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doi DOI: 10.46924/jihk.v7i2.410



Alcoholic Beverages Distribution in Indonesia: A Socio-Legal Analysis under Criminal and Food Law

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How to cite

Wicaksono, Genta Yuris., Putri,
Hanuring Ayu Ardhani., &
Suniaprily, Firstnandiar Glica Aini.
2026. Alcoholic Beverages
Distribution in Indonesia: A
Socio-Legal Analysis under
Criminal and Food Law. *Jurnal
Ilmu Hukum Kyadiren* 7(2), 1438-
1451.
<https://doi.org/10.46924/jihk.v7i2.410>

Original Article

Abstract

This study analyzes the legal provisions and practices surrounding the distribution of Alcoholic Beverages (Ciu) in Bekonang Village through empirical juridical analysis. The results show that although regulations such as Law No. 18 of 2012 concerning Food and Article 204 of the Criminal Code have established a normative legal framework, there is a wide gap with the reality on the ground (law in action). *Ciu* remains widely circulated because it has become integrated as a tradition and a source of community income, thus gaining strong social legitimacy. Repressive law enforcement faces complex dilemmas and obstacles due to socio-cultural and economic factors. Efforts by authorities tend to be incidental and fail to address the root of the problem. Therefore, a solely criminal law approach is deemed ineffective and unsustainable. This study concludes that a more comprehensive and integrative policy is needed. The solution lies in reinterpreting regulations that take into account the characteristics of traditional beverages, supported by socio-legal strategies such as health education, business development, and strengthened operational oversight by local governments. Ultimately, a sustainable solution must be able to reconcile formal legal certainty with local wisdom and community economic well-being.

Keywords: *Legal Analysis, Alcoholic Beverages (Ciu), Law in Action.*

Abstrak

Penelitian ini menganalisis ketentuan hukum dan praktik peredaran Ciu di Kelurahan Bekonang secara yuridis empiris. Hasilnya menunjukkan, meski regulasi seperti UU No. 18 Tahun 2012 tentang Pangan dan Pasal 204 KUHP telah membentuk kerangka hukum yang normatif, terdapat kesenjangan lebar dengan realitas di lapangan (law in action). Ciu tetap beredar luas karena telah terintegrasi sebagai tradisi dan sumber ekonomi masyarakat, sehingga memperoleh legitimasi sosial yang kuat. Penegakan hukum secara represif menghadapi dilema dan kendala kompleks akibat faktor sosio-kultural dan ekonomi. Upaya aparat cenderung bersifat insidental dan tidak menjangkau akar persoalan. Oleh karena itu, pendekatan hukum pidana semata dinilai tidak efektif dan tidak berkelanjutan. Penelitian ini menyimpulkan bahwa diperlukan kebijakan yang lebih komprehensif dan integratif. Solusinya terletak pada reinterpretasi regulasi yang mempertimbangkan karakteristik minuman tradisional, didukung strategi sosio-legal seperti edukasi kesehatan, pembinaan usaha, serta penguatan pengawasan operasional oleh pemerintah daerah. Pada akhirnya, penyelesaian yang berkelanjutan harus mampu mendialogkan kepastian hukum formal dengan kearifan lokal dan kesejahteraan ekonomi masyarakat.

Kata Kunci: *Analisis Yuridis, Minuman Keras (Ciu), Law in Action.*

1. INTRODUCTION

Indonesia is a state governed by the rule of law, grounded in Pancasila and the 1945 Constitution of the Republic of Indonesia, which guarantees and regulates the rights and obligations of its citizens.¹ Article 1(3) of the Constitution affirms that all state actions and social activities must be conducted in accordance with applicable legal norms. Consequently, individual and collective conduct is subject to statutory regulation, including activities related to food distribution, such as alcoholic beverages. Within this legal framework, the existence of traditional alcoholic drinks such as CIU, particularly in Java, presents a complex legal issue situated at the intersection of socio-economic practices, cultural traditions, and the demand for legal certainty.

The circulation of CIU in Bekonang Village, Mojolaban District, Sukoharjo Regency, represents a distinctive socio-legal phenomenon. CIU is a traditionally produced home-distilled alcoholic beverage that has been recognized as a local product in Bekonang since the 1950s. Despite periodic policy initiatives aimed at regulating or legalizing alcohol production, the distribution of CIU frequently operates outside formal legal channels. This condition poses significant risks to public health and safety due to unregulated alcohol content and the potential presence of hazardous substances, such as excessive ethanol levels, which may result in severe health consequences or death.²

