



Government Supervision In Overcoming Problems Drinking *Tuak* At The Gunung Meriah Aceh

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ABSTRACT

The people of Gunung Meriah still find many addictions to drinks that can be intoxicating, such as drinking tuak. Therefore, this study aims to find out how the supervision of the government and the community in minimizing wine drinkers and sellers in Gunung Meriah District and Islamic views on the law of drinking tuak, as well as how to sanction those who drink it. To complete this research, the writer uses qualitative research. The techniques used in data collection are observation and in-depth interviews with informants. The result of the research shows that some of the people of Gunung Meriah like to drink tuak, both from officials and ordinary people. 25% of Mount Meriah people are addicted to this tuak drink, it is drunk on certain occasions such as parties or other days. The government does not pay much attention to the problem of tuak drinks, which can be seen from the lack of cases of drinkers and sellers of wine being appointed and given appropriate punishments, only a few people have reached the stage of punishment. Likewise, the community does not interfere too much in dealing with the problem of tuak drinkers and sellers, even though this problem is very serious. Drinking tuak, in the perspective of Islamic law, is a drink that is prohibited because it is intoxicating.

Key words: Alcohol, Islamic law

INTRODUCTION

One of the plants used as food is sugar palm and coconut. The function of palm and coconut trees in an ecological manner is to protect natural resources, especially land. The roots of the fibers of the palm and coconut trees are very strong. The use of palm and coconut plants is not only on the leaves, fruit, and stems. However, coconut and sugar palm plants can also produce sap which has high economic value. Basically, the sap is water that comes out of palm or coconut flowers. Nira is a natural drink that tastes sweet because it contains glucose. The glucose content in the sap causes the sap to be processed as traditional sugar by most people in some areas (Lempang, 2012 : 40).

Palm sap is obtained by tapping the flower stalk and can be tapped for 3 years, and every year 3-4 flower stalks can be tapped. Coconut sap is obtained by tapping. Tapping is done by cutting the tip of the manggar about five centimeters. After that, for three days every morning and evening the tip of the manggar is cut again by about one centimeter until finally extracting the sap.

The new sap can come out about three days after the first cut. After removing the sap, the sheath that wraps the mango can be opened. Then put together and tied tightly and then directed downward so that the sap can drip (Pontoh, 2019 : 24).



Tuak is a lead taken from palm sugar or coconut. In Indonesian, the lead from sugar palm is called sap. The sap is sweet, while there are two types of palm wine according to the recipe, namely the sweet and the bitter. Good use of sap is some time after tapping and should not be left overnight, because it will change the taste. The fermentation process in the sap can take a matter of hours. Nira is used to make brown sugar and drinks (tuak) (Shanti Riskiyani, 2016 : 83).

Nira water that is processed from palm or coconut water has turned into tuak, which is water whose purity and impurity is not clear, known as subhat, Rasulullah Saw said

عن أبي عبد الله النعمان بن بشير رضى الله عنهما قال سمعت رسول الله صلى الله عليه وسلم يقول إن الحلال بين وإن الحرام بين وبينهما أمور مشتبهات لا يعلمهن كثير من الناس..... [رواه البخارى]

Meaning: "From Abi 'Abdillah An-Nu'man bin Basyir r.a. said: "I have heard the Messenger of Allah (saw) say: verily, what is lawful is clear and what is unlawful is clear, and between the two there is a subtle matter (subhat) which most people do not know. (H.R. Bukhari) (Achmad Sunarto dkk, 1991 : 89).

Whereas the food we eat and the drinks we drink must be clearly halal, in line with the word of Allah SWT in Surah al-Baqarah verse 168 as follows:

يَأْتِيهَا النَّاسُ كُلُّوا مِمَّا فِي الْأَرْضِ حَلَالًا طَيِّبًا وَلَا تَتَّبِعُوا خُطُوَاتِ الشَّيْطَانِ إِنَّهُ لَكُمْ عَدُوٌّ مُبِينٌ ﴿١٦٨﴾

Meaning: O mankind, eat what is lawful and good from the earth, and do not follow the devil's steps; for the devil is a real enemy to you (QS.al-Baqarah: 168).

