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# **The Closing Holywings Bar between Law and Government Policy in the Era of Information Disclosures and Public Trust**

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**Abstract---***This study aimed to discuss the closure of the Holywings between legal approaches and government policies in an era where information is increasingly flowing, and people trust the Law. The information and data that we collect from various sources, we examine the criminological approach, which involves coding data, sharp analysis, and also in-depth interpretation to get data that we can answer the problem in terms of credit and quality. Considering that the data on this issue is minimal, we are trying to find data -data that we get from various sources that we have used to answer the problem. After the discussion, the closure of the Holywings is based on the principle of legal justice for all business people. Also, the demands of the community where the holy wings bar business need an active license. They have violated state regulations and policies and made a mistake in promoting sensitive religious figures. with the names of Muhammad and Mary. Having had breakfast, this friend will complete the study of legal science and also regulations regarding business permits that are being carried out.*

**Keywords---***Holywings, information discourses, law and policy, public trust.*

#### **Introduction**

Not long ago, a series of news shocked the virtual world about the closing of broadcasts at several outlets in Jakarta and other provinces (Hess & Waller, 2017). From the point of view of Law and local government policy, as reported by many media that the closure occurred at 12 Hollywood outlets in Jakarta, which the government had to urge and were prohibited from operating, as usual. This still leaves several questions for many parties (Kurniawan, 2018). We found various arguments in various media due to a review and evaluation of operational documents, such as online single-function risk based on approach permits and field monitoring at several outlets in the Jakarta area. The government can provide several licenses, namely the type of bar business verified. In addition, the response from the

clarification of Indonesian environmental standards, which requires every business actor to have this letter as a place to serve alcoholic and non-alcoholic drinks, has also not been completed (Yuhana, 2022). So, several reasons pocketed by the Jakarta government are sufficient conditions to close the operation of the Holywings bar in the operational area. According to an employee of the DKI Jakarta Provincial Trade Industry Office, if Holywing violates the provisions of the applicable Law, such as selling alcoholic beverages, it is only allowed to be taken home. It cannot be served at a bar. Legally it is appropriate to close it, especially since it has committed an act that violates custom and leads to racist elements in groups and religions (Rasyid et al., 2020).

Now the question arises why Berturan is in that place; the answer is that permissions issues hinder it. The first violation was committed because not all Holywings bars currently operating carry out their activities equipped with permits following existing regulations and health (Widjaja & Towpek, 2022). However, some holiday outlets are already experiencing poverty. However, the discrepancy between business licenses and operational requirements and activities has also become an obstacle to the revocation of privileges for 12 inspections in the area under the authority of the local government, especially in the capital city of Jakarta. This decline certainly impacts activities and employees, which until now is more or less, but what is clear is that there are 3,000 employees from all Holywings outlets in Indonesia. Hotman Paris admits that until now, the Holywings outlet in Jakarta is still closed (Kusnadi, 2021). It is waiting for the government's decision regarding whether Holywings can resume operations. "We are waiting for the best decision from the government. It is still closed now," Hotman Paris told reporters. All Holywings bar and cafe outlets have been officially closed by the Regional Government of DKI Jakarta. This closure follows the rampant promotion of racist-smelling liquor. Everyone named Muhammad and Maria will get a free drink for the promotion. Responding to the legal apparatus, the South Jakarta Metro Police Commissioner of Police officially detained six suspected employees and management managing alcoholic beverage advertisements (Gentilini et al., 2020). They were arrested at the Holywings head office in the Serpong area, South Tangerang. Each suspect has initials on the hands of the police. Why is Holywings viral?

Since this advertisement, the Holywings Restaurant has become viral and is still in the spotlight after promos for liquor, aka alcohol, named Muhammad and Maria. As a result, the restaurant's business license was revoked, which caused many Holywings outlets to close in various regions (Truby, 2018). Holywings is a business group with three businesses: bars, clubs, and restaurants. Apart from running a food and beverage (F&B) business, Holywings is a hangout place specially packaged for the millennial generation, which Ivan Tanjaya founded as the Co-Founder of Eka Setia Wijaya (Sembiring, 2020). Apart from Hotman Paris, there are several other names behind PT. Aneka Bintang Gading, the company that owns Holywings. Based on company profile files obtained by the CNBC Indonesia team, management, and shareholders in the company (Handayani et al., 2021).

