

A Legal Philosophy Review of the Harmonization of Bekasi City Regional Regulation and Presidential Regulation on Alcoholic Beverages

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Manuscripts received : 01/07/2025, Revision and Review : 01/02/2026, Approved 17/02/2026

Abstract

Alcoholic beverages have complex social and economic impacts, so their control is regulated by Presidential Regulation No. 74 of 2013 and Bekasi City Regional Regulation No. 17 of 2024. This research uses a normative juridical approach and philosophy of law to analyze the harmonization of national and local regulations. The results of the study show that the Regional Regulation is substantially in line with the Presidential Regulation, with more specific arrangements according to local needs without contradicting national policies, thus reflecting the implementation of regional autonomy in accordance with the principles of legal hierarchy. The philosophy of law approach provides a normative and reflective framework in the formation of alcohol control regulations at the national and local levels. In the context of Presidential Regulation 74/13 and the Bekasi City Regional Regulation, legal philosophy plays a role in assessing substantive justice, social benefits, and legal certainty, as well as bridging potential regulatory conflicts. With ontological, epistemological, and axiological approaches, philosophy of law helps to understand the moral and social legitimacy of alcohol control policies so that regulations are not only formal but also relevant and contextual.

Keywords: Regulatory Harmonization, Hierarchy of Legislation, Philosophy of Law.

A. Introduction

Alcoholic beverages are a type of product that has complex implications in various aspects of people's lives, including social, health, cultural, economic and legal aspects.¹ Historically, alcoholic beverages have been part of the tradition and culture of some communities, even being used in religious or traditional rituals.² However, in the context

¹ Gustavo Ayares Et Al., "Public Health Measures And Prevention Of Alcohol-Associated Liver Disease," *Journal Of Clinical And Experimental Hepatology* 12, No. 6 (November 2022): 1480-91, <https://doi.org/10.1016/J.jceh.2022.05.005>.

² Jyoti Prakash Tamang, "History Of Ancient Alcoholic Beverages Of The World," In *Microbiology And Health*

of modern society, its circulation often poses a normative dilemma between individual freedom and the protection of the public interest. Therefore, in developing alcohol control policies, local governments need to place themselves in a strategic position as regulators and facilitators of local economic development.³ The approach should not be prohibition-oriented, but should be accompanied by careful monitoring mechanisms, orderly distribution, and education to the public on the risks of excessive consumption. On the other hand, the existence of a legal business sector that contributes to local revenue must also receive legal certainty and reasonable operational protection. This is because regulations that are too strict without considering the social and economic context can create disincentives to investment and trigger illegal circulation that is more difficult to control.⁴ Thus, the regulation of alcoholic beverages needs to be designed in an adaptive and data-driven manner, in order to be able to respond to the real challenges in each region without ignoring the principles of national law and the values of the people living in that environment.

On the one hand, alcoholic beverages cannot be completely eliminated as they are part of legalized trade activities that contribute to the economy,⁵ including the tourism, entertainment and hospitality sectors. Some parts of Indonesia, such as international tourist destinations, even rely heavily on the availability of alcoholic beverages as part of tourist services. This makes a total phase-out unrealistic and could negatively impact the investment climate and regional economies.⁶

On the other hand, excessive consumption of alcohol has been shown to have serious consequences. Various studies have shown a correlation between alcohol consumption and increased crime, domestic violence, traffic accidents, and psychiatric disorders.⁷ Moreover, alcohol can create dependency that impacts individual productivity and family stability. In the context of an urban society like Bekasi City, alcohol abuse also has the potential to disrupt public order and cause social unrest, especially when consumed openly in public spaces.

The abuse of alcoholic beverages not only has negative impacts on individuals, but also

Benefits Of Traditional Alcoholic Beverages (Elsevier, 2025), 1–25, <https://doi.org/10.1016/B978-0-443-13322-0.00001-0>.

³ Brett Maclennan Et Al., "Local Government Alcohol Policy Development: Case Studies In Three New Zealand Communities," *Addiction* 108, No. 5 (May 2013): 885–95, <https://doi.org/10.1111/Add.12017>.

⁴ Dara Lee Luca, Emily Owens, And Gunjan Sharma, "The Effectiveness And Effects Of Alcohol Regulation: Evidence From India," *IZA Journal Of Development And Migration* 9, No. 1 (December 2019): 4, <https://doi.org/10.1186/S40176-018-0139-1>.

⁵ Montarat Thavorncharoensap Et Al., "The Economic Impact Of Alcohol Consumption: A Systematic Review," *Substance Abuse Treatment, Prevention, And Policy* 4, No. 1 (December 2009): 20, <https://doi.org/10.1186/1747-597X-4-20>.

⁶ Jenny Cisneros Örnberg And Robin Room, "Impacts Of Tourism On Drinking And Alcohol Policy In Low-And Middle-Income Countries: A Selective Thematic Review," *Contemporary Drug Problems* 41, No. 2 (June 2014): 145–69, <https://doi.org/10.1177/009145091404100202>.

⁷ Jin Young Park, Dkk., "The Relational Analysis Between The Number Of Major Crime By Region And High Risk Drinking Rate Through R," *International Information Institute Ltd*, N.D.

has the potential to cause a wide range of social problems.⁸ The consumption of alcohol beyond reasonable limits can trigger antisocial behavior and harm the interests of the surrounding community. In addition, it can lead to dependence or addiction that impacts physical and mental health.⁹ Individuals who are intoxicated tend to lose self-control, potentially committing unlawful acts.¹⁰ On the other hand, alcohol is often misused as a means to boost self-esteem, despite its harmful effects.¹¹

Given the complex social and legal impacts, controlling the circulation of alcoholic beverages is one of the main tasks of the government at both the central and local levels.¹² The government is obliged to develop and implement effective policies to regulate the distribution, sale and use of alcoholic beverages in order to protect the public from its negative impacts. This control policy must be implemented in synergy and harmony between national regulations Presidential Regulations and Regional Regulations, so that law enforcement and supervision can be effective and provide optimal protection for the wider community.¹³

Given the complex negative impacts of alcoholic beverages, the government seeks to participate in the control of alcoholic beverages. The central government through Presidential Regulation No. 74 of 2013, has attempted to create a national policy related to the control and supervision of the circulation of alcoholic beverages as a form of protection of the public interest and maintaining order and security.

In the Indonesian legal system, the existence of Regional Regulations is part of the implementation of regional autonomy, which authorizes local governments to regulate and manage their household affairs.¹⁴ In this case, local governments have also opened their eyes regarding the responsibility of managing their own regions to control and supervise alcoholic beverages, one example of which is the Bekasi City Regional Regulation Number 17 of 2024, hereinafter referred to as Bekasi City Regional Regulation 17/24. However, such regional authority must still be subject to and in harmony with higher laws in the

⁸ Howard B. Moss, "The Impact Of Alcohol On Society: A Brief Overview," *Social Work In Public Health* 28, No. 3-4 (May 2013): 175-77, <https://doi.org/10.1080/19371918.2013.758987>.

