

**DEATH SENTENCE FOR DRUG TRAFFICKERS ACCORDING TO HADITH
NARRATED BY AHMAD**

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Abstract

Drug abuse and trafficking represent significant global challenges, particularly in Indonesia. This study examines the Islamic perspective on the death penalty for drug traffickers, referencing the Hadith narrated by Ahmad. The research highlights Islam's emphasis on community health and safety, categorizing drug use as a major sin warranting severe sanctions. Employing a comparative normative legal approach, the analysis incorporates Islamic jurisprudence, national laws, and scholarly opinions. While some Islamic scholars endorse the death penalty as a means of justice and societal protection, others urge caution, advocating for measured applications rooted in fairness and due legal processes. Findings suggest that Islam recognizes the grave societal harm caused by drug trafficking, supporting stringent measures like the death penalty under a transparent legal framework. The study underscores the necessity of balancing justice, human rights, and religious principles in addressing this critical issue.

Keywords: *drug trafficking, death penalty, Islam, Hadith, justice, legal process*

Abstrak

Penyalahgunaan dan peredaran narkoba merupakan tantangan global yang signifikan, khususnya di Indonesia. Penelitian ini mengkaji perspektif Islam terkait hukuman mati bagi pengedar narkoba dengan merujuk pada Hadis yang diriwayatkan oleh Ahmad. Studi ini menyoroti perhatian Islam terhadap kesehatan dan keselamatan masyarakat, mengategorikan penggunaan narkoba sebagai dosa besar yang memerlukan sanksi berat. Dengan pendekatan hukum normatif-komparatif, analisis mencakup yurisprudensi Islam, hukum nasional, dan pendapat para ulama. Sebagian ulama mendukung hukuman mati sebagai bentuk keadilan dan perlindungan masyarakat, sementara yang lain menyerukan kehati-hatian dengan menekankan penerapan yang adil dan proses hukum yang transparan. Hasil penelitian menunjukkan bahwa Islam mengakui dampak merusak peredaran narkoba terhadap masyarakat, sehingga mendukung langkah-langkah tegas seperti hukuman mati, asalkan dilaksanakan melalui kerangka hukum yang adil. Penelitian ini menekankan pentingnya keseimbangan antara keadilan, hak asasi manusia, dan prinsip-prinsip agama dalam menangani isu ini.

Kata kunci: peredaran narkoba, hukuman mati, Islam, Hadis, keadilan, proses hukum

INTRODUCTION

There is no Hadith that specifically provides for the death penalty for drug dealers. The reason is because the concept of drugs did not exist in the era of the Prophet Muhammad and

his companions.¹ Drug use can be equated with the consumption of khamar in those days, since both substances had the potential to damage cognitive functions. It should be noted that the negative effect of zar, one of the components of the drug, exceeds the negative effect of khamar.²

Drug trafficking is seen as an adverse activity in the Islamic perspective because it has the potential to cause harm and harm to society. These losses can appear in many forms, including addiction, violence, physical and mental damage, and the spread of infectious diseases. The act of drug trafficking poses a significant risk to the well-being and safety of individuals. As a result, those involved in drug trafficking could face severe legal repercussions, including the possibility of the death penalty, according to the laws of their respective countries.³ It is very important to know that the use of the death penalty in Islam requires caution and should only be applied in cases that are considered very grave and proven. In addition, it is very important to take into account the principles of Islamic jurisprudence when sentencing, including the rights of victims and the principle of Justice.⁴

However, in Islam, the punishment of drug dealers falls into the category of acts that harm society and harm individuals, so they are punished severely and in accordance with the laws in force in the country in question.⁵ The consumption and sale of drugs is also considered strictly prohibited and a mortal sin. In Islam, punishment should be fair and there should be no arbitrariness or discrimination. In addition, Islam also emphasizes the importance of providing opportunities for repentance and self-improvement before facing severe punishment. Therefore, the trial before the death sentence must be carried out in an orderly and transparent manner.⁶

¹ Mitro Subroto Novrianza, "PENJATUHAN HUKUMAN PIDANA MATI TERHADAP TINDAK PIDANA NARKOTIKA," *Pharmacognosy Magazine* 75, no. 17 (2021): 399–405.

