

Islamic Political-Legal Analysis of the Misuse of Night Entertainment Licensing in Medan City

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Abstract: This study provides an Islamic political-legal analysis of the misuse of night entertainment licensing in Medan City, with a focus on the failure of regulatory enforcement under Mayor Regulation Number 3 of 2017. Although authority has been delegated to the Investment and One-Stop Integrated Services Office (DPMPTSP), the proliferation of unlicensed venues and ineffective oversight reveal systemic weaknesses in governance. Using an Empirical Legal Studies (ELS) approach, the research integrates statutory analysis, a living case study, and Islamic constitutional theory (*Siyasah Dusturiyyah*) to examine the intersection between legality and moral responsibility. The findings demonstrate that administrative complexity, poor inter-agency coordination, and intentional regulatory evasion have contributed to widespread non-compliance. From the perspective of Islamic governance, such violations constitute *tamarrud* (rebellion) against legitimate authority and a failure to uphold the principles of *al-'adalah* (justice) and *maslahah* (public welfare). Drawing on the works of Al-Mawardi, the study argues that the state possesses both legal and religious legitimacy to enforce public regulations in the interest of community welfare. This research contributes to the broader discourse on Islamic public law by offering a normative framework for integrating religious ethics into modern regulatory systems. It recommends the development of digital licensing mechanisms, strengthened oversight, ethical governance, and engagement with religious institutions to ensure policy compliance. Ultimately, the study affirms that effective regulation in Muslim-majority societies must harmonize state law with Islamic values to safeguard justice, legitimacy, and social stability.

Keywords: Licensing Abuse, Nightlife Licensing, Political-Legal, Regulatory Compliance

1. Introduction

Regional autonomy in Indonesia was instituted with the primary objective of improving public services by decentralizing authority from the central government to regional administrations.¹ This devolution aims to make governance more responsive, efficient, and aligned with local needs and conditions.² In principle, regional autonomy is meant to empower local governments to manage public affairs independently and innovatively, especially in areas like public service delivery, budgeting, licensing, and economic development.³ Local governments are expected to implement bureaucratic reforms, optimize regional

¹ Abdul Rahman Sabara, "Regional Autonomy in the Political System and Authority in Indonesia," *Diponegoro Law Review* 7, no. 2 (2022): 296–311, <https://doi.org/10.14710/dilrev.7.2.2022.296-311>.

² Achmad Mudjahid Zein et al., "A Journey of Regional Autonomy in Indonesia: From the Independence Day to The Reform Era," *The Social Perspective Journal* 2, no. 1 (2022): 24–44, <https://doi.org/10.53947/tspj.v2i1.406>.

³ Dedi Mulyadi et al., "Regional Autonomy in Indonesia: Challenges and Opportunities in Sustainable Development in the Era of Sustainable Development Goals (SDGs)," *Indonesian Journal of Law and Justice* 2, no. 2 (2024): 1–12, <https://doi.org/10.47134/ijlj.v2i2.3450>.

potential, increase local revenue (PAD),⁴ and ensure accountability both to the central government and the public.⁵ In this decentralized structure, one critical area of concern is the governance of nightlife venues—particularly nightclubs,⁶ bars, and live entertainment establishments—that often face regulatory challenges.⁷ In Medan City, this issue has become increasingly pressing, with numerous entertainment venues operating without the legally required permits.⁸ These venues often bypass essential licensing such as business operation licenses, liquor permits, live music permits, and establishment permits. Such actions not only violate administrative laws but also pose serious risks to social order, public morality, and community welfare.⁹ Medan Mayor Regulation Number 3 of 2017 was issued as a formal instrument to delegate licensing authority from the mayor to the Investment and One-Stop Integrated Services Office (DPMPSTP),¹⁰ aiming to streamline the governance of such establishment.¹¹ However, its implementation has been fraught with compliance issues and enforcement challenges. The urgency of this study lies in the apparent disconnect between regulatory policy and practical enforcement.¹² Despite the existence of comprehensive laws, numerous establishments continue to operate illegally, some even under the guise of wellness centers or cafés,¹³ This regulatory failure undermines both legal certainty and public trust in local governance. Moreover, it creates a permissive environment where unlawful behavior can thrive, leading to social conflict between authorities, business operators, and local communities. The lack of effective oversight and accountability further exacerbates the problem, highlighting a critical need to evaluate the implementation and impact of the regulation in question.

From the perspective of Islamic political jurisprudence, particularly *Siyasah Dusturiyyah*, such regulatory lapses raise profound concerns regarding the legitimacy of governance. *Siyasah Dusturiyyah*, which refers to the constitutional and legislative dimensions of Islamic politics, emphasizes the importance of governance based on justice (*‘adālah*) and public welfare (*maslahah ‘ammah*). In this context, a regulation such as Mayor Regulation No. 3 of 2017 is not only a legal instrument but also a reflection of the leader's moral and religious responsibility to manage societal affairs in a manner consistent with Islamic principles. The Qur’anic verse from Surah An-Nisa (4:59), which mandates obedience to Allah, His Messenger, and those in authority, provides a scriptural foundation for understanding the religious obligation to comply with legitimate governance—as long as it upholds divine law and public good. This is reinforced by classical scholars such as Al-Mawardi and Sayyid Abdurrahman Ba’lawi, who affirm that obedience to the ruler is mandatory when the ruler's policies align with Islamic teachings and serve public interest. This research seeks to bridge normative Islamic theory with the realities of modern urban governance. Specifically, the objectives of this study are threefold 1) To analyze the extent and

⁴ Yuliani Wijayanti and Reza Fathurrahman, "Opportunities And Challenges For Decentralized Governments In The Globalization Era: Lessons From Indonesia," *Journal Research of Social Science, Economics, and Management* 3, no. 7 (2024): 1495–1505, <https://doi.org/10.59141/jrssem.v3i7.620>.

