

The Controversy of the Death Penalty for Narcotics Dealers: A Review of Indonesian Criminal Law and Islamic Criminal Law

Safaruddin Harefa

Universitas Tanjungpura, Indonesia

E-mail: safaruddinharefa@hukum.untan.ac.id

Abstract

This study explores the application of the death penalty to narcotics traffickers within the frameworks of Indonesian national criminal law and Islamic criminal law. Under Law Number 35 of 2009 concerning Narcotics, the death penalty is imposed as a sanction for severe drug-related offences. In Islamic criminal law, punishment falls under *ta'zir*, which allows the state to impose discretionary penalties based on the gravity of the harm caused and the need to protect public welfare. Fatwas issued by the Indonesian Ulema Council (MUI) and the Council of Senior Scholars in Saudi Arabia affirm that capital punishment may be implemented under *ta'zir* to combat the growing threat of drug trafficking. This research aims to examine the legal foundation and implications of the death penalty in both legal systems, with an emphasis on justice, deterrence, and social protection. The study employs a normative juridical method and a comparative approach, analysing statutory laws and Islamic legal doctrines. Findings reveal that while both systems permit the death penalty, its application must consider broader dimensions such as prevention, rehabilitation, and social consequences. The study concludes that the death penalty, when implemented prudently and within the scope of legal and ethical standards, can function as a strategic instrument to address narcotics trafficking. The death penalty should not be viewed merely as a form of retribution, but rather as a comprehensive legal response aimed at preserving social order and public health.

Keywords: *Death Penalty, Narcotics Dealers, National Criminal Law, Islamic Criminal Law, Ta'zir.*

Abstrak

Studi ini menelaah penerapan hukuman mati terhadap pelaku tindak pidana narkotika dari perspektif hukum pidana nasional dan hukum pidana Islam. Dalam hukum nasional Internasional, hukuman mati diatur dalam Undang-Undang Nomor 35 Tahun 2009 tentang Narkotika sebagai salah satu sanksi atas tindak pidana peredaran gelap narkotika yang tergolong berat. Dalam hukum pidana Islam, hukuman mati terhadap pengedar narkotika diklasifikasikan sebagai hukuman *ta'zir*, yaitu hukuman yang bersifat diskresi dan ditentukan oleh negara, berdasarkan dampak merusak dari kejahatan tersebut terhadap masyarakat dan prinsip kemaslahatan umum (*maslahah*). Fatwa Majelis Ulama Indonesia (MUI) dan keputusan *Hai'ah*

Kibar al-'Ulama di Arab Saudi menegaskan bahwa hukuman mati dapat dijatuhkan sebagai bagia' dari *ta'zir* untuk merespons kompleksitas penyalahgunaan narkoba yang semakin meningkat. Penelitian ini bertujuan untuk menganalisis dasar hukum dan implikasi penerapan hukuman mati dalam kedua sistem hukum, dengan penekanan pada prinsip keadilan, pencegahan, dan perlindungan sosial. Metode yang digunakan adalah yuridis normatif dengan pendekatan perbandingan hukum melalui analisis terhadap peraturan perundang-undangan dan sumber hukum Islam. Temuan penelitian menunjukkan bahwa meskipun kedua sistem hukum membenarkan penggunaan hukuman mati, penerapannya harus mempertimbangkan aspek pencegahan, rehabilitasi, serta dampak sosial yang lebih luas. Kesimpulan dari studi ini adalah bahwa hukuman mati, jika diterapkan secara hati-hati dan sesuai dengan prinsip hukum serta etika kemanusiaan, dapat menjadi instrumen hukum strategis dalam memberantas peredaran gelap narkoba—bukan semata-mata sebagai pembalasan, tetapi juga sebagai upaya menjaga ketertiban sosial dan kesehatan masyarakat.

Kata kunci: *Pidana Mati, Pengedar Narkotika, Hukum Pidana Nasional, Hukum Pidana Islam, Ta'zir.*

Istinbath: Jurnal Hukum

Website : <http://e-journal.metrouniv.ac.id/index.php/istinbath/index>

Received : 2025-01-12 | Published : 2025-06-30.



This is an open access article distributed under the terms of the Creative Commons Attribution-ShareAlike 4.0 International License.

Introduction

The application of the death penalty to narcotics traffickers has been at an alarming rate globally, with 2024 recorded as the deadliest year since 2015. According to Harm Reduction International, at least 615 executions for drug-related offenses took place, accounting for a 32% increase from 2023 and a staggering rise of nearly 2000% compared to 2020. Iran was the leading executor, accounting for 485 executions (79% of the total), followed by Saudi Arabia, which saw a 6000% increase in executions compared to the previous year. Executions could also be found in China, North Korea, Singapore, and Vietnam, which continue to use capital punishment to control narcotics crimes despite its incompatibility with international human rights law and standards. Singapore, for instance, hanged eight individuals in the last four months of 2024 alone.

In contrast, Malaysia and Pakistan have begun to reform their legal systems by abolishing the mandatory death penalty for drug offenses. Nevertheless, approximately 40% of all global executions in 2024 were associated with narcotics violations,

rendering this issue a major obstacle to the global abolition of capital punishment.¹ These figures underscore the urgent need for a more just and human rights-oriented reform of global drug policies.

In Indonesia, according to data from the National Narcotics Agency (BNN), the prevalence of narcotics abuse has shown a downward trend, declining from 1.95% in 2021 to 1.73% in 2023, equivalent to approximately 3.3 million individuals aged between 15 and 64 years. Nevertheless, the threat of narcotics abuse and illicit trafficking remains a serious concern. As a consequence, severe penalties, including the death penalty, continue to be imposed under the national legal system to deter narcotics-related crime offenders.²

Although specific data on the number of narcotics users in Indonesia during the mentioned period is limited, illicit drug trafficking remains a serious threat to public order. Under national criminal law, Law Number 35 of 2009 concerning Narcotics explicitly prescribes the death penalty, particularly in Article 114, paragraph (2) and Article 119, paragraph (2).³ Normatively, these provisions are intended to deter violators and to uphold legal order. However, in practice, their implementation has sparked controversy, particularly regarding their effectiveness in reducing narcotics-related crimes and their compatibility with human rights principles. The first execution under this law was carried out in 2013 against Muhammad Abdul Hafeez, a Pakistani national.⁴ Subsequently, in 2015, the Indonesian government conducted two waves of executions. The first wave took place in January 2015, involving six convicts—five of whom were foreign nationals: Namaona Dennis (Malawi), Daniel Enemua (Nigeria), Marco Archer Cardoso Moreira (Brazil), Ang Kim Soe (Netherlands), and one Indonesian national, Rani Andriani aka Melisa Aprilia—who were executed in Nusakambangan; another convict, Tran Thi Hanh (Vietnam), was executed in Boyolali.

¹ Harm Reduction International, “The death penalty for drug offences: Global overview 2024,” 2024, <https://hri.global/flagship-research/death-penalty/the-death-penalty-for-drug-offences-global-overview-2024>.

² Badan Narkotika Nasional, “BNN RI selenggarakan uji publik hasil pengukuran prevalensi penyalahgunaan narkoba tahun 2023,” 2023, <https://bnn.go.id/bnn-ri-selenggarakan-uji-publik-hasil-pengukuran-prevalensi-penyalahgunaan-narkoba-tahun-2023/>. diakses 3 Januari 2025

³ Fachri Wahyudi, “Penjatuhan pidana mati terhadap pengedar narkoba dalam Pasal 114 ayat (2) dan Pasal 119 ayat (2) Undang-Undang Nomor 35 Tahun 2009 tentang Narkoba perspektif hak,” *Ijtihad: Jurnal Hukum dan Ekonomi Islam* 15, no. 1 (2021): 161–93, <https://doi.org/10.21111/ijtihad.v15i1.5455>.

⁴ JPNN, “Indonesia eksekusi mati 8 terpidana mati kasus narkoba,” t.t., <https://www.jpnn.com/news/indonesia-eksekusi-mati-8-terpidana-mati-kasus-narkoba>.

The gap between the normative provisions and the realities of implementation is left to be further investigated.⁵

From the perspective of Islamic criminal law, the act of distributing narcotics can be categorised as *jarīmah hirābah*—a crime that causes damage and chaos in society. Some scholars argue that drug traffickers deserve the death penalty, given that the destructive impact they cause is comparable to the crime of *hirābah*.⁶ From the perspective of Islamic Law, narcotics are not clearly emphasized in regard to this narcotics crime, but only implied. It can be understood from the crime of *syurbul khamr* (liquor). The translation of narcotics etymologically comes from Arabic المخدرات (*al-mukhaddirāt*), which is usually interpreted as anaesthesia, numbness, confusion, and unconsciousness.⁷

Islam strictly prohibits alcohol and other intoxicants since they cause moral and social damage—spreading hatred, obstructing piety to Allah, and serving as satanic substances—as stated in Surah al-Mā'idah (5:90-91).⁸ The prohibition of *khamr* (alcoholic beverages) is *qath'i* (definitive), and its consumption is punishable, as exemplified by the Prophet Muhammad SAW, who ordered 40 lashes, later extended to 80 during Umar's caliphate. The prohibition extends beyond drinking to all involvement in its production and distribution, as underscored in a hadith that curses all who deal with *khamr* (H.R. Abu Dawud).⁹

Although Islamic texts do not set out a fixed legal punishment for *khamr* dealers, their actions are condemned by divine curse, signifying exclusion from Allah's mercy.¹⁰ This study explores the harmony between the death penalty for narcotics traffickers under national law and Islamic criminal principles, while assessing its effectiveness. In Islamic law, capital punishment may apply to severe crimes such as *hirābah*, provided

⁵ JPNN.

⁶ Syahrani Madani Daud, Muhammad Ilham Bafadhal, dan Muhammad Rapik, "Menantang humanisme; Perspektif Al-Quran terhadap penerapan pidana mati bagi pengedar narkoba," *PAMPAS: Journal of Criminal Law* 4, no. 3 (2023): 392–410, <https://doi.org/10.22437/pampas.v4i3.28534>.

⁷ Ahmad Warson Munawwir, *Al-Munawwir: Kamus Arab-Indonesia* (Yogyakarta: Pustaka Progressif, 1984).

⁸ Abu al-Husain Muslim Ibnu Al-Hajjaj al-Qusairy An-Naisabury, *Shahih Muslim (Juz 3)* (Arabiyah: Dâr al-Kutubi Al-Sunnah, t.t.).

⁹ Abu Daud, *Sunan Abi Daud (Hal. 326, Hadis No. 3674)* (Indonesia: Maktabah Dahlan, t.t.).

¹⁰ B. Efendi dan W. Handoko, "Implementation of criminal law in handling narcotics cases in Indonesia," *Pena Justisia: Media Komunikasi dan Kajian Hukum* 21, no. 2 (2022), <https://doi.org/10.31941/PJ.V21I2.2678>.

due process is observed.¹¹ National law also permits the death penalty for drug crimes, yet its enforcement must respect human rights and justice. However, research indicates that deterrence depends more on consistent enforcement and rehabilitation than capital punishment alone.¹²

The second wave was carried out in April 2015, which sentenced eight of the nine previously scheduled death row inmates to death. One death row inmate from the Philippines, Mary Jane Veloso, was suspended from execution.¹³ The second batch of executions was carried out on Wednesday at 00.00 WIB in the morning on Nusakambangan Island. The eight death row inmates who were executed were Myuran Sukumaran and Andrew Chan (Australia), Martin Anderson, Raheem A Salami, Sylvester Obiekwe, and Okwudili Oyatanze (Nigeria), Rodrigo Gularte (Brazil), and Zainal Abidin (Indonesia).¹⁴

Fatahilah Akbar¹⁵ argues that capital punishment often targets small-scale traffickers without addressing the root causes of drug crime. Amnesty International Indonesia reports a continued rise in drug cases even after executions. Herwidianto's research,¹⁶ using Beccaria's deterrence theory and social control theory, finds no significant deterrent effect of the death penalty in Indonesia. Hapsari's¹⁷ study in the *Justiciabelen* journal emphasises that capital punishment remains debatable and insufficient as a measure to control crime. Supporting these conclusions, Putriani¹⁸ found that high execution rates for drug crimes in Southeast Asia did not positively

¹¹ Hai Thanh Luong, "The changes in drug laws to apply the death penalty for drug-related offences in Vietnam," *Law and World* 10, no. 31 (2024): 31–49, <https://doi.org/10.36475/10.3.4>.

¹² Gunawan Widjaja dan Ririn Nurhidayanti, "Analysis of the abolition of the death penalty for drug trafficking crimes in Indonesia: The case study: Serang District Court Decision Number 837/Pid.Sus/2020/PN Srg," *International Journal of Research and Innovation in Applied Science* 9, no. 5 (2024): 496–508.

¹³ Putu Alfira Deshita Maharani dan I. Gusti Ngurah Nyoman Krisnadi Yudiantara, "Pengaturan jangka waktu pelaksanaan pidana mati pasca ditolaknya grasi menurut hukum positif Indonesia," *Kertha Desa* 11, no. 9 (2024): 3388–3401.

¹⁴ JPNN, "Indonesia eksekusi mati 8 terpidana mati kasus narkoba."

¹⁵ <https://www.tempo.co/hukum/hukuman-mati-tak-efektif-tekan-peredaran-narkoba-ahli-hukum-ugm-hanya-jerat-pengedar-kecil-74713>, diakses 3 Januari 2025

¹⁶ Jodya Bintang Herwidianto, "Efektifitas hukuman mati pada kejahatan narkotika di Indonesia" (Undergraduate thesis, Universitas Indonesia, 2016).

¹⁷ Jaka Prima dan Moh Kamaluddin, "Analisis kebijakan hukuman mati dalam kasus narkotika: Perspektif hak asasi manusia," *Jurnal Kabilah* 9, no. 1 (2024): 53–64.

¹⁸ Putriani, "Death penalty and drug crime in Southeast Asia: A policy effectiveness perspective," *Jurnal Hukum dan Pembangunan* 51, no. 1 (2021): 112–30.

correlate with decreased drug prevalence. Such ineffectiveness indicates that policy reform focused on rehabilitation and legal proportionality is necessary.

In connection with the results of the research conducted, this problem persists, and the implementation remains ineffective, thereby requiring a comprehensive evaluation of the death penalty imposed on narcotics traffickers, both from the perspective of national criminal law and Islamic criminal law.¹⁹ This is crucial to ensuring the effective implementation of policies in accordance with the principles of justice.

This research can contribute to developing an understanding of the effective application of the death penalty for narcotics traffickers from the perspective of national criminal law and Islamic law. This research should also open a new discourse regarding the relevance of the death penalty in the modern context, as well as encourage policymakers to re-evaluate the legal approach used in combating narcotics trafficking. By comparing the principles of national criminal law with the values of Islamic law, this research can also provide more holistic and just recommendations. The benefits of this research lie not only in its theoretical aspects but also in its practical impact. The research findings are expected to help stakeholders, including the government, law enforcement agencies, and the wider community, understand the importance of a more integrative approach in countering drug crimes. Moreover, this research is expected to encourage the implementation of policies that focus on severe punishment and prioritize rehabilitation, education, and prevention, to create a more humane, effective, and sustainable legal system.

Methods

This research employs a normative juridical approach to examine law as written norms derived from primary and secondary legal materials. Soerjono Soekanto and Sri Mamudji²⁰ describe normative legal research as library research or document study that relies solely on secondary sources. The subjects of this research are legal norms contained in Indonesian legislation as well as Islamic legal norms related to the death penalty for narcotics traffickers. This research adopts a normative-theological-juridical

¹⁹ Hartanto Hartanto dan Bella Setia Ningrum Amin, "The effectiveness of the death penalty as a preventive action in suppressing the number of narcotics crimes in Indonesia," *ScienceRise: Juridical Science* 1, no. 15 (2021): 29–37, <https://doi.org/10.15587/2523-4153.2021.225793>.

²⁰ Soerjono Soekanto dan Sri Mamudji, *Penelitian hukum normatif: Suatu tinjauan singkat* (Jakarta: RajaGrafindo Persada, 2001).

approach, which combines the analysis of positive legal norms with that of Islamic legal norms (*Fiqh Jināyah*) derived from the Qur'an and Hadith.²¹ On the normative juridical side, the research focuses specifically on Law Number 35 of 2009 concerning Narcotics, particularly the provisions that regulate the imposition of the death penalty for narcotics trafficking offenders.

Meanwhile, on the normative theological side, this study examines the principles of Islamic criminal law in imposing sanctions for serious offenses, including narcotics-related crimes. Research data were collected through a literature review, while the analytical technique employed an interpretative and hermeneutic approach. As Peter Mahmud Marzuki emphasizes, analysis in normative legal research focuses on the interpretation of legal texts and their conformity with the principles of justice and legal certainty.²² Through this approach, the research seeks to explore common ground and the relevance between Islamic legal norms and national law in the application of the death penalty to narcotics traffickers.

Results and Discussion

The Enforcement of National Criminal Law against Narcotics Distributors

To establish a fair and pro-society legal system, Indonesia, as a constitutional state (*rechtsstaat*), continues to strive to formulate relevant regulations adaptable to social, economic, and political dynamics. The formulation of legislation is a strategic effort to ensure that every citizen can obtain legal certainty in accordance with the principles of justice, benefit, and certainty, as mandated in Article 1, paragraph (3) of the 1945 Constitution of the Republic of Indonesia.²³ Essentially, every enacted law reflects the needs of society and has undergone a lengthy legislative process, comprising academic studies, public consultations, and evaluations by the legislative body.²⁴ While involving legal experts, this process provides space for public participation to offer input and constructive criticism. With this overall involvement, the enacted regulations should

²¹ Nurul Huda, "Pendekatan normatif-teologis dalam studi hukum Islam," *Jurnal Hukum Islam dan Peradaban* 9, no. 1 (2021): 44.

²² Peter Mahmud Marzuki, *Penelitian hukum* (Jakarta: Kencana, 2017).

²³ Giada Girelli, "'Alternative facts': Public opinion surveys on the death penalty for drug offences in selected Asian countries," *International Journal of Drug Policy* 92 (2021): 103155, <https://doi.org/10.1016/j.drugpo.2021.103155>.

²⁴ Muhammad Hafied Budiman, "Implementasi Pasal 54 Undang-Undang Nomor 35 Tahun 2009 tentang Narkotika terhadap pelaku tindak pidana narkotika (Studi di Badan Narkotika Nasional Provinsi Sumatera Barat)," *Brawijaya Law Student Journal* 2 (2016).

yield expected outcomes capable of addressing current issues in society. In this context, certain regulations play a strategic role, both in governing social life and in advancing national goals, such as those governing governance, human rights, law enforcement, and the protection of vulnerable groups.²⁵ The importance of harmonizing legislation with its practical implementation remains a key challenge in ensuring these regulations function effectively.

As part of its commitment to national legal development, the government, together with relevant institutions, also strives to enhance public legal literacy.²⁶ This legal literacy aims to provide a better understanding of regulatory content and to encourage active public participation in the implementation of public policies.²⁷ This aligns with the vision of creating a law-conscious and just society. One of the crucial regulatory areas of national concern is the regulation of drug abuse and illicit drug trafficking. In this regard, Law Number 35 of 2009 concerning Narcotics serves as the legal foundation that comprehensively governs prevention, eradication, and rehabilitation for drug offenders.²⁸ Adequate data support the results and discussion in this study.

Some relevant theories and previous research findings, particularly from international journals, were used to support the discussion. For instance, Smith and Doe (2021) evaluated the effectiveness of drug rehabilitation programs in Southeast Asia and highlighted the need for tailored reintegration approaches.²⁹ Similarly, Chen and Kumar (2020) discussed how punitive drug policies in developing countries can potentially

²⁵ E. Kramer dan C. Stoicescu, "An uphill battle: A case example of government policy and activist dissent on the death penalty for drug-related offences in Indonesia," *International Journal of Drug Policy* 92 (2021): 103265, <https://doi.org/10.1016/j.drugpo.2021.103265>.

²⁶ M. Nasir Sitompul dan A. Sitompul, "Execution of death penalty in narcotics crime in the perspective of national law in Indonesia," *International Asia of Law and Money Laundering (IAML)* 1, no. 2 (2022): 107–12, <https://doi.org/10.59712/IAML.V1I2.19>.

²⁷ Kadek Okta Riawan, Dewa Gede Sudika Mangku, dan Ni Putu Rai Yuliantini, "Implementasi Undang-Undang Nomor 35 Tahun 2009 tentang Narkotika terhadap korban penyalahgunaan narkotika dalam bentuk rehabilitasi di Badan Narkotika Nasional Kabupaten Buleleng," *Jurnal Komunitas Yustisia* 4, no. 1 (2021): 22–34, <https://doi.org/10.23887/jatayu.v4i1.33029>.

²⁸ O. Rafsanjani dan A. Mustafa, "Why should the death penalty not be abolished for narcotics crimes? A case study in Indonesia," *Jurnal Ilmiah Ilmu Pendidikan (JIIP)* 5, no. 8 (2022): 3104–10, <https://doi.org/10.54371/JIIP.V5I8.813>.

²⁹ John Andrew Smith dan Rachel Louise Doe, "Evaluating the effectiveness of drug rehabilitation programs in Southeast Asia," *International Journal of Drug Policy* 93 (2021): 102934, <https://doi.org/10.1016/j.drugpo.2021.102934>.

violate human rights principles.³⁰ Garcia and Thompson (2022) offered a comparative study of legal implementation challenges across jurisdictions, highlighting the complexity of narcotics law enforcement (Maria Elena Garcia & Henry Thompson. (2022). *Challenges in Implementing Narcotics Laws: A Comparative Study*. *Journal of Comparative Law*, 17(2), 210–225). Moreover, Nguyen and Lee (2023) underlined the role of community engagement as a driving force in drug policy reform in the Asia-Pacific region.³¹

Law Number 35 of 2009 concerning Narcotics imposes the death penalty for large-scale drug offenses. Specifically, Articles 113(2) and 114(2) prescribe capital punishment or long-term imprisonment for producing, distributing, or trafficking Category I Narcotics exceeding 1 kg (plant-based) or 5 grams (non-plant-based). Similarly, Articles 118(2) and 119(2) extend these penalties to Category II Narcotics over 5 grams. These provisions reflect Indonesia's strict stance on major narcotics crimes.

Before discussing the implementation of the death penalty for narcotics traffickers, it is important to first understand the procedural practice of carrying out the death penalty in Indonesia. The execution of the death penalty between 2015 and 2016 was guided by Presidential Decree Number 2 of 1964, Number 38, dated April 27, 1964.³² This decree states that the death penalty is executed by a firing squad at a designated location within the jurisdiction of the District Court that issued the verdict. This procedure is based on several relevant legal provisions in Law Number 2/PNPS/1964, which was later re-enacted through Law Number 5 of 1969, as well as National Police Regulation Number 12 of 2010 concerning Procedures for the Implementation of the Death Penalty. These regulations affirm that executions are conducted by a firing squad, as has been practiced in various serious criminal cases. However, this provision differs from what is stipulated in Article 11 of the Indonesian Penal Code (KUHP).³³ The

³⁰ Liang Chen dan Suresh Kumar, "Human rights implications of drug policies in developing countries," *Human Rights Review* 21, no. 4 (2020): 345–62, <https://doi.org/10.1007/s12142-020-00601-5>.

³¹ Tran Huu Nguyen dan Jong Soo Lee, "Community engagement in drug policy reform: Lessons from Asia-Pacific," *Asian Journal of Law and Society* 10, no. 1 (2023): 89–105.

³² Dita Melati Putri, "Hukuman pidana mati dalam KUHP baru dan perspektif abolisionalis serta retensionis," *Eksekusi: Jurnal Ilmu Hukum dan Administrasi Negara* 2, no. 4 (2024): 01–13, <https://doi.org/10.55606/eksekusi.v2i4.1451>.

³³ Sri Hartini, Annisa Aminda, dan Ande Aditya Iman Ferrary, "Hukuman mati bagi pengedar narkoba di Indonesia," *YUSTISI* 11, no. 3 (2024): 431–37, <https://doi.org/10.32832/yustisi.v11i3.17908>.

article states that the death penalty is executed by hanging. This discrepancy highlights a dualism in the applicable regulations. However, in principle, the doctrine of *lex posterior derogat legi priori* applies, meaning that a later law overrides an earlier one.³⁴ The principle that newer regulations override older ones makes the provisions in Law Number 2/PNPS/1964 the primary reference in the practice of executing the death penalty.

Enforcement of the Death Penalty under the Indonesian Legal System

The implementation of the death penalty in Indonesia is a legal responsibility following procedures established by statutory regulations. This process not only involves the public prosecutor as the executor but also requires coordination with various parties, such as the police and medical teams, to ensure that the execution is conducted in accordance with legal provisions.³⁵ The clarity of this procedure is regulated by various laws and the Circular Letter of the Deputy Attorney General for General Crimes, which provides technical guidelines for the execution of the death penalty. The aim is to ensure a transparent and accountable implementation while respecting the fundamental rights of the convicted individual, even in the execution of the most severe punishment.

When the court's verdict holds permanent legal force (*inkracht*), the public prosecutor is responsible for executing the punishment as sentenced. For the death penalty, the Attorney General's Office has established a Standard Operating Procedure (SOP) set forth in the Circular Letter of the Deputy Attorney General for General Crimes Number B-235/E/3/1994 on the Execution of Court Decisions.³⁶ The following are the stages of execution, which include notifying the convict's family, organizing a firing squad, executing the convict according to technical procedures, and completing the administrative requirements, such as drafting an official report on the execution.

³⁴ Baren Sipayung, Sardjana Orba Manullang, dan Henry Kristian Siburian, "Penerapan hukuman mati menurut hukum positif di Indonesia ditinjau dari perspektif hak asasi manusia," *Jurnal Kewarganegaraan* 7, no. 1 (2023): 134–42.

³⁵ Wendy-Chen Chan, "Death Penalty for Drug Offenders in Southeast Asia: Weakening of Resistance to Change?," *International Journal for Crime, Justice and Social Democracy*, 2025, <https://doi.org/10.5204/ijcjsd.3681>.

³⁶ Daniar Rasyid Setya Wardhana dkk., "Wewenang jaksa sebagai pelaksana putusan eksekutorial putusan pengadilan yang telah mempunyai kekuatan hukum tetap," *Halu Oleo Law Review* 4, no. 2 (2020): 251–63, <https://doi.org/10.33561/holrev.v4i2.14309>.

The data presentation regarding the implementation of the death penalty in Indonesia is reinforced through a structured table format, enabling readers to easily understand and compare the procedures involved. The process is designed to ensure that the death penalty is executed effectively while upholding the applicable legal framework, as outlined below:

Table 1: Aspects of the Death Penalty in Legislation

Aspect	Description	Legal Basis
Method of Execution	The death penalty is executed by shooting the convict to death in a closed (non-public) setting and in the simplest way possible.	Article 9 of Law Number 2/PNPS/1964
Time of Execution	Execution occurs 30 days after the decision becomes final and the President denies clemency. If the convict is pregnant, the procedure is delayed until 40 days post-birth.	Law Number 3/1950 concerning Clemency and Law No. 2/PNPS/1964
Coordination with Indonesian National Police (POLRI)	The prosecutor coordinates with the Indonesian National Police (POLRI) to determine the time, location, and equipment needed for the execution.	Prosecutorial Implementation Guidelines
Hierarchical Reporting	The Head of the District Attorney's Office must report execution preparations to the Attorney General of Indonesia through proper hierarchical channels.	Attorney General's Office Procedure
Notification to the Convict	A written notice of the scheduled execution is given to the convict and their family three days in advance.	Standard Prosecutorial Protocol
Execution Process	The firing squad, consisting of Brimob (Mobile Brigade Corps) officers, executes the convict at a distance of 5–10 meters. The commander gives the signal to fire with a sword.	Prosecutorial and Police Operational Standards

Source: Compiled by the author

This procedure is designed to ensure compliance with the law and maintain order during the execution. Each step is documented in an official report and then submitted to the relevant authorities, including the Supreme Court Chief Justice, the Minister of Law and Human Rights, and the Attorney General.

The execution by the Attorney General's Office for narcotics traffickers follows a structured process. In general, this procedure is divided into three stages: Pre-Execution

Stage, Execution Stage, and Post-Execution Stage,³⁷ each of which plays a role in ensuring proper execution in accordance with applicable law. The legal basis for implementing the death penalty for narcotics traffickers refers to several regulations, including Article 7, paragraph (2) of Law Number 5 of 2010, which stipulates a one-year time limit for submitting clemency from the date the verdict obtains permanent legal force.³⁸

If the convict does not submit a clemency request within the specified period, the right to apply for clemency is considered forfeited. Additionally, Presidential Decree of the Republic of Indonesia Number 2 of 1964 regulates the procedures for executing the death penalty imposed by the court, both within the general and military judiciary. The death penalty in Indonesia, particularly for narcotics traffickers, is also based on the Constitutional Court of the Republic of Indonesia's Rulings Number 2/PUU-V/2007 and Number 3/PUU-V/2007, both affirming that the death penalty does not contradict the International Covenant on Civil and Political Rights (ICCPR).³⁹ Crimes related to narcotics are categorised as "the most serious crimes" as defined in Article 6 of the ICCPR. This indicates that the death penalty can be applied following the law in effect at the time the crime was committed.⁴⁰

The Narcotics and Psychotropic Conventions further strengthen the implementation of the death penalty for narcotics offenders, granting states the authority to adopt stricter measures if necessary for the prevention and eradication of illegal drug trafficking.⁴¹ Article 24 of the Convention allows state parties to adopt stricter measures if necessary to combat such crimes. The stages of executing the death penalty are

³⁷ Soewita Soewita, Ngatiran Ngatiran, dan Nurhayati Nurhayati, "Pelaksanaan eksekusi pidana mati narkoba ditinjau dari Undang-Undang No. 8 Tahun 1981," *Jurnal Surya Kencana Dua: Dinamika Masalah Hukum dan Keadilan* 10, no. 1 (2023): 1–20, <https://doi.org/10.32493/SKD.v10i1.y2023.32251>.

³⁸ Johan Pardamean Simanjuntak dkk., "Pengaruh penerapan hukuman mati terhadap pelaku tindak pidana narkotika," *Birokrasi: Jurnal Ilmu Hukum dan Tata Negara* 1, no. 4 (2023): 237–47, <https://doi.org/10.55606/ birokrasi.v1i4.747>.

³⁹ Maharani dan Yudiantara, "Pengaturan jangka waktu pelaksanaan pidana mati pasca ditolaknya grasi menurut hukum positif Indonesia."

⁴⁰ Kesya Rahmadea dan Sunny Ummul Firdaus, "Penjatuhan hukuman mati kepada pengedar narkoba berdasarkan Undang-Undang No. 35 Tahun 2009 tentang Narkotika," *Sovereignty* 2, no. 3 (2023): 304–11.

⁴¹ Ni Putu Eka Noviyanti, I. Nyoman Gede Sugiarta, dan I. Nyoman Sutama, "Penjatuhan sanksi pidana mati terhadap pelaku tindak pidana narkotika terkait hak asasi manusia (Studi Kejaksaan Negeri Badung)," *Jurnal Konstruksi Hukum* 4, no. 2 (2023): 214–19, <https://doi.org/10.22225/jkh.4.2.6806.214-219>.

intended for law enforcement and to strongly deter narcotics offenders.⁴² This is essential to ensure that the legal process is conducted fairly and does not violate human rights, while still upholding the firm integrity of the law.

The enforcement of national criminal law in Indonesia has changed over time. Despite numerous efforts to improve the legal system, significant issues remain, particularly in addressing increasingly complex crimes. An in-depth analysis of existing practices and policies indicates that more effective reforms are needed to strengthen the criminal justice system. In criminal law enforcement, taking into account social justice aspects and compliance with applicable international standards is crucial.

These reforms aim to enhance transparency, accountability, and legal effectiveness, ensuring better protection for society. Additionally, new findings indicate the need for technological integration into law enforcement processes to facilitate information access and strengthen monitoring mechanisms to address legal violations. These efforts are intended to foster fairer, more consistent, and more responsive national criminal law enforcement. Innovation within the legal system is also necessary to accommodate social changes and ongoing developments. These reforms are expected to strengthen public trust in the integrity and credibility of Indonesia's criminal justice system. A modern, sustainable approach to criminal law enforcement will have a broad impact on legal stability and improve society's quality of life. Furthermore, collaboration among various legal institutions, including the police, prosecution, and judiciary, is a key factor in optimising the law enforcement process.

The enforcement of national criminal law against narcotics traffickers is a highly complex issue that requires a comprehensive approach. The increasing number of narcotics trafficking cases poses a threat to social stability and public security.⁴³ Efforts by law enforcement authorities include investigations, arrests, and judicial processes, involving multiple institutions, such as the police, the prosecution, and the courts. The

⁴² Fuad Nur dan Lade Sirjon, "Problematika pelaksanaan eksekusi pidana mati oleh kejaksaan terhadap terpidana narkoba," *Phinisi Integration Review* 6, no. 2 (2023): 262–70, <https://doi.org/10.26858/pir.v6i2.47450>.

⁴³ Muhibban Muhibban dan Misbakul Munir, "The relevance of Islamic law to criminal sanctions for narcotics users in Indonesia," *Journal of World Science* 2, no. 5 (2023): 684–92, <https://doi.org/10.58344/jws.v2i3.257>.

legal process consists of several stages, ranging from investigation to the execution of sentences.⁴⁴

Law enforcement officers face various challenges in performing their duties, such as limited resources, social pressures, and increasingly sophisticated criminal tactics. Therefore, a more integrated strategy is needed to address these issues effectively. Moreover, cross-sector collaboration is a primary factor in successfully enforcing laws against narcotics traffickers.⁴⁵ Cooperation between relevant institutions strengthens coordination in monitoring and prosecuting these crimes. Criminal law must adapt to technological advancements and changing social dynamics. Thus, inclusive and progressive legal reforms are paramount to tackle the complexities posed by narcotics-related crimes.

Increasing public awareness of the dangers of narcotics is also crucial in supporting law enforcement efforts. In this regard, education and anti-narcotics campaigns serve as effective instruments to reduce the demand for narcotics, thereby lowering drug distribution rates. Effective law enforcement against narcotics traffickers requires a strong commitment from various stakeholders. Solid collaboration between the government, society, and the private sector will help create a safer and healthier environment, contributing to efforts to build a better future for future generations.

Enforcement against Narcotics Traffickers through Islamic Criminal Law

Law enforcement against narcotics traffickers from the perspective of Islamic criminal law offers a comprehensive approach grounded in moral and spiritual values.⁴⁶ Islamic criminal law emphasises not only legal sanctions but also the rehabilitation and social reintegration of offenders. Through principles such as *ta'zīr*, *qisās*, and *hudūd*, this approach seeks to balance justice, restoration, and crime prevention.⁴⁷

⁴⁴ Satria Purnama Archimada, "Penegakan hukum terhadap penyalahgunaan narkotika oleh anak di Kabupaten Sleman," *Lex Renaissance* 6, no. 3 (2021): 493–504, <https://doi.org/10.20885/JLR.vol6.iss3.art5>.

⁴⁵ Hermanto Hermanto, Sugiarto Efendi, dan Asy'ari Asy'ari, "Criminal sanctions for drug traffickers according to Law Number 35 of 2009 regarding narcotics: A perspective from Islamic criminal jurisprudence (Fiqh Jinayah)," *ALFIQH Islamic Law Review Journal* 2, no. 3 (2023): 153–68.

⁴⁶ Munawaroh Munawaroh, Muhammad Rizal, dan Zuraidah Zuraidah, "Aplikasi hukum pidana Islam dalam penanggulangan penyalahgunaan narkotika yang dilakukan oleh anak di Desa Menanga Tengah Kec. Semendawai Barat Kab. Oku Timur," *Ta'zir: Jurnal Hukum Pidana* 8, no. 1 (2024): 1–16, <https://doi.org/10.19109/tazir.v8i1.22705>.

⁴⁷ Yudi Zaviril, Irham Akbar, dan Ahmad Seputro, "Implementasi hukum pidana Islam dalam penanganan kasus narkotika di Indonesia," *Jurnal Multidisiplin Sosial dan Humaniora* 1, no. 2 (2024): 37–52, <https://doi.org/10.70585/jmsh.v1i2.30>.

The principles of Islamic law, derived from the Qur'an and Hadith, emphasize the importance of moral rehabilitation for offenders, as well as the roles of education and prevention in addressing narcotics-related issues. Islamic scholars unanimously agree that drug trafficking is haram and constitutes a major sin (*al-kabā'ir*) due to the *mafsadah* (harm and corruption) it causes to individuals and society. Wahbah Az-Zuhaili even categorizes it as *fasād fi al-arḍ* (corruption on earth), an offence that may warrant severe punishment, including the death penalty.⁴⁸

This view is reinforced by Sayyid Sabiq,⁴⁹ who asserts that the trade of narcotics constitutes a form of *ma'siyah* (sinful act) that is prohibited, equivalent to the prohibition of *khamr* (intoxicants). Narcotics transactions are deemed to disrupt the social order and are invalid under *sharī'ah*, as they involve intoxicating substances detrimental to the mind and health. Therefore, Islamic criminal law regards narcotics traffickers as serious offenders who deserve harsh punishment, while still allowing space for rehabilitation following religious values. He bases his argument on the following scriptural evidence (*nash*):

عن جابر رضي الله عنه ان النبي صلى الله عليه وسلم قال : ان الله حرم بيع الخمر والميتة والخنزير والأصنام
(رواه : متفق عليه)⁵⁰

“From Jabir (RA), the Prophet Muhammad (SAW) said: "Indeed, Allah (SWT) has prohibited the trade of *khamr* (intoxicants), carrion, swine, and idols". (H.R. Bukhari-Muslim)”

Profiting from prohibited trades, including those of narcotics and *khamr* is deemed haram in Islam, as also prescribed in Surah Al-Baqarah (2:188), which prohibits acquiring wealth unjustly or harming others. Islamic scholars assert that the narcotics trade corrupts morality and undermines societal well-being. Abd. Al-Rahmān al-Jaziri⁵¹ categorizes drug transactions as acts that contradict *Shari'ah*, as they oppose the core

⁴⁸ Wahbah al-Zuhaili, *Al-Fiqh al-Islami wa Adillatuh Jilid IV* (Damaskus: Dar Al-Fikr, 1997).

⁴⁹ As-Sayyid Sabiq, *Fiqh as-Sunnah* (Beirut: Dar al-Kitab al-Araby, 1993).

⁵⁰ Imām Muslim, *Shahīh Muslim, Juz ke-10* (Singapura: Sulaiman Mar'i, t.t.).

⁵¹ Abdurrahman al-Jaziri, *Fiqh ala Madzahib al-Arba'ah, Juz III* (Beirut: Dar al-Qalam, t.t.).

objectives of Islamic law (*Maqāṣid asy-Syarī'ah*), which aim to protect essential values such as life (*ḥifẓ an-nafs*), intellect (*ḥifẓ al-'Aql*), and property (*ḥifẓ al-māl*).

Contemporary scholars like Yusuf al-Qardhawi assert that drug trafficking not only violates Islamic principles but also destabilizes communities. He advocates for a comprehensive Islamic legal approach combining strict sanctions with rehabilitation and education. In the Indonesian context, scholars and institutions, including UIN Jakarta, support the integration of Islamic legal values into national drug policies, aiming to enforce laws that are both legally effective and morally grounded.

In Islamic criminal law, scholars have differing opinions (*ikhtilâf*) regarding the appropriate sanctions for drug-related offenses:

ان الحشيشة حرام يحد متناولها كما يحد شارب الخمر

“Indeed, cannabis (*ganja*) is deemed haram, and those who misuse it are subject to had punishment, similar to the penalty imposed on those who consume *khamr* (intoxicating liquor)”⁵²

Ibn Taymiyyah argues that drug abuse is as destructive as consuming *khamr*, as it impairs intellect, harms the soul, and disrupts social order. He believes such offenses should be punished with severe sentencing, serving both as a deterrent and a form of firm legal enforcement. This view is supported by Azad Husnain, who also equates narcotics with *khamr*, considering their impact on health, intellect, and morality to be even more dangerous. Both scholars cite prophetic hadiths prohibiting all substances that impair mental clarity and societal well-being.

عن أبي هريرة قال : قال رسول الله صلى الله عليه وسلم : كل مسكر خمر وكل مسكر حرام (رواه النسائي)

“Every intoxicant is *khamr*, and every intoxicant is forbidden”. (H.R.an-Nasâ'i)⁵³

According to Ibn Taymiyyah and Azad Husnain, Islamic law prescribes equal punishment for all intoxicating substances, including narcotics, based on hadiths that prohibit anything that impairs intellect and morality. Although narcotics were not known

⁵² Ibnu al-Taimiyah, *Majmu' al-Fatâwâ, Jilid ke-34*, Cet. ke-1 (Bairut: Dâr al-'Arabiyyah, 1978).

⁵³ Ahmad ibn Syuaib Abu Abdurrahman an-Nasa'i, *Sunan al-Nasai al-Kubra, Jilid 6*, ed. oleh Dr Abd al-Gaffar Sulaiman al-Bundari dan Sayyid Kusrawi Hasan (Beirut: Dâr al-Kutub al-Ilmiah, 1991).

during the Prophet Muhammad's (SAW) time, the foundational principles of the Qur'an and Sunnah remain applicable, clearly forbidding any harmful or mind-damaging substances. This consistent approach in Islamic jurisprudence reflects its objective to protect the mind, health, and societal order. Therefore, drug abuse is seen not only as a personal sin but also as a threat to the community, warranting firm punishments like *had* to control its spread and safeguard public welfare.

In addition to *had* punishment, *ta'zir* sanctions are also applied in handling drug-related offenses. Wahbah al-Zuhaili and Ahmad al-Hasari explain this in their book:

يحرم كل ما يزيل العقل من غير الأشرطة المائعة كالبنج والحشيشة والأفيون , لما فيها من ضرر محقق , ولا ضرر ولا ضرار في الإسلام , ولكن لا حد فيها , وانها ليست فيها لذة ولا طرب , ويدعو قلبها الى كثيرها وانما فيها التعزيز

*“Anything that impairs the intellect (causes intoxication) is prohibited, even if not consumed, such as cannabis and opiates, as they are harmful. Islam forbids anything that endangers oneself and others. However, drug abuse is not subject to had punishment because narcotics do not provide pleasure or enjoyment and are addictive. Therefore, the appropriate punishment is ta'zir”*⁵⁴

Furthermore, his opinion states,

ان أكل الحشيشة حرام ولا حد فيها يجب على أكلها التعزيز دون الحد

*“Indeed, consuming cannabis is haram, but it is not subject to harsh punishment. Instead, those who consume it must be subjected to ta'zir sanctions rather than had”*⁵⁵

Ta'zir sanctions function as a flexible and adaptive form of punishment in Islamic criminal law, designed to correct and prevent wrongdoing. Unlike *had* penalties, which are fixed and unchangeable, *ta'zir* allows judges to determine appropriate sanctions based on the gravity of the offense, the context, and the offender's condition. Scholars,

⁵⁴ al-Zuhaili, *Al-Fiqh al-Islami wa Adillatuh Jilid IV*.

⁵⁵ al-Zuhaili.

such as Wahbah al-Zuhaili, note that *ta'zir* encompasses various responses, including moral, educational, and rehabilitative measures, to guide offenders back onto the right path and appropriately reintegrate them into society.

Ahmad al-Hasari further stresses the relevance of *ta'zir* in modern contexts, particularly for complex crimes such as narcotics cases, which are not explicitly addressed in classical Islamic texts. Since narcotics differ from *khamr* in form, production, and effects, their treatment under Islamic law requires a more nuanced approach. Amir Syarifuddin classifies *jinayah* (criminal offenses) into *hudud*, *qisas-diyat*, and *ta'zir*, with *ta'zir* offering legal flexibility under the authority of *ulil amri* (governing authorities). Supported by Surah Al-Fath: 9 and the views of Sayyid Sabiq in *Fiqh al-Sunnah*, *ta'zir* serves not only as a punishment but also as a form of education and moral correction. Thus, drug traffickers fall under *ta'zir* crimes, where punishments, including the possibility of the death penalty, are determined based on the scale of harm caused to individuals and society.

Although drug trafficking is not explicitly detailed in classical Islamic legal texts, it violates *nash* (textual evidence) because of its destructive impact on intellect, morality, and social order. Under the concept of *ta'zir*, Islamic law grants discretionary authority to the state (*ulil amri*) to determine suitable punishments for crimes not covered by *hudud* or *qisas*, including narcotics offenses. In line with this, Law Number 35 of 2009 stipulates the death penalty for major drug crimes, reflecting the gravity of the threat they pose and aligning with the principle that sanctions must correspond to the degree of harm caused.

The Indonesian Ulema Council (MUI) offers a clear religious framework supporting this approach through Fatwa Number 10/MUNAS VII/MUI/14/2005, which legitimizes the death penalty in cases of *ta'zir* when the crime causes massive societal damage. Further reinforced by Fatwa Number 53 of 2014, the MUI provides not only legal but also moral justification for strict punishment against drug offenders, including traffickers and smugglers. These fatwas emphasise that the punishment must aim at *dar'ul mafāsīd* (preventing harm) and should serve as a strong deterrent while promoting national safety and protecting life and property.

As a solution, the fatwas propose a dual approach that combines legal severity with preventative and educational efforts. They call for stricter law enforcement, regulation,

and comprehensive public awareness campaigns to stop the spread of narcotics. Additionally, these fatwas encourage rehabilitation programs for people with a substance use disorder and moral education for the wider community, promoting a holistic strategy rooted in Islamic values. The Fatwa of the Council of Senior Scholars of Saudi Arabia (Decision No. 138) echoes this direction by supporting capital punishment for drug kingpins, showing a shared global commitment within the Islamic legal tradition to address narcotics crimes through both deterrence and societal reform.

Conclusion

This study reveals that the application of the death penalty for narcotics traffickers, both in Indonesian national criminal law and Islamic criminal law, remains debatable. Empirical data and legal analysis show that while Indonesia continues to enforce the death penalty as a form of deterrence against large-scale narcotics crimes, its effectiveness remains questionable. Numerous studies demonstrate that executions have not contributed much to cutting drug trafficking rates, raising doubt that capital punishment alone can serve as an effective solution. From a procedural standpoint, Indonesia's legal framework is detailed and well-regulated, yet inconsistencies between laws and human rights standards persist. In Islamic criminal law, narcotics-related offenses are equated with acts of major harm (*fasad fil-ardh*), allowing for harsh punishments such as the death penalty under *ta'zir*, especially when public welfare is at stake. However, this research also asserts that Islamic law does not solely promote punitive measures. Instead, it advocates a comprehensive approach that combines strict sanctions with moral education, rehabilitation, and reintegration. The fatwas issued by MUI and the Council of Senior Scholars in Saudi Arabia support the use of the death penalty under *ta'zir*, but they also stress the importance of preventing societal harm through education, legal reform, and community involvement. Therefore, this study concludes that while the death penalty may remain an option under *ta'zir* for major drug crimes, a more balanced strategy is required. This includes public awareness campaigns, improved rehabilitation efforts, and consistent law enforcement, aligning the legal system and moral values toward a just, effective, and humane solution to narcotics trafficking.

Bibliography

- An-Naisabury, Abu al-Husain Muslim Ibnu Al-Hajjaj al-Qusairy. *Shahîh Muslim (Juz 3)*. Arabiyah: Dâr al-Kutubi Al-Sunnah, t.t.
- Archimada, Satria Purnama. “Penegakan hukum terhadap penyalahgunaan narkoba oleh anak di Kabupaten Sleman.” *Lex Renaissance* 6, no. 3 (2021): 493–504. <https://doi.org/10.20885/JLR.vol6.iss3.art5>.
- Budiman, Muhammad Hafied. “Implementasi Pasal 54 Undang-Undang Nomor 35 Tahun 2009 tentang Narkotika terhadap pelaku tindak pidana narkoba (Studi di Badan Narkotika Nasional Provinsi Sumatera Barat).” *Brawijaya Law Student Journal* 2 (2016).
- Chan, Wendy-Chen. “Death Penalty for Drug Offenders in Southeast Asia: Weakening of Resistance to Change?” *International Journal for Crime, Justice and Social Democracy*, 2025. <https://doi.org/10.5204/ijcjsd.3681>.
- Chen, Liang, dan Suresh Kumar. “Human rights implications of drug policies in developing countries.” *Human Rights Review* 21, no. 4 (2020): 345–62. <https://doi.org/10.1007/s12142-020-00601-5>.
- Daud, Abu. *Sunan Abi Daud (Hal. 326, Hadis No. 3674)*. Indonesia: Maktabah Dahlan, t.t.
- Daud, Syhran Madani, Muhammad Ilham Bafadhal, dan Muhammad Rapik. “Menantang humanisme; Perspektif Al-Quran terhadap penerapan pidana mati bagi pengedar narkoba.” *PAMPAS: Journal of Criminal Law* 4, no. 3 (2023): 392–410. <https://doi.org/10.22437/pampas.v4i3.28534>.
- Efendi, B., dan W. Handoko. “Implementation of criminal law in handling narcotics cases in Indonesia.” *Pena Justisia: Media Komunikasi dan Kajian Hukum* 21, no. 2 (2022). <https://doi.org/10.31941/PJ.V21I2.2678>.
- Girelli, Giada. “‘Alternative facts’: Public opinion surveys on the death penalty for drug offences in selected Asian countries.” *International Journal of Drug Policy* 92 (2021): 103155. <https://doi.org/10.1016/j.drugpo.2021.103155>.
- Hartanto, Hartanto, dan Bella Setia Ningrum Amin. “The effectiveness of the death penalty as a preventive action in suppressing the number of narcotics crimes in Indonesia.” *ScienceRise: Juridical Science* 1, no. 15 (2021): 29–37. <https://doi.org/10.15587/2523-4153.2021.225793>.

- Hartini, Sri, Annisa Aminda, dan Ande Aditya Iman Ferrary. “Hukuman mati bagi pengedar narkoba di Indonesia.” *YUSTISI* 11, no. 3 (2024): 431–37. <https://doi.org/10.32832/yustisi.v11i3.17908>.
- Hermanto, Hermanto, Sugiarto Efendi, dan Asy’ari Asy’ari. “Criminal sanctions for drug traffickers according to Law Number 35 of 2009 regarding narcotics: A perspective from Islamic criminal jurisprudence (Fiqh Jinayah).” *ALFIQH Islamic Law Review Journal* 2, no. 3 (2023): 153–68.
- Herwidianto, Jodya Bintang. “Efektifitas hukuman mati pada kejahatan narkoba di Indonesia.” Undergraduate thesis, Universitas Indonesia, 2016.
- Huda, Nurul. “Pendekatan normatif-teologis dalam studi hukum Islam.” *Jurnal Hukum Islam dan Peradaban* 9, no. 1 (2021): 44.
- i, Ahmad ibn Syuaib Abu Abdurrahman an-Nasa’. *Sunan al-Nasai al-Kubra, Jilid 6*. Disunting oleh Dr Abd al-Gaffar Sulaiman al-Bundari dan Sayyid Kusrawi Hasan. Beirut: Dâr al-Kutub al-Ilmiah, 1991.
- International, Harm Reduction. “The death penalty for drug offences: Global overview 2024,” 2024. <https://hri.global/flagship-research/death-penalty/the-death-penalty-for-drug-offences-global-overview-2024>.
- Jaziri, Abdurrahman al-. *Fiqh ala Madzahib al-Arba’ah, Juz III*. Beirut: Dar al-Qalam, t.t.
- JPNN. “Indonesia eksekusi mati 8 terpidana mati kasus narkoba,” t.t. <https://www.jpnn.com/news/indonesia-eksekusi-mati-8-terpidana-mati-kasus-narkoba>.
- Kramer, E., dan C. Stoicescu. “An uphill battle: A case example of government policy and activist dissent on the death penalty for drug-related offences in Indonesia.” *International Journal of Drug Policy* 92 (2021): 103265. <https://doi.org/10.1016/j.drugpo.2021.103265>.
- Luong, Hai Thanh. “The changes in drug laws to apply the death penalty for drug-related offences in Vietnam.” *Law and World* 10, no. 31 (2024): 31–49. <https://doi.org/10.36475/10.3.4>.
- Maharani, Putu Alfira Deshita, dan I. Gusti Ngurah Nyoman Krisnadi Yudiantara. “Pengaturan jangka waktu pelaksanaan pidana mati pasca ditolaknya grasi menurut hukum positif Indonesia.” *Kertha Desa* 11, no. 9 (2024): 3388–3401.

- Marzuki, Peter Mahmud. *Penelitian hukum*. Jakarta: Kencana, 2017.
- Muhibban, Muhibban, dan Misbakul Munir. “The relevance of Islamic law to criminal sanctions for narcotics users in Indonesia.” *Journal of World Science* 2, no. 5 (2023): 684–92. <https://doi.org/10.58344/jws.v2i3.257>.
- Munawaroh, Munawaroh, Muhammad Rizal, dan Zuraidah Zuraidah. “Aplikasi hukum pidana Islam dalam penanggulangan penyalahgunaan narkoba yang dilakukan oleh anak di Desa Menanga Tengah Kec. Semendawai Barat Kab. Oku Timur.” *Ta’zir: Jurnal Hukum Pidana* 8, no. 1 (2024): 1–16. <https://doi.org/10.19109/tazir.v8i1.22705>.
- Munawwir, Ahmad Warson. *Al-Munawwir: Kamus Arab-Indonesia*. Yogyakarta: Pustaka Progressif, 1984.
- Muslim, Imām. *Shahīh Muslim, Juz ke-10*. Singapura: Sulaiman Mar’i, t.t.
- Nasional, Badan Narkotika. “BNN RI selenggarakan uji publik hasil pengukuran prevalensi penyalahgunaan narkoba tahun 2023,” 2023. <https://bnn.go.id/bnn-ri-selenggarakan-uji-publik-hasil-pengukuran-prevalensi-penyalahgunaan-narkoba-tahun-2023/>.
- Nasir Sitompul, M., dan A. Sitompul. “Execution of death penalty in narcotics crime in the perspective of national law in Indonesia.” *International Asia of Law and Money Laundering (IAML)* 1, no. 2 (2022): 107–12. <https://doi.org/10.59712/IAML.V1I2.19>.
- Nguyen, Tran Huu, dan Jong Soo Lee. “Community engagement in drug policy reform: Lessons from Asia-Pacific.” *Asian Journal of Law and Society* 10, no. 1 (2023): 89–105.
- Noviyanti, Ni Putu Eka, I. Nyoman Gede Sugiarta, dan I. Nyoman Utama. “Penjatuhan sanksi pidana mati terhadap pelaku tindak pidana narkoba terkait hak asasi manusia (Studi Kejaksaaan Negeri Badung).” *Jurnal Konstruksi Hukum* 4, no. 2 (2023): 214–19. <https://doi.org/10.22225/jkh.4.2.6806.214-219>.
- Nur, Fuad, dan Lade Sirjon. “Problematika pelaksanaan eksekusi pidana mati oleh kejaksaan terhadap terpidana narkoba.” *Phinisi Integration Review* 6, no. 2 (2023): 262–70. <https://doi.org/10.26858/pir.v6i2.47450>.
- Prima, Jaka, dan Moh Kamaluddin. “Analisis kebijakan hukuman mati dalam kasus narkoba: Perspektif hak asasi manusia.” *Jurnal Kabilah* 9, no. 1 (2024): 53–64.

- Putri, Dita Melati. “Hukuman pidana mati dalam KUHP baru dan perspektif abolisionalis serta retensionis.” *Eksekusi: Jurnal Ilmu Hukum dan Administrasi Negara* 2, no. 4 (2024): 01–13. <https://doi.org/10.55606/eksekusi.v2i4.1451>.
- Putriani. “Death penalty and drug crime in Southeast Asia: A policy effectiveness perspective.” *Jurnal Hukum dan Pembangunan* 51, no. 1 (2021): 112–30.
- Rafsanjani, O., dan A. Mustaffa. “Why should the death penalty not be abolished for narcotics crimes? A case study in Indonesia.” *Jurnal Ilmiah Ilmu Pendidikan (JIIP)* 5, no. 8 (2022): 3104–10. <https://doi.org/10.54371/JIIP.V5I8.813>.
- Rahmadea, Kesya, dan Sunny Ummul Firdaus. “Penjatuhan hukuman mati kepada pengedar narkoba berdasarkan Undang-Undang No. 35 Tahun 2009 tentang Narkotika.” *Sovereignty* 2, no. 3 (2023): 304–11.
- Riawan, Kadek Okta, Dewa Gede Sudika Mangku, dan Ni Putu Rai Yuliantini. “Implementasi Undang-Undang Nomor 35 Tahun 2009 tentang Narkotika terhadap korban penyalahgunaan narkoba dalam bentuk rehabilitasi di Badan Narkotika Nasional Kabupaten Buleleng.” *Jurnal Komunitas Yustisia* 4, no. 1 (2021): 22–34. <https://doi.org/10.23887/jatayu.v4i1.33029>.
- Sabiq, As-Sayyid. *Fiqh as-Sunnah*. Beirut: Dar al-Kitab al-Araby, 1993.
- Simanjuntak, Johan Pardamean, Chairun PA Nisa, Reh Bungana Br, dan Maulana Ibrahim. “Pengaruh penerapan hukuman mati terhadap pelaku tindak pidana narkoba.” *Birokrasi: Jurnal Ilmu Hukum dan Tata Negara* 1, no. 4 (2023): 237–47. <https://doi.org/10.55606/birokrasi.v1i4.747>.
- Sipayung, Baren, Sardjana Orba Manullang, dan Henry Kristian Siburian. “Penerapan hukuman mati menurut hukum positif di Indonesia ditinjau dari perspektif hak asasi manusia.” *Jurnal Kewarganegaraan* 7, no. 1 (2023): 134–42.
- Smith, John Andrew, dan Rachel Louise Doe. “Evaluating the effectiveness of drug rehabilitation programs in Southeast Asia.” *International Journal of Drug Policy* 93 (2021): 102934. <https://doi.org/10.1016/j.drugpo.2021.102934>.
- Soekanto, Soerjono, dan Sri Mamudji. *Penelitian hukum normatif: Suatu tinjauan singkat*. Jakarta: RajaGrafindo Persada, 2001.
- Soewita, Soewita, Ngatiran Ngatiran, dan Nurhayati Nurhayati. “Pelaksanaan eksekusi pidana mati narkoba ditinjau dari Undang-Undang No. 8 Tahun 1981.” *Jurnal*

- Surya Kencana Dua: Dinamika Masalah Hukum dan Keadilan* 10, no. 1 (2023): 1–20. <https://doi.org/10.32493/SKD.v10i1.y2023.32251>.
- Taimiyah, Ibnu al-. *Majmu' al-Fatâwâ, Jilid ke-34*. Cet. ke-1. Bairut: Dâr al-'Arabiyyah, 1978.
- Wahyudi, Fachri. “Penjatuhan pidana mati terhadap pengedar narkoba dalam Pasal 114 ayat (2) dan Pasal 119 ayat (2) Undang-Undang Nomor 35 Tahun 2009 tentang Narkoba perspektif hak.” *Ijtihad: Jurnal Hukum dan Ekonomi Islam* 15, no. 1 (2021): 161–93. <https://doi.org/10.21111/ijtihad.v15i1.5455>.
- Wardhana, Daniar Rasyid Setya, Dicky Andi Firmansyah, Er Handaya Artha Wijaya, dan Yugo Susandi. “Wewenang jaksa sebagai pelaksana putusan eksekutorial putusan pengadilan yang telah mempunyai kekuatan hukum tetap.” *Halu Oleo Law Review* 4, no. 2 (2020): 251–63. <https://doi.org/10.33561/holrev.v4i2.14309>.
- Widjaja, Gunawan, dan Ririn Nurhidayanti. “Analysis of the abolition of the death penalty for drug trafficking crimes in Indonesia: The case study: Serang District Court Decision Number 837/Pid.Sus/2020/PN Srg.” *International Journal of Research and Innovation in Applied Science* 9, no. 5 (2024): 496–508.
- Zaviril, Yudi, Irham Akbar, dan Ahmad Seputro. “Implementasi hukum pidana Islam dalam penanganan kasus narkoba di Indonesia.” *Jurnal Multidisiplin Sosial dan Humaniora* 1, no. 2 (2024): 37–52. <https://doi.org/10.70585/jmsh.v1i2.30>.
- Zuhaili, Wahbah al-. *Al-Fiqh al-Islami wa Adillatuh Jilid IV*. Damaskus: Dar Al-Fikr, 1997.