



## Legal Pluralism in Alcohol Regulation in Banyumas Regency: Interactions Between State Law, Islamic Norms, and Customary Practices

Pluralisme Hukum dalam Regulasi Alkohol di Kabupaten Banyumas: Interaksi antara Hukum Negara, Norma Islam, dan Praktik Adat

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### Abstract

Alcohol regulation in Indonesia is shaped by a plural legal system in which state law, Islamic norms, and customary traditions coexist and influence one another. In Banyumas Regency, this plurality becomes evident through formal legal instruments such as Regional Regulation Number 3 of 2022 and Regent Regulation Number 12 of 2023, which prohibit the distribution and sale of alcoholic beverages. At the same time, local traditions continue to persist in some rural communities as forms of cultural expression, particularly the production and consumption of *ciu*, a traditional alcoholic beverage made from fermented brown sugar and cassava. This study employs a normative-sociolegal method, combining doctrinal analysis of legal texts with contextual interpretation of Islamic legal principles and ethnographic insight into customary practices. The research explores how these overlapping normative systems interact, reinforce, or contradict each other in shaping public attitudes and law enforcement practices. The findings reveal that while formal law and Islamic ethics tend to align in prohibiting alcohol, customary norms may offer more nuanced justifications rooted in identity and solidarity. The paper concludes that effective alcohol regulation in plural settings requires culturally sensitive, participatory, and differentiated policy approaches that respect both moral values and local traditions.

**Keywords:** legal pluralism, alcohol regulation, state law, Islamic law, Banyumas

### Abstrak

Pengaturan minuman beralkohol di Indonesia dibentuk oleh sistem hukum yang plural, di mana hukum negara, norma Islam, dan tradisi adat hidup berdampingan serta saling memengaruhi. Di Kabupaten Banyumas, pluralitas tersebut tampak melalui instrumen hukum formal seperti Peraturan Daerah Kabupaten Banyumas Nomor 3 Tahun 2022 dan Peraturan Bupati Banyumas Nomor 12 Tahun 2023 yang melarang peredaran dan penjualan minuman beralkohol. Pada saat yang sama, tradisi lokal terus bertahan di beberapa komunitas pedesaan sebagai bentuk ekspresi budaya, khususnya pembuatan dan konsumsi *ciu*, yaitu minuman beralkohol tradisional yang

terbuat dari fermentasi gula merah dan singkong. Penelitian ini menggunakan metode normatif-sosiolegal dengan mengombinasikan analisis doktrinal terhadap peraturan perundang-undangan, penafsiran kontekstual terhadap prinsip-prinsip hukum Islam, serta kajian etnografis mengenai praktik-praktik adat. Penelitian ini mengkaji bagaimana sistem-sistem normatif yang saling bertumpang tindih tersebut berinteraksi, saling menguatkan, atau justru saling bertentangan dalam membentuk sikap masyarakat dan praktik penegakan hukum. Hasil penelitian menunjukkan bahwa meskipun hukum positif dan etika Islam pada umumnya sejalan dalam melarang minuman beralkohol, norma-norma adat dapat memberikan justifikasi yang lebih bernuansa berdasarkan identitas budaya dan solidaritas sosial. Artikel ini menyimpulkan bahwa pengaturan minuman beralkohol dalam masyarakat yang plural memerlukan pendekatan kebijakan yang peka terhadap konteks budaya, partisipatif, dan terdiferensiasi, sehingga mampu menghormati nilai-nilai moral sekaligus mengakomodasi tradisi lokal.

**Kata Kunci:** pluralisme hukum, pengaturan minuman beralkohol, hukum negara, hukum Islam, Banyumas

## 1. INTRODUCTION

The regulation of alcoholic beverages in Indonesia presents a complex legal and sociocultural landscape shaped by the interaction among formal state law, religious injunctions primarily derived from Islamic teachings, and local customary norms. This intersection is particularly pronounced in regions like Banyumas Regency, Central Java, where diverse legal traditions coexist and interact within the framework of decentralized governance. As part of the national legal structure, local governments have the authority to issue regional regulations (*Peraturan Daerah*) that reflect the specific moral, religious, and social values of their constituencies. Consequently, the control and supervision of alcoholic beverages in Banyumas is governed not only by national legislation but also by a set of local rules and administrative practices rooted in both formal legal authority and deeply embedded socio-religious norms (Mubarok, 2024).

Banyumas Regency currently enforces Regional Regulation (*Peraturan Daerah* or *Perda*) Number 3 of 2022, which amends the earlier Regional Regulation Number 15 of 2014 on the Control, Supervision, and Order of the Distribution of Alcoholic Beverages. Complementing this is the Regent Regulation (*Peraturan Bupati* or *Perbup*) Number 12 of 2023, which outlines the requirements and procedures for issuing permits, retailer certificates, and direct seller licenses for Class B and C alcoholic beverages. These legal instruments aim to regulate the circulation of alcohol by restricting access, controlling points of sale, and imposing sanctions on unauthorized distributors or consumers. Yet, despite these regulatory efforts, alcohol-related violations continue to surface, raising questions about the effectiveness and legitimacy of such rules, particularly in communities where traditional tolerance toward certain forms of alcohol use, such as the consumption of *tuak* or *ciu*, still persists (Sibuea, 2016).

This condition brings into sharp focus the concept of legal pluralism, a theoretical framework that recognizes the coexistence of multiple normative orders within a single political entity. In Banyumas, formal state law intersects with Islamic legal principles, which categorically prohibit the consumption and sale of intoxicants (*khamr*), as well as with Javanese customary norms, some of which have historically tolerated or incorporated alcohol consumption into rituals under specific cultural circumstances. The dynamic and at times conflicting interaction among these legal orders creates a landscape where compliance, enforcement, and legitimacy are continuously negotiated between various actors, including local government officials, religious authorities, *adat* (customary) leaders, and community members (Syafaq et al., 2025).

