

The Nature of The Regulation of Balinese Fermented and/or Distilled Beverages

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ABSTRACT : The efforts made by the Provincial Government of Bali in popularizing Balinese fermented and/or distilled beverages as traditional alcoholic drinks such as sake, wine and soju have generated debate. These beverages are seen as alcoholic beverages, but on the other hand, they are products of traditional knowledge that need to be protected. Obstacles in protecting Balinese fermented and/or distillate beverages cause these products cannot compete with large-capital alcoholic beverages. This study examines the basic philosophical, juridical and sociological legal considerations for Balinese fermented and/or distilled beverages. Their regulation provides justice for local alcoholic beverage-producing communities. This protection is a protection of the economic rights of arak craftsmen. Opportunities for the protection of fermented and/or distillate beverages can be seen from the recognition of *arak* Bali as an Intangible Cultural Heritage of Indonesia in 2022 according to UNESCO.

KEYWORDS : *Alcohol, Bali, Balinese fermented and/or distilled beverages, Intangible cultural heritage, traditional knowledge*

I. INTRODUCTION

The nature of the regulation of Balinese fermented and/or distillate beverages cannot be separated from philosophical, juridical and sociological studies. Philosophically, creating justice and prosperity is the ideal of the nation. However, creating justice is not an easy thing. Justice contains a large and complex meaning, there are no clear benchmarks for it. However, its value contained will have a very big impact, namely the birth of prosperity and benefit. Welfare is the impact of the creation of justice in which it is a big struggle for a country because it is related to the great needs of life for the citizens. Regulation of Balinese-style fermented and/or distillate beverages in a statutory and policy regulation aims to provide justice and welfare for farmers and craftsmen of these beverages.

Justice and welfare for citizens can be realized with national development. The national development is the government's effort to improve all aspects of people's lives. It is part of the state's goals contained in the Preamble to the 1945 Constitution of the Republic of Indonesia in the fourth paragraph in which it is stated that "Then instead of that, to form an Indonesian State Government that protects the entire Indonesian nation and all of Indonesia's bloodshed and to advance the welfare of public, educating the life of the nation and participating in carrying out world order based on freedom, eternal peace and social justice". The right to promote Balinese fermented and/or distillate beverages is an economic right which is a human right. Regulation of these beverages needs to be done so that the farmers and craftsmen can compete with the alcoholic beverage entrepreneurs who produce their products in a modern way.

II. THE BASIS OF PHILOSOPHICAL CONSIDERATIONS FOR THE LEGALITY OF BALINESE FERMENTED AND/OR DISTILLED BEVERAGES

Indonesia is a great nation that upholds the values of Pancasila and the 1945 Constitution of the Republic of Indonesia. Pancasila and the 1945 Constitution are the basic foundation for the Indonesian state in running the state and government (Savitri & Dewi, 2021). The main points of thought in Pancasila and the 1945 Constitution are how the Indonesian nation can create justice and prosperity for the entire Indonesia. By realizing justice and achieving the maximum welfare of the citizens, the Indonesian nation is considered to have

succeeded in administering the state. The nature of the arrangement of Balinese fermented and/or distilled beverages will be linked to the philosophy of justice and prosperity.

Justice is an actual topic that is interesting to discuss in the life of the nation and state. In the concept of nationality, the state is in a position called omnipotence or in a very strong position. The strong position of the state makes it a determinant in carrying out its functions to guarantee social welfare that is made with a democratic system. Justice is the root of prosperity, Pancasila as the basis of the state has mandated the basic principles in the life of the nation to hold on to the principles of Divinity, Humanity, Unity and Democracy which must produce social justice for all Indonesian people. The principles of justice and welfare are principles that are interrelated and influence each other. A country without justice will not be able to realize prosperity. The welfare of the citizens depends primarily on economic factors (Febriansyah, 2017). A prosperous society will be measured by economic maturity and minimum standard of living. Therefore, justice that can create prosperity is justice that has an economic impact on its citizens.

