

**THE EFFECTIVENESS OF OPERASI PEKAT SEMERU IN
CONTROLLING THE DISTRIBUTION OF ILLEGAL ALCOHOLIC
BEVERAGES FROM THE PERSPECTIVE OF SADD AL-DZARI'AH
(STUDY AT THE MALANG CITY POLICE DEPARTMENT)**

THESIS

BY :

SHABRINA AMALIA

SIN. 220202110069



DEPARTMENT OF SHARIA ECONOMIC LAW

FACULTY OF SHARIA

MAULANA MALIK IBRAHIM STATE ISLAMIC UNIVERSITY

MALANG

2026

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MALANG

2026

DECLARATION OF THESIS AUTHENTICITY

In the name of Allah,

With full awareness and a sense of responsibility toward the development of knowledge, the author hereby declares that this undergraduate thesis entitled:

**THE EFFECTIVENESS OF OPERATION PEKAT SEMERU IN
CONTROLLING THE DISTRIBUTION OF ILLEGAL ALCOHOLIC
BEVERAGES FROM THE PERSPECTIVE OF SADD AL-DZARI'AH
(STUDY AT THE MALANG CITY POLICE DEPARTMENT)**

is truly an original work compiled independently in accordance with the principles of accountable scientific writing. If in the future it is proven that this thesis is the result of plagiarism of another person's work, then this thesis, which is used as a requirement for obtaining a bachelor's degree, shall be declared null and void by law.

Malang, 29th of January 2026

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APPROVAL PAGE

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**THE EFFECTIVENESS OF OPERATION PEKAT SEMERU IN
CONTROLLING THE DISTRIBUTION OF ILLEGAL ALCOHOLIC
BEVERAGES FROM THE PERSPECTIVE OF SADD AL-DZARI'AH
(STUDY AT THE MALANG CITY POLICE DEPARTMENT)**

the supervisor hereby declares that the thesis proposal has fulfilled the academic requirements to be submitted and examined by the Board of Examiners.

Malang, 29th of January 2026

Acknowledged by,
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Supervisor,













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MOTTO

No matter how small our thoughts, if Allah opens the way, then what can our pessimism be? No matter how broken and deadlocked our heads, if Allah clears the way, then what can be our problem? The Almighty will open up and facilitate us. Therefore, don't give up in a hurry.

(Kemana Kubawa Semua Sendu Ini – Febriawan Jauhari)

PREFACE

Alhamdulillahirabbil'alamin, who has given Grace and help in writing a thesis entitled: "**The Effectiveness of Operasi Pekat Semeru in Controlling the Circulation of Illegal Liquor from the Perspective of Sadd A-Dzari'ah (Study at the Malang City Police)**", we can complete it well. Our prayers and greetings to the Prophet Muhammad PBUH who has given uswatun hasanah to us in living this life according to shari'i. By following him, may we be classified as believers and receive his intercession on the last day of the apocalypse. Amien.

With all the teaching, guidance/direction, as well as the assistance of the service that has been given, with all humility the author expresses his incomparable gratitude to:

1. Prof. Dr. Hj. Ilfi Nur Diana, M. Sc., as the Rector of Maulana Malik Ibrahim State Islamic University Malang.
 2. Prof. Dr. Hj. Umi Sumbulah, M. Ag., as the Dean of the Faculty of Sharia, Maulana Malik Ibrahim State Islamic University, Malang.
 3. Dwi Hidayatul Firdaus, S. HI., M. SI., as the Head of the Sharia Economic Law Study Program, Maulana Malik Ibrahim State Islamic University/
 4. Ramadhita, M. HI., as the author's guardian lecturer while studying at the Faculty of Sharia, Maulana Malik Ibrahim State Islamic University, Malang.
- Thank you to the author for providing guidance, advice, and motivation during the lecture.

5. Dwi Hidayatul Firdaus, S. HI., M. SI., as the writer's supervisor who has devoted time to providing direction and motivation in completing the writing of this thesis.
6. All lecturers of the Faculty of Sharia, Maulana Malik Ibrahim State Islamic University of Malang who have provided learning to all of us. With sincere intentions, hopefully their deeds will all be part of worship to get the pleasure of Allah SWT.
7. All employees and staff of the Faculty of Sharia, Maulana Malik Ibrahim State Islamic University Malang, the author would like to express his great gratitude for helping the process of writing this thesis.
8. The campus and alma mater are proud, thank you for being a place for writers to gain knowledge with all the facilities provided, may Allah SWT. always give His Grace and Gifts.
9. My two beloved parents, Mama and Alm. Papa, who always gave prayers, love and moral support, as well as endless sacrifices. Thanks to patience, sincerity, and motivation that continues to flow, the author was able to complete this thesis well.
10. To the author's sister, a big thank you to my beloved sister, who always provides support, enthusiasm, attention, and motivation to the author during the process of preparing this thesis. The presence and support of my brother is a source of strength for the writer to continue to fight and not give up easily.
11. The writer's mahad roommates, especially the wingless angel of the Malang branch. Thank you for helping the author to adapt in the dormitory, teaching

the author to read books, friends developing, complaining, so as to make the author's first experience as a student and student feel more pleasant and easy to go through thanks to the support provided.

12. Friends of Griya DW Club, Jemes and Cimed, thank you for always accompanying the author, from semester 1 until now, thank you for becoming a family in this overseas, it has become a place to go home, always there when the writer needs help, exchanging stories, crying and laughing. Hopefully we can continue to be good friends, become successful people and get what we have been dreaming of all along.
13. Friends during the lecture who have helped with this thesis process, namely Rifa and Davina. Thank you for providing direction, enthusiasm, and motivation to complete this thesis. Keep shining like the sun, even if sometimes there is clouds that get in the way.
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15. To someone who is always present to provide support, attention, patience, energy, time and motivation during the process of preparing this thesis. His presence is a special encouragement for the writer to remain strong, a calmer when many things hinder the writer during the preparation of the thesis. Thank you for supporting, entertaining, listening to complaints and giving advice to the author.

16. Thank you to the Members of the Malang City Police who were involved in the research, thank you for providing permission, assistance, and cooperation during this research process. The disclosure of information, as well as the friendliness of all Police personnel is very helpful for the author in obtaining the data needed so that this thesis can be completed properly.
17. Lastly, Thank you to myself for choosing to endure when giving up feels easier. For every invisible fatigue, hidden tears, and prayers silently offered, they bear witness to this long journey. The steps that had been faltering finally reached the goal. Hopefully this process will make the writer a stronger, more patient, and more appreciative of every struggle.

Malang, 29th of January 2026

Author

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TRANSLITERATION GUIDELINES

The list of Arabic letters and their transliteration into Indonesian Latin is in the following table:

Arab	Indonesia	Arab	Indonesia
أ	‘	ط	t
ب	b	ظ	z
ت	t	ع	’
ث	th	غ	gh
ج	j	ف	f
ح	h	ق	q
خ	kh	ك	k
د	d	ل	l
ذ	dh	م	m
ر	r	ن	n
ز	z	و	w
س	s	ه	h
ش	sh	ء	‘
ص	ṣ	ي	y
ض	ḍ		

Hamzah (ء) which is at the beginning of the word which is often denoted by alif follows the vowel without needing any signs. However, if it is in the middle or at the end, it is written with the upper comma (‘).

To show the sound of long life (madd), the trick is to write horizontal scribbles on top of the letters, such as ā, ī and ū. (أ, ي, و). The Arabic double living sound is transliterated by combining two letters "ay" and "aw" such as layyinah, lawwāmah. Words that end in tā' marbūṭah and function as an attribute or muḍāf ilayh are transliterated with "ah", while those that serve as muḍāf are transliterated as "at".

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ABSTRAK

Shabrina Amalia, NIM 220202110069, Efektivitas Operasi Pekat Semeru Dalam Pengendalian Peredaran Minuman Keras Ilegal Perspektif *Sadd A-Dzari'ah* (Studi Di Polres Kota Malang), Skripsi, Program Studi Hukum Ekonomi Syariah, Fakultas Syariah, Universitas Islam Negeri Maulana Malik Ibrahim Malang, Pembimbing: Dwi Hidayatul Firdaus, S.HI., M.SI.

Kata Kunci: Efektivitas, Operasi Pekat Semeru, Minuman Keras Ilegal, Hukum Ekonomi Syariah, *Sadd al-Dzari'ah*.

Penelitian ini menganalisis efektivitas Operasi Pekat Semeru dalam mengendalikan peredaran minuman keras ilegal di Kota Malang ditinjau dari perspektif Hukum Ekonomi Syariah dan prinsip *Sadd al-Dzari'ah*. Penelitian ini dilatarbelakangi oleh masih maraknya peredaran minuman keras ilegal yang dilakukan oleh pelaku usaha tanpa izin maupun penyalahgunaan izin operasional oleh toko dan kafe, yang secara nyata melanggar Peraturan Daerah Kota Malang Nomor 4 Tahun 2020. Fenomena tersebut menimbulkan berbagai dampak negatif, antara lain meningkatnya kriminalitas, gangguan kesehatan, kecelakaan lalu lintas, kebocoran pendapatan daerah, serta persaingan usaha yang tidak sehat. Sebagai respon, Polres Kota Malang melaksanakan Operasi Pekat Semeru sebagai upaya penegakan hukum dan pemeliharaan ketertiban umum.

Penelitian ini menggunakan metode yuridis empiris dengan pendekatan lapangan yang dilakukan di Polres Kota Malang. Data primer diperoleh melalui wawancara mendalam dengan Bagian Operasional dan Satuan Samapta, serta didukung oleh data sekunder berupa peraturan perundang-undangan, literatur, dan data penyitaan. Hasil penelitian menunjukkan bahwa Operasi Pekat Semeru cukup efektif dalam menciptakan *shock effect* dan menekan peredaran minuman keras ilegal melalui razia dan penyitaan. Namun, efektivitas tersebut belum optimal karena lemahnya pengawasan perizinan dan inkonsistensi penegakan hukum. Dalam perspektif Hukum Ekonomi Syariah, peredaran minuman keras ilegal bertentangan dengan prinsip halal-thayyib, keadilan, dan kemaslahatan. Melalui pendekatan *Sadd al-Dzari'ah*, Operasi Pekat Semeru dipandang sebagai langkah preventif untuk mencegah kemudaratatan sosial dan ekonomi yang lebih luas, meskipun masih diperlukan penguatan kebijakan yang berkelanjutan.

ABSTRACT

Shabrina Amalia, NIM 220202110069, The Effectiveness of Operasi Pekat Semeru in Controlling the Circulation of Illegal Alcoholic Beverages under the Perspective of *Sadd Al-Dzari'ah* (A Study at Malang City Police Station), Thesis, Sharia Economic Law Study Program, Faculty of Sharia, Universitas Islam Negeri Maulana Malik Ibrahim Malang, Advisor: Dwi Hidayatul Firdaus, S.HI., M.SI.

Keywords: Effectiveness, Operasi Pekat Semeru, Illegal Liquor, Sharia Economic Law, Sadd al-Dzari'ah.

This study analyzes the effectiveness of Operasi Pekat Semeru in controlling the circulation of illegal liquor in Malang City from the perspective of Sharia Economic Law and the principle of *Sadd al-Dzari'ah*. This research is motivated by the still rampant circulation of illegal liquor carried out by business actors without permits and the abuse of operational permits by shops and cafes, which clearly violates the Regional Regulation of the City of Malang Number 4 of 2020. This phenomenon has caused various negative impacts, including increasing crime, health problems, traffic accidents, leakage of regional revenue, and unfair business competition. In response, the Malang City Police carried out Operasi Pekat Semeru as an effort to enforce law and maintain public order.

This study uses an empirical juridical method with a field approach carried out at the Malang City Police. Primary data was obtained through in-depth interviews with the Operational Section and Samapta Unit, and supported by secondary data in the form of laws and regulations, literature, and confiscation data. The results of the study showed that Operasi Pekat Semeru was quite effective in creating a *shock effect* and suppressing the circulation of illegal liquor through raids and confiscations. However, this effectiveness has not been optimal due to weak licensing supervision and inconsistencies in law enforcement. From the perspective of Sharia Economic Law, the circulation of illegal liquor is contrary to the principles of halal-thayyib, justice, and benefit. Through the *Sadd al-Dzari'ah* approach, Operasi Pekat Semeru is seen as a preventive measure to prevent wider social and economic harm, although there is still a need for sustained policy strengthening.

ملخص البحث

صبرينا أماليا، رقم القيد: ٢٢٠٢٠٢١١٠٠٦٩، فعالية "عملية بيكات سميرو" في السيطرة على تداول الخمر غير القانونية منظور سد الذريعة (دراسة في شرطة مدينة مالانغ)، بحث جامعي، قسم قانون الاقتصاد الشرعي، كلية الشريعة، جامعة مولانا مالك إبراهيم الإسلامية الحكومية بمالانغ. المشرف: دوي هداية الفردوس، الماجستير.

الكلمات المفتاحية: الفعالية، عملية بيكات سميرو، الخمر غير القانونية، قانون الاقتصاد الشرعي، سد الذريعة.

تحلل هذه الدراسة فعالية عملية بيكات سميرو في السيطرة على تداول الخمر غير القانونية في مدينة مالانغ من منظور الشريعة الاقتصادية ومبدأ *سعد الزارية*. هذا البحث مدفوع بالانتشار الواسع للمشروبات الكحولية غير القانونية الذي يقوم به الجهات التجارية بدون تصاريح، وإساءة استخدام تصاريح التشغيل من قبل المتاجر والمقاهي، وهو ما ينتهك بوضوح اللائحة الإقليمية لمدينة مالانغ رقم 4 لعام 2020. تسببت هذه الظاهرة في العديد من الآثار السلبية، بما في ذلك زيادة الجريمة، والمشاكل الصحية، وحوادث المرور، وتسرب الإيرادات الإقليمية، والمنافسة التجارية غير العادلة. رداً على ذلك، نفذت شرطة مدينة مالانغ عملية بيكات سميرو كجهد لفرض القانون والحفاظ على النظام العام.