This tuak drink is commonly found in Indonesia, one of which is in the Aceh Singkil area to coincide with the Gunung Meriah District. Some people consume palm wine which is processed from sap water from both palm and coconut trees, which is said to be an energy booster and can relieve stress.

The problem in this study is the number of people who drink and sell tuak in the area of Gunung Meriah District, even though there is qanun that regulates the issue of khamar and there are very strict sanctions. Based on the results of the interview with Mr. "SDB" that the tuak makers in Suka Makmur village are 40 people, of course, each of the tuak toke has customers of no less than 20 people. Therefore, it should have very strict supervision from both the government and the community to avoid this intoxicating drink. This study aims to determine how government supervision of tuak drinks, both drinkers and sellers in Gunung Meriah District, Aceh Singkil Regency.

THEORITICAL REVIEW

The Law of Drinking Tuak

Tuak drink contains alcohol content, which is around 4% (Ilyas, 2013 : 119). So that tuak can be classified in group A alcoholic beverages, namely drinks with 1%-5% ethanol content. It turns out that palm wine not only contains alcohol, but also contains buli. Buli is a term for the bark of the buli tree which is added to palm wine to make palm wine sweet. However, not all sweet palm wine uses buli (Notoatmodjo, 2010 : 17).



Therefore tuak is the same as khamar. Khamar comes from the word *khamara* (خَمَرَ) yang meaning *satara* (سَتَرَ), means to cover, so that khamr is defined as a type of intoxicating drink and covers the health of the mind (Usman, 2017 : 19), or someone hiding testimony (Ma'luf, 1977 : 186). While *khammara* (خَمَّرَ) meaning give yeast. *al-Khamar also means wine, which is anything intoxicating* (Munawwir, 1997 : 110), and can also be interpreted as liquor (Nasional, 2019 : 90)

Drinking khamr is clearly haram as stated in the Qur'an surah al-Maidah verse 90:

يَأْتِيهَا الَّذِينَ ءَامَنُوا إِنَّمَا الْحَمْرُ وَالْمَيْسِرُ وَالْأَنْصَابُ وَالْأَزْلَمُ رِجْسٌ مِّنْ عَمَلِ الشَّيْطَانِ فَاجْتَنِبُوهُ لَعَلَّكُمْ

تُفْلِحُونَ ﴿٩٠﴾

Meaning: O you who believe, Verily (drinking) khamar, gambling, (sacrificing for) idols, drawing fate with arrows is included in the deeds of syaitan. So stay away from these actions so that you get good luck (QS. Al-Maidah: 90).

In Aceh Qanun Number 6 of 2014 concerning the Jinayat Law, what is meant by khamr is a drink that is intoxicating and/or contains alcohol with a concentration of 2% (two percent) or more (Qanun Number 6 of 2014).

From the description above, it can be understood that a traditional intoxicating drink such as tuak is the same as alcoholic drinks, and for people drinking it drunk or not, it is still haram, because the alcohol content exceeds 2%.

Elements of Drinking Tuak

The elements of tuak (khamar) drinks are an important and fundamental thing in criminal law. As stated by Moeljatno, more often use the word actions that are prohibited by a prohibition law which is accompanied by threats (sanctions) in the form of certain crimes for people and anyone who violates the rules of law and the prohibition.

Therefore, the elements or elements of a criminal act according to Moeljatno are as follows:

1. Behavior due to action
2. Matters or circumstances that accompany the action
3. An additional situation that burdens the criminal
4. Objective elements against the law
5. The element of against the law is subjective (Moeljatno, 2002 : 68).

The Prohibition of Drinking Tuak and Its Supervision

Tuak is a traditional drink that can be intoxicating for the drinker. Therefore, palm wine is punished like drinking khamr. To protect the people of Aceh, the Aceh government has made a Qanun so that people are monitored so that people do not consume illegal drinks (Iriansyah, 2017 : 62).