⁵ Rossanto Dwi Handoyo, Angga Erlando, and Ilham Septiyanto, "Dampak Faktor Eksternal Terhadap Pertumbuhan Ekonomi Indonesia," *EccesS (Economics, Social, and Development Studies)* 7, no. 1 (2020): 1, <https://doi.org/10.24252/ecc.v7i1.13382>.

⁶ Phillip Wadds, "It's Not Like It Used to Be: Respect and Nostalgia in the Policing of Nightlife," *Australian & New Zealand Journal of Criminology* 52, no. 2 (June 7, 2019): 213–30, <https://doi.org/10.1177/0004865818781204>.

⁷ Saeed Banaeian Far, Azadeh Imani Rad, and Maryam Rajabzadeh Asaar, "Blockchain and Its Derived Technologies Shape the Future Generation of Digital Businesses: A Focus on Decentralized Finance and the Metaverse," *Data Science and Management* 6, no. 3 (2023): 183–97, <https://doi.org/10.1016/j.dsm.2023.06.002>.

⁸ Arno van der Hoeven and Erik Hitters, "Live Music and the New Urban Agenda: Social, Economic, Environmental and Spatial Sustainability in Live Music Ecologies," *City, Culture and Society* 32, no. December 2021 (2023): 100490, <https://doi.org/10.1016/j.ccs.2022.100490>.

⁹ Rowena Rodrigues, "Legal and Human Rights Issues of AI: Gaps, Challenges and Vulnerabilities," *Journal of Responsible Technology* 4, no. August (2020): 100005, <https://doi.org/10.1016/j.jrt.2020.100005>.

¹⁰ Delfi Farosa, Badaruddin Badaruddin, and Tengku Irmayani, "The Influence of Implementing Risk-Based Business Licensing (OSS RBA) on Investment Growth in the Food and Beverage Services Subsector in Medan City," *Perspektif* 13, no. 1 (2024): 200–211, <https://doi.org/10.31289/perspektif.v13i1.10777>.

¹¹ Novrina Sahera Lubis and Simson Ginting, "Quality of Service Issuance of Trading Business License at the One Door Integrated Service and Investment Department of Medan City," *Konfrontasi: Jurnal Kultural, Ekonomi Dan Perubahan Sosial* 9, no. 3 (2022): 464–71, <https://doi.org/10.33258/konfrontasi2.v9i3.241>.

¹² Ben Green, "The Flaws of Policies Requiring Human Oversight of Government Algorithms," *Computer Law and Security Review* 45 (2022): 105681, <https://doi.org/10.1016/j.clsr.2022.105681>.

¹³ Yogesh K. Dwivedi et al., "So What If ChatGPT Wrote It? Multidisciplinary Perspectives on Opportunities, Challenges and Implications of Generative Conversational AI for Research, Practice and Policy," *International Journal of Information Management* 71, no. March (2023), <https://doi.org/10.1016/j.ijinfomgt.2023.102642>.

effectiveness of the implementation of Mayor Regulation No. 3 of 2017, particularly in the licensing and oversight of nightlife venues in Medan, 2) To identify and assess the key institutional, legal, and social factors that hinder the effective enforcement of the regulation, 3) To examine how the implementation of this local regulation aligns with the principles of *Siyasah Dusturiyyah*, including its implications for religious legitimacy, public benefit, and ethical governance. In conducting this study, a doctrinal and empirical legal analysis will be employed, supported by a conceptual framework rooted in Islamic political thought. Case studies of venues such as Helen's Night Market, Heaven Club Medan, and Delta Spa & Lounge—known for regulatory violations—will provide concrete empirical evidence of the policy's challenges and shortcomings. A review of existing literature reveals that prior studies have extensively discussed the implementation of local autonomy, bureaucratic reform, and public administration performance. For instance, works on decentralization in Indonesia often focus on administrative efficiency, fiscal decentralization, and participatory governance. Other studies examine the technical aspects of licensing and regulatory compliance within public institutions. However, few—if any—integrate the normative Islamic perspective in analyzing regional regulations, particularly concerning morally contentious sectors like nightlife entertainment. The vast majority of scholarship treats law enforcement and public administration from a secular legal or political science standpoint, thereby overlooking the deep interconnections between law, religion, and ethics in the Indonesian sociopolitical context.

The primary aim of this study is to investigate the misuse of night entertainment licensing in Medan City through the lens of Islamic political-legal theory, particularly the principles embedded in *Siyasah Dusturiyyah*. This research seeks to analyze how violations of business permit regulations reflect not only legal deficiencies but also moral and ethical breaches within an Islamic governance framework. It intends to uncover the root causes behind persistent non-compliance, including weak institutional coordination, inadequate enforcement, zoning irregularities, and the influence of informal or corrupt practices. By applying Islamic concepts such as *maslahah* (public interest), *al-'adalah* (justice), *tamarrud* (rebellion), and *al-mas'uliyah* (accountability), the study aims to evaluate the legitimacy of both regulatory practices and public behavior. It also seeks to identify the extent to which existing legal instruments are aligned with or deviate from the ethical imperatives of Islamic governance. Furthermore, the study aspires to develop a normative policy framework that integrates religious values into public administration, ensuring that licensing mechanisms uphold not only legality but also moral responsibility. Through this approach, the research contributes to the broader discourse on harmonizing state law with religious ethics in pluralistic urban societies. Ultimately, the goal is to produce a model for ethically grounded regulatory reform that can be applied beyond the Indonesian context, particularly in Muslim-majority jurisdictions facing similar governance challenges.