In the case of promoting free liquor for owners Muhammad and Maria, six Holywings employees have been named as suspects. Holywings Indonesia stated that it would not cancel the claim. The six people responsible for the "promotion" are currently in custody, undergoing legal proceedings and being handled by the authorities. We will continue to monitor developments in this case, take firm action, and never give up (Haykal, 2022). Holywings also apologized once again this time. To ensure the survival of the company's thousands of employees, they affirm that they will comply with all applicable legal procedures. Holywings apologizes; "We accept all forms of criticism and suggestions from the public and ask for prayers and support from the people of Indonesia so that problems can be resolved immediately according to applicable legal procedures for the survival of more than 3,000 employees at Holywings Indonesia and their families who depend on this company." evaluated for further improvement. "Of course, we from the management of Holywings Indonesia have read one by one the criticisms, suggestions, and opinions from the public for our negligence. We promise to fix it (Saniya, 2021).

From the staff to the director, suspects arose. In the Holywings case, six people have been named as suspects. The six suspects include staff and directors (Nielsen & Madsen, 2009; Budd & Raber, 1996; Alvarez, 2002). In a press conference held at his office on Jl Wijaya, Kebayoran Lama, South Jakarta, South Jakarta Metro Police Chief Kombes Budhi Herdi Susianto stated, "There are six people who have become suspects, all of them work for HW (Holywings)." The six suspects are a creative director of Holywings, a male with the initials EJD (27), a female with the initials NDP (36), a virtual designer, a male with the initials DAD (27), a social media admin team, female with initials EA (22), colonial Media officer, a woman with the initials AAB (25), and promo team admin, a male with the initials AAM (25) Article 14 and 2 of RI Law No. 1 of 1946, Articles 156 and 156A of the Criminal Code, and Article 28 of RI Law No. 2 of 2016—an amendment to Law Number 11 of 2008 concerning Information and Electronic Transactions (ITE) concerning Blasphemy of Religion and Hate Speech with SARA Nuances—dropped charges against six suspect (Martin, 2022).

With the rapid development of business activities in Indonesia, many entrepreneurs no longer act alone to run their companies. However, they jointly set up associations and companies, including civil partnerships, firms, limited

partnerships, limited liability companies, and cooperatives (Tambunan, 2019). Companies are always connected with third parties and want to protect companies that are run honestly ("the goader Trouw"), so the meaning of the legality of a company is significant in business activities because company legality is an identity that legalizes or legalizes a company so that it is recognized by the community (Martin, 2022). Many companies, including bars such as Hollywings, were established without legalizing their companies. This is detrimental to other companies that honestly carry out their business activities. Therefore, knowing what forms and ways to obtain company legality and the benefits of legalizing companies and the government is necessary. So we want to see the impact of the closure of Hollywing from a legal perspective and government policy on non-compliance bar Hollywing operates in Indonesian jurisdiction (Rife, 2010).

## Research Method

This study aims to obtain input on policies and regulations regarding the closure and treatment of holy wings bars which have violated the operation of entertainment houses and the sale of alcohol (Xu et al., 2020). To obtain discussion data, we have visited several publications related to business closures that need clear regulations and how the community responds to public pressure in an era where information is increasingly challenging. We examine the data we get under a phenomenological approach, namely an attempt to interpret, analyze and code the data to get valid answers to the problem (Vicary et al., 2017). We have collected data through online searches of books and scientific journals that discuss laws and public policies based on regulations to create information stability. After obtaining the information, we have reported it in the results and the discussion, which is supported by the findings of scientific studies in the context of Law, business, and regulation. Likewise, among other things, we designed the study review process in a qualitative descriptive with a phenomenological approach, and the report format we created in a qualitative descriptive systematic review (Fereday & Muir-Cochrane, 2006).

