



IMPLEMENTATION OF REGIONAL REGULATION OF NORTH SUMATRA PROVINCE NUMBER 1 OF 2019 CONCERNING FACILITATION OF PREVENTION OF ABUSE OF NARCOTICS, PSYCHOTROPICS, AND OTHER ADDICTIVE SUBSTANCES FROM THE PERSPECTIVE OF SIYASAH DUSTURIYAH

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ABSTRACT

This study aims to analyze the implementation of North Sumatra Provincial Regulation Number 1 of 2019 concerning the Facilitation of the Prevention of Abuse of Narcotics, Psychotropics, and Other Addictive Substances (NAPZA) from a siyasah dusturiyah perspective. Using a qualitative approach with a combination of normative and empirical juridical, data were obtained through interviews, observations, and a review of legal documents and Islamic literature. The results show that this regulation has substantially emphasized the aspects of prevention, rehabilitation, and empowerment in line with the principles of maqashid al-syari'ah, especially the protection of the mind (hifz al-'aql) and soul (hifz al-nafs). However, the effectiveness of implementation is still low due to budget constraints, minimal rehabilitation facilities, weak coordination between agencies, and low community participation. From a siyasah dusturiyah perspective, this regulation already reflects the state's efforts to realize the public welfare, but has not been optimal in practice. This research emphasizes the need for integrative strategies based on Islamic values, such as collaboration with religious scholars, optimizing zakat funds for rehabilitation, and a humanistic approach to da'wah. Thus, this research contributes to strengthening Sharia-based public policies and offers a more effective and transformative model for implementing regional regulations.

Keywords: Policy Implementation, Regional Regulation No. 1 of 2019, Narcotics, Siyasah Dusturiyah, Maqashid al-Syari'ah

1. INTRODUCTION

The abuse of narcotics, psychotropic drugs, and other addictive substances (NAPZA) is a multidimensional problem with far-reaching impacts on health,

social, economic, cultural, and national security. In Indonesia, drug abuse cases continue to rise, threatening the future of the nation's young generation. According to a report by the National Narcotics Agency (BNN), North Sumatra Province is among the regions with the highest prevalence of drug abuse, with an estimated 1.3 million users, of which approximately 27.32% are school and university students (BNN, 2022). This situation indicates that the productive age group is the primary target of drug trafficking, necessitating comprehensive policies that are not only repressive but also preventative and rehabilitative.

In response, the North Sumatra Provincial Government enacted Regional Regulation (Perda) Number 1 of 2019 concerning Facilitation of the Prevention of the Abuse of Narcotics, Psychotropic Drugs, and Other Addictive Substances. This regulation serves as a legal instrument to regulate strategies for prevention, mitigation, and community empowerment in addressing the dangers of narcotics. Normatively, this regional regulation emphasizes a multi-stakeholder approach involving local governments, law enforcement officials, educational institutions, community organizations, and religious leaders (Rahman, 2021). This approach aligns with the principles of good governance, which emphasize participation, accountability, and collaboration in enforcing public policy (UNDP, 1997).

However, the implementation of this regional regulation in the field faces several obstacles. Some regions still lack socialization and education, particularly in rural areas, which are targets for drug trafficking. Budget constraints, weak inter-agency coordination, and a lack of rehabilitation experts also weaken the regulation's effectiveness (Wahyudi, 2023). This situation demonstrates a gap between the regulations on paper and the reality on the ground (Soekanto, 2008).

From an Islamic perspective, narcotics are categorized as something that corrupts the mind (*al-muskirat wa al-mukhaddirat*) and are therefore strictly prohibited as they contradict the *maqasid al-shari'ah*. The principles of *hifz al-'aql* (protecting the mind) and *hifz al-nafs* (protecting the soul) form the normative basis for the prohibition of drug abuse (Al-Syatibi, 2001). Therefore, any public policy aimed at protecting the mind and soul of the community can be viewed as an implementation of *siyasah dusturiyah*, namely Islamic state politics oriented towards the public good (Ridwan, 2019).