The Islamic perspective on alcohol is unequivocal. The Islamic teaching prohibits the production, distribution, and consumption of alcoholic substances, as they are considered harmful to both the individual and the collective moral fabric of society. This prohibition has

been institutionalized in the form of fatwas, community campaigns, and moral guidance disseminated by Islamic organizations such as Nahdlatul Ulama (NU), Muhammadiyah, and the Indonesian Ulema Council (MUI). These religious bodies play a significant role in shaping local attitudes and responses toward alcohol consumption, often exerting pressure on local authorities to adopt stricter regulations or to conduct raids and public shaming of violators (Rahmatiah et al., 2022).

On the other hand, Javanese customary norms, particularly among older generations or in rural and semi-rural communities, may display a more nuanced or pragmatic approach. Traditional fermented drinks like *tuak* or *ciu* have long been part of community rituals and social gatherings, where their use is perceived less as moral deviance and more as cultural expression. While such practices have declined due to modernization and religious revivalism, their remnants still influence how communities perceive state-imposed alcohol bans. In some cases, this has led to tension between enforcement agencies and community members who view certain local practices as benign or culturally justified (Wicaksono et al., 2025).

From a socio-legal perspective, this tension is not merely a matter of legal compliance but reflects broader issues of normative legitimacy and legal consciousness. State law, though formally binding, does not always resonate with the lived realities of local communities, especially when its prescriptions contradict ingrained cultural practices or religious interpretations. This dissonance can result in selective compliance, covert resistance, or even outright defiance, as seen in cases where communities covertly produce and distribute traditional alcoholic beverages despite the existence of formal prohibitions. Furthermore, the role of enforcement agencies, such as the Civil Service Police Unit (*Satpol PP*), is often perceived ambivalently, either as maintaining public order or as enforcing moral standards, depending on the local social and religious context. (Andriyan, 2019)

This study analyzes the regulation of alcohol consumption and distribution in Banyumas Regency through the framework of legal pluralism by examining how state law, Islamic norms, and local customary practices simultaneously operate and interact within a shared socio-legal environment. It explores the extent to which regional legal regulations align with or diverge from Islamic and customary normative systems and investigates how communities negotiate these overlapping legal orders through strategies of compliance, adaptation, and resistance. By doing so, the study highlights the broader implications of these interactions for the legitimacy and effectiveness of alcohol regulation in a religiously sensitive and culturally diverse context. It contributes to the scholarship on legal pluralism in Indonesia by illuminating sociological dimensions of legal compliance and offering a critical assessment of how regional alcohol regulations are constructed, implemented, and contested, thereby providing insights relevant for policymakers, scholars, and legal practitioners seeking culturally responsive regulatory approaches (Muin & Mubarak, 2024).

## 2. RESEARCH METHODS

This study adopts a qualitative sociolegal approach to explore the interaction of state law, Islamic norms, and customary traditions in alcohol regulation in Banyumas Regency. Primary data were obtained through field observations, informal interviews with community members, religious leaders, and local enforcement officials, as well as documentation of local practices involving traditional liquor (*ciu*). These were supplemented by secondary data drawn from statutory texts, such as Regional Regulation Number 3 of 2022 and Regent Regulation Number 12 of 2023, as well as relevant Islamic legal texts, fatwas, academic literature, and media reports.

Legal analysis was conducted to interpret the formal framework governing alcohol control, while thematic analysis was applied to qualitative data to identify patterns of normative tension, compliance, and adaptation among stakeholders. The study also employed a legal pluralism framework to assess how overlapping legal systems influence public perception,

enforcement practices, and the legitimacy of law. Through triangulation of sources, the study ensures credibility and contextual accuracy, aiming to present a comprehensive understanding of how alcohol regulation is negotiated within a plural legal and socio-cultural environment.

### 3. RESULTS AND DISCUSSION

#### 3.1 Theoretical Framework: Legal Pluralism in Indonesia

Legal pluralism refers to the coexistence of multiple legal systems or normative orders within a single social field. This concept challenges the classical legal positivist assumption that the state is the sole source of law, asserting instead that law can emerge from various social institutions, including religion, custom, and community-based authority. In the Indonesian context, legal pluralism is not merely an academic theory but a lived reality. It is reflected in the everyday experiences of individuals and communities as they navigate multiple and overlapping systems of law, including state legislation, Islamic law, and customary (*adat*) law, each of which operates according to its own logic, sources of authority, and mechanisms of enforcement (T. R. P. Lestari, 2019).

Scholars distinguish between two major forms of legal pluralism: classical legal pluralism and new legal pluralism. Classical legal pluralism typically refers to the coexistence of multiple legal systems within colonial or post-colonial state structures, where indigenous or religious legal traditions are acknowledged by the state but subordinated to its legal authority. This model is evident in the Dutch colonial administration of the Dutch East Indies, which recognized *adat* law and Islamic law as applicable to native populations, while maintaining European law for colonists and commercial transactions. The result was a system of legal stratification based on ethnicity and religion (Djawas et al., 2025).

In contrast, new legal pluralism, developed by anthropologists and socio-legal scholars in the late 20th century, moves beyond state-centered paradigms. It emphasizes the informal, decentralized, and socially embedded nature of legal norms. According to Sally Falk Moore's influential formulation of the "semi-autonomous social field," law is generated and maintained not only by state institutions but also by social groups that possess the capacity to make rules, enforce them, and resolve disputes independently. From this perspective, law is plural not only in the sense of multiple formal systems but also in terms of lived normative orders that shape behavior and social expectations (Davies, 2024).

Indonesia provides a compelling case study of both classical and new legal pluralism. Historically, the Dutch colonial regime institutionalized legal pluralism through its *Indische Staatsregeling* (IS), which formally recognized Islamic law in matters of family and inheritance for Muslims and *adat* law for indigenous communities. This colonial legal architecture was preserved, in modified form, after independence. Article 29(1) of the 1945 Constitution, which affirms the state's foundation upon belief in the One and Almighty God, implicitly accommodates religious law, particularly Islam. Moreover, Law No. 1 of 1974 on Marriage and the compilation of Islamic law (*Kompilasi Hukum Islam*) institutionalized aspects of Sharia within Indonesia's national legal system, especially in matters of family law (Djawas et al., 2025).