## Result and Discussion

The Governor of DKI Jakarta, Anies Baswedan, took a progressive step in responding to Holywings' idiosyncratic action of promoting free alcohol for people named Muhammad and Maria. The decision of the Jakarta City Government is sufficient to accommodate the aspirations of the people who want justice in imposing sanctions so that it does not only sacrifice employees at the lower levels (Wessinger, 2012). The controversial advertisement was immediately rewarded with revoking the license for Holywings outlets throughout Jakarta. A sanction that goes straight to the heart of the company. Although reaping the pros and cons, this progressive step should be appreciated considering that, so far, most cases involving companies have only been able to touch individuals, either employees or directors. At the same time, the corporation itself is free from legal entanglements that create a practical deterrent effect (Phelan, 2006; Agle, 2020; Nunkoo et al., 2012). This kind of thing often happens in corruption, environmental pollution, fraud, and various other cases. This time, Anies Baswedan sent a message to the public that corporations can be treated as responsible entities and sanctioned for all their actions, not just their workers (Atikasari et al., 2020).

However, apart from being appreciated, there are several notes on Anies' steps, particularly regarding the shift in the main reason for the revocation from the promotion of alcohol based on ethnicity, race, and religion to merely technical reasons for non-fulfilment of administrative aspects alone (Malenya, 2014). This refers to information submitted by Riza Patria (Deputy Governor of DKI Jakarta) that the controversial alcohol promotion is not the main reason for revoking licenses and closing outlets but only serves as an entry point for conducting a thorough examination of the legality of Holywings. As a result, several non-compliance with permits were found, such as non-compliance with the standard classification of Indonesian business fields and other standard certificates. For this reason, Holywings' license was revoked. Thus, this article critically examines the legal side of Holywings' license revocation. Furthermore, this article will also present two notes regarding the consequences of shifting the reason for the permit revocation (Holland, 2017).

### *Legal consequences of state administration*

First, the shift in reasons for imposing sanctions from promoting SARA-smelled alcohol to merely technical, administrative reasons has legal consequences. If the problem is only a technical, organizational problem such as a KBLI error and the standard certificate has not been fulfilled, then Holywings' permit cannot be immediately revoked (Greve & Parrish, 2014). It is necessary to give warnings before temporarily stopping activities and revoking permits. Even if, within the allotted time, Holywings corrects the KBLI error and meets the standard certification, the

DKI Jakarta Provincial Government (Pemprov) will lose the right to revoke the permit. This is stipulated in Governor Regulation 18 of 2018 concerning the Implementation of Tourism Business (Pergub No. 18 of 2018). Chapter IX of the regulation has regulated the level of imposition of sanctions which can only be carried out in stages starting from three warnings, temporary suspension, and revocation of licenses (Hutomo & Karjoko, 2018).

The provisions above make it impossible for DKI Jakarta Provincial Government to revoke Holywings' license only for technical-administrative reasons. Therefore, the promotion of SARA-smelling alcohol must continue to emerge as the main reason. Why is that? Because DKI Jakarta Provincial Government must find another legal basis in addition to the legality of revocation, namely using the concept of discretion as stipulated in Law Number 30 of 2014 concerning Government Administration (UU No. 30 of 2014). Discretion is a concept that gives the government the right to take specific actions to deal with concrete problems in society. This concept can only be used if existing regulations do not regulate, are incomplete, provide choices, or create stagnation in governance (Cumming, 2007; Ihrig & Moe, 2004; Rodrik, 1996). Governor Regulation No. 18 of 2018 does not stipulate an administrative sanction mechanism for companies that commit blasphemy, causing real upheaval in society. Therefore, the DKI Jakarta Provincial Government can determine specific sanctions to address this concrete problem by revoking the Holywings permit (Bonnitcha & McCorquodale, 2017).

It is essential to remind again, Anies must be very careful in formulating a decision to revoke Holywings' permit using solid legal reasons. Moreover, one of the shareholders in Holywings is a well-known lawyer, Hotman Paris Hutapea, who has a wealth of experience in litigation at the state administrative court (PTUN). The slightest mistake made by DKI Jakarta Provincial Government can lead to the revocation of the license. Do not let the national news *headlines* be filled with the title Anies Lost Against Holywings (Viranti, 2022).

