Evaluation of Balikpapan City bylaw No. 16/2000 on the Prohibition, Supervision, Control, Circulation and Sale of Alcoholic Beverages in Balikpapan City

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Abstract: The aim of the research is to describe and analyze the factors inhibiting the implementation of Regional Regulation Number 16 of 2000 concerning Prohibition, Supervision, Controlling the Distribution and Sale of Alcoholic Drinks in the City of Balikpapan. This research uses a qualitative approach to describe the problems and research focus. Based on the results of research related to the Evaluation of Balikpapan City Regional Regulation Number 16 of 2000 concerning Prohibition, Supervision, Control, Distribution and Sale of Alcoholic Drinks in Balikpapan City, it can be concluded that the effectiveness of implementation is still hampered by weak law enforcement and illegal practices that are still widespread, the efficiency of implementation requires a more adequate budget allocation and better cooperation between related parties, the scope of the regulations is still being debated by various parties, especially regarding the fundamental value of law and the relevance of the Regional Regulations, the fairness of the implementation of the Regional Regulations needs to be improved to avoid injustice towards business actors outside the area of star hotels in accordance with Rawls' principles of justice, responsiveness of government and society are important to ensure compliance with regulations, and the accuracy of regional regulations requires revision and evaluation through strong public participation to achieve the desired goals. Overall, collaboration between the government, police, business actors and the community is key in facing challenges and increasing the effectiveness of regulations regarding alcoholic drinks in Balikpapan City.

Keywords: Evaluation, Regional Regulations, Distribution of Alcoholic Drinks.

Introduction

Recently, many people have been highlighting the phenomenon of the proliferation of alcoholic beverage outlets in Balikpapan city. According to data from the Office of Investment and One-Stop Integrated Services (DPMPTSP), the number of alcoholic beverage selling places in Balikpapan City that have licenses is only 16 companies consisting of 35 outlets (Data August 2023). Meanwhile, data from Satpol PP shows that in two sub-districts, Balikpapan Kota and Balikpapan Selatan, there are many night entertainment places that sell alcoholic beverages but allegedly do not have licenses, where there are 23 night entertainment places that sell alcoholic beverages.

In order to control the distribution of alcoholic beverages, the government has created regulations that aim to safeguard public health and welfare, mitigate the adverse effects associated with alcohol abuse, and manage related socio-economic aspects. However, over the past ten years, the regulations on the distribution of alcoholic beverages have changed. The latest regulation is MOT 25/2019 on the Sixth Amendment to Regulation of the Minister of Trade No. 20/M-Dag/Per/4/2014 on the Control and Supervision of the Procurement, Distribution and Sale of Alcoholic Beverages. These regulatory changes are often related to the government's efforts to maintain a balance between individual freedom, public welfare, and economic interests.

The regulation on the sale of alcoholic beverages by the Balikpapan City government is stipulated in Regional Regulation No. 16 Year 2000 on Prohibition, Supervision, Control of the Distribution and Sale of Alcoholic Beverages. Although alcoholic beverages are one of the major contributors to local revenues, in reality, alcoholic beverages often cause harm to society. Through this local regulation, the government can regulate the control of the circulation of alcoholic beverages in the community in order to avoid disturbance of public peace and order in Balikpapan City.

The current local regulation was issued in 2000 and has not been evaluated for 23 years, whereas the central government regulations on which it was based have been repeatedly changed. According to Dunn (2003) there are 6 criteria for policy evaluation, namely effectiveness, efficiency, adequacy, equity, responsiveness, accuracy. According to William N. Dunn (2003), policy evaluation has two interrelated aspects: the use of various methods to monitor the results of public policies and programs, and the application of a set of values to assess the usefulness of these results for individuals, groups, or society as a whole. According to Samudra and friends in Nugroho (2003), public policy evaluation has four functions, namely: 1) explanation; 2) compliance; 3) audit; 4) accounting.

Several aspects of this local regulation are found to be inconsistent with the central government regulations governing the circulation of alcoholic beverages, including the location of sales, licensing, business actors, and even the technical sales of alcoholic beverages. For example, in the content of Local Regulation No. 16/2000 Article 6 Paragraph 1 on the location permit for the sale of alcoholic beverages, it is stated that the license for the sale of alcoholic beverages is only given to Starred Hotels. In this case, it is clear that only starred hotels can sell alcoholic beverages, so it is certain that entertainment venues other than starred hotels do not have a license to sell alcoholic beverages, whether class A, B, or C.