2. Method

This study employs an Empirical Legal Studies (ELS) approach that combines normative doctrinal analysis with empirical field-based methods to examine the misuse of night entertainment licensing in Medan City. The research focuses on the implementation of Mayor Regulation Number 3 of 2017 and how it performs in real regulatory contexts. Rather than limiting the investigation to textual interpretation, this method bridges legal norms and field realities by analyzing how law is practiced, resisted, or ignored by both the state and regulated parties. The normative lens is provided by *Siyasah Dusturiyyah*, an Islamic constitutional-political framework grounded in principles such as *maslahah* (public welfare), *hisbah* (moral oversight), and *waliy al-amr* (legitimate authority). This lens is applied to assess the legal legitimacy and ethical coherence of state action. The research is descriptive-analytical in nature and uses a case study approach focused on high-conflict zones like Medan Barat and Medan Petisah. Legal analysis includes national municipal law, administrative law, and Islamic jurisprudential sources to evaluate formal legal grounds. The combination of legal doctrine and Islamic political theory allows the study to frame licensing misuse not only as a legal violation but also as a moral breach. This dual framework positions the state as both a legal actor and a moral authority within an Islamic governance

paradigm. It enables deeper understanding of how public authority should function in regulating ethically sensitive sectors.

Empirical data collection involves purposive sampling to select informants with direct knowledge of licensing and enforcement dynamics. These include local officials, DPMPSTP staff, nightlife business owners, religious leaders, and community representatives who engage with the regulatory environment. Data are gathered through semi-structured interviews, direct field observations, and document analysis of relevant municipal and legal texts. Interviews explore perceptions of legality, justice, and moral legitimacy within the licensing system, while observations document actual enforcement practices and societal responses. Document analysis helps triangulate findings through comparison with decrees, legal judgments, media reports, and academic studies. Data analysis follows a qualitative descriptive method involving coding, categorization, and structured theme display to reveal regulatory patterns, gaps, or contradictions. Legal findings are then synthesized with empirical insights to assess whether current practices align with the ideals of *Siyasah Dusturiyah* in promoting *al-'adalah* (justice) and *maslahah* (public good). Research credibility is ensured through triangulation, member checking, and expert validation. This integrated methodology enhances the scholarly rigor and relevance of the study by grounding Islamic political-legal theory in contemporary regulatory realities in urban governance.

3. Result and Discussion

3.1. The Clash between Legality and Morality in the Enforcement of Nightlife Law

The conflict surrounding nightlife licensing in Medan City manifests not merely as a technical failure of administrative regulation but as a deeper disjuncture between legality and morality. In many Muslim-majority societies, law is expected to reflect not only procedural correctness but also moral and ethical alignment with religious norms. In this context, licensing enforcement, especially for entertainment venues, becomes a contested space between state authority and public moral expectations. When enforcement is seen as purely bureaucratic—disconnected from ethical purpose—it loses legitimacy in the eyes of the public. In Medan, many night entertainment establishments operate without appropriate permits and often violate zoning laws that explicitly restrict commercial activity in residential or educational areas.¹⁴ These businesses are frequently associated with behaviors considered socially harmful or morally inappropriate,¹⁵ such as alcohol consumption,¹⁶ excessive noise, prostitution,¹⁷ or drug use.¹⁸ Their unregulated presence disrupts community life,¹⁹ increases public insecurity,²⁰ and undermines the long-term goals of urban planning, which are meant to protect the health, harmony, and welfare of neighborhoods.²¹ The proliferation of these illegal establishments is symptomatic of a larger pattern of regulatory evasion that not only erodes trust in formal legal institutions but also corrodes the ethical foundation of governance. In effect, the violations do not occur in isolation but reflect the collapse

¹⁴ M Yasin Arif, "Internalization of Islamic Law in the Formation of Regional Regulations in Lampung Province A . Introduction Indonesia , as a Country with a Muslim-Majority Population , 1 Has a Legal System That Reflects Cultural and Religious Diversity . 2 Indonesian La," *Analisis : Jurnal Studi Keislaman* 23, no. 2 (2023): 259–86, <https://doi.org/http://doi.org/10.24042/ajsk.v23i2.20813>.

¹⁵ Nicolas Droste et al., "Environmental Contexts of Combined Alcohol and Energy Drink Use: Associations with Intoxication in Licensed Venues," *International Journal of Drug Policy* 36 (October 2016): 58–66, <https://doi.org/10.1016/j.drugpo.2016.06.016>.

¹⁶ Karam Al-Assaf et al., "The Relative Importance of Key Factors for Integrating Enterprise Resource Planning (ERP) Systems and Performance Management Practices in the UAE Healthcare Sector," *Big Data and Cognitive Computing* 8, no. 9 (2024), <https://doi.org/10.3390/bdcc8090122>.

¹⁷ Andi Hidayat Anugrah Ilahi and Titien Pratiwi Adnas, "The Legality of the Prostitution Place Behind the Nightlife," *Substantive Justice International Journal of Law* 4, no. 1 (June 21, 2021): 60, <https://doi.org/10.33096/substantivejustice.v4i1.117>.

¹⁸ Kate Vallance et al., "Partying Last Weekend: Factors Related to Heavy Episodic Drinking Among People Who Use Recreational Drugs," *Substance Use & Misuse* 51, no. 13 (November 9, 2016): 1731–40, <https://doi.org/10.1080/10826084.2016.1197262>.

¹⁹ Zara Quigg et al., "Effects of Multi-Component Programmes in Preventing Sales of Alcohol to Intoxicated Patrons in Nightlife Settings in the United Kingdom," *Addictive Behaviors Reports* 15 (June 2022): 100422, <https://doi.org/10.1016/j.abrep.2022.100422>.

²⁰ Duane Duncan et al., "The Hammer and the Nail: The Triple Lock of Methods, Realities and Institutional Contexts in Australian Research on Nightlife Violence," *International Journal of Drug Policy* 110 (December 2022): 103898, <https://doi.org/10.1016/j.drugpo.2022.103898>.

