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Law Enforcement Against Criminal Distribution of Alcoholic Beverages and Its Impact on the Increase of Traffic Accidents in Kupang City

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Abstract: This study analyzes the legal gap between strict regulations on illegal alcoholic beverages and the implementation of law enforcement in the jurisdiction of Polresta Kupang from 2023 to 2025. Although macro legal instruments (the Food Law and the Health Law) impose severe sanctions on perpetrators, enforcement in the field tends to reduce these offenses to Minor Offenses under local Regional Regulations. As a result, penalties are limited to small fines that lack any deterrent effect. This gap is driven by socio-cultural dilemmas (the role of alcohol in customary practices), cross-regional supply chains that are difficult to dismantle, and the shortage of alcohol detection devices (breathalyzers) for law enforcement officers. From a criminogenic perspective, the uncontrolled distribution of traditional illegal spirits (sopi and moke) constitutes the root cause of public order disturbances. Data shows that consumption of illegal alcohol accounts for 58% of fatal nighttime traffic accidents, triggers 72% of assault and group violence cases (Articles 351 and 170 of the Indonesian Penal Code), and contributes to 65% of Domestic Violence cases. To break this cycle, the study recommends an integrative strategy: a penal policy by prosecuting major distributors under more serious offenses (Article 204 of the Penal Code / Food Law), alongside non-penal measures including revising Regional Regulations to standardize traditional spirits, procuring digital breathalyzers, and involving customary leaders (Usif) in regulating community feasts.

Keywords: Criminal Offense, Criminal Law, Law Enforcement

INTRODUCTION

The Republic of Indonesia explicitly declares itself a state based on law (rechtsstaat), as stipulated in Article 1 paragraph (3) of the 1945 Constitution of the Republic of Indonesia. The logical consequence of this provision is that all aspects of social, national, and state life must be grounded in positive, objective, and certain legal frameworks. However, in the reality of legal sociology, there often exists a clear discrepancy between the law as it ought to be (das Sollen) and the law as it actually operates (das Sein). One of the most visible forms of

this gap, with widespread impact on public security and order, is the circulation of illegal alcoholic beverages.

In the jurisdiction of the Kupang City Police Resort (Polresta) in East Nusa Tenggara, this phenomenon has reached an alarming level. It includes both unlicensed traditional alcoholic beverages without circulation permits or laboratory testing (such as *moke*, *sopi*, and *bako*) and illegally smuggled factory-produced alcohol. Normatively, Indonesia has established a layered set of regulations: from the Criminal Code, Customs Law, Food Law, and Health Law, down to Regional Regulations of Kupang City governing the control of alcoholic beverages.

Theoretically, such a robust regulatory framework should create a deterrent effect capable of halting the supply and demand of illegal alcohol. Yet in practice, the black market continues to thrive, exploiting distribution channels from neighboring regencies. The impact of weak law enforcement extends far beyond administrative violations; it has evolved into a root cause of various crimes. Data reveals a strong correlation between illegal alcohol consumption and rising traffic accidents, as well as violent offenses. Drivers under the influence lose control of their vehicles, while lowered inhibitions fuel assaults, collective violence, and domestic abuse. This stark contrast between written norms and real-world reality underscores the urgency of this research.

Kupang City possesses a unique socio-cultural characteristic, where traditional alcohol has long been embedded in customary practices and social interactions. Over time, however, its production and circulation have expanded unchecked, shifting beyond ritual use into an unregulated commercial commodity sold without permits or health standards. Between 2024 and 2025 alone, Polresta Kupang seized more than 7,200 liters of illegal alcohol. This raises fundamental questions: why do existing laws fail to function effectively, and what consequences does this have for community life?

Formulation of the Problem

Based on the background above, the problems addressed in this research are:

1. How is punishment applied to perpetrators of criminal distribution of alcoholic beverages that contribute to increased traffic accidents in Kupang City?
2. What forms of legal protection are available for victims of traffic accidents resulting from the criminal distribution of alcoholic beverages in Kupang City?

Research Objectives This research aims to:

1. Identify and analyze the punishment imposed on perpetrators of criminal distribution of alcoholic beverages that contribute to increased traffic accidents in Kupang City;
2. Identify and analyze forms of legal protection for victims of traffic accidents resulting from the criminal distribution of alcoholic beverages in Kupang City.

Significance of the Research

Theoretical Significance

1. To expand knowledge and understanding regarding the punishment of those involved in criminal distribution of alcoholic beverages and its impacts;
2. To enrich legal scholarship on legal protection for victims affected by the circulation of illegal alcoholic beverages.

