

Law Enforcement In The Implementation of Kuningan Regency Regional Regulation Number 6 of 2014 Against The Illegal Sale of Alcoholic Beverages

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ABSTRACT: The research focuses on the problems that occur related to the illegal sale of alcoholic beverages in Kuningan Regency, where in addition there is already a Regional Regulation that regulates the control and supervision of alcoholic beverages. The purpose of this study is to find out how the Implementation and obstacles to Regional Regulation Enforcement in the Illegal Sale of Alcoholic Beverages in Kuningan Regency. This research uses qualitative research methods and descriptive methods on enforcement theory according to Soerjono Soekanto. Data collection techniques are carried out using interview, observation, and documentation techniques. The findings obtained by the author in this study are that there are still many people who sell alcoholic beverages without a license. that in the Regional Regulation the control and supervision of alcoholic beverages is still not running optimally because there are still many inhibiting factors both from the community and Satpol PP as well as the main actors in the enforcement of the Regional Regulation. Therefore, to maximize the process of enforcing local regulations, Satpol PP is recommended to increase human resources, facilities and infrastructure, and budget. In addition, it is also necessary to hold socialization again to all people of Kuningan Regency.

Keywords: law enforcement, regional regulations, alcoholic beverages

INTRODUCTION

Alcoholic beverages are no stranger to the Indonesian people. All people from the top, middle, to the bottom already know this alcoholic drink. Whether in big or small cities, the illegal sale of alcoholic beverages has become rampant. This phenomenon occurs due to government policies that suppress the production and circulation of alcoholic beverages. The creation of the prohibition policy aims to improve public health standards and reduce crime rates. However, this ban can result in an increasing number of people selling illegally or without a business license. The (Tryadmadja, Gosal, & Singkoh, 2020) circulation of alcoholic beverages may only be carried out under supervision with a permit. But the sale and circulation of illegal alcoholic beverages always occurs every year. One of them is in Kuningan Regency.

Kuningan Regency is an area located in West Java Province which is famous for its tourist destinations that are quite popular and visited by many residents outside Kuningan. Kuningan Regency has a fairly small population compared to other regions such as Cirebon Regency, Majalengka Regency, Indramayu Regency, Ciamis Regency and other Regencies or Cities, so this makes Kuningan a small city. With a small population, employment opportunities are

limited in this city, so many residents migrate to continue living. However, for the city, due to the difficulty of finding jobs, people still have to fulfill their economy from positive to negative. One of the negative activities that is a problem is selling alcoholic beverages illegally (Rohrer, 2021).

Alcoholic beverages are beverages that contain ethyl alcohol or ethanol (C₂H₅OH) which are processed from agricultural products that contain carbohydrates by fermentation and distillation or fermentation without distillation. In Kuningan Regency, the circulation of liquor has been regulated in the Regional Regulation of Kuningan Regency Number 6 of 2014 concerning the Control and Supervision of Alcoholic Beverages in Kuningan Regency. In the Regional Regulation, hereinafter referred to as the Regional Regulation, it is explained that individuals or companies are prohibited from selling or distributing alcoholic beverages. The regulation only allows the sale of alcoholic beverages in 3-star hotel bars and above after obtaining permission from the Regent (Dewi & Putra, 2021).

As is known to the wider community, alcoholic beverages are one of the factors that trigger riots, commotion and also criminal acts. In fact, there are still a lot of people who sell alcoholic beverages without a permit from the Kuningan Regency Government which is not in accordance with the provisions of Regional Regulation Number 6 of 2014. Economic factors make people feel difficult and ultimately make people do things that are not based on the applicable legal rules in their work (Rahayu, Faisal, Sari, & Satrio, 2020). One of them is by selling alcoholic beverages illegally. The act of the perpetrator of selling alcoholic beverages is a misdemeanor criminal act because it has violated Article 6 of the Kuningan Regency Regional Regulation No. 6 of 2014 and Article 9 Paragraph 1 letter m of the Kuningan Regency Regional Regulation No. 3 of 2018, concerning the implementation of public order and public peace. The Regional Regulation is used as a basis to enforce laws related to alcoholic beverages in addition to Regional Regulation Number 6 of 2014.