Justice in the economic field must be guaranteed to prevent economic democracy from free fight liberalism, an etatism system, monopoly and unfair business competition which are detrimental to society. The goal of economic justice in the life of the nation and state as stipulated in the Preamble to the 1945 Constitution covers the entire territory of the Unitary State of the Republic of Indonesia; therefore, the implementation of national legal policies that are enacted must be able to reach all areas of the country that are capable of providing a multi-player effect, including communities in the regions. This equalization effort is evidenced by the existence of a national economic legal policy system that is delegated to regional governments with regional autonomy to carry out as part of the administrative functions, the implementation of deconcentration (assistance) and decentralization (autonomy) tasks to manage their own households so as to maximize welfare targets of the communities that are adjusted to the potential of each region (Simanjuntak, 2017).

With regard to Balinese fermented and/or distilled beverages, arrangements regarding the types of alcoholic beverages made based on local wisdom need to be placed on an equal footing with other alcoholic beverages produced in a modern way. Craftsmen of Balinese fermented and/or distillate beverages are not people with large capital, of course they will lose compared to the capital owned by entrepreneurs of alcoholic beverages produced in a modern way by involving investors from various countries. In this regard, the state must take a role in advancing Balinese fermented and/or distillate beverages with more comprehensive arrangements. The legalization of these beverages will have an impact on the distribution of welfare for the Balinese fermented and/or distillate beverages craftsmen.

There is an importance of increasing the achievement of the values of justice and social welfare as a form of the nation's success in running the government and the state. It is necessary to maximize the efforts of the government. The first maximization effort is carried out by looking for the basic essence that is obtained from the philosophical values contained in justice and welfare itself. Philosophical values are beliefs about how to behave in achieving the final goals desired by individuals and groups. Philosophical values are used as basic principles or standards in carrying out life in which there is an individual or group view of life which is the basic concept of the ideal life.

Welfare is an order of life and social, material and spiritual life filled with a sense of safety, decency and inner and outer peace, which is detrimental for every citizen to carry out efforts to fulfill the best possible physical, spiritual and social needs for oneself, family and society by upholding human rights and obligations in accordance with Pancasila (Akbar, 2019). In order to realize the welfare of its citizens, there are things that must be implemented, among others, the state is obliged to establish and uphold human rights; the state strives to provide goods and services for the needs of citizens' lives; the state provides employment by setting a decent wage value, and forms regulations in an effort to provide welfare to members of the community who are specialized, namely members of the community with disabilities. Welfare according to the 1945 Constitution is the loss of a sense of discrimination and poverty. Welfare in the concept of state life, welfare is the main goal of life that is applied to every individual based on various views, both religion and doctrine (Maspaiteilla&Rahakbauwi, 2014).

Justice and prosperity in the context of Indonesia as a rule of law, is closely related to justice and welfare of the Indonesian people in the economic field. Economic problems will have an impact on the social welfare of the community, the economic problems that become obstacles in realizing social welfare are economic dependence (Huraerah, 2013). Economic dependence is a thing where people's income cannot meet the minimum needs of the community itself. These problems have an impact on social problems called poverty. Overcoming the problem of poverty as a result of the failure of the community's economic welfare is a challenge for the government to explore the main problems that occur in society causing poverty so that solutions to these problems can be obtained. Regulations regarding Balinese fermented and/or distillate beverages are expected to help in increasing the economy of the Balinese people.

Justice and prosperity can be created by exploring the philosophical values of justice and welfare into a fundamental work with a long debate, and looking at the various efforts that have been made by the government to realize them, especially in the economic field in society. The government as a legislative policy holder has the

authority to formulate legal instruments for the legalization of Balinese fermented and/or distillate beverages to protect the craftsmen from the competition with the imported alcoholic beverages with large capital.

As the meaning of philosophy is to explore the deepest truth of justice and prosperity, namely sense. The sense is the key word for justice and prosperity in which the benchmark for justice and welfare is "sense". Sense itself is something abstract and cannot be measured, sense is measured by the level of happiness, happiness is measured by satisfaction, satisfaction is obtained from a sense of justice (Adillah&Anik, 2015). These paradigms will continue to rotate with each other. For this reason, in order to obtain boundaries and uphold the values of justice and welfare, it is returned to the concept of the Indonesian state as a legal state. It is because it would be impossible if the state could guarantee happiness for all citizens. The happiness that is then sought is the greatest happiness for as many people as possible.

