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Combating Unrecorded Alcohol Through Law Enforcement: A Case Study in Greater Bandung

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Policy Paper No. 24

Combating Unrecorded Alcohol Through Law Enforcement: A Case Study in Greater Bandung

by Mercyta Jorsvinna Glorya and Kidung Asmara Sigit

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Policy Paper No. 24
**Combating Unrecorded Alcohol
Through Law Enforcement:**
A Case Study in Greater Bandung

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Jakarta, Indonesia
October, 2019

GLOSSARY

I. Recorded alcohol:

Licit alcoholic beverages produced and sold within a regulatory framework and reflected in official statistics of either the country where they are produced, the country where they are consumed, or both.

II. Unrecorded alcohol:

Alcohol that is not taxed in the country where it is consumed because it is produced, distributed and sold outside the formal channels under government control.

It has several types, including:

A. Contraband/smuggled alcohol:

Alcohol with original branding that has been illegally imported or smuggled into a jurisdiction and sold, evading tariffs and/or customs.

B. Counterfeit alcohol:

Fraudulent imitations of legitimate branded products, including refilling, falsification, and tampering.

C. Non-conforming alcohol:

Products that are not compliant with proper production processes, guidelines, or labeling legislation. Includes products produced with denatured alcohol or industrial alcohol.

D. Surrogate alcohol:

Alcohol or alcohol-containing products not meant for human consumption but being consumed as substitutes for alcoholic beverages.

EXECUTIVE SUMMARY

Between January and April 2018, more than 100 people across Indonesia died after consuming non-conforming alcohol (*oplosan*). It contained methanol, which is an industrial alcohol not suitable for human consumption. Many of these cases were concentrated in Greater Bandung, a metropolitan area that comprises of Bandung District (*kabupaten*), West Bandung District, Bandung City, and Cimahi City, where 57 fatalities were recorded.

A year later, the Center for Indonesian Policy Studies conducted a case study in Greater Bandung area to find out whether government efforts to contain the sale of *oplosan* have been successful and are able to prevent a similar tragedy from occurring in the future. Interviews were conducted with local government officers, the police, the local government's law enforcers Satpol PP, and several other stakeholders.

The study found that law enforcement faces serious challenges. Human resources are not enough. Both, the Drug Unit of Bandung District Police and Satpol PP in Cimahi City have only 1 officer for about 150,000 people in their jurisdictions. These officers have several targets and are not just focused on fighting *oplosan*. Neither do they have a specific budget for that and they lack sufficient technical equipment. A more effective fight against *oplosan* requires better records and data management, which currently reduces the strategic planning abilities of the authorities. Institutional frictions affect the cooperation between different government agencies and there are incidences of corruption, where *oplosan* vendors are being tipped off before raids.

It is recommended that Indonesia conducts regulatory reforms that make properly produced alcoholic beverages more affordable and accessible. Surveys among alcohol consumers in Bandung showed that *oplosan* is mostly being purchased because it is cheaper and more accessible. Current regulations that set the minimum legal drinking age at 21 years old needs to be strictly enforced. Secondly, there needs to be a dedicated local government budget for the fight against *oplosan* and the enforcement agencies need more officers with specialized training. The agencies should also cooperate with civil society actors with close ties to the local communities to identify and prosecute *oplosan* vendors. Thirdly, there needs to be more educational and counseling efforts in schools and universities. The youth needs to learn about the dangers of methanol poisoning through *oplosan*. Currently, only about a quarter of the students in Bandung have heard of campaigns that stressed the dangers of consuming *oplosan*.

A TRAGEDY IN GREATER BANDUNG

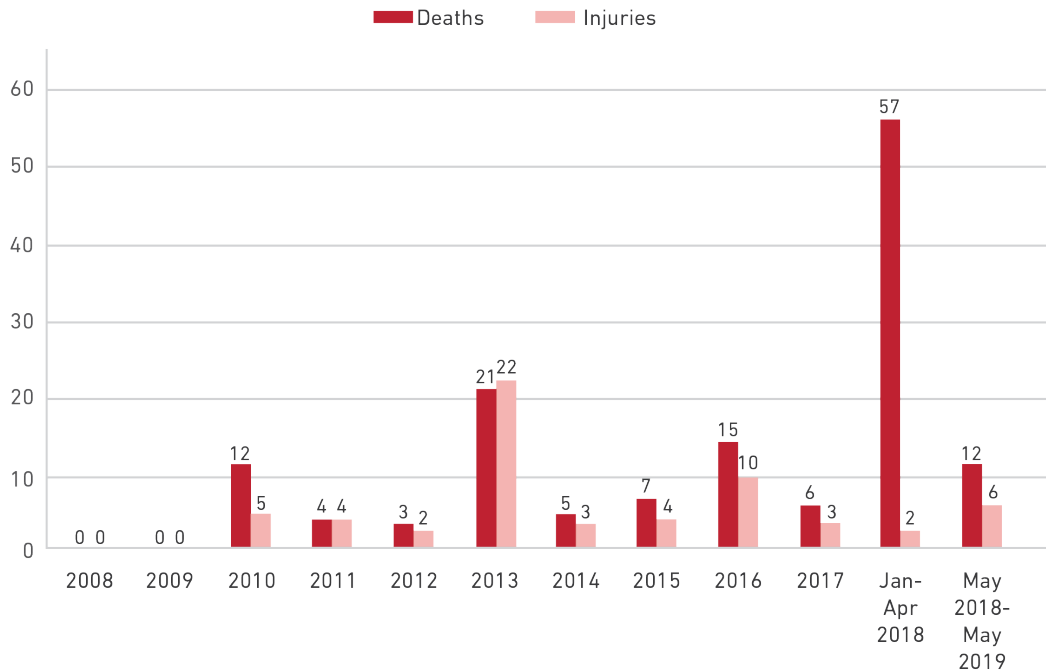
“Between January and April 2018, more than 100 people across Indonesia died after consuming non-conforming alcohol (*oplosan*).”