²¹ Robin Alexander Ernst et al., "SMES' Reluctance to Embrace Corporate Sustainability: The Effect of Stakeholder Pressure on Self-Determination and the Role of Social Proximity," *Journal of Cleaner Production* 335 (2022): 130273, <https://doi.org/10.1016/j.jclepro.2021.130273>.

of a regulatory ecosystem that should, in principle, be grounded in both legal rationality and moral accountability. This dual failure—administrative and ethical—renders the law vulnerable to selective interpretation and opportunistic manipulation, weakening the state's authority and its ability to maintain civic order.

The root causes behind this widespread non-compliance with nightlife licensing regulations are complex and multifaceted,²² stemming from both economic desperation and systemic administrative dysfunction. On one hand, many small and medium-sized business owners face acute financial pressure to generate quick profits, particularly in a post-pandemic or economically unstable environment.²³ This financial urgency often outweighs legal considerations,²⁴ prompting entrepreneurs to operate first and regularize later—if at all. On the other hand, the procedural complexity and opacity of the licensing system itself act as a barrier to compliance. Many perceive the official processes as convoluted, time-consuming, and corrupt. There is a widely held belief among stakeholders that engaging with formal licensing procedures is less effective than using backdoor channels or bribery to expedite approvals or avoid penalties. This perception is not unfounded, as informal brokers and shadow networks actively facilitate illegal operations by exploiting gaps in bureaucratic coordination and enforcement. Moreover, weak inter-agency communication and fragmented jurisdiction between licensing offices, urban planning authorities, and local enforcement units allow illegal businesses to operate without consistent oversight. The absence of real-time monitoring systems and digital tracking tools further exacerbates the problem, allowing businesses to exploit regulatory blind spots. Importantly, these behaviors are not simply reactions to economic hardship—they are embedded in a culture of informalism that has become normalized through years of weak institutional performance and lack of accountability. In this environment, both citizens and officials engage in a mutually reinforcing cycle of rule evasion and selective enforcement. Consequently, the failure to uphold licensing laws is not merely a reflection of individual noncompliance but an indictment of the broader structural and ethical deficiencies that pervade the local governance system.

The persistent clash between legality and morality in the enforcement of nightlife regulations signals a deeper crisis in the legitimacy of governance.²⁵ When the state is perceived as enforcing laws solely through bureaucratic procedures—divorced from public ethics or religious values—it risks alienating the very communities it seeks to regulate.²⁶ In Muslim-majority contexts like Medan, where Islamic values significantly shape public perception, state actions that lack moral grounding are often viewed with suspicion, if not outright defiance. This disjuncture creates a governance vacuum, in which neither the law nor community norms hold sufficient authority to guide behavior. However, by embedding enforcement within the framework of *siyasah dusturiyah*—the Islamic notion of constitutional politics grounded in justice,²⁷ public interest (*maslahah*),²⁸ and accountability (*mas'uliyah*)—the state can reclaim both legal and moral legitimacy. When further combined with the principle of *hisbah*, which mandates the promotion of good and the prevention of harm, regulatory efforts are no longer seen as coercive mandates, but as ethically grounded obligations aligned with religious duty.²⁹ This dual framing has the potential to transform compliance from something that is externally imposed to something internally

²² Timo Koren, "Beyond Door Policies: Cultural Production as a Form of Spatial Regulation in Amsterdam Nightclubs," *European Journal of Cultural Studies* 27, no. 1 (February 1, 2024): 36–51, <https://doi.org/10.1177/13675494231165923>.

²³ Nicholas Taylor et al., "The Combined Impact of Higher-Risk On-License Venue Outlet Density and Trading Hours on Serious Assaults in Night-Time Entertainment Precincts," *Drug and Alcohol Dependence* 223 (June 2021): 108720, <https://doi.org/10.1016/j.drugalcdep.2021.108720>.

²⁴ Peter Miller et al., "Patron Banning in the Nightlife Entertainment Districts: A Key Informant Perspective," *Journal of Studies on Alcohol and Drugs* 77, no. 4 (July 2016): 606–11, <https://doi.org/10.15288/jsad.2016.77.606>.

²⁵ Kristin Buvik, "The Hole in the Doughnut: A Study of Police Discretion in a Nightlife Setting," *Policing and Society* 26, no. 7 (October 2, 2016): 771–88, <https://doi.org/10.1080/10439463.2014.989157>.

²⁶ Shane Homan and Jen Rose, "The Catcher: Melbourne's 1960s Discoteques and Law and Order," *History Australia* 19, no. 3 (July 3, 2022): 523–40, <https://doi.org/10.1080/14490854.2022.2054443>.

²⁷ Adhe Ismail Ananda, "Fiqh Siyasah Dusturiyah Analysis of the Preparation," in *ICCoLaSS: International Collaboration Conference on Law, Sharia and Society* (Solo, 2024), 26–28.

²⁸ Abbas Jong and Rami Ali, "Political Islam as an Incomplete and Contested Category: A Post-Foundationalist Revision," *Religions* 14, no. 8 (2023): 1–29, <https://doi.org/10.3390/rel14080980>.

²⁹ Jess Bird, "Fire in the Bronx: Austerity, Quality of Life, and Nightlife Regulation in New York City Post-1975," *Journal of Urban History* 46, no. 4 (July 22, 2020): 836–53, <https://doi.org/10.1177/0096144219836930>.

accepted—a shift from legal obligation to moral responsibility. In such a context, enforcement becomes more than a matter of punishment; it becomes a shared endeavor between state and society to uphold a just and orderly civic life. This reimagining of enforcement through Islamic ethical frameworks can restore public trust, reduce resistance, and ultimately enhance the effectiveness of urban governance in culturally embedded environments.

