

## Analysis Of Islamic Law Regarding The Crime Of Drinking Alcohol (Syubul Khamr)

Misdin Arifin HM<sup>1</sup> Naufal Rizky Fadhilah<sup>2</sup>

<sup>1</sup>University Of Malaya Malaysia

<sup>2</sup>State Islamic University of North Sumatra

E-mail: [ioa180018@siswa.um.edu.my](mailto:ioa180018@siswa.um.edu.my) [naufalfadhilah2019@gmail.com](mailto:naufalfadhilah2019@gmail.com)

Info Articles	Abstract
<p><b>Article History</b>            Received : 2021-09-02            Revised: 2021-09-10            Published: 2021-09-30</p> <p><b>Keywords:</b>  <i>Crimes, Alcohol, Alcoholic Beverages, Islamic Law, Hudud</i></p>	<p>This study aims to analyze the crime of drinking alcohol (syurbul khamr) from an Islamic legal perspective, emphasizing the normative basis, forms of prohibition, and sanctions stipulated in the Shari'a. Alcohol, as an intoxicating beverage, is expressly prohibited in the Qur'an and Hadith because it can damage the mind, which is one of the main objectives of safeguarding the maqashid sharia. This study uses a qualitative method with a juridical-normative approach through a literature study of classical and contemporary Islamic legal sources. The results show that the prohibition of alcohol is not only moral, but also has a strong legal dimension with the existence of hudud sanctions for perpetrators. In addition, Islam also applies a preventive approach by prohibiting all activities related to alcohol, including production, distribution, and consumption. In the contemporary context, law enforcement against this crime faces various challenges, but the values contained remain relevant in maintaining social order and community morals. Thus, the prohibition of alcohol in Islam aims to protect individuals and society from physical, mental, and social damage.</p>

### I. INTRODUCTION

Islamic law is a comprehensive legal system aimed at realizing the welfare of humanity through the protection of five fundamental aspects of life: religion, life, intellect, lineage, and property (maqashid sharia). One aspect that is highly protected is reason (hifz al-'aql), because reason is the basis for human thought, action, and the distinction between right and wrong. Therefore, anything that can damage the function of reason, such as the consumption of alcohol, is strictly prohibited in Islam (Kamali, 2008). This prohibition is not only normative but also has clear legal consequences within the framework of Islamic criminal law (fiqh jinayah).

Khamar or syurbul khamr is defined as any type of intoxicating drink or substance, whether in small or large quantities. In Islamic teachings, the prohibition of alcohol was implemented gradually as a form of educational and preventive approach towards Arab society in the early days of Islam. These stages start from the recognition that wine has more harm than benefits (QS. Al-Baqarah: 219), the prohibition of approaching prayer while drunk (QS. An-Nisa: 43), to total prohibition as emphasized in the QS. Al-Ma'idah verses 90-91 which states that wine is a vile act and is an act of Satan that must be

shunned (Al-Qur'an, 2:219; 4:43; 5:90-91). This gradual process shows that Islam really pays attention to the social conditions of society in establishing laws (Hallaq, 2009).

In addition to the Qur'an, the hadith of the Prophet Muhammad (peace be upon him) also strongly affirm the prohibition of alcohol. In various narrations, it is stated that "every intoxicant is alcohol and every alcohol is forbidden," indicating that this prohibition is universal and not limited to a particular type of beverage (Al-Bukhari, 2002; Muslim, 2006). In fact, the Prophet Muhammad (peace be upon him) cursed not only those who drink alcohol, but also those involved in its production, distribution, and serving. This demonstrates the comprehensive approach in Islam to close all doors that can lead to such acts (sadd al-dzari'ah) (Al-Zuhayli, 2003).

From the perspective of Islamic criminal law, drinking alcohol falls under the category of hudud crimes, crimes for which sanctions have been expressly established by sharia. The punishment for drinking alcohol is lashing, as practiced during the time of the Prophet Muhammad (peace be upon him) and his companions. However, there is disagreement among scholars regarding the number of lashes, with some arguing for 40 lashes, while others

stipulate 80 (Hallaq, 2009). This difference demonstrates the dynamic of *ijtihad* in understanding and applying Islamic law according to the evolving social context.

Furthermore, the prohibition of alcohol in Islam is not only intended to impose sanctions, but also has preventive and educational dimensions. Islam seeks to raise individual and societal awareness to avoid all forms of behavior that can harm oneself and the social environment. The negative impacts of alcohol consumption are not only felt individually, such as health problems and loss of self-control, but also have broader impacts on society, such as increased crime, violence, and moral decay (Rahman, 2019). Therefore, the prohibition of alcohol is part of an effort to maintain social stability and the overall well-being of society.

