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**Law Enforcement of Alcohol Consumption in Children (Case Study of Puhpelem District, Wonogiri Regency)**

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**ABSTRACT**

There have been many criminal acts or crimes that are present and occur in our society due to the consumption of alcohol, some of which kill many people at once. In this era of times and shifting globalization requires many people to be more careful in everything, especially parents who already have children. Free association and no strong fortress make children vulnerable to associations that are not at their age, such as alcohol. This becomes polemic when a child chugs alcohol and the one who gives access is an adult, who should be an adult who can be a good example for a child. This research uses Juridical-Empirical research methods with the object of research in Puhpelem District, Wonogiri Regency. In some cases in Puhpelem sub-district, several children were found drinking alcohol. This research will describe the regulation of alcohol in Indonesia and law enforcement against children who consume alcohol in Puhpelem District. The data obtained came from interviews with members of the Puhpelem police station, a community leader, and a village head.

Keywords: Children, Miras, Law Enforcement.

**INTRODUCTION**

Indonesia is a country that is blessed with a lot of diversity, both biodiversity of flora and fauna, or ethnic and cultural diversity. There are more than 700 tribes and more than 1,000 languages spread from Sabang to Merauke, making it one of the countries with the most cultural riches and which is still preserved today in the world. It's different when we discuss Indonesian culture which has extraordinary hospitality. Upholding politeness and virtue in every word and behavior is the main characteristic of someone who claims to have a homeland in Indonesia. (Sunaryo, 2019)

The good noble character of the Indonesian nation reflects the ancestors of the Indonesian nation, listed and contained in the 5 precepts in Pancasila which we must uphold. Upholding the meaning of the Almighty God with freedom to carry out religious worship for all citizens. Just and civilized humanity is the main characteristic of the Indonesian people in their daily lives. Indonesian unity means the strength of mutual cooperation in every problem and conflict. Democracy led by the wisdom of wisdom symbolizes that all existing problems can definitely be resolved well without having to act badly. And the last principle reflects a form of justice regardless of race or class. (Jaya, 2022)

Of all these points, a broad explanation is contained in the 1945 Constitution as the basic basis for the legal system in Indonesia. All forms of legislation in Indonesia cannot be separated from the values of the 1945 Constitution because it is the founding father. The 1945 Constitution is a reflection of the Indonesian nation, both in the social, cultural and legal realms. The 1945 Constitution teaches good values in the nation and state. (Al-Rosyid, 1998)

Along with changing times, the erosion of morals and behavior continues to occur. Children who previously still understood how to respect their elders are now starting to lose their identity. Children who used to still play in a child's world, sometimes now seem to act like adults in general. So it can be felt that today's children already know something that they actually don't have the right to know at that age. (Hermawan, 2018) A parent's parenting style must also develop according to changing times, and we often find that children are smarter in using technology than his parents. It is negative developments that then

enter and affect a child's relationships if they do not have a strong stronghold from their parents. (Fimansyah, 2022)

Often we also find a child who has matured in his behavior. It's okay if the behavior that is carried out reflects goodness, but what if a minor does something like an adult, for example smoking and drinking alcohol. It is not uncommon for us to encounter underage children who dare to smoke openly and even share it on social media, to the point where some become unconscious due to drinking too much alcohol.

Alcohol itself in the Criminal Code gets a lot of space and articles. Moreover, regarding the latest Criminal Code which has been signed by President Joko Widodo, which specifically regulates the prohibition of the sale, distribution and giving of good alcohol to anyone with different threats. (Nasrudin, 2017) This is also in view of the many criminal cases which occurred because the perpetrator consumed alcohol, such as beatings, murders, and even victims of traffic accidents

Children at an age where they are not yet able to take responsibility for themselves should receive protection from bad behavior such as alcohol. At such a vulnerable age, consuming alcohol in children will result in children experiencing mild to serious health problems such as brain disorders, stomach problems, and various other health problems. On the social side, children will more easily commit crimes and cannot control their emotions well and can potentially become public enemies. (Adrian, 2018)

And that is why the role of parents and the surrounding community in incidents like this must be avoided so that it does not become a bad thing, because it is also known that children are assets and the future of a nation. Law enforcement must also be enforced if someone deliberately gives a child alcohol with appropriate punishment in accordance with applicable regulations.