As a distilled product derived from fermented cassava (*gaplek*), CIU falls within the regulatory scope of Indonesia's alcohol control regime. Under Minister of Trade Regulation No. 20/M-DAG/PER/4/2014 on the Control and Supervision of the Procurement, Distribution, and Sale of Alcoholic Beverages, all alcoholic products are required to obtain distribution permits and comply with established quality and safety standards. These requirements are intended to safeguard public health, recognizing that alcohol consumption entails not only physical but also behavioral and psychological implications.³ Nevertheless, empirical conditions in Bekonang indicate that many CIU producers continue to manufacture and distribute the beverage without adhering to these regulatory standards. CIU production has become deeply embedded in the cultural and economic life of Bekonang and surrounding areas, with the village widely acknowledged as one of Central Java's principal CIU production centers. For a significant portion of the local population, CIU manufacturing constitutes a hereditary livelihood that sustains household economies. Production is primarily oriented toward

¹ Muntoha, *Negara Hukum Indonesia Pasca Perubahan UUD 1945*, ed. oleh Munawir Haris (Yogyakarta: Kaukuba Dipantara, 2013), hal. 6.

² Bunga Arini, "Pertanggungjawaban Pidana Pengedar Ciu Di Kabupaten Sukoharjo Ditinjau Dari Putusan Pengadilan Negeri Sukoharjo," *Recidive: Jurnal Hukum Pidana dan Penanggulangan Kejahatan* 7, no. 2 (2018): 230–38, <https://doi.org/10.20961/recidive.v7i2.40599>.

³ Chairul Huda, *Dari Tiada Pidana Tanpa Kesalahan Menuju Kepada Tiada Pertanggungjawaban Pidana Tanpa Kesalahan*, 4 ed. (Jakarta: Kencana Prenada Media Group, 2011), hal. 75.

local consumption, although a portion enters broader regional markets.⁴ From a public health perspective, however, the uncontrolled consumption of CIU produced under non-hygienic conditions has generated adverse physical and social impacts, including alcohol poisoning, long-term health disorders, and behaviors that disrupt social order.

From a legal standpoint, the distribution of CIU occupies a regulatory gray area. Article 204 of the Indonesian Criminal Code (KUHP) provides that any person who sells, offers, delivers, or distributes goods known to endanger life or health may be subject to criminal sanctions.⁵ Under this provision, the circulation of CIU that fails to comply with safety standards may be classified as a criminal offense where it poses a threat to public welfare. The offense is defined by the commission of prohibited acts, and criminal liability arises upon proof that such conduct has occurred.⁶ Accordingly, individuals who sell, offer, or possess alcoholic beverages without the requisite permits and safety compliance may be subject to penal sanctions. As a home-produced alcoholic beverage, CIU does not satisfy established safety, quality, or licensing requirements and therefore falls within the scope of conduct prohibited under this provision, which has frequently served as the legal basis for repressive enforcement measures by law enforcement authorities.

At the same time, CIU constitutes a traditional industrial product originating from Bekonang Village and represents a distinctive local industry within Sukoharjo Regency. In 1987, the regional government enacted Regional Regulation No. 15 of 1987 concerning the licensing of small-scale and home-based alcohol industries in Bekonang.⁷ Under this regulation, CIU producers were formally classified as part of the alcohol industry and were permitted to manufacture high-concentration alcohol exclusively for medical purposes. Despite this regulatory framework, the production of CIU has continued, largely driven by sustained market demand.⁸

A different regulatory perspective emerges under Law No. 18 of 2012 on Food. This statute prioritizes food safety, defined as the conditions and measures necessary to prevent food from contamination that may endanger human health. As a processed consumable product, CIU falls within the statutory definition of food. Consequently, the distribution of illegally produced CIU may constitute a violation of food safety regulations, particularly where it fails to meet prescribed safety standards or lacks a distribution permit, as regulated under Articles 86 and 140 of the Food Law. This

⁴ Wihan Aria Tinandi, Anita Trisiana, dan Wartoyo, "Peran Industri Rumahan Alkohol Sebagai Penguatan Identitas Daerah Serta Untuk Meningkatkan Kesejahteraan Masyarakat (Studi Masyarakat Desa Bekonang Kabupaten Sukoharjo)," *Jurnal Ilmiah Global Citizen Jurnal Ilmiah Kajian Pendidikan Kewarganegaraan* 13, no. 2 (2024): 17–28, <https://doi.org/10.33061/jgz.v13i2.11105>.

⁵ Moeljatno, *Kitab Undang-Undang Hukum Pidana* (Jakarta: Bumi Aksara, 2003) Pasal 204.

⁶ Moch Choirul Rizal, *Larangan Mengonsumsi Minuman Beralkohol di Indonesia*, ed. oleh Lembaga Studi Hukum Pidana (Kediri: Lembaga Studi Hukum Pidana (LSHP), 2021), hal. 101.

⁷ Tinandi, Trisiana, dan Wartoyo, "Peran Industri Rumahan Alkohol Sebagai Penguatan Identitas Daerah Serta Untuk Meningkatkan Kesejahteraan Masyarakat (Studi Masyarakat Desa Bekonang Kabupaten Sukoharjo)."