In Kuningan Regency there are many illegal alcoholic beverage sellers, the sale of unlicensed alcoholic beverages is found in small stalls that are generally closed from the crowd and there are even those who sell in houses, even though Kuningan Regency already has regulations that regulate alcoholic beverages, namely Regional Regulation Number 6 of 2014 concerning the Control and Supervision of Alcoholic Beverages in Kuningan Regency (Pertiwi, Djohan, & Rizari, 2024). Not all types of liquor can be sold freely in the community, the sale of alcoholic beverages based on their groups has been determined by the Kuningan Regency Government in Regional Regulation Number 6 of 2014 concerning the Control and Supervision of Alcoholic Beverages article 5 which reads "Alcoholic Beverages of groups A, B and C can only be sold in 3 (three) star hotel bars and above after obtaining the permission of the Regent." and also the prohibition of sales is regulated in Article 6 paragraphs (1) and (2). Without having a selling permit from the relevant institution or the Regional Government of Kuningan Regency, it is called an illegal sale and includes unlawful acts, therefore it can be punished in accordance with the provisions in the relevant regulations (Haris, Suwari, Dela, & Rahul, 2022).

The act of selling alcoholic beverages without a license is an unlawful act and can be punished if it has been declared wrong. One of the legal experts, Tirtaamidjaya stated that the purpose of holding a criminal law is to protect the community. An act is declared not wrong, then it cannot be subject to sanctions, referring to the principle of legality that has been regulated in Article 1 paragraph (1) of the Criminal Code, namely an act cannot be subject to criminal penalties if it has not been regulated by a law. An act that is declared wrong is also prohibited and can be threatened with criminal penalties in accordance with the rules that

have been set. Law enforcement must immediately follow up on the actions of the unlicensed liquor sellers. As a result of the actions of sellers who do not have a permit, it can endanger the health of consumers. There must be accountability and sanctions for liquor sellers who sell alcoholic beverages without a permit from the Kuningan Regency Regional Government (Haris et al., 2022).

To implement the Regional Regulation, a contribution is needed from the Kuningan Regency Civil Police Unit (Satpol PP) to realize optimal supervision of the circulation and use of alcoholic beverages in Kuningan Regency. Thus, the Satpol PP apparatus is the front line in terms of ensuring the certainty of the implementation of regional regulations in the midst of the community, as well as helping to crack down on all forms of misappropriation within the regional scope in the context of enforcing the Regional Regulation (Akbari, Listyarini, & Saputra, 2024).

The enforcement of local regulations implemented by Satpol PP also found several obstacles that made the implementation of regional regulations not optimal, both from the side of law enforcement officials and from the side of the community. Obstacles for law enforcement officials such as lack of budget, personnel, and infrastructure. Meanwhile, from the public side, including their lack of understanding of this regulation, the low awareness of the law makes an indifferent attitude. With a lack of legal awareness, it will constantly cause violations (Permana & Rahmat, 2023).

Law enforcement, according to Soerjono Soekanto, is an activity of harmonizing the relationship of values described in the rules that are steady and embodied and the attitude of action as a series of elaboration of values in the final stage, to create, maintain and maintain peace in life. According to Soejono Soekanto, there are several factors that affect law enforcement, including the law itself, law enforcement factors, facilities and facilities that support law enforcement, community factors, and cultural factors

Based on the above statement, the author will use the grand theory put forward by Soerjono Soekanto in this study. The author is also very interested in studying more deeply and conducting research with the title Law Enforcement on the Implementation of Regional Regulation of Kuningan Regency Number 6 of 2014 on the Sale of Illegal Alcoholic Beverages. Given the large impact of alcoholic beverages, research is needed to find out the law enforcement against the sale of alcoholic beverages in Kuningan Regency and find the right solution to overcome this problem.

RESEARCH METHODOLOGY

This type of research is empirical juridical which in other words is a type of legal research and is also called field research, which is to examine the applicable legal provisions and what happens in reality in society with the aim of clarifying between theory and practice, finding facts that occur in society using existing primary data.

The data sources collected by the author are primary data and secondary data, therefore it is hoped that the researcher can collect all these data so that the research carried out can be said to be of high quality. The data collection techniques carried out by the researcher are using interview, observation, and documentation techniques.