⁹ Joakim Wahlström Et Al., "Parents' Drinking, Childhood Hangover? Parental Alcohol Use, Subjective Health Complaints And Perceived Stress Among Swedish Adolescents Aged 10-18 Years," *BMC Public Health* 23, No. 1 (January 24, 2023): 162, <https://doi.org/10.1186/s12889-023-15097-w>.

¹⁰ Mike Dolan Fliss Et Al., "Measuring And Mapping Alcohol Outlet Environment Density, Clusters, And Racial And Ethnic Disparities In Durham, North Carolina, 2017," *Preventing Chronic Disease* 18 (September 23, 2021): 210127, <https://doi.org/10.5888/pcd18.210127>.

¹¹ Virgil Zeigler-Hill, Whitney J. Stubbs, And Michael B. Madson, "Fragile Self-Esteem And Alcohol-Related Negative Consequences Among College Student Drinkers," *Journal Of Social And Clinical Psychology* 32, No. 5 (May 2013): 546-67, <https://doi.org/10.1521/jscp.2013.32.5.546>.

¹² F. P. Martineau Et Al., "Responsibility Without Legal Authority? Tackling Alcohol-Related Health Harms Through Licensing And Planning Policy In Local Government," *Journal Of Public Health* 36, No. 3 (September 1, 2014): 435-42, <https://doi.org/10.1093/pubmed/fdt079>.

¹³ Matt Egan Et Al., "Local Policies To Tackle A National Problem: Comparative Qualitative Case Studies Of An English Local Authority Alcohol Availability Intervention," *Health & Place* 41 (September 2016): 11-18, <https://doi.org/10.1016/j.healthplace.2016.06.007>.

¹⁴ Tjahjanulin, "Interregional Cooperation Policy In Sound Governance Perspective," *Advances In Natural And Applied Sciences*, 2011.

hierarchical structure of laws,¹⁵ and regulations, as affirmed in Law No. 12/2011 on the Formation of Laws and Regulations, hereinafter referred to as Law 12/11. In this context, it is important to analyse the extent to which the Bekasi City Regional Regulation 17/24 has been drafted and enacted with due regard to the principles of harmonization of laws and regulations. This is relevant given the existence of regulations at the national level, such as Presidential Regulation No. 74/2013 on the Control and Supervision of Alcoholic Beverages, which can serve as a normative reference and comparison in assessing the harmony of legal norms at the local level. Thus, the study of this Regional Regulation not only looks at its substance, but also examines whether the regulation is in line with the principle of legality and hierarchy of norms as stipulated in Law 12/11.

In terms of legal hierarchy, discrepancies or disharmony between Regional Regulations and presidential regulation can lead to legal uncertainty and potentially the annulment of a Regional Regulation.¹⁶ This is of particular concern given the frequent tug-of-war between local interests and national policies. Therefore, it is important to analyze the extent of harmony between Bekasi City Regional Regulation 17/24 and Presidential Regulation 74/13, especially in the formal legal aspects of the hierarchy of laws.

Furthermore, legal philosophy as the basis for normative thinking in law formation, provides an important perspective in looking at the harmonization of these regulations. The principles of legal philosophy such as justice, legal certainty, and expediency, are not only the basis for forming good laws, but also a reflective tool in assessing whether a regulation truly reflects the needs of society and remains in line with universal values of law.¹⁷ Through a legal philosophy approach, the formation of local policies such as Regional Regulations can be assessed not only in terms of formal compliance with national law, but also in terms of substantive justice and responsiveness to the local context.¹⁸

Thus, this study is important to see how local laws and national laws can be harmonized structurally and philosophically, so that the formation of regulations is not only legally valid, but also fair and appropriate in its implementation.

B. Research Method

In normative juridical legal studies, law is understood as a set of written norms codified in legislation and as normative rules that guide human behavior in social life.¹⁹ This research relies on the study of primary and secondary legal materials, where legal norms become the starting point of analysis. analysis.²⁰ Given the normative juridical nature of

¹⁵ Ahmad Siboy Et Al., "Judicial Review In Indonesia: A Simplification Model," *Lex Scientia Law Review* 6, No. 2 (December 20, 2022): 359–90, <https://doi.org/10.15294/Lesrev.V6i2.54848>.

¹⁶ L M R Zeldi Et Al., "Application Of Theory And Regulation Of Hierarchy Legal Regulations In The Problem Of Forest Area Status," *IOP Conference Series: Earth And Environmental Science* 343, No. 1 (October 1, 2019): 012124, <https://doi.org/10.1088/1755-1315/343/1/012124>.

¹⁷ Muhammad Erwin, *Filsafat Hukum* (Jakarta: PT Raja Grafindo Persada, 2011).

¹⁸ Saartje Sarah Alfons, Dkk., "Creating Substantive Justice In State Administrative Courts In Indonesia: A Theoretical, Philosophical, And Human Rights Review," *Faculty Of Law Universitas Negeri Surabaya*, 2024.

¹⁹ Amiruddin & Zainal Asikin, *Pengantar Metode Penelitian Hukum* (Jakarta: Raja Grafindo Persada, 2012).

²⁰ Soerjono Soekanto, *Pengantar Penelitian Hukum* (Jakarta: UI Press, 1084).

the research, the main approach applied is the statute approach, focusing on a number of regulations such as Bekasi City Regional Regulation No. 17 of 2024 on the Control and Supervision of Alcoholic Beverage Distribution, Presidential Regulation No. 74 of 2013 on the Control and Supervision of Alcoholic Beverage Distribution, and Law No. 12 of 2011 on the Formation of Legislation.

In addition, a conceptual approach is used to understand efforts to harmonize national law with regional law, legal philosophy has an important role in shaping an open approach that can harmonize the hierarchy of legislation which confirms that national law should not conflict with the law above it. Thus, legal harmonization can be achieved as a whole, not only in terms of legal certainty, but also in realizing justice in accordance with the social and cultural conditions of the diverse Indonesian nation. This approach is important so that the formulation of legal norms becomes clearer and does not lead to multiple interpretations that can obscure justice.