⁸ Tinandi, Trisiana, dan Wartoyo.

regulatory framework provides a more comprehensive approach, addressing CIU not solely as a matter of criminal liability but also as an issue of public health protection and consumer safety.

Law functions not only as an instrument of social regulation but also as a mechanism for protecting the public from conduct that may endanger safety and public health.⁹ Accordingly, a legal examination of the circulation of CIU in Bekonang is required to assess the extent to which such activities may give rise to legal responsibility under Article 204 of the Indonesian Criminal Code and Law No. 18 of 2012 on Food.

Within the prevailing normative framework, the regulation of CIU distribution operates under two distinct legal regimes: the general criminal law embodied in the Criminal Code and the sector-specific regulatory framework established by the Food Law. The coexistence of these regimes raises questions concerning the suitability and effectiveness of each in addressing the circulation of CIU, particularly at the local level. In practice, the persistence of CIU production and distribution is shaped not solely by legal considerations but also by entrenched economic and cultural factors, which contribute to its continued existence despite formal legal prohibitions.

Against this backdrop, the present study undertakes a legal analysis of CIU circulation in Bekonang Village, Mojolaban District, Sukoharjo Regency, by examining the application of Article 204 of the Criminal Code and Law No. 18 of 2012 on Food. The study seeks to comparatively evaluate the relevance and effectiveness of these legal instruments and to identify factors influencing their enforcement within the community. Through this approach, the research aims to offer a more context-sensitive understanding of the regulatory and enforcement dynamics governing CIU circulation in the Bekonang area.

2. RESEARCH METHODOLOGY

This study adopted an empirical legal (socio-legal) research design employing a qualitative and descriptive approach. An empirical legal methodology was selected to examine law as it operates in practice (law in action), particularly in relation to the circulation of CIU in Bekonang Village. The qualitative approach facilitated an inductive exploration of the practices, perceptions, and social dynamics underlying this phenomenon, while maintaining an analytical focus on law as a normative system.

The data comprised both primary and secondary sources. Primary data were obtained through semi-structured interviews with key informants, including law enforcement officers, public order officials, relevant local government representatives, CIU producers

⁹ Nazla Arliva Rahman, Kaila Intan Fatihah, dan Fathiatrysa Hamada, "Praktik Dan Tantangan Hukum Sebagai Alat Kontrol Sosial," *Jurnal ilmiah Wahana Pendidikan* 21, no. 1.A (2025): 189–95, <http://www.jurnal.peneliti.net/index.php/JIWP/article/view/9545>.

and business actors, and members of the local community. In addition, field observations were conducted to document CIU production and distribution processes. Secondary data were collected through a review of primary legal materials, such as the Criminal Code and Law No. 18 of 2012 on Food, as well as secondary legal sources, including scholarly literature, journal articles, and books, complemented by relevant field documents such as raid and case reports.

Data analysis was conducted using the interactive model proposed by Miles and Huberman, consisting of three interconnected stages: data reduction through systematic selection and focusing; data display in descriptive narrative form to facilitate pattern recognition; and the drawing of analytically verified conclusions grounded in both empirical findings and theoretical frameworks. This analytical process was intended to provide a comprehensive account of legal realities and to interpret the underlying meanings embedded within them.

3. RESULT AND DISCUSION

3.1. Regulatory Framework Governing CIU Distribution under Criminal and Food Law

Law No. 18 of 2012 on Food classifies alcoholic beverages as a category of specifically regulated processed foods, as defined in Article 1(9) and (17). This regulatory approach is grounded in a protective paradigm that acknowledges alcoholic beverages as food commodities posing heightened risks to public health, public order, and social morality. Accordingly, the statute does not impose an absolute prohibition but instead establishes a framework of strict regulation and distributional controls aimed at mitigating adverse effects while accommodating Indonesia's diverse social, cultural, and economic contexts.¹⁰

Substantively, the regulatory scheme emphasizes food safety and consumer protection as its core principles. Article 86(1) requires producers to obtain the appropriate authorization, while Article 86(2) prohibits the production and distribution of alcoholic beverages that fail to comply with prescribed safety standards. Consumer protection is further reinforced through the labeling requirements set forth in Article 97, which mandate the inclusion of health warnings, disclosure of alcohol content, restrictions on sales to individuals under 21 years of age and pregnant women, and prohibitions on operating motor vehicles after consumption. These provisions are intended to enhance public awareness of alcohol-related risks.