Between January and April 2018,¹ more than 100 people across Indonesia died after consuming non-conforming alcohol (*oplosan*) (Faizal, 2018). Many of the cases were concentrated in Greater Bandung, a metropolitan area that comprises of Bandung District (West Bandung District, Bandung City, and Cimahi City, where 57 fatalities were recorded (Respatiadi & Tandra, 2018). This is higher than the fatalities in the same area in the previous five years combined (Tika, 2018). In Bandung District in particular, 41 people were reported dead due to consumption of *oplosan* alcohol. The spike in the alcohol-related death toll was unusual and was deemed a local Extraordinary Event (*Kejadian Luar Biasa Situasional* or KLBS). In Indonesia, the KLBS status is usually reserved for critical public health incidences, such as the spread of infectious diseases, as stipulated in the Ministry of Public Health Regulation 949/2004 (949/Menkes/SK/VIII/2004). Due to the scale and severity of the alcohol misuse, the situation in Bandung was determined as a KLBS by Bandung's Public Health Office and the local governments (Ridwan, 2018). In response to news reports, Bandung regent, Dadang Naser stressed that the consumption of unrecorded alcohol has reached emergency levels in Bandung (Chandra, 2018).

The Greater Bandung tragedy is a microcosm of the broader unrecorded alcohol problem in Indonesia. Alcohol consumption in Indonesia is very low at 0.8 liter per capita, compared to the average of 4.5 liter per capita in Southeast Asia. However, consumption of unrecorded alcohol is much higher than recorded alcohol, at 0.5 liter per capita and 0.3 liter per capita respectively (WHO, 2018). This data is consistent with findings from field research on teenage alcohol consumption. A study was conducted by the Institute for Human Resource Research and Development (*Lembaga Kajian dan Pengembangan Sumber Daya Manusia* or Lakpesdam), which comes under the Regional Board of the Muslim mass organization Nadhlatul Ulama (NU) (Nadhlatul Ulama is one of the largest Islamic mass organization in Indonesia) in Greater Jakarta. The study found that among teenagers age 12-21 who consume alcohol, 61.5% reported having consumed *oplosan* alcohol. They reported choosing *oplosan* because it is easier to access and cheaper compared to recorded alcohol (PWNU, 2017). The prevalence of unrecorded alcohol over recorded alcohol is a serious concern that carries a great risk to public health because unrecorded alcohol may contain non-food ingredients like methanol that may lead to seizures, organ failure, or even death (Respatiadi, H. & Tandra, S., 2018).

¹ An administrative level under the provincial level in rural areas or Kabupaten.

Figure 1.
Total Number of Deaths and Injuries Caused by the Consumption
of Non-Conforming Alcohol (*Oplosan*) in Greater Bandung
(January 2008 - May 2019)



Source: Center for Indonesian Policy Studies (CIPS) Media Monitoring

Since the tragedy in April 2018, media reports of deaths and injuries caused by unrecorded alcohol consumption seemed to be decreasing (see Graph 1). However, on the ground, unrecorded alcohol consumption is still occurring. According to data from the local government's law enforcers, Satpol PP, in Greater Bandung, between May 2018 to May 2019, there were 13 cases found in Bandung District, 11 cases in Bandung City, 8 cases in West Bandung District, and no records found for Cimahi City (Interview 19, 2019). In total, there were 32 cases found in Greater Bandung. Unfortunately, neither the police nor Satpol PP keep any records of the number of deaths and injuries in each case. Furthermore, police officers believe that there are more cases that go unreported and unrecorded in the field (Interview 19, 2019).

