



Implementation of the Duties of the Batu Bara Regency National Narcotics Agency (BNNK) Regarding Empowering the Community in Preventing Abuse and Illicit Trafficking of Narcotics from an Islamic Criminal Law Perspective

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Abstract - Drug Abuse and Illicit Trafficking is a serious problem impacting health, security, and welfare in Batu Bara Regency. The Batu Bara Regency BNN plays a crucial role in addressing these issues through community empowerment. This study evaluates the effectiveness of the BNN's duties and functions in preventing drug abuse and trafficking. This study uses a qualitative approach with a descriptive research type. Which aims to obtain a complete picture of the problem systematically, carefully, accurately and in-depth regarding the problem to be studied. While the data collection technique uses interview techniques. Community empowerment aims to increase the community's active role in combating narcotics. Using a qualitative descriptive method, primary data was obtained through field studies and interviews. The results show that the Batu Bara Regency BNN has effectively implemented its duties, achieving and even exceeding the state's targets. However, further support in budget, human resources, and involvement from the Batu Bara Regency government and the private sector is needed to enhance efforts against narcotics. Islamic Criminal Law aligns with the principles of maintaining community welfare (*hifz al ummah*) and protecting the five main objectives of sharia (*maqasid al-shariah*): religion, life, intellect, lineage, and property. Narcotics in Islamic law are likened to *khamr*, and their prohibition is based on Surah Al-Maidah verse 90. As *khamr* is intoxicating and prohibited, so are drugs, making them *haram*. Sanctions for narcotics crimes in Islamic law involve *ta'zir*, a discretionary punishment.

Keywords: BNN, Community Empowerment, P4GN

I. INTRODUCTION

At this time, crime is increasingly diverse and continues to develop in people's lives. Not only in advanced societies, but also in developing societies. Crime has arisen since humans existed and will always exist as long as humans live and inhabit this world. The problem of crime is not only about violating legal norms, but also violating other norms, such as religious norms, moral norms, and others. In the reality of human life, crime is a problem that will never end (Daya, 2023). One of these problems is drug abuse (Wahyu, 2022). Drug Abuse and Illicit Trafficking is a collective problem, both for institutions appointed by the government to be responsible, students as intellectuals, and also the entire community. Narcotics at this time have penetrated every corner of Indonesian society (Harum & Syarifah, 2023). Starting from children to adults, from workers to students, and even public figures and state officials, are not free from drug abuse. In reality, Indonesia is one of the countries with a high crime rate so that

hard work is needed from law enforcers such as eradicating narcotics to overcome this problem in order to provide a sense of security to the community (Rahmalia et al., 2019).

With the publication of Presidential Instruction of the Republic of Indonesia (Inpres) Number 6 of 1971, the country of Indonesia started to address the risks associated with drugs and its institutions (NASIONAL, n.d.). Then, in collaboration with BNP and BNK, BNN kept trying to enhance its performance. However, BNN is thought to be unable to function efficiently and will not be able to handle the growing and more significant drug problems in the absence of an institutional framework that has a clear command line and is just coordinative (functional similarity alone) (Goenawi, 2019).

Therefore, In this instance, the person in charge issued Presidential Regulation Number 83 of 2007 right away (NASIONAL, n.d.). about the District/City Narcotics Agency (BNK), Provincial Narcotics Agency (BNP), and National Narcotics Agency. According to Presidential Regulation Number 23 of 2010 Article 36, which states that the BNNK/City has the BNN's responsibilities, functions, and authorities within the Regency/City, the District/City National Narcotics Agency (BNNK) possesses the same roles, responsibilities, and powers as the central and provincial BNN (Budhi Wisaksono, 2016). The National Narcotics Agency of Regency/City (BNNK) is needed in every region throughout Indonesia to overcome the illicit trafficking and abuse of narcotics. The National Narcotics Agency of Regency/City (BNNK) is also a government institution that is specifically tasked with handling the Prevention, Eradication of Abuse and Illicit Distribution of Narcotics (P4GN) (Budhi Wisaksono, 2016).

Drug abuse cases in Batu Bara Regency are increasing. Based on data from the BNN RI, North Sumatra Province ranks first in drug abuse (Nurmalita & Megawati, 2022). Batu Bara Regency is ranked 5th (five) in narcotics abuse. The Head of Batu Bara BNNK explained that in 2022-2023, Batu Bara BNNK arrested many perpetrators of illicit trafficking of Class I narcotics, namely crystal methamphetamine and several other narcotics crimes such as narcotics smuggling, namely marijuana, crystal methamphetamine, heroin and others. In fact, this narcotics abuse has penetrated every corner of Indonesian society, especially in Batu Bara. Starting from children to adults, from workers to students, they are not free from drug abuse. As one of the social problems in the national order, Law Number 35 of 2009 concerning Narcotics was enacted as a legal basis (Djaba & Rachman, 2019).