تستخدم هذه الدراسة منهجاً قانونياً تجريبياً مع نهج ميداني تم تنفيذه في شرطة مدينة مالانغ. تم الحصول على البيانات الأولية من خلال مقابلات معمقة مع قسم العمليات ووحدة سامبتا، وتم دعمها ببيانات ثانوية على شكل قوانين وأنظمة، وأدبيات، وبيانات مصادرة. أظهرت نتائج الدراسة أن عملية بيكات سميرو كانت فعالة جداً في خلق تأثير صدمة وقمع تداول المشروبات الكحولية غير القانونية من خلال المداهمات والمصادرات. ومع ذلك، لم تكن هذه الفعالية مثالية بسبب ضعف الإشراف على الترخيص وعدم الاتساق في تطبيق القانون. من منظور الشريعة الاقتصادية، فإن تداول الخمر غير القانونية يتعارض مع مبادئ الحلال والعدالة والمنفعة. من خلال نهج *سعد الزارية*، تعتبر عملية بيكات سميرو إجراءً وقائياً لمنع الأضرار الاجتماعية والاقتصادية الأوسع، رغم استمرار الحاجة إلى تعزيز السياسات بشكل مستمر.

CHAPTER I INTRODUCTION

A. Background

The phenomenon of the circulation of non-halal products, especially alcoholic beverages, continues to be a serious and persistent issue in the city of Malang. The distribution of alcoholic beverages is not only carried out by businesses that hold licenses, but also by many legally operating stores that sell alcoholic beverages classified as categories A, B, and C in ways that are not in accordance with their permits, in various parts of the city, including the Muharto Street area and its surroundings.¹

The circulation of illegal alcoholic beverages clearly contradicts Malang City Regional Regulation Number 4 of 2020 concerning the Control and Supervision of Alcoholic Beverages, particularly Article 15, which explicitly prohibits the sale of alcoholic beverages without a license. Routine operations conducted by the Malang City Police frequently reveal the confiscation of large quantities of alcoholic beverages, both those produced illegally and those distributed without valid permits. This condition indicates the existence of serious challenges in the supervision and control of the circulation of illegal alcoholic beverages within the community of Malang.

¹ Pewarta Network, "Razia Minuman Keras Ilegal di Malang: Ratusan Botol Disita dari Toko Nakal," *Berita Malang dan Kota Batu Terkini 2025 - MALANG TERKINI*, Oktober 2025, <https://www.malangterkini.id/2025/10/Razia-Minuman-Keras-Ilegal-di-Malang-Ratusan-Botol-Disita-dari-Toko-Nakal.html>.

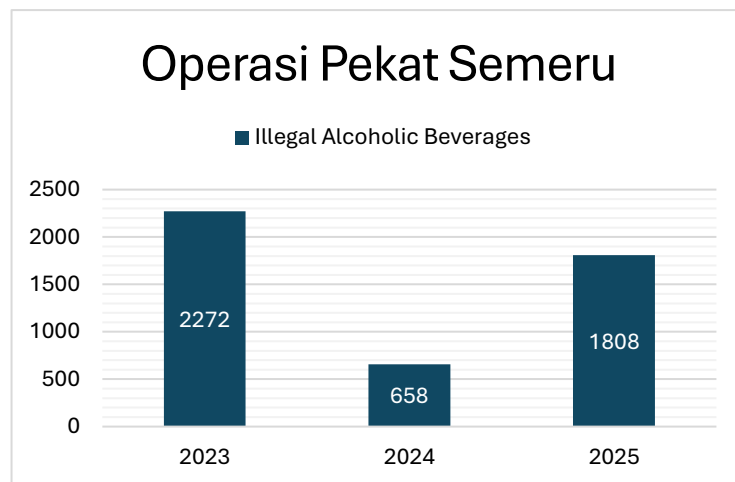
The widespread circulation of illegal alcoholic beverages has caused significant social impacts on the city of Malang. In addition to increasing the risk of disturbances to public order and security, such as acts of thuggery, assault, and group violence, which are also uncovered during Operasi Pekat Semeru, the distribution of illegal alcoholic beverages also contributes to public health problems and rising criminality.² These conditions negatively affect community welfare, both directly and indirectly.

The illegal distribution of alcoholic beverages also has economic implications. Unlicensed alcoholic beverages circulating through illegal channels have the potential to reduce local government revenue due to the absence of tax and levy payments that should be collected by the government. Moreover, the existence of illegal alcoholic beverages creates unfair business competition for official distributors who comply with regulations and fulfill their tax obligations. These economic impacts further extend to increased government expenditures, including healthcare costs related to cases of poisoning from adulterated alcoholic beverages and ongoing law enforcement costs. According to data from the Ministry of Finance, the potential state losses resulting from the circulation of illegal excisable goods, including alcoholic beverages, reach trillions of rupiah each year, demonstrating the seriousness of this fiscal leakage.³

² Ananto Pradana, "Polresta Malang Ringkus 53 Tersangka Selama Operasi Pekat Semeru," ANTARA News Jawa Timur, March 11, 2025, <https://jatim.antaranews.com/berita/892881/polresta-malang-ringkus-53-tersangka-selama-operasi-peat-semeru>.

³ Surya Dua Artha Simanjuntak, "Bea Cukai Tindak Barang Ilegal Senilai Rp6,8 Triliun Hingga September 2025," Bisnis.com, Oktober 2025,

As an effort to control this issue, the Malang City Police conduct Operasi Pekat Semeru regularly to eradicate the circulation of illegal alcoholic beverages and to take action against related criminal activities.⁴ The implementation of Operasi Pekat Semeru is a follow-up to the official directive issued by the Mayor of Malang. This operation includes raids and arrests of offenders, securing evidence, and taking legal action against violators in various cases, including those involving illegal alcoholic beverages. Operasi Pekat Semeru forms part of a broader law enforcement and public order strategy aimed at creating a conducive social environment free from the harmful circulation of illegal alcoholic beverages.⁵



Grafic 1. Illegal Alcoholic Beverages

<https://ekonomi.bisnis.com/read/20251005/259/1917545/bea-cukai-tindak-barang-ilegal-senilai-rp68-triliun-hingga-september-2025>.

⁴ Supriyatno, "Operasi Pekat Semeru," Wawancara.

⁵ Rizky Kurniawan Pratama, "Belasan Toko Miras Berizin Tersebar di Kota Malang, DPRD: Cukup, Jangan Ada Izin Lagi," TIMES Indonesia, July 22, 2025, <https://timesindonesia.co.id/peristiwa-daerah/547426/belasan-toko-miras-berizin-tersebar-di-kota-malang-dprd-cukup-jangan-ada-izin-lagi>.

Records show that during the operation in 2023, the highest number of confiscations was achieved, totaling 2,272 bottles. This figure declined sharply in 2024 to only 658 bottles. However, seizures increased significantly again in 2025, reaching 1,808 bottles. This sharp increase indicates that the success in suppressing circulation in 2024, if it can be considered successful, was not sustainable. Violations, such as a grocery store on Candi Raya Street that was found selling alcoholic beverages illegally without a valid license, continued into 2025, with numerous enforcement actions carried out against cafés and shops across Malang City.⁶ This demonstrates that such violations remain widespread. This condition reflects the ineffectiveness of the enforcement of existing regulations.

To examine the effectiveness of this policy more comprehensively, this study employs a theoretical framework based on law and Islamic jurisprudence. First, the perspective of Islamic Economic Law is used as a foundation to assess that “non-halal economic activities” constitute prohibited conduct because they violate the principles of *halal* and *thayyib*. Second, the analysis is strengthened by the concept of *Sadd al-Dzari'ah* (the prevention of means leading to harm) as a preventive approach. The circulation of narcotics and alcoholic beverages clearly poses threats *to hifz*

⁶ Khairunnisa Okta Viyani Hutagalung, “Pengendalian Dan Pengawasan Minuman Beralkohol Di Kota Malang Berdasarkan Pasal 16 Ayat (3) Peraturan Daerah Kota Malang Nomor 4 Tahun 2020 Tentang Pengendalian Dan Pengawasan Minuman Beralkohol (Studi Di Kantor Satuan Polisi Pamong Praja Kota Malang)” (Universitas Muhammadiyah Malang, n.d.), <https://eprints.umm.ac.id/id/eprint/6029>.

al-‘aql (protection of intellect), *hifz al-nafs* (protection of life), and *hifz al-mal* (protection of property).⁷ In addition, Anthony Allott’s Theory of Legal Effectiveness emphasizes that the success of law must be measured by its actual impact on social behavior (*law in action*) and its acceptance within cultural practices (*law in culture*), rather than merely by the existence of legal rules.

Previous studies have highlighted various aspects related to the circulation of illegal alcoholic beverages and the role of the police. Research by Wandayani (2025) identified that the effectiveness of law enforcement efforts by the Malang City Police through pre-emptive, preventive, and repressive operations still faces both internal and external obstacles, such as limited personnel, lack of synergy with related institutions, and challenges in adapting legal technology such as ETLE.⁸ Another study by Janter Ebil Hutapea (2023) found that low public legal awareness and weak supervision by local government remain the primary factors contributing to the widespread circulation of illegal alcoholic beverages.⁹ Another study by Janter Ebil Hutapea (2023) found that low public legal awareness and weak

⁷ Dena Ayu and Muhamad Yusuf, *Pemikiran Al Ghazali tentang Penerapan Sistem Ekonomi Islam di Indonesia*, 4, no. 1 (2020).

⁸ Triska Septi Wandayani, *Peran Polresta Malang Kota Dalam Penegakan Hukum Pelanggaran Lalu Lintas Dikarenakan Pengaruh Minuman Keras Yang Menyebabkan Kematian*, n.d.

⁹ Janter Ebil Hutapea, *Penegakan Hukum Terhadap Peredaran Minuman Beralkohol Yang Tidak Memiliki Izin Di Kecamatan Senapelan Berdasarkan Peraturan Menteri Perdagangan Nomor 20 Tahun 2014 Tentang Pengendalian Dan Pengawasan Terhadap Pengadaan, Peredaran Dan Penjualan Minuman Beralkohol*, n.d.

supervision by local government remain the primary factors contributing to the widespread circulation of illegal alcoholic beverages.¹⁰

This study differs from previous research because, in addition to empirically examining the effectiveness of operational policies in addressing the circulation of illegal alcoholic beverages, it also incorporates the perspective of Islamic Economic Law as a normative foundation and the theory of legal effectiveness as analytical tools to assess both the strengths and weaknesses of Operasi Pekat Semeru . This approach offers a new dimension in understanding and evaluating policies for controlling illegal alcoholic beverages that has not been widely explored in prior studies.

The main objective of this study is to measure the extent to which Operasi Pekat Semeru policy is effective in controlling the circulation of illegal alcoholic beverages, particularly when viewed from the perspective of Islamic Economic Law and the fulfillment of the concept of *Sadd al-Dzari'ah*. In terms of benefits, this study is expected to provide a theoretical contribution in the form of an integrative synthesis between Allott's Theory of Legal Effectiveness and the concept of *Sadd al-Dzari'ah*, as well as practical contributions in the form of more comprehensive policy recommendations for the Malang City Police and local government. These recommendations are intended to support the formulation of strategies that are not merely repressive, but also preventive and educational, in order to

¹⁰ Apriliyatus Solichah, *Efektivitas Penegakan Hukum Dalam Mencegah Peredaran Minuman Keras Ilegal Di Kawasan Wisata Tretes Perspektif Hukum Positif Dan Hukum Pidana Islam (Studi Kasus Di Wilayah Hukum Polsek Prigen Pasuruan)*, N.D.

realize the protection of intellect (*hifz al- 'aql*) and the protection of property (*hifz al-mal*) within Malang society.

B. Research Question

Based on the foregoing discussion, the research questions of this study are as follows:

1. How effective is Operasi Pekat Semeru , when viewed from the perspective of Islamic Economic Law, in controlling the circulation of illegal alcoholic beverages?
2. To what extent does Operasi Pekat Semeru reflect the application of *Sadd al-Dzari'ah* in safeguarding social and economic welfare (masalahah)?

C. Research Objective

Based on the research questions above, this study aims to :

1. To analyze and measure the extent to which Operasi Pekat Semeru policy implemented by the Malang City Police is effective as an instrument for controlling the circulation of illegal alcoholic beverages, particularly when viewed from the perspective of Islamic Economic Law.
2. To examine and analyze how Operasi Pekat Semeru policy reflects efforts to fulfill the principle of *Sadd al-Dzari'ah* as a preventive measure against sources of harm, particularly in protecting *hifz al- 'aql* (protection of intellect), *hifz al-nafs* (protection of life), and *hifz*

al-mal (protection of property), in order to safeguard the social and economic welfare of the people of Malang City.

D. Research Significance

1. Theoretical Significance

The findings of this study are expected to contribute to the development of Islamic legal studies, particularly in the context of their application to public policy and the enforcement of positive law in Indonesia. This study is also expected to enrich the literature on the Theory of Legal Effectiveness by incorporating the perspective of *Sadd al-Dzari'ah* as an important variable in analyzing the implementation of state policies.

2. Practical Significance

a. For Law Enforcement Authorities

To provide concrete input and policy recommendations to the Malang City Police and all parties involved in Operasi Pekat Semeru regarding the improvement of strategies and inter-agency synergy, so that efforts to combat the circulation of illegal alcoholic beverages become more effective, comprehensive, and aligned with the principles of *Sadd al-Dzari'ah*.

b. For the Government of Malang City

To offer policy recommendations based on the principles of *Sadd al-Dzari'ah* in order to strengthen the legal and social

foundations for protecting the community from the negative impacts of alcoholic beverages, as well as to support the realization of public order in accordance with the objective of preventing harm (mafsadah).

c. For Academics and the Public

To serve as an informative reference for academics, students, and other parties interested in examining the integration between positive law and Islamic law (Sharia) in the field of social order enforcement.

E. Operational Definitions

1. Effectiveness

Effectiveness in this study refers to the extent to which Operasi Pekat Semeru is effective in addressing the circulation of illegal alcoholic beverages in the City of Malang. This includes whether the measures implemented are capable of reducing the circulation of illegal alcoholic beverages, as measured by the level of success of law enforcement actions carried out by the Malang City Police in minimizing or eliminating such circulation. An effort is considered effective when it successfully achieves its objectives optimally. Effectiveness reflects success based on whether the predetermined targets have been achieved. The closer the results are to the intended objectives, the higher the level of effectiveness.