The decrease of unrecorded alcohol cases in Greater Bandung may be attributed to the increased law enforcement efforts by the authorities made under the pressure of the local government, or perhaps because the incident had a deterrence effect to the public. However, it could also imply that, once the media attention faded, cases went largely undetected by the enforcement authorities or that unrecorded vendors became more careful afterwards and that the black market operates even more clandestine. In fact, a survey by Center for Indonesian Policy Studies (2018) in Bandung City found that 54% of consumers bought *oplosan* alcohol from unlicensed kiosks (*warong*), and 41% of them believed that there are up to five *warongs* operating near their residence (Respatiadi & Tandra, 2018). Aside from this, law enforcement officers have noticed that the distribution pattern has shifted in Bandung District, for example using inconspicuous city cars rather than trucks to transport

A survey by Center for Indonesian Policy Studies (2018) in Bandung City found that 54% of consumers bought *oplosan* alcohol from unlicensed kiosks (*warong*), and 41% of them believed that there are up to five *warongs* operating near their residence.

oplosan alcohol. Satpol PP of Bandung District claimed that nowadays the transactions move between unpredictable places, such as soccer fields, schools, and cemeteries (Interview 2, 2019). It appears that the black market for unrecorded alcohol still persists and remains a critical issue in Greater Bandung.

Law enforcement efforts to reduce alcohol consumption still face many challenges that inhibit their effectiveness. This study looks into unrecorded alcohol issues in Greater Bandung and the current enforcement mechanisms in order to propose ways to combat unrecorded alcohol through 1) regulatory reforms, 2) bureaucratic reforms, and 3) educational and counseling efforts.

CURRENT SITUATION

A. Regulations About Alcoholic Beverages in Indonesia

The Indonesian government limits the distribution of alcoholic beverages through various regulations. The provision of excise tariff on ethyl alcohol was initially regulated in 2010, and the tax has been continuously increasing since then (Ministry of Finance Regulations, 2010). Most recently, the Ministry of Finance Regulation 158/2018 raised excise tariffs on alcoholic beverages as follows:

Table 1.
Alcoholic Beverages Excise Tax 2018

Category	Volume	Tax/Litre (Rp)	
		Domestic	Imported
A	<5%	Rp15,000	Rp15,000
B	5% - < 20%	Rp33,000	Rp44,000
C	> 20%	Rp80,000	Rp139,000

Source: Ministry of Finance Regulation 158/2018

Ministry of Trade Regulation 29/2018 also limits the import of saccharine, cyclamate, and odor preparations containing alcohol (Ministry of Trade Regulation, 2019).

The sale of alcoholic beverages is restricted by the Presidential Regulation 74/2013 to only 1) hotels, bars, restaurants according to the Ministry of Tourism requirements, 2) duty free shops, 3) places that are not in the proximity of places of worship, hospitals, and academic institution, 4) retail shops as approved by the mayor, head of district, or governor with consideration for local customs and culture (for type A), and 5) shops that particularly sell alcoholic beverages separate from other goods. The Ministry of Trade Regulation 20/2014 and 06/2015 further stipulates that licensed traders must not be located in the proximity of youth centers, bus terminals, stations, small kiosks, local minimarkets, and camping grounds (Ministry of Trade Regulation, 2015).

The minimum legal drinking age and the minimum legal purchasing age have been set by the Ministry of Trade Regulation 20/2014 at 21 years old. Chapter 15 stipulates that alcoholic drinks can only be sold to consumers who are able to prove that they are over 21 years of age (Ministry of Trade Regulation, 2014).

Restrictions for alcoholic beverages are also found in local regulations in Greater Bandung area. Bandung City Regulation 9/2010, Bandung City Regulation 11/2010, and Bandung District Regulation 9/2010 limit the sale of alcoholic beverages to the places stipulated in the national regulations and also make sales dependent on the approval from the head of district. Retailers can only sell alcoholic beverages containing less than 15% ethanol (Bandung District Regulation,

2010; Bandung City Regulation, 2010). If vendors comply with the local regulations, they will be granted an Alcoholic Beverages Sales Permit (*Izin Tanda Penjualan Minuman Beralkohol* or ITPMB) by the Head of District (Bandung City Regulation, 2010). Meanwhile, West Bandung District Regulation 3/2014 sets the type of alcoholic beverages, places of distribution, age restriction, and trading licenses in accordance with the national regulations (West Bandung Regulation, 2014). Cimahi City Regulation 08/2009 about Public Order prohibits the sale of alcoholic beverages above 5% altogether (Cimahi City Regulation, 2009).

Violations of the aforementioned regulations can be considered either a misdemeanor or a severe crime depending on the action, the consequences, and the prescribed sanctions. Misdemeanors are violations against local regulations and some articles of the Criminal Code that are subject to maximum three-month imprisonment or lighter punishments such as administrative sanctions or a fine of less than Rp 2,500,000 depending on the judge's verdict (Utrecht, n.d.; Jatna, 2012; Interview 8, 2019). Misdemeanor cases can go through a quicker investigation and trial in accordance with Criminal Code Procedure Chapter 6 Paragraph 1.

A severe crime, on the other hand, is a case where the violation causes harm or even death to other individuals. This is subject to more severe sanctions and the suspect could be charged under multiple articles. For example, Article 204 of the Criminal Code states that individuals who distribute goods that would harm other people's lives and health will be sentenced to a maximum of fifteen years of imprisonment. Furthermore, if the act causes the loss of other peoples' lives, the perpetrators will be sentenced for lifetime or maximum twenty years of imprisonment (Criminal Code Article 204 (1) and (2)).