² R Ahmad Muhammad Mustain Nasuha, "Eksistensi Penerapan Hukuman Mati Di Indonesia," *Al-Ahkam Jurnal Ilmu Syari'ah Dan Hukum* 1, no. 1 (2016): 1–24, <https://doi.org/10.22515/alahkam.v1i1.46>.

³ Nurul L Mauliddiyah, "HUKUMAN MATI TERHADAP PELAKU TERORISME (ANALISIS SOSIOLOGI)" 2, no. 2 (2021): 6.

⁴ Citra Ayu Deswina Maharani and Suryaningsi Suryaningsi, "Hukuman Terpidana Kasus Narkoba Tanpa Menentang Hak Asasi Manusia Berdasarkan Undang-Undang," *De Cive : Jurnal Penelitian Pendidikan Pancasila Dan Kewarganegaraan* 1, no. 10 (2021): 372–82, <https://doi.org/10.56393/decive.v1i10.525>.

⁵ MH Zaid Alfauza Marpaung, SH, "Kebijakan Hukuman Mati Bagi Pelaku Tindak Pidana Korupsi Dalam Perspektif Hukum Pidana Islam," *Jurnal Ilmiah "Advokasi"* 07, no. 01 (2019).

⁶ I Putu Gde Iwan Putra Darmayatna, I Made Sepud, and Ni Made Sukaryati Karma, "Hukuman Mati Terhadap Narapidana Terorisme Dalam Perlindungan Hak Asasi Manusia," *Jurnal Preferensi Hukum* 2, no. 2 (2021): 423–28, <https://doi.org/10.22225/jph.2.2.3352.423-428>.

As Muslims, we are expected to avoid the use and circulation of drugs and will support the government's efforts to solve the drug problem and eradicate drug dealers fairly and legally.⁷

The purpose of this study is to define the term "distributor" and provide an explanation of the meaning of drugs. It also aims to explain why drugs are analogized with khamr (intoxicants) and to offer an understanding of the Islamic legal perspective on the death penalty for drug traffickers. In this context, the study elaborates on hadiths related to drug traffickers and their punishments to provide a clearer understanding of the verdict. Furthermore, the study seeks to raise public awareness about the dangers of drug addiction and the importance of combating drug trafficking. By acknowledging the potential of the death penalty as a punishment for drug traffickers, it is hoped that this measure could serve as a deterrent effect for perpetrators and prevent the spread of drugs in society. The study also explores the regulations on drugs and serves as an educational tool for readers, fostering moral awareness and encouraging adherence to the law and the religious values upon which it is based. This research emphasizes the importance of fair and religion-based law enforcement in addressing criminal issues, while highlighting justice and policies aimed at the common good. From the perspective of Islamic law, drug addiction poses significant harm to society and threatens national security, making the death penalty for drug traffickers a measure to protect public interests.

METHOD

This research is a normative Comparative Law research with comparative law approach. The study used primary legal materials sourced from the Penal Code and Hadith, as well as secondary legal materials obtained from journals, articles, books, and websites, all of which are relevant to the topic of the death penalty for drug dealers. Qualitative data analysis is done by organizing and understanding the data collected systematically, then drawing conclusions through deductive reasoning. This involves using basic concepts to discuss overarching issues and then draw specific conclusions⁸.

In order to understand the legal text presented in the form of a verse of the Qur'an, it is very important to consider the origin of Al-nuzul or the cause of the revelation of the verse⁹. Similarly, when dealing with legal texts in the form of Hadith, Tajul Arifin suggests that

⁷ Julianto Andrea, "Hadis Tentang Hukuman," no. 1004 (2021), <http://dx.doi.org/10.31219/osf.io/xye7b>.

⁸ Tajul Arifin, "The Guaranteeing Capital Punishment Is Peaceful and Harmonious Life: Proofing from around the World" 4 (2019).

⁹ Sifa Mulya Nurani and Tajul Arifin, "Conflict Resolution on Violence Behavior in Yogyakarta," *MUHARRIK: Jurnal Dakwah Dan Sosial* 4, no. 02 (2021): 427–40, <https://doi.org/10.37680/muharrrik.v4i02.1049>.

aspects related to riwayat and dirayah should be carefully analyzed and evaluated.¹⁰ In reinterpreting the texts of Islamic law which aims to realize the benefits in life as required by the Shari'ah can be done by using any approach as long as the application of epistemology allowed by the number of scholars because according to Tajul Arifin validity of the method used will affect the outcome (conclusion) produced¹¹.