C. Results and Discussion

1. Harmonization between the Bekasi Regional Regulation and the Presidential Regulation on the control of alcoholic beverages in the perspective of the hierarchy of legislation

a. Definition of Harmonization

From an etymological perspective, the word 'harmonization' is derived from 'harmony', which refers to an effort or process aimed at establishing balance and coherence.²¹ According to the Big Indonesian Dictionary, the word "harmony" is defined as compatibility in feelings, actions, ideas, and interests; or it can also be interpreted as a form of balance and harmony, including between motion and rhythm.²²

Based on the elements contained in the definition above, it can be concluded that the meaning of harmonization, whether seen as a form of effort or as a process, is a step or mechanism aimed at bridging differences, overcoming conflicts, and harmonizing discrepancies. This process aims to create harmony, compatibility, balance, and compatibility between various elements, so as to form an integrated and high-value unity as part of an intact system.

Legal harmonization is an important process in the legislative system, where various forms of legal regulations applicable in a country are harmonized so that they do not contradict each other, overlap, or cause confusion in their implementation.²³ In the context of the Continental European legal system adopted by Indonesia, where

²¹ Aditya Yuli Sulistyawan, "Urgensi Harmonisasi Hukum Nasional Terhadap Perkembangan Hukum Global Akibat Globalisasi," *Jurnal Hukum Progresif*, 2019.

²² Tim Penyusun, *Kamus Besar Bahasa Indonesia Edisi Ketiga* (Jakarta: Balai Pustaka, 2018).

²³ Paulien Van Der Grinten, "A Dutch Perspective On Civil Litigation And Its Harmonisation," In *Civil Litigation In A Globalising World*, Ed. X.E. Kramer And C.H. Rhee (The Hague, The Netherlands: T. M. C. Asser Press, 2012), 277-90, https://doi.org/10.1007/978-90-6704-817-0_14.

laws and regulations are the main source of law, harmonization has a strategic value in ensuring legal certainty, justice, and regularity of legal norms in the legal state order.²⁴

In Indonesia's national legal structure, harmonization is closely related to the hierarchy of laws and regulations as stipulated in Law 12/11. This concept emphasizes that every legal product must be arranged systematically and hierarchically, where lower regulations must be subject to and must not conflict with higher regulations.²⁵ Therefore, in the context of the relationship between Regional Regulations and Presidential Regulation, Regional Regulations as regional legal products must remain within the corridors of national legal policies and not deviate from the provisions in the Presidential Regulation or other higher regulations.

Harmonization between Regional Regulations and Presidential Regulations becomes important when the substance regulated involves broad public interests,²⁶ such as the control and supervision of the circulation of alcoholic beverages. Although regions have the autonomous authority to formulate regulations according to social characteristics and local values, these arrangements must remain within the scope determined by national regulations. Disharmony between the Regional Regulation and Presidential Regulation has the potential to cause norm conflicts, reduce legal effectiveness, and even lead to the cancellation of Regional Regulations by the mechanism of testing laws and regulations.²⁷

Harmonization also involves a substantive approach, not just a formal one. This means that the substance regulated in the Regional Regulation should strengthen national policy without obscuring or eliminating the intent and purpose of the Presidential Regulation.²⁸ In this case, Presidential Regulation 74/13 has generally regulated the classification, circulation, and restrictions on places of consumption of alcoholic beverages. Local regulations should therefore adopt the same principles, with local adaptations that do not contradict but rather clarify the implementation in the field.

Efforts to achieve harmonization should adhere to the fundamental principles of legislative drafting, including a clear objective, transparency, and alignment between

²⁴ Victor Imanuel W. Nalle, "Deciphering Developmentalism: A Legal-Economic Examination Of Indonesia's Administration," *Law And Development Review*, May 5, 2025, <https://doi.org/10.1515/Ldr-2025-0010>.

²⁵ Ni Luh Gede Astariyani, Mariko Hattori, And Willy Naresta Hanum, "The Validity Of Sanctions Arrangements In Regional Regulations," *Journal Of Human Rights, Culture And Legal System* 4, No. 3 (December 4, 2024): 682-705, <https://doi.org/10.53955/jhcls.v4i3.313>.

²⁶ Sukmariningsih Dan Retno Mawarini, "Some Key Issues In The Cancellation Of Local Regulations In Indonesia," *Journal Of Legal, Ethical And Regulatory Issues*, 2019.

²⁷ Sukmariningsih And Retno Mawarini, "Some Key Issues In The Cancellation Of Local Regulations In Indonesia," *Journal Of Legal, Ethical And Regulatory Issues*, 2019.

²⁸ Pamela Lembke And Debra A Horn, "Importance Of Global Harmonization In Product Environmental Regulations And Standards," In *2014 IEEE Conference On Technologies For Sustainability (Sustech) (2014 IEEE Conference On Technologies For Sustainability (Sustech)*, Portland, OR, USA: IEEE, 2014), 73-76, <https://doi.org/10.1109/Sustech.2014.7046221>.

the type of regulation and its substantive content.²⁹ This is where collaboration between the central government and local governments is needed in the legislative process, so that each legal product produced reflects the spirit of a national legal system that is intact and mutually supportive. Without harmonization, there will be legal fragmentation that weakens state authority and creates legal uncertainty in the community.³⁰

Thus, harmonization is not only a matter of synchronizing legal texts, but also concerns the alignment of visions, principles, and values underlying the formation of laws and regulations.³¹ Harmonization is an important bridge between central policy and local wisdom, between legal certainty and substantive justice, and between legal norms and social reality. In the context of alcoholic beverage control, Aligning Presidential Regulations with Regional Regulations represents a tangible effort by the state to safeguard its citizens, ensure legal integrity, and honor pluralism within the structure of the Unitary State of the Republic of Indonesia

b. Harmonization between Bekasi Regional Regulation and Presidential Regulation on Alcoholic Beverage Control from the Perspective of Legislative Hierarchy

In various parts of the world, the legal system applied by each country is very diverse and reflects the history, culture, political ideology, and social needs of the people in that country. Some widely recognized legal systems include the Anglo-Saxon legal system (common law), the Continental European legal system (civil law), the Islamic legal system (Sharia), and the Socialist legal system. Each system has a different approach in shaping, interpreting and applying the law, resulting in distinctive judicial structures and practices.³²

Indonesia as an independent and sovereign state adheres to the Continental European legal system, also known as the civil law system. This system is basically a legacy of the Dutch colonization which also adhered to the same legal system. A defining feature of the Continental European legal tradition is the central role of legislation, which serves as the primary and often prevailing source of law in the application and enforcement of legal norms.³³ This is different from the Anglo-Saxon

²⁹ Mary E. Kleinman And Meghan E. Quinn, "Goal Clarity As Context For Regulation Success.," *Emotion*, May 15, 2025, <https://doi.org/10.1037/emo0001548>.