At the same time, *adat* law has continued to function as a source of local norms and dispute resolution, particularly in rural areas. Following the fall of Suharto's New Order regime in 1998 and the subsequent wave of decentralization reforms, regional autonomy allowed local governments to reassert *adat* and religious norms in governance. This gave rise to a wide array of local regulations (*Perda*) that reflect Islamic moral teachings, particularly concerning gambling, dress codes, sexual conduct, and the consumption of alcoholic beverages. The phenomenon of "*Perda Syariah*" illustrates how regional governments often adopt religiously-inspired laws as part of their regulatory frameworks, thereby deepening the pluralistic nature of Indonesia's legal system (Andriyan, 2019).

Banyumas Regency, located in Central Java, offers a microcosm of this plural legal environment. The area is predominantly Muslim, culturally influenced by Javanese traditions, and governed by state law at both the national and regional levels. The regional government has issued regulations that reflect a moralistic approach to alcohol regulation, including Regional Regulation (*Perda*) No. 3 of 2022 and Regent Regulation (*Perbup*) No. 12 of 2023. These rules are not merely technical administrative instruments but are embedded within broader moral narratives influenced by Islamic teachings and community norms. Thus, the governance of alcohol in Banyumas is shaped by what John Griffiths termed a “normative kaleidoscope,” in which law consists of overlapping, sometimes competing, systems of meaning and authority.

Griffiths, a key proponent of legal pluralism, criticized the idea of law as a unified, coherent system imposed from above. He argued that law is inherently plural and decentralized, particularly in societies with strong religious and customary traditions. In this framework, the law is not only what is written in statutes or decided in courts but also what is practiced, enforced, and internalized within communities (Davies, 2024). For example, in Banyumas, Islamic organizations such as the Indonesian Ulema Council (MUI), Nahdlatul Ulama (NU), and Muhammadiyah issue moral guidance and exert social pressure to discourage alcohol consumption, even if the formal legal sanctions for such behavior are limited or inconsistently enforced (Yuswanto et al., 2025).

The pluralistic nature of law also becomes apparent in the practices of informal dispute resolution. In many parts of Indonesia, including Banyumas, community-based mechanisms such as *musyawarah* (deliberation) and *mediasi desa* (village mediation) are used to resolve conflicts, including those related to alcohol consumption, without resorting to formal judicial processes. These mechanisms often draw on a combination of religious, customary, and pragmatic norms that coexist with, and at times conflict with, state law. For instance, a village elder may admonish a youth for public intoxication not by citing *Perda* but by appealing to Islamic values or local customs about respectability and social harmony (Kokotiasa, 2023).

Legal pluralism also invites reflection on the question of legitimacy. Max Weber famously distinguished between legal-rational, traditional, and charismatic authority, suggesting that the legitimacy of legal norms depends not only on their formal enactment but also on their acceptance and recognition by the governed. In Banyumas, the legitimacy of alcohol regulation depends not only on its legal enforceability but also on its moral resonance within the community. Where state law aligns with religious and customary norms, enforcement may be smooth and widely accepted. When these normative systems conflict, as in cases where traditional tolerance for the consumption of *tuak* or *ciu* persists despite formal legal prohibitions, tensions and resistance may arise. This underscores the need to understand law not just as a set of rules but as a social institution embedded in cultural and moral life (Rahmatiah et al., 2022).

In this theoretical framework, the regulation of alcohol in Banyumas becomes a site of legal contestation and normative negotiation. The coexistence of state law, Islamic moral codes, and Javanese customary practices constitutes a form of contemporary legal pluralism, in which different systems of norms vie for authority, legitimacy, and compliance. While the state may seek to impose uniform legal standards, communities interpret, adapt, or resist these norms in ways that reflect their own moral worldviews and socio-cultural experiences. Legal pluralism, therefore, provides a powerful analytical lens for understanding the complexities of alcohol regulation in Banyumas and, more broadly, the dynamics of governance in pluralistic societies (Syafaq et al., 2025).

### 3.2 State Law And Regulation of Alcohol in Banyumas

The Indonesian legal system regulates the production, distribution, and consumption of alcoholic beverages through a combination of national legislation and regional regulations.

These laws aim to address concerns about public morality, public health, security, and social order. In the context of Banyumas Regency, the state's regulatory framework reflects a complex balancing act between enforcing national standards and responding to local religious and cultural sensibilities. This section outlines the hierarchical legal structure governing alcohol regulation in Indonesia, with particular emphasis on the formal rules and enforcement mechanisms applicable within Banyumas.

At the national level, Indonesia does not criminalize the mere consumption of alcoholic beverages for all citizens, but rather regulates their distribution and sale. The relevant instruments include the Indonesian Criminal Code (KUHP), Law No. 18 of 2012 on Food, and Ministerial regulations, particularly Regulation of the Minister of Trade No. 20/M-DAG/PER/4/2014 concerning the Control and Supervision of the Distribution of Alcoholic Beverages. These laws categorize alcoholic beverages into classes A ( $\leq 5\%$  alcohol content), B (5–20%), and C (20–55%) and set forth guidelines regarding importation, distribution, packaging, and labelling (Wicaksono et al., 2025).

Although national laws provide a framework for alcohol regulation, they delegate significant authority to regional governments to impose further restrictions based on public interest, morality, and religious values. This delegation of authority is grounded in Law No. 23 of 2014 on Regional Government, which empowers provincial and regency governments to enact Regional Regulations (*Peraturan Daerah* or *Perda*) tailored to local needs. Consequently, the practical regulation of alcohol is increasingly shaped by local norms, particularly in regions with strong Islamic influence or heightened concerns over public morality (Pribadi, 2017).

Banyumas Regency has developed its own legal framework to regulate alcohol through a series of regional legal products. The central instruments include:

1. Regional Regulation (*Perda*) Number 3 of 2022 concerning Amendments to Regional Regulation Number 15 of 2014 on the Control, Supervision, and Order of the Distribution of Alcoholic Beverages; and
2. Regent Regulation (*Perbup*) Number 12 of 2023 concerning Requirements and Procedures for Issuing Alcoholic Beverage Sales Location Permits, Retailer Certificates, and Direct Seller Certificates for Class B and C Alcoholic Beverages.