LITERATURE REVIEW

The death penalty for drug traffickers in Islamic law is a controversial topic that continues to be debated among Islamic scholars and religious leaders. As one of the most severe criminal sanctions, it is imposed on those who commit crimes deemed highly detrimental to society. However, interpretations of the death penalty for drug traffickers vary depending on the legal school of thought or the country where Islamic law is applied. Several studies have addressed this issue from different perspectives. For example, Salihu Ibrahim Dasuki's 2020 article, *The Dilemma of the Death Penalty for Drug Trafficking in Islamic Law and the Criminal Justice System in Nigeria*, provides a comprehensive analysis of the death penalty from the standpoint of Islamic jurisprudence and its application in Nigeria. Similarly, Abdul-Azeez Abdul-Lateef's 2018 study, *The Death Penalty for Drug Trafficking in the Islamic Legal System: A Comparative Study*, compares the use of the death penalty for drug traffickers in various countries, including Indonesia, Malaysia, and Iran. Another significant contribution is Arman Akopian and Shahram Akbarzadeh's 2015 article, *The Death Penalty for Drug Trafficking in Muslim Countries: A Critical Review*, which examines the application of the death penalty in countries like Iran, Saudi Arabia, and Malaysia, focusing on its implications for human rights. In addition to journal articles, books such as Dr. H.M. Asadullah Aliyyuddin's *The Death Penalty for Drug Dealers: A Review of Islamic Law* (2017) explore the perspectives of major Islamic schools of thought on this issue. Similarly, Abdul Ghofur Maimun's *Penghukuman Mati dalam Islam: Perspektif Hukum Islam dan Human Rights* (2016) offers a critical analysis of the death penalty for drug traffickers from the standpoint of Islamic law and human rights. These works collectively highlight the complexity of this issue, emphasizing the need for balanced and well-informed legal approaches that align with both Islamic principles and contemporary human rights considerations.

¹⁰Tajul Arifin, "Ulumul Hadits (Bandung: Sunan Gunung Djati Press, 2014)".

¹¹Tajul Arifin, "Antropologi Hukum Islam (Bandung: Pusat Penelitian Dan Penerbitan UIN Sunan Gunung Djati, 2016)".

RESULTS AND DISCUSSION

1. Understanding the distributor

Pengedar comes from the root of the word "edar". According to Kamus Besar Bahasa Indonesia (KBBI), a distributor is a person who distributes or transfers something from one person to another. The term also includes all networks involved in the cultivation, production, transportation, export, import, trade and marketing of illegal drugs to their users. Illicit trafficking is a practice that is often carried out without legal permission and involves unlawful activities. This is beyond the scope of scientific and technological progress and health services. The term "drug offense" refers to criminal acts involving drugs. Whether done independently, organized, as a corporate entity, or through collusion.¹²

2. Understanding drugs

The term 'drug' is an abbreviation that refers to substances classified as narcotic, psychotropic and addictive substances. The term "drug" has its roots in the English word "Nacose" or "narcosis", which means sedative or anesthetic. In the Indonesian lexicon, the term "drugs" or "narcotics" refers to substances that have the ability to induce sedation, reduce discomfort, cause drowsiness, or stimulate the central nervous system.¹³ In the domain of medical terminology, these substances are defined as such:

- a. Narcotics refers to a class of substances or drugs that can be derived from botanical or non-botanical sources, including synthetic and semi-synthetic compounds. These substances are known to cause a decrease or loss of consciousness, reduce pain, and can cause a sense of addiction or dependence.
- b. Psychotropic Substances refer to natural substances and synthetic drugs that have psychoactive properties, which selectively affect the central nervous

¹² Muhammad Ilham, "Sanksi Pidana Pelaku Korupsi Dan Pengedar Narkoba", *SANGAJI: Jurnal Pemikiran Syariah Dan Hukum*, 4.2 (2020), 275–97 <<https://doi.org/10.52266/sangaji.v4i2.493>>.