RESULT AND DISCUSSION

Implementation of Law Enforcement of Regional Regulation of Kuningan Regency Number 6 of 2014 concerning Control and Supervision of Alcoholic Beverages in Kuningan Regency

The law in its form is as a rule, it obviously cannot do its own role. This is where the role of law enforcers comes in, which is none other than human beings. Law enforcement always involves humans and also involves human behavior. The law cannot stand alone, meaning that it is not able to fulfill the promises and desires contained in the legal regulations.

Law enforcement is a series of processes to describe values, ideas, and minds that are quite abstract that are the goals of law. The purpose of law or the ideal of law contains moral values, such as justice and truth. These values must be able to be realized in real reality. The existence of the law is recognized if the moral values contained in the law are able to be implemented or not (Rahardjo, 2009b).

According to Soerjono Soekanto, there are 5 factors that affect law enforcement, namely; (Soekanto, 2011)

1. The Legal Factor Itself

Namely laws and regulations. The possibility is that there is a discrepancy in the laws and regulations regarding certain areas of life. Another possibility is the incompatibility of laws and regulations with written law or customary law.

The Central Government and Regional Regulations of Kuningan Regency have issued several regulations related to the circulation of alcoholic beverages. These regulations include the following;

1. Presidential Regulation No.74 of 2013 concerning Control and Supervision of Liquor
2. Regulation of the Minister of Trade Number 20/M-DAG/PER/4/2014 concerning Self-Control Supervision of the Procurement, Circulation, and Sale of Alcoholic Beverages.
3. Regulation of the Minister of Industry Number 17 of 2019 concerning the Control and Supervision of the Alcoholic Beverage Industry.
4. Regulation of the Minister of Health of the Republic of Indonesia Number 86/Men.Kes/Per/IV/77 concerning Liquor.
5. Regulation of the Minister of Finance Number 160 of 2023 concerning Excise Rates on Ethyl Alcohol, Beverages Containing Ethyl Alcohol, and Concentrates Containing Ethyl Alcohol
6. Minister of Tourism and Creative Economy of the Republic of Indonesia Number 23 of 2014 concerning Bar/Drinking House Business Standards.
7. Regional Regulation of Kuningan Regency Number 6 of 2014 concerning the Control and Supervision of Alcoholic Beverages in Kuningan Regency.
8. Regional Regulation of Kuningan Regency Number 3 of 2018 concerning the Implementation of Public Order and Public Order.

Not only Presidential Regulation No. 74 of 2013 and Ministerial Regulation No. 20/M-DAG/PER/4/2014 that regulates alcoholic beverages, but there are regulations under it that regulate alcoholic beverages, namely Regional Regulations. The Kuningan Regency Government always strives to create order and security for its community. To achieve this goal, regional regulations agreed upon by the central government are made as the legal basis for its implementation. One of the efforts of the Kuningan Regency Government in creating order and security is the issuance of Regulation No. 6 of 2014 concerning the Control and Supervision of Alcoholic Beverages in the Regency. This regulation is a regional legal product that regulates the circulation of alcoholic beverages that must be enforced in accordance with

the provisions. This regulation is very important because many crimes and offenses are caused by the influence of alcoholic beverages.

According to article 4 of the Kuningan Regency Regulation No. 6 of 2014, alcoholic beverages are grouped into the following groups:

- a. Group A Alcoholic Beverages are drinks that contain ethyl alcohol or ethanol (C₂H₅OH) with a content of up to 5% (five hundredths);
- b. Group B Alcoholic Beverages are beverages that contain ethyl alcohol or ethanol (C₂H₅OH) with a content of more than 5% (five per hundredth) to 20% (twenty per hundred); and
- c. Group C Alcoholic Beverages are beverages that contain ethyl alcohol or ethanol (C₂H₅OH) with a content of more than 20% (twenty per hundred) to 55% (fifty-five per hundred).

In article 5 of the Kuningan Regency Regulation No. 6 of 2014, it is explained regarding the circulation and sale that "Alcoholic beverages of groups A, B, and C can only be sold in bars of 3-star hotels and above after obtaining the permission of the Regent", which means that in addition to 3-star hotels and above, namely 3-star hotels and below, individuals, companies and so on are prohibited from selling alcoholic beverages of any class, including oplosan. Here are some hotels in Kuningan Regency with a classification of 3 stars and above.