B. Enforcement of Restrictions on Drugs and Unrecorded Alcohol

Various government bodies form a complex law enforcement web based on multiple regulations. There are many scholarly interpretations of the definition of law enforcement. This study adopts the definition by Rahardjo (2009) which explains that law enforcement always involves humans and their behavior. The law cannot act independently in fulfilling its purpose articulated in the law itself, and therefore needs law enforcement through the public service apparatus (Rahardjo, 2009). Hence, this study will focus on how the public service apparatus, in particular the national police and the Satpol PP, enforce laws that restrict the production and distribution of unrecorded alcohol.

Various government bodies have specific mandates and responsibilities related to alcohol regulations in Indonesia. For example, the Ministry of Trade oversees the import, distribution, and sale of alcohol (including licensing businesses), the Indonesia National Agency of Drug and Food Control (*Badan Pengawas Obat dan Makanan* or INAFDC) test substances, and the Public Health Office provide health services, such as testing blood alcohol concentration (BAC) levels and providing health services for victims of alcohol poisoning. The two other law enforcement entities that are directly responsible to act on unrecorded alcohol in the market are the national police and the Satpol PP.

The national police is the primary instrument of the state responsible for maintaining security and public order, law enforcement, protection, and services to the public (Law of the Republic of Indonesia 2/2002 (b)). They are authorized by the Criminal Code Procedure (Law No. 8/1981) to

investigate and act on any suspected offense against the national Criminal Code (*Kitab Undang-Undang Hukum Pidana* or KUHP) and other national-level laws and regulations (Criminal Code Procedure Article 1). The national police is structured in several levels that correspond to the subnational government levels (Struktur Organisasi Polri, n.d.). At the district or municipal level (Polres, Polresta, Polrestaes), investigations of alcoholic beverages that violate the Criminal Code are undertaken by the police Drug Investigation Unit (*Satuan Reserse Narkoba* or SatresNarkoba). The function of this unit includes prevention, rehabilitation, and investigation for narcotics and alcohol abuse (Department Police Office of Bandung City, n.d.) To fulfill these functions, the national police has the authority to conduct various policing measures, such as patrols, surveillance, search and seizures, and arrests (Law 2/2002, 2002).

On the other hand, the municipal enforcement agency *Satuan Polisi Pamong Praja* (Satpol PP) is the instrument of the local government that is responsible for enforcement of District or municipal regulations. Satpol PP has existed since the colonial period, even before the formation of the national police. Its existence has been reconfirmed by the Indonesian government with the latest regulation being Presidential Regulation 16/2018 (Government Regulation, 2010). Each district or municipality has the authority to form their own Satpol PP through their own local regulations. For example, Bandung city's Satpol PP is established and regulated through Bandung City Regulation 06/2013 (Bandung City Regulation, 2013). The Satpol PP's functions comprise of enforcing local regulations, upholding local public order, conducting investigations, and taking administrative action against violators (Public Relations of the Secretariat Cabinet of the Republic of Indonesia, 2018). However, unlike the police that can arrest and charge people, Satpol PP is limited to only taking non-judicial actions, such as confiscation or fine.

Since alcohol is regulated in both the Criminal Code and the local government regulations, confusion often arises about the division of authority and responsibility between the police and the Satpol PP. In many cases, they work alongside each other in joint effort, such as joint patrols.

THE PROCEDURE TO ARREST UNRECORDED ALCOHOL SELLERS

The police and Satpol PP have standard operating procedures for investigating and acting upon unrecorded alcohol. Their procedures are in accordance with Law 2/2002 for the police and Presidential Regulation 16/2018 for Satpol PP. The first step is conducting an investigation. The police and Satpol PP identify the spots suspected of selling unrecorded alcohol, based on information from various sources, mainly from patrols and public reports (Interview 17, 2019). Patrols are conducted regularly and can even result in arrests, according to Satpol PP of Bandung City this is often occur in places like tourism areas, industrial areas, traffic terminals, and inter-city hubs (Interview 2, 2019). In addition to patrols, Satpol PP of Bandung City feels that public reports either from individuals or civil society organizations helps them to map out the hot spots, especially from social media that enables real-time reports and updates (Interview 7, 2019).

“Police or Satpol PP will ask vendors for their permit to sell alcohol (ITPMB), and if the sellers fail to provide it the authorities will confiscate the evidence.”

After the spots have been identified, the police and Satpol PP go on-field with letters of assignment from their respective offices. The field actions are conducted either by police or Satpol PP, or a joint team established by the police that includes Satpol PP, the INADFC, and sometimes even army officers (Interview 17, 2019). Satpol PP of Bandung District and West Bandung District explained that police or Satpol PP will ask vendors for their permit to sell alcohol (ITPMB), and if the sellers fail to provide it the authorities will confiscate the evidence. The confiscation is done through a procedural settlement where both parties need to sign a record of transfer (Interview 2; Interview 12, 2019). Satpol PP officers in Cimahi City always request the vendors to sign a official letters of commitment to cease further sales of alcohol (Interview 5, 2019). From the experience of the police of Bandung City and Satpol PP of Bandung District, the type of confiscated evidence ranges from smuggled alcohol, counterfeit alcohol, non-conforming alcohol, surrogate alcohol, and also legal alcoholic beverages sold in retail stores without ITPMB (Interview 2; Interview 6, 2019).