#### *Practical-Social consequences*

*Second*, the shift in reasons for imposing sanctions from promoting SARA-related alcohol to merely technical-administrative causes also has a negative impact when viewed from a practical-social perspective, especially in the concept of Business and Human Rights regulated in the United Nations Guiding Principles on Business and Human Rights. The concept adopted in the UN Human Rights Council Resolution (UNHRC) Number 17/4, dated June 16, 2011, mandates business entities worldwide to place protection, respect, and fulfilment of human rights (HAM) in every business activity. Due to this fact, companies often appear as actors who violate human rights. Data from the National Commission on Human Rights states that companies have been the second most prominent actor in violating human rights after the police in the last three years (Schilling-Vacaflor, 2021).

Companies often ignore human rights principles to gain maximum profit from their business activities, including what is done by Holywings. This prominent actor in the entertainment industry capitalizes on the sensitivity of racism as a business commodity to control brand and sales figures without thinking about the negative impact it will have on society. Even at a certain level, it can trigger the disintegration and disharmony of the nation. The use of racism as a commodity is also often carried out in the political sphere using the principle of *triumphalism*, namely the doctrine that makes a particular religion, culture, or social system better and must triumph over all others. Another term for this phenomenon is identity politics (Wirawan et al., 2021). Whatever it is, using the sensitive issue as a commodity to gain profit must be stopped immediately. Therefore, it is essential for the Provincial Government of DKI Jakarta to continue to position the controversial alcohol promotion as the main reason for revoking Holywings' permit, not to hide it and shift the main issue to merely technical, administrative reasons. This must be done to provide lessons to the general public and other business actors not to 'play with fire with issues and to continue respecting human rights as an essential aspect of business (Donaldson, 2016).

#### *Lessons from the Holywings Bar closing case*

Senior Center of Reform on Economics Indonesia Economist Pieter Abdullah Redjalam responds to the case of revoking the license and closing of Holywings in Jakarta. The bars and restaurants had their licenses revoked on June 27, 2022, and the DKI Satpol PP immediately sealed 12 outlets (Holland, 2017). According to Pieter, this is a case in point for the government that licensing matters are still very complicated when viewed from a licensing perspective. "There are central permits; there are also regional permits. It is more complex than conveyed by the government.

Meanwhile, small businesses should be given convenience. Not complicated," Holywings uses an Online Single Submission permit document managed by the Ministry of Investment or the Investment Coordinating Board but has not been verified by an agency or institution in the Provincial Government of DKI Jakarta. Pieter explained that the Holywings case was not about the potential for fraud in applying for a business license (Hidayat et al., 2018). He

asked that the Holywings case not widen. Licensing and business ethics issues or violations of these provisions must be separated. Pieter said businesses with licensing problems were not necessarily having problems with business ethics or other conditions. Likewise, on the other hand, companies that have full licenses are not necessarily good ethically or in different terms (Ollivaud & Haxton, 2019). Bars or cafes that wish to serve customers drinking alcoholic beverages must have a Certificate of Direct Seller of Alcoholic Drinks class B and C. Following these findings, Andhika recommended revoking the license for that night's entertainment venue. Meanwhile, a statement regarding the administration of Holywings permits. Even for *outlets* with SKP based on the results of supervision in the field, Holywings sells alcoholic drinks with visitors drinking on the spot (Triyandana et al., 2022).

### *Accusations of blasphemy are exaggerated*

Human rights activists say it is exaggerated to arrest six employees of the Holywings bar and restaurant on charges of blasphemy following a controversy over the promotion of free liquor for people named Muhammad and Maria (Hoffman, 2014). The police have named six Holywings employees as suspects after considering the presence of elements of unlawful acts, said the Head of the Public Relations Division of the National Police Inspector General Dedi Prasetyo, in a press statement Tuesday. On Monday, the DKI Jakarta government announced that the licenses of all 12 Holywings outlets in the capital city had been revoked because several outlets did not yet have a verified bar business permit (Sulastri, 2022). "The police excessively use the offence of blasphemy. It is clear that Holywings is not carrying out hostilities but promoting products. "Even though the promotional content may offend some people, the Law is not aimed at overcoming people's contact. The police said that apart from the six employees who, according to Holywings, carried out promotional campaigns without management's knowledge, investigators would also examine their superiors (Kogin & Rudiawarni, 2015).