Regional Regulation (*Perda*) No. 3 of 2022 serves as the core legal document regulating alcohol in Banyumas. Its provisions articulate clear prohibitions on unauthorized production, storage, and distribution of alcoholic beverages. It also mandates licensing and supervision mechanisms to ensure that any authorized distribution adheres to specific conditions, including geographical restrictions and zoning considerations. The regulation provides for criminal and administrative sanctions, such as fines, revocation of licenses, and confiscation of goods, for violations of its terms.

The accompanying Regent Regulation (*Perbup*) No. 12 of 2023 functions as a technical instrument to implement the broader policy objectives of the *Perda*. It details the procedural requirements for obtaining permits to sell or distribute Class B and C alcoholic beverages, including the submission of business documents, location feasibility studies, and the fulfillment of community approval. This regulation reinforces the principle that alcoholic beverage sales must be strictly controlled and limited to designated areas, often far from educational institutions, religious facilities, or densely populated residential zones.

Together, these regional instruments reflect the local government's effort to regulate alcohol not only from an economic standpoint but also from a moral and social perspective. The rationale behind these regulations is explicitly moralistic: to maintain public order, uphold religious and cultural values, and prevent social disturbances attributed to alcohol abuse, such as violence, domestic conflict, and youth delinquency (Yuswanto et al., 2025).

Enforcement of alcohol regulations in Banyumas falls primarily under the authority of the Civil Service Police Unit (*Satpol PP*), in coordination with the police and health agencies. *Satpol PP* conducts routine inspections and sudden raids (*razia mendadak*) to uncover

unauthorized alcohol sales, particularly in kiosks, cafes, or community events. Confiscated items are typically reported, destroyed in public demonstrations, and followed by administrative sanctions against perpetrators (Satyo, 2017).

Law enforcement in Banyumas also includes social and religious dimensions. In some cases, religious organizations and neighborhood groups (*RT/RW*) play a semi-formal role in reporting violations or mobilizing community pressure against alcohol distributors. This creates an informal surveillance network that supplements the formal administrative apparatus. However, it also raises concerns about selective enforcement, stigmatization, and the marginalization of informal economic actors who rely on traditional alcohol production for livelihood (Andriyan, 2019).

Despite the strength of the formal legal apparatus, enforcement remains uneven. Various factors, including limited personnel, overlapping or unclear jurisdiction between regional and national authorities, and socioeconomic considerations, contribute to the inconsistent application of the law. In rural areas where traditional alcoholic beverages like *tuak* or *ciu* are culturally embedded, enforcement may be lax, negotiated, or informally resolved without legal recourse.

It is important to note that the regulation of alcohol in Banyumas is not merely an administrative policy but a manifestation of moral governance, whereby the state undertakes the task of regulating citizen behavior in line with prevailing religious and cultural values. In this regard, alcohol regulation functions as a form of symbolic law, reinforcing moral boundaries and signaling the state's alignment with Islamic ethical standards. This is particularly evident in public discourses, media coverage, and political speeches that frame alcohol not just as a commodity but as a moral threat to communal order (Andriyan, 2019).

Such framing is influenced by the pressure of Islamic organizations and moral entrepreneurs who view alcohol as incompatible with the values of *masyarakat agamis* (religious society). The public destruction of confiscated alcohol, for instance, serves both punitive and symbolic functions by demonstrating the state's commitment to maintaining moral order and responding to the concerns of religious constituencies (Andriyan, 2019).

Despite the comprehensive nature of regional regulations, several challenges persist. First, there is often a lack of clarity regarding the boundaries between regulated and prohibited activities, especially concerning traditional or home-brewed alcoholic beverages. Second, the bureaucratic burden and high compliance costs associated with permit acquisition can push small-scale vendors into the informal economy, making enforcement more difficult. Third, the moral framing of alcohol regulation can lead to discriminatory practices, particularly toward marginalized groups who lack the social capital to negotiate with authorities (Sibuea, 2016).

Moreover, the intersection between regional law and national economic policies sometimes creates tension. While local governments seek to restrict alcohol distribution in order to preserve moral values, national policies, particularly those promoting tourism and investment, may adopt a more permissive approach. This regulatory dissonance is yet another expression of legal pluralism in practice, where overlapping norms and institutional mandates must be reconciled in the realm of governance.

### 3.3 Islamic Legal Norms on Alcohol Consumption

The prohibition of alcoholic beverages in Islam is one of the most widely recognized and consistently enforced moral imperatives in Islamic jurisprudence. Rooted in explicit Qur'anic injunctions and reinforced through prophetic traditions and juristic consensus, the ban on intoxicants (*khamr*) reflects Islam's broader ethical framework, which seeks to promote human dignity, mental clarity, social order, and spiritual discipline. In the context of Banyumas Regency, where the majority of the population identifies as Muslim and religious organizations exert significant moral and cultural influence, Islamic legal norms profoundly shape both formal and informal attitudes toward alcohol. This section explores the theological foundations

of alcohol prohibition in Islam, the mechanisms of normative enforcement by Islamic actors, and the ways these norms interact with or influence local regulatory regimes (Lomban, 2014).

Islamic law (*Sharia*) derives its authority primarily from the Qur'an, the Hadith (sayings and practices of the Prophet Muhammad), *ijma'* (consensus of jurists), and *qiyas* (analogical reasoning). The prohibition of alcohol is firmly established through a series of Qur'anic verses that gradually intensified in their condemnation of intoxicants. The initial verses, such as Surah al-Baqarah (2:219), acknowledge both the harms and benefits of wine, but emphasize that its harms outweigh its benefits. A later verse in Surah an-Nisa (4:43) prohibits prayer while intoxicated, suggesting a growing concern with the moral and ritual implications of alcohol use. The final and most decisive verse, Surah al-Ma'idah (5:90-91), categorically declares: "O you who believe! Intoxicants, gambling, (sacrificing to) stones, and divination by arrows are an abomination of Satan's handiwork. Avoid them that you may succeed" (Ramadhani & Mahomed, 2026).