Table 1 List of Star Hotels in Kuningan Regency

NO	HOTEL NAME	CLASSIFICATION
1	Horison Tirta Sanita	III Star
2	Wisma Pepabri	III Star
3	Ayong	III Star
4	Grage Resort Saangan	III Star
5	Grand Cordela Hotel AS Putra	III Star
6	Santika Premiere Linggarjati Kuningan	IV Star

Source: Youth, Sports and Tourism Office

From the data, it was found that there were 3-star hotels, namely 5 hotels, and there was one 4-star hotel. However, according to the Youth, Sports, and Tourism Office (Disporapar), for star hotels there is currently no one selling alcoholic beverages.

As there is a prohibition explained in article 6, namely "Every individual or company is prohibited from producing, consuming, storing, selling and/or circulating alcoholic beverages of groups A, B, and C, except as referred to in article 5". In the Regional Regulation, anyone who violates the regulation is threatened with imprisonment for a maximum of six months or a maximum fine of 50 million rupiah.

2. Law Enforcement Factors

That is, the parties that form and apply the law. The mentality of officers who enforce the law includes judges, police, defenders, correctional officers and so on.

In this law enforcement, the Pamong Praja Police Unit (Satpol PP) is one of the elements of law enforcement in enforcing local regulations related to the circulation of alcoholic beverages. The duties of Satpol PP can be seen in PP No.6 of 2010 Article 4 which contains that Satpol PP has the task of enforcing Regional Regulations and organizing public order and peace as well as community protection. To minimize and suppress the circulation of alcoholic beverages in Kuningan Regency, there are several activities carried out by Satpol PP such as counseling that it is not allowed to produce, sell or consume alcoholic beverages because in addition to damaging the body, it can also cause other criminal crimes. Then Satpol PP also carried out a joint operation with the TNI, Polri. It is possible that the sale of alcoholic beverages is often found in cafes, karaoke places. Regarding this joint operation, it is not only the authority of Satpol PP but the authority of all law enforcement officials and the community

as well. This activity has been scheduled, the peak is usually before the new year or during the month of Ramadan. In addition, when the budget has been lowered, an operation on alcoholic beverages is immediately held.

Based on the results of the author's interview with Eman Sulaeman, as the Head of Investigation of Satpol PP, that law enforcement efforts carried out by Satpol PP are divided into two, namely judicial and non-judicial measures. Judicial actions, namely law enforcement, are heard in court. Satpol PP only has the authority to crack down on sellers of alcoholic beverages that are not in accordance with the content of regional regulations. If the violation is not related to local regulations, the case will be delegated to the police. Meanwhile, non-judicial actions do not involve the courts, they are carried out if there is still public awareness to obey the law, namely by prioritizing humanist coaching patterns such as counseling, and information delivery. One of the activities carried out by the Satpol PP of Kuningan Regency in order to increase public legal awareness is by holding socialization to *stakeholders* and all levels of society.

There is one case that was resolved judicially by Satpol PP in the Cibingbin Village area where initially it was found that there was a shop that was suspected of selling alcoholic beverages, and after being supervised it was true that the person concerned was storing, selling alcoholic beverages with various brands. It can be concluded that the person concerned has sold alcoholic beverages, this is not in accordance with the Regional Regulation of Kuningan Regency No. 6 of 2014 and Article 9 paragraph (1) letter (m) Jo Article 40 paragraph (1) of Regional Regulation Number 3 of 2018 concerning Amendments to Regional Regulation Number 3 of 2015 concerning the Implementation of Public Order and Public Peace can be subject to criminal sanctions of imprisonment for a maximum of 3 (three) months or a maximum fine of Rp. 50,000,000,- (fifty million rupiah). Some of the evidence that has been confiscated by Satpol PP is as follows.

Table 2 Alcoholic Beverage Data Confiscated by Satpol PP

NO	BRAND TYPE	ALCOHOL CONTENT	SUM
1	Dark Beer	4,9%	29 Bottles
2	Singaraja White Beer	4,8%	36 Bottles
3	Red Wine	19,7%	72 Bottles
4	White Wine	14,7%	42 Bottles
5	Cholesom	19,7%	12 Bottles
6	Little Ice Land	40%	8 Bottles
7	Ice Land Medium	40%	1 Bottle
8	Big Ice Land	40%	1 Bottle
9	Small Cholesomes	17,5%	32 Bottles
10	Asoka	19,7%	37 Bottles
11	Whisky	43%	13 Bottles
12	The Great Collesome	17,5%	6 Bottles
13	Ciu	-	5 Bottles
	SUM	295	Bottle

Source: Kuningan Regency Pamong Praja Police Unit

The confiscation of the goods aims to be used as evidence in investigations or investigations, the level of prosecution and the level of trial examination in court (Sofyan & Sh, 2020).