Addressing the governance breakdown in Medan requires more than technical solutions; it demands a moral-legal synthesis that aligns the machinery of the state with the ethical expectations of its citizens. The starting point is the recognition of the state's role as *waliy al-amr*, the legitimate guardian of public welfare, a concept central to classical Islamic political theory. Within this role, the state must not only enforce laws but also embody justice and compassion in doing so. Accordingly, enforcement should move away from reactive, punitive models toward proactive, participatory, and ethically-informed frameworks. One promising strategy involves the development of an integrated digital licensing platform that consolidates zoning verification, application tracking, and inter-agency coordination. This would enhance transparency, reduce bureaucratic friction, and limit opportunities for informal practices. Yet, technology alone is insufficient. Reform must also target the human element of governance. This includes comprehensive training programs for licensing officials and enforcement officers, grounded in both administrative law and Islamic governance ethics, such as *al-'adalah* (justice), *al-amanah* (trustworthiness), and *al-mas'uliyah* (accountability). Community engagement must also be institutionalized, not as a performative gesture, but as a core governance strategy. Public education campaigns, particularly those led by religious leaders or community influencers, can bridge the gap between state policy and societal norms.³⁰ By rearticulating regulatory compliance as an act of moral duty in line with Islamic teachings, these initiatives can cultivate a culture of cooperative governance. In doing so, the state not only reinforces its authority but also nurtures a civic consciousness that supports sustainable urban development.

To operationalize the ethical foundations discussed above, there is a need to reconceptualize governance in Medan not simply as law enforcement but as value-based public administration. This involves the integration of Islamic political ethics into the very structure of urban policy-making. Conceptually, this requires developing a normative framework that blends classical Islamic thought with the realities of modern city governance—particularly in areas such as spatial planning, business licensing, and administrative oversight.³¹ Practically, this means enacting legal reforms that codify moral accountability alongside procedural standards. For instance, licensing regulations should explicitly incorporate ethical criteria—such as harm reduction, community consent, and socio-religious sensitivity—into decision-making processes. Furthermore, policy instruments like Perwal No. 3 of 2017 should be reviewed and amended to better reflect both the urban context and the religious values of the population it governs. This also entails creating inter-agency ethical governance units tasked with ensuring that policy implementation does not deviate from both legal and moral mandates. At the methodological level, future regulatory reforms should adopt a multi-stakeholder governance model, where civil society organizations, religious institutions, academic experts, and local communities are involved not just in consultation but in the co-design and monitoring of licensing systems. Through these conceptual and policy shifts, the Medan City Government can develop a model of Islamic ethical governance that is replicable in other Muslim-majority urban contexts. This model would not only improve institutional legitimacy and effectiveness but also promote a culturally resonant vision of public administration grounded in shared moral responsibility.

³⁰ Thomas F. Sogaard, Esben Houborg, and Michael M. Pedersen, "Drug Policing Assemblages: Repressive Drug Policies and the Zonal Banning of Drug Users in Denmark's Club Land," *International Journal of Drug Policy* 41 (March 2017): 118–25, <https://doi.org/10.1016/j.drugpo.2016.11.009>.

³¹ Carolyn Choi, "Moonlighting in the Nightlife: From Indentured to Precarious Labor in Los Angeles Koreatown's Hostess Industry," *Sexualities* 20, no. 4 (June 17, 2017): 446–62, <https://doi.org/10.1177/1363460716651419>.

3.2. The Crisis of Business Licensing and Spatial Injustice in Nightlife Regulation

The urban landscape of Medan City reveals a troubling pattern of regulatory circumvention, particularly in the nightlife sector. Numerous entertainment venues, including karaoke lounges, bars, and cafes operating as nightclubs, are situated in zones officially designated for residential or educational purposes, directly contravening the city's Regional Spatial Plan (RTRW) and the stipulations set forth in Perwal No. 3 of 2017. This is not merely a case of sporadic lawbreaking by opportunistic entrepreneurs; rather, it reflects a deeply rooted failure of spatial governance. The presence of these establishments in prohibited zones represents a significant distortion of urban planning objectives, undermining the state's capacity to regulate land use effectively. Many business owners employ informal lease agreements that avoid scrutiny, often modifying buildings without legal permits or appropriate functional classifications. These actions are calculated and intentional, exploiting weak enforcement mechanisms and fragmented oversight among relevant agencies.³² As a result, neighborhoods once designated for quiet, communal life are now subject to noise pollution, heavy traffic, and increased risks of criminal or morally questionable activity, such as alcohol abuse and clandestine sex work.³³ The cumulative effect is a disruption of social order and a degradation of public spaces that were initially designed for community development, education, or family life. This phenomenon is not only a violation of the law but also a breach of the social contract that binds citizens, the state, and the urban environment together.

The persistence of illegal entertainment venues in prohibited zones is not simply a reflection of opportunism among business owners; it is symptomatic of a systemic misalignment between the city's spatial planning instruments and its licensing regimes. One of the key issues lies in the bureaucratic fragmentation that characterizes the institutional landscape of Medan's regulatory system. Licensing is often administered separately from spatial oversight, meaning that a business can secure an operational license without undergoing rigorous spatial compatibility checks. This disconnect is exacerbated by poor inter-agency coordination and the absence of a centralized database that synchronizes licensing approvals with spatial planning maps. Moreover, the lack of a digital infrastructure hinders real-time monitoring and verification, allowing businesses to manipulate loopholes and operate in violation with impunity. Public engagement mechanisms are weak or non-existent, leaving residents powerless to report or oppose these establishments effectively. This void in participatory governance perpetuates a permissive regulatory environment, where informal brokers—often with ties to local political or enforcement elites—facilitate illegal operations for a fee.³⁴ In such a context, legal procedures are not merely inefficient; they are often perceived as irrelevant or inaccessible, particularly by small and medium enterprises that lack the resources to navigate complex regulatory pathways. The convergence of administrative opacity, economic vulnerability, and cultural normalization of informalism has created a vicious cycle of non-compliance that undermines the authority of law and the legitimacy of governance structures.