This command is understood by classical jurists as a clear and binding prohibition (*haram*) of all intoxicants, not merely wine. The Hadith literature supplements this directive with numerous narrations in which the Prophet Muhammad condemns the consumption, production, sale, and even indirect association with alcohol. For example, a famous Hadith in *Sunan Abi Dawud* and *Jami' at-Tirmidhi* states: "Allah has cursed wine, the one who drinks it, the one who serves it, the one who sells it, the one who buys it, the one who presses it, the one for whom it is pressed, the one who carries it, and the one to whom it is carried." This expansive approach to prohibition reflects Islam's concern not only with individual sin but with the broader societal consequences of alcohol consumption, such as violence, negligence, immorality, and disruption of social harmony (Sholikhah, 2020).

Islamic jurists have debated certain technical issues, including whether the prohibition applies to all intoxicating substances or only to those derived from grapes. However, the prevailing view among Sunni schools of law is that *khamr* encompasses all intoxicating substances, regardless of their source or form. Consequently, the general rule (*qa'ida fihiyyah*) that "whatever intoxicates in large amounts is prohibited in small amounts" (*ma askara kathiruhu faqoliluhu haram*) is widely cited in modern Islamic legal reasoning (Basri, 2025).

In Indonesia, the formal legal system does not apply Islamic criminal law to general society outside the Aceh province. However, Islamic norms regarding alcohol still exert significant influence through religious institutions, community organizations, and moral advocacy networks. In Banyumas, major Islamic organizations such as *Nahdlatul Ulama* (NU), *Muhammadiyah*, and the *Indonesian Ulema Council* (MUI) play a crucial role in promoting and enforcing Islamic moral norms related to alcohol consumption (Djawas et al., 2025).

These organizations issue fatwas, sermons (*khutbah*), community lectures (*pengajian*), and educational materials that frame alcohol not only as a sin but also as a threat to personal health, family well-being, and societal integrity. For instance, the MUI has issued national fatwas prohibiting the sale and consumption of alcoholic beverages, while NU and Muhammadiyah often incorporate anti-alcohol messages into their youth outreach and social campaigns. These moral narratives reinforce communal expectations and stigmatize alcohol use, particularly among devout Muslim communities (Ramadhani & Mahomed, 2026).

Religious leaders (*kyai*, *ustadz*) and preachers (*da'i*) serve as moral authorities who shape individual behavior and community norms. Their endorsements or condemnations can significantly affect the social acceptability of certain practices. In many cases, their influence extends beyond the mosque or pesantren into political spaces, where they may lobby for stricter enforcement of alcohol regulations or support local leaders who promote Islamic values in governance (Purwono et al., 2022). The alignment between religious discourse and regional policies, such as Regional Regulation No. 3 of 2022, creates a mutually reinforcing framework in which formal law and Islamic ethical principles support one another.

In addition to formal religious institutions, Islamic norms are enforced through informal community mechanisms that serve to regulate behavior in everyday life. Neighborhood groups (*RT/RW*), family elders, and youth organizations such as *Remaja Masjid* (mosque youth groups) often act as moral watchdogs, intervening when they perceive violations of Islamic norms. These groups may impose social sanctions, including gossip, exclusion from religious activities, or moral counseling, on individuals suspected of consuming or selling alcohol.

In some cases, community-based organizations cooperate with law enforcement, either by reporting violations or participating in public campaigns. For example, mosque committees may post signs prohibiting alcohol near religious sites, and pesantren students may participate in awareness drives to educate youth about the dangers of alcohol. This creates a robust, if sometimes intrusive, moral infrastructure that seeks to prevent alcohol consumption through a combination of religious duty and communal pressure.

Despite the strength of Islamic legal norms in Banyumas, tensions occasionally arise between religious ideals and local socio-economic realities. Traditional alcoholic beverages such as *tuak* or *ciu*, although prohibited in Islamic law, have historically been embedded in certain local customs, especially in rural or agricultural communities. While many of these practices have declined due to religious reform and modernization, remnants persist and sometimes provoke conflict between religious authorities and local populations who view such practices as culturally tolerable or economically necessary (A. Lestari, 2019).

Moreover, debates persist within Islamic discourse itself about the appropriate methods of enforcing moral behavior. While most religious leaders emphasize *dakwah* (moral persuasion) and *islah* (reform through advice), others advocate for more direct action, including collaboration with law enforcement to raid illicit alcohol vendors or publicly shame violators. This divergence reflects a broader debate in Islamic ethics between coercive and non-coercive forms of moral governance, a tension that surfaces when religious norms are enacted through state mechanisms.

Islamic legal norms have had a visible impact on public policy in Banyumas, particularly in the formulation and justification of regional regulations on alcohol. Public hearings and legislative debates surrounding Perda No. 3 of 2022 often included input from Islamic organizations and were influenced by the desire to align public law with religious morality. In political campaigns, candidates frequently reference Islamic values as part of their platform, and support for stricter alcohol regulation is often framed as a defense of *akhlakul karimah* (noble character) and *maslahat umat* (public good for the Muslim community) (Redaktur, 2019).

Thus, Islamic legal norms function not only as private moral injunctions but also as sources of public legal reasoning and political legitimacy. They provide the ethical vocabulary through which alcohol regulation is justified, contested, and interpreted by both state and non-state actors (Rahmatiah et al., 2022).

### 3.4 Local Customary (Adat) Perspectives on Alcohol

While formal state law and Islamic norms strongly prohibit the consumption and distribution of alcoholic beverages, the regulatory landscape in Banyumas cannot be fully understood without considering the enduring influence of local customs and traditions (*adat*). In this context, *adat* serves not only as a repository of cultural identity but also as a source of normative authority that often coexists with, complements, or at times contradicts state and religious norms. One of the most prominent examples of this normative plurality in Banyumas is the traditional practice of producing and consuming *ciu*, a locally brewed alcoholic beverage with deep cultural roots in the region (Priyadi, 2007).