A key feature of this regulatory framework is the delegation of authority to subnational governments. Articles 109 and 110 empower provincial governments to formulate norms, standards, procedures, and criteria, while district and municipal

¹⁰ Roselina Erniwati Gowasa, "Perlindungan Konsumen Dalam Peredaran Minuman Beralkohol Jenis Tuak Di Desa Hilisataro Kecamatan Toma Kabupaten Nias Selatan," *Jurnal Panah Keadilan* 4, no. 2 (2025): 52–70, <https://doi.org/10.57094/jpk.v4i2.3801>.

governments are responsible for supervision and licensing in accordance with these parameters. This decentralized approach reflects the recognition of Indonesia's socio-cultural diversity, allowing certain regions to adopt relatively permissive regulatory models under strict oversight, while others may impose more restrictive controls through regional regulations.¹¹

Notwithstanding its regulatory objectives, the implementation of this delegated authority presents several challenges. First, decentralization has resulted in fragmented and uneven regulatory practices across jurisdictions, generating legal uncertainty for business actors and complicating cross-regional enforcement. Second, regulatory effectiveness is contingent upon the institutional capacity and commitment of local governments, which vary significantly across regions. Third, the widespread circulation of illicit alcoholic beverages—often posing greater public health risks—remains difficult to address, as it requires sustained inter-agency coordination among bodies such as the Food and Drug Authority, Customs and Excise, and law enforcement agencies at both national and subnational levels.¹²

The regulatory provisions governing the distribution of alcoholic beverages under Law No. 18 of 2012 reflect a conditional and context-sensitive legal approach. While the statute establishes a flexible national regulatory framework, it assigns primary responsibility for implementation to subnational authorities. As a result, the effectiveness of public protection depends not solely on statutory design but also on the institutional capacity of regional governments, coordination among law enforcement agencies, and public awareness of alcohol-related risks. Consequently, further research is required to assess the effectiveness of the diverse regulatory models adopted across regions.

Article 204 of the Indonesian Criminal Code (KUHP), a provision originating from the colonial legal system, continues to function as a formal legal basis for addressing the circulation of alcoholic beverages in Indonesia. The provision criminalizes, without proper authorization, activities such as selling, offering, delivering, operating a business related to alcoholic beverages, importing them into Indonesian territory, or maintaining stockpiles for sale.¹³ An examination of this article highlights its defining features, inherent limitations, and continuing relevance within the framework of contemporary criminal law.

Substantively, Article 204 targets unauthorized commercial activities involving alcoholic beverages. Its core elements consist of acts such as selling, offering, operating a business, importing, or possessing alcoholic beverages for commercial purposes without the requisite permit. The regulated object “alcoholic beverages” has been interpreted in judicial and doctrinal discourse to primarily encompass beverages with high ethanol

¹¹ Nazifatul Ilmi, Rahman Alwi, dan Kemas Muhammad Gemilang, “Tinjauan Fiqh Siyasah Terhadap Peran Pemerintah Daerah Dalam Pengawasan Pengendalian dan Pelanggaran Minuman Beralkohol Berdasarkan Perda Nomor 8 Tahun 2012,” *Journal Sharia and Law* 2, no. 3 (2023): 907–24, <https://doi.org/10.1234001/jsl.v2i3.1325>.

¹² Ilmi, Alwi, dan Gemilang.

¹³ *Kitab Undang-Undang Hukum Pidana Indonesia* (Jakarta: Ghalia Indonesia, 1982) Pasal 204.

content.¹⁴ The relatively modest sanction, with a maximum penalty of one year's imprisonment, reflects the classification of the offense as a violation of public order rather than a crime against individual persons. Accordingly, the provision emphasizes the regulation of economic conduct, particularly unauthorized trade, rather than directly addressing individual health risks posed by hazardous substances, although its application nonetheless serves broader public interests.

Notwithstanding its formal status, this provision has been subject to substantial criticism and practical challenges. First, the Criminal Code does not provide an explicit definition of "alcoholic beverages," resulting in interpretive ambiguity and inconsistent enforcement. The absence of a clearly specified alcohol content threshold frequently compels authorities to rely on subjective assessments or supplementary regulations external to the Criminal Code. Second, the sanctions prescribed under the provision are widely regarded as outdated and ineffective as a deterrent. In particular, the maximum fine of four thousand five hundred rupiah is manifestly disproportionate and lacks any meaningful deterrent effect in the contemporary context. Third, the provision is narrowly confined to licensing violations in trade activities and therefore fails to address more substantive concerns, including excessive consumption, smuggling, illicit home-based production such as CIU, or licensed commercial practices that contravene other regulatory prohibitions, such as sales to minors.¹⁵

Within the broader framework of Indonesia's national legal system, the applicability of Article 204 of the Criminal Code increasingly reveals its structural limitations. Its general and indeterminate formulation has led to diminished practical relevance, as enforcement authorities frequently bypass the provision. In contrast, the evolution of sector-specific legislation—most notably Law No. 18 of 2012 on Food, together with regional regulations enacted pursuant to that statute—has introduced norms that are more precise, operational, and context-sensitive. These regulatory instruments enable detailed governance of alcohol-related activities, including prohibitions, restrictions on locations and operating hours, and the imposition of sanctions tailored to local social and cultural conditions, as demonstrated in jurisdictions such as Jakarta, Bali, and regions adopting Sharia-based regulations.