At least four qanuns were applied to the people of Aceh at the beginning of the implementation of Islamic law, namely (1) Qanun No. 11 of 2002 concerning the Implementation of Islamic Shari'a in the fields of aqidah, worship and syi'ar Islam, while Qanun No. 12 of 2003 concerning Drinks *Khamar*, Qanun No. 13 of 2003 concerning



Maisir, and Qanun No. 14 of 2003 concerning Khalwat (permissive acts) does not apply to men since the ratification of Qanun No. 6 year 2014 (Berutu, 2016 : 54).

To realize the aspiring role of Islamic law, the application of Islamic law requires community readiness and the formation of law enforcement officers. So that *wilayatul hisbah* was formed as a supervisor of the implementation of Islamic law in Aceh so that there are no deviations in its implementation. *Wilayatul Hisbah* (WH) is an institution in charge of supervising and fostering and advocating for the implementation of laws and regulations in the field of Islamic Sharia to enjoin the good and leave the bad. (Halim, 2011 : 71).

Wilayatul Hisbah was formed based on the Decree of the Governor of Nanggroe Aceh Darussalam No. 01 of 2004 and has an organizational structure consisting of the Provincial *Wilayatul Hisbah*, Regency / City Level *Wilayatul Hisbah*, District / City Level *Wilayatul Hisbah* and *Wilayatul Hisbah* settlements, even possible in the form of village and other environments. Furthermore, the police also have the responsibility of creating and maintaining a safe and orderly condition in people's lives. Security and order are a condition free from damage or destruction that threatens the whole or individual and provides a sense of freedom from fear or worry so that there is certainty and a sense of certainty from the guarantee of all interests or a condition that is free from violations of legal norms. (Brotodirejo, 1997 : 22).

As one of the enforcement agencies of Islamic law in Aceh, the police have a juridical basis as a basis for carrying out their functions as enforcers of Islamic law. The juridical basis is Qanun No. 11 of 2004 concerning the Functional Duties of the Regional Police of Nanggroe Aceh Darussalam. The scope of the implementation of the police's functional duties in Aceh includes preemptive, preventive, and repressive non-judicial, and pro-judicial repressive actions in the field of general duties of the State Police of the Republic of Indonesia and enforcement of Islamic law in the Province of Nanggroe Aceh Darussalam.

RESEARCH METHODS

The research method is basically a scientific way of obtaining data for specific purposes and uses. Based on this, there are four key words that need to be considered, namely, scientific method, data, objectives, and usability. (Sugiyono, 2009 : 2).

The research method used is qualitative (Giantara, 2019 : 60). Qualitative research is research that intends to understand the phenomena experienced by research subjects such as behavior, perception, motivation, action. Qualitative research has two main objectives, the first is to describe and reveal and the second is to describe and explain (Lexy J. Moleong, 2010 : 44).

Types of Research

The type of research used in this article is field study research and library research with qualitative methods and using a qualitative approach *sosio-legal-historical* (Ashhofa, 2007 : 57). The sociological approach is used to observe and find out how the role of law on social behavior in society, the juridical/legal approach is used to view the law as law in action, described as an empirical social phenomenon. (Hartati, 2019 : 43). Thus, the law is not only given meaning as a chain of values, official decisions, the fabric of rules and norms, written positive law, but can also be given meaning as a system of teachings about reality, regular behavior, or law in the sense of officers. This empirical



legal research is not only aimed at community members, but also at law enforcers and facilities that are expected to support the implementation of these regulations. (Soekanto, 2005 : 32).

The focus of this research is on how government and community supervision in overcoming the problem of tuak drinks. The research location is in Gunung Meriah District, Aceh Singkil Regency, Aceh Province, starting from March 4 to May 4, 2021.

Data Collection Technique

In this study, the data collection technique used was the observation (Khairuddin, 2020 : 106). Observation is a technique to obtaining information about human behavior as it happens in reality. By observation, a clearer picture of social life can be obtained, which is difficult to obtain by other methods. Observations are also made if not much information is available about the problem being investigated. Observation is needed to explore it and its function as an exploration (Nasution, 2010 : 23). Observations here will be carried out by making direct observations regarding the supervision of tuak drinks in the Gunung Meriah community of Aceh Singkil Regency.