³⁰ Besnik Pula, "Institutionalizing A Weak State: Law And Jurisdictional Conflict Between Bureaucratic And Communal Institutions In The Albanian Highlands," *Comparative Studies In Society And History* 57, No. 3 (July 2015): 637-64, <https://doi.org/10.1017/S0010417515000237>.

³¹ Eliezer Sanchez Lasaballett, "Conceptualizing Harmonization: The Case For Contract Law," *Uniform Law Review* 24, No. 1 (March 1, 2019): 73-120, <https://doi.org/10.1093/ulr/unz007>.

³² Markovich Réka, "On The Formal Structure Of Rules In Conflict Of Laws," In *Frontiers In Artificial Intelligence And Applications* (IOS Press, 2019), <https://doi.org/10.3233/FAIA190325>.

³³ Chakraborty, Dkk., "The Efficacy Of Doctrine Of Precedent: Analysing Of The Common And Civil Law

legal system, which prioritizes jurisprudence or judge decisions as the main source of law.

In a civil law legal system such as in Indonesia, laws are written systematically in the form of codification, ranging from criminal, civil, to administrative law.³⁴ The hierarchy of laws and regulations is formally organized to ensure order and legal certainty. At its peak, the constitution (the 1945 Constitution of the Republic of Indonesia) occupies the highest position as a source of law that regulates the basic principles of the life of the nation and state. Below the constitution are laws and government regulations in lieu of laws, government regulations, presidential regulations, and regional regulations.

The placement of the constitution in the top position is not merely as a symbol, but as the highest normative foundation that binds all legal instruments below it.³⁵ All legal products formed by the legislature and executive must be in line with the values and norms contained in the constitution³⁷ Thus, the principles of legality and legal hierarchy are highly upheld in this system. If a lower regulation contradicts a higher regulation, then the regulation can be canceled or revoked through a judicial review mechanism at the Constitutional Court or Supreme Court, depending on the type of regulation.

The implementation of the Continental European legal system in Indonesia also has implications for the pattern of law formation at the central and regional levels.³⁸ In the context of regional autonomy, for example, local governments have the authority to form Regional Regulations as a form of implementation of government affairs devolved to the regions. However, Regional Regulations must not conflict with the regulations above them, either formally or materially. This is where the importance of legal harmonization between regulatory levels, so that normative disharmony does not occur which will create legal uncertainty for the community.

By understanding the characteristics of the legal system adopted by Indonesia, we can see that all forms of regulation, both at the national and regional levels, must comply with the basic principles in the hierarchy of laws and regulations. This is also an important indicator in assessing whether a regulation is valid or not, as well as

Countries With Reference To India," *Indian Journal Of Law And Justice*, September 2023.

³⁴ Ahmad Siboy Et Al., "Judicial Review In Indonesia: A Simplification Model," *Lex Scientia Law Review* 6, No. 2 (December 20, 2022): 359-90, <https://doi.org/10.15294/lesrev.v6i2.54848>.

³⁵ Gábor Attila Tóth, "Illiberal Rule Of Law? Changing Features Of Hungarian Constitutionalism," In *Constitutionalism And The Rule Of Law*, Ed. Maurice Adams, Anne Meuwese, And Ernst Hirsch Ballin, 1st Ed. (Cambridge University Press, 2017), 386-416, <https://doi.org/10.1017/9781316585221.013>.

³⁶ Susana Duro Carrión, "Valores Y Principios Constitucionales Como Límites A La Actuación De Los Poderes Del Estado Y La Función Pública," *Revista De Derecho Político*, No. 111 (June 29, 2021): 225-54, <https://doi.org/10.5944/Rdp.111.2021.31065>.

³⁷ Josephine Spencer, Ed., *Separation Of Powers In The Federal Government: Overview And Perspectives*, Congressional Policies, Practices And Procedures (New York: Novinka, 2016).

³⁸ Imam Mawardi, "Islamic Law And Imperialism: Tracing On The Development Of Islamic Law In Indonesia And Malaysia," *AL-IHKAM: Jurnal Hukum & Pranata Sosial* 13, No. 1 (July 31, 2018): 1-24, <https://doi.org/10.19105/Al-Lhkam.V13i1.1583>.

the basis for resolving conflicts between regulations in the event of conflicting norms.

In the hierarchy system, which already has provisions. That legal regulations must not violate or conflict with the laws above them. This time, it will be specifically discussed in relation to Bekasi City Regional Regulation 17/24 with Presidential Regulation 74/13, which we will see the harmonization because these regulations must comply with the legal principle that reads "*lex superior derogat legi inferiori*".³⁹

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In Indonesia's national legal system, the principle of harmonization between regulations is a fundamental aspect to ensure cohesiveness, consistency and effectiveness of legal implementation. This harmonization ensures that every regulation, both at the central and regional levels, does not contradict each other, but rather complements each other within the framework of the Unitary State of the Republic of Indonesia. Disharmony between legal norms can cause confusion in law enforcement, create overlapping authority, and lead to legal uncertainty for the community.⁴¹

Law as a normative system is not only a political and institutional product, but also a manifestation of the values of justice, truth, and social order that live in society.⁴² In the context of a state of law like Indonesia, the relationship between national law and regional law must be seen from a formal-hierarchical aspect.

Hierarchically, the legislative system in Indonesia is regulated in Law Number 12 of 2011 as amended by Law Number 13 of 2022. Article 7 Paragraph (1) states that the type and hierarchy of laws and regulations starts from the 1945 Constitution, Laws / Government Regulations in Lieu of Laws, Government Regulations, Presidential Regulations and Provincial and Regency / City Regional Regulations. Thus, hierarchically, Presidential Regulations are above Regional Regulations and become normative references that must be referred to by the regulations below them.

In legal theory, this is emphasized in the principle of *lex superior derogat legi inferiori*, which means that a lower legal rule must not conflict with a higher rule.⁴³ If there is a conflict, the higher rule must take precedence and the lower rule can be canceled. Therefore, Bekasi City Regional Regulation 17/24 that regulates the control and supervision of the circulation of alcoholic beverages must be subject to and not

³⁹ Aleksandr A. Petrov, "Lex Posterior And Lex Specialis Legal Maxims In Russian Criminal Law," *Journal Of Siberian Federal University. Humanities & Social Sciences*, November 2019, 2058-78, <https://doi.org/10.17516/1997-1370-0512>.

⁴⁰ Eliezer Sanchez Lasaballett, "Conceptualizing Harmonization: The Case For Contract Law," *Uniform Law Review* 24, No. 1 (March 1, 2019): 73-120, <https://doi.org/10.1093/Ulr/Unz007>.

⁴¹ "Some Key Issues In The Cancellation Of Local Regulations In Indonesia," 2019.