Third, the police take the confiscated evidence to the INADFC office (Interview 15; Interview 17). The INADFC tests them in their laboratories to see if the alcohol contains dangerous substances that are listed by the police, such as methanol. The results are sent to the police not more than 30 days later (Interview 15, 2019).

If the alcohol is proven to contain dangerous substances, the police can then bring the case before the District Court for judicial process. According to the District Court and the local regulations of Bandung City, cases are classified as misdemeanors. The vendors are sentenced for a maximum of three months on probation, and if during the period they still sell, they will be automatically imprisoned (Interview 1; Interview 4; Interview 7; Interview 8, 2019). In addition, the sellers will also be fined with an amount set by the judge's verdict (Interview 9, 2019). The evidence will then be destroyed to avoid further misuse. In Greater Bandung, the police and Satpol PP hold the destruction jointly as a public event where road rollers crush thousands of confiscated bottles (Interview 17, 2019). Based on the investigation of the police in Cimahi City and Satpol PP of Bandung District, these massive events are held during annual holidays like Eid Al-Fitr and New Year to prevent drugs and alcohol from being consumed during youth parties (Interview 4; Interview 7, 2019).

CHALLENGES FOR ENFORCEMENT EFFORTS

1. Resource Challenges

As mentioned before, the main mechanism for the authorities to map out and act on the unrecorded alcohol sellers is through patrols, which are labor-intensive and time-consuming. The frequency of patrols varies between the area due to the difference in the number of allocated personnel and funding for each district. Furthermore, there are other underlying structural challenges that constrain the police and the Satpol PP's ability to enforce the regulations, such as infrastructure and data management challenges.

“The frequency of patrols varies between the area due to the difference in the number of allocated personnel and funding for each district.”

2. Human Resource Challenges

There are many factors to consider when determining the appropriate police staffing decision in an area, include the size of the area, population, budget, percentage of patrol staff, service time, and workload (McCabe, (n.d)). This decision will critically affect law enforcements' ability to work effectively. Yet, police staffing is still considered a big challenge in tackling unrecorded alcohol in Greater Bandung area. Some of the policse and Satpol PP perceive a lack of personnel to conduct the patrols (Interview 17, 2019). The Local Regulations Enforcement unit in Satpol PP Cimahi City consists of only four personnel who are obliged to cover an area that spans over 39.27 km² with 607,811 residents, meaning that the officer to population ratio is 1:151,953. Likewise, the Drug Investigation Unit of the Bandung District Police has an officer to population ratio of 1:142,972 with only 26 personnel to cover 1,767.96 km² with 3,717,291 residents (Statistic Indonesia, 2019; Statistic Indonesia West Java 2019; Interview 17, 2019). Also important to note that this number reflects the total personnel in the unit who are spread across various shifts. The number for patrols is less, with only 2-5 personnel in the unit assigned to do patrols outside the joint patrols (Statistic Indonesia, 2019; Statistic Indonesia West Java 2019; Interview 17, 2019)

The sentiment of lack of personnel from the police and Satpol PP in Greater Bandung area is backed by research findings from The Indonesian Institute of Sciences (*Lembaga Ilmu Pengetahuan Indonesia* or LIPI). LIPI argues that Indonesia lacks sufficient number of police with only one police officer in 750 people, whereas the recommended ratio is ideally at one police for 350 people (Siregar, 2018). The understaffing problem leads to the officers often feeling overwhelmed and overworked. They cannot cover their jurisdictions and the population properly.

3. Funding Challenges

Both the police and Satpol PP in Greater Bandung claim that funding is a major challenge that discourages them from actively conducting patrols. They also find that an unclear and uncertain funding system limits their capacity to combat unrecorded alcohol (Interview 17, 2019).

There are no specific funds allocated to combat unrecorded alcohol, which indicates that it has not become a priority yet. Without a specific budget, the fight against unrecorded alcohol must

compete with other social and security issues under the law enforcement's purview. The Drug Investigation Unit of the police, for example, divides its resources to tackle both alcohol and narcotics. Satpol PP does not even have a specific division tasked with combating unrecorded alcohol. Instead, they use their resources to also address other social targets, such as beggars, street vendors, buskers, and prostitutes (Interview 2; Interview 3; Interview 5; Interview 7; Interview 12, 2019).