The next data collection technique is the interview, which is an activity carried out to obtain information for research purposes by way of question and answer while face to face between the interviewer and the respondent. Structured interviews are carried out by first preparing a list of questions that are the subject of discussion in a focused manner (Bungin, 2007 : 29). This interview was conducted by interviewing resource persons from the research location which consisted of 2 religious leaders, 2 government leaders, 2 community leaders, and 10 community members who were in Gunung Meriah District, Aceh Singkil Regency.

RESULTS AND DISCUSSION

Tuak drinks are found in Indonesia, one of which is in Gunung Meriah District, Aceh Singkil Regency. This drink is no stranger to society. Most people already know that palm wine is an intoxicating drink that is forbidden by Allah SWT in line with the arguments of the Qur'an and hadith.

However, there are various reasons why tuak is consumed in such a way in Gunung Meriah District, especially by young people. Among them are the factors of understanding the tuak law itself, the cultural influence of the area of origin for those who move from North Sumatra to Aceh Singkil, and this factor affecting other communities in their place of residence. There is also a growing perception that tuak is not an intoxicating drink and can strengthen the body and relieve stress.

Various public perceptions regarding the law of tuak, Researchers have conducted interviews with several community leaders in Gunung Meriah District, Aceh Singkil Regency, including:

- a. According to "DD", a resident of Tanah Bara Village, Gunung Meriah Sub-district, palm wine is not alcohol because it is only mixed with sacred objects, but if the drink is intoxicating then the law becomes haram because it includes alcoholic beverages. But if it is not intoxicating it will not become haram.
- b. According to the "MD" of Sakup Village, Gunung Meriah Subdistrict, processing nira into tuak is an effort that makes money easily and can be drunk because it is made from coconut or palm, which is holy, the mixture is also holy.



- c. According to the information "FW" in Tulaan Village, tuak is a lawful drink if it is not intoxicating and excessive, on the grounds that it is not found in the Al-Qur'an, Hadith, and the yellow book regarding the status of tuak water made from palm water. Therefore, water is holy but can not purify anything.
- d. According to "MS" in Lae Butar Village, Gunung Meriah Subdistrict, this tuak is one of the drinks that is often drunk by the local community, whose sweet taste is sacred because it does not contain alcohol, while tuak, which tastes bitter, is unclean and can not be drunk by religious people. Islam, with the reason that everything that is intoxicating is the same as khamar and khamar is the law of haram, and the water is unclean, as well as tuak water which can be intoxicating for those who drink too much.
- e. According to the statement from "AS" in Sianjo-anjo Meriah Village, Gunung Meriah District, palm wine is a traditional drink that can be intoxicating, so the law of drinking palm wine is the same as drinking khamr, which is haram.

Of the 5 villages above, some people assume tuak is holy water and can be drunk properly because the water does not mix with unclean objects. The opinion is that tuak is haram (khamar) because it is a type of intoxicating drink even though some are not drunk when consuming it.

In addition to the various people's understanding of tuak law, the cultural factors of the Mount Meriah community, which are influenced by the Batak, Karo, Nias and Pakpak ethnic groups, are one of the reasons why some Mount Meriah people like to drink tuak. Tuak for the Batak, Karo and Pakpak tribes is a typical drink that is always present at traditional events, such as weddings and family events. In certain stalls, tuak is the main drink served to visitors.

Sanctions for Tuak Drinkers

All scholars from the four schools agreed that a drunkard should be flogged 40 times. Thus, scholars do not agree on how much a person is punished with caning. The purpose of Islamic law (*Maqasid al-Tasyri*) is to safeguard the five things of human interest, namely maintaining religion, nurturing the soul, maintaining offspring, maintaining reason, and maintaining the property. Criminal sanction or punishment is one of the means to overcome social problems in achieving the goal, namely the welfare of the community.