In enforcement practice, authorities therefore tend to rely on the Food Law and relevant regional regulations rather than Article 204 of the Criminal Code. This trend is consistent with Sudikno Mertokusumo's view that legal development must respond to societal needs and the realities of the existing legal system, requiring the prioritization of more specific and socially responsive norms through systematic interpretation and the application of the *lex specialis derogat legi generali* principle. From this perspective, the

¹⁴ Hamid Rusdi, Suwarno Abadi, dan Joko Ismono, "Penegakan Hukum Terhadap Produksi Dan Peredaran Minuman Beralkohol (Oplosan) (Studi Kasus Putusan Nomor: 284/Pid.B/2020/PN.Gsk)," *Jurnal Law And Humanity* 1, no. 1 (2023): 41–64, <https://doi.org/10.37504/lh.v1i1.516>.

¹⁵ Riza Hanafi Abdul Aziz, Hadi Mahmud, dan Wahyu Beny Mukti Setiyawan, "Analisis Yuridis Pemeriksaan Cepat Tindak Pidana Mengedarkan Minuman Keras Tanpa Ijin (Studi Putusan Nomor: 91/Pid.C/2021/PN. Skt)," *Jurnal Penelitian Serambi Hukum* 16, no. 1 (2023): 71–80, <https://doi.org/10.59582/sh.v16i01.585>.

continued inclusion of Article 204 in the Draft Criminal Code (RKUHP) remains contentious.¹⁶ Ongoing debates center on whether the provision should be revised to ensure greater clarity and proportionality or whether its substantive regulation should be fully delegated to sectoral legislation, such as the Food Law, which is better aligned with contemporary social developments.

An examination of Article 204 of the Criminal Code indicates that the provision represents an outdated instrument of criminal law and is marked by substantive deficiencies. Its limited emphasis on licensing requirements and the absence of clear operational definitions significantly reduce its effectiveness in addressing the multifaceted challenges posed by contemporary alcohol-related issues. Recent developments in the national legal framework have increasingly favored more comprehensive regulatory approaches, particularly through the 2012 Food Law and corresponding regional regulations, which prioritize public health considerations, consumer protection, and the recognition of local values. Accordingly, the future role of Article 204 warrants reconsideration, either through integrated reform within the new Criminal Code or by expressly assigning substantive regulatory authority to specialized legislation beyond the scope of general criminal law.

3.2. Implementation of Legal Frameworks Governing CIU Distribution in Bekonang

Bekonang Village, located in Mojolaban District, Sukoharjo Regency, Central Java, has long been recognized as a generational center of CIU production, a traditional alcoholic beverage derived from molasses or legen. The circulation of CIU in this locality presents a distinctive legal landscape characterized by ongoing tensions among national legal norms, local traditions, and socio-economic realities. Consequently, the regulation of CIU distribution in Bekonang cannot be understood in purely binary terms of legality and illegality, but rather as a process involving accommodation, negotiation, and the contextual reinterpretation of legal norms by both local communities and enforcement authorities.¹⁷

From the standpoint of positive law, the production and distribution of CIU in Bekonang may be classified as criminal conduct, as it involves the trade of alcoholic beverages without formal authorization from local government authorities. In practice, however, enforcement measures are applied selectively and conditionally. Law enforcement officials frequently exercise discretion by prioritizing preventive and persuasive strategies over punitive actions, particularly in light of the social and economic conditions of the local population.¹⁸ Enforcement operations are typically sporadic, occurring mainly during specific periods such as the month of Ramadan or in response to

¹⁶ Sudikno Mertokusumo, *Penemuan Hukum: Sebuah Pengantar* (Yogyakarta: Cahaya Atma Pustaka, 2018), hal. 52-55.

¹⁷ Arini, "Pertanggungjawaban Pidana Pengedar Ciu Di Kabupaten Sukoharjo Ditinjau Dari Putusan Pengadilan Negeri Sukoharjo."

¹⁸ Arini.

reports of disturbances to public order.¹⁹ This approach reflects an awareness that CIU production constitutes a long-standing livelihood that sustains the local economy, and that large-scale criminalization could generate broader social and economic disruption.²⁰

At the regulatory level, regional legislation enacted by Sukoharjo Regency represents a potentially relevant legal source. Nevertheless, to date, no regional regulation specifically and comprehensively governs traditional alcoholic beverages such as CIU. This regulatory gap has created a legal vacuum that is often exploited by producers. Conversely, the Sukoharjo Regency Government, through its Office of Cooperatives and Small and Medium Enterprises, has implemented assistance programs aimed at improving the quality and packaging of CIU, adopting a policy orientation focused on supporting micro-enterprises rather than suppressing them. This stance illustrates the dual role of local government, which must simultaneously uphold legal enforcement obligations and pursue policies that promote community-based economic empowerment.²¹

Local knowledge and unwritten social norms play a significant role in governing the circulation of CIU. Within the Bekonang community, internal mechanisms of social control have developed to regulate production and distribution practices. CIU production and sales are generally conducted discreetly, accompanied by shared norms that discourage sales to minors and students, as well as the distribution of quantities likely to cause intoxication and disturb public order. These practices function as a form of community-based self-regulation that mitigates adverse social effects while simultaneously serving as an informal bargaining arrangement with enforcement authorities, who tend to tolerate such practices in the absence of serious violations.