3. Factors of Facilities and Facilities that Support Law Enforcement

If the law and law enforcement are good, but the facilities are inadequate, then the law will not run as planned. Infrastructure facilities and equipment are used to support the process of implementing public order and public peace. Law enforcement can work well if it is equipped with vehicles and communication equipment that is proportionate. Therefore, facilities and facilities are very important to make a legal rule effective.

The facilities and facilities of the Satpol PP of Kuningan Regency include personnel, adequate equipment, and a budget or operational cost. These supports have been possessed by Satpol PP Kuningan in carrying out its duties as a Regional Regulation enforcer, but it is still not optimal. Such as related to the lack of officers. The problems that will be faced in the field are more than the officers have. Then the budget issue quite affects performance.

4. Community Factors

That is the environment where the law applies and is applied. Community is one of the factors of law enforcement. Law enforcement is not a stand-alone activity, but has a close mutual relationship with the community. Therefore, when talking about law enforcement, it is better not to ignore the discussion of the structure of society behind it. Law enforcement in a society has its own tendencies caused by the structure of its society. Public legal awareness is still abstract, not yet a real form of behavior even though our society is also aware of the need to comply with applicable laws. Even if our society is aware of the applicable law, not necessarily our society, obeys the law.

In fact, the legal awareness of the people of Kuningan Regency regarding alcoholic beverages is still lacking, this is evidenced by the circulation of alcoholic beverages that are still often encountered in several areas in Kuningan Regency, especially in stalls, agents (private individuals), cafes, karaoke places and so on. There are also factors that cause this alcoholic beverage to circulate, this is because Kuningan Regency is often visited by tourists both from local and foreign countries. Therefore, it is used as an opportunity by alcoholic beverage sellers to trade. There were also several stalls selling alcoholic beverages that were located close to tourist attractions. In addition, the sale of alcoholic beverages can also be caused by the difficulty of finding jobs in Kuningan Regency, people end up looking for opportunities to sell these drinks because alcoholic beverages are quite in demand by the community.

Sellers of alcoholic beverages often do not have their business licenses, so many sellers do alcoholic beverage business with several motives, one of which is using the guise of a shop or stall that provides daily needs, even though there are hidden packages of alcoholic beverages to sell to consumers, besides that they also sell without looking at the age of the consumer. This is what makes the younger generation also know and taste alcoholic beverages.

If we discuss law enforcement only by adhering to the imperatives as stated in the provisions of the law, we will only get a blank picture of stress. Discussing law enforcement will contain if it is associated with its concrete implementation by the community. The community factor is important because only through these factors does law enforcement work (Rahardjo, 2009a).

5. Cultural Factors

That is, as the result of works, creations, and feelings that are based on human karma in life associations. Other regions also have their culture, legal culture is related to the behavior of their people. With a lack of legal culture, it will cause violations.

In Kuningan Regency, the legal culture related to the circulation of alcoholic beverages is still lacking, therefore there is a violation of the Regional Regulation. And all types of violations must be given strict sanctions, both against sellers and consumers of alcoholic beverages. If the sanctions given are firm, there will be no more violations. However, if the law is not strictly enforced, what happens is a repeat violation. This cannot foster legal order in society.

Legal awareness is the dream of every government, especially the Kuningan Regency government, that the law can always be educated until it is deeply embedded in the hearts of the people. If the law is only known, it is likely that people with various efforts, pretexts, and tricks still have the will to violate or deviate from the law. In the end, efforts to educate and teach the substantive content and procedures of the law are an effort that must inevitably be made. The emergence of legal awareness in the community is always seen as important for law enforcement in the long term (Wignjosoebroto, 2002).