However, in Permendag RI No. 25 of 2019 and Permendag RI No. 20 of 2014 on Control and Supervision of the Procurement, Distribution, and Sale of Alcoholic Beverages, Article 1 paragraph 14 states that hotels, restaurants, and bars are places that are determined in accordance with applicable laws and regulations in the tourism sector as places that can get a license to sell alcoholic beverages. This causes the Balikpapan City Government to be giddy in taking action in the field, because at the time of the THM raid conducted by Satpol PP, the business actors have obtained a license from the center, namely OSS-RBA, which gives permission for the sale of A-goal alcoholic beverages in restaurants and bars. The regional verifiers for goals B and C also face a dilemma because Permendag allows the sale of alcoholic beverages outside hotels, namely restaurants and bars. Based on these problems, this research was conducted with the aim of knowing the implementation of Local Regulation No. 16 Year 2000 and evaluating the local regulation so that it can provide input and recommendations regarding whether or not the revision of the local regulation is needed to adjust the current conditions.

Method

This research uses qualitative-descriptive approach to describe the problems and focus of this research related to the evaluation of Local Regulation No. 16/2000 on Prohibition, Supervision, Control of Distribution and Sales of Alcoholic Beverages in Balikpapan City. In this research, the researcher uses the theory of policy evaluation according to William N Dunn (2003) regarding the evaluation criteria developed which includes six indicators: effectiveness, efficiency, adequacy, equity, responsiveness and accuracy. The data obtained in this study consisted of primary data in the form of direct interviews with relevant parties, as well as secondary data in the form of search results through literature studies such as books, regulations, journals, newspapers or relevant online media. The data obtained was then analyzed using the steps in the theory of Miles, Huberman and Saldana (2014) which can be seen in Figure 1.
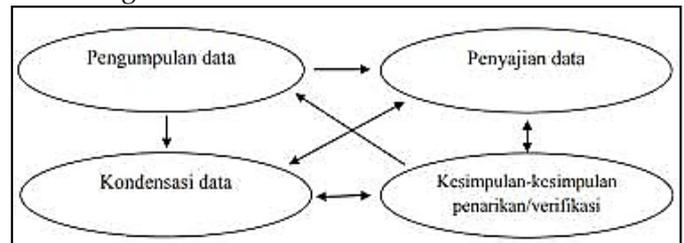

Figure 1. Data Analysis Technique (Miles, Huberman and Saldana, 2014)

Result and Discussion

Policy Evaluation

Policy evaluation is an important process to evaluate the final results of a policy that has been running before. This evaluation is very important because it can assess the success or failure of a program or policy. Indicators of policy evaluation include:

1. Effectivity

   Effectiveness is a policy alternative to achieve the expected results. The results of research in the field show that the evaluation of the effectiveness of the implementation of Local Regulation No. 16 Year 2000

in Balikpapan City found a number of challenges that need to be overcome. Interviews with business actors revealed that there are still obstacles in the implementation of the policy although the Local Regulation aims to regulate the sale of alcoholic beverages and their circulation, especially in the star hotel business sector. Law enforcement on the illegal sale of alcoholic beverages has not achieved satisfactory results. Although raids are often conducted in places that have the potential to sell illegal alcoholic beverages, Satpol PP data shows that there are still 23 places in Balikpapan City that conduct illegal practices in distributing alcoholic beverages.

According to Dunn, effectiveness is achieved when an action achieves the expected or desired result. However, the reality on the ground shows that there are still many obstacles in reducing the illegal distribution and sale of alcoholic beverages in Balikpapan City despite the efforts of law enforcement process related to it so it can be said that the implementation of Regional Regulation No. 16/2000 in Balikpapan City has not been effective.

2. Efficiency

According to Dunn (2003), efficiency is concerned with the amount of effort required to produce a certain level of effectiveness. The policy that achieves the highest effectiveness with the smallest cost is called efficient. The results show that there are two important aspects related to efficiency in the implementation of Local Regulation No. 16/2000 in Balikpapan City, namely:

a) In the context of resources, efficiency refers to the optimal use of human potential and available infrastructure to support the success of the policy. Government, community, and business actors have crucial roles in supporting the implementation of this policy. However, the interview results show that the use of resources has not reached an optimal level. The reason is due to the lack of adequate budget allocation to support intensive and comprehensive supervision, resulting in suboptimal use of resources.

b) In terms of optimizing the control process. The results showed that there is still a lack of effectiveness in controlling the circulation of alcoholic beverages, although regular raids have been carried out by Satpol PP. The Secretary of Satpol PP suggested the need for a clear and integrated control system between all related parties so that the supervision process can be optimized. In addition, the provision of strict and consistent sanctions can also be a crucial step as a

form of prevention against business actors who violate the rules.