Everyone who knows or is involved asks for information, then we examine it, and up, sideways, and down will be hit. According to the police, the case began on Thursday, June 23, when the Instagram account Holywings Indonesia posted a poster in English announcing that visitors with the names "Muhammad" and "Maria" would receive free alcoholic drinks every Thursday. The account states that "Muhammad" will get a free bottle of Gordon's London Dry Gin for men, while visitors named "Maria" will get Gordon's London Dry Gin Pink. Bar visitors can get the free alcoholic drink promo by coming directly to the designated Holywings branch, and then showing their identity card. The promotion then received a strong reaction from social media users, who took issue with using the name Muhammad (Nelson, 2017).

Holywings, through his social media account, has apologized and said the actions of "unscrupulous" employees were without management's knowledge (Batubara, 2022). The six persons responsible for 'promotion' have been detained, are undergoing a legal process, and have been handled by the police and the authorities. We are sure that we will continue to monitor the progress of this case, take firm action, and never let go," Holywings Indonesia said in an official statement. Holywings' report sparked criticism from social media users because it seemed like the company was abdicating responsibility and sacrificing employees caught in legal cases (Tyson, 2021).

Article rubber blasphemy law. According to Human Rights Watch researcher Andreas Harsono, this case indicates that the use of the blasphemy law has reached the business sector and not just to silence religious minorities (Peterson, 2020). "The blasphemy law (blasphemy law) is a rubber article. That is why the United Nations recommends that countries abolish this article," Coordinator of the Anti-Discrimination Islamic Network (JIAD) Aan Ansari said the government's closure of the Holywings bar in Jakarta was politically motivated, and not purely because of a violation. The closure of Holywings by the Jakarta provincial government is. However, from the front view, it was made because the permit was not renewed; from a macro-political perspective, we also know that the provincial government has made political efforts to quell mass anger; Aan admitted that not all Muslims felt offended by what Holywings did because the action was not intentional by the employees of the night entertainment which should be enough with an apology (Anderson et al., 2021).

If Holywings is closed, its employees will also be unemployed," he said, adding that the Jakarta government's move to close all bar and restaurant outlets was considered excessive. Aan emphasized that the imposition of the blasphemy article is increasingly disadvantageous for Indonesia before the international community, adding that the Indonesian nation is known to be virtuous by forgiving other people's mistakes. "Precisely now we are carrying out punishment in the name of blasphemy," Democratization provides the most expansive possible space for the public to convey their ideas without fear that what they get will impact the imposition of the blasphemy article. Head of the DKI Jakarta Province Tourism and Creative Economy Office, Andhika Permata, said that several violations committed by Holywings were found after a joint field of inspection (Pyles et al., 2019).

According to Andhika, several Holywings Group outlets in Jakarta still need a verified bar business type standard certificate that bar business operations must have. Several human rights institutions in Indonesia, including Impartial,

the Indonesian Legal Aid Foundation or YLBHI, and the Institute for Community Studies and Advocacy or ELSAM 2010, submitted a judicial review of the Blasphemy Law issued in 1965 to the Constitutional Court. However, the Constitutional Court rejected the petition for judicial review because the applicant could not prove the argument that these articles violated the constitution, threatened freedom of religion, were discriminatory and had the potential to criminalize adherents of minority religions (Widjaja & Towpek, 2022).