¹³ ANANDA MUHAMAD TRI UTAMA, "Penerapan Hukuman Mati Oleh Negara Maju Dan BerkembangRahma Ningsih, Moelki Fahmi ArdliansyahInstitut Agama Islam Negeri Metro, IndonesiaE-Mail : Rahmaningsih@gmail.ComAbstrak: Hukum Mati Adalah Hukuman Yang Di Berikan Atau Yang Di Jatuhkan Kepada Pelaku " 9, no. 1 (2022): 356–63.

system and result in changes in the characteristics of mental activity and behavior among their users.

- c. Other addictive substances refer to non-narcotic or non-psychotropic substances that have the potential to cause addiction or dependence among users.¹⁴

The direct mention of drugs in the context of Islam is not in the Qur'an or Hadith. The term *khamr* is mentioned exclusively in the Qur'an and Hadith. *Khamar*, also known as alcohol, has the potential to impair a person's cognitive abilities and lead to addiction. Compared to other substances, the components of *khamar* are relatively more damaging.¹⁵

In accordance with the provisions of Law No. 35 of 2009 on narcotics, Article 1 Paragraph 1 defines narcotics as substances or drugs derived from plants or non-plants, both synthetic and semi-synthetic. These substances can cause a decrease or change in consciousness, loss of taste, reduce to relieve pain, and can cause dependence.¹⁶

3. Drugs with *Khamr*

In the time of Prophet Muhammad (PBUH), the concept of drugs already existed. No such thing existed in the time of Prophet Muhammad (PBUH). *Khamr* has substances that can damage the cognitive abilities of its consumers and can cause addiction. However, the drug contains substances that exceed the harmful effects of *khamr*. Both the Qur'an and the Hadith contain relevant information. The term "*khamar*" is described in the Qur'an and Al-Hadith.¹⁷

With regard to this word *khamar*, Shaykh AliSalih, al-Bassam said:

للخمر بف اللغة ثالث معان

السرت والتغطية، ومنه: اختمرت امرأة إذا غطت رأسها ووجهها ابخلمار .

املخالطة، ومنه قول كثري عزة: هنيئا مريعا غري داء خمامر أي خمالط .

¹⁴Zainuddin Abdullah, "Hukuman Mati Bagi Pengedar Narkoba Dalam Perspektif Hukum Islam", *Al Amin: Jurnal Kajian Ilmu Dan Budaya Islam*, 1.2 (2019), 139–69 <<https://doi.org/10.36670/alamin.v1i2.7>>.

¹⁵M Fajar Muttaqin, "Skripsi Hukuman Mati Bagi Pengedar Narkotika Perspektif Hukum Islam Dan Undang-Undang No 35 Tahun 2009 Tentang Narkotika", 35, 2019, 116 <<https://repository.metrouniv.ac.id/id/eprint/778/1/M.FAJAR.MUTTAQIN.1502030038.pdf>>.

¹⁶Muhammad Ridha, "SANKSI PIDANA TERHADAP PENGEDAR NARKOBA DI DALAM UNDANG – UNDANG NO 35 TAHUN 2009 TENTANG NARKOTIKA PERSPEKTIF HUKUM ISLAM" (UNIVERSITAS ISLAM INDONESIA YOGYAKARTA, 2018).

¹⁷Asiva Noor Rachmayani, "Persepektif Hukum Pidana Islam & Positif Terhadap Uqubah (Hukuman) Pemerksaan Terhadap Anak," 2015, 6.

والدراك، ومنه قوهلم: مخرت العجني وهو أن ترتكه حنت يبلغ وقت ادراكه .
فمن هذه املعابن الثالثة أخذ اسم اخلمرة. ألها تغطي العقل وتسرتة و ألها
ختالط العقل و ألها ترتك حنت تدرك وتستوى
وتعريفها شرعا: إهنا اسم لكل ما خامر العقل وغطاء من أي نوع من
الشربة حليث كل مسكر مخر وكل مخر حرام

"Khamar literally has three meanings:

1. Veil and cover. If it is said: 'Ikhtamarat al-Mar'ah, that is, the woman covers her head and face with khimār (veil).
2. Mixed. Diantaranya seperti perkataan yang banyak beredar: 'hanī'an marī'an ghaira dāin mukhāmīrin...' meaning: mixed.
3. Done. Among them as they say: khamarat al-'ajīn: which means: you leave it until the time ripe.