⁴² Martín Hevia, "Introduction," In *Reasonableness And Responsibility: A Theory Of Contract Law*, By Martín Hevia, Vol. 101, Law And Philosophy Library (Dordrecht: Springer Netherlands, 2013), 1-7, https://doi.org/10.1007/978-94-007-4605-3_1.

⁴³ Ni Luh Gede Astariyani, Mariko Hattori, And Willy Naresta Hanum, "The Validity Of Sanctions Arrangements In Regional Regulations," *Journal Of Human Rights, Culture And Legal System* 4, No. 3 (December 4, 2024): 682-705, <https://doi.org/10.53955/Jhcls.V4i3.313>.

contradict Presidential Regulation 74/13 that regulates similar matters at the national level.⁴⁴

Thus, it is important to assess in depth whether the Bekasi City Regional Regulation complies with the principle of legal hierarchy, and whether the substance of the regulation is a form of exercise of autonomous authority that remains in line with national policy as outlined in Presidential Regulation 74/13.

The Bekasi City Regional Regulation and the Presidential Regulation regarding control and supervision efforts related to alcoholic beverages have the same substance in common. Both the Bekasi City Regional Regulation and the Presidential Regulation regulate the places where alcoholic beverages may be sold and distributed. Although in the Bekasi City Regional Regulation the rules regarding control are more specifically regulated as well as the prohibition of alcoholic beverages precisely in Article 13 but in the Presidential Regulation there is no such provision, this does not matter because the comparison is not too far away and there is no conflict in the two, only in the Regional Regulation the rules are more specific.

In substance, Bekasi City Regional Regulation 17/24 and Presidential Regulation 74/13 both regulate the control and supervision of the distribution of alcoholic beverages, with similar main objectives: protecting the public from the negative impacts of alcohol consumption and maintaining public order and social values. Both regulations recognize that the circulation of alcoholic beverages cannot be left unregulated, but must be controlled through licenses, supervision, and measured restrictions.

Presidential Regulation 74/13 classifies alcoholic beverages based on alcohol content, specifies places that are allowed to sell (such as hotels, bars, and certain tourist attractions), and prohibits sales in small warung, public facilities, and educational areas. In addition, the Presidential

⁴⁴ Retno, Aprista, And Rigan Sasunu, "Recent Developments And Changes In The Governance Of Regional Legal Products In Indonesia: Supervision, Evaluation And Clarification Mechanisms," *International Journal Of Innovation, Creativity And Change*, 2020.

Regulation stipulates that local governments can establish further regulations by considering local conditions, as long as they remain within the corridors of national law.

In this case, the Bekasi City Regional Regulation Number 17 of 2024 can be said to be substantially harmonized because the regulation does not directly contradict the provisions of the Presidential Regulation. In this case, the Regional Regulation stipulates stricter supervision of distribution licenses, strengthening the role of Satpol PP, or banning in certain zones that are considered vulnerable, then this is still within the limits of legitimate regional autonomy and is actually a form of implementation of the Presidential Regulation norms in the local context.

Thus, the alignment of the substance between the Regional Regulation and the Presidential Regulation can be seen from two things: first, the similarity of regulative objectives in controlling alcoholic beverages, and second, the consistency of norms in the exercise of authority that still refers to the national legal framework.⁴⁵ If these two things are fulfilled, then the Regional Regulation can be declared harmonized and valid as a form of responsible implementation of regional autonomy.

Tabel.1 comparison of presidential regulations 74/2012 with Bekasi City Regional Regulation No. 17/2024

Aspects/Substance	Peraturan Presiden No. 74/2013	Bekasi City Regional Regulation No. 17/2024
Purpose of Arrangement	Protecting the public from the negative impact of alcoholic beverages, maintaining public order.	Maintaining public order and public order, as well as protecting the morale of the younger generation.
Classification of Alcoholic Beverages	Divided into Groups A, B, and C based on alcohol content.	Following the classification of the Presidential Regulation, but tends to strictly regulate all groups.
Distribution and Sales Licenses	Permits are required according to classification and location	Regulates permits with strict procedures, emphasizing distribution restrictions.
Regulatory Approach	A control approach based on rational	Tends to use preventive and repressive approaches

⁴⁵ Deni Miharja, Asep Sandi Ruswanda, And Idrus Ruslan, "Revisiting Local Regulation Of Sukabumi Regency No. 7 Of 2015 Concerning The Prohibition Of Alcoholic Drinks," *Al-'Adalah* 18, No. 2 (December 23, 2021): 233-50, <https://doi.org/10.24042/Adalah.V18i2.10133>.

	regulation and limited to high-risk areas.	extensively to prevent social impacts.
Prohibition in certain places	Prohibit sales in stalls, near schools, places of worship, and terminals.	Adding no-go zones, including certain areas in the city area.
Sanctions and Law Enforcement	Administrative sanctions; Violations are dealt with in accordance with the law	Administrative sanctions and light penalties according to the authority of the region.

Based on the substance comparison between Presidential Regulation 74/13 on the Control and Supervision of Alcoholic Beverages and Bekasi City Regional Regulation 17/24, it can be concluded that in general there is normative harmony and similarity in regulatory objectives between the two. Both prioritize public protection, distribution control, and prevention of the negative impacts of alcohol consumption.

However, the Bekasi City Regional Regulation shows a stricter emphasis in some aspects, such as restrictions on points of sale, prohibition of distribution in certain areas, and more intensive supervision. As long as these restrictions are within the framework of the implementation of regional autonomy and do not explicitly contradict the norms in the Presidential Regulation, the Local Regulation can still be considered legally harmonized.

However, it is important to be aware that if the Regional Regulation substantially negates rights or policies that have been regulated nationally, such as the absolute prohibition of distribution allowed in the Presidential Regulation, then it has the potential to cause normative disharmony and violate the principle of hierarchy of laws and regulations.⁴⁶ Therefore, harmonization between national and regional laws needs to be maintained so that the prevailing regulations continue to guarantee legal certainty, justice, and expediency in society.

2. The Philosophy of Law Approach Can Be a Normative Foundation in Formulating Policies Between Local Law and National Law Regarding Alcoholic Beverage Control

a. Definition and Scope of Legal Philosophy

In later developments, scientists then organized philosophy into a scientific framework so that it could be more easily understood by all circles. Literally, the term philosophy comes from the Greek language, from the word "*philo*" which means love, and "*sophia*" which means wisdom or truth. Thus, philosophia can be interpreted as the love of wisdom.⁴⁷ In terms of practice, philosophy refers to the realm of thought or the process of thinking. However, not all thinking activities can

⁴⁶ "Some Key Issues In The Cancellation Of Local Regulations In Indonesia," 2019.