Conversely, the further the results deviate from the targets, the lower the level of effectiveness.¹¹

2. Operasi Pekat Semeru

Operasi Pekat Semeru is a centralized police operation conducted by the Malang City Police from 26 February to 3 March 2025, focusing on the enforcement against social ills, including the circulation of illegal alcoholic beverages, as stipulated in the official police operation warrant. In the context of this study, the focus is on evaluating the implementation of this operation.

3. Control of Illegal Alcoholic Beverages

The control of illegal alcoholic beverages is operationalized as the preventive and repressive efforts undertaken by the police and the local government to prevent the distribution, sale, and consumption of unlicensed alcoholic beverages, in accordance with Malang City Regional Regulation Number 4 of 2020. The measurement includes actions such as raids, searches, confiscation of adulterated alcoholic beverages (including traditional liquor such as *ciu*), and the closure of illegal points of sale within the City of Malang.

4. *Sadd Al-Dzari'ah*

¹¹ Abdillah Ahmad Fadhil Adani, *Efektivitas Pasal 31 Peraturan Pemerintah Nomor 81 Tahun 2012 Tentang Pengelolaan Sampah Rumah Tangga Dalam Menjamin Kesehatan Dan Keselamatan Kerja Di TPST 3R Mulyoagung Bersatu*, 2012.

Sadd al-Dzari'ah is understood as a preventive method in Islamic jurisprudence aimed at blocking the means that may lead to harm before such harm occurs. In this study, it is measured through indicators such as a reduction in cases of impaired intellect or consciousness caused by adulterated alcoholic beverages (*hifz al-'aql*), a decrease in cases of thuggery and assault (*hifz al-nafs*), and the prevention of fiscal leakage as well as the protection of legitimate businesses (*hifz al-mal*).

F. Systematics of Discussion

The structure of this thesis is organized as follows :

1. Chapter I : Introduction

This chapter consists of the background of the study, legal issues, research objectives, and research significance. The significance of this study includes both theoretical contributions and practical benefits.

2. Chapter II : Literature Review

This chapter reviews relevant previous studies that are closely related to the issues examined in this research concerning the circulation of illegal alcoholic beverages from the perspectives of positive law and Islamic law. It also presents the theoretical framework and relevant regulations, including: (1) Theory of Legal Effectiveness; (2) Malang City Regional Regulation No. 4 of 2020; (3) Islamic Economic Law and the Principles of Halal and Thayyib; (4) The Concept of *Sadd al-Dzari'ah*.

3. Chapter III : Research Methodology

This chapter discusses the research methodology, including the legal materials used and the methods for collecting relevant legal materials. It explains the type of research, research approach, data analysis techniques related to the legal issues under study, and the stages of the research process.

4. Chapter IV : Result and Discussion

This chapter presents the research findings, discussion, and answers to the research questions. It includes: (1) General Overview of the Research Location; (2) The Effectiveness of Operasi Pekat Semeru Policy from the Perspective of Islamic Economic Law; (3) Analysis of Operasi Pekat Semeru within the Framework of Sadd al-Dzari'ah and Socio-Economic Welfare.

5. Chapter V : Conclusion

This chapter presents the conclusions drawn from the overall findings as responses to the research questions, as well as suggestions or policy recommendations addressed to the Malang City Police and the Government of Malang City.

CHAPTER II

LITERATURE REVIEW AND THEORETICAL FRAMEWORK

A. Previous Research

Research by Agustinus Krisdwiantoro in 2023 entitled "The Dynamics of Law Enforcement of Illegal Liquor Circulation (Research Study at the Purbalingga Police)" discusses the regulation of liquor circulation politically in national and regional laws, the form of law enforcement by the police in eradicating the circulation of illegal liquor, and the obstacles faced in the implementation of law enforcement. The method used is a sociological juridical approach with analytical descriptive research specifications, using primary data from the field and secondary data from literature research results. The study refers to the theory of legal effectiveness and the theory of law enforcement as a conceptual framework. The results of the study show that even though the police officers are actively conducting raids and control, there are obstacles in the form of leaking operational information, resistance from sellers, and sanctions that have not provided a deterrent effect, while the applicable regulations still overlap and are not synergistic between central and regional regulations, thus affecting the effectiveness of law enforcement against the circulation of illegal liquor in the Purbalingga area.¹²

¹² Agustinus Krisdwiantoro, "Dinamika Penegakan Hukum Peredaran Minuman Keras Secara Ilegal (Studi Penelitian di Polres Purbalingga)" (tesis, Universitas Islam Sultan Agung Semarang, 2023).

Research by Erda Aldo Amiarso in 2021 entitled "Considerations of Police Discretion in Handling Liquor Crime Cases in Yogyakarta" discusses the mechanism and consideration of the use of discretionary authority by Yogyakarta Police investigators in handling cases of illegal liquor trafficking. This study uses normative legal research methods with a legislative approach, data collection through literature studies and interviews, and qualitative descriptive data analysis. The theory used is related to the concept of discretionary authority in the context of law enforcement and the principle of justice and efficiency of criminal law enforcement. The results of the study show that the use of investigator discretion is given in its entirety and is subjective and situational, taking into account the public interest and human rights, with mechanisms including investigation, confiscation of evidence, the process of coaching perpetrators, and making statements so as not to repeat the act. Discretionary considerations include the economic factors of the perpetrator, age, socio-cultural habits, lack of evidence, as well as the need for efficiency and prevention of case accumulation, although the exercise of discretion must still be based on the legal basis and professional responsibility of the investigator.¹³

Research by Jefry Kocu, A. Sakti R.S Rakia, and Sahertian Marthin in 2023 entitled "Law Enforcement Against Unlicensed Liquor (Alcohol)

¹³ Firman Yoga Rizki Wiratomo, *Penyidikan Terhadap Penjual Minuman Keras Beralkohol "Oplosan" di Kota Malang (Studi Di Polres Kota Malang)*, n.d.

Trafficking in the Aifat Area, Maybrat Regency" discusses the actions of the police in tackling the illegal liquor trade and the obstacles faced in the Aifat area, Maybrat Regency. This study uses an empirical juridical approach by collecting data from primary and secondary sources through field observation and interviews. This study refers to the concept of police law enforcement which includes preventive and repressive actions, as well as the involvement of elements of society and related institutions in eradicating the circulation of illegal liquor. The results of the study show that the police conducted raids, investigations, searches, confiscation of evidence, arrests, and socialization of the impact of liquor on the community, but faced obstacles in the form of lack of response and openness of the public in providing information, as well as weak coordination between related institutions. This study concludes that law enforcement in the region is already underway, but there is still a need to increase synergy and community legal awareness so that the effectiveness of handling illegal liquor cases can be optimal.¹⁴

Research by Sinta Puspita and Padrisan Jamba in 2020 entitled "The Role of the Police in Cracking Down on Perpetrators of Illegal Liquor Sales in Batam City (Study on the Barelang Police)" discusses the role of the police in dealing with the circulation of illegal liquor in Batam City, including the efforts and obstacles faced. This study uses an empirical

¹⁴ Jefry Kocu Et Al., *Penegakan Hukum Terhadap Kasus Perdagangan Minuman Keras (Beralkohol) Di Wilayah Aifat Kabupaten Maybrat*, 1, No. 2 (N.D.), <https://doi.org/10.33506/Jlj.V1i2.2678>.

juridical approach or legal sociology, with data collection methods in the form of triangulation techniques and interviews with related parties. The theory used is the theory of legal certainty. The results of the study show that the police's efforts to overcome the circulation of illegal liquor are carried out through preventive and repressive measures, but are still constrained by several factors such as the lack of special regulations on alcoholic beverages, light sanctions, and the presence of police officers who protect the perpetrators.¹⁵

Research by Afrilia Anggraini in 2023 entitled "Implementation of Investigations of Petty Crimes Regarding the Control and Supervision of the Circulation of Alcoholic Beverages at the Sragen Police Station, Sumber Lawang Sector" discusses the implementation of investigations of misdemeanor crimes related to the circulation of alcoholic beverages, the obstacles faced in the investigation process, and efforts to overcome these obstacles. This study uses a qualitative approach with a qualitative descriptive research method. The data collection techniques used were interviews, literature studies, and observations. The results of the study show that the investigation of minor crimes related to Liquor at the Sragen Police Station in the Sumber Lawang Sector has not run optimally and there

¹⁵ Sinta Puspita Sari and Padrisan Jamba, *Peran Kepolisian Dalam Menindak Pelaku Penjualan Minuman Keras Ilegal Di Kota Batam (Studi Pada Polresta Balerang)*, n.d.

are still obstacles such as lack of facilities and infrastructure and lack of public awareness.¹⁶

Research by Ayu Lestari Dewi and Basoddin Turu in 2021 entitled "The Ideal Form of Law Enforcement Against the Crime of Trafficking in Oplosan Liquor in Kendari City" discusses the ideal form of law enforcement against the circulation of oplosan liquor in Kendari City, even though regional regulations have limited its circulation. The approach used is empirical juridical, with data collection through literature studies (secondary legal materials) and interviews (primary legal materials). The results of the study show that regulatory, socio-cultural, and economic factors, as well as individual internal factors, cause the rampant circulation of illegal liquor in Kendari City. The solutions offered are repressive, preventive, and pre-emptive law enforcement involving law enforcement, local governments, and the community, as well as the need for stricter restrictions and selection of liquor sales permits.¹⁷

Research by Reham Alditria Surya in 2023 entitled "The Role of the Police in Tackling the Circulation and Trade of Unlicensed Liquor in the Jurisdiction of the Salatiga Police" discusses the role of the police in tackling the circulation of unlicensed liquor. The type of research used is empirical juridical or field research, which examines legal provisions and

¹⁶ Fajar Nur Ikhsanuddin, *Pelaksanaan Penyidikan Tindak Pidana Ringan Tentang Pengendalian Dan Pengawasan Peredaran Minuman Beralkohol Di Polres Sragen Sektor Sumber Lawang*, 13 (n.d.).

¹⁷ Ayu Lestari Dewi and Basoddin Turu, *Bentuk Penegakan Hukum Yang Ideal Terhadap Tindak Pidana Peredaran Minuman Keras Oplosan Di Kota Kendari*, 12 (2021).

events in society. The results of the study show that the Salatiga Police's efforts to minimize violations are carried out through non-judicial and pro justicia means. This non-judicial action is in the form of coaching and advice so as not to repeat the mistake.¹⁸

Research by Shafa Salsabila in 2022 entitled "The Effectiveness of Alcoholic Beverage Control and Supervision Based on Article 23 of Regional Regulation Number 4 of 2014 Maqasid Al-Syari'ah Perspective (Study in Manado City)" discusses the effectiveness of controlling rat-stamped alcoholic beverages based on regional regulations and the perspective of *Maqasid Al-Syari'ah*. This study uses an empirical legal method with a sociological juridical approach, where data is collected through observation, interviews, and documentation in Manado City. In terms of theory and concept, this study examines the effectiveness of law according to Soerjono Soekanto and relates it to the perspective of *Maqasid Al-Syari'ah*. The results show that the supervision and control of alcoholic beverages, especially rat stamps, is considered ineffective based on the factors of legal effectiveness of Soerjono Soekanto. In addition, this study concludes that efforts to control alcoholic beverages are included in *the act of dharuriyat* because it is a way to avoid damage (*mafsadah*), in line with the principles of *Maqasid Al-Sharia'ah*.¹⁹

¹⁸ Reham Alditria Surya, "Peran Kepolisian Dalam Menanggulangi Peredaran Dan Perdagangan Miras Tanpa Izin Di Wilayah Hukum Polres Salatiga" (Universitas Darul Ulum Islamic Center Sudiman Guppi, n.d.), <http://repository.undaris.ac.id/id/eprint/973>.

¹⁹ Shafa Salsabila, *Efektivitas Pengendalian Dan Pengawasan Minuman Beralkohol Berdasarkan Pasal 23 Peraturan Daerah Nomor 4 Tahun 2014 Perspektif Maqasid Al-Syari'ah (Studi Di Kota Manado)*, 2014.

Research by Apriliyatus Solichah in 2024 entitled "The Effectiveness of Law Enforcement in Preventing the Circulation of Illegal Liquor in the Tretes Tourist Area: A Positive Legal Perspective and Islamic Criminal Law (Case Study in the Jurisdiction of the Prigen Pasuruan Police)" discusses the effectiveness of law enforcement by the Prigen Police in preventing the circulation of illegal liquor in the Tretes tourist area, reviewed from the perspective of positive law and Islamic criminal law. This study uses empirical juridical methods or field research with a qualitative descriptive approach, as well as collecting data through interviews, literature studies, and observations. The theory or concept used is positive law and Islamic criminal law, including the concept of ta'zir. The results of the study show that law enforcement against the circulation of liquor in the area has not been effective, because there are still many law enforcers who receive pungli, and the sanctions given to sellers are too light so that they do not have a deterrent effect.²⁰

Research by Mohamad Rifki Ramusu, Lucyane Djaafar, and Ramli Mahmdud in 2023 entitled "The Role of the Police Sector in Countering Captives in Rumbia Village, Botumoito District" discusses the role of the police in overcoming the circulation of alcoholic beverages of the 'captikus' type and its inhibiting factors. This study uses a qualitative approach with a case study method, and data is collected through observation and interviews.

²⁰ Solichah, *Efektivitas Penegakan Hukum Dalam Mencegah Peredaran Minuman Keras Ilegal di Kawasan Wisata Tretes Perspektif Hukum Positif dan Hukum Pidana Islam (Studi Kasus di Wilayah Hukum Polsek Prigen Pasuruan)*.