*Ciu* is a traditional liquor commonly produced in certain villages in Banyumas, especially in areas with strong artisanal brewing traditions. It is made through the fermentation and distillation of locally available ingredients such as brown sugar (*gula kelapa*), cassava tape

(fermented cassava), and water. The resulting beverage is highly alcoholic and clear in color, often resembling Western spirits in strength, though not in manufacturing process or regulation. Despite its intoxicating effects, *ciu* has historically occupied a distinctive place in local culture, serving not merely as an alcoholic beverage but also as a symbol of solidarity, hospitality, and communal identity.

In many Javanese communities within Banyumas, *ciu* was customarily served at social gatherings, agricultural celebrations, or life-cycle rituals such as births, marriages, and harvests. It functioned as a communal offering, an expression of togetherness, and sometimes even a form of informal diplomacy among male elders or neighboring villages. Although often consumed in moderation, its symbolic value as a marker of cultural heritage and rural autonomy was significant. For older generations, the practice of brewing and consuming *ciu* was not necessarily associated with moral delinquency, but rather seen as a customary practice rooted in pre-Islamic and syncretic traditions (Yuswanto et al., 2025).

The persistence of *ciu*-related practices in Banyumas underscores the pluralistic character of local legal consciousness. While Islamic and state norms categorically define alcohol as *haram* or illegal, customary perspectives may regard its use as context-dependent, culturally justified, and even necessary for maintaining social cohesion. This divergence creates a normative space in which local actors must negotiate competing expectations: compliance with formal regulation on the one hand, and allegiance to inherited customs on the other (Alfianti, 2018).

Adat leaders (*sesepuh adat*) and village elders have historically played a pivotal role in mediating these tensions. In some communities, they act as cultural custodians who defend the legitimacy of traditional practices such as *ciu*-making, particularly when they are tied to local economies and artisanal knowledge. These leaders may argue that the purpose of *ciu* is not necessarily intoxication, but rather cultural preservation and community bonding. In their view, the criminalization of *ciu* production without distinction between commercial exploitation and traditional use amounts to an erosion of cultural heritage (Priyadi, 2007).

Nonetheless, this customary tolerance has come under increasing scrutiny in recent years. With the rise of Islamic revivalism, stricter enforcement of regional regulations, and growing concerns over health and youth exposure, the public perception of *ciu* has shifted. What was once tolerated as cultural expression is now often regarded as a moral threat or a legal offense. Public raids on *ciu* production facilities, the destruction of distillation equipment, and the arrest of brewers, many of whom operate on a small scale and have limited alternative sources of income, illustrate the growing tension between formal law and local tradition (Alfianti, 2018).

In response, some communities have sought to recontextualize *ciu* as part of intangible cultural heritage, advocating for its recognition as a form of traditional knowledge. This has led to proposals for regulated, non-commercial production of traditional liquors for ceremonial use, though such proposals remain controversial. The dilemma is emblematic of broader questions in legal pluralism: How can the state regulate behavior in a way that respects local culture without undermining national law and public health? Can traditional practices be selectively preserved without legitimizing behavior deemed harmful by prevailing legal and religious norms?

Moreover, enforcement of alcohol laws in customary settings often raises questions of proportionality and discrimination. Small-scale *ciu* producers are frequently targeted by enforcement actions, while larger commercial operations in urban centers may evade similar scrutiny due to legal permits or political connections. This discrepancy reinforces perceptions of legal inequality and may deepen mistrust between local communities and state authorities (Yuswanto et al., 2025).

Importantly, the cultural narrative surrounding *ciu* illustrates how law is not merely a formal institution, but also a cultural and moral system embedded in everyday life. The decline of *ciu* as a widely accepted cultural practice reflects broader shifts in legal consciousness,

identity, and intergenerational values. While younger, urbanized Muslims in Banyumas may increasingly align with Islamic prohibitions, older villagers may continue to regard traditional brewing as part of their ancestral heritage (Andriyan, 2019).

In this way, the case of *ciu* offers a rich site for examining the tensions, accommodations, and contestations that characterize legal pluralism in practice. It reveals the nuanced ways in which law operates through negotiation between state authority, religious morality, and customary legitimacy. Rather than a static or hierarchical arrangement, these normative systems engage in continuous interaction, producing outcomes that are contingent, contextual, and often ambivalent.

### 3.5 Interactions and Tensions Among Legal Orders

The regulation of alcoholic beverages in Banyumas Regency illustrates a dynamic and, at times, contentious interaction between three distinct normative systems: state law, Islamic legal norms, and local customary (*adat*) traditions. Rather than functioning in isolation, these legal orders intersect and overlap within the same social and regulatory space, shaping how alcohol is understood, accepted, resisted, or sanctioned. In this context, legal pluralism is not merely a descriptive framework but a lived reality that shapes behavior, law enforcement, and perceptions of legitimacy. This section analyzes the points of convergence, contradiction, and negotiation between these legal systems, and how these interactions manifest in everyday governance and community life.

#### 3.5.1 Zones of Convergence and Mutual Reinforcement

In certain instances, state law and Islamic norms align in their condemnation of alcohol consumption. This convergence is particularly evident in the moral and regulatory discourse used to justify Regional Regulation (*Perda*) No. 3 of 2022 and Regent Regulation (*Perbup*) No. 12 of 2023. Both are animated by a shared commitment to maintaining public order, safeguarding morality, and minimizing social harm. Public officials frequently invoke Islamic values in their policy rhetoric, while enforcement measures, including raids, license revocations, and the public destruction of alcoholic beverages, are often presented as part of a broader effort to uphold religious and cultural values (Yuswanto et al., 2025).

This synergy is reinforced through the involvement of Islamic organizations in supporting legal enforcement. Local branches of *Nahdlatul Ulama*, *Muhammadiyah*, and the *Indonesian Ulema Council (MUI)* often provide religious legitimacy to state action, mobilize community support for stricter controls, and offer religious education that stigmatizes alcohol use. As such, Islamic actors function as both moral authorities and unofficial enforcers, helping to bridge the normative gap between state directives and social acceptance (Ansori, 2022).

In some cases, customary leaders also align with formal and Islamic norms, especially where *ciu* and other traditional liquors have come to be seen as socially disruptive or economically exploitative. For example, in communities experiencing increased youth alcohol abuse or criminal activity linked to illicit liquor, *adat* leaders may support stricter regulation in the name of communal harmony (*rukun*), even if they historically tolerated moderate alcohol use for ritual or social purposes.