The funding challenge affects individual officers. Ministry of Home Affairs Regulation 17/2019 states that any operational costs associated with Satpol PP activities such as patrols must come out of the local government budget (APBD). This includes communication equipment, transportation, and equipment such as handcuffs, shields, flashlights, and body protectors. However, the police in Bandung District claim they have to bear some of the operational costs themselves, such as paying for fuel. They find that their administration often refuses to reimburse expenses unless a patrol has resulted in arrests, creating a financial burden for the generally low-salaried officers (Interview 1, 2019). These complaints by the police indicate a critical gap between regulation and practice, which further disincentivizes officers from conducting patrols.

4. Infrastructure Challenges

The broader set of infrastructures designed to enforce alcohol restrictions is also not well equipped to handle the number of cases in Greater Bandung. While the police and Satpol PP officers are directly responding to cases, they rely on the support of the INADFC and local government agencies in charge of social services and public health, which also complain about their poor infrastructure. The West Java branch of INADFC, for instance, has only one device to test food, beverages, cosmetics, and drugs for approximately 4,000 samples they receive each year from across West Java. This can result in significant delays, even though the police need a quick test of substances during the investigation. Facing this massive number of samples, however, INADFC claimed that they always prioritize the police's request. At the same time, INADFC asserts that if they have sufficient machineries that are in good conditions and a simpler bureaucratic procedure, they would be able to finish the testing in just a week (Interview 15, 2019).

5. Data Management Challenges

Another significant problem is data management by all authorities. The police and Satpol PP in Greater Bandung do not collect sufficient data and those available are rather disorganized. For example, the amount of confiscated unrecorded alcohol is recorded on special occasions only and has not become regular practice. Furthermore, there are no regular statistics on the number of arrests associated with unrecorded alcohol. Satpol PP of Bandung District claims that the police and Satpol PP only kept documents for exceptional cases, such as the emergency KLBS in Bandung District in April 2018, when they were compiled upon request by the Police Chief of West Java (Interview 2, 2019). The lack of data prohibits a meaningful evaluation or benchmarking of law enforcement efforts.

Furthermore, this data deficiency makes strategic planning difficult for policy makers and field enforcers (Interview 2, 2019). For policy makers, the absence of data inhibits evidence-based policies that can strategically tackle unrecorded alcohol. Meanwhile, field enforcers continue to

rely on occasional patrols and raids based on public information to combat unrecorded alcohol. The lack of consistent and comprehensive data on the spread of unrecorded alcohol in their respective regions make their analysis and the identification of specific patterns difficult. A better data management is needed to allow for the evaluation of current enforcement efforts, evidence-based policy making, and strategic planning to improve enforcement. Better data management would be in line with the President Widodo's One Data policy, that serves to evaluate the work of public servants, or in this case, enforcement officers whether they have achieved their targets (Public Relations of the Secretariat Cabinet of the Republic of Indonesia, 2019).

6. Cooperation Challenges

As explained above, various government agencies in Greater Bandung are involved in a joint team to fight against unrecorded alcohol. This requires a certain level of coordination, but the cooperation proves to be challenging. The agencies tend to operate in silos that insulate them from each other.

There is some blame between the agencies. For instance, the police in Bandung District blames the West Java branch of INADFC for delaying the investigation process because it takes nearly a month to deliver the test results. The police fear the delay can cause the alcohol to evaporate which would undermine their investigation (Interview 1, 2019). INADFC of West Java states they always prioritize and act on alcohol tests directly regardless of their limited facilities and personnel but the laboratorial procedures take 30 days (Interview 15, 2019). This kind of miscommunication hinders a smooth collaboration.

Furthermore, there is no data sharing mechanism between government agencies. When asked about the data concerning death and injuries related to unrecorded alcohol within the district, Satpol PP referred to the police department, which referred to the local hospital (Interview 18, 2019). Data are not being shared systematically, and this includes the two enforcement agencies, i.e. the police and Satpol PP. Based on interviews done in Greater Bandung, there was little cooperation between both authorities in Bandung City, West Bandung District, and Cimahi City. Despite the option to conduct joint patrols, they tend to go their own way (Interview 17, 2019). Likewise, there is little collaboration between law enforcement agencies and external stakeholders. The police in Bandung City rely on reports from the public, but they are reluctant to cooperate with civil society organizations alleging they may be consumers of alcohol and provide a bad public influence (Interview 6, 2019).

7. Indication of Corruption

In the public perception the Indonesian police force is associated with corruption and bribery. According to Transparency International's Global Corruption Barometer 2017, 83% of Indonesians believe that some, most, or all police officers are involved in corruption, and one out of four Indonesians reported paying bribes to the police in the past 12 months (Transparency International, 2017). Interviews conducted for this study confirmed this perception also in the case of law enforcement agencies fighting unrecorded alcohol in Greater Bandung. There is a widespread perception of police corruption related to unrecorded alcohol. Asked about repeat offenders, Satpol PP of Bandung District presume that certain unrecorded vendors are being backed and protected by the police, presumably through bribery, allowing them to reopen their

stalls after they were arrested (Interview 2). Satpol PP of West Bandung District points to another possible scenario of corruption that happens when spots that have been identified for selling unrecorded alcohol have been cleared prior to the intended raid by Satpol PP. They assume that information about the planned raid has been leaked by some parties (Interview 12, 2019). Citizens also reported cases of corruption. An interviewee who preferred to stay anonymous claimed that he bought imported alcohol from the police in Bandung City for Rp 100,000 while the market price is seven times higher. Allegedly, the alcohol was taken from confiscated goods that should have been destroyed to prevent further misuse (Interview 12, 2019).