From an economic-sociological perspective, strictly repressive enforcement strategies are widely regarded as ineffective because they fail to address the underlying structural factors sustaining CIU production. CIU is not merely an illicit commodity but constitutes an integral element of local cultural identity and economic livelihoods. Legal ambiguity, rather than eliminating the practice, often entrenches producers in conditions of informality, limiting access to capital, innovation opportunities, and legal protection. Consequently, various studies have proposed limited legalization through targeted regulatory frameworks, such as the issuance of micro-enterprise permits for traditional CIU production subject to stringent conditions, including compliance with safety standards, the exclusion of methanol, mandatory health warnings, prohibitions on sales to vulnerable populations, and restrictions on distribution zones. Under this approach, the role of the state shifts from punitive enforcement toward regulatory oversight aimed at consumer

¹⁹ Uswatun Nikmah et al., “Persepsi Masyarakat Terhadap Aktivitas Produksi Alkohol di Desa Bekonang Berdasarkan Latar Belakang Sosio-Kultural,” *Jurnal Sosial Ekonomi dan Humaniora* 8, no. 2 (2022): 175–82, <https://doi.org/10.29303/jsch.v8i2.10>.

²⁰ Bagus Heradhyaksa dan Rizqon Halal Syah Aji, “Paradigma Critical Theory et al: Tinjauan Terhadap Perda Jawa Timur Nomor 6 Tahun 2014 tentang Pengendalian, Pengawasan, dan Peredaran Minuman Beralkohol,” *MIZAN: Journal of Islamic Law* 4, no. 1 (2020): 47–58, <https://doi.org/10.32507/mizan.v3i2.491>.

²¹ Heradhyaksa dan Aji.

protection and producer empowerment.

The regulation of CIU circulation in Bekonang Village thus represents a paradigmatic case of local resistance to, and adaptation of, national legal norms. Positive law, including the Criminal Code and the Food Law, is applied with considerable flexibility and is reshaped by socio-cultural and economic considerations related to community survival. This context underscores the need for policy responses that extend beyond formal enforcement mechanisms. The development of adaptive and context-sensitive regional regulations governing traditional alcoholic beverages, complemented by programs promoting economic diversification, constitutes a strategic means of reconciling legal compliance with the preservation of local practices and the enhancement of community welfare.

Empirical socio-legal research on the circulation of traditional alcoholic beverages such as CIU in Indonesia particularly in production centers like Bekonang and other regions in Java reveals a pronounced gap between formal legal norms (law on the books) and social practices (law in action). Normatively, the production and distribution of CIU are subject to sanctions under Article 204 of the Criminal Code, which addresses the unlicensed circulation of alcoholic beverages, as well as under the Food Law, which classifies alcoholic beverages as certain processed foods subject to safety requirements. In practice, however, these formal legal frameworks undergo significant reinterpretation and adaptation at the local level, giving rise to a hybrid legal order (living law) that operates within producer and consumer communities.²²

Empirical observations indicate that formal legal rules are frequently overridden or adapted by economic rationales and embedded cultural practices, particularly those rooted in Javanese social traditions. Generational modes of production have given rise to a localized microeconomic system that absorbs labor across multiple stages, including the processing of coconut or sugarcane sap, production, and distribution. Fieldwork conducted in Sukoharjo demonstrates that law enforcement authorities adopt a contextual and discretionary approach. Household-scale production intended for local consumption is generally tolerated, whereas large-scale production lacking quality controls especially where it poses risks of mass poisoning or public disorder elicits more decisive intervention²³ This pattern of enforcement reflects law in action, wherein legal responses are shaped by sociological considerations and potential social impacts rather than strict textual application of statutory provisions.

This dynamic may be understood through the lens of legal pluralism, under which multiple legal orders coexist within a single social setting, such as Bekonang Village. In this

²² Agung Barok Pratama dan Dewi Sekar Arum, "The Conflict of Legal Norms: Islamic Law and Positive Law in the Regulation of Alcoholic Beverages in Pekalongan City," *Al-Mazaahib Jurnal Perbandingan Hukum* 12, no. 2 (2024): 165–83, <https://doi.org/10.14421/al-mazaahib.v12i2.3671>.