2. Obstacles in the Implementation of Regional Regulation No. 6 of 2014 in Kuningan Regency

There are several things that are obstacles in the enforcement of this Regional Regulation. Satpol PP explained the need for supporting factors to carry out operations or raids. There must be supporting facilities, especially since one team consists of the TNI and the National Police as well. Law enforcement officials also have limitations, namely not being able to supervise continuously due to a lack of personnel. In joint operations to raid places where alcoholic beverages are sold, sometimes they do not run according to schedule due to operational costs. Because when carrying out these activities it will require a budget and all sorts of things. The most effective way to suppress the circulation of alcoholic beverages is not only relying on one institution but must use all elements of society. If the public knows of a place selling alcoholic beverages illegally, they can immediately report it through the local RT/RW, Kelurahan, Police or Satpol PP. But with the lack of legal awareness of the community, their attitude is indifferent or in other words, does not care about the sale of alcoholic beverages that are contrary to applicable local regulations.

In the implementation of enforcement carried out by Satpol PP, there are also obstacles and challenges, when Satpol PP conducts raids to several places such as stalls and karaoke places and then there are alcoholic beverages, then Satpol PP confiscates the goods. However, when the goods have been confiscated, the seller always asks for a replacement from the company as the manufacturer and the goods are re-sent. This does not even have an impact on the losses of the producer or seller. The reason is that this alcoholic beverage has quite a lot of demand so that sellers inevitably have to sell alcoholic beverages to comply with consumer demand. The profit for sellers is very large because of the large number of enthusiasts for alcoholic beverages from consumers so that sellers continue to sell even though they are at risk of being confiscated and destroyed again. However, the cycle will continue to repeat when the goods are confiscated and the goods will be sent back by the manufacturer, this has become a habit of sellers. Seeing the effectiveness of operations or raids by Satpol PP has not succeeded in eliminating alcohol circulation. The applicable regulations are also ineffective and even tend to increase circulation and greater sales, where the demand for alcoholic beverages is very high. Legal education is needed to instill good and bad values against things that violate the law and values that grow in society (DEWI & Tahir, 2021).

The issue of enforcing this local regulation is inseparable from the living conditions of the people of Kuningan Regency. Low levels of education, economic limitations, lack of public

access to information sources, and lack of public understanding of local regulations can make it difficult for officers to carry out efforts to enforce local regulations. The thing that causes people to lack understanding of the law is the lack of legal awareness, they actually know but are indifferent. Therefore, the role of law enforcers is needed to continue to intensively provide socialization to the public in order to understand what the law is like and what the consequences are if the law is violated. So this socialization is urgently needed so that people's legal awareness increases.

In a fairly extreme tone, it can be said that the success or failure of law enforcers in carrying out their duties has actually started since the legal regulations that must be carried out were made. For example, the legislative body, namely the Kuningan Regency DPRD, makes regulations that are difficult to implement in society, so since then the body has actually become the architect for the failure of law enforcers in implementing these regulations, for example, it can happen because the regulation orders the implementation of something that is not supported by sufficient means (Rahardjo, 2009a).

Related to this, the implementation that occurred in Kuningan Regency which prohibits an agent or company from selling alcoholic beverages, and is only allowed in 3-star hotels and above, in fact hotels with 3-star and above also do not sell drinks until now. This shows that regulations regarding alcoholic beverages cannot be implemented in the community because the means alone cannot be sufficient as regulated in this regulation. Because in reality the enthusiasts for alcoholic beverages must exist because of the consumptive lifestyle. Therefore, it is undeniable that the sale of illegal alcoholic beverages is often roaming around without supervision from law enforcement officials, and even not a few of these officials commit misappropriation in their duties.

CONCLUSION

The implementation in the enforcement of regional regulations regarding the Control and Supervision of Alcoholic Beverages in Kuningan Regency has not been running optimally, because there is still a lot of circulation of alcoholic beverages even though there are clear rules and law enforcement officials. The frequent violations of this Regional Regulation are also due to the lack of legal awareness which makes it impossible to grow a good legal culture to be obedient to the rules.

In its implementation, one of the elements of law enforcement of the local regulation, namely Satpol PP, has obstacles in enforcing the law of Regional Regulation Number 6 of 2014 concerning the Control and Supervision of Alcoholic Beverages, such as the lack of personnel needed to carry out law enforcement activities, while the area of Kuningan Regency is large. Then the lack of budget or operational costs, the lack of community participation to provide known information related to the sale of alcoholic beverages in the vicinity and the lack of comprehensive socialization to the community and sellers so that they do not understand the punishment that will be obtained if the rule is violated.

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