III. BASIC JURIDICAL CONSIDERATIONS ON LEGALITY OF BALINESE FERMENTED AND/OR DISTILLED BEVERAGES

One of the results of Balinese culture which is an integral part in an intangible form is Balinese *Arak*. In Article 5 point 1 letter (c) Balinese *Arak* is categorized as one of the typical Balinese fermented and/or distilled beverages beside *tuak* or Balinese palm wine, Balinese *brem* and other Balinese artisanal products. Realizing the magnitude of the needs of the Balinese people with Balinese *Arak*, Balinese *Arak* or often called *arak* Bali is one of the Balinese people's livelihoods to gain economic benefits. However, on the other hand, *arak* Bali is one of the traditional drinks which contains alcohol in it. It is also one of the typical Balinese alcoholic drinks whose popularity is not inferior to *tuak*. *Arak* Bali as a traditional alcoholic drink has an alcohol content of around 30-50%, the existence of *arak* has begun to be glimpsed by tourists and has become a banquet for guests (Muderawan et al., 2021).

Protection for the producers of Balinese fermented and/or distillate beverages aims to protect their economic rights where the activity of producing these beverages is one of the livelihoods of the Balinese people. The 1945 Constitution as a result of the 4th amendment has regulated human rights related to economic, social and cultural rights. The regulation of these rights is regulated in the provisions of Article 27 Paragraph (2), Article 28, Article 28 B, Article 28 C, Article 28 D Paragraph (2), Article 28 H, Article 33, and Article 34. Indonesia has ratified the International Convention on Economic, Social and Cultural Rights (ICESCR) namely through Law Number 11 of 2005 concerning Ratification of the International Covenant on Economic, Social and Cultural Rights. Article 2 ICESCR states:

1. *Each State Party to the present Covenant undertakes to take steps, individually and through international assistance and co-operation, especially economic and technical, to the maximum of its available resources, with a view to achieving progressively the full realization of the rights recognized in the present Covenant by all appropriate means, including particularly the adoption of legislative measures.*

Article 2 of the ICESCR, states that the state is determined to have the obligation of the countries participating in this agreement to realize economic, social and cultural rights for their citizens without any discrimination. The big meaning of this provision is that everyone is guaranteed their life without fear of poverty or misery (Mahbub, 2019). Broadly speaking, the problem between *arak* craftsmen and regulations regarding the distribution of alcoholic beverages alludes to the economic rights of the Balinese people. Every human being who is born has brought essential provisions that cannot be taken away by other humans, these provisions are Human Rights. The Republic of Indonesia through the government as state organizers respects the human rights of every citizen (Fahlevi, 2015).

Human Rights are fundamental rights and freedoms that apply equally to all people regardless of gender, religion, ethnicity, race, and other status. Human rights have received recognition not only by the state nationally but have been recognized internationally through legal mechanisms and international treaties. Human rights include civil rights, political rights, the right to live, the rights to freedom, social rights, cultural rights including the rights to fulfill economic needs called economic rights. The legal instruments contained in Human Rights provide guarantees for the fulfillment of economic, social and cultural human rights which are the ratification of the International Covenant on Economic, Social and Cultural Rights into Law Number 11 of 2005. These rights are included in the positive rights section, the way to fulfill these needs requires the intervention of the present state and provides the fulfillment of economic, social and cultural rights in society (Hasani, 2013).

The International Covenant on Economic, Social and Cultural Rights provides affirmation regarding the responsibility of the state in carrying out its obligations to be able to meet the minimum needs of its citizens in the economic, social and cultural fields. Where the state is responsible for providing infrastructure and ensuring the creation of minimum justice for citizens in relation to the provision of food, educational facilities and infrastructure, public health facilities and guarantees, public housing and employment opportunities that are open to all citizens with proper decent from the national to regional level (Djamin, 2007).

With regard to the basic economic rights that exist for the producers of Balinese-style fermented and/or distillate beverages, the main legal basis for protecting their economic rights is found in Bali Governor Regulation Number 1 of 2020 concerning Governance Balinese Fermented and/or Distilled Beverages. The importance of legal protection for them is based on their economic potential which has become a necessity for the Balinese people. These beverages are a commodity for the local community's economy which can be introduced more broadly as traditional alcoholic drinks typical of the Balinese people.