²³ Yudistira Bayu Aji dan Sri Widayanti, "Kompleksitas Pelaksanaan Penertiban Penjualan Minuman Beralkohol Dalam Operasi Yustisi," *J-CEKI: Jurnal Cendikia Ilmiah* 3, no. 4 (2024): 2662–69, <https://doi.org/10.56799/jceki.v3i5.4360>.

context, state law operates in a normatively restrictive manner, while customary or traditional norms regard CIU as a legitimate local product and craft. The most influential regulatory framework, however, is social law, manifested in unwritten community agreements aimed at sustaining economic activity. These include informal rules against sales to children, basic quality control practices, and the concealment of production activities from public scrutiny. Tensions among these legal orders are typically managed through negotiation and accommodation rather than confrontation, with enforcement officials informally tolerating the activity so long as it does not generate overt social harm, and producer communities actively maintaining order to avoid attracting excessive attention.²⁴

The legal consequences of this disjunction include heightened uncertainty and vulnerability. Small-scale CIU producers remain confined to a legal gray area: they are unable to achieve formal legality due to their inability to satisfy the administrative and technical requirements mandated by food safety regulations—such as licensing, labeling, and laboratory testing—yet they are not subject to consistent prosecution. This condition constrains modernization efforts, undermines food safety assurance, and weakens consumer protection. As a result, consumers continue to face significant risks, particularly from adulterated CIU mixed with hazardous substances. Empirical research therefore underscores the need for responsive and differentiated regulatory approaches. In this regard, regional governments are encouraged to formulate specialized regulations that accommodate traditional alcoholic beverages through mechanisms such as communal permits or recognition of traditional enterprises, coupled with regulatory guidance aimed at improving safety standards without undermining local economic livelihoods.

Empirical legal analysis of CIU circulation reinforces the proposition that law does not function in isolation. The practical effectiveness of formal legal norms is substantially shaped and constrained by prevailing socio-cultural and economic conditions. The CIU case illustrates how communities exercise social agency to sustain livelihoods under the pressures imposed by formal regulatory frameworks. Accordingly, policy development should move beyond rigid legal-centric models toward a sociological and instrumental perspective that conceives law as a means of managing complex social realities rather than merely enforcing the textual authority of statutes. The effectiveness of future regulatory interventions will depend on their capacity to reconcile formal legal norms with deeply embedded social practices.

4. CONCLUSION

From a normative standpoint, the distribution of traditional alcoholic beverages such as CIU may be classified as unlawful under Article 204 of the Indonesian Criminal Code (KUHP) and Law No. 18 of 2012 on Food. Article 204 establishes criminal liability for the

²⁴ Heradhyaksa dan Aji, “Paradigma Critical Theory et al: Tinjauan Terhadap Perda Jawa Timur Nomor 6 Tahun 2014 tentang Pengendalian, Pengawasan, dan Peredaran Minuman Beralkohol.”

unlicensed distribution of alcoholic beverages, while the Food Law categorizes CIU as a processed food subject to safety and licensing requirements. Nevertheless, neither legal instrument has proven fully effective in governing CIU distribution, which has become deeply embedded in the socio-economic life of the Bekonang community.

At the local level, enforcement practices reveal a clear divergence between formal legal norms and their application in practice. Law enforcement authorities frequently employ selective and persuasive strategies, informed by social, cultural, and economic considerations, resulting in a non-repressive application of criminal law. This pattern reflects the operation of legal pluralism, in which state law interacts with traditional norms and community-based social rules.

Accordingly, effective regulation of CIU distribution necessitates a more contextual and integrative legal approach. Enhancing the role of Law No. 18 of 2012 on Food as the primary regulatory framework, complemented by responsive regional regulations, is more likely to ensure public health protection while maintaining the sustainability of local economic activities.

REFERENCES

Journals

- Aji, Yudistira Bayu, dan Sri Widayanti. "Kompleksitas Pelaksanaan Penertiban Penjualan Minuman Beralkohol Dalam Operasi Yustisi." *J-CEKI: Jurnal Cendikia Ilmiah* 3, no. 4 (2024): 2662–69. <https://doi.org/10.56799/jceki.v3i5.4360>.
- Arini, Bunga. "Pertanggungjawaban Pidana Pengedar Ciu Di Kabupaten Sukoharjo Ditinjau Dari Putusan Pengadilan Negeri Sukoharjo." *Recidive: Jurnal Hukum Pidana dan Penanggulangan Kejahatan* 7, no. 2 (2018): 230–38. <https://doi.org/10.20961/recidive.v7i2.40599>.
- Aziz, Riza Hanafi Abdul, Hadi Mahmud, dan Wahyu Beny Mukti Setiyawan. "Analisis Yuridis Pemeriksaan Cepat Tindak Pidana Mengedarkan Minuman Keras Tanpa Ijin (Studi Putusan Nomor: 91/Pid.C/2021/PN. Skt)." *Jurnal Penelitian Serambi Hukum* 16, no. 1 (2023): 71–80. <https://doi.org/10.59582/sh.v16i01.585>.
- Gowasa, Roselina Erniwati. "Perlindungan Konsumen Dalam Peredaran Minuman Beralkohol Jenis Tuak Di Desa Hilisataro Kecamatan Toma Kabupaten Nias Selatan." *Jurnal Panah Keadilan* 4, no. 2 (2025): 52–70. <https://doi.org/10.57094/jpk.v4i2.3801>.
- Heradhyaksa, Bagas, dan Rizqon Halal Syah Aji. "Paradigma Critical Theory et al: Tinjauan Terhadap Perda Jawa Timur Nomor 6 Tahun 2014 tentang Pengendalian, Pengawasan, dan Peredaran Minuman Beralkohol." *MIZAN: Journal of Islamic Law* 4, no. 1 (2020): 47–58.