Previous research has shown that the effectiveness of regional regulations in drug prevention is often hampered by inter-agency coordination and low public participation (Rahman, 2021). Meanwhile, studies on *siyasah dusturiyah* emphasize the importance of justice, public welfare, and community protection as indicators of good public policy (Fadillah, 2020). However, no research has specifically examined the implementation of North Sumatra Regional Regulation No. 1 of 2019 within the *siyasah dusturiyah* framework. Thus, this research has both academic and practical urgency, namely to assess the extent to which the regulation is effectively implemented and whether it reflects the principles of *siyasa industrialism*.



Based on this background, this study formulates two main questions: (1) How is the implementation of North Sumatra Provincial Regulation Number 1 of 2019 in preventing drug abuse in the field? and (2) How is the effectiveness of this regulation viewed from a *siyasa industrialism* perspective?

In this research, several theories serve as the analytical basis for a comprehensive understanding of the implementation of the Regional Regulation and its assessment from an Islamic legal perspective, particularly *siyasa industrialism*. These theories include:

Public Policy Implementation Theory

Policy implementation is a crucial process in the public policy cycle after the policy is formulated. According to Van Meter and Van Horn, implementation is influenced by several important variables, namely: Policy Standards and Objectives: The extent to which the policy has clear goals and objectives. Vague or multi-interpretable policies will be difficult to implement consistently; Resources: Including funds, manpower, information, and legal authority available to implement the policy; Characteristics of Implementing Institutions: The bureaucratic structure and organizational capacity of the implementing government significantly influence the success of implementation; Interorganizational Communication: Coordinative relationships between institutions must be effective and efficient; Disposition of Implementers: The commitment, attitudes, and motivation of policy implementers; and Social, Political, and Economic Environment: The external environment can influence policy implementation both directly and indirectly (Meter & Horn, 1975). This theory is used to assess the implementation of Regional Regulation No. 1 of 2019, including supporting and inhibiting factors in North Sumatra.

Good Governance Theory

In the context of public policy, good governance theory is also important as a benchmark for the success of a regulation's implementation. The basic principles of good governance include: Participation: Public involvement in policy implementation and oversight; Transparency and accountability: Policy implementation must be subject to public scrutiny and accountability; Efficiency and effectiveness: Policies are implemented with optimal resources for maximum results; and Rule of law: All implementation must be within the law. The existence of this Regional Regulation needs to be reviewed to determine the extent to which it meets the principles of good governance in its implementation, particularly in the area of drug abuse prevention.

Siyasah Dusturiyah Theory

Siyasah dusturiyah in Islam is a form of policy made by the ruler with the aim of safeguarding the public interest in accordance with sharia values. In this context, the government is considered legitimate to issue regulations as long as they do not conflict with basic Islamic principles. Some of the main principles of siyasah dusturiyah are: Al-'Adalah (justice): Every regulation and implementation must be in favor of social justice, Al-Maslahah (public benefit): The essence of Islamic policy is to prevent damage and realize mutual benefits, Al-Ta'awun (cooperation): Collaboration between the government, society and religious institutions is a form of participatory siyasah, Al-Hisbah Area: The concept of hisbah (social supervision) is part of siyasah which aims to maintain public order and prevent evil. Through siyasah dusturiyah, Regional Regulation no. 1 of 2019 can be analyzed whether its policies are in line with Islamic constitutional principles.

Maqasid al-Shari'ah Theory

This theory is an important pillar in understanding public policy within the framework of Islamic law. The primary objective of Islamic sharia is to safeguard five fundamental aspects of human life: Hifz al-Din (protecting religion), Hifz al-Nafs (protecting the soul), Hifz al-'Aql (protecting reason), Hifz al-Nasl (protecting offspring), and Hifz al-Mal (protecting property) (Syatibi, 2001).

Preventing drug abuse is directly related to safeguarding the soul and mind. Therefore, all policies that seek to prevent humankind from mental and spiritual harm align with maqasid al-shari'ah. Therefore, this Regional Regulation must be examined to determine whether it truly supports the substantive objectives of sharia.

Based on the description above, it can be concluded that the theory of policy implementation and good governance is needed to analyze the reality of the implementation of Regional Regulations administratively, while the theory of siyasah dusturiyah, maqashid al-syari'ah, and Islamic criminology provides a normative basis for testing whether the Regional Regulation is in line with the principles of Islamic law which emphasize protection, justice, and the welfare of the people.