⁴⁷ Muliati Sesady, *Pengantar Filsafat* (Yogyakarta: Trustmedia Publishing, 2019).

be categorized as philosophical activities. Philosophizing is not just thinking, but thinking deeply, critically, and seriously about a complex issue or about something that has never been thought about before.⁴⁸

As described in the previous section, philosophy is often referred to as the mother of all arts and sciences. This shows that various scientific disciplines were born from philosophy, and the existence of philosophy is an element that enlivens and gives direction to the development of the science.⁴⁹ Like the spirit in the human body, the existence of philosophy may not be visible to the naked eye, but its influence and role can be felt tangibly. Within the realm of legal science, philosophy serves as the driving spirit that gives it life. Without it, law would merely be seen as a collection of norms governing human conduct and are accompanied by sanctions and binding properties, the law will lose the depth of essential values that should be its main basis.

The philosophy of law is one of the branches of philosophy, especially related to the philosophy of ethics.⁵⁰ This is because law regulates human behavior in the form of three main things, namely commands, prohibitions, and things that are allowed. The focus of study in legal philosophy includes fundamental questions such as the nature of law, the purpose of its existence, the reasons for its existence, and the reasons why individuals need to obey the law. In addition to discussing these theoretical and abstract issues, legal philosophy also examines concrete issues, such as the relationship between law and morality (ethics), especially when ethical values have been institutionalized in society and used as a guide for life by its citizens. In addition, legal philosophy also examines the validity of various legal institutions, even though these institutions are formed based on legislation.

b. The Purpose of Legal Philosophy as the Foundation of the Bekasi City Regional Regulation and the Presidential Regulation Related to the Control and Supervision of Alcoholic Beverages

In the life of the state and society, the law plays an important role as a tool to create order, justice, and welfare. However, law is not only sufficiently understood as a collection of rules that govern human behavior technically and procedurally. More than that, a deeper approach is needed to understand the foundations, goals, and values that underlie the birth of law.⁵¹ This is where legal philosophy plays an important role as a branch of philosophy that discusses the nature of law critically and reflectively. The philosophy of law not only questions what the law is, but also

⁴⁸ Farkhani, Dkk., *Filsafat Hukum; Paradigma Moderenisme Menuju Post Moderenisme* (Solo, Jawa Tengah: Perum Gumpang Baru, 2018).

⁴⁹ Serlika & Rio Adithiya, *Filsafat Hukum* (Depok: Rajawali Pers, 2020).

⁵⁰ Daniel E. Palmer, Ed., *Handbook Of Research On Business Ethics And Corporate Responsibilities;* Advances In Business Strategy And Competitive Advantage (IGI Global, 2015), <https://doi.org/10.4018/978-1-4666-7476-9>.

⁵¹ Faizal Kurniawan Et Al., "Justice As A Meta Value Of Corrective Justice In Providing Restitution For Unjust Enrichment: A Study On Rules, Norms, Principles, And Foundation," *Jurnal Hukum* 39, No. 2 (December 5, 2023): 192, <https://doi.org/10.26532/jh.v39i2.33049>.

why the law exists, for whom the law was created, and what the law is supposed to accomplish. From here we can trace the fundamental purpose of the existence of law in society.

The goal of legal philosophy in general is to provide a deep, critical, and normative understanding of law, not just as a formal rule, but as a value system that has a moral and rational basis.⁵² More specifically, the goals of legal philosophy can be broken down into the following three main aspects:

a) Aspects of Justice

In his thoughts, Aristotle said that justice is a form of virtue that is manifested in social relations between humans. He emphasized that justice can be understood as conformity to the law and the principle of equality or proportionality, namely giving everyone what is their right. Injustice, according to him, arises when a person earns more than they should or ignores the provisions of the applicable law.⁵³ Thus, any action that is contrary to the law essentially reflects injustice, because the law is positioned as the basic measure of justice in social life.⁵⁴

Meanwhile, from the point of view of Islamic law, justice must be achieved must refer to the main guidelines of Islam, namely the Qur'an and Hadith. This means that the goal of justice through legal channels must start from two aspects and lead to two-sided justice as well. It is said to have originated from two aspects because Islamic guidelines in the form of the Qur'an and Hadith on the one hand must be able to unite with the guidelines of the principle of justice in general according to the human view on the other.⁵⁵

Justice in Islam is a harmonious combination of law and morality,⁵⁶ Islam does not seek to eliminate personal freedom, but rather to regulate it in order to maintain social balance and harmony, of which the individual is a part. The function of Islamic law is to align individual interests with those of the community, not to place them in opposition.

When viewed from the definition of justice above, in this case the control of alcoholic beverages, can be applied fairly, proportionately, and non-discriminate to all levels of society. Justice in this context not only means equal treatment, but also considers the different needs, conditions, and interests of different social, cultural, and economic groups in society.

⁵² Nicholas Bunnin And E. P. Tsui-James, Eds., *The Blackwell Companion To Philosophy*, 2nd Ed, Blackwell Companions To Philosophy (Malden, Mass.: Blackwell, 2003), <https://doi.org/10.1002/9780470996362>.

⁵³ Muhammad Erwin, *PHILOSOPHY OF LAW: CRITICAL REFLECTION ON INDONESIAN LAW AND LAW (IN THE DIMENSION OF IDEAS AND APPLICATIONS)* (Jakarta: Rajawali Press, 2015).

⁵⁴ Satjipto Rahardjo, *Law* (Bandung: PT. Citra Aditya Bakti, 2000).

⁵⁵ Bilal Kuspinar, "Justice And Balance In Creation: Said Nursi's Analysis," *Theodicy And Justice In Modern Islamic Thought: The Case Of Said Nursi*, 2016, <https://doi.org/10.4324/9781315236421-22>.

⁵⁶ Lars Gule, "Ibn Khaldun: Law And Justice In The Science Of Civilisation," In *Philosophy Of Justice*, Ed. Guttorm Fløistad (Dordrecht: Springer Netherlands, 2015), 119–38, https://doi.org/10.1007/978-94-017-9175-5_8.

On the one hand, the control of alcoholic beverages is a form of state protection of the public interest, especially in terms of maintaining social order, public health, and reducing the crime rate that is often related to excessive alcohol consumption. But on the other hand, prohibitions or restrictions that are too strict can also cause injustice, especially for groups that culturally, economically, or religiously do not view alcohol consumption as an offense.⁵⁷ Indonesia as a pluralistic country must be able to accommodate differences in norms and values in each region without causing discrimination. This requires a holistic and contextual approach to legal philosophy in formulating policies that are not only formally legal, but also socially just.