Balinese fermented and/or distilled drinks are seen as the local potential of the Balinese people from the history of *arak Bali* itself. *Arak Bali* is a drink made from fermented local food ingredients, commonly using food ingredients as the main ingredients such as coconut sap, palm sugar, and lontar (Widiatmika et al., 2019). Initially, the fermentation of the food was carried out with the aim of preserving the food and used as a mixture of traditional medicines and a mixture of traditional Balinese "*boreh*" scrubs (Rismayanti et al., 2021). Traditional societies will always try to make adjustments to the way nature works. Then, it is felt that *arak* has a refreshing taste and can give a calm sensation after drinking it, *arak* is then served at traditional events in the community, especially as a banquet for guests. *Arak* increasingly shows its existence, in which people use *arak* as part of a unifying tool for the community and establish friendly relations. In weddings in several areas of indigenous peoples in Bali, *arak Bali* is used as one of the wedding gifts. Measuring the alcohol level of *arak* used to be based on the sense of taste of *arak* craftsmen or *arak* lovers, but now the accuracy of the alcohol level of *arak* can be measured using an alcoholmeter, which is a device that measures the alcohol level in food or drink (Simatupang et al., 2015).

Behind it all, from a magical religious point of view, *arak* is also used as an offering to the *bhutas* or the rulers of the underworld; therefore, they do not disturb humans who live in the middle realm, so that humans and *bhutas* can coexist peacefully. This can be seen in a series of means of worship ceremony for Hindus in Bali known as the *Segehan* offering, in which when offer the *Segehan* offering to the *bhutas*, it will be followed by sprinkling *arak* as a symbol of offerings to the *bhutas*. In the beliefs of the Balinese people, *arak* contains a very strong philosophical value in which there is a belief that in *arak* there is the existence of Dewa Bagus Arak Apia or Ida Batara Arak Api who resides in the village temple (Sugiarta et al., 2022).

Recognizing the large role and function of Balinese fermented and/or distillate beverages in the life of the Balinese people, this is an opportunity for the craftsmen to continue producing and increasing their production. The production of these beverages is highly dependent on local food raw materials; therefore, it will provide opportunities for the supplier of the raw materials to supply the needs of the craftsmen to carry out production. Balinese fermented and/or distillate beverages with alcoholic level contained in them have received conflicting opinions from several parties. These beverages are needed for ceremonial purposes and are part of community religious rituals. On the other hand, the high level of *arak Bali* requires a feasibility study so that it becomes safe for consumption by the community. The emergence of various social problems that occur due to the abuse of uncontrolled consumption of *arak* causes in "drunkenness" which can disrupt order in society (Nahak et al., 2021).

As emphasized in the definition of creative economy, the phrase "intellectual property originating from human creativity based on cultural heritage..." clearly illustrates the position of *arak Bali* which is also a source of intellectual property for the Balinese people based on the ancestral cultural heritage of the Balinese people which has been passed down through generations. This makes it very legal if *arak Bali* becomes one of the intangible cultural heritages of the Balinese people which needs to be protected and patented. This step is the first step for the Provincial Government of Bali to advance the economic welfare of the Balinese people by granting a patent to *arak Bali* as intellectual property. Even though it already has a strong legal basis, patent implementation for *arak Bali* is still experiencing problems. These obstacles stem from the negative stigma of *arak Bali* which is seen as an alcoholic drink which is a source of problems in society. The high alcohol level in *arak Bali* is used as an excuse for social problems due to drinking it. In some cases, *arak Bali* has been misused by mixing it with other substances such as eye drops, soft drinks, and even mixing it with denatured alcohol causing death to those who consume it. This mixed beverages is known as *arak oplosan* or mixed *arak*. These problems are still being considered by the Ministry of Justice and Human Rights to grant patent rights to *arak Bali*.

Granting a patent on *arak Bali* can provide greater economic value to it. This is because patents can be used or bargaining position in carrying out export activities of alcoholic beverage commodities in Indonesia (Purwaningsih, 2006). Obstacles in granting a patent on *arak Bali* are from the existence of the Draft Law on the Prohibition of Alcoholic Beverages. This draft law has been included as part of the 2021 National Legislation Program (Prolegnas). Pros and cons emerged that formed two camps in society. One faction of society considers that it is important to immediately pass the Bill on the Prohibition of Alcoholic Beverages which views alcoholic beverages from their resulting negative impacts. Meanwhile, the other camp views that the passing of the Draft Law on the Prohibition of Alcoholic Beverages will have an impact on the welfare of the community, especially in the tourism sector which will have an impact on the community's economic sector. The tourism

sector is an important economic support sector in maintaining the stability of the national economy, especially in Bali.