From these three meanings, the word al-khamarah is taken, because it covers the intellect, mixes it up/messes it up, and because it is left only then aware and normal. As for the definition of Shari'ah, then it is the name for all kinds of drinks that can confuse the mind and cover it; based on the Hadith: everything that is intoxicating is khamar, and all kinds of khamar are haram."¹⁸

According to the teachings of Islam, the Prophet Muhammad (PBUH) made reference to the fact that individuals who consume alcohol are subject to the Curse of Allah (SWT). Individuals involved in the procurement and distribution of alcoholic beverages, in addition to those who consume such substances, are considered to be one of those who have incurred the wrath of God.¹⁹

The Prophet (peace be upon him) said:

لَعَنَ اللَّهُ الْخَمْرَ وَشَارِبَهَا وَسَاقِيَهَا وَبَائِعَهَا وَمُبْتَاعَهَا وَعَاصِرَهَا وَمُعْتَصِرَهَا وَحَامِلَهَا وَالْمَحْمُولَةَ إِلَيْهِ

“Allah curses khamar, the one who drinks it, the one who pours it, the seller, the buyer, the one who squeezes it, the one who takes the squeeze, the one who delivers it and the one who asks to be delivered.” (HR. Ahmad).²⁰

¹⁸ Abdullah, “Hukuman Mati Bagi Pengedar Narkoba Dalam Perspektif Hukum Islam.”

¹⁹ Maizul Imran, Arsal Arsal, and Sri Wahyuni, “Dehumanisasi Hukuman Mati Bagi Pengedar Narkotika Di Indonesia Menurut Hukum Islam,” *Al-Jinayah Jurnal Hukum Pidana Islam* 9, no. 2 (2023): 219–35, <https://doi.org/10.15642/aj.2023.9.2.219-235>.

²⁰ A. Syalaby Ichsan, “Laknat Allah Atas Peminum Miras Dan Penjualnya,” *Republika*, 2021 <<https://islamdigest.republika.co.id>>.

The Hadith above can be queried with drugs, Allah will also curse those who use, circulate, and those who become his intermediaries. Because Allah only curses his servants who drink, pour, sell, and others related to khamr, what else is his servant who distributes drugs, if there are no dealers, it is less likely for many people to fall and become drug addicts.²¹

4. Punishment for drug dealers

Indonesia is a significant market for narcotics trafficking, with certain substances used in the production and dissemination of illegal narcotics. In addition, Indonesia also serves as a transit point for drug trafficking.²² Every country around the world has different legal structures that regulate substances categorized as narcotics, Indonesia is no exception. Regulation of punishment for addicts and drug dealers in Indonesia is regulated in law No. 35/2009 on narcotics. This law provides for a wide range of punitive measures, including imprisonment, fines, medical and social rehabilitation, and the death penalty.²³

a. Punishment by law

Drug dealers can be charged with various crimes, depending on the type of drug being traded and the amount.²⁴ Some of the criminal acts that can be imposed on drug dealers include:

- Article 114 of Law No. 35 of 2009 on narcotics regulates illegal acts to possess, use, or hoard narcotics without a valid permit or contrary to law. The prescribed punishment for this offense is imprisonment ranging from a minimum of four years to a maximum of twelve years, in addition to monetary fines ranging from a minimum of Rp 800 million to a maximum of Rp 8 billion.

²¹ Nurul Amalia Syahrullah Yulianto, Nur Mohamad Kasim, and Erman I. Kasim, "Eksistensi Hukuman Mati Terhadap Kasus Pembunuhan Perspektif Hukum Pidana Indonesia Dan Hukum Islam," *Al-Mizan* 19, no. 1 (2023): 21–38, <https://doi.org/10.30603/am.v19i1.3500>.

²² Grenaldo Ginting, "Kajian Hukum Penerapan Ketentuan Hukuman Mati Dalam Undang-Undang Tindak Pidana Korupsi," *AL-MANHAJ: Jurnal Hukum Dan Pranata Sosial Islam* 5, no. 1 (2023): 519–26, <https://doi.org/10.37680/almanhaj.v5i1.2442>.

²³ Nabila Trixiezfalfi Safhira, ""BERATNYA SANKSI PIDANA PECANDU DAN PENGEDAR NARKOBA DI INDONESIA!" MAHASISWI KKN UNDIP 2022 MENGADAKAN SOSIALISASI HUKUMAN PIDANA BAGI PECANDU DAN PENGEDAR NARKOBA PADA GENERASI MUDA", 2022 <<http://kkn.undip.ac.id/?p=359331>> [accessed 2 April 2023].