According to Dunn, efficiency is achieved if a policy achieves the highest effectiveness at the smallest cost. But in reality, there are still many obstacles in the use of resources and in optimizing the control process that is not yet fully optimal. So it can be said that the implementation of Local Regulation No. 16/2000 in Balikpapan City is not yet efficient.

3. Adequacy

According to Dunn (2003), adequacy refers to the extent to which a level of effectiveness can fulfill the needs, values, or opportunities arising from a problem. The research results provide an overview of the adequacy in the implementation of Local Regulation No. 16 Year 2000 in Balikpapan City by considering the perspectives of various parties such as:

a) Perspective of Secretary of Satpol PP

The adequacy includes the analysis of the extent to which the local regulation can reflect the fundamental values of law, such as justice, certainty, and usefulness. The result of the study shows that there is still criticism on the effectiveness of the local regulation, namely on the sanction which is considered too light by business actors. The lack of deterrent effect from the sanctions has an impact on the non-compliance of business actors, which shows that the adequacy of the local regulation is not sufficient to achieve the objectives.

b) Perspective of Business Actors

Adequacy includes the relevance of the local regulation to the current conditions. Synchronization between the rules stipulated in the local regulation and other provisions, and fulfillment of needs and convenience for business actors in conducting business. Criticism of the ineffectiveness of the local regulation in controlling the circulation of unrecorded alcoholic beverages, as well as the need for changes in the regulation to improve its effectiveness, highlighted the inadequacy of adequacy in meeting the demands and needs of stakeholders.

c) Community Perspectives

Adequacy includes the real impact of illegal alcoholic beverages in daily life. Awareness of the need for stronger action to address the problem shows that the adequacy of the local regulation in meeting the needs of the community also needs to be considered in depth.

According to Dunn, adequacy relates to the extent to which the level of effectiveness can satisfy the needs, values or opportunities arising

from the problem. The results show that despite the efforts made by the government and various related parties, this Local Regulation still receives criticism and faces obstacles in meeting the expected needs, values, and opportunities. Therefore, it can be said that the implementation of Local Regulation No. 16 Year 2000 in Balikpapan City is still inadequate in the aspect of adequacy.

4. Justice

According to Dunn (2003), fairness is a criterion of equity that is closely related to legal and social rationality. A policy based on equity is a policy whose efforts can be fairly perceived.

The results of field research show that the implementation of Local Regulation No. 16 Year 2000 in Balikpapan City illustrates various aspects relevant to the concept of justice, such as policy responsiveness to the development of society and economic actors, distribution of consequences and business in society, and public accountability in government activities. First, based on the interview with Satpol PP, it is seen that it is important to have a responsive regulation that is able to respond to the development of the city, especially in the context of Balikpapan which is a developing city with significant service and tourism sectors. However, there are also cases of injustice related to restrictions on the sale of alcoholic beverages outside the star hotel area, which can create inequality and inequalities among business actors.

5. Responsiveness

According to Dunn (2003), responsiveness is concerned with how far a policy can satisfy the needs, preferences, or values of certain groups of people. The success of a policy can be seen from the community's response to its implementation. The results show that the implementation of Perda No. 16/2000 highlights important aspects that need to be considered in relation to the responsiveness of the government and the community, among others:

a) Government responsiveness is related to its ability to respond to problems, preferences, or values that emerge in the community regarding the implementation of the Perda. The result of the interview with the Secretary of Satpol PP shows that the implementation of the Perda is still considered less effective despite the support from the community for its existence.

b) Community responsiveness is an important element in the process of inclusive and sustainable community development. The result of interview with the community shows the low responsiveness of the community towards the issue of alcoholic beverages circulation in Balikpapan. This can be seen from the lack of lawsuit or criticism against the city government on the issue. This may reflect a lack of awareness of the negative impacts of alcohol distribution, a lack of trust in the legal system, or possibly the absence of effective participation forums for people to voice their concerns.

c) In the context of community responses to the implementation of the local regulation. Interviews with DPMPTSP revealed mixed responses from the community to the regulation. Some people support the regulation as it is considered effective in limiting the sale and consumption of alcohol, but there are also criticisms from businesses in the entertainment sector who feel disadvantaged by this restriction.

According to Dunn, responsiveness is achieved if the policy satisfies the needs, preferences or values of certain groups in society. The results show that despite the government's efforts to respond to feedback from the public, there are still challenges in implementation and low responsiveness of the public to this issue. Therefore, this policy is not in accordance with Dunn's view on responsiveness, and further evaluation and adjustment are needed to ensure that the policy can satisfy the needs and preferences of all community groups in Balikpapan City.