IV. BASIC SOCIOLOGICAL LEGALITY CONSIDERATIONS FOR BALINESE FERMENTED AND/OR DISTILLED BEVERAGES

2022 will be a good year for Balinese fermented and/or distillate beverage producers. In the meeting to determine the Intangible Cultural Heritage of Indonesia in 2022, *arak* Bali and eight Balinese cultural works were officially designated as Indonesian Intangible Cultural Heritage (Kanal Bali, 2022). Cultural heritage itself consists of tangible and intangible cultural heritage. Cultural heritage objects are treated by maintaining the authenticity of "the difference" by keeping the shape or form of the object in order to maintain it. Intangible cultural heritage is a form of protection against cultural heritage from the past which can still be reproduced by today's society, generally in the form of traditional knowledge, local cultural expressions and genetic resources.

Intangible culture is the entire cultural heritage that has important historical, scientific and technological, and/or artistic values. Intangible cultural heritage is abstract. UNESCO in the Convention For The Safeguarding Of The Intangible Cultural Heritage 2003, mentions that intangible cultural heritage as practices, representations, expressions, knowledge, skills and instruments, objects, artefacts and cultural spaces related to it that communities, groups, and some individual cases which are part of the cultural heritage (Asri, 2018). Intangible cultural heritage is transmitted from generation to generation and is created repeatedly and continuously by communities and groups in response to customs in their environment. This cultural heritage is their interaction with nature and their ancestral history. This cultural heritage facilitates society in building identity and existence and promotes respect for cultural diversity and human creativity (Yuristiadhi, 2014).

Balinese fermented and/or distillate beverages as traditional beverages that are found to be part of the Balinese people's habits should also be positioned as part of traditional craftsmanship that has been carried out by the community and continued to develop so that these beverages become part of their livelihood. In this way, a balance will be formed in the perspective of Balinese fermented and/or distillate beverages that are not only seen as alcoholic drinks that can harm health but rather as part of the culture and habits of the Balinese people; therefore, they can be supported and protected to maintain their existence and at the same time get a label as an intangible cultural heritage of Indonesia or at least as a local cultural heritage of Bali.

Consumption of alcoholic beverages is an integral part of society's culture. In Indonesia, the level of consumption of alcoholic beverages is quite high, where alcoholic beverages are part of a series of traditional ceremonies in areas including Bali. Regional communities in Indonesia have alcoholic beverages that are typical of their respective regions. The regional alcoholic beverages are produced traditionally, the production of traditional alcoholic beverages in Indonesia is generally intended to warm the body, as an ingredient for traditional medicine, as a means for traditional ceremonies, ingredients for herbal medicine, medicinal ingredients and social liaison between communities. In the old tradition, making traditional alcoholic beverages was made with special ceremonies and rituals at certain moments or only offered to honored guests. As part of indigenous peoples, alcoholic beverages have experienced a shift in the values and spirituality contained therein. Where the sacred value of traditional alcoholic beverages has decreased from the norm to become a negative means that has an impact on public order (Riskiyani et al., 2015).

These beverages coming from fermented food ingredients are part of the culture and traditions of the Balinese people. The typical alcoholic drinks in Bali are *arak* and *tuak*. Do not ignore the condition where there are some people who misuse the consumption of alcoholic beverages so that it has a negative impact which can actually cause security disturbances. This impact is considered to violate the cultural values and main traditions of the meaning of the alcoholic drink "*arak* Bali" in society.

Bali is a major tourist destination in Indonesia that attracts local to international tourists. As an island with the main advantage in tourism sector, this sector has started growing and developing since the 17th century or since the Dutch colonial period. The natural and cultural attractions of Bali did not only attract the Dutch, who at that time began to colonize Indonesia, but also became an attraction for the allied countries such as Britain and other European countries. They came and enjoyed the natural and cultural tourism from Balinese people, and also enjoyed the Balinese traditional food and drink that were full of local wisdom.