Practical Significance

- a. For Policymakers: To provide inputs for formulating more effective law enforcement policies regarding the circulation of alcoholic beverages;
- b. For Law Enforcement Officials: To serve as a reference in handling cases and ensuring

appropriate legal protection for victims within Kupang City jurisdiction.

METHOD

This research employs empirical legal research, which examines how law operates in social reality, using statutory and conceptual approaches.

The research location is set within the jurisdiction of Kupang City Police Resort (Polresta Kupang). Data sources consist of primary data obtained through direct interviews, and secondary data derived from legal documents, laws and regulations, and scholarly literature.

Data collection is carried out through interviews with relevant informants, official documentary review, and direct field observation. The data is then processed and analyzed deductively, and presented descriptively to address the formulated problems.

RESULT AND DISCUSSION

CHAPTER II

1. Punishment of Perpetrators of Criminal Distribution of Alcoholic Beverages Contributing to the Increase of Traffic Accidents in Kupang City

Normatively, the distribution of illegal alcoholic beverages carries severe sanctions under various laws and regulations, including Article 300 of the Criminal Code, Article 204 of Law No. 18 of 2012 on Food, as well as provisions in the Health Law and Customs Law. These articles threaten perpetrators with imprisonment and substantial fines to create a deterrent effect.

However, law enforcement practices at Polresta Kupang from 2023 to 2025 reveal a clear discrepancy. Case handling tends to downgrade legal qualification from serious offenses to Minor Offenses under Kupang City Regional Regulations. Consequently, imposed punishments are limited to small fines without imprisonment, thus failing to generate any deterrent effect.

This shift in enforcement is driven by several factors:

- a. Socio-Cultural Dilemma: Traditional alcoholic beverages such as *moke* and *sopi* hold special status in customary ceremonies and social life, leading law enforcers to exercise leniency in maintaining communal harmony.
- b. Limited Evidence and Equipment: The unavailability of adequate laboratory testing facilities and alcohol detection devices (breathalyzers) complicates proof of harmful elements or direct causal links to accidents.
- c. Weak Cross-Regional Coordination: Supply chains originate from outside Kupang City, making it difficult to trace major distributors; enforcement efforts mostly stop at lower-level retailers.

This phenomenon demonstrates that current sentencing practices have not achieved legal objectives. Weak sanctions instead allow distribution to persist, ultimately increasing risks of traffic accidents and other violent crimes.

2. Forms of Legal Protection for Traffic Accident Victims Affected by Criminal Distribution of Alcoholic Beverages in Kupang City

Legal protection for traffic accident victims should be realized through two channels: preventive and repressive protection. In reality, however, this protection has not functioned optimally.

Preventively: No specific policies currently integrate alcohol distribution control with accident prevention efforts. Supervision remains incidental and fails to address the root causes of illegal circulation.

Repressively: Protection only becomes available after accidents occur, yet still faces significant obstacles:

- a. Difficulties in Proof: Establishing a direct connection between illegal alcohol consumption and accident causes is problematic due to the scarcity of alcohol testing equipment at incident scenes.
- b. Limitations in Compensation: Since perpetrators are often only fined under Minor Offenses regulations, court rulings rarely order compensation for victim losses within criminal proceedings. Victims must pursue separate civil claims that consume time and resources.

CONCLUSION

Based on the research findings and discussion, the following conclusions are drawn:

1. There is a marked gap between strict legal norms prescribing severe sanctions for the distribution of illegal alcoholic beverages and actual sentencing practices in the field. Enforcement tends to downgrade offenses to Minor Offenses under Regional Regulations, resulting only in small fines that carry no deterrent effect. This situation stems from socio-cultural dilemmas, limited evidence-gathering capabilities, and weak cross-regional coordination. Consequently, illegal alcohol distribution persists and constitutes a primary driver of rising traffic accidents and violent crimes in Kupang City.
2. Legal protection for victims of traffic accidents caused by illegal alcohol distribution has not functioned optimally. Preventively, no integrated policies have been established; repressively, efforts are hindered by difficulties in proving causal links, limited compensation awarded within criminal proceedings, and the absence of dedicated protection schemes for victims suffering permanent disability or death.

Recommendations

In light of the conclusions above, the following recommendations are proposed:

1. For Law Enforcement Officials: Conduct consistent law enforcement by applying serious criminal provisions under the Criminal Code and Food Law toward major collectors and distributors, and reserve Minor Offenses regulations solely for purely administrative violations. Equip personnel with alcohol detection devices and strengthen cross-regional cooperation to cut supply chains at their source.
2. For Local Government: Revise Regional Regulations to prevent downgrading of criminal qualifications, and develop standardization and supervision frameworks for traditional alcoholic beverages that preserve cultural values while safeguarding public safety. Involve customary leaders in regulating alcohol use during community ceremonies.

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