### *Public information disclosure*

This paper refers to the provisions of Law 14 of 2008 concerning Public Information Disclosure (UU 14/2008) regarding the disclosure of public information. In this Law, openness or transparency is interpreted as the ease with which information required by internal and external parties of an institution can be obtained. On the other hand, the state constitution guarantees public institutions, UUD 1945 (Ahmadi & Rachmiatie, 2019). According to Article 1 Paragraph 2 of Law 14/2008, the term "public information" refers to any information that is created, stored, managed, sent, or received by a Public Agency following this Law and that pertains to state administrators, organizers, and administration of other Public Bodies. Law 14/2008 defines "public bodies" as "bodies whose primary functions and duties are related to the administration of the state" (Article 1 point 3 of Law 14/2008). "Public bodies" also include "non-governmental organizations" as long as "some or all of the funds are sourced from the APBN and APBD," "community contributions," and "external countries (Pien, 2020). Data from government and local governments must be made public to 1) guarantee open access, sharing, and reuse; 2) encourage public and business services with social and commercial values to be creative and innovative; 3) Involve the community in participatory governance and encourage employers and workers/laborers to work together following work agreements. The terms of employment, rights, and responsibilities of the parties are outlined in an employment agreement between a worker or laborer and an entrepreneur or employer. From the employer's perspective, the lockout is the entrepreneur's fundamental right to prevent some or all workers or laborers from performing their duties due to failed negotiations (Melberg et al., 2019).

Nonetheless, bosses are not legitimized in completing lockouts as a countermeasure to regularizing requests from laborers/workers and worker's guilds/trade guilds. A lockout is defined in Article 1 number 24 of the "Manpower Law," which was passed in 2003, as an action taken by an employer to prevent workers or labor from performing work in whole or in part. Companies like hospitals, clean water network services, telecommunication control centers, electricity supply centers, oil and gas processing, and trains that serve public interests are prohibited from closing (locking out) their operations (Melberg et al., 2019). Actions to close the company (lockout) must be carried out following applicable legal provisions. Entrepreneurs who plan to complete their companies must notify workers/laborers and trade unions/labor unions in writing and the local agency responsible for staffing affairs at least 7 (seven) working days before the lockout is implemented. The notification shall contain at least the following (Pavlovic et al., 2014) time (day, date, and time) starting and ending the company closing (lockout); and reasons and reasons for closing the company (lockout).

Workers/laborers or trade unions/labor unions and agencies responsible for workforce affairs that directly receive notifications of company closure (lockout) must provide proof of receipt by stating the day, date, and time of receipt of the information. By meeting and negotiating with the disputing parties before and during the lockout, the workforce affairs agency had the authority to resolve the issues that led to the lockout immediately (DeMitchell, 2020). Let's say that the disputing parties reach an agreement through negotiations. The parties, in that case, must sign a collective agreement with a witness, an agency worker in charge of the workforce. Let's say that the disputing parties need help to reach an agreement during their negotiations. In that case, the worker from the agency in charge of workforce affairs will immediately hand over the issue that caused the lockout to the institution to settle disputes in industrial relations.

### **Conclusion**

We can finally conclude the last results to understand the policies and laws of closing bar Hollywings in areas where information is increasingly accessible and transparent and public trust in every step of state policy. Through various sources of literature review on documents from several newspapers and legal detectors, we have discussed at length the above issues. In this study, among other things, we have found that the government's policies and regulations on closing Holywings goods are based on Hollywood governance which uses rules and business license documents. Then because of their mistake, they made a sensitive promotion mistake against the free promotion of an Islamic religious figure named Muhammad and the first Christian religious figure, Maria. The promo action has created an

uproar across the media and information stability. That too, we get a state limitation related to the Law. Every issue that makes this commotion must receive serious attention from the government by prioritizing laws and policies that are pro-votes if I and human rights need attention from the Law.

So the closing event of the Holywings bar wants to be a lesson for other companies where the government has acted following our rules and characteristics of pressure from the public that Holywings has violated the rules in business licenses and operations. In an era where information is increasingly flowing, there are many things related to Holywings which, on the one hand, are considered too exaggerated to think that this promotion contains racist elements provoking the public. Certain government songs have their policies to stop any business that makes mistakes so that the government can control conditions by pressing regulations and policies. At the end of the year, we do not have bread; what about the era of information disclosure, where all parties will be parties who will control the flow of information related to issues that make society unbalanced in the statement?

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