<https://doi.org/10.32507/mizan.v3i2.491>.

Ilmi, Nazifatul, Rahman Alwi, dan Kemas Muhammad Gemilang. "Tinjauan Fiqh Siyasah Terhadap Peran Pemerintah Daerah Dalam Pengawasan Pengendalian dan Pelanggaran Minuman Beralkohol Berdasarkan Perda Nomor 8 Tahun 2012." *Journal Sharia and Law* 2, no. 3 (2023): 907–24.

<https://doi.org/10.1234001/jsl.v2i3.1325>.

Nikmah, Uswatun, Nur Aida Farani, Faza Mayestha Aji, Alif Akbar Irfansyah, Vita Tranismawati, Negal Hendriyanto, dan Siti Hadiyati Nur Hafida. "Persepsi Masyarakat Terhadap Aktivitas Produksi Alkohol di Desa Bekonang Berdasarkan Latar Belakang Sosio-Kultural." *Jurnal Sosial Ekonomi dan Humaniora* 8, no. 2 (2022): 175–82. <https://doi.org/10.29303/jseh.v8i2.10>.

Pratama, Agung Barok, dan Dewi Sekar Arum. "The Conflict of Legal Norms: Islamic Law and Positive Law in the Regulation of Alcoholic Beverages in Pekalongan City." *Al-Mazaahib Jurnal Perbandingan Hukum* 12, no. 2 (2024): 165–83.

<https://doi.org/10.14421/al-mazaahib.v12i2.3671>.

Rahman, Nazla Arliva, Kaila Intan Fatihah, dan Fathiatrysza Hamada. "Praktik Dan Tantangan Hukum Sebagai Alat Kontrol Sosial." *Jurnal ilmiah Wabana Pendidikan* 2 11, no. 1.A (2025): 189–95.

<http://www.jurnal.peneliti.net/index.php/JIWP/article/view/9545>.

Rusdi, Hamid, Suwarno Abadi, dan Joko Ismono. "Penegakan Hukum Terhadap Produksi Dan Peredaran Minuman Beralkohol (Oplosan) (Studi Kasus Putusan Nomor: 284/Pid.B/2020/PN.Gsk)." *Jurnal Law And Humanity* 1, no. 1 (2023): 41–64. <https://doi.org/10.37504/lh.v1i1.516>.

Tinandi, Wihaan Aria, Anita Trisiana, dan Wartoyo. "Peran Industri Rumahan Alkohol Sebagai Penguatan Identitas Daerah Serta Untuk Meningkatkan Kesejahteraan Masyarakat (Studi Masyarakat Desa Bekonang Kabupaten Sukoharjo)." *Jurnal Ilmiah Global Citizen Jurnal Ilmiah Kajian Pendidikan Kewarganegaraan* 13, no. 2 (2024): 17–28. <https://doi.org/10.33061/jgz.v13i2.11105>.

Books

Boerdiarto, M., dan K. Wantjik Saleh. *Kitab Undang-Undang Hukum Pidana Indonesia*. Jakarta: Ghalia Indonesia, 1982.

Huda, Chairul. *Dari Tiada Pidana Tanpa Kesalahan Menuju Kepada Tiada Pertanggungjawaban Pidana Tanpa Kesalahan*. 4 ed. Jakarta: Kencana Prenada Media Group, 2011.

Mertokusumo, Sudikno. *Penemuan Hukum: Sebuah Pengantar*. Yogyakarta: Cahaya Atma Pustaka, 2018.

- Moeljatno. *Kitab Undang-Undang Hukum Pidana*. Jakarta: Bumi Aksara, 2003.
- Muntoha. *Negara Hukum Indonesia Pasca Perubahan UUD 1945*. Diedit oleh Munawir Haris. Yogyakarta: Kaukuba Dipantara, 2013.
- Rizal, Moch Choirul. *Larangan Mengonsumsi Minuman Beralkohol di Indonesia*. Diedit oleh Lembaga Studi Hukum Pidana. Kediri: Lembaga Studi Hukum Pidana (LSHP), 2021.