²⁴ A Hawariah and Kurnaemi Anita, "Jurnal Bidang Hukum Islam Jurnal Bidang Hukum Islam.," *Jurnal Bidang Hukum Islam* 2, no. 3 (2021): 472–87, <https://doi.org/10.36701/bustanul>.

- The crime of distributing narcotics is regulated in Article 112 of Law Number 35 of 2009 on narcotics. The specified penalty for this crime is a life sentence or imprisonment of at least 5 years and a maximum of 20 years and a fine of at least Rp. 1 billion and at most Rp. 10 billion.
- Article 113 of Law No. 35 of 2009 on narcotics relates to the regulation of criminal acts of narcotics production. The threat of punishment for this crime is life imprisonment or imprisonment for a minimum of 5 years and a maximum of 20 years and a minimum fine of Rp. 1 billion and at most Rp. 10 billion.
- Article 115 of Law No. 35 of 2009 on narcotics regulates the crime of trafficking in large quantities of narcotics. The prescribed punishment for this offense is a life sentence or imprisonment ranging from 6 to 20 years, in addition to a monetary fine of at least Rp. 1 billion and at most Rp. 10 billion.²⁵

In the Criminal Code precisely in the 2nd book and Chapter II in Article 10 still lists the death penalty as a principal crime even in Law No. 35 of 2009 on Narcotics Law (Narcotics Law), which regulates the death penalty.²⁶ establish a policy. namely, the classification of the perpetrator as a” consumer “and/or the perpetrator as a” dealer ” to be the perpetrator as a dealer is subject to sanctions in the form of the death penalty under Article 114(2). might happen. The death penalty is the harshest punishment in Indonesian criminal law. also listed is the death penalty as a principal crime. This is certainly contrary to human rights.²⁷

Examples of death sentences for drug dealers in Indonesia:

The Indonesian government once sentenced Freddy Budiman to death, one of the largest drug dealers in Indonesia.²⁸ Freddy Budiman was tried at that time until finally Freddy Budiman was sentenced by a West Jakarta District Court Judge. The

²⁵ Sapri Ali, “Budiono Kusumohamidjojo, Ketertiban Yang Adil, Jakarta: Grasindo, 1999, Hal 126.” 4 (2018): 1–23.

²⁶ Widhy Andrian Pratama, “Penegakan Hukuman Mati Terhadap Pembunuhan Berencana,” *SIGn Jurnal Hukum* 1, no. 1 (2019): 29–41, <https://doi.org/10.37276/sjh.v1i1.34>.

²⁷ TRI FAJAR NUGROHO and BAGIAN, “Penjatuhan Pidana Mati Terhadap Pelaku Pengegedar Narkotika”, 3.2 (2016), 1–65

<<https://www.infodesign.org.br/infodesign/article/view/355%0Ahttp://www.abergo.org.br/revista/index.php/ae/article/view/731%0Ahttp://www.abergo.org.br/revista/index.php/ae/article/view/269%0Ahttp://www.abergo.org.br/revista/index.php/ae/article/view/106>>.

²⁸ Agatha Jumiati and Ellectrananda Anugerah Ash-shidiqqi, “Asas Kepastian Hukum Pelaksanaan Hukuman Mati Di Indonesia,” *Ius Civile: Refleksi Penegakan Hukum Dan Keadilan* 6, no. 1 (2022): 26, <https://doi.org/10.35308/jic.v6i1.3935>.

verdict was read on July 15, 2013. However, the execution continued on July 29, 2016 in Nusa Kambangan. Freddy Budiman was prosecuted, investigated what happened to him and apologized to the president, but law enforcement should remain in the interests of the law and more effective law enforcement. But the judge decided to impose the death penalty in the case of Freddy Budiman who was proven unequivocally and convincingly in violation of Article 114 of the Narcotics Law No. 35 in 2009. also attract the attention of the public because it continues to stick out the advantages and disadvantages because there are still many irregularities in this regard.²⁹