While it is difficult to uncover corrupt practices due to their illicit nature, the perception of corruption alone can significantly undermine law enforcement efforts to tackle unrecorded alcohol. The perception of corruption erodes community trust that is necessary for an effective cooperation between citizens and law enforcement agencies.

RECOMMENDATIONS

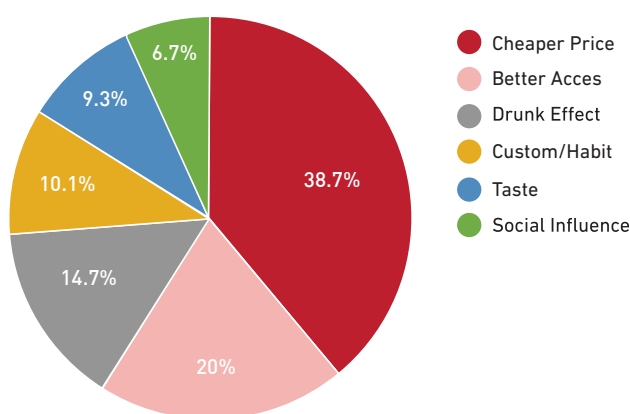
The spread of unrecorded alcohol in Greater Bandung is a complex problem that stems from multiple factors, including policy choices and insufficient law enforcement efforts as previously discussed. This multidimensional problem requires multiple interrelated efforts from various government agencies. Three key reforms are needed to address the problem of unrecorded alcohol: regulatory reforms, bureaucratic reforms, and educational and counseling efforts.

1. Regulatory Reforms

The national and local regulations concerning alcoholic beverages were primarily intended to restrain people from drinking recorded alcohol based on public health, cultural, and religious reasons. However, this has the unintended consequence of shifting consumption to unrecorded alcohol. When legal access is restricted, consumers shift to unrecorded alternatives. All enforcement staff interviewed for this study saw the main reason for the spread of unrecorded alcohol that low-income communities cannot access recorded alcohol due to high retail prices and limited availability in stores. A study by Uddarojat (2016) also confirmed that cheaper price and better access are the main reasons for people consuming unrecorded alcohol (see graph 2).

“When legal access is restricted, consumers shift to unrecorded alternatives.”

Figure 1.
Reasons to Consume Unrecorded Alcohol (n=50)



Source: Uddarojat, R. (2016).

This phenomenon is similar to what other countries have experienced, not only during the infamous prohibition period in the USA in the 1920s and 1930, but also in some Islamic countries. Issues with unrecorded alcohol have been reported in Libya, Yemen, Iran, and Saudi Arabia, where fermented fruits are being mixed with uncertain levels of alcohol and also industrial substances such as methanol and medical alcohol (Taleb & Behelah, 2014; MEE Correspondent, 2018; Esfandiari, 2017; “Alcohol in Saudi Arabia,” 2019).

Since unrecorded alcohol presents an incalculable risk to society with serious health effects and a clandestine distribution through black markets, therefore, it is better for the government to reduce market barriers for safe and recorded alcoholic beverages. *First*, the Ministry of Finance Regulation 158/2018 should be revised to lower the excise tariff on alcoholic beverages for all categories. Moreover, the government could facilitate the market entry of local alcoholic beverages, such as *Arak Bali* (Bali), *Cap Tikus* (Manado), *Sopi* (Nusa Tenggara Timur), *Drum* (Bali), *Jamu Intisari*, and *Anggur Kolesom* (Kusuma, 2019; “*Arak Bali*,” n.d.; Kontan, 2019; Suryobuwono, 2013; *Tribun News*, 2019; “*Astidama Distillery*,” n.d.; Mangaupul, 2017). Allowing consumers access to affordable domestic alcohol provides

Second, while existing age limits need to be enforced to prevent underage drinking, Presidential Regulation 74/2013, the Ministry of Trade Regulation 06/2015, and local regulations that restrict the sale of recorded alcohol should be revised. Licensed retail stores, such as minimarket and convenient stores, should provide safe access to recorded alcoholic beverages. Consumers have to prove that they are legally allowed to purchase alcoholic beverages and violations should result in the revocation of the business license.

Third, fines for minor misdemeanors should be increased in respective local regulations. Fines for selling unrecorded alcohol should at least be equal to the estimated profit that the sellers gained from unrecorded alcohol.

2. Opportunities to Improve the Performance of Field Enforcement Agencies

“The number of staff on the Drug Investigation Unit and the Local Regulation Enforcement unit of Satpol PP needs to be raised to a level appropriate to the large number of people residing in the area.”