Thus, the harmonization between national and regional laws in the control of alcoholic beverages should not only meet the aspects of the regulatory hierarchy, but should also be based on the values of deep justice. The legal philosophy approach plays an important role as a normative foundation to ensure that the policy can provide maximum benefits to the entire society in a fair and sustainable manner.

b) Aspects of legal certainty

In terms of legal certainty, this principle is one of the main foundations of the rule of law (*rechtstaat*), which demands that every legislation be drafted with clarity of norms, without ambiguity, and consistent between one rule and another.⁵⁸ Legal certainty does not only concern the substance of the rules, but also includes their hierarchical order, the mechanism for their application, and the protection of citizens' rights. In the context of the relationship between national and local policies, especially regarding the control of alcoholic beverages, an important issue arises: are the regulations made by the central government through instruments such as Presidential Regulations, and local regulations such as Bekasi City Regional Regulation 17/24, synchronized and not contradictory? Disharmony between central and local policies has the potential to cause legal uncertainty, which in turn can hamper policy implementation, confuse implementing officials, and create loopholes for legal irregularities at the field level.⁵⁹ Therefore, the principle of legal certainty must be a reference in every process of drafting legislation, including in formulating policies concerning the control of alcoholic beverages that directly intersect with the public interest, regional economy, and social order of society. 60

⁵⁷ Vincent A. Onodugo And David Olufemi Isijola, "Natural Resources, Fuel Exports And Corruption Policy In Africa," *Corvinus Journal Of Sociology And Social Policy* 11, No. 1 (2020): 103–25, <https://doi.org/10.14267/CJSSP.2020.1.6>.

⁵⁸ Oksana Shcherbanyuk, Vitalii Gordieiev, And Laura Bzova, "Legal Nature Of The Principle Of Legal Certainty As A Component Element Of The Rule Of Law," *Juridical Tribune* 13, No. 1 (March 31, 2023), <https://doi.org/10.24818/TBJ/2023/13/1.02>.

⁵⁹ Matthias Lang, "Legal Uncertainty As A Welfare Enhancing Screen," *European Economic Review* 91 (January 2017): 274–89, <https://doi.org/10.1016/j.euroecorev.2016.10.007>.

⁶⁰ Krzysztof Lasiński-Sulecki, "Article: *Legal Certainty In Tax And Customs Judgments Of The Court Of Justice*,"

c) Aspects of expediency

The last goal of legal philosophy is the aspect of usefulness. In terms of usefulness, the regulation functions as a legal instrument to create order and a sense of security in community life. Restrictions on the distribution and consumption of alcoholic beverages in certain zones or to certain groups are a form of legal protection for vulnerable community groups or have cultural and religious values that are not in line with alcohol consumption.

The benefits of the regulation can be seen from various sides. First, from the perspective of public health and safety, controlling the circulation of alcoholic beverages can reduce negative impacts such as accidents, violence, and health problems due to excessive alcohol consumption.⁶¹ Second, in terms of social order, this rule helps to maintain the norms and values that live in society, especially in the context of localities such as Bekasi City which has a strong social and religious cultural background.⁶²

In addition, this regulation also provides benefits in preventive efforts against alcohol abuse by the younger generation. With strict supervision, it is hoped that the community will have legal and social awareness to maintain healthy and responsible collective behavior.

Thus, both the Bekasi Regional Regulation and the related Presidential Regulation not only aim to limit, but also create a balance between individual freedom and the public interest, making the law a means of social engineering for the common good.

c. The Philosophy of Law Approach Can Be a Normative Foundation in Formulating Policies Between Local and National Laws Related to Alcoholic Beverage Control

The legal philosophy approach provides a reflective and normative framework for the regulatory formation process, both at the national and regional levels. In the context of alcoholic beverage control, central regulations such as Presidential Regulation 74/13 provide an outline of national policies, while local governments have the authority to establish Regional Regulations based on local needs and characteristics. When regional policies draft regulations that are stricter or looser than central regulations, a philosophical framework is needed to bridge the potential for such regulatory conflicts.

Legal philosophy in this case can be a measuring tool to assess whether a policy has met the value of substantive justice, provided benefits to society, and still

EC Tax Review 33, No. Issue 2 (April 1, 2024): 68–76, <https://doi.org/10.54648/ECTA2024008>.

⁶¹ Przemysław Paul Et Al., "New Biochemical Markers Of Ethyl Alcohol Abuse – New Possibilities In Clinical Practice," *Medycyna Pracy*, February 5, 2021, <https://doi.org/10.13075/Mp.5893.01025>.

⁶² Katherine J. Karriker-Jaffe Et Al., "Intersection Of Familial Risk And Environmental Social Control On High-Risk Drinking And Alcohol Dependence In A US National Sample Of Adults," *Addictive Behaviors* 113 (February 2021): 106668, <https://doi.org/10.1016/j.addbeh.2020.106668>.

guaranteed legal certainty.⁶³ Alcoholic beverage control policies, which touch on the moral, social, and economic dimensions, urgently need a philosophical approach to ensure that the resulting regulations are not only formally appropriate, but also substantially and contextually relevant.^{64 65}

Legal philosophy has a strategic role in providing a basis for critical, normative, and reflective thinking on the existence and relationship between the Bekasi City Regional Regulation and the Presidential Regulation related to the control and supervision of alcoholic beverages. Through its three main approaches, namely: ontological, epistemological, and axiological. Legal philosophy is able to examine not only the normative applicability of these regulations, but also the values, objectives, and moral and social legitimacy they contain.

a) Legal Ontological Approach

In the philosophy of law, the study of law is not only limited to how the law is enforced, but also includes a deep understanding of the existence and nature of the law itself.⁶⁶ Before discussing its function, purpose, or application, it is important to first understand what law is in its deepest

essence. This is where the ontological approach in the philosophy of law plays an important role. Legal ontology is the study of the essence of law, namely the existence, source, and reason why law exists in human life.⁶⁷

From the ontological side, legal philosophy examines the basis of the existence of Regional Regulations and Presidential Regulations as part of the national legal system that is hierarchical but also provides space for regional autonomy. In this case, the Bekasi City Regional Regulation that regulates the restriction or prohibition of the circulation of alcoholic beverages must be understood as a response to the sociological and cultural conditions of the local community, where religious values and social order are the main concerns. Meanwhile, the Presidential Regulation has a national scope with a broader approach, regulating the mechanism of distribution, supervision, and control in general and measurable. Legal philosophy helps mediate tensions between local needs and national policies by emphasizing the principle of alignment.

b) Legal Epistemology Approach

The epistemological approach in law provides a framework for

⁶³ PHILOSOPHY OF LAW: CRITICAL REFLECTION ON INDONESIAN LAW AND LAW (IN THE DIMENSION OF IDEAS AND APPLICATIONS).