The results of the study show that the police, through the Botumoito Police, are actively taking measures through education and socialization to Liquor farmers, as well as carrying out repressive actions such as warnings and burning of production sites. In addition, this study also found obstacles in countermeasures, including the existence of individuals who protect the perpetrators and light sanctions.²¹

Table 1. Previous Research

No.	Title & Year	Researcher Name	Equations	Differences
1	The Dynamics of Law Enforcement of Illegal Liquor Circulation (Research Study at the Purbalingga Police) (2023)	Agustinus Krisdwiantoro	Using the same research object, namely the circulation of illegal liquor.	In this previous study, it discussed the regulation of liquor circulation politically, national and regional laws with a sociological juridical approach method with analytical descriptive research specifications and using legal effectiveness theory and law enforcement theory. Meanwhile, in this study, it discusses the effectiveness of concentrated operation in controlling the circulation of liquor from the perspective of Islamic law

²¹ Mohamad Rifki Ramusu Et Al., *Peran Sektor Kepolisian Dalam Penanggulangan Captikus Di Desa Rumbia Kecamatan Botumoito*, 7, No. 2 (2023).

2	Consideration of Police Discretion in Handling Liquor Crime Cases in Yogyakarta	Erda Aldo Amiarso	The research used is empirical research in police agencies and uses the same research method, namely qualitative descriptive.	In this previous research, it discussed the mechanism and consideration of the use of discretion by Yogyakarta Police investigators in handling cases of illegal liquor trafficking. Meanwhile, this study discusses the effectiveness of the concentrated <i>semeru</i> operation carried out by the Malang City Police
3	Law Enforcement of Unlicensed Liquor (Alcohol) Trade in the Aifat Area, Maybrat Regency (2023)	Jefry Kocu, A. Sakti R.S Rakia, dan Sahertian Marthin	This research has the same research focus, namely law enforcement on countering the circulation of illegal liquor carried out by police officers.	In previous research, only empirical juridical methods were used by collecting data from primary and secondary sources. Such as field observations and interviews. while in this study a different perspective is used, namely, <i>Sadd Al-Dzari'ah</i> .
4	The Role of the Police in Cracking Down on Perpetrators of Illegal Liquor Sales in Batam City (Study on the Bareleng Police) (2020)	Sinta Puspita Sari & Padrisan Jamba	Analyze the role of the police in controlling the circulation of illegal liquor based on local regulations.	The previous research had a case study that took place at the Bareleng Police, while this research took place at the Malang City Police.
5	Implementation of Investigation of Misdemeanor	Afrilia Anggraini	The research used is empirical	In previous research, only empirical juridical

	Crimes Regarding the Control and Supervision of Alcoholic Beverage Circulation at the Sragen Police Station, Sumber Lawang Sector		research in police agencies and uses the same research method, namely qualitative descriptive.	methods were used by collecting data from primary and secondary sources. Such as field observations and interviews. while in this study a different perspective is used, namely, <i>Sadd Al-Dzari'ah</i> .
6	The Ideal Form of Law Enforcement Against the Crime of Trafficking in Oplosan Liquor in Kendari City (2021)	Ayu Lestari Dewi & Basoddin Turu	Using the same research object, namely the circulation of illegal liquor.	In the previous study, it discussed the regulation of regional regulations of the city of Kendari, while in this study examined the effectiveness of the concentrated semeru operation carried out by the Malang City Police.
7	The Role of the Police in Tackling the Circulation and Trade of Unlicensed Alcohol in the Jurisdiction of the Salatiga Police (2023)	Reham Alditria Surya	This research has the same research focus, namely law enforcement on countering the circulation of illegal liquor carried out by police officers.	In previous research, only empirical juridical methods were used by collecting data from primary and secondary sources. Such as field observations and interviews. while in this study a different perspective is used, namely, <i>Sadd Al-Dzari'ah</i> .
8	The Effectiveness of Alcoholic Beverage Control and	Shafa Salsabila	The research used is empirical research in police agencies	In previous research, the perspective of maqashid sharia / the goals of fame

	Supervision Based on Article 23 of Regional Regulation Number 4 of 2014 Maqasid Al-Syari'ah Perspective (Study in Manado City) (2022)		and uses the perspective of Islamic law.	that Islamic law wants to achieve. Meanwhile, in this study, the perspective of <i>Sadd Al-Dzari'ah</i> /preventive efforts to prevent damage.
9	The Effectiveness of Law Enforcement in Preventing the Circulation of Illegal Liquor in the Tretes Tourist Area: A Positive Legal Perspective and Islamic Criminal Law (Case Study in the Jurisdiction of the Prigen Pasuruan Police) (2024)	Apriliyatus Solichah	Analyze the role of the police in controlling the circulation of illegal liquor based on local regulations.	In this previous research, it used a positive legal perspective and Islamic criminal law. Meanwhile, in this study, it discusses the effectiveness of concentrated operation in controlling the circulation of liquor from the perspective of Islamic law
10	The Role of the Police Sector in Countering Captikus in Rumbia Village, Botumoito District (2023)	Mohamad Rifki Ramusu, Lucyane Djaafar, and Ramli Mahmdud	Analyze the role of the police in controlling the circulation of illegal liquor based on local regulations.	In previous research, a positive legal perspective was used. Meanwhile, in this study, it discusses the effectiveness of concentrated operation in controlling the circulation of liquor from the perspective of Islamic law

B. Literature Review

1. Theory of Legal Effectiveness

1. Anthony Allott's Theory of Legal Effectiveness

According to Anthony Allott, the purpose of law is to regulate or shape the behavior of members of society, both by determining what is permitted and what is prohibited, through the establishment of institutions and processes within legislation in order to ensure that the functions of law can operate effectively. Legal effectiveness, in Allott's view, refers to the extent to which law is able to realize its intended objectives.²²

However, assessing or measuring the effectiveness of law can be challenging for two main reasons. First, laws are often created rapidly through legislation or other legal instruments, and in many cases the objectives of the law are not clearly articulated by lawmakers or drafters. As a result, the effectiveness of such laws becomes difficult to measure. This difficulty arises because law is dynamic and continuously develops; those who apply, comply with, or disregard the law may reshape both the law itself and its objectives in response to changing social conditions.

Second, the effectiveness of law is also difficult to evaluate because some communities possess legal systems that are not

²² Diana Tantri Cahyaningsih, *Mengurai Teori Effectiveness of Law Anthony Allot*, n.d.

codified in written legislation, such as customary law. In such cases, the objectives of the law are not explicitly stated in written rules, making their effectiveness harder to assess.

Anthony Allott further explains that the effectiveness of legislation within a state can be measured through three stages of its implementation :²³

- a) Preventive function: when the law serves as a preventive instrument, whether it succeeds in preventing legal subjects from committing prohibited acts.
- b) Curative function: when the law serves as a means of resolving disputes among legal subjects, whether it succeeds in providing fair and just solutions.
- c) Facilitative function: when the law serves to meet the needs of legal subjects in carrying out legal actions, whether it succeeds in providing rules that facilitate such actions.

According to Anthony Allott, there are three main factors that cause law to be ineffective :

- a) Failure in communicating the objectives of the law, meaning that the intent and purpose of legislation are not successfully conveyed to society. Laws are generally

²³ Delfi Wulandari et al., “Mekanisme Pengangkatan dan Pemberhentian Perangkat Desa Perspektif Fiqih Siyasah Tanfidziyah,” *Journal of Sharia and Legal Science* 2, no. 3 (2024): 420–38, <https://doi.org/10.61994/jsls.v2i3.703>.

formulated in formal legal language that is difficult for the general public to understand, and this problem is often compounded by the lack of effective supervisory bodies to ensure the acceptance and implementation of the law.

- b) A mismatch between the objectives of lawmakers and the fundamental characteristics of society. When legal norms do not align with social values, habits, or realities, compliance becomes difficult to achieve.
- c) The absence or inadequacy of supporting legal instruments, such as implementing regulations, institutions, or procedural mechanisms necessary for the proper execution and enforcement of the law.

According to Anthony Allott, lawmakers or legislators are those who create the law. Their responsibility is not merely to maintain or supervise compliance with the law, but also to be accountable for the failure of the legal products they produce. Internal control or self-evaluation by lawmakers regarding what they do and the nature of the legal instruments they employ is therefore essential. However, such forms of scrutiny are, at the same time, rarely carried out.

2. Theory of Legal Effectiveness According to Soerjono Soekanto

Soerjono Soekanto explains that, in essence, the theory of effectiveness serves as an indicator of whether a regulation has

been complied with and implemented among members of society. According to Soekanto, law can be effective if the factors influencing its implementation function properly. The effectiveness of a law or regulation is measured by the behavior of the community. A law or regulation can be considered effective when members of society behave in accordance with what is expected or intended by the regulation, thereby achieving its objectives. here are five factors that influence the effectiveness of law, including²⁴:

a) Legal Substance (Legal Factor)

Law functions to realize justice, legal certainty, and utility (benefit). In legal practice, conflicts often arise between legal certainty and justice. Legal certainty is concrete and tangible in nature, while justice is abstract. This tension frequently creates challenges in the implementation of law.

b) Law Enforcement Factor

The functioning of law is highly influenced by the mentality, integrity, and professionalism of law enforcement officers. Even if the legal rules are well formulated, problems will arise if the quality of law enforcement personnel is inadequate.

c) Supporting Facilities and Infrastructure

²⁴ Elsa Nur Handayani, “Efektivitas pasal 34 terkait hak nelayan buruh mendapatkan asuransi perikanan: Studi di Dusun Karangsembung, Desa Mojo, Kecamatan Ulujami, Kabupaten Pemalang” (undergraduate, Universitas Islam Negeri Maulana Malik Ibrahim, 2025), <http://etheses.uin-malang.ac.id/74525/>.

This factor includes both software and hardware. According to Soerjono Soekanto, law enforcement officers cannot perform effectively if they are not equipped with adequate facilities, such as transportation and professional tools. Therefore, facilities and infrastructure play a crucial role in law enforcement. Without such support, law enforcement officers will face difficulties in carrying out their duties in accordance with existing regulations.

d) Community Factor

Law enforcement officers originate from society and aim to achieve social harmony. Every individual or social group possesses a certain level of legal awareness. The main issue lies in the degree of legal compliance, whether high, moderate, or low. The level of public compliance with the law serves as one of the indicators of the functioning of the law itself.

e) Cultural Factor

Legal culture reflects the values underlying the law that operates within society. These values determine what is considered good and should be implemented, as well as what is considered bad and should be avoided.

Regarding the first element, whether written law functions effectively depends largely on the legal rules themselves. The theory

of legal effectiveness proposed by Soerjono Soekanto is relevant to the view expressed by Romli Atmasasmita, who argues that the factors hindering the effectiveness of law enforcement do not lie solely in the mental attitudes of law enforcement officials (judges, prosecutors, police officers, and legal counsel), but also in the lack of legal socialization, which is often neglected. According to Soerjono Soekanto, the indicators of effectiveness in the first element (the legal substance) include:

- 1) Existing regulations governing particular areas of social life are sufficiently systematic.
- 2) Existing regulations governing particular areas of social life are sufficiently synchronized, both hierarchically and horizontally, without contradictions.
- 3) Qualitatively and quantitatively, the regulations governing particular areas of social life are adequate.
- 4) The issuance of specific regulations complies with applicable juridical requirements.

In the second element, which determines whether written law functions effectively, the focus lies on law enforcement officers. In this regard, competent and reliable personnel are required so that they can perform their duties properly. Reliability here includes both professional skills and sound moral integrity. According to Soerjono

Soekanto, factors influencing the effectiveness of written law from the perspective of law enforcement officers depend on the following:

- 1) The extent to which officers are bound by existing regulations.
- 2) The extent to which officers are permitted to exercise discretion.
- 3) The type of example that officers should provide to the community.
- 4) The degree of synchronization in the assignments given to officers, so as to provide clear boundaries regarding their authority.

In the third element, the availability of facilities in the form of infrastructure and supporting resources for implementing officers is essential for the performance of their duties. The facilities referred to here are tools and infrastructure that function as instruments to achieve legal effectiveness. With regard to these facilities, Soerjono Soekanto proposes benchmarks for assessing the effectiveness of certain infrastructural elements. Such facilities must clearly contribute to the smooth performance of officers' duties in their respective workplaces. These elements include :

- 1) Whether existing facilities are properly maintained.

- 2) Whether facilities that are not yet available need to be provided, taking into account the timeframe for their provision.
- 3) Whether insufficient facilities need to be immediately completed.
- 4) Whether damaged facilities need to be promptly repaired.
- 5) Whether facilities that are dysfunctional need to be immediately restored to proper functioning.
- 6) Whether facilities whose functions have declined need to be enhanced and improved.

There are also several elements for measuring effectiveness that depend on social conditions, namely:

- 1) Factors causing society to disobey regulations despite the existence of good laws.
- 2) Factors causing society to disobey regulations even when the laws are very good and law enforcement officers are highly authoritative.
- 3) Factors causing society to disobey regulations even when the laws are adequate, law enforcement officers are authoritative, and facilities are sufficient.

The elements above indicate that public discipline and compliance largely depend on internally driven motivation. The

internalization of this factor occurs within each individual as the smallest element of the social community. Therefore, the most appropriate approach to fostering discipline is through the cultivation of individual motivation.

In this context, the degree of public legal compliance becomes one of the parameters for determining whether a law is effectively implemented. Such compliance may be motivated by various factors, arising from both internal and external conditions. Internal conditions emerge from certain impulses, which may be either positive or negative. Positive impulses arise from constructive stimuli that encourage individuals to engage in positive behavior.

Negative impulses, on the other hand, may arise from negative stimuli, such as experiences of injustice and similar circumstances. External impulses occur due to pressure from outside forces that compel individuals to obey the law. Generally, the obligation of citizens to comply with the law is driven by the existence of sanctions or punishment, which create fear or discomfort, leading individuals to prefer legal compliance over violation. However, such motivation is typically temporary in nature.²⁵

²⁵ Muhammad Fuad Hasan, “Efektivitas peraturan Mahkamah Agung omor 5 tahun 2019 tentang dispensasi perkawinan perspektif teori Efektivitas Hukum Soerjono Soekanto: Studi kasus di Pengadilan Agama Mojokerto” (masters, Universitas Islam Negeri Maulana Malik Ibrahim, 2024), <http://etheses.uin-malang.ac.id/61738/>.

