mengeluarkan Instruksi Gubernur Nomor 5 Tahun 2024 tentang Optimalisasi Pengendalian dan Pengawasan Minuman Berakohol, sebagai upaya memperkuat dan mempertegas fungsi pengendalian dan pengawasan terhadap peredaran minuman beralkohol.

Kata Kunci: perizinan berusaha berbasis resiko, *online single submission*, pengendalian, minuman beralkohol, pemerintah daerah

ABSTRACT

This study examines the licensing regulations and control of the distribution of alcoholic beverages in the Special Region of Yogyakarta in relation to the implementation of risk-based business licensing through the Online Single Submission system. This study is motivated by the ongoing transformation of the licensing system, which prioritizes ease of doing business and legal certainty to stimulate the economy. However, its implementation has raised legal issues regarding the effectiveness of the control and supervision of alcoholic beverages, which have implications for public order, safety, and social conditions. This study will analyze licensing regulations for alcoholic beverages prior to the implementation of risk-based licensing, examine the implications of risk-based licensing on the distribution of alcoholic beverages, and analyze the role of the Yogyakarta Special Region Government in carrying out control and supervision functions regarding the distribution of alcoholic beverages following the implementation of risk-based licensing.

This study is a normative legal study employing an empirical-juridical approach analyzed qualitatively. It utilizes a statutory approach and a conceptual approach by examining legislation and legal concepts related to business licensing and the regulation and supervision of alcoholic beverages. Research data was obtained from a literature review of primary, secondary, and tertiary legal materials, as well as interviews with relevant local government agencies, specifically the DPMPTSP, the Department of Trade, and the SATPOL-PP. The analysis was conducted using qualitative descriptive methods to gain a systematic understanding of the implications of implementing risk-based business licensing on the distribution of alcoholic beverages in the Special Region of Yogyakarta.

The research findings indicate that prior to the implementation of risk-based business licensing, local governments played a broad role in the process of issuing permits, as well as in the supervision and control of the distribution of alcoholic beverages, as stipulated in Presidential Regulation No. 74 of 2013, Minister of Trade Regulation No. 20/M-DAG/PER/4/2014, and Special Region of Yogyakarta Regional Regulation No. 12 of 2015. Risk-based business licensing simplifies the licensing process, but on the other hand, it limits the authority of local governments to control and supervise the distribution of alcoholic beverages. This results in difficulties in supervision, leading to many business operators selling alcoholic beverages and causing public concern. This study found that in the implementation of risk-based licensing, there is a gap between business facilitation and public protection. Based on this gap, the Special Region of Yogyakarta issued Governor's Instruction No. 5 of 2024 on the Optimization of Control and Supervision of Alcoholic Beverages, as an effort to strengthen and clarify the functions of control and supervision over the distribution of alcoholic beverages.

Keywords: risk-based business licensing, online single submission, regulation, alcoholic beverages, local government