⁶⁴ Steven L. Schwarcz, "The 'Principles' Paradox," *European Business Organization Law Review* 10, No. 2 (June 2009): 175–84, <https://doi.org/10.1017/S156675290900175X>.

⁶⁵ Joanna Reynolds Et Al., "The Opportunity To Have Their Say? Identifying Mechanisms Of Community Engagement In Local Alcohol Decision-Making," *International Journal Of Drug Policy* 85 (November 2020): 102909, <https://doi.org/10.1016/j.drugpo.2020.102909>.

⁶⁶ Sang-Hie Lee, "Philosophy I," In *Scholarly Research In Music*, By Sang-Hie Lee, 2nd Ed. (New York: Routledge, 2022), 36–49, <https://doi.org/10.4324/9781003153924-4>.

⁶⁷ I Dewa Gede Atmaja, *Philosophy Of Law With Thematic And Historical Dimensions* (Malang: Setara Press, 2013).

understanding how legal knowledge is acquired, constructed, and justified in the process of regulatory formation. In the context of Regional Regulations and Presidential Regulations regulating the supervision and control of alcoholic beverages, this approach helps to analyze the rational bases of each legal policy taken, as well as the validity of the knowledge underlying the regulation.⁶⁸

Legal epistemology demands that every regulation be built on the foundation of knowledge that is valid, accountable, and relevant to social reality.⁶⁹ In this case, the Presidential Regulation as a national legal policy must be prepared based on empirical data, policy research, and a comprehensive social and economic analysis of the impact of alcohol consumption on health, public order, and national development. At the same time, Regional Regulations as legal instruments at the local level should be grounded in a comprehensive understanding of the region's specific context, encompassing cultural values, social norms, and the needs and aspirations of the local population.

Through an epistemological approach, it can be evaluated whether alcohol control policies at the central and regional levels have been formulated rationally and consistently. The legal epistemological approach also emphasizes the importance of transparency and accountability in the legislative process.⁷⁰ Regulations drafted behind closed doors without involving public participation, academic studies, or adequate empirical evidence, will be epistemologically weak. On the other hand, legal products that involve deliberative processes, dialogue with the public, and are based on multidisciplinary studies show strength from the epistemic side.⁷¹

Through this approach, regulations on the supervision of alcoholic beverages can also be seen as the result of a dialectic between national knowledge that is macro in nature and local knowledge in particular. Legal epistemology helps bridge these two sources of knowledge so that they do not affirm each other, but complement each other in creating laws that are not only formally valid, but also socially and intellectually rationally relevant.

Thus, the epistemological approach to Regional Regulations and Presidential Regulations on alcoholic beverages does not only focus on their normative content, but also on the process of formation, justification of knowledge, and cohesion between norms, as a form of legal responsibility that rests on common sense and public acceptance.

⁶⁸ John Douglas Macready, *A Continental Guide To Philosophy* (Edinburgh: Edinburgh University Press, 2022).

⁶⁹ *PHILOSOPHY OF LAW: CRITICAL REFLECTION ON INDONESIAN LAW AND LAW (IN THE DIMENSION OF IDEAS AND APPLICATIONS)*.

⁷⁰ Sebastian Wöss, "Transparency In The Insurance Contract Law Of Austria," In *Transparency In Insurance Contract Law*, Ed. Pierpaolo Marano And Kyriaki Noussia, Vol. 2, AIDA Europe Research Series On Insurance Law And Regulation (Cham: Springer International Publishing, 2019), 3-31, https://doi.org/10.1007/978-3-030-31198-8_1.

⁷¹ Jenő Szmodis, "Taking Legal Philosophy Seriously," *Acta Juridica Hungarica* 52, No. 3 (September 2011): 247-55, <https://doi.org/10.1556/Ajur.52.2011.3.5>.

c) Legal Axiological Approach

Legal axiology is an important branch in legal philosophy that discusses the values that underpin, animate, and become the goal of law itself.⁷² As part of the philosophy of values (axiology), this approach views law not only as a formal and binding system of rules, but also as a reflection of the noble values that live and develop in society. In this context, values such as justice, equality, freedom, and humanity are the main orientations in the drafting and application of the law.⁷³

The role of legal axiology is very strategic in determining the substance of legal norms, namely directing the content of the law so that it is not solely based on the logic of power or administrative procedures, but is rooted in moral and ethical values that uphold human dignity.

From an axiological aspect, legal philosophy emphasizes the importance of the value of justice, utility, and legal certainty. The Bekasi City Regional Regulation, if understood as an effort to maintain public order and social values that live in the community, has a content of local benefits. However, the Regional Regulation must also be evaluated in the context of distributive justice and human rights, including the possibility of discrimination or disproportionate restrictions on business actors who already have permits in accordance with national regulations. Legal philosophy in this case is a tool to balance local values (communitarian) and universal principles (liberal-democratic) in the national legal system.⁷⁴

The ontological, epistemological, and axiological dimensions serve a crucial role in comprehensively analyzing the relationship between the Bekasi City Regional Regulation and the Presidential Regulation concerning the regulation and oversight of alcoholic beverages. The three not only explain the existence and philosophical basis of the law, but also test the validity of the knowledge used in its formation and the values to be upheld through the enactment of the law.

With an ontological approach, regulations are understood in the context of their existence in response to real needs in society. Through an epistemological approach, law is studied in terms of rationality, legitimacy of knowledge, and the process of its formation which must be accountable and open. Meanwhile, through an axiological approach, every regulation is required to contain fundamental values such as justice, utility, and legal certainty in order to guarantee not only legality, but also moral and social validity.

⁷² *Legal Philosophy Has Thematic And Historical Dimensions.*

⁷³ *PHILOSOPHY OF LAW: CRITICAL REFLECTION ON INDONESIAN LAW AND LAW (IN THE DIMENSION OF IDEAS AND APPLICATIONS).*

⁷⁴ Anthon F. Susanto, *Non-Systematic Law: Foundations Of The Philosophy Of Indonesian Legal Development* (Yogyakarta: Genta Publishing, 2010).

D. Conclusion and Recommendations

According to Law Number 12 of 2011, as amended by Law Number 13 of 2022 on the Formation of Laws and Regulations, there is a principle of hierarchy which mandates that lower-level regulations must not conflict with higher-level laws. This aligns with the legal doctrine of 'lex superior derogat legi inferiori.' Regarding the regulation and supervision of alcoholic beverages, the Bekasi City Regional Regulation and the Presidential Regulation are consistent with each other and can be considered harmonious. The legal philosophy approach helps to ensure that alcoholic beverage control policies, both at the national and regional levels, are not only legally valid, but also fair, in accordance with ethical values, and relevant to the social conditions of society. Philosophical studies are needed so that regulations remain in line with the diversity and needs of a society that continues to grow.

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