6. Accuracy

According to Dunn (2003), appropriateness is a criterion used to select a number of alternatives to be recommended by assessing whether the result of the recommended alternative is a feasible choice of objectives. The research results in the field show that the awareness of the need for revision and evaluation of Perda No. 16 Year 2000 in Balikpapan City is crucial. Interviews with the Secretary of Satpol PP and business actors underline the importance of public participation in the revision process of Local Regulation (Perda) No. 16 Year 2000 in Balikpapan City to strengthen the legitimacy of the policy, as well as the enforcement of sanctions and evaluation to ensure compliance and effectiveness. Public participation can ensure the policy is relevant to the local context, while evaluation allows for policy improvement and adjustment. However, despite revision and evaluation efforts, the implementation of this Perda still requires stronger public participation and more effective monitoring mechanisms. Therefore, this policy has not fully complied with Dunn's view on appropriateness, and further efforts are needed to make the policy truly feasible and relevant for the people of Balikpapan City.

Obstacles of Local Regulation No. 16 Year 2000 on Prohibition, Supervision, Control of Distribution and Sale of Alcoholic Beverages in Balikpapan City.

The results show that there are several main obstacles that affect the successful implementation of the policy of Local Regulation No.16 Year 2000 in Balikpapan City, among others:

1. Ineffectiveness of Sanctions. Sanctions given to business actors who violate the local regulation are considered unable to provide a deterrent effect, because they are considered too light or not applied consistently. Many businesses prefer to break the rules rather than comply with them. To overcome this problem, it is recommended that the city government tighten the application of sanctions by increasing fines or imposing temporary or permanent closures for repeat offenders. In addition, it is necessary to increase socialization regarding the consequences of violations so that business actors understand the risks faced.

2. Policy Mismatch with Actual Context. The policy is sometimes unable to respond to the changing social and economic dynamics in Balikpapan. Restrictions on the sale of alcoholic beverages outside star-rated hotel areas, for example, may no longer be relevant to the development of the tourism industry and consumer needs. In-depth evaluation and comprehensive studies are needed to adjust the regulation to the actual conditions of Balikpapan City.

3. Community Unresponsiveness. Communities tend to be less active in providing input or criticizing existing policies. This lack of participation may be due to a lack of awareness of the negative impacts of unrecorded alcohol and a lack of trust in the legal system. To improve responsiveness, there is a need to educate the public on the negative impacts of unrecorded alcohol consumption and the importance of existing regulations.

4. Lack of Budget. Limited budgets limit the ability of local governments to conduct optimal supervision and enforcement. The lack of financial resources results in a lack of personnel and infrastructure required for supervision. Increased budget allocation and efficient use of funds are needed to support supervision, law enforcement and other supporting programs.

5. Inconsistency with the Principle of Justice. Policies that restrict the sale of alcoholic beverages tend not to fulfill the principle of distributive justice. The ban can create inequalities in business competition and create perceptions of injustice among the public. The government needs to adapt the policy to be more inclusive and consider the interests and aspirations of the wider community.

6. Lack of Government Responsiveness. The government's response to emerging issues is often not immediate and decisive. Deficiencies in coordination between government agencies also slow down responses to policy issues. Strengthening inter-agency coordination, improving internal communication and allocating adequate resources are needed to improve government responsiveness.

7. Low Awareness of Negative Impacts. Most people are unaware of or ignore the health, social, and legal risks associated with the consumption or distribution of unrecorded alcohol. The government needs to increase public education campaigns and cooperation with various parties to raise public awareness of the negative impacts of unrecorded alcohol.

8. Lack of Participation Forums. Communities do not have adequate platforms to express their opinions, aspirations and complaints regarding public policies. More community meetings, development of digital platforms for feedback, and cooperation with civil society organizations are needed to bridge communication between the government and citizens.

9. Low Trust in the Legal System. People doubt the ability of the legal system to deliver justice and enforce the law. The government needs to increase transparency and accountability in law enforcement, strengthen legal education, and improve accessibility to the legal system.

Conclusion

An evaluation of Balikpapan City Regional Regulation No. 16/2000 on the prohibition, supervision, control, circulation, and sale of alcoholic beverages shows that despite collaborative efforts between the government, police, business actors, and the community, the implementation of this regulation still faces significant challenges related to effectiveness, efficiency, adequacy, fairness, responsiveness, and policy accuracy. Rampant illegal practices, inadequate budget allocations, and ineffective monitoring and law enforcement mechanisms indicate that this regulation needs further adjustment and improvement. In addition, community involvement in the revision process, increasing public participation, and strengthening monitoring and evaluation mechanisms are important steps that need to be taken to ensure this policy is more relevant, fair and effective in responding to the needs and developments in society. Thus, collaboration among related parties and improved public communication are

crucial in overcoming the existing obstacles and ensuring the successful implementation of this Perda in Balikpapan City.

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