As a result, it is crucial to carry out in-depth research and analysis on the Batu Bara Regency BNN's P4GN category implementation of duties and authorities as well as their perspective on Islamic criminal law. The implementation of the National Narcotics Agency's (BNNK) duties in Batu Bara Regency with regard to empowering the community to stop drug abuse and illicit trafficking, as well as the role of Islamic criminal law in relation to narcotics and the responsibilities and powers of the agency in community empowerment, will be covered in this study. Researchers can use some of these items as the goals and focal points of their research on drug abuse prevention at the Batu Bara BNN.

II. METHOD

This study uses a qualitative approach with a descriptive research type. Which aims to obtain a complete picture of the problem systematically, carefully, accurately and in-depth regarding the problem to be studied. While the data collection technique uses interview techniques.

The data sources in this study are primary and secondary data. Primary data were obtained through interviews with the Batu Bara National Narcotics Agency (BNN) Office. Secondary data were obtained from legal journals, books or research articles, research results in the public sector, other scientific papers related to the research topic (Kusumastuti & Khoiron, 2019, p. 9). The analysis method used is a qualitative analysis method, namely a problem-solving procedure that is studied to obtain the truth by describing the data that has been collected so that problem solving can be carried out, then the researcher draws conclusions from things that are general in nature.

III. RESULT AND DISCUSSION

1. Implementation of the Duties of the Batu Bara Regency National Narcotics Agency (BNNK) Regarding Empowering Communities in Preventing Abuse and Illicit Trafficking of Narcotics and Narcotics Precursors

BNN has quite a lot of tasks. Its main task is in terms of formulating and implementing national policies on preventing abuse, illicit trafficking of Narcotics and Narcotics Precursors as well as preventing and eradicating them (Assa, 2024). Head of BNN Regulation No. 4 of 2013 concerning amendments to Head of BNN Regulation No. 4 of 2010 Article 21 paragraph (1) explains that the Regency/City National Narcotics Agency is a vertical agency of the National Narcotics Agency that carries out the duties, functions, and authorities of the BNN in the Regency/City area. Furthermore, paragraph (2) states that the Regency/City BNN is under and responsible to the head of the National Narcotics Agency through the Head of the Provincial BNN (Assa, 2024).

Based on the Tasks of the National Narcotics Agency (BNN) mentioned in Article 70 of Law No. 35/2009 and Article 2 of Presidential Regulation No. 23/2010, one of them is to empower the community in preventing the abuse and illicit trafficking of narcotics and narcotic precursors. Furthermore, BNN can make use of the community by supervising, guiding, and enhancing its ability to stop drug misuse by giving community members more authority. In order to prevent drug use, BNN has been granted the power to carry out investigations and inquiries into drug abuse, drug trafficking, and drug precursors. Additionally, investigators have the power to make arrests for up to three times every 24 hours, as well as the option to extend this period to include wiretapping. Community empowerment is a key strategy in efforts to prevent drug abuse and illicit trafficking (Ahmad, 2024). conducted by the Batu Bara Regency National Narcotics Agency (BNNK). Through various integrated programs, BNNK seeks to increase public awareness and active participation in combating the dangers of narcotics. In addition, BNNK collaborates with religious and community leaders to disseminate information and build collective awareness about the importance of a drug-free life (Baharuddin, 2021).

Community empowerment in drug prevention is also an approach strategic to address the drug problem comprehensively (Lolong et al., 2020). The following are some key points regarding anti-drug community empowerment in Batu Bara Regency:

1. Counseling and Education Providing accurate information about the dangers of drugs to the community. This program can be through seminars, workshops, or campaigns on social media.
2. Skills development: training the community with skills that can improve economic welfare, so that they are not tempted to get involved in drug abuse
3. Formation of support groups: forming communities or support groups for individuals and families affected by drugs to share experiences and provide emotional support
4. Cooperation with related institutions: building partnerships with schools, health institutions, and law enforcement officers to create a conducive environment for drug prevention
5. Youth empowerment: involving youth in positive and beneficial activities such as sports, arts, and culture to keep them away from the bad influence of drugs.