b. Punishment from an Islamic perspective

- his prayer is for forty days. If he repents, God will forgive him. (Excerpt from the Hadith narrated by Abu Dawud)
- Rasulullah SAW said “whoever drinks khamar, then Allah will not accept his prayer for forty days. If he repents, God will forgive him. But if he does so again, then Allah will not accept his prayer for forty days.” (hadith from at-Tirmidhi)(potongan Hadits riwayat At-Tirmidzi)
- According to the teachings of the Prophet, the consumption of alcohol that causes intoxication results in the non-acceptance of one's prayers for forty days. If he dies, the person will go to hell, but repentance can lead to acceptance of such prayers by God. If the person concerned drinks liquor once again and then becomes intoxicated, then his prayers for forty days will not be accepted. Furthermore, if they died, they would be sent to hell. If a person expresses sincere regret, Allah will surely accept their repentance. The above quotation is a narration of a Hadith, as recorded by Ibn Majah.³⁰
- narrated Abu Hurairah, in which the Prophet Muhammad said, “whoever sells liquor, Allah will prepare it for him in the fire and there will be no fresh water for him. And whoever develops a plant that can be used as medicine, then if people use it to intoxicate themselves, then Allah will

²⁹ Yudistira Rusydi, “Penegakan Hukum Tindak Pidana Pencucian Uang Hasil Kejahatan Narkoba Pada Direktorat Narkoba Polda Sumatera Selatan,” *Justicia Sains: Jurnal Ilmu Hukum* 3, no. 1 (2018): 1–10, <https://doi.org/10.24967/jcs.v3i1.346>.

³⁰ Akmaluddin, “ANALISIS TERHADAP HADITS MINUM KHAMAR TIDAKDITERIMA SHALAT SELAMA 40 HARI” (UIN SULTAN SYARIF KASIM RIAU, 2013).

prepare for him the same reward as the sin of the one who uses it."(HR. Ahmad, Tirmidhi, Abu Daud and Ibn Majah).

In islam, in the days of the prophet if a person drinks or consume drugs or that diqiyaskan with khamr, the punishment is flogged 80 times on his back, because drinking khamr can disturb the surrounding community, if someone has been convicted and do it again the 3rd time then he can be sentenced to death.³¹

CONCLUSION

Drug dealers are people who spread drugs, drugs themselves are drugs to calm someone but can damage their common sense and mentality. Therefore, drug traffickers can be sentenced to death. The death penalty for drug dealers is a topic that continues to be debated in various countries. Some people argue that the death penalty is the right solution in solving the problem of drug crime, while others feel that the death penalty is not in line with human rights and does not provide an adequate solution. One view that reinforces the death penalty for drug dealers is the view from the side of the Hadith.

In Islamic teachings, the use of drugs or those that are dqiyaskan with khamr and other prohibited substances is prohibited because it is considered a harmful act and violates religious, social, and moral norms. Related to the death penalty for drug dealers, there are several hadiths that corroborate this view. One of the hadiths that became the basis for providing the death penalty for drug dealers is the hadith narrated by Abu Hurairah, where the Prophet Muhammad SAW said, "whoever sells liquor, Allah will prepare it for him in hell and no water will taste fresh to him. And whoever develops a plant that can be used as medicine, then if people use it to intoxicate themselves, then Allah will prepare for him the same reward as the sin of the one who uses it."(HR. Ahmad, Tirmidhi, Abu Daud and Ibn Majah).

This perspective is further reinforced by an additional Hadith which asserts that individuals who spread mischief, such as those involved in the distribution of narcotics, deserve punishment commensurate with their deeds. According to a hadith narrated by Muslims, the Prophet Muhammad forbade the killing of fellow Muslims, except in three cases: for fornication, taking the life of another person, or apostasy. (HR. Muslim)

³¹ Rani Dewi Kurniawati, "Tinjauan Yuridis Penerapan Hukuman Mati Terhadap Pengedar Narkotika Berdasarkan Undang-Undang Nomor 35 Tahun 2009 Dikaitkan Dengan Undang-Undang Nomor 39 Tahun 1999 Tentang Hak Asasi Manusia," *Journal Presumption of Law* 4, no. 2 (2022): 113–28, <https://doi.org/10.31949/jpl.v4i2.2849>.

However, despite views that strengthen the death penalty for drug traffickers, the enforcement of the death penalty should be carried out fairly and proportionately. The death penalty shall be imposed after it has been proved legally and justly in court, and shall not be administered arbitrarily or excessively. The government must also pay attention to human rights and universal human values in the enforcement of the death penalty.

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