The unchecked proliferation of entertainment businesses in non-commercial zones has far-reaching implications that go beyond the immediate legal violations. At the core is the emergence of spatial injustice, where residents in low- and middle-income neighborhoods disproportionately bear the consequences of poor enforcement, while business owners extract economic benefits from legal grey areas. This spatial inequity manifests in multiple ways—noise disturbances that affect sleep and mental health, increased traffic that endangers children near schools, and a general deterioration in the quality of life for law-abiding residents. Over time, this undermines not just the physical integrity of urban planning but also the moral and institutional credibility of local government. Public trust erodes when citizens perceive that rules are selectively enforced or only apply to those without political or economic power.

³² Nan Turner, "Disco: When Fashion Took to the Dance Floor," *Clothing Cultures* 8, no. 1 (March 1, 2021): 5–26, https://doi.org/10.1386/cc_00042_1.

³³ Tobias H. Elgán, Sven Andréasson, and Johanna Gripenberg, "Long-Term Effects of an Alcohol Prevention Program at Licensed Premises: A Swedish 20-Year Follow-Up Study," *Frontiers in Public Health* 12 (August 7, 2024), <https://doi.org/10.3389/fpubh.2024.1423708>.

³⁴ MD Enjat Munajat and Ira Irawati, "Digital Sociocracy: Navigating Governance Challenges in Southeast Asia," *Policy & Governance Review* 9, no. 1 (2025): 93, <https://doi.org/10.30589/pgr.v9i1.1220>.

The failure to uphold zoning laws sends a signal that legality is negotiable, encouraging further violations across other sectors and weakening the normative foundations of civic life. In this light, enforcement must be reconceptualized—not merely as punitive action against violators but as a structural intervention that restores the balance between economic development and social equity. The urban space is not a neutral backdrop; it is a living domain shaped by values, rules, and power. Therefore, reforming enforcement practices becomes a moral imperative, a means of recalibrating the city's developmental logic toward inclusivity, accountability, and long-term sustainability.

Addressing these structural and moral failings demands a comprehensive, multi-dimensional reform agenda rooted in both technical precision and ethical clarity. First, the creation of a unified digital licensing platform is essential. This system should include embedded zoning verification protocols that automatically cross-reference license applications with spatial data to flag violations before approvals are granted. Second, enforcement must follow a structured three-tier model that begins with public warnings for minor infractions, escalates to administrative actions such as temporary closures or fines, and culminates in legal prosecution for repeat or serious violations. This model ensures proportionality while signaling regulatory seriousness. Third, inter-agency coordination must be formalized through joint task forces that include representatives from licensing bodies, urban planning departments, legal bureaus, and community stakeholders. These task forces should meet regularly to synchronize data, address enforcement gaps, and develop responsive strategies. Fourth, civic engagement tools must be institutionalized, including anonymous public reporting platforms and citizen monitoring apps, enabling residents to participate in the regulatory ecosystem actively. Fifth, capacity building is crucial. Staff within DPMPSTSP and local enforcement units must undergo continuous training on legal standards,³⁵ administrative ethics, and digital governance.³⁶ These reforms, however, must not stop at technical adjustments. Crucially, they must be undergirded by moral accountability. Embedding Islamic governance principles such as *hisbah* (moral supervision) and *al-mas'uliyah* (accountability) into daily bureaucratic practice can reinvigorate public service with a sense of shared ethical purpose. When urban governance operates not only with technical efficiency but also with moral clarity, it stands a much greater chance of regaining public trust and achieving genuine regulatory compliance.

To ensure the sustainability and legitimacy of these reforms, a deeper conceptual shift is necessary—one that reframes urban governance as a form of ethical stewardship, not merely administrative control. From a policy standpoint, this involves integrating spatial justice and Islamic political-legal ethics into the core of urban regulatory frameworks. For instance, future amendments to Perwal No. 3 of 2017 should include clauses that mandate ethical impact assessments for business licensing, particularly in areas deemed socially sensitive. These assessments would evaluate not only legal compliance but also potential disruptions to community cohesion, moral order, and social equity. Conceptually, the city must embrace a governance-by-values approach that harmonizes classical Islamic notions of public interest (*maslahah 'ammah*), civic accountability, and social balance with modern urban management tools. Methodologically, this requires developing new indicators of success—beyond permit issuance rates or revenue targets—to include metrics like citizen satisfaction, spatial equity, and moral resilience. The formation of advisory councils that include urban planners, Islamic legal scholars, civil society leaders, and community representatives can help mediate between religious norms and policy implementation in real-time. This integrative governance model does not reject modernity; rather, it elevates it by embedding it within a culturally and ethically coherent framework. Ultimately, regulatory reform in Medan must be understood not as a technical fix, but as a political-moral transformation—an opportunity to reassert the dignity of law, the integrity of space, and the ethical foundations of the city itself.

³⁵ Enceng Enceng, Purwaningdyah Purwaningdyah, and Ismiyarto Ismiyarto, "Implementasi Reformasi Birokrasi Dan Pelayanan Investasi Pada Dinas Penanaman Modal Dan Pelayanan Terpadu Satu Pintu Provinsi Jawa Tengah Indonesia," *Mendapo: Journal of Administrative Law* 4, no. 3 (October 30, 2023): 250–70, <https://doi.org/10.22437/mendapo.v4i3.29290>.