Based on Law No. 35 of 2009 concerning Narcotics. BNN carries out its duties and functions according to their respective fields. In this case, BNN Batu Bara Regency divides its duties and functions into 3 (three) parts carried out by 3 (three) sections, namely the Prevention and Community Empowerment Section, Rehabilitation Section, Eradication Section and law enforcement. However, this study focuses on community empowerment in preventing drug abuse and illicit trafficking. So what will be discussed in this study is only the Prevention and Community Empowerment Section and the Rehabilitation Section. The 2 (two)

sections in the organizational structure of the National Narcotics Agency of Batu Bara Regency are as follows:

a. Prevention and Community Empowerment Section

Based on the statement of Mr. Muhammad Rafiq Daulay as the section for prevention and community empowerment of the National Narcotics Agency of Batu Bara Regency, he has implemented his duties and authorities well, and has maximized the target. Throughout the establishment of BNN, the state's target for BNN Batu Bara Regency has all been achieved and even exceeded. However, it would be even better if there was more support, for example budget support, human resource support, involvement of the Batu Bara Regency government and the private sector to contribute to the Eradication and illicit trafficking of narcotics.

Based on the information the author obtained during the interview, the following describes the programs that have been implemented by BNN Batu Bara in preventing and misusing narcotics:

a. Dissemination of information

This information dissemination is an activity carried out by BNNK Batu Bara with the aim that the target or target of this activity can obtain information, raise awareness, receive and utilize the information provided regarding the impact of the abuse and illegal distribution of narcotics (Dewi et al., 2021). This activity is a counseling activity or as a conventional media carried out by BNNK Batu Bara both face to face, as well as print media, electronic media and the internet in conveying the information. Not only that, this activity is carried out in various ways such as making and distributing pamphlets or stickers, billboards and banners that are written and contain messages about the dangers of narcotics such as "Stop Using Drugs, Say No to Drugs, Achievement yes Drugs No" (Sitorus, 2022) which is also included with the message center or information center of the Batu Bara BNNK, of course this is done in the jurisdiction of the Regency which is spread across several sub-districts.

b. Community Empowerment Through Urine Tests

Conducting regular urine tests (Putra & Astika, 2023) carried out by the prevention and empowerment section of the Batu Bara National Narcotics Agency is one of the activities in an effort to prevent the distribution and abuse of narcotics. This is done to communities with zones prone to illicit distribution and abuse of narcotics in the Batu Bara environment.

c. Community Based Intervention (CBI) Program

Community-based intervention is to form a recovery agent, which means recovery is from the community by the community and for the community. In 2023, BNNK Batu Bara has formed a Community-Based Intervention (IBM) program in 2 (two) villages, Binjai Baru Village and Sumber Tani Village. In these areas, BNNK Batu Bara has formed and trained the Community-Based Intervention (IBM) program. The task of the recovery agent or Community-Based Intervention (IBM) is to educate or become an extension of BNNK Batu Bara in each village in the field of P4GN. Especially in the field of rehabilitation because they will later know who the victims of drug abuse and illicit trafficking are in their respective villages.

d. P4GN Advertising Through Billboards and Banners

Based on the results of the implementation of P4GN advertisements through billboards, this activity program has been held in several places and it has been proven that with the presence of these billboards, local residents have become more enthusiastic about protecting their environment from drug abuse and illicit trafficking and currently in several areas there have been no reports of drug abuse cases.

b. Rehabilitation Section

With the rehabilitation efforts by the Batu Bara Regency BNN, it is hoped that addicts can be restored and returned so that they can be in a normal community environment and free from dependency. the dangers of narcotics and most importantly so that addicts do not abuse narcotics again or Relapse. Rehabilitation as the main goal of this type of sanction/treatment, although this method has advantages in terms of the perpetrator's socialization process so that it is expected to be able to restore a person's social and moral quality so that they can have integrity again in society.

2. Islamic Criminal Law's View on Narcotics and the Duties and Authorities of the National Narcotics Agency in Community Empowerment

In Islamic history, especially in relation to fiqh, there has not been a clear legal argument (dalil tafsili) regarding the prohibition of drugs in the Al-Quran and Hadith (Kasamasu et al., 2017). Even the mujtahid Imams who are included in the four madzhab did not express their opinions regarding the status of the prohibition of drugs because it was clear that at that time drugs had not been discovered so there was no law regarding their prohibition. The discussion about drugs began at the end of the sixth year of Hijriah (NURAINI, 2021), from that moment, jurists began to issue ijtihad regarding Sharia law by equating drugs with alcohol or khamr by conducting studies on the arguments for the prohibition of alcohol as well as studies on the connection between drugs and alcohol or khamr in the problem of their prohibition (Najmudin et al., 2024).

Naturally, it turns out that drugs have their own benefits for humans, especially in the field of medicine (Anisa & Hasan, 2021). Therefore, it can be used and utilized. Likewise, when the drug is misused and proven to have negative effects on the human mind like alcohol, the drug law immediately changes in line with the principle of legal flexibility based on its logic (illah). Therefore, drug law based on the science of usul fiqh is called al-hurmah li ghairih.

The prohibition is not because of its substance like pork, but refers to its misuse. Traditionally linked through qiyas to the prohibition of alcohol based on similarity of circumstances. The intoxicating god (al-iskar) which clearly takes away the function of reason, which is one of the cores of al-kulliyat al-khamsah (Muhammad Khairul Asri, 2021).

Narcotics in the Qur'an and Hadith are indirectly mentioned in their description, however in the Qur'an the term narcotics is not directly mentioned but only the term khamr, as stated in Surah Al-Maidah verse 90:

يَا أَيُّهَا الَّذِينَ آمَنُوا إِنَّمَا الْخَمْرُ وَالْمَيْسِرُ وَالْأَنْصَابُ وَالْأَزْلَامُ رِجْسٌ مِّنْ عَمَلِ الشَّيْطَانِ فَاجْتَنِبُوهُ لَعَلَّكُمْ تُفْلِحُونَ

Meaning: "O you who believe! Indeed (drinking) khamr, gambling, (sacrificing to) idols, casting lots with arrows, are among the deeds of the devil. So stay away from those (deeds) so that you get good fortune". (Q.S Al-Maidah [5]: 90)

The verse above explains the prohibition of drinking alcohol, the nature of alcohol is intoxicating, similarly, drugs have the same properties as alcohol, so the punishment is the same as the punishment of alcohol, which is haram. Ibnu Taimiyah explained at length about the evils of intoxicating things, including in this case the drugs of those who use them, including those who are angry with Allah SWT, His Messenger and the Muslims. Those things contain bad things for the religion, intellect, morals, and character of the perpetrator. Intoxicating substances also damage character, so that people become irrational and low-spirited, as well as various other moral diseases (Hasan, 2012).

In the view of Islamic Criminal Law, actions related to narcotics are included in the category of actions that damage society and oneself, called "jarimah". This action is considered haram because it causes physical, mental, and spiritual harm (Misran & Royanti, 2020). In the Quran and Hadith, there are many references that prohibit the consumption of

substances that intoxicate and damage the mind (Rizky et al., 2024). The National Narcotics Agency (BNN) is a state institution tasked with combating narcotics. Narcotics have an important role in law enforcement, both in the perspective of positive Indonesian law and in the context of Islamic law.

In Islamic Criminal Law, preventive measures and enforcement against the use and distribution of narcotics are in line with the principles of safeguarding the benefit of the people (hifz al ummah) and protecting the five main objectives of the Shari'a (maqasid al-syariah): religion, soul, reason, lineage and property Object (Riduwasah et al., 2022).

a) Maintaining religion

Religion as the first need for human life because religion is a very important thing, with the presence of religion humans become aware of what is right and what is wrong and what is beneficial and what is harmful. That society must have a fairly important role in carrying out prevention, especially in Batu Bara Regency against people who have the potential to abuse narcotics, because consuming narcotics is something that is prohibited in religion, this has been explained in the word of Allah in Q.S. Al-Maidah verse 90.

b) Nurturing the soul

One of the needs for the welfare of human life in Islam is related to the preservation of the soul (right to life). The right to life is one of the most fundamental human rights among other human rights. Life is a gift from God which is the source of human dynamic movement. As in the word of Allah SWT in Q.S. An-Nisa verse 29. Likewise, if someone consumes narcotics, it is the same as that person indirectly killing himself or leading himself towards destruction.

c) Maintaining reason

Maintaining reason is an important concept in Islamic law, because reason is the foundation or basis for the existence of legal taklif. Therefore, for people who are not mentally sound or whose minds are not maintained, they are not touched by the obligations of legal provisions. Realizing the urgency of the position of reason in human life above, it is very relevant if Islam views it as something important and trying to protect him. In the hadith of the Prophet Muhammad SAW from Umm Salamah, he said: "Forbid the Messenger of God SAW from every item that intoxicates and weakens the mind and body."

d) Nurturing offspring

Offspring is one of the things that shows the high dignity of humans and at the same time distinguishes it from the animalistic level. As the author found in several literatures the effects caused by drug abuse in theory, drugs will cause sperm cells or egg cells to be "injured" so that fertilization is not perfect, as a result the baby born will be deformed. For pregnant women, drugs will have an effect on the fetus so that its growth is not perfect. Medical facts state that drugs cannot increase sexual function but instead have bad effects on sexual function and other organs of the body, besides of course death. As the word of Allah SWT in Q.S. At-Tahrim verse 6. This verse has explained for society to maintain their families, especially themselves, in order to avoid sins that cause them to fall into the hell of Allah SWT.

e) Maintaining property

The importance of guaranteeing the maintenance of property (property rights) for the welfare of human life, especially in life together as a society, Islam provides guarantees for a person's property or property rights. Guarantees for property (property rights) are very important in life together (society), because maintaining it will foster a sense of calm and serenity in each individual/citizen so that it can increase motivation in efforts/work to maintain their existence. In order to maintain property is by calculating expenses only for things that are prohibited by sharia, not for the opposite. Another bad behavior caused by narcotics itself is spending money on things that are not needed, even forbidden. Often drug abusers who

have more money use their money to buy narcotics. This behavior in religion is called wasteful behavior or wasting money. This is as stated by Allah SWT in Q.S. Al-Isra Verse 27.

Maqasid Syariah is the goal or basic principles that Islamic law wants to achieve for the benefit of humanity. Its relationship to Islamic criminal law is that Islamic criminal law is designed to achieve and protect these five goals. Every form of crime or violation in Islamic criminal law (jarimah) is seen from the perspective of how it damages one or more of the goals of Maqasid Syariah For example (TANJUNG, 2016, p. 19) :

1. Acts that Damage Religion (Hifz al-Din): violations such as apostasy (leaving Islam) or bid'ah (deviation in religious practice) are punishable by Islamic criminal law to maintain the purity of religion.
2. Acts that Damage the Soul (Hifz al-Nafs): murder or other acts of violence are punished with qisas (equivalent retribution) or diyat (ransom) to protect human life
3. Acts that Damage the Mind (Hifz al-Aql): the use and illicit trafficking of narcotics are punished harshly because they damage the mind
4. Acts that Damage Offspring (Hifz al-Nasl): adultery and fornication are punished to maintain the purity of offspring and family stability
5. Acts that Damage Property (Hifz al-Mal): theft or corruption is punished with hudud (fixed punishment) or ta'zir (punishment based on the judge's discretion) to protect property.

Overall, Maqasid Syariah provides the basic framework and ultimate goal for the implementation of Islamic criminal law. Thus, Islamic criminal law does not only focus on administering punishment, but also on maintaining and protecting public benefit and community welfare in accordance with sharia principles (Harahap, 2014).

The duties and authorities of the National Narcotics Agency (BNN) in community empowerment include prevention, prosecution, and rehabilitation efforts for drug abusers. In the context of Islamic criminal law, the duties and authorities of the National Narcotics Agency (BNN) in community empowerment include prevention, prosecution, and rehabilitation efforts for drug abusers. In the context of Islamic criminal law, the duties³³ because drug abuse can damage the mental and physical health of individuals and damage the social order. Community empowerment by the BNN can be considered an important preventive measure in preventing destructive acts (facade).³⁴ This action is also in line with the principle of 'amr bil ma'ruf nahi anil munkar (ordering what is good and forbidding what is bad), which is one of the foundations of Islamic criminal law.

IV. CONCLUSION

The Duties of the Batu Bara Regency National Narcotics Agency (BNNK) Regarding Empowering the Community in preventing the abuse and illicit trafficking of narcotics and narcotic precursors according to their respective fields. The Batu Bara Regency BNN divides its duties and functions into 2 (two) parts which are carried out by 2 (two) sections, namely the Prevention and Community Empowerment section by conducting information dissemination activities to the community, urine tests, IBM (Community-based Intervention) programs and P4GN Advertisements through billboards or banners. The Rehabilitation Section by providing treatment (rehabilitation) for drug addicts.

The view of Islamic Criminal Law regarding Narcotics and the Duties and Authorities of the National Narcotics Agency in Community Empowerment is that Narcotics and controlling their abuse are in line with the principles of safeguarding the benefit of the people (hifz al ummah) and protecting the five main objectives of the sharia (maqasid al-shariah): religion, soul , reason, heredity, and property. the nature of khamr is intoxicating, likewise, drugs have the same properties as khamr, so the punishment is the same as khamr, namely haram.

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