Islamic Sharia imposes sanctions on criminal acts (Jarimah) which are not explained in the Koran or the hadiths with *ta'zir*. The provisions of *ta'zir* are the authority of *Ulil al-Amri* (Government). In this case, the judge determines the sanctions against the perpetrators of the crime. Drinking tuak (*khamar*), circulating it, transporting it, storing it will be subject to a sanction of 40 lashes and a maximum fine of Rp 75 million rupiah at least 25 million rupiah (Abubakar, 2004).

This Qanun regulates well, but the execution is still weak in Aceh, including in Mount Meriah. The existing rules should be enforced indiscriminately, both from among officials and ordinary people, so as not to cause social jealousy in the community.

As long as there are qanun regulations governing the criminal act of khamar in Aceh, including in Gunung Meriah District, it can be counted on the fingers of the number



of times the perpetrator and the seller was lashed. Even though sellers and buyers drink tuak very much, their supervision is still weak.

The problem of people who drink tuak in the Gunung Meriah area has not been found to specifically regulate the problem of sanctions for the perpetrators of drinking tuak. So that people tend to drink tuak. It is fitting to maintain a much better generation. Every village government makes related regulations regarding alcohol drinkers, so that people are afraid to do it. These sanctions must create a deterrent effect for both the perpetrator and the seller.

Thus, whoever sells tuak or drinks tuak is subject to sanctions from the local village, so surely no one else dares to sell and drink it. Humans are now more afraid of punishment from humans than Allah SWT.

Lack of Government Attention in Solving the Problem of Tuak Drinks

In recent years, including during the pandemic, there are still many people who drink palm wine and sell it. Even though this is an act that is very destructive to the generation of Acehese children, including in Mount Meriah. Therefore, the government and the people there should pay attention to it in order to realize Islamic law in the land of rencong.

There are several efforts that must be made by the government and the community to maintain the safety of children and parents in this tuak drink problem, including:

1. Make Islamic studies

Reactivate Islamic study centers such as meunasah, dayah, madrasas, youth mosques, and other Islamic studies. So far, these centers are not functioning properly.

2. Socializing the Dangers of Drinking Tuak

Disseminating Islamic law to the people of Aceh, including the Mount Meriah area, requires the development of the education system, both in the fields of faith, morals, and law, both civil and criminal. The education and learning process requires full support so that the socialization of Islamic law can truly be manifested in personal and community life (Sabi, 2003 : 37).

3. Involving the Active Role of the Community

The active role of the community is highly expected in implementing every qanun in Aceh, as well as qanun khamar which is regulated in Qanun No. 12 of 2003. It is time for the government, in this case, the Islamic Shari 'a Service and Wilayatul Hisbah, to improve relations with the community and especially community leaders in each village in the Gunung Meriah sub-district.

If each village had implemented such a monitoring system, the deviant behavior of the community, especially drinking intoxicating drinks, could have been avoided. So far, the role of the community does not mean that it does not exist, it's just that the role of the community is very difficult to realize because it does not have a legal space and does not have formal authority that can be accounted for (Anwar, 2011 : 67).

Thus, if there is a work contract between the government and village community leaders, it is hoped that the role of this community will be actualized in the field, so that the assumption that the community is very large, and the role of supervision if it is not carried out there are still many other people who must play a role can also be eliminated.



CONCLUSION

From the exposure to the data obtained from the research results that have been explained, several important things can be made conclusions related to the supervision of the Gunung Meriah government on tuak, namely: tuak is an intoxicating drink and also contains alcohol even though the alcohol content is only 4%, it remains punished like khamar. The prohibition is through *istinbath* the law of *hadith* and *qiyas*. There are several perceptions of the people of Gunung Meriah regarding the law of drinking tuak, including: (a) some people assume that tuak is a non-alcoholic drink because tuak is only mixed with holy objects, but if the drink is intoxicating then the law becomes haram. But if it's not intoxicating, then it doesn't become haram (b) some say that palm wine has an alcohol content, so even if we only drink a little, it is still haram. The sanction of caning is in line with Aceh Qanun Regulation No. 6/2014. The government of Gunung Meriah Aceh is still not paying attention to handling this alcoholic drink, so that many in that area still consume it. Likewise, people who are not too sensitive to the drinkers and sellers of this tuak drink.

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