2. Malang City Regional Regulation No. 4 of 2020

Malang City Regional Regulation No. 4 of 2020 contains legal norms aimed at protecting the community from the negative impacts of alcoholic beverages, maintaining public order, and safeguarding public health and welfare. In particular, Article 15 explicitly prohibits the sale of alcoholic beverages without a valid license and emphasizes strict supervision over the production, distribution, and consumption of alcoholic beverages classified as categories A, B, and C, with sanctions ranging from administrative penalties to criminal sanctions for violators. This article also serves as one of the formal legal bases for the Malang City Police in conducting Operasi Pekat Semeru .

In relation to this study, the regulation functions as the legal foundation for police operations in addressing the circulation of illegal alcoholic beverages. Operasi Pekat Semeru represents a follow-up enforcement action based on the Mayor's official directive, which is consistent with the supervisory provisions stipulated in the regulation. The effectiveness of the operation is empirically assessed through its ability to confiscate 1,808 bottles of illegal alcoholic beverages in 2025, reflecting violations of the prohibition on unlicensed sales. Accordingly, the norms established in the Regional Regulation serve as an empirical benchmark for evaluating the success of control efforts. This framework further strengthens the analysis that the ineffectiveness of the enforcement of the Regional Regulation contributes to the

persistence of violations in areas such as Candi Raya Street, which constitutes the focus of the case study conducted at the Malang City Police.

3. Islamic Economic Law

Islamic Economic Law is a field of study that examines human activities and behavior in an actual and empirical manner, encompassing production, distribution, and consumption, based on Islamic law derived from the Qur'an, the Sunnah, and the consensus (ijma') of scholars, with the ultimate aim of achieving well-being in both this world and the hereafter. Islamic economics is not merely normative in nature, consisting of ethical values alone, but is also positive, as it analyzes real economic activities and societal economic problems from an Islamic perspective.²⁶ In Islamic economics, neither consumers nor producers are regarded as sovereign actors. Instead, their behavior must be guided by the principles of collective welfare, both individual and social, as prescribed by Islamic law. In general, the implementation of Islamic Economic Law aims to :

- a. Institutionalize Islamic law within the national economic system in a comprehensive (kaffah) manner, on the grounds that the Islamic economic system constitutes the backbone of societal development, fostering both spiritual and material character.

²⁶ Kholidah Kholidah et al., *Hukum ekonomi syariah* (Semesta Aksara, 2023), <https://repo.uinsyahada.ac.id/1568/>.

- b. Liberate Muslim societies from the dominance of Western capitalist systems and Eastern communist systems, and to overcome the economic backwardness of Muslim communities and states.
- c. Revive Islamic values in all economic activities and protect public morality from materialistic and hedonistic ideologies.
- d. Establish an economic structure that promotes unity and solidarity within the framework of the Islamic message (risalah Islamiyah).
- e. Realize falah, namely the overall prosperity and well-being of society.

Principles Underlying Islamic Economic Law²⁷ :

1) The Principle of Tawhid (Monotheism)

The principle of tawhid constitutes the foundation of all human activities, including economic conduct. Quraish Shihab explains that tawhid leads individuals to believe that all wealth ultimately belongs to Allah. Such awareness fosters a balanced orientation toward both worldly life and the hereafter, preventing economic actors from pursuing material profit alone.

The consciousness of tawhid also restrains Muslim individuals

²⁷ “Implementasi Asas-Asas Hukum Ekonomi Syariah Dalam Pengembangan Mart 212 Pada 212 Mart Muhajirin Palembang- Repository UIN Raden Fatah Palembang,” accessed October 12, 2025, <https://repository.radenfatah.ac.id/16230/>.

and entrepreneurs from engaging in any form of exploitation against others. Another positive implication of this principle within the Islamic economic system is the prevention of monopoly practices and the concentration of economic power in the hands of a single individual or group.

2) The Principle of Justice

According to the Indonesian Dictionary, justice means being impartial, not biased, and siding with what is right and proper. A person is considered just when they are not biased in judgment and do not act arbitrarily, except in their commitment to truth. Justice represents one of the most fundamental values in Islamic teachings; indeed, upholding justice and eradicating *ظلم* (injustice or oppression) constitute the core mission of the prophetic message.

In the operation of Islamic economics, balance plays a crucial role in achieving *falah* (success and well-being). In the terminology of Islamic jurisprudence (*fiqh*), justice means placing something in its proper position and granting rights to those entitled to them (*wadh' al-shay' fi mahallih*). The implementation of justice in economic activities is reflected in the prohibition of the following elements :

- a. Riba

Etymologically, the term *riba* means “increase” or “growth.” Al-Syirbashi defines *riba* as any excess or additional payment stipulated in a transaction without a legitimate countervalue or compensation for one of the contracting parties.

b. *Maysir*

Linguistically, *maysir* is synonymous with *qimar*, meaning gambling. It refers to any form of speculative or chance-based behavior. Islam strictly prohibits all forms of gambling, as they inherently involve speculation and lead to significant harm. Such activities are typically manifested in games or competitions that rely on chance rather than productive effort.

c. *Gharar*

In the context of *fiqh muamalah*, *gharar* carries various meanings. However, it can generally be understood as the existence of uncertainty, ambiguity, or lack of clarity in a transaction, which may potentially cause injustice to one of the parties.

d. *Haram*

Economic activities within the Islamic financial system, as part of *muamalah*, fall under the category of general acts of worship (*ibadah ‘ammah*), where the rules

of implementation are predominantly general in nature. Based on this, Islamic scholars formulated a fundamental legal maxim : “*al-ashl fi al-asyya al-ibahah hatta yadll al-dalil ala tahrimiha*” (which means that the basic principle in muamalah is permissibility unless there is clear evidence indicating its prohibition.).

3) The Principle of Maslahah

In simple terms, *maslahah* refers to the pursuit of benefit and the prevention of harm, or anything that brings goodness, safety, utility, and advantage. The essence of *maslahah* encompasses all forms of goodness and benefit that integrate worldly and hereafter dimensions, material and spiritual aspects, as well as individual and social interests. Economic activities are considered to fulfill *maslahah* when they meet two essential elements: compliance with Islamic law (*halal*) and the provision of benefit and goodness (*tayyib*) in an integral manner. Accordingly, such activities are deemed unlikely to cause harm (*mafsadah*). An action is therefore regarded as *maslahah* when it contributes to comprehensive benefit and avoids detrimental consequences.

4) The Principle of Ta’awun

The principle of *ta’awun* emphasizes cooperation and mutual assistance among members of society in economic

activities. This principle is grounded in the values of humanity and solidarity taught in Islam. In practice, *ta'awun* encourages the development of economic activities that not only benefit individuals but also provide broader advantages for society and strengthen social cohesion. It implies that economic success should not be measured solely by material gain, but also by the extent to which economic activities enhance social welfare, promote justice, and uphold communal values.

5) The Principle of Balance

The principle of balance underscores the importance of maintaining harmony between material and spiritual dimensions, between individual and societal interests, and between rights and obligations. In Islamic economics, balance must be achieved in the management of resources, the distribution of wealth, and the conduct of economic activities. This principle seeks to ensure that economic practices do not generate harm, loss, or imbalance that could undermine social or environmental stability. Balance also entails avoiding excess in consumption and production, while sustaining economic and social development in a continuous and equitable manner.

4. Sadd Al-Dzari'ah

Linguistically, the word *sadd* is derived from the root : *sadda-yasuddu-saddan* (سد- يسد - سد) which means to close, block, obstruct,

or prevent. Meanwhile (الذريعة) the singular form of *al-dzarā'i* (الذرائع) following the pattered *fa'īlah* (فعيلة) meaning a path, means, or intermediary to achieve a particular goal or action.²⁸

According to al-Qarāfi, *Sadd al-Dzari'ah* means cutting off the means that lead to harm (*mafsadah*) as a method to prevent the occurrence of such harm. Even if an action in itself is free from harmful elements, it must be prevented if it serves as a path or means leading to harm. The objective of this principle is to prevent damage before it occurs. Thus, although an action may not inherently contain danger, if it has the potential to become a means leading to harm, it is obligatory to prevent it.²⁹

Ibn Qayyim (691–749 H / 1292–1350 CE) explains that the term *al-dharī'ah* refers broadly to means or methods. Due to its general nature, *al-dharī'ah* encompasses two meanings: (1) means that must be blocked because they lead to prohibited acts, known as *sadd al-dharī'ah*; and (2) means that should be opened or facilitated because they bring benefit, known as *fath al-dharī'ah*.³⁰

²⁸ Nurdhin Baroroh, “Metamorfosis ‘Illat Hukum’ Dalam Sadd Adz-Dzari’ah Dan Fath Adz-Dzari’ah (Sebuah Kajian Perbandingan),” *Al-Mazaahib: Jurnal Perbandingan Hukum* 5, no. 2 (2018), <https://doi.org/10.14421/al-mazaahib.v5i2.1426>.

²⁹ Muhammad Rizal Hidayat, “Pengawasan dan penanganan judi Online ditinjau dari Sadd Adz-Dzari’ah: Studi di Kominfo Kota Malang dan Polresta Kota Malang” (undergraduate, Universitas Islam Negeri Maulana Malik Ibrahim, 2025), <http://etheses.uin-malang.ac.id/76481/>.

³⁰ Rukhul Amin, “Sadd Al-Dzari’ah : Korelasi Dan Penerapannya Dalam Hukum Ekonomi Syariah,” *Jurnal Justisia Ekonomika: Magister Hukum Ekonomi Syariah* 4, no. 2 (2020), <https://doi.org/10.30651/justeko.v4i2.6856>.

Scholars of *uṣūl al-fiqh* classify *al-dharī‘ah* into four categories,³¹ This classification is important because it relates to the potential emergence of harmful consequences (*mafsadah*) and its connection with actions that are already prohibited. Through this categorization, it becomes easier to identify which means must be prevented and which should be avoided so as not to support prohibited acts. The categories are as follows :

- 1) Means that certainly and convincingly lead to harm (*mafsadah*), such as digging a well in the middle of a dark public road. Scholars unanimously agree that such means are prohibited.
- 2) Means that, based on strong probability, lead to harm (*mafsadah*), such as selling grapes to individuals or companies known to produce alcoholic beverages. Scholars also unanimously agree on the prohibition of this category.
- 3) Means that rarely or only minimally lead to harm, such as planting and cultivating grapevines. Scholars unanimously consider this category permissible.
- 4) Means that, based on ordinary assumptions (not strong probability), may lead to harm, such as credit-based sale transactions. Under normal assumptions, such transactions may lead to harm, particularly for debtors. Scholars differ in their opinions regarding

³¹ Nasrullah Rullah, “Aplikasi teori sadd al-dzarī‘ah dan fath al-dzarī‘ah ke dalam peraturan TIPIKOR di Indonesia,” *Ijtihad : Jurnal Wacana Hukum Islam dan Kemanusiaan* 19, no. 2 (2019): 223–42, <https://doi.org/10.18326/ijtihad.v19i2.223-242>.

this category: some argue that such acts should be prohibited based on the principle of *sadd al-dharī'ah*, while others hold the opposite view.

CHAPTER III

RESEARCH METHODOLOGY

A. Type of Research

The type of research employed in this study is empirical juridical research. The empirical juridical method is a legal research approach that examines applicable legal provisions and compares them with the realities occurring in society. This method involves identifying factual conditions in the field, which are then used as research data. These data are subsequently analyzed to identify problems and ultimately to formulate solutions.³² This empirical juridical research was conducted through direct fieldwork at the Malang City Police (Polres Kota Malang) by means of observation, interviews, and documentation with competent parties. The purpose of this data collection was to obtain an accurate description of issues relevant to the research problem, namely the effectiveness of the Pekat Semeru Operation in controlling the circulation of illegal alcoholic beverages from the perspective of *Sadd al-Dharī‘ah*.

B. Research Approach

The approach used in this study is field research, namely data collection conducted directly from data sources in the field or at locations that are directly relevant to the object of study. Through this approach, the researcher is able to obtain accurate and in-depth empirical data regarding the

³² Kornelius Benuf and Muhamad Azhar, “Metodologi Penelitian Hukum sebagai Instrumen Mengurai Permasalahan Hukum Kontemporer,” *Gema Keadilan* 7, no. 1 (2020): 20–33, <https://doi.org/10.14710/gk.2020.7504>.

implementation of the Pekat Semeru Operation at the Malang City Police (Polres Kota Malang).

C. Research Location

The research location refers to the place where the study is conducted. The selection of the research site aims to clarify and focus the area under investigation. This research was conducted at the Malang City Police (Polres Kota Malang). This location was chosen because the Pekat Semeru Operation is implemented by Polres Kota Malang and is therefore directly related to the research issue, namely the effectiveness of the Pekat Semeru Operation in controlling the circulation of illegal alcoholic beverages in Malang City from the perspective of Sadd al-Dhari'ah.

D. Data Sources

The data used in this study consist of primary data and secondary data.

1. Primary Data

Primary data are data obtained directly from the object of research. In this study, primary data were collected through interviews with officers of Polres Kota Malang, namely Mr. Supriyatno (Head of Operations Division) and Mr. Ferdy (member of the Samapta Unit). These interviews were conducted to obtain relevant information regarding the effectiveness of the Pekat Semeru Operation in controlling the circulation of illegal alcoholic beverages from the perspective of Sadd al-Dhari'ah.

2. Secondary Data

Secondary data are supporting data that complement the primary data. These data were obtained from various sources such as scientific works, books, journals, dictionaries, statutory regulations, and documents relevant to the research topic. In this study, the main statutory reference used is Malang City Regional Regulation (Peraturan Daerah Kota Malang) No. 4 of 2020 concerning the Control and Supervision of the Distribution of Alcoholic Beverages.

E. Data Collection Methods

1. Interview

The interview is intended to conduct a direct question and answer between the researcher and the respondent or the source or informant to obtain information. Interviews are an important part of empirical legal research. Because without an interview, the researcher will lose information that can only be obtained by asking directly to respondents, sources or informants. These interviews can use a list of questions or questions and answers are done freely, which is important for the researcher to get the data needed.³³

This study employs semi-structured interviews, which allow greater flexibility compared to structured interviews. The purpose of this method is to explore problems more openly, allowing informants to

³³ “Metode Penelitian Hukum,” n.d., accessed February 28, 2026, <https://eprints.unram.ac.id/20305/1/Metode%20Penelitian%20Hukum.pdf>.

express their views and ideas freely. Interviews were conducted with parties directly involved in the Pekat Semeru Operation, namely the Head of the Operations Division (Kabagops) and the Head of the Samapta Unit (Kasat Samapta) at Polres Kota Malang.

2. Documentation

Documentation refers to the collection of data and information in the form of written records, reports, and images that support the research. In this study, the researcher recorded and stored the explanations provided by informants during interviews, so that the data can be accounted for and verified.

F. Data Processing and Analysis Methods

After the data and legal materials were collected, the next stage was data processing, namely organizing the data systematically to facilitate analysis. This study adopts the data analysis model proposed by Miles and Huberman, which consists of three main activities³⁴ :

1. Data Reduction

Data reduction is carried out by summarizing, selecting key points, and focusing on the most important information obtained from field notes. This process helps provide a clearer overview of the data and facilitates further data collection and analysis. In this study, data reduction was conducted by analyzing the results of

³⁴ “Metode Penelitian Hukum.”

interviews with the Head of Operations Division (Kabagops) and the Head of the Samapta Unit (Kasat Samapta). This method enabled the researcher to obtain relevant additional information and focus on data that directly relate to the research problem.

2. Data Display

After data reduction, the next stage is data display. Data are presented in the form of descriptive narratives based on the results of interviews. In this study, the interview findings are presented in summarized form and systematically linked to the formulated research questions.

3. Conclusion Drawing

Conclusion drawing is an integral part of qualitative data analysis. Conclusions may answer the research questions formulated at the beginning of the study, but they may also develop as the research progresses, since qualitative findings are dynamic. In this study, conclusions are drawn by synthesizing and summarizing the results of the analysis in accordance with the research problems addressed.

CHAPTER IV

RESULT AND DISCUSSION

A. Overview of the Research Location

1. General Overview of Malang City Police (Polres Kota Malang)

Malang City Police (Polres Kota Malang) is a territorial unit under the East Java Regional Police (Polda Jawa Timur) responsible for maintaining security and public order and enforcing the law within the jurisdiction of Malang City. Located at Jalan Jaksa Agung Suprpto No. 19, Samaan, Klojen District, Malang City, Polres Kota Malang bears significant responsibility in creating a safe and conducive environment amid the dynamics of a city widely recognized as a center of education, tourism, and economic activity in East Java.³⁵

Along with regional development and increasing demands for public services, the institution officially changed its status to Polres Kota Malang on 28 November 2019. This transformation aimed to enhance the capacity and quality of police services in response to rapid population growth and the intensification of social activities. Currently, Polres Kota Malang supervises five sector police offices (Polsek), namely Polsek Klojen, Polsek Blimbing, Polsek Kedungkandang, Polsek Lowokwaru, and Polsek Sukun.

³⁵ “Sejarah Kepolisian Resor Kota Malang - Info & Cerita,” *Kepolisian Resor Kota Malang*, n.d., accessed February 28, 2026, <https://polrestamalangkota.com/sejarah/>.

Polres Kota Malang is considered the most relevant research location because it serves as the central institution for the planning, control, and implementation of the Pekat Semeru Operation. Within its internal structure, the Criminal Investigation Unit (Sat Reskrim) plays a crucial role as the primary executor of law enforcement actions against social pathologies, including the circulation of illegal alcoholic beverages. This function is supported by the Intelligence and Security Unit (Intelkam) in information gathering and by the Operations Division (BagOps) in coordination.

Malang City itself has unique characteristics as a dense urban area of education, tourism, and economic activity, which creates a law enforcement dilemma in which the circulation of alcoholic beverages, although illegal, is often closely linked to certain economic interests. Therefore, Polres Kota Malang serves not only as a source of operational and policy-related data but also as a central point for analyzing the effectiveness and complex challenges faced in controlling the circulation of illegal alcoholic beverages through the Pekat Semeru Operation.

2. Vision and Mission

In carrying out its duties and authority, Malang City Police (Polres Kota Malang) adopts the following vision and mission³⁶ :

1) Vision

³⁶ “Visi Misi - Kepolisian Resor Kota Malang Official Page,” accessed February 28, 2026, <https://polrestamalangkota.com/visi-misi/>.

To become a professional, modern, and trusted city police institution in providing excellent public services and in creating a safe, orderly, and prosperous environment in the territory of Malang City.

2) Mission

- 1) To improve the quality of public services that are fast, accurate, and humanistic for the people of Malang City.
- 2) To enforce the law fairly, transparently, and firmly, as well as to eradicate all forms of criminal acts within the jurisdiction of Malang City.
- 3) To maintain public security and order through preventive measures, routine patrols, and strengthened communication and collaboration with the community.
- 4) To enhance the professionalism of police personnel through continuous training and capacity building in facing emerging challenges.
- 5) To optimize the use of information technology in public services in order to improve accessibility and efficiency for the community.
- 6) To build stronger synergy with relevant institutions, community leaders, and other stakeholders in maintaining a conducive public security situation (kamtibmas) in Malang City.

- 7) To prioritize crime prevention through community-based approaches and by increasing legal awareness within society.

3. Duties and Functions

Polres Kota Malang has the primary duty of maintaining security and public order and enforcing the law within the jurisdiction of Malang City. In addition, it is responsible for providing protection, guidance, and services to the community, as well as for addressing various threats that may disrupt public security and order. In carrying out its duties, Polres Kota Malang performs the following functions³⁷ :

- 1) Maintenance of Public Security and Order (Harkamtibmas)

Implementing preventive measures to prevent disturbances to security and public order, including routine patrols, public outreach, and early detection of potential threats

- 2) Law Enforcement

Conducting investigations, inquiries, and enforcement actions against various criminal offenses, both general and specific, to ensure justice and uphold the rule of law within Malang City.

- 3) Protection, Guidance, and Public Service

Providing professional and humanistic police services, including administrative services (such as the issuance of driving

³⁷ admin, "Mengenal Polresta Malang: Tugas & Fungsi Utama," *Kepolisian Resor Kota Malang*, September 26, 2025, <https://polrestamalangkota.com/mengenal-polresta-malang-tugas-dan-fungsi-utama-di-kota-malang/>.

licenses, vehicle registration certificates, and police clearance certificates), handling public complaints, and offering legal assistance.

4) Community Development (Binmas)

Conducting community guidance and education related to legal awareness, the importance of maintaining public order, and strengthening police–community relations through counseling programs, social activities, and collaboration with community leaders.

5) Traffic Regulation and Order (Lantas)

Regulating traffic flow, enforcing traffic laws, and reducing traffic accidents through law enforcement and public education for road users.

6) Prevention and Control of Narcotics Crimes

Combating the circulation and abuse of narcotics through operations, education, and cooperation with relevant institutions to reduce drug-related crimes in Malang City.

7) Intelligence and Security (Intelkam)

Collecting and analyzing information related to potential security threats that may disrupt regional stability and conducting preventive actions based on intelligence findings.

8) Patrol and Security Operations

Conducting routine patrols to prevent criminal acts, providing a sense of security to the community, and securing major events, public gatherings, and situations requiring heightened supervision.

In general, as a law enforcement institution operating under the Indonesian National Police (POLRI), the duties of Polres Kota Malang are in accordance with Article 13 of Law Number 2 of 2002 concerning the Indonesian National Police, namely :

1. Maintaining public security and order;
2. Enforcing the law;
3. Providing protection, guidance, and services to the community.

Furthermore, based on the Decree of the Chief of the Indonesian National Police (Kapolri) Number 54/X/2002, Polres Kota Malang performs the following functions :

- a. Providing direction in the preparation and implementation of work plans and programs to ensure the achievement of targets assigned by the Regional Police Chief (Kapolda);
- b. Monitoring, supervising, and controlling the implementation of operational duties, including the functions of intelligence and security, criminal investigation, public order (Samapta), traffic, and community partnership development;

- c. Providing operational support (back-up), either through the Mobile Brigade (Brimob) or by utilizing assistance from the Regional Police Headquarters (Mapolda);
- d. Organizing special operations, including command and control over police actions deemed necessary;
- e. Monitoring, supervising, and controlling the implementation of internal development tasks, particularly personnel development, within the scope of its authority

4. Organizational Structure

- a. Malang City Police Chief The duties of the Police Chief are³⁸ :
 - 1) Establish the Police work plan and program and direct, supervise and control their implementation to ensure the achievement of goals effectively and effectively.
 - 2) Organizing command and control over the implementation of the main duties of the Police so that their implementation is guaranteed.
 - 3) Fostering discipline, discipline and awareness of the Police's environmental law.
 - 4) Based on the policy of the Chief of Police and technical instructions of the function coach, organizing personnel coaching and administration, logistics and budgets within the

³⁸ "Struktur Organisasi," *Kepolisian Resor Kota Malang*, n.d., accessed February 28, 2026, <https://polrestamalangkota.com/struktur-organisasi/>.

Police, as well as efforts to maintain and improve the operational capabilities of the organization.

- 5) Organizing activities as the leader of the National Police investigators as well as coordinators and supervisors of Civil Servant and Polsus investigators in the Police area.
- 6) Organizing coordination and cooperation with organizations, agencies, and agencies inside and outside the National Police in the Police area in order to support the implementation of duties.

b. Deputy Chief of Police

The Deputy Chief of Police serves as:

- 1) Assist the Police Chief in carrying out his duties by controlling the implementation of the duties of staff of all organizational units in the ranks of the Police and within the limits of his authority leading the Police in the event that the Police Chief is obstructed and carrying out duties according to the orders of the Police Chief.
- 2) Submit considerations and suggestions to the Chief of Police regarding matters related to their field of duty.
- 3) Formulate and prepare the work program of the Police.
- 4) Leading, supervising, coordinating and controlling the implementation of the tasks of coaching functions and operational functions.

- 5) Maintaining and supervising the implementation of work procedures as well as fostering discipline, discipline and legal awareness within the Police.

c. Head of Ops

- 1) Supervise 3 (Three) Subdivision Heads, namely the Head of Bin Ops Subdivision, Head of Dal Ops Subdivision and Head of Public Relations Subdivision as well as Officers, Non-Commissioned Officers and Civil Servants of the National Police who are subordinates, in the event of deviations to take the necessary steps in accordance with applicable laws and regulations.
- 2) Manage available resources optimally and improve their capabilities and usability.
- 3) Managing the order of financial/treasury administration through programs, activities and sub-activities of the Malang City Police as well as assistance from the Regional Government/community and using it as optimally as possible for the successful implementation of duties.
- 4) Describe and follow up on each leadership policy.
- 5) In carrying out their duties, they are obliged to apply the principles of coordination, integrity and synchronization both within the Malang City Police organizational unit and in relation to Government agencies and other institutions.

- 6) Preparing/formulating policies of the Malang City Police Chief in the field of Operations/routine activities to organize the management of 49 Police Operations (planning, coordination, administration and control as well as analysis of the implementation of Police operations including Contingency actions), services for the protection of witnesses/victims of crime and requests for assistance in securing the judicial process and other special security.
 - 7) Organizing facility services and prisoner care.
 - 8) Organizing the administration of prisoner services from making consigns tomorrow hours to the protection of the legal rights of the prisoners.
- d. Head of the Operational Development Subdivision (Kasubdivision bin ops), who is in charge:
- 1) Prepare pre-operative operation planning and training as well as organize operations administration; and
 - 2) Carry out coordination between functions and related agencies/institutions in the context of implementing the security of community and/or government activities;
- e. Head of the Operational Control Subdivision (Kasubdivision Dal Ops), who is in charge of:
- 1) Carry out control of police operations and security.

- 2) Collecting, processing and presenting data and reporting on police operations and security activities, and
 - 3) Controlling the implementation of headquarters security within the Police Department.
- f. Head of Operational Development Affairs (Kaur Bin Ops), who is in charge of:
- 1) The Head of Development and Operational Affairs or abbreviated as Kaur Bin Ops is the executor of functions at the Malang City Police Satlantas which is under the Wakasat Lantas and is responsible to the Head of Police.
 - 2) Assisting the Traffic Officer to control the traffic unit in personnel development matters and be responsible to the Traffic Officer
 - 3) Collecting and recording data related to activities in the field of function including analysis of regional vulnerability (Police Hazard) in accordance with the characteristics of the area in the form of traffic engineering
 - 4) Record guarding, regulating, escorting and patrolling activities, public education and traffic engineering, registration and identification of motor vehicle drivers, investigation of traffic accidents and law enforcement in the field of traffic as well as the division of duties for personnel carrying out the functions of the Traffic Authority

- 5) Prepare plans and programs of activities including special operations plans for traffic functions
- 6) Organizing operational administration including the administration of case investigations, both accidents and traffic violations
- 7) Regulating the management/handling of prisoners and evidence in cases of traffic violations/accidents
- 8) Organizing activities to collect, process and present data/information related to aspects of coaching and implementing traffic functions
- 9) Analyze and evaluate data on the results of guarding, regulation, escort and patrol activities, public education and traffic engineering, registration and identification of motor vehicle drivers, investigation of traffic accidents and law enforcement in the field of traffic in order to determine the progress of achieving the goals and policy targets of the leadership

g. Head of the Public Relations Subdivision (Head of Public Relations Subdivision), who is in charge of :

- 1) Collecting data and processing data, as well as presenting information and documentation of police activities related to news delivery within the Malang City Police.

- 2) Cover, monitor, produce and document information related to the duties of the Malang City Police.
- 3) Disseminate unit information to the Malang City Police ranks.
- 4) Following up on the letter at the disposal of the Head of Ops of the Malang City Police

The Malang City Police was chosen as the research location because it has a central role as a leading sector in the planning, control, and implementation of the Semeru Concentrated Operation in the Malang City area. All technical policies, operational strategies, and evaluations of the implementation of the operation are under the coordination of the Malang City Police, especially through the Operations Section (Bag Ops), the Criminal Investigation Unit (Sat Reskrim), and supported by the Intelligence and Security function (Intelkam).