#### 3.5.2 Friction and Contradiction Among Normative Systems

Despite areas of convergence, tensions between legal orders are frequent and significant. One of the most persistent sources of normative friction involves the status of traditional alcohol practices, particularly the production and consumption of *ciu*. While state law treats *ciu* as an unlicensed and illegal substance subject to confiscation and criminal penalties, and Islamic law categorically prohibits it as intoxicating (*muskir*), many local residents still view it as an element of cultural heritage deserving of respect and nuanced treatment.

This normative dissonance often plays out during enforcement operations. Raids by *Satpol PP*, typically justified under the *Perda* framework, are sometimes met with quiet resistance or muted disapproval from villagers who perceive the actions as excessive, arbitrary, or culturally insensitive. Many producers and sellers of *ciu*, particularly those living in economically marginal conditions, maintain that their practices are not primarily commercial but are instead community oriented and rooted in longstanding local traditions. From their perspective, the state's legal approach lacks contextual understanding and imposes an urban-centric moral code on rural livelihoods (Satyo, 2017).

Tensions also arise when Islamic actors are perceived as overstepping their role. For instance, mosque-based youth groups or religious volunteers who engage in surveillance or reporting of suspected alcohol use may be seen as intruding upon private spaces or enforcing religious morality in a coercive manner. This can generate anxiety or alienation among community members who value adat-based tolerance or feel their personal choices are being unfairly scrutinized. In such cases, the overlapping of religious enforcement with state policing creates a blurring of boundaries between spiritual guidance and legal coercion.

### 3.5.3 Community Negotiation and Adaptive Practices

Faced with conflicting normative expectations, many residents of Banyumas engage in negotiated practices that selectively accommodate different legal orders. This is particularly visible in the ways alcohol-related activities are concealed, ritualized, or symbolically reframed. For example, some communities limit *ciu* consumption to private gatherings or restricted ceremonial contexts, avoiding public display or commercial transactions that could attract legal attention. In doing so, they construct a socially negotiated zone that remains outside the formal reach of state law while retaining symbolic ties to *adat* (Yuswanto et al., 2025).

Likewise, religious leaders may exercise discretion and pragmatism in moral enforcement. While publicly upholding Islamic prohibitions, they may refrain from overt condemnation of customary practices if such actions risk fragmenting community unity or alienating older generations. This reflects a localized ethic of tolerance through silence, where normative plurality is not explicitly acknowledged but quietly preserved. State actors, too, occasionally recognize the limits of rigid enforcement. Some enforcement agencies may choose to issue warnings rather than arrests, destroy confiscated products without prosecuting the producers, or focus their attention on commercial-scale violations rather than ceremonial use. These practices reflect an implicit acknowledgment of the complex cultural terrain in which law operates (Satyo, 2017).

### 3.5.4 Political Dynamics and Institutional Ambivalence

The interaction among legal orders is also shaped by local political dynamics. Regional leaders may selectively enforce alcohol regulations to gain favor with religious constituencies or demonstrate administrative control. For example, the public destruction of alcoholic beverages, often conducted in the presence of the media and religious leaders, functions not only as a legal sanction but also as a symbolic expression of moral governance (Andriyan, 2019).

At the same time, political actors may hesitate to fully criminalize traditional practices that remain popular or economically vital in certain areas. This results in institutional ambivalence, where laws are in place but not uniformly enforced, and where discretion is exercised in ways that reinforce power hierarchies or political expediency. Legal pluralism, in this sense, becomes not just a feature of normative diversity but a site of contestation over legitimacy, authority, and community representation (Andriyan, 2019).

### 3.5.5 Implications For Legal Efficacy and Legitimacy

The multiplicity of legal norms regulating alcohol in Banyumas has profound implications for the efficacy and perceived legitimacy of legal interventions. Where formal law aligns with deeply internalized religious or cultural values, compliance is high and enforcement is socially supported. Where formal law contradicts lived experience, customary norms, or economic necessity, compliance is inconsistent and enforcement may breed resentment or informal resistance (Satyo, 2017).

Understanding these dynamics is critical to assessing the effectiveness of alcohol regulation in legally plural contexts. It also challenges law-makers and legal scholars to consider how regulation can be made more culturally responsive, socially embedded, and procedurally inclusive. Rather than viewing conflict among legal orders as a breakdown of law, legal pluralism invites us to recognize these tensions as reflective of complex social negotiations that demand context-sensitive legal and policy responses.

### 3.6 Implication For Legal Harmonization and Policy Development

The complex interaction among state law, Islamic legal norms, and customary practices in Banyumas Regency, particularly in the regulation of alcoholic beverages, demonstrates both the challenges and opportunities associated with governance in a legally plural society. The coexistence of multiple normative systems is not merely a theoretical concern but a lived condition that shapes the effectiveness, legitimacy, and social reception of public policy. In such a context, legal harmonization becomes both a normative aspiration and a practical necessity. This section discusses the implications of these plural legal interactions for efforts to harmonize law and develop responsive, inclusive, and culturally grounded policy frameworks.

#### 3.6.1 Recognizing Normative Diversity in Policy Formulation

The first step toward meaningful legal harmonization is to acknowledge the existence and legitimacy of diverse normative frameworks. Formal regulatory efforts in Banyumas must take into account that legal consciousness among the population is shaped not only by codified law but also by religious teachings and inherited customary values. Policies that ignore this normative diversity are likely to encounter resistance, uneven compliance, or informal circumvention.

In the case of *ciu* and other traditional alcoholic beverages, for instance, enforcement strategies that rely solely on punitive measures without distinguishing between commercial distribution and cultural or ceremonial use may alienate local communities and undermine the cultural legitimacy of the law. A more nuanced regulatory framework would recognize the symbolic and communal role that traditional alcoholic beverages may play, even while seeking to mitigate public health risks and ensure legal clarity (Handayani et al., 2025).