In the modern context, the problem of alcohol consumption remains a complex global issue. Globalization, technological advancements, and changes in lifestyle have increased accessibility to alcoholic beverages, even among Muslim communities. This situation demands a more contextual understanding of Islamic teachings, particularly in examining the hadiths related to the prohibition of alcohol and their relevance to contemporary life (Kamali, 2008). Therefore, studying the crime of alcohol consumption is important not only from a normative perspective but also from an applied perspective in addressing the challenges of the times.

Based on this description, this study aims to analyze hadiths related to the crime of drinking alcohol (*syurbul khamr*) and examine their implementation from an Islamic legal perspective. This research is expected to contribute scientifically to the development of Islamic criminal law studies and serve as a reference for the public in understanding the importance of abstaining from alcohol to maintain individual and social well-being.

## II. RESEARCH METHODS

This study uses a qualitative approach with library research, which focuses on the study of Islamic legal sources related to the crime of drinking alcohol (*syurbul khamr*). The data used are secondary data obtained from the Qur'an, the hadith of the Prophet Muhammad SAW, and

supporting literature such as *fiqh* books, *ushul fiqh*, and relevant scientific journals. The primary data sources in this study are the Qur'an and hadith, especially those found in the books of *Sahih al-Bukhari* and *Sahih Muslim*, while secondary data sources are books and scientific works that discuss Islamic criminal law and the concept of the prohibition of alcohol from a sharia perspective.

Data collection techniques were conducted through documentation studies by identifying and reviewing literature relevant to the research topic. Data analysis was conducted using a descriptive-analytical method, namely by describing the collected data and then analyzing it to gain a deeper understanding of the prohibition of alcohol and its legal implications. Furthermore, this study also employed normative and conceptual approaches to examine legal provisions based on sharia sources and basic concepts in Islamic law, resulting in systematic and comprehensive conclusions.

## III. RESULTS AND DISCUSSION

### A. Research result

The research results show that in Islamic law, alcohol is categorized as anything that intoxicates and is strictly forbidden, whether in small or large quantities. This prohibition is based on the Qur'an and the hadith of the Prophet Muhammad, which emphasize that alcohol is an act that damages human reason and morals. Furthermore, Islam prohibits not only alcohol consumption but also all activities related to it, such as its production, distribution, and serving. This demonstrates that Islamic law has a strong preventive approach to preventing individual and social harm caused by alcohol consumption.

In addition to the prohibition, research also shows that drinking alcohol is a *hudud* crime, which carries a strict penalty of lashing. However, there is disagreement among Islamic scholars regarding the severity of the punishment, indicating the need for *ijtihad* in the application of this law. In the contemporary context, the application of the law to alcohol crimes faces various challenges, but the values contained in the prohibition remain relevant in maintaining public order, health, and morals. Therefore, Islamic law emphasizes not only the punishment but also

aims to create welfare and protection for human life as a whole.

## B. Discussion

From an Islamic legal perspective, the crime of drinking alcohol (*syurbul khamr*) is a form of criminal offense that falls under the category of hudud crimes, namely crimes for which sanctions have been strictly stipulated by sharia (Hallaq, 2009). Alcohol is defined as anything that is intoxicating and can impair reason, whether derived from natural ingredients or modern processed products. Thus, the concept of alcohol is not limited to certain drinks, but rather encompasses all substances that have an intoxicating effect. The prohibition of alcohol has a strong basis in the Qur'an and hadith, which indicate that its prohibition is carried out gradually until it reaches a total prohibition. This approach reflects the educational and preventive methods in Islam, taking into account the social conditions of society at that time (Hallaq, 2009).

The Qur'an explicitly states that alcohol is a heinous act and is included in the satanic acts that must be avoided, because it can cause hostility and prevent humans from remembering Allah SWT (Al-Qur'an, 5:90-91). This prohibition is reinforced by the hadith of the Prophet Muhammad SAW which emphasizes that every intoxicant is alcohol and is forbidden, regardless of the amount (Al-Bukhari, 2002; Muslim, 2006). In addition, in several narrations it is mentioned that the Prophet cursed various parties involved in the distribution of alcohol, from producers to consumers. This shows that the prohibition of alcohol in Islam is not only individual, but also encompasses the entire system that supports its existence (Al-Zuhayli, 2003).

From an Islamic criminal law perspective, those convicted of drinking alcohol are subject to lashing as part of the hudud sanctions. However, there is a difference of opinion among scholars regarding the number of lashes, which is between 40 and 80. This difference is based on the practice during the time of the Prophet Muhammad and his companions, where the Prophet Muhammad imposed a punishment of 40 lashes, while during the time of Caliph Umar bin al-Khattab the number was increased to 80

lashes as a form of policy to provide a stronger deterrent effect (Hallaq, 2009). This shows that although hudud is fixed, there is room for *ijtihad* in its implementation according to the needs and conditions of society.

Furthermore, the prohibition of alcohol in Islam is not only oriented towards imposing sanctions, but also has preventive and protective objectives that are in line with the principles of *maqashid sharