

ANALYSIS OF THE DRUG-FREE VILLAGE PROGRAM FROM THE PERSPECTIVE OF PROGRESSIVE LAW IN LAW ENFORCEMENT

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ABSTRACT

The Drug Clean Village Program is a program of the National Narcotics Agency of the Republic of Indonesia, which aims to eradicate drug trafficking at all levels of society. The progressivity of drug laws and regulations and the enforcement of community justice have not been comprehensive. So this research aims to determine the direction of the progression of legal justice for all levels of society based on laws and regulations. The type of research used in this study is normative juridical, which focuses on the conceptual approach of legislative rules. The results of this study show that the drug-free village program only looks at the problem, and in fact, the development of laws and regulations and the enforcement of justice needs legal reform.

Keywords: *The Drug Clean Village Program; Progressivity; Enforcement of Justice.*

INTRODUCTION

The Indonesian nation has been besieged by drugs that have spread to all levels of Indonesian society. The numbers of victims of drug abuse is increasing and has penetrated the village community. It is an important issue for Indonesia to prevent drug abuse and illicit circulation, so it must be dealt with intensively by all elements and components of the nation that are urgent.¹

A village is a unitary area of a legal society that has territorial boundaries that are authorized to regulate and manage government affairs, the interests of the community based on the Community Initiative, rights of origin, and traditional rights that are recognized and respected in the government system of the Unitary State of the Republic of Indonesia have a large role in carrying out government and development tasks in their territory in accordance with laws and regulations. Based on the regulations, the Village Head is obliged to foster peace and order in the village community while also empowering the village community, including in the prevention of drug abuse and trafficking.²

Indonesia is a great country in dealing with drug cases. Various ways have been done to overcome, prevent, and overcome drug trafficking. But the fact is that drugs are important for certain treatments. Improper use or not in accordance with medical standards causes a very

detrimental impact on individuals or society. These adverse effects become dangerous when combined with the spread of illegal drugs, which pose a serious risk to life.³

Narcotics, Psychotropics and other Addictive Substances, commonly called Drugs, are very worrying because of the adverse impact that threatens the young generation and the future of the Indonesian nation. Every day, many young Indonesians die in vain because of drugs, losses due to stolen goods, losses due to rehabilitation costs, and other costs. This extraordinary crime has embraced many layers of society.⁴

The Shining Village program, or a village that is free from drugs, is a form of the government's concern for the many drug cases in Indonesia. The law, as a binding rule, actually aims to provide justice to the problem of drug cases. The village, as a gathering place for many young people, adults, and housewives, depends on the fate of the journey of an advanced life.

Drug trafficking is carried out by various groups, and housewives and children also carry out buying and selling transactions. The economic impact and many unemployed in the village are the causes of drug trafficking from various circles. Beleka Daya Village, East Praya District in Central Lombok Regency, is dubbed a Drug Village. A total of 25 perpetrators were arrested, some of whom were women. Drug dealers and dealers as targets of a joint personnel team of the Indonesian Police and the National Army. Evidence was also confiscated by the joint team.⁵ The socialization of a drug-free village, which is actually a way to prevent drug trafficking and users, has not been widely studied by the community.

The initial implementation of the Bersinar village program has been conveyed in socialization and education activities. The idea of the National Narcotics Agency of West Nusa Tenggara Province, in collaboration with the local village government. The socialization was carried out directly through residents from various religious leaders, youth leaders, age groups free village officials. This approach shows the cultural sensitivity in the implementation of the program, which is the key to success.⁶ The success of the village in preventing drug trafficking and eradicating drug dealers to their roots certainly requires the role of law enforcement officials. Drug cases are very dangerous for the sustainability of the great human resources of the nation's next generation.

Law enforcement, so a way to prevent drug trafficking and use for all groups. The law plays a role in providing sanctions to drug perpetrators, the current era of digitalization is a tool for perpetrators in carrying out various ways of distributing drugs. The rule of law seeks to provide an enforcement of justice against the perpetrator in terms of imposing punishment. So it was mentioned by Satjipto Rahardjo that progressive law is a law that can keep up with the times and is able to answer the changes of the times with all the basics in it. Progressive legal science has always wanted to be faithful to the great principle that "law is for man" because human life is full of dynamics and changes over time.⁷

The adage that law is for human beings needs to be maintained from various forms of falsifiability so that the life of law is a tool to achieve something, not as a final goal. In the modern legal system, justice is considered to be provided by making positive laws. In other words, the justice to be upheld is determined through positive law. In the context of social society, the

³Mihrab A dkk, (2022), Pendidikan Anti Korupsi, Anti Narkoba, dan Deradikalisasi, Sumatera Barat: Get Press Indonesia, p. 89.

⁴Deputi Bidang Pencegahan BNN RI, (2017), Narkoba dan Penyelesaiannya, Jakarta: Badan Narkotika Nasional RI, p. 1.

⁵Jakarta, TVOnenews.com, <https://www.tvonenews.com/chanel/news/248027-detik-detik-petugas-gabungan-gerebek-kampung-narkoba>. Diakses 7 Januari 2026.

⁶M Arkam dkk (2025), Pengaruh Implementasi Program Desa Bersinar Terhadap Partisipasi Masyarakat dalam Pencegahan Penyalahgunaan Narkoba di Desa Beleka Kecamatan Praya Timur, Kabupaten Lombok Tengah, *Jurnal Pustaka Nusantara Multidisiplin*, Vol. 3 No. 2, 2025.

⁷Dey Ravena (2010), Wacana Konsep Hukum Progresif dalam Penegakan Hukum di Indonesia, *Jurnal Wawasan Hukum*, Vol. 23 No. 2, 2010.

relationship and actions of the government to citizens are based on rules and procedures that are impersonal and imperious.⁸ Law as an important thing in providing justice for every human being. The existence of legal justice for every level of society is theoretically useful in the legal status quo. The development of the digital age is a renewal in legal progressivity.

Honesty and sincerity are the crown of law enforcement. Care and dedication are the spirit of law enforcement. The interests of the community are the orientation point and the final goal of the law. Progressive legal actors make a progressive interpretation of the rules. In the face of a rule of law, even if it is not aspirational, progressive law enforcement apparatus does not have to dismiss the existence of that rule. A new interpretation of the rules is precisely to give justice and happiness to justice seekers. The realization of fundamental reforms, as offered by progressive law, requires supporters of a new framework of beliefs in the form of a reference model that can guide the changes to be implemented.⁹

The reality of the community in general has basic needs in their daily routine: economic factors cause people to receive services from dealers. Economic, social, and environmental factors are the drivers of the community in running a business as a drug dealer. Progressive law actually looks at things from many perspectives. Globalization with modern changes has become a historical basis for law enforcement in seeing justice for society.

METHOD

In this study, the researcher uses a type of normative juridical research, which focuses on the study of legal rules and norms as well as legal principles written in laws and regulations. Meanwhile, the approach used by the author is the approach of laws and regulations related to the rules of the national narcotics agency in collaboration with the Ministry of Home Affairs to overcome and prevent many drug cases. The approach to the problem is to look at the Drug Clean Village program from the perspective of cause, and effect users, traffickers in criminal crimes, the progressivity of law enforcement officials and justice for the community.

The source of legal materials used in this study is primary legal materials, which include the Criminal Code, government regulations and other laws and regulations related to this study. In addition, the author also uses secondary materials which include books, journals, articles, and tertiary legal materials, as materials that provide instructions and explanations for primary and secondary legal materials. The technique of collecting legal materials uses Literature research. The analysis method used is descriptive qualitative analysis, which involve describing the phenomenon in depth using the data obtained from the research object. Descriptive studies are intended to provide accurate data about events, conditions, and other symptoms. Legal materials obtained. The legal materials obtained in the research are described in such a way in the presentation of more systematic writings to answer the problems that have been formulated

ANALYSIS AND DISCUSSION

The Drug Clean Village Program (Shine Village) is a form of government concern in handling drug cases in Indonesia that continues to be non-stop. In this case, the National Narcotics Agency of the Republic of Indonesia, together with the Ministry of Home Affairs has a very good goal to combat the number of drug trafficking problems. The involvement of the village government in combating drugs through the prevention of drug abuse and illicit circulation is an appropriate strategy, as stipulated in Law Number 6 of 2014, which has the authority to

⁸Ibid.,

⁹Sudijono Sastroatmodjo, (2005), Konfigurasi Hukum Progresif. *Jurnal Ilmu Hukum*, Vol. 8 No. 2, 2005.

foster the village community to have the right to protection and protection from disturbances of peace and order in the village, creating a safe, comfortable, and serene situation in the village.¹⁰

Law enforcement conceptually lies in the activity of harmonizing the relationship of values described in good rules and attitudes of action as a series, the elaboration of the final stage, to create, maintain, and enforce peace of association. It is a benchmark of the effectiveness of law enforcement in the sense of its function and meaning as part of the concept of legal structure. Therefore, the discussion of the role of law enforcement begins with the meaning of the legal system. Friedman describes that a legal system has a structure, substance encompassing the rules of norms and real human behavior that reside in the system, and a legal culture that includes beliefs, values, thoughts, and expectations.¹¹

Based on the increasing prevalence of drug trafficking in our nation, it is appropriate for law enforcement to really assess justice for the community. Law enforcement officials should make new rules in looking at the progressivity of digital progress. Law enforcement has always been a controversial social phenomenon. The striking differences in the results of court decisions by judges in similar cases often attract the attention of the public. For example, law enforcement issues are related to law enforcement officers who are active users of drugs. The conditions of law enforcement are expected to be contrary to the expectations of the community, because the law enforcement apparatus is the front line of law enforcement in the State. Drug dealers, and dealers continue to be a threat to the unitary state of the Republic of Indonesia, because the production of illegal drugs and their spread are very fast and widespread, in affecting all levels of society.¹²

Law enforcement officials are also affected by drug cases: this is a crime that is considered an action of the state civil apparatus and disciplinary sanctions must be imposed to employees who violate the rules and oaths. This idealism is what the community expects, but in fact, law enforcement officials are still entangled in committing criminal acts of drug abuse and as active users. The law must be obeyed, implemented, and enforced. Everyone expects the law to be applied in all cases. When a certain event occurs. As the law is "*fiat justitita et pereat mundus*" it must be applied. The law is interpreted classically only to concern law enforcement institutions, including the police, courts, prosecutors' offices, advocates, and community institutions. The view of society socially considers law enforcement to include violence, extortion, or human rights violations by individuals. However, the law is not a reflection of human behavior, that is *legalistic positivistic* that a law like this is handled by the behavior of a person who is authorized as a law enforcement officer.¹³

The layers of society have been eaten away by drugs in Beleka Village is also a common observation that small people with limited economies and sources of income, make drugs a business field for goods delivery services. Drug dealers also reap profits from sales and even become users in large quantities. Law enforcement officials actually provide services to the community to examine, arrest, investigate, prosecute and provide punitive sanctions to the perpetrators. The current state of our nation is that law enforcers are also drug users.

The progress of legal rules related to drugs is still irrelevant to the current situation, which has advanced rapidly with the digital world. We know together that the Drug Law still follows the 2009 rule, which was made 17 years ago. Drug cases are interpreted to be subject to the rules in existing laws and regulations, whether is the case of drug users, drug dealers, or also drug dealers from the bottom to the top.

Law Enforcement

¹⁰Deputi Bidang Pencegahan BNN RI Direktorat Advokasi, *Loc.cit.*

Drug cases have eaten away at all layers, but drug cases must be able to be given justice that is as fair as possible by looking at the development of the times and the social context of Indonesian society. Based on the National Narcotics Agency Program together with the Village Government through the Drug Clean Village Program, it is significant enough to overcome trafficking, and whether at the village level. Villages are the lowest economic point in areas with a lot of unemployment, many poor people, society cases of domestic violence due to lack of finances. So that the village is used as a place for transactions and bookmakers at the village level, which is due to many of the above causative factors.

In general, every community, be it the village community, must be given punitive sanctions based on the case. Legal rules related to addicts and victims of drug abuse are required to undergo medical and social rehabilitation and judges are expected to prioritize rehabilitation, especially for victims of abuse. As a punitive sanction in article 103 paragraph 1 point a. decide to order the person concerned to undergo treatment and/or treatment through rehabilitation if the narcotics addict is guilty of committing a narcotics crime. Meanwhile, in part b. It stipulates that the person concerned to undergo treatment and/or treatment through rehabilitation if the narcotics addict is not proven guilty of committing a narcotics crime.¹⁴

For each drug abuser, it is regulated in article 127 paragraph 1 point a. Class I narcotics for oneself are sentenced to a maximum prison sentence of 4 (four) years, b. Class II narcotics for oneself are sentenced to a maximum prison sentence of 2 (two) years, c. Class III narcotics for oneself are sentenced to a maximum prison sentence of 1 (one) year.¹⁵ Other articles that are also relevant that drug users can also be subject to other articles depending on the role and evidence found during the search several other relevant articles include, Article 112 paragraph 1 that: Every person who without rights or against the law possesses, stores, controls, or provides Class I narcotics that are not plants, shall be sentenced to a minimum prison sentence of 4 (four) years and a maximum of 12 (twelve) years and a fine at least Rp800,000,000.00 (eight hundred million rupiah) and at most Rp8,000,000,000.00 (eight billion rupiah), Article 112 paragraph 2 that: In the event of possessing, storing, possessing, or providing Class I Narcotics that are not plants as intended in paragraph (1) the weight exceeds 5 (five) grams, the perpetrator shall be sentenced to life imprisonment or imprisonment for a minimum of 5 (five) years and a maximum of 20 (twenty) years and the maximum fine as intended in paragraph (1) plus 1/3 (one-third).¹⁶

The rules related to sanctions are also in article 114 paragraph 1 that: Any person who without haka knowingly violates the law offers to sell, sell, buy, receive, become an intermediary in the sale and purchase, exchange, or delivery of class I narcotics shall be sentenced to life imprisonment or imprisonment for a minimum of 5 (five) years and a maximum of 20 (twenty) years and a fine of at least Rp. 1,000,000,000.00 (one billion rupiah) and a maximum of Rp. 10,000,000,000.00 (Ten billion rupiah). Article 114 paragraph 2 also states that: in the event of an act to sell, sell, buy, become an intermediary in buying and selling, exchange, handing, or receiving Class I Narcotics as referred to in paragraph (1) which in the form of plants weighs more than 1 (one) kilogram or exceeds 5 (five) tree trunks in the form of non-plants weighing 5 (five) grams, the perpetrators are punished with the death penalty, life imprisonment, or short imprisonment of 6 (six) years and a maximum of 20 (twenty) years and a maximum fine as intended in paragraph (1) plus 1/3 (third).¹⁷

Law enforcement in Indonesia is already based on the rule of law, be it the Law or the Criminal Procedure Code, but law enforcement in Indonesia is confusing because it is law

¹⁴Undang-Undang Nomor 35 Tahun 2009 Tentang Narkotika.

¹⁵Ibid.,

¹⁶Ibid.,

¹⁷Ibid.,

enforcement officials who are users and dealers of the drugs themselves. So it becomes anxiety that where justice will be brought in law enforcement in Indonesia in rampant drug cases.

Law enforcement officials who have been sentenced to death in Indonesia already exist. One of the causes of law enforcement officials being sentenced to death is the police force caused by narcotics abuse, the pressure of life and the work of a police officer is very heavy. It can be seen in the demands of duty, ready to be commanded by commanders, so it is not uncommon for them to hate their arrogant and selfish superiors. Minimal salaries like a few years ago that are not balanced with the needs of life, the existence of official home facilities, many do not get it and there are domestic conflicts. The temptation of a policeman on duty in a nightclub will be provoked by the temptation that consuming the drug can increase stamina. So it can be said that the police also need drug dealers when the drug goods consumed by them are out of stock. When the dealer is caught, and it happens to be still a police affair, they can make peace at a certain price. As long as it has not been brought to court, evidence can be regulated and reduced until it is eliminated. This is done both at the Police and the Regional Police levels. Even though the perpetrators are individuals, their mistakes are often conspicuous, because it opens friendships between them.¹⁸ So the role of law enforcement officials is needed to anticipate unwanted events. The role of police supervisors, judge supervisors such as the Supreme Court, and the Judicial Commission is needed for the continuity of fair law enforcement for the community.

Progressive Law

The progress of digitalization cannot be abandoned by the community today, because the needs of the community are increasingly wide in interaction with the global world. Education and government infrastructure facilities cannot be separated from digital society. Law enforcement is expected to be able to provide equal justice to all levels of society. The rapid progress of the nation is actually seen from the security and welfare of a community in social interaction and economic progress of the community. The existence of drug trafficking cases that are increasingly rampant this year, has become a big problem in law enforcement. There must be progress in the latest regulations in the drafting of narcotics laws, as well as law enforcement officials who must be purely clean from drug addicts.

Punitive sanctions must provide punishments that make others also afraid to commit acts of drug trafficking and drug users. Law enforcement includes activities to implement and enforce the law and take legal action against any violation or deviation of the law. Law enforcement activities also include all activities that are intended so that the law as a set of normative rules that regulate and bind the subjects of the law in all aspects of social and state life is truly obeyed and truly carried out as it should. That in a narrow sense, law enforcement concerns the enforcement of any violation or deviation of laws and regulations in the form of criminalization.¹⁹

Criminalization for the perpetrators of criminal acts can be justified normally because the punishment contains positive consequences for drug convicts. Hence this theory is called the theory of consequentialism. Criminals are imposed not because they have done evil but so that the perpetrator of the crime no longer does evil and other people or potential criminals are afraid of committing similar crimes. That criminalization is basically not intended as an effort to take revenge but as an effort to coach a perpetrator of a crime as well as a preventive swamp against the occurrence of similar crimes. An important part of the penal system is to establish

¹⁸Paian Tumangord kk, (2023), Pemberatan Pemidanaan Terhadap Aparat Penegak Hukum Sebagai Pengedar/Bandar Narkotika (Studi Putusan No. 2611/Pid.Sus/2017/PN. Lbp dan Putusan No. 56/Pid.Sus/2020/PN.Dpk). *Jurnal Konsep Ilmu Hukum : Locus*, Vol. 3 No. 2, 2023.

¹⁹Ni Putu Noni Suharyanti (2017), Progresivitas dalam Penegakan Hukum Penyalahguna Narkotika. *Jurnal Kertha Paritika*, Vol. 39 No. 2, 2017.

a sanction. The existence of criminal sanctions will provide the direction and consideration that should be given in a person's criminal actions to enforce the applicability of norms. Criminalization itself is the most complex process in the criminal justice system because it involves many different people and institutions.²⁰

Although the Narcotics Law has regulated the existence of a *double track criminal system*, where the Judge can decide on the prison sentence and can decide on rehabilitation measures for narcotics abuse, so that in this case the Judge has an important role given by the Law to decriminalize, but in reality the settlement of narcotics abuse cases in Indonesia tends to end in the criminal conviction of the perpetrator. In fact, one of the problems that occurred in practice in the Court that there were a lot of Public Prosecutors in their indictments against narcotics abusers charged with articles directed at Article 111 paragraph (1) or Article 112 paragraph (1) of Law Number 35 of 2009 which both emphasized the elements of the act of "possessing, storing, controlling" with a single indictment. Meanwhile, the alternative indictment of Article 127 is rarely indicted even though the defendant in the Investigation Report attaches a recommendation from the Assessment Team, but the Public Prosecutor does not indict the defendant using narcotics abuse articles.²¹ If there is a partiality of a law enforcement officer, then it is true that judicial supervision reviews the way of the community's justice process. As well as the creation of new laws and regulations must be able to regulate according to the progress of the nation.

Rehabilitation for drug addicts is still little done based on the judge's decision, the provision of rehabilitation sanctions is still minimal, but in fact, the lower layers of society are always subject to criminal sanctions of confinement. In general, court decisions always give criminal laws to drug addicts and users, even though there are many prisoners in the correctional institution. Instead, legal progressivity must be given to abusers through Restorative Justice. Because legal sanctions through the Restorative Justice process provide recovery to victims who suffer from criminal acts by providing compensation to victims through the peace process, while punishment to perpetrators can be replaced, for example, by doing social work. Restorative Justice is a process that involves all interested parties with the problem of a particular violation to then jointly resolve it collectively as a result of the violation and its implications in the future.²²

The role of judges in the verdict of prison criminal sanctions against drug users or addicts even though it is criticized for the application of Restorative Justice as a solution to this problem. According to the Decree of the Director General of the General Judiciary Number 1691/DJU/SK/PS.00/12/2020 dated December 22, 2020 concerning the Implementation of Guidelines for the Implementation of *Restorative Justice* in the General Judicial Environment, *Restorative Justice* must apply and be applied by all district courts in Indonesia, especially in terms of resolving cases in misdemeanor crimes, children's cases, women dealing with the law and narcotics cases. The application of Restorative Justice in narcotics cases can be carried out as long as they can be categorized as addicts, abusers, victims of abuse, narcotics dependence, and narcotics for one day as stipulated in the Joint Regulation of the Chief Justice of the Supreme Court, the Minister of Law and Human Rights, the Minister of Health, the Minister of Social Affairs, the Attorney General, the Chief of the Police, the Head of the National Narcotics Agency Number 01/PB/MA/111/2014, Number 03 of 2014, Number 11 of 2014, Number 03 of 2014, Number Per005/A/JA/03/2014, Number 1 of 2014, Number Perber/01/111/2014/BNN

²⁰Ibid.,

²¹Ibid.,

²²Ibnu Affan, (2023), Penerapan Restorative Justice dalam Perkara Penyalahgunaan Narkotika Berbasis Hukum Progressif. *Jurnal Hukum Kaidah Media Komunikasi dan Informasi Hukum dan Masyarakat*, Vol. 23, No. 1, 2023.

concerning the handling of narcotics addicts and victims of narcotics abuse into Rehabilitation Institutions (abbreviated as “Joint Regulations” came into effect on March 11, 2014).²³

The legal process through *Restorative Justice*, if carried out consistently by law enforcement officials, is believed to be able to reduce the number of drug addicts and drug dependency which is quite massive in Indonesia. Narcotics are included in extraordinary crimes that are of concern to the whole world because they can damage a generation of a nation, so their handling must be carried out holistically, integrally, and systematically. Because the Restorative Justice approach in drug abuse cases is a necessity. The implementation of restorative justice is ultimately a solution in overcoming *overcrowding* in prisons and correctional facilities in Indonesia, so it is therefore important to implement it.²⁴

Restorative Justice, in its implementation actually has many obstacles, there is no legal unification. Restorative Justice has not been carried out with a system approach in the form of a criminal justice system. However, what currently exists is still with a sectoral approach regulated by each law enforcer in the form of institutional regulations, which are of course still dilemmatic. Law enforcement officials are often hesitant when they have to offer restorative justice to perpetrators of criminal acts, especially in drug cases, because it can cause misperceptions from the perpetrator’s family and the community. Another case is that Restorative Justice has been created in the form of a criminal justice system regulated by a separate law.²⁵

Judges must have a good conscience in giving verdicts to drug case convicts. The survival of the crowd will be considered in the judge’s final verdict. The current law on narcotics is said to be still in use. The legal process through *Restorative Justice* is actually needed to provide legal sanctions through rehabilitation. Legal progressivity in drug cases requires significant changes to the laws and regulations to overcome the settlement of cases of *extraordinary crimes*. The drafting of the Restorative Justice law is urgently needed for users and addicts, especially young people who only follow the trend of global progress styles. The supervision of law enforcement officials is also carried out more strictly to provide a great sense of responsibility to protect the sustainability of the next generation of the Indonesian nation.

CONCLUSION

The enforcement of justice in drug cases must be eradicated at its roots. The National Narcotics Agency program perpetrators with the Village Government, through the Drug Clean Village program is a very good program, to overcome the circulation and mafia of drug dealers. However, in reality, law enforcement for community justice is still overlapping between ordinary people and officials when they are both drug users. Legal progressivity must be carried out by looking at the state of justice enforcement for drug cases as well as the current digital world. So that the application of Restorative Justice is very suitable for ordinary people. Reforms to the Law on Drugs must be implemented, considering the rapid development of the digital world and the cases of drug problems that eat away at all levels of society, including law enforcement officials.

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