2. RESEARCH METHOD

This research employs a qualitative approach, combining normative and empirical juridical approaches. The normative approach was used to analyze the substance of North Sumatra Provincial Regulation Number 1 of 2019 and its relevance to the principles of siyasah dusturiyah, through a review of positive legal literature, statutory regulations, and classical and contemporary Islamic literature. Meanwhile, an empirical approach was applied to examine the implementation of the regulation in social reality through field data, interviews, and direct observation (Soekanto, 2008; Mukti Fajar & Yulianto, 2017).



The research location was determined in North Sumatra Province, specifically institutions that play a role in implementing the regulation, such as the North Sumatra Provincial National Narcotics Agency, the Health Office, the National Unity and Politics Agency (Kesbangpol), educational institutions, and religious-based community organizations. The location selection was based on considerations of representativeness, data availability, and relevance to the research object.

Data sources consisted of primary and secondary data. Primary data was obtained through in-depth interviews with 12 key informants, including local government officials, law enforcement officers, religious leaders (ulama), rehabilitation counselors, and community members affected by drug abuse. Field observations were also conducted during outreach activities, rehabilitation activities, and the Drug-Clean Village (Desa Bersinar) program. Secondary data were collected from legal documents (Regional Regulation No. 1 of 2019, Law No. 35 of 2009 concerning Narcotics), the National Narcotics Agency (BNN) annual reports, and academic works related to *siyasah dusturiyah* (Islamic legal system) (Moleong, 2019; BNN, 2022).

Data collection techniques included: (1) a literature review to examine legal documents and Islamic literature; (2) in-depth interviews using a semi-structured guide to explore informants' perceptions and experiences; and (3) direct observation of local regulation implementation activities in the community (Creswell, 2016).

The collected data was analyzed using interactive analysis techniques that encompass three stages: data reduction, data presentation, and conclusion drawing (Miles, Huberman, & Saldaña, 2014). Data reduction was carried out to select information relevant to the research focus. Data presentation was conducted through descriptive and thematic narratives. Conclusions were drawn by linking field findings to theories of policy implementation, good governance, and the principles of industrial governance.

To ensure data validity, this study employed triangulation of sources and methods, comparing interview data with observations and verifying them with official documents. Validity was also strengthened by member checking with key informants to ensure data interpretations aligned with their actual experiences (Moleong, 2019).

3. RESULT AND ANALYSIS

Implementation of Regional Regulation No. 1 of 2019

Drug abuse in North Sumatra Province has reached an alarming level. Based on data from the National Narcotics Agency (BNN), the number of drug users in North Sumatra is estimated to reach 1.3 million, with approximately 27.32% being school

and university students (BNN, 2023). This situation makes the younger generation the most vulnerable group, necessitating systematic and sustainable preventive measures.

In response, the North Sumatra Provincial Government enacted Regional Regulation No. 1 of 2019 concerning Facilitation of the Prevention of the Abuse of Narcotics, Psychotropics, and Other Addictive Substances. This regulation emphasizes a multi-stakeholder approach, requiring synergy between the government, law enforcement officials, educational institutions, religious leaders, and the community.

The implementation of the regulation in the field can be seen in the following forms:

1. **Socialization and Education:** The regional government, together with the Provincial BNN and community organizations, is intensively conducting outreach in schools, universities, and Islamic boarding schools. This outreach is crucial because the primary target for drug abuse is school and university students. However, observations indicate that this education program remains unevenly distributed, particularly in rural areas, which are prime targets for drug trafficking (BNN, 2023).
2. **Prevention and Early Detection:** The Provincial Government, in collaboration with the Police and the BNN, conducts routine raids on nightclubs, boarding houses, and even provincial borders. In addition, a urine testing program for civil servants, students, and private sector workers is implemented as an early detection measure. This effort aligns with Article 9 of Regional Regulation No. 1 of 2019, which emphasizes the importance of regular health check-ups.
3. **Rehabilitation and Recovery:** Implementation of the regulation is also realized through the provision of rehabilitation facilities, both outpatient and inpatient. The regional government collaborates with regional hospitals and private institutions, although limited counseling expertise and budget remain challenges.
4. **Community Empowerment:** This regulation also emphasizes community participation. In the field, the Drug-Clean Village (Desa Bersinar) program, driven by the BNN, the regional government, and local communities, was established. This concept emphasizes community-based supervision and the formation of anti-drug cadres from among youth and religious leaders.
5. **Inter-Agency Coordination:** The Regional Regulation mandates coordination between the Provincial Government, the National Narcotics Agency (BNN), the Police, and educational institutions. However, practice in the field shows that coordination remains weak. Some districts/cities have not even allocated a specific budget for the regulation's implementation, resulting in frequent stagnation of prevention and rehabilitation activities.



Analysis of Implementation within the Framework of Siyasaḥ Dusturiyah

From the perspective of siyasah dusturiyah, the state (including regional governments) is obligated to protect the public from the dangers of narcotics, as this constitutes a form of evil (mafsadah) that threatens religion, reason, life, and the nation's future. The principle of maqasid al-sharia emphasizes the importance of safeguarding reason (hifzh al-'aql) as one of the primary objectives of sharia.

The Quran prohibits acts that can lead to self-destruction, as Allah says:

وَلَا تُلْقُوا بِأَيْدِيكُمْ إِلَى التَّهْلُكَةِ

Meaning: *"And do not throw yourselves into destruction."* (Quran 2:195).

Similarly, in Surah Al-Ma'idah, verse 90, Allah forbids all forms of intoxicants. Scholars agree that narcotics are included in this prohibition. Therefore, Regional Regulation No. 1 of 2019 aligns with the maqashid sharia because it aims to safeguard the mind, soul, and future generations.

However, in terms of implementation, this regional regulation still faces three main challenges:

1. Budgetary Aspect: Limited regional funding prevents prevention programs from running optimally.
2. Human Resource Aspect: Limited counseling and rehabilitation personnel prevent drug abuse victims from being optimally treated.
3. Coordination Aspect: Weak synergy between agencies creates a gap between legal norms and implementation on the ground.

When compared to the Islamic concept of hisbah, the social and moral oversight function carried out by the government, the implementation of this regional regulation still does not fully reflect the principle of amar ma'ruf nahi munkar. The role of Islamic scholars, preachers, and Islamic educational institutions must be further optimized so that this regulation serves not only administrative purposes but also socially and spiritually transformative values (Al-Mawardi, 1996).

Effectiveness of Regional Regulations from a Legal and Political Theory Perspective

The effectiveness of a law can be measured by the extent to which it is understood, accepted, and implemented by the public. Soerjono Soekanto stated that the effectiveness of a law is determined by five main factors: legal substance, law enforcement officers, facilities and infrastructure, the community, and legal culture (Soekanto, 2022). If any of these factors are not functioning properly, a regulation will be ineffective, even if it is normatively enforced.

In the context of North Sumatra Provincial Regulation Number 1 of 2019, its effectiveness can be measured by the local government's ability to implement prevention programs, community empowerment, guidance, and rehabilitation for drug users. However, based on field findings, the effectiveness of this regulation

still faces several obstacles, such as budget constraints, weak inter-agency coordination, and minimal public participation.

The Effectiveness of Regional Regulations from a Siyasah Industriya Perspective

From an Islamic perspective, siyasah industriya is the study of laws and regulations enacted by the government (waliy al-amr) to regulate people's lives in accordance with sharia values. Imam al-Mawardi emphasized that every government policy must be aimed at achieving maslahah 'ammah (the public good) (Al-Mawardi, 1996).

From a siyasah industriya perspective, the effectiveness of North Sumatra Regional Regulation No. 1 of 2019 is determined by the extent to which it protects the public from the dangers of narcotics and other addictive substances. In this regard, the regulation encompasses the dimensions of siyasah hifz al-nafs (protection of the soul) and hifz al-'aql (protection of the mind), which are part of the five main objectives of sharia (maqasid al-shari'ah) (Al-Mawardi, 1996).

This means that although the regulation is not yet fully effective in its technical implementation, from a normative perspective, it aligns with the principles of siyasah industrialism because it is oriented towards the public interest and the protection of the younger generation.