Tourists come to Bali to enjoy all aspects of the beauty of the island, from its enchanting nature, the friendliness of the Balinese people to Balinese culture that cannot be found anywhere else (Somantri, 2005). Bali has natural charms from the beach to the mountains with natural view that really spoils the eye. Tourists who enjoy the beach feel comfortable when they can sunbathe while enjoying alcoholic beverages. They also feel warm in the mountain if they can drink alcoholic beverages. These beverages that are widely circulated are imported product which are very commonly consumed by the tourists. This opportunity is a potential that cannot be missed in which Bali has a local alcoholic beverage that taste can compete with imported one, namely *arak* Bali.

Even though Balinese nature and culture have been enjoyed by the world community for centuries, this has not changed the strength of the Balinese people in maintaining local wisdom, culture, religious beliefs and protecting sites and rites including skills that have been passed down from generation to generation by the ancestors such as the techniques in weaving Balinese fabrics such as *pegringsingan* and *songket* woven fabrics, techniques for making silver jewelry, architectural carving techniques, and cultural heritage in processing Balinese food and drinks such as *babiguling* or suckling pig, *betutu* chicken, as well as techniques for making Balinese alcoholic beverages, namely *arak* and *tuak* (Malik, 2016).

Arak and *tuak* as one of the skills in producing traditional beverages that have been passed down from generation to generation will continue to exist as long as they are still part of the needs of the community, not only for consumption but they are used as part of means of religious ceremonies and other religious rituals in Hindu society in Bali. Taking advantage of market opportunities and potential from *arak* Bali which is not only produced to meet local needs but can also become an export commodity is a breath of fresh air for Balinese people to make expertise in producing *arak* a promising livelihood. Seizing this opportunity, many Balinese people have switched professions to be artisans or producers of *arak* Bali. Dominantly, the producers of *arak* Bali come from Karangasem and Buleleng regency.

The study of Balinese fermented and/or distillate beverages, which in fact are alcoholic beverages, is a sensitive issue and raises pros and cons, considering that the subject of discussion is drinks containing alcohol content. Addressing the pros and cons of alcoholic beverages is actually based on one's point of view and judgment about the alcoholic beverage itself. It is based on which aspect the judgement itself, for example looking at alcoholic beverages from the point of view of legal science and consumer protection, the existence and circulation of alcoholic beverages is permissible as long as they meet standards and are suitable for consumption.

Studies and perspectives will be different when viewed from the point of view of legal culture and Intellectual Property Rights. From the point of view of legal culture studies, traditional alcoholic beverages should be seen as a local wisdom that should receive protection and contain elements of intellectual property that need to be recognized and patented. Several countries in the world such as South Korea, Japan, Brazil, France, Scandinavia and China have made their country's distinctive alcoholic beverages a cultural heritage that has received recognition of Intellectual Property Rights both as part of intangible culture and the indication of origin. These countries have succeeded in utilizing their country's traditional alcoholic beverages as a tourist attraction and by providing maximum legal protection for these beverages as products that already have intellectual property rights.

As the spirit and awareness of the need to include traditional alcoholic beverages as a nation's cultural property that requires recognition and can become part of the export commodity to improve people's welfare, the Balinese people, pioneered by the idea of the Governor of Bali I Wayan Koster, are fighting for the legalization of *arak* Bali and making it intangible culture heritage. As a form of his commitment, the Governor of Bali issued Governor of Bali Regulation Number 1 of 2020 concerning Management of Balinese Fermented and/or Distilled Beverages. This Regulation consists of 9 chapters and 19 articles which contain rules regarding protection, maintenance, utilization, business partnerships, promotion and branding, guidance and supervision, community participation, administrative sanctions and funding for traditional Balinese alcoholic beverage producers (Putra et al., 2022). The regulation was made with the aim of providing added value to Balinese alcoholic beverages which can have an economic impact on Balinese *arak* producers, including increasing the productivity of farmers who provide raw materials for traditional Balinese beverages. Apart from aiming to empower Balinese *arak* producers, the Governor of Bali's regulation also aims to prevent the emergence and circulation of mixed alcoholic beverages.