The background to this research is that there were several children in Puhpelem District who were caught drinking alcohol several times until they lost consciousness. This problem has also become a highlight for law enforcers, especially the police in Puhpelem District. The role of the local community is really needed. So in this research, the author will discuss alcohol regulations in Indonesia and law enforcement efforts for children who consume alcohol.

## RESEARCH METHODS

The method used in this research is the Empirical Juridical Method with interview techniques. This type of research is descriptive research which describes in detail and subjectively the forced defense of the crime of giving alcohol to minors. The primary data source used is the results of interviews, while the secondary data source is Article 300 of the Criminal Code, books, journals and other literature. Primary data sources are data sources that come from interviews, surveys and observations. The data collection methods used are literature studies and interviews with qualitative data analysis methods by grouping data obtained from interviews and connecting them with library data. (Dimiyati, 2004)

## RESULTS AND DISCUSSION

### 1) Liquor in the Criminal Code

Alcohol in the Criminal Code is more termed as an intoxicating drink. There are quite significant differences between the old Criminal Code and the new Criminal Code regarding alcohol.

In the old Criminal Code, regulations regarding alcohol were regulated in several articles. The main article used is Article 300 concerning selling alcohol, forcing people to drink alcohol, and giving alcohol to children under the age of 16 with threats. The article also states that if death or serious injury occurs during the process mentioned above, you will receive a longer prison sentence. Then in article 492 which regulates the punishment for someone who is drunk with alcohol and poses a threat to nearby users, they will be subject to a fine or imprisonment. (Evita, 2019)

In the old Criminal Code, the sale and purchase of alcohol was not clearly regulated, but there was an article that referred to the prohibition on the sale of alcohol, namely article 204 which related

to people who wanted to sell goods that could endanger other people, in other words, in general we know that alcohol can make people drunk and can harm other people, even though not directly. (Farid, 2020)

Meanwhile, according to the new Criminal Code, alcohol or intoxicating drinks are regulated in one article consisting of five paragraphs, namely article 424. In this article, it regulates the sale, giving of alcohol to minors, coercion with violence which can cause serious injury. to death, and the above activities are followed in a job.

## 2) Legal Protection for Minors Against Alcohol

Children as consumers are a condition where they are unable to differentiate, they only imitate people who are older in age for them. Children do not have mature and good thinking in sorting out what is good and what is bad, they are just imitators. In his cognitive study of children as subjects, children are consumers who have very unique personalities from all aspects. (Triwijayati, 2012)

Regulations regarding the protection of children against alcohol are regulated in the Child Protection Law, Article 59 Paragraph (1), which states that the government from the highest to the lowest is obliged to specifically protect children, then continued in the next paragraph which states that this protection is against Narcotics, alcohol, and various other dangerous goods. In this article, there are no sanctions mentioned if someone gives alcohol to a child, but this has been regulated in the Criminal Code. This article clearly explains the government's duties and authority in efforts to provide protection to children from dangerous goods. And then get the right to rehabilitation if something undesirable happens in accordance with Article 67. (BIP, 2016)

In children's problems, parents are the ones who are most specifically involved. Providing education and understanding whether something is good or bad is an obligation for parents in particular and society in general. Article 57 also explains that there is a prohibition on bringing children to use dangerous goods such as alcohol, narcotics and so on.

Then the presence of the consumer protection law became a glimmer of hope for children who would become consumers. The consumer protection law does not specify how old consumers are, so children also have rights like ordinary consumers. So the rights that must be received as in article 4 must also be accepted even by children. So someone who sells alcohol to children has violated the provisions of article 4 so that the business actor can be said to have committed a breach of contract and can be charged with various articles and crimes. (Naully, 2018)

In principle, a business actor is fully responsible for minors who are his consumers. Business actors are deemed to know that alcohol is an item that cannot be consumed, especially by minors. If the business actor continues to serve and provide alcohol to minors, then according to article 19, the business actor must be responsible if something happens to the child. (Hamid, 2017)