The characteristics of Malang City as a city of education, tourism, and economic activity make controlling the circulation of illegal liquor a complex issue. On the one hand, the circulation of illegal Liquor has the potential to cause disturbances in public security and order, while on the other hand there are social and economic dynamics that affect the effectiveness of law enforcement. Therefore, the Malang City Police is a relevant

location to empirically examine the effectiveness of Operasi Pekat Semeru in controlling the circulation of illegal liquor.

B. The Effectiveness of Operasi Pekat Semeru in Controlling the Circulation of Illegal Alcoholic Beverages from the Perspective of Islamic Economic Law

Operation Pekat (Community Disease) Semeru is a police operation designed to maintain public security and order (Kamtibmas). This operation is carried out by the police section, namely the Criminal Investigation (Reskrim), which is supported by the intelligence unit (Intel) for information collection and community development (Binmas) as a preventive effort. This operation aims to prevent and minimize the circulation of community diseases, as well as denormalization, which is one of the preventive measures so that social crimes such as liquor are not considered commonplace.

The following is an explanation from Mr. Supriyatno, as a Member of the Operational Section of the Malang City Police regarding the Semeru Concentrated Operation³⁹ :

"The effectiveness of the concentrated Semeru operation is achieved through its simultaneous implementation which aims to create a big impact (*shock effect*) and show the seriousness of the police. The main target is all forms of activities that disrupt social order, such as gambling, liquor, prostitution and other things that deviate from society. Semeru concentrated operations are generally carried out before big days, especially before fasting (Ramadan) and Hari Raya with the aim of sterilizing the community from social diseases so that the atmosphere of worship is more conducive."

³⁹ Supriyatno, "Wawancara."

The shock effect was manifested through the intensity of the raid, the confiscation of evidence, and the exposure of the results of the operation to the public. This action not only serves as a form of transparency, but also as a *deterrent message* that the state is present to protect the public from the negative impact of the circulation of illegal liquor and other societal diseases. In addition, the concentrated operation also functions as a means of social engineering that seeks to change public perception of crimes that were originally considered ordinary to something reprehensible and high risk legally.

To assess the effectiveness of the implementation of Operasi Pekat Semeru more comprehensively, the analysis was not only carried out from the perspective of Sharia Economic Law, but also strengthened by the Theory of Legal Effectiveness put forward by Soerjono Soekanto. According to Soerjono Soekanto, the effectiveness of the law is influenced by five main factors, namely legal factors (substance), law enforcement factors, facilities or facilities factors, community factors, and cultural factors. These five factors are used as an analysis knife to evaluate the extent to which Operasi Pekat Semeru is able to achieve the goal of controlling the circulation of illegal liquor in Malang City.

1. Legal Factors (Legal Substance)

From the aspect of legal substance, Operasi Pekat Semeru has a fairly strong legal basis, namely Malang City Regional Regulation Number 4 of 2020 concerning the Control and Supervision of Alcoholic Beverages. This regulation expressly prohibits the circulation of liquor

without a license and regulates the classification of alcoholic beverages in groups A, B, and C. Normatively, the regulation has met the elements of legal certainty and clarity of norms.

However, in practice, there are still implementation gaps, especially related to the abuse of business licenses by stores and cafes that are formally licensed, but selling alcoholic beverages is not in accordance with the classification of the licenses owned. This condition shows that even though the legal substance is adequate, the synchronization between legal norms and implementing supervision has not been fully optimal. Thus, from legal factors, Operasi Pekat Semeru can be said to be normatively effective, but not fully effective in terms of implementation.

2. Law Enforcement Factors

The law enforcement factor in this study refers to the role of the Malang City Police as the implementer of Operasi Pekat Semeru. Based on the results of interviews and field data, the police have carried out their duties actively through raids, confiscation of evidence, legal action, and coaching against violators. The confiscation of thousands of bottles of liquor during the operation period shows the commitment and professionalism of law enforcement officials.

However, the effectiveness of this factor is still short-term. This can be seen from the fluctuation in the number of liquor seizures every year, which indicates that the deterrent effect on business actors and the community has not been fully formed. Thus, law enforcement factors can

be considered quite effective in the repressive aspect, but not optimal in creating sustainable legal compliance.

3. Supporting Facilities and Facilities Factors

In terms of facilities and facilities, the Malang City Police basically has adequate operational support, such as operational vehicles, personnel, and legal authority to take action. The Semeru Concentrate Operation is also carried out in a structured and scheduled manner.

However, the limited number of personnel and the area of supervision are obstacles in reaching all points prone to the circulation of illegal liquor. This condition causes operations to tend to be periodic and have not been able to carry out continuous supervision. Therefore, the factors of facilities and facilities can be categorized as quite supportive, but not optimal to ensure long-term effectiveness.

4. Community Factors

Community factors are one of the aspects that have the most influence on the effectiveness of the law. Based on the findings of the study, the level of legal awareness of the people of Malang City towards the prohibition of the circulation of illegal liquor is still relatively low. This is reflected in the rampant violations committed repeatedly, both by sellers and consumers.

Public compliance with the law is driven more by fear of raids and sanctions, rather than by internal legal awareness. As a result, after the operation was completed, the circulation of illegal liquor reappeared.

Thus, from the community factor, Operasi Pekat Semeru has not been effective substantively, because it has not been able to foster voluntary legal compliance.

5. Legal Culture Factors

Legal culture factors are related to people's values, habits, and mindset towards the law. In the context of Malang City, the consumption of liquor in some neighborhoods is still considered a natural thing and part of a certain lifestyle. This view leads to law being perceived only as a formal rule that can be avoided, rather than as a guideline for behavior.

This kind of legal cultural condition is a big challenge for the effectiveness of Operasi Pekat Semeru. As long as the developing social values are still permissive to the consumption and circulation of liquor, law enforcement will always be reactive. Therefore, the legal culture factor in this study showed a low level of effectiveness.

Based on the analysis of five factors of legal effectiveness according to Soerjono Soekanto, it can be concluded that Operasi Pekat Semeru at the Malang City Police is partially effective, especially in the aspect of repressive law enforcement and the creation of shock effects. However, this effectiveness is not comprehensive and sustainable, because there are still weaknesses in social factors and legal culture.

Thus, Operasi Pekat Semeru has not fully met the ideal indicators of legal effectiveness, because its success still depends on the intensity of the operation and has not been able to establish permanent legal compliance. These findings

reinforce previous analysis that countering the circulation of illegal liquor cannot rely solely on a repressive approach, but must be integrated with a preventive, educational, and value-based approach to society.

In general, the impact of Operasi Pekat Semeru at the Malang City Police is dominated by positive aspects, such as the creation of a safer and more orderly environment for the community, which is reflected in the decrease in the intensity of illegal liquor circulation and the decrease in the potential for Kamtibmas disturbances related to Liquor consumption. This decrease can be seen from the large amount of liquor evidence that was successfully confiscated and destroyed, as well as the revelation of tens to hundreds of cases related to community diseases in one period of operation.

However, the negative impact of Operasi Pekat Semeru is also inevitable. This negative impact arises in the form of the perception of a small part of the public who suspect that there is a motive for personal gain from the apparatus in confiscation and enforcement. The police responded to this perception by emphasizing that all evidence and fines obtained from the operation were deposited into the state or regional treasury in accordance with the provisions of the law, so that administratively the action was in a transparent area.

Talking about alcoholic beverages also has positive and negative impacts. On the one hand, alcoholic beverages pose problems related to health and social. In the health sector, alcoholic beverages cause a decrease in productivity and increase the cost of care and treatment, in the social field, it causes family

disharmony. In addition, it is recorded that in 2025 there will be 203 cases of traffic accidents in the Malang area, some of which are triggered by motorists who are suspected of being under the influence of alcoholic beverages, for example in January 2025, a motorcyclist from Malang died after hitting a tree, after being investigated by the police, the accident occurred disebabkan oleh Drivers who consume alcoholic beverages.⁴⁰ Over time, crime cases that are a side effect of consuming alcohol beverages are also increasing, and even sadderly, consumers of alcoholic beverages are the younger generation. However, the government expects it to be a large source of income, even if its circulation or use is supervised and restricted.

This is where the dilemma of the crackdown on alcoholic beverages itself lies. The following is an explanation from Mr. Supriyatno, as a Member of the Operational Section of the Malang City Police⁴¹ :

"The Mayor of Malang has never issued an official permit for the sale of alcoholic beverages, however, shops or hotels that sell alcoholic beverages often support the regional economy and make a significant contribution (PBB/Tax) to the regional treasury. The existence of tourists who have the habit of consuming alcoholic beverages is also a consideration because they have contributed to the regional treasury."

Problems related to the enforcement of the sale and purchase of alcoholic beverages arise when entering the realm of non-legal considerations related to the economy and tourism. From the economic aspect, indeed a number of

⁴⁰ Korlantas, "Mabuk, Pemotor Asal Malang Tewas Usai Menabrak Pohon - KORLANTAS POLRI," *Korlantas Polri - Informasi Lalu Lintas Indonesia*, December 11, 2025, <https://korlantas.polri.go.id/mabuk-pemotor-asal-malang-tewas-usai-menabrak-pohon/>.

⁴¹ Supriyatno, "Wawancara."

business establishments such as shops, hotels and entertainment venues that sell alcoholic beverages often make a significant contribution to regional tax and levy revenues, so strict enforcement measures are feared to affect the stability and fiscal income of regional beauticians.

In the tourism aspect, where the presence of tourists who are used to consuming alcoholic beverages is always used as an excuse to maintain the circulation of alcoholic beverages at a certain point. However, the resource person emphasized that in the Malang City area there is no official permit from the mayor that legalizes the sale of alcoholic beverages for open commercial purposes, so normatively and empirically, the enforcement still has strong legal legitimacy. This condition reflects the tension between the ideals of law enforcement and pragmatism of regional economic interests.

Another problem found in the enforcement of alcoholic beverages is the incompatibility between the Alcoholic Beverage Trading Business License (SIUP-MB) and the practice in the field, where some business establishments only register and obtain permits to sell alcoholic beverages of group A (alcohol content <5%, such as light beer), but the facts of the field show that they sell alcoholic beverages from group A to C (alcohol content >20%, such as whiskey or vodka). This discrepancy can be concluded as negligence in supervision by the competent agency. This phenomenon not only complicates police enforcement because it requires in-depth document verification, but also opens up loopholes for regulatory exploitation for economic interests, thereby weakening the effectiveness of controlling the overall circulation of alcoholic

beverages. The following explanation was conveyed by Mr. Ferdy, as a Member of the Samapta Section of the Malang City Police⁴² :

"At the time of the operation, more alcoholic beverages were confiscated from licensed business premises, which were not operating in accordance with the issued permits than business establishments that did not have permits"

Based on the above statement, the findings that some business establishments only have permits to sell alcoholic beverages class A, but in practice sell alcoholic beverages up to group C, show that there is weak supervision in the implementation of Malang City Regional Regulation Number 4 of 2020. From the perspective of Sharia Economic Law, this condition shows the non-fulfillment of the principles of honesty and legal certainty in business activities, which ultimately weakens the effectiveness of controlling the circulation of alcoholic beverages.

Malang City Regional Regulation Number 4 of 2020 clearly regulates the restriction, supervision and prohibition of the circulation of alcoholic beverages as an effort to protect the public from negative social and health impacts. Article 2 of the Malang City Regional Regulation Number 4 of 2020 explains its purpose and objectives in providing a legal basis for the control of alcoholic beverages for the sake of legal certainty and the benefit of the community.

Furthermore, Article 8 paragraph (2) regulates the limit of the area of sale of alcoholic beverages by applying a minimum distance of 500 meters from

⁴² Ferdy, "Data Penyitaan Miras Ilegal," Wawancara.

places of worship, educational institutions and hospitals, which is a form of preventing negative social impacts on the social environment. To be able to operate legally, Article 12 requires business actors to have an Alcoholic Beverage Trading Business License (SIUP-MB) and an Alcoholic Beverage Sales Place Permit (ITPMB) before making sales. And finally, Article 15 of the Regional Regulation stipulates a ban on sales by unlicensed parties as well as sales to consumers under the age of 21 and pregnant women. These provisions are a reference for law enforcement officials, including being the basis for taking action against the Semeru Concentrated Operation against the circulation of illegal liquor.

When viewed from the perspective of Sharia Economic Law, production, distribution, and consumption of goods must meet the principle of halal transaction objects and not cause harm to the community. In Sharia Economic Law, alcoholic beverages are included in the category of prohibited goods, so all forms of economic activities related to their production, distribution, and trade are not justified because they are contrary to the principles of social welfare and justice. Therefore, the circulation and trade of illegal alcoholic beverages not only violates positive legal provisions as stipulated in Malang City Regional Regulation Number 4 of 2020, but also contradicts the basic principles of Sharia Economic Law which prohibits economic activities that damage the public welfare.

From the perspective of Sharia Economic Law, the circulation of illegal liquor is not only seen as a morally and religiously prohibited act, but also as

an economic activity that is contrary to the principles of halal and thayyib. The profits obtained from the production, distribution, and sale of liquor are classified as income that is not valid according to sharia because they are sourced from prohibited objects, so they cannot be justified even if they are carried out through market mechanisms or disguised with administrative business licenses. This practice is also contrary to the principle of fairness in Sharia Economic Law, because it creates unfair business competition: illegal business actors make profits without incurring legal and tax obligations, while official business actors who comply with regulations are in a disadvantaged position. In addition to causing economic inequality and leakage of regional revenue, the circulation of illegal liquor also has the potential to damage social benefits by threatening the protection of reason (hifz al-'aql), soul (hifz an-nafs), and property (hifz al-mal). Therefore, law enforcement through Operasi Pekat Semeru is not only relevant as a repressive measure, but must also be understood as a preventive effort against the broader causes of harm, which are further analyzed through the perspective of Sadd al-Dzari'ah.