Incorporating deliberative consultation mechanisms with *adat* leaders, religious authorities, and community representatives in the policy-making process is essential. This consultative model ensures that the resulting regulations reflect the lived realities and moral frameworks of the people they govern. In turn, this can enhance compliance by rooting legal norms in community values, rather than imposing them from above.

#### 3.6.2 Integrating Cultural Sensitivity and Moral Legitimacy

Legal harmonization involves not only the alignment of legal texts and institutions but also the establishment of moral legitimacy. In Banyumas, the strong influence of Islamic norms provides a powerful source of moral authority, which the state has frequently drawn upon to justify alcohol regulation. However, this alignment must be balanced with cultural sensitivity to the continued presence of *adat* practices that do not always conform to Islamic legal standards (Andriyan, 2019).

Rather than viewing the issue as a binary conflict between Islamic values and local traditions, policymakers should explore possibilities for moral accommodation by recognizing that both normative systems seek to preserve social cohesion, human dignity, and social order. For example, limited exceptions could be considered for non-commercial, ritual uses of traditional alcohol, provided that such practices are subject to health and safety oversight and remain clearly delineated from illicit trade or public intoxication (Schäfer, 2011).

This approach would not only reflect the plural moral fabric of Banyumas society but would also prevent the marginalization of *adat* communities and their customary practices. A legal system that respects cultural identity while promoting public welfare is more likely to be perceived as legitimate and just.

### 3.6.3 Toward Procedural Justice and Differentiated Enforcement

One of the core challenges in legally plural settings is the potential for uneven or discriminatory enforcement. In Banyumas, it is often small-scale or economically marginalized individuals who bear the brunt of alcohol-related law enforcement, while wealthier actors with better access to permits or political influence may avoid similar scrutiny. This selective enforcement undermines the credibility of the law and reinforces public perceptions of legal inequality.

To address this, legal harmonization must be accompanied by commitments to procedural justice and institutional accountability. This includes transparent permit processes, consistent enforcement protocols, and mechanisms for community grievance and appeal. Differentiated legal responses based on the scale and context of alcohol-related activities should also be introduced, distinguishing between commercial exploitation, public endangerment, and culturally embedded non-commercial use (Sibuea, 2016).

Furthermore, capacity-building for local enforcement officers, including *Satpol PP* and police, is critical. Training should emphasize not only legal compliance but also cultural sensitivity, community engagement, and proportionality in enforcement. This will help bridge the gap between formal regulation and community expectations, thereby promoting a more stable and respectful legal environment (Satyo, 2017).

### 3.6.4 Navigating Religious Authority and Democratic Governance

Another implication of legal pluralism is the delicate negotiation between religious authority and democratic governance. While the involvement of Islamic organizations in moral regulation strengthens public morality campaigns and enhances legitimacy among devout constituencies, it also raises concerns about moral absolutism and the potential for informal coercion.

Policy-makers must navigate these dynamics carefully, ensuring that religious guidance enhances, rather than substitutes, democratic processes. This requires clear institutional boundaries between religious advocacy and state enforcement, and safeguards to protect individual rights, particularly for religious minorities or culturally distinct groups who may interpret norms differently (Syafaq et al., 2025).

At the same time, the state can leverage religious leadership for constructive engagement, encouraging clerics and religious scholars to participate in ethical dialogues, public education campaigns, and community-based regulation. When religious authority is integrated into policy through participatory and transparent mechanisms, it can serve as a unifying moral force rather than an instrument of exclusion.

### 3.6.5 Strategic Recommendations for Legal Harmonization

In light of the above considerations, several strategic recommendations can be proposed to enhance legal harmonization and policy coherence in the regulation of alcohol in Banyumas:

1. Participatory Policy-Making: Involve representatives of *adat*, Islamic organizations, civil society, and affected communities in drafting and revising regional alcohol regulations.
2. Contextualized Enforcement: Develop differentiated legal categories that distinguish between harmful commercial alcohol practices and cultural or ritual uses, supported by appropriate licensing or exemption schemes.
3. Public Education and Dialogue: Promote legal awareness through community forums, religious gatherings, and schools, focusing on both the legal rationale and the moral dimensions of alcohol regulation.
4. Cultural Preservation with Safeguards: Consider recognizing traditional alcohol as part of local heritage under specific conditions, coupled with public health campaigns and harm-reduction strategies.
5. Monitoring and Evaluation: Establish independent bodies or community councils to monitor enforcement, receive complaints, and evaluate the social impact of alcohol regulation.

The integration of these measures would allow Banyumas to move toward a context-responsive, pluralism-aware legal framework, one that honors its religious commitments, respects its cultural traditions, and fulfills its obligations as a modern regulatory state. Rather than treating pluralism as a legal problem, it should be recognized as a constitutional strength that requires careful balancing, inclusive dialogue, and a continuous commitment to achieving justice grounded in both legal and moral principles (Purwono et al., 2022)

#### 4. CONCLUSION

The regulation of alcoholic beverages in Banyumas Regency reflects the dynamics of legal pluralism in Indonesia, where state law, Islamic legal norms, and local customary traditions operate simultaneously within the same socio-legal space. These normative orders interact in complex ways, at times reinforcing one another and at other times generating tension. Formal instruments such as Banyumas Regional Regulation Number 3 of 2022 and Regent Regulation Number 12 of 2023 seek to control alcohol consumption and distribution in line with public order and moral considerations, drawing strong legitimacy from Islamic legal norms that prohibit intoxicants as harmful to individual dignity and communal ethics. At the same time, in several rural areas, the continued production and ritual use of *ciu* demonstrates the persistence of *adat* traditions that remain socially meaningful despite their tension with both religious and statutory frameworks.

This coexistence of normative systems requires governance approaches that move beyond purely punitive enforcement toward harmonization through dialogue, cultural sensitivity, and inclusive policy-making. Regulatory frameworks should distinguish between harmful commercial practices and culturally embedded traditions while ensuring that enforcement remains fair and proportionate. The Banyumas experience illustrates that managing legal pluralism demands a careful balance between respect for local identity, adherence to moral standards, and legal consistency. When pursued thoughtfully, such a balance can transform normative diversity from a source of friction into a foundation for legitimacy, justice, and social cohesion.

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