## 3) Juvenile Justice

Juridically, the judiciary is a body whose function is to provide justice in receiving complaints in collaboration with the court, prosecutor, attorney and police (Arief, 2003). Juvenile justice is not much different from justice in general, but juvenile justice only focuses on cases. which happens to children. The thing that must be taken into account is that when dealing with children, they must take care of them physically and mentally so that the judge, when deciding the case, can examine it as deeply as possible and provide justice as best as possible. The main aim of the juvenile justice process is not the criminal offense that can be imposed on the child, but to protect the child's future. (Dellyana, 1988)

In its implementation, the court must position the defendant as a child with his behavior. The main aim of juvenile justice is not to impose a crime or sentence on the child, but to protect the child and the welfare of the child. So the process requires a very intense approach, care and services and provides law enforcement to children who are in conflict with the law. (Arief, 2003) The implementation of the process of assisting children when dealing with the law has begun during the investigation process by the police.

## 4) Law Enforcement of Alcohol Consumption among Children in Puhpelem District, Wonigiri Regency

In this discussion, researchers conducted interviews with three people who have policies in monitoring alcohol consumption among children in Puhpelem District, Wonogiri Regency.

The first interview was with a public figure who did not want to be named. This interview was conducted on Tuesday 11 June 2023 at his residence in the evening. He revealed that in recent months, many minors in the elementary to middle school range have been found smoking and drinking alcohol. Smoking incidents sometimes occur openly in children's hangout places, but alcoholism occurs sometimes at night or when there are not many people. The general incident is that the children join a coffee shop hangout with adults who at that time bring alcohol and drink it, then the child is given alcohol, and the child wants it. Not long after, the child was drunk on alcohol along with other adults.

Incidents like this should be a major concern for parents and society. The adult's actions can be punished according to Article 300 of the Criminal Code with the main case being giving alcohol to a minor.

Then the researchers also conducted an interview with a member of the police named Mr Joko Nugroho at the Puhpelem Police Station on Wednesday 12 June 2023 in the morning, regarding the actions of minors who drank alcohol. The incident is almost the same as stated by the community figure above, or occurs more often when there is a celebration event with an all-night party. Usually people, especially young people, party with alcohol, as a result even children under the age are also affected by drinking alcohol. Mr. Joko Nugroho also said that when someone is drunk due to alcohol, they can commit acts that can be punished, such as when they are drunk, usually they then engage in brutal fights, there are also those who damage various things and disturb passing road users, so that there are those who the act of rape. In this case, it is clear that someone who is drunk can be convicted of assault, rape, or even murder if the person involved ends up dying.

Several times the police also carried out patrols at several stalls which they felt were often places for drinking alcohol. Several times the police also confiscated bottles of alcohol being sold in several stalls, and sometimes the police also found several people who were very drunk due to consuming alcohol, with an average age of 20 to 40 years. However, a few days later, the police received reports about alcohol parties involving minors taking place at several of the same points. This proves that law enforcement carried out by the police is unsuccessful and therefore has no deterrent effect.

The third party who later became a resource was the Village Head of Puhpelem Subdistrict, namely Mr. Warno, who coincidentally was met directly on Wednesday 12 June 2023 after returning from the subdistrict office. He said that the act of consuming alcohol in large or small quantities could be categorized as a criminal act which was almost the same as drug use. The sub-district itself has also made various efforts including providing understanding and outreach to young people to avoid alcohol because it can damage the younger generation. The sub-district side will also take firm action against anyone who gives alcohol to minors, and provide assistance to children who are victims of irresponsible people.

## CONCLUSION

Alcohol in the old Criminal Code is regulated in Article 300 and in the new Criminal Code it is regulated in Article 424 which regulates alcohol more fully. Meanwhile, the context of alcohol regulations for minors has not yet been regulated, but we can find other laws in the Child Protection Law and the Consumer Protection Law.

It is felt that law enforcement regarding alcohol in Puhpelem District by law enforcers and policy makers has not had a deterrent effect. Law enforcers do not impose penalties on alcohol sellers and alcohol drinkers. On average, it is just a warning, there is no criminal act that deters alcohol sellers and drinkers and causes the incident to continue to happen again.

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