The implementation of Operasi Pekat Semeru through raids, confiscation and destruction of illegal alcoholic beverages reflects the state's efforts to limit and control economic activities that are not in accordance with sharia principles. From the perspective of Sharia Economic Law, this action can be considered a form of protection for the public interest because it aims to prevent wider social and economic losses, such as increasing traffic accidents, public order disturbances, and declining public productivity due to alcohol

consumption. Thus, Operasi Pekat Semeru is not only legally valid, but also justifiable in terms of values and principles in the sharia economy.

However, the effectiveness of Operasi Pekat Semeru is still faced with a dilemma between the interests of law enforcement and regional economic considerations. In practice, there is a view that the circulation of alcoholic beverages, especially in the tourism and hospitality sectors, contributes to regional revenues through taxes and levies. Judging from Sharia Economic Law, this kind of economic consideration cannot be used as a justification if the economic activity is contrary to the principle of justice and has a greater impact on harm than the benefits obtained. The principles of sharia economics emphasize that economic benefits should not be achieved through means that damage morals, health and social order.

Based on this description, it can be concluded that Operasi Pekat Semeru has in principle been effective in suppressing the circulation of illegal liquor in Malang City and in line with the values of Sharia Economic Law, especially in an effort to protect the interests of the community and prevent economic activities that are detrimental to the public. However, this effectiveness is still limited and not fully optimal due to non-legal economic considerations and weak licensing supervision that opens up opportunities for repeated violations. Therefore, strengthening the enforcement of Malang City Regional Regulation Number 4 of 2020 consistently and sustainably is an important prerequisite so that the control of the circulation of alcoholic beverages can run effectively and in accordance with the principles of Sharia Economic Law.

Thus, Operasi Pekat Semeru has not been fully effective in the long term without strengthening licensing supervision and consistency of regional policies. Regional policy consistency is interpreted as the implementation of regulations that are carried out firmly, continuously, and in harmony between related agencies, both in licensing supervision, enforcement of violations, and the development of business actors. Without this consistency, law enforcement efforts through Operasi Pekat Semeru have the potential to be incidental and have not been able to create sustainable control.

C. Application of *the Principle of Sadd al-Dzari'ah* in Operasi Pekat Semeru for the Protection of Social and Economic Prosperity

The principle of *Sadd al-Dzari'ah* is one of the important rules in Islamic jurisprudence which emphasizes efforts to prevent acts that can potentially lead to harm. This concept not only looks at an act from its legal aspect, but also considers the further impact that may be caused if the act is left unchecked. Thus, *Sadd al-Dzari'ah* is oriented towards protecting the public interest through a preventive, not just repressive approach.

In the context of law enforcement in Indonesia, especially through Operasi Pekat Semeru, the principle of *Sadd al-Dzari'ah* can be found implicitly in police policies and practices. This operation is not positioned as the final goal, but as a *wasilah* (intermediary) to achieve greater benefits, namely the maintenance of public security and order (Kamtibmas). Therefore, the existence of Operasi Pekat Semeru needs to be understood as an instrument to

prevent various forms of community diseases that have the potential to disrupt social and economic stability.

Based on information from the police, Operasi Pekat Semeru reflects the principles of *Sadd al-Dzari'ah* because it is directed to prevent the development of social diseases that have the potential to disrupt social stability. This can be seen from the pattern of intensive operation ahead of religious holidays, especially the month of Ramadan and Eid al-Fitr. The regulation aims to create a social environment that is more conducive to worship, suppress the potential for disturbance of order, and prepare the mental and spiritual condition of the community in welcoming the holy month.

From the perspective of Islamic Law, an act that is originally *mubah* or permissible (such as trading), can be prohibited if the act becomes an intermediary to damage (*mafsadah*). Although it can provide material benefits, in practice it often triggers various criminal acts. Analysis of the data shows that liquor is a *dzari'ah* (path) to more serious crime. If the circulation of illegal liquor is allowed, it will become an intermediary for acts of persecution, rape, and murder. Thus, Operasi Pekat Semeru serves as a door closure for the damage before the damage actually occurs on a wider scale.

Within this framework, Operasi Pekat Semeru functions as a preventive mechanism to close the door to damage before the impact of the damage is massively realized. The police's action in confiscating liquor is one of the implementations of *Sadd al-Dzari'ah*, because liquor is included in the example

of dzari'ah which will lead to social damage. The confiscation of 781 bottles of liquor by the Malang City Police in 2025 is a concrete action to close public access to substances that damage common sense. The protection of reason (*hifz al-'aql*) is one of the main objectives in Maqasid Shariah, so this policy has normative legitimacy in the perspective of Islamic law.

In terms of economic benefits, there is a dilemma between the potential for regional revenue from the liquor sector and the social impact it causes. Based on socio-economic analysis, it is shown that although liquor provides material benefits in the form of taxes, the social costs due to crime, accidents, and decreased productivity of the community are much greater than the short-term economic benefits. The policy of tightening and eradicating illegal liquor in Operasi Pekat Semeru is in line with the principles of *Sadd al-Dzari'ah* because it prioritizes the public interest and social stability as the foundation of sustainable economic development.

However, the implementation of Operasi Pekat Semeru has not fully achieved optimal effectiveness. The fact that the rate of repetition of criminal acts is still high shows that the closure of means of harm through enforcement operations has not fully touched the root of the problem. In the perspective of *Sadd al-Dzari'ah*, this condition shows that it is necessary to strengthen more basic preventive measures, such as rehabilitation of perpetrators, legal education, and economic empowerment of the community so that the root of the problem can be suppressed in a sustainable manner.

In addition, there is a negative view from some people towards Operasi Pekat Semeru. This perception is often triggered by the issue of the use of force by the authorities or the lack of transparency in the law enforcement process. If not managed properly, these negative perceptions have the potential to undermine the social legitimacy of this operation. In order for Operasi Pekat Semeru to be an effective will in the future, the Malang City Police must prioritize a more persuasive, humanist and data-based approach without reducing firmness against violations of the law.

The active involvement of the community in environmental surveillance, legal socialization, and early reporting of potential disturbances of order is a strategic step to strengthen the preventive dimension of Operasi Pekat Semeru. With the support of the community, efforts to close the facilities do not only depend on law enforcement officials, but become a collective responsibility. This approach is in line with *Sadd al-Dzari'ah* which emphasizes the prevention of damage from an early age.

Overall, the analysis shows that Operasi Pekat Semeru has substantively reflected the principles of *Sadd al-Dzari'ah*, especially in an effort to maintain the social and economic benefits of the people of Malang City. This policy is in line with the protection of primary elements in *Maqasid Shariah*, especially *hifz al-nafs* (protection of the soul) and *hifz al-'aql* (protection of reason).

Thus, it can be concluded that Operasi Pekat Semeru has reflected the principles of *Sadd al-Dzari'ah* normatively and implementively. However, to

increase the degree of its effectiveness, a shift from a seasonal approach to a sustainable, transparent, and participatory surveillance system is needed, so that the goals of Sadd al-Dzari'ah can be achieved more comprehensively and in the long term

To increase its effectiveness in the future, a transition from a seasonal approach to a sustainable and integrated surveillance system is needed. This includes strengthening transparency in handling cases to build public trust, as well as the active involvement of community elements in persuasive environmental monitoring. Thus, Operasi Pekat Semeru is not only seen as a terrifying legal action, but as a noble *testament* to lead the community towards a safe and orderly order of life.

CHAPTER VI

CONCLUSION

A. Conclusion

Based on the results of the research and discussion on the Effectiveness of Operasi Pekat Semeru in Controlling the Circulation of Illegal Liquor in Malang City reviewed from Sharia Economic Law and the Principles of Sadd al-Dzari'ah, several conclusions can be drawn as follows:

1. From the theory of legal effectiveness according to Soerjono Soekanto, Operasi Pekat Semeru at the Malang City Police can be considered partially effective, especially in the aspect of repressive law enforcement and the creation of shock effects through raids, confiscations, and crackdowns on the circulation of illegal liquor. However, this effectiveness has not been comprehensive and sustainable, because there are still weaknesses in the community and legal culture, which is characterized by low legal awareness and repeated violations after the operation ends. This shows that the success of Operasi Pekat Semeru is still highly dependent on the intensity of the operation and has not been fully able to establish permanent legal compliance.
2. From the perspective of Sharia Economic Law, Operasi Pekat Semeru is in principle in line with sharia values and principles, because it aims to limit and stop economic activities that originate from prohibited objects and cause harm to the community. The circulation of illegal liquor is contrary to the principles of halal-thayyib, justice, and benefit,

because it creates unfair business competition, leakage of regional revenues, and broad social and health impacts. Therefore, law enforcement against the circulation of illegal liquor through Operasi Pekat Semeru can be normatively justified in Sharia Economic Law as an effort to protect the public interest, although its effectiveness is still limited by non-legal economic considerations and weak licensing supervision.

3. Judging from the principle of Sadd al-Dzari'ah, Operasi Pekat Semeru can be understood as a preventive instrument to close the path to greater harm. The circulation of illegal liquor functions as a dzari'ah that has the potential to cause various crimes, disturbances of public order, and social damage. Therefore, the act of raiding, confiscating, and destroying liquor is a form of closing the means of damage before the impact spreads. However, the implementation of Sadd al-Dzari'ah through Operasi Pekat Semeru has not been fully optimal, because it is still seasonal and has not been balanced with more basic preventive measures such as legal education, strengthening licensing supervision, and active community involvement, so that the goal of sustainable harm prevention has not been fully achieved.

B. Suggestions

Based on the above conclusions, the researcher proposes several suggestions that are expected to be considered for related parties:

1. Strengthening Policy Supervision and Consistency (Legal Aspects of Sharia Economics)

The Malang City Government and the Police need to align the vision between regional economic interests and law enforcement. This is done by tightening supervision of compliance with the Alcoholic Beverage Trade Business License (SIUP-MB) to prevent manipulation of alcohol groups, as well as ensuring that the consideration of regional revenues from the tax sector does not override the principles of honesty and public benefit mandated in Sharia Economic Law.

2. Transformation of Preventive and Participatory Approaches (Aspects of Sadd al-Dzari'ah)

The Malang City Police is advised to transform Operation Pekat from a seasonal approach to a routine surveillance system that is more transparent and humane. In addition, it is necessary to actively involve the community as partners in the early detection of illegal liquor trafficking, so that efforts to close the door of damage (Sadd al-Dzari'ah) to the community's soul and common sense can be realized in a sustainable manner and not only incidental.

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APPENDIXES



KEMENTERIAN AGAMA REPUBLIK INDONESIA
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Website: <http://syariah.uin-malang.ac.id> E-mail: syariah@uin-malang.ac.id

Nomor : 563 /F.Sy.1/TL.01/06/2025
Hal : **Pra-Penelitian**

Malang, 19 Agustus 2025

Kepada Yth.
Kepala Polresta Malang Kota
Jl. Jaksa Agung Suprpto No.19, Samaan, Kec. Klojen, Kota Malang, Jawa Timur
65112

Assalamualaikum wa Rahmatullah wa Barakatuh

Dalam rangka menyelesaikan tugas akhir/skripsi mahasiswa kami:

Nama : Shabrina Amalia
NIM : 220202110069
Fakultas : Syariah
Program Studi : Hukum Ekonomi Syariah

mohon diperkenankan untuk mengadakan *Pra Research* dengan judul :
Efektivitas Operasi Pekat Semeru Dalam Menanggulangi Peredaran Minuman Keras Ilegal Di Kota Malang (Studi Di Polresta Malang Kota), pada instansi yang Bapak/Ibu Pimpin.

Demikian, atas perhatian dan perkenan Bapak/Ibu disampaikan terima kasih.

Wassalamualaikum wa Rahmatullah wa Barakatuh

Scan Untuk Verifikasi




Dekan
Ketua Prodi Hukum Ekonomi Syariah
Rizki Dekan Bidang Akademik,
Rizki Mahmudi

Tembusan :

- 1.Dekan
- 2.Ketua Prodi Hukum Ekonomi Syariah
- 3.Kabag. Tata Usaha



Appendix 1. Pre-Research Letter

POLRI DAERAH JAWA TIMUR
RESOR KOTA MALANG KOTA
BAGIAN SUMBER DAYA MANUSIA

NOTA DINAS

Nomor : B/ND-207/VIII/DIK.1.1./2025/Bag SDM

Kepada : Yth. 1. Kabagops Polresta Malang Kota
2. Kasatsamapta Polresta Malang Kota

Dari : Kabag SDM Polresta Malang Kota

Hal : permohonan izin penelitian.

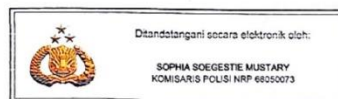
1. Rujukan Surat Universitas Islam Negeri Maulana Malik Ibrahim Malang Nomor : 563/F.Sy.1/TL/01/06/2025 tanggal 19 Agustus 2025 hal permohonan izin penelitian.
2. Sehubungan dengan rujukan di atas, dengan ini dimohon kepada Kepala berkenan membantu dan membimbing mahasiswa Universitas Islam Negeri Maulana Malik Ibrahim Malang atas nama Shabrina Amalia untuk melaksanakan penelitian di Polresta Malang Kota guna mendukung penyusunan tugas akhir atau skripsi menyelesaikan studi Sarjana (S-1), dengan judul skripsi "**Kritik Operasi Pekat Semeru Terhadap Ketidakefektifitasan Menanggulangi Peredaran Minuman Keras Ilegal Di Kota Malang Perspektif Siyasaah Syar'iyah**", terhitung mulai tanggal 28 Agustus sampai dengan 5 September 2025.
3. Demikian untuk menjadi maklum.

Malang, 28 Agustus 2025

KEPALA BAGIAN SUMBER DAYA MANUSIA

Tembusan :

1. Kapolresta Malang Kota.
2. Wakapolresta Malang Kota.



Dokumen ini ditandatangani secara elektronik menggunakan Sertifikat Elektronik yang diterbitkan oleh Balai Sertifikasi Elektronik (BSrE) BSSN dan dapat dibuktikan keasliannya melalui pemindaian QR di samping



Appendix 2. Pre-Research Response Letter



Appendix 3. Interview with Police at Malang City Police Department

CURRICULUM VITAE



Name	:	Shabrina Amalia
Gender	:	Female
Place and Date of Birth	:	Duri, September 16, 2004
Religion	:	Islam
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