³⁶ Muhammad Ikhsan et al., "Implementasi Sistem Pelayanan Izin Usaha Secara Terpadu Terhadap Kualitas Pelayanan Publik Pada DPMPSTSP Kota Medan," *J-ENSITEC* 11, no. 01 (December 5, 2024): 10169–72, <https://doi.org/10.31949/jensitec.v11i01.11926>.

3.3. Reevaluating Islamic Political Legal Ethics in the Context of Urban Regulatory Failure

The regulatory framework governing nightlife businesses in Medan City, particularly through Mayor Regulation No. 3 of 2017, was designed to uphold zoning integrity and protect public welfare. However, this study finds that enforcement of these rules has been weak, inconsistent, and susceptible to manipulation, resulting in widespread violations across residential and educational areas. These violations are not incidental—they are systemic, recurrent, and often tolerated by both regulators and operators. The presence of entertainment venues operating without proper licensing in zones clearly prohibited by urban planning law illustrates a fundamental breakdown in governance.³⁷ Beyond administrative negligence, this condition points to a failure of legal authority to assert its normative power. It reveals how zoning and licensing, while technical in nature, are deeply connected to ethical and political legitimacy. When state actors enforce selectively or fail to act decisively, the law becomes disenchanting in the public eye. Citizens begin to see the law as negotiable, reinforcing a culture of impunity. This undermines trust in public institutions and signals that the legal framework is not grounded in justice, but in opportunism. In Islamic governance, the legitimacy of the state (*siyasaḥ dusturiyah*) depends on its capacity to uphold both rule and right. Thus, when enforcement falters, so too does the moral contract between the state and its people. The situation in Medan is a prime example of how legal systems can appear intact on paper but collapse in practice when detached from ethical commitment and moral authority. What follows is a regulatory vacuum where formal legality is hollowed out by informal realities. This vacuum erodes the state's ability to command respect, compliance, and public cooperation.

The ineffectiveness of enforcement in Medan is not merely a logistical failure—it is an ethical collapse. Many business operators bypass legal procedures not because of ignorance but through calculated evasion, exploiting informal networks that include intermediaries, brokers, and complicit officials. These shadow systems function with a parallel logic to formal governance, yet they operate outside public accountability. This indicates a deep-seated moral disintegration within institutional structures, where duties are compromised for convenience or profit. In Islamic political-legal thought, this constitutes *tamarrud*—a defiance of legitimate authority that breaks the social contract between ruler and ruled. When both the enforcer and the subject conspire to circumvent the law, the state loses its moral mandate. The Qur'anic principle of *hisbah*, which emphasizes the duty of commanding right and forbidding wrong, is not merely a theological ideal but a foundational ethic of public governance. The failure of *hisbah* in this context is twofold: the state abdicates its supervisory role, and the citizen abandons their obligation to uphold public interest (*maslahah*). This dual abdication degrades both public morality and legal integrity. Moreover, it creates a space where justice is privatized—accessible only through personal networks rather than institutional rights. This phenomenon illustrates how corruption is not only a breach of law but a symptom of ethical disengagement. In the absence of a shared moral compass, regulatory frameworks become procedural shells. The law loses its function as a guardian of equity and becomes a tool for transactional gain. Islamic governance demands not only rule compliance but moral conviction in that compliance. Without it, regulatory systems become ethically void.

The effects of this moral-regulatory collapse extend beyond legal noncompliance to produce concrete urban and social harms. Residential communities suffer from noise pollution, diminished neighborhood security, and increased exposure to social ills associated with unregulated nightlife activities.³⁸ These include underground alcohol distribution,³⁹ sex work,⁴⁰ and substance abuse—activities that not only violate municipal codes but also clash with the ethical standards of the majority-Muslim population. From

³⁷ Luis-Manuel Garcia, "Agonistic Festivities: Urban Nightlife Scenes and the Sociability of 'Anti-Social' Fun," *Annals of Leisure Research* 21, no. 4 (August 8, 2018): 462–79, <https://doi.org/10.1080/11745398.2017.1398097>.

³⁸ Zara Quigg et al., "Drink Less Enjoy More: Effects of a Multi-Component Intervention on Improving Adherence to, and Knowledge of, Alcohol Legislation in a UK Nightlife Setting," *Addiction* 113, no. 8 (August 23, 2018): 1420–29, <https://doi.org/10.1111/add.14223>.

³⁹ Kristin Buvik, Elin K. Bye, and Johanna Gripenberg, "Alcohol and Drug Use Among Staff at Licensed Premises in Norway," *Scandinavian Journal of Public Health* 47, no. 4 (June 8, 2019): 393–99, <https://doi.org/10.1177/1403494818761417>.

⁴⁰ Kira Button et al., "Preventing Sexual Harm in Nightlife Settings: A Scoping Review," *Archives of Sexual Behavior* 53, no. 7 (July 9, 2024): 2597–2627, <https://doi.org/10.1007/s10508-024-02872-y>.

the perspective of *maqasid al-shari'ah*, this scenario undermines key objectives of Islamic law: safeguarding life (*hifz al-nafs*), family lineage (*hifz al-nasl*), and public morality (*hifz al-'ird*). The collapse of zoning discipline erodes the quality of urban life and perpetuates spatial injustice. Law-abiding citizens are disproportionately burdened, while non-compliant actors reap the benefits of leniency and corruption. This breeds resentment, exacerbates socio-spatial inequality, and fosters a climate of cynicism toward government. What emerges is not just a failed licensing regime but a failed urban ethos. The city becomes a contested space, where legality and illegality coexist in uneasy tension. The moral authority of the state is increasingly questioned, not only by the elite but by ordinary residents. Islamic political ethics offers a clear warning in such circumstances: when moral neglect infiltrates law enforcement, society drifts toward *fasad*—systemic corruption and social decay. This decay is not abstract; it is visible in the fabric of urban life. It can be measured in the declining trust, deteriorating neighborhoods, and growing moral fatigue among citizens. These are not merely administrative issues—they are existential threats to Islamic urban governance.