This belief is based on the fact that Balinese fermented and/or distillate beverages are part of the culture and local wisdom of the Balinese people which contain spiritual values. Awareness of the importance of maintaining local wisdom is as a capital for community development to find its identity and express itself in the eyes of the wider community. Previously, there was no specific legal protection regarding production, protection and recognition of traditional alcoholic beverages as part of cultural heritage. With clear legal regulations, it will be able to provide certainty and better supervision regarding the standardization of manufacture, production and food ingredients used in making traditional *arak* and can prevent the circulation of *arak oplosan* (mixed *arak*) or *arak* which is mixed with various inappropriate mixtures so that it can have a negative impact, dangerous and even death to those who consume it.

The existence of *arak oplosan* is also an implication of the absence of clear rules regarding Balinese fermented and/or distilled beverages. Mixed *arak* does not contain 100% natural food ingredients but is the result of mixing traditional *arak* with ingredients containing chemicals such as mixed with medicines, energy drinks, denatured alcohol and so on. This mixing results in a mixture of natural and chemical substances that produce harmful substances for the human body (Belvagi, 2019). Recognizing the existence of Balinese *arak* which is believed to be able to compete with factory alcoholic beverages and alcoholic beverages from other

countries, the Bali government began to fight for the existence of Balinese *arak* so that it becomes part of Indonesia's intangible cultural heritage and gains international recognition (Sugiarta et al., 2022).

In the General Provisions Article 2 of the convention agreed upon in the Convention for the Safeguarding of the Intangible Cultural Heritage, the UNESCO conference on 17 October 2003 taking place in Paris, intangible cultural heritage is defined as: practice, representation, expression, knowledge, skills which include: instruments, objects, artefacts and cultural spaces related to community habits, groups that must be recognized as part of the community's cultural heritage (Purba& Putra, 2020). Presidential Regulation Number 78 of 2007 concerning Ratification of the Convention for the Safeguarding of the Intangible Cultural Heritage. The importance of placing national culture in a codification that gets world recognition is as a protection against the advancement of culture which is the hallmark and identity of the Indonesian nation itself.

Based on the definition above, what is included in the intangible cultural heritage are "practices, expressions, knowledge and skills" that are carried out, shown and known by the community as a habit or tradition that is passed down from generation to generation. In the ratification of Law Number 5 of 2017 concerning the Advancement of Culture, it is stated that there are 10 cultural objects which are objects of the promotion of culture in Indonesia, including: oral traditions, manuscripts, customs, rites, traditional knowledge, traditional technology, art, language, folk games and traditional sports. The study of the implementation of intangible cultural heritage refers to the provisions of Law Number 28 of 2014 concerning Copyright, Law Number 5 of 2017 concerning the Advancement of Culture and Presidential Regulation Number 78 of 2007 concerning Ratification of the Convention for the Safeguarding of the Intangible Cultural Heritage, State Gazette of the Republic of Indonesia 1997 No. 81 and Regulation of the Minister of Education and Culture of the Republic of Indonesia Number 106 of 2013 concerning Indonesia's Intangible Cultural Heritage (Amini, 2019).

The future strategy is to build a Balinese fermented and/or distillate beverage industry with local wisdom; therefore, it can be a spirit in the economic growth of the Balinese people. This industry is not only seen as a product that is produced into liquor which has an impact on various aspects good health, security and crime but will be seen more as a supporter of increasing the added value of agricultural products produced by Balinese farmers which can be used as raw materials for the production these beverages.

V. CONCLUSION

The philosophy of justice and welfare can be interpreted as a way of thinking or an in-depth view by exploring based on one's thoughts and logic regarding an effort to create and realize justice and prosperity. Justice and well-being are abstract things based on human feelings, the manifestation of justice and well-being is the human "feeling" of what makes people happy and gives satisfaction. Justice and prosperity are closely related to economic issues. The economy is seen as the main key that can create happiness and prosperity, a just economy will provide maximum welfare. Along with the increase in the production of Balinese-style fermented and/or distilled beverages, supervision from the government is required so that there is no confusion between these beverages as traditional alcoholic beverages and other alcoholic beverages. Then as part of the circle of culture and traditions of the Balinese people and with the establishment of *arak* Bali as an intangible cultural heritage, it will encourage *arak* producers to carry out legal production and economic activities, by meeting the standards for alcoholic beverage production according to the food law, regulations of the Minister of Health including other laws and regulations that have been regulated in Indonesia. This makes *arak* Bali a local alcoholic beverage produced Balinese *arak* producers which is legal for distribution and is even expected to be an export commodity to countries in the world.

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