Black market operations are indeed hard to track and address due to their hidden nature, so law enforcement efforts by the police and Satpol PP need to be strengthened. Patrols are ideally done on a daily basis with sufficient personnel. The number of staff on the Drug Investigation Unit and the Local Regulation Enforcement unit of Satpol PP needs to be raised to a level appropriate to the large number of people residing in the area. Moreover, capacities of the enforcement agents and the capacity of the apparatus need to be improved as demanded by the Work Plan 2019 of Satpol PP Bandung District (Work Plan of Satpol PP Bandung District, 2018).

Each local government should also increase the expenditure specific for patrols to detect unrecorded alcohol. They comprise of transportation costs and other operational expenses. Details should be included in standard operating procedures with a transparent process of reimbursement to avoid any misuse of funds. Investment in new test equipment for the INADFC is also encouraged to increase their capacity to quickly test suspicious substances.

To make sure that the allocated budget is spent efficiently and effectively, the police and Satpol PP would have to report their findings from unrecorded alcohol patrols in an integrated computer system. After a year of collecting day-to-day reports, the overall number of cases, arrests, deaths, injuries, will then be used to evaluate the investment and possibly redesign the policy.

Since the sale of unrecorded alcohol is happening at the grassroots level, a way to tackle this problem is to establish reporting mechanisms between the authorities and the communities. Involving communities in the security system saves up resources that would otherwise be needed

for law enforcement. In that regard, new information and communication technologies can help the authorities. The Center for Indonesian Policy Studies (CIPS), for instance, established a *Stop Oplosan* campaign that aimed to leverage public awareness about the harms of unrecorded alcohol for public health (Center for Indonesian Policy Studies, n.d.). There is a feature on the website that enables everyone to report places that sell *Oplosan*. Anonymity is granted for the person who makes the reports about the location of the sellers and uploads a photo of the location (*Stop Oplosan*, n.d.). Some reports from the public had been received and *Stop Oplosan* plans to take these reports to the media and to the authorities.

3. Educational and Counseling Efforts

To fight unrecorded alcohol from the demand side requires educational and counseling efforts as preventive and curative actions. Many countries have failed to reduce drug and alcohol abuse because national, state and local governments prioritize law enforcement over prevention (Milkman, 2019). In Indonesia, a study of Respatiadi and Tandra (2018) revealed that only 27% of university students in Bandung City included in the study were aware of any campaign by their universities about the impacts of alcohol consumption (Respatiadi & Tandra, 2018). Educational and counseling efforts should be done involving families, communities, academic institutions and religious organizations. These agents should explain the harm of consuming alcoholic beverages from the perspective of public health and local norms toward the youth.

“Many countries have failed to reduce drug and alcohol abuse because national, state and local governments prioritize law enforcement over prevention.”

Iceland, for instance, has dramatically reversed the course of teenage substance use. Key was to strengthen the role of the family. Every year, Icelandic children and teenagers take part in a comprehensive survey comprising questions about self-esteem, patterns of alcohol use, family living conditions, neighborhood characteristics, etc. Parents are invited to sign 'Parental Agreements' introduced at parental meetings at schools. Lastly, a municipality coupon (Leisure Card) subsidizes each child to participate in recognized afterschool activities (e.g. sports, music, etc.) encouraging children to spend their leisure time on positive activities (Milkman, 2019).

In Indonesia, unfortunately, no government institution focuses on the rehabilitation of consumers of alcoholic beverages. The National Anti-Narcotics Agency only deals with narcotics, psychotropic substances, precursors and other addictive substances, not including tobacco and alcohol (Profil BNN, n.d.). Joint effort should be made between the National Anti-Narcotics Agency, the Public Health Office for medical rehabilitation, the Social Service for social rehabilitation, and related ministries. The efforts to tackle the spread of unrecorded alcohol should be as strong as the efforts to curb drug abuse, since both are causing significant numbers of deaths and injuries.

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Interview 2 – Satpol PP of Bandung District

Interview 3 – Social Service of Bandung District

Interview 4 – Drug Investigation Unit of Departemental Police of Cimahi City

Interview 5 – Satpol PP of Cimahi City

Interview 6 – Drug Investigation Unit of Metropolitan City Police of Bandung City

Interview 7 – Satpol PP of Bandung City

Interview 8 – District Court of Bandung City

Interview 9 – Office of the District Prosecutor General of Bandung City

Interview 10 – Rumah Cemara

Interview 11 – Muhammadiyah Branch Bandung City

Interview 12 – Satpol PP of West Bandung District

Interview 13 – District Courts of Bandung District, Cimahi City, and West Bandung District

Interview 14 – Office of the High Prosecutor General of West Java Province

Interview 15 – Indonesia National Agency of Drug and Food Control of West Java Province

Interview 16 – Public Health Service of West Java Province

Interview 17 – Police Officers and Satpol PP of Bandung District, Cimahi City, Bandung City, and West Bandung District

Interview 18 – Police Officers of Bandung District, Cimahi City, and Bandung City

Interview 19 – Satpol PP of Bandung District, Cimahi City, Bandung City, and West Bandung District

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