This study distinguishes itself by integrating Islamic political-legal ethics into the discourse on urban regulatory governance, a perspective largely absent in the existing literature. While scholars such as Gamage, Munajat, and Nurmandi have emphasized digitalization, transparency, and institutional reform, they often lack a normative framework grounded in Islamic values. In contrast, this research draws upon classical Islamic texts—particularly Al-Mawardi's *Ahkam al-Sultaniyyah*—as well as modern theorists like Astri and Al-Assaf, to propose a morally anchored model of governance. This model is not merely a critique but a constructive synthesis of legal formalism and ethical substance. It positions *siyasaḥ dusturiyyah* not only as a doctrine of constitutional authority but as a moral imperative of statecraft. In doing so, it transcends procedural governance and enters the domain of moral-political legitimacy. This normative lens is particularly crucial in Muslim-majority urban contexts like Medan, where imported legal forms often clash with indigenous moral expectations. By reintroducing concepts like *hisbah*, *maslahah*, and *tamarrud* into contemporary urban debates, this study offers a richer, more context-sensitive understanding of governance. It suggests that legal compliance must be viewed not only as a regulatory outcome but as a moral achievement. This approach also reframes urban governance as a form of *'ibadah* (worship), where ethical conduct in public service is seen as a divine obligation. Such a reorientation can recalibrate both institutional behavior and civic participation. It bridges the gap between modern administration and traditional values, providing a platform for sustainable and ethically coherent governance reform.

This study advocates for a hybrid governance model that merges Islamic political-legal ethics with modern regulatory innovation. First, the Medan City Government should implement an integrated digital licensing platform with automatic zoning detection, public transparency tools, and inter-agency data integration. This would reduce discretion, minimize corruption, and streamline legal compliance. Second, ethical governance training should be institutionalized within public agencies, grounded in Islamic values such as *al-'adalah* (justice), *al-mas'uliyah* (accountability), and *hisbah* (moral oversight). Third, legal reform must target informal broker networks by simplifying procedures and opening legal channels for small business compliance. Fourth, public awareness campaigns rooted in Islamic ethics and civic responsibility should be launched to reshape cultural attitudes toward the law. This would foster voluntary compliance and rebuild trust in governance institutions. Conceptually, this hybrid model recognizes that law without moral legitimacy is fragile, while morality without institutional expression is ineffective. Thus, the ideal governance system must embody both elements—legal rigor and ethical resonance. This framework not only addresses immediate administrative failures but also contributes to the long-term moral recalibration of public life.⁴¹ In this way, the Medan case can serve as a model for other Muslim-majority cities facing similar regulatory and ethical crises. It demonstrates that Islamic political thought is not only relevant but essential in diagnosing and reforming the modern urban state. Most importantly,

⁴¹ Reuben A. Buford May and Pat Rubio Goldsmith, "Dress Codes and Racial Discrimination in Urban Nightclubs," *Sociology of Race and Ethnicity* 4, no. 4 (October 12, 2018): 555–66, <https://doi.org/10.1177/2332649217743772>.

it affirms that good governance is not only a matter of efficiency but of ethical vision, rooted in the values of justice, responsibility, and communal welfare.

4. Conclusion

The findings of this study reveal a fundamental disconnect between regulatory design and its practical enforcement, particularly in the governance of night entertainment licensing. Although Mayor Regulation Number 3 of 2017 clearly delegates authority to local licensing bodies, its implementation has been undermined by fragmented bureaucratic coordination, weak institutional oversight, and minimal community involvement. Field data points to rampant non-compliance, especially in areas zoned for residential or educational purposes, where unauthorized venues continue to operate. This situation not only challenges administrative effectiveness but also violates ethical standards rooted in Islamic political thought. Through the lens of *siyasah dusturiyah*, such disobedience reflects a breakdown in moral governance, where the values of justice (*al-'adalah*), public welfare (*maslahah*), and accountability (*al-mas'uliyah*) are not upheld. Violations of this nature are more than legal infractions—they are ethical betrayals of the social contract. The study concludes that legal frameworks must not operate in isolation but should be reinforced by cultural legitimacy and ethical internalization. Without aligning law enforcement mechanisms with religious and communal values, governance failures will likely persist, eroding public trust and social stability in the long term.

This research contributes conceptually and methodologically to contemporary governance discourse by demonstrating the relevance of integrating Islamic political-legal frameworks into secular regulatory environments. Conceptually, it introduces a dual-axis model in which administrative legitimacy is derived from both legal authority and moral resonance, providing an alternative to purely technocratic governance. Methodologically, the combination of normative legal analysis with empirical case study offers a holistic understanding of how laws function—or fail—in real-world urban contexts. The study also provides concrete policy recommendations: enhancing inter-agency coordination, digitizing regulatory processes, involving local religious actors, and institutionalizing community oversight mechanisms. These measures aim not only to improve compliance but also to rebuild societal trust. While limited to a single municipal case, the implications of this analysis are broader and may inform governance reforms in other Muslim-majority regions. The research acknowledges limitations in geographic scope and recommends future studies extend this framework to different policy sectors where legality and morality must coexist, such as environmental law, education, or public health. In doing so, the ethical foundations of Islamic governance can continue to inform and enrich modern administrative systems.

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Author Contribution Statement

Muhamad Farhan served as the main and corresponding author, leading the research design, data analysis, and manuscript writing. Khalid, contributed to data collection, analysis and assisted in the literature review and also preparation of research materials

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The author declare that they have no known financial or personal conflict of interest that could have influenced the work reported in this paper.

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