Comparison of Normative and Empirical Effectiveness

The effectiveness of this regulation can be divided into two aspects:

1. Normative Effectiveness: Normatively, this regulation meets the principles of siyasah industrialism because it is issued for the public interest, protects society from harm, and aligns with the maqasid al-shari'ah (the principles of Islamic law). With this regulation, the regional government has a legal basis for both preventive and repressive action in addressing narcotics problems.
2. Empirical Effectiveness: In practice, the effectiveness of the regulation remains weak due to limited resources. For example, the drug user rehabilitation program, which should be funded by the regional budget, has not been running optimally. Furthermore, there is still overlapping authority between the regional government, the National Narcotics Agency (BNN), and the police, resulting in a lack of synchronization in the implementation of the regulation in the field.

The Effectiveness of Regional Regulations and the Concept of Siyasah Dusturiyah al-Tasyri'iyah

Within the framework of siyasah dusturiyah al-tasyri'iyah (legal policy), regional regulations are one of the legitimate state instruments for governing



society in accordance with Islamic principles. The Quran emphasizes in Surah An-Nisa [4]: 59 that Muslims must obey Allah, the Messenger, and the authorities (ulil amri), as long as government policies do not conflict with sharia.

Therefore, the existence of this regional regulation is a concrete form of implementation of the principle of *siyasah dusturiyah*, as the regional government uses its authority to create regulations that protect the public from the dangers of drugs. However, the effectiveness of regional regulations will only be maximized if they are implemented seriously through inter-agency coordination, community participation, and adequate budget support.

Upon critical examination, the effectiveness of North Sumatra Regional Regulation Number 1 of 2019 is still limited to the policy level, not at the implementation level. This indicates a gap between *das sollen* (what should be) and *das sein* (what actually happens on the ground). From a legal perspective, this situation reflects the suboptimal role of the guardians of power in realizing the public good. Yet, the Prophet Muhammad (peace be upon him) emphasized that leaders are accountable for their mandates.

Therefore, the effectiveness of this regional regulation will increase if there is an integration of a positive legal approach and Islamic legal principles. Local governments need to strengthen the implementation of regional regulations through cross-sectoral strategies, increasing the capacity of officials, and strengthening the basis for community participation.

4. CONCLUSION

This research confirms that North Sumatra Provincial Regulation Number 1 of 2019 substantially aligns with public policy principles and Islamic values, particularly the *maqasid al-syari'ah* (the principle of maintaining the mind (*hifz al-'aql*) and the soul (*hifz al-nafs*)). This regulation emphasizes prevention, rehabilitation, and community empowerment as integral strategies in addressing drug abuse. From a legal perspective, this policy reflects the state's efforts to provide public welfare (*al-maslahah al-'ammah*) through regional legal instruments.

However, research findings indicate a gap between legal norms and practice. The main obstacles lie in inadequate budgets, limited rehabilitation facilities, weak inter-agency coordination, and low public participation. This situation limits the regulation's effectiveness to the administrative level, failing to address substantive changes in reducing drug abuse.

Academically, this research contributes to strengthening interdisciplinary studies between positive law, public policy, and legal principles. This research fills a gap in the literature that has not previously discussed regional regulations on

narcotics from an Islamic political perspective, while also providing a theoretical foundation for integrating Islamic values into regional policies.

From a practical perspective, this research recommends the need for a more integrative implementation strategy with operational steps, including: (1) strengthening regional budget allocations for rehabilitation and outreach programs; (2) increasing the capacity of human resources, particularly counselors and rehabilitation workers; (3) strengthening cross-sectoral coordination between regional governments, the National Narcotics Agency (BNN), the police, educational institutions, and community organizations; and (4) optimizing the role of religious scholars and religious institutions in providing a humanistic and educational approach to da'wah (Islamic outreach). Furthermore, the use of zakat funds or Islamic philanthropy can be an alternative means of supporting rehabilitation programs based on the value of public welfare.

Thus, the effectiveness of regional regulations will be maximized if a positive legal approach is combined with substantive principles of *siyasah dusturiyah*. This allows regional policies to be not only legally and formally valid but also to gain moral and spiritual legitimacy within the community. Ultimately, the success of this regulation will be measured by the extent to which it is able to protect the younger generation from the dangers of drugs and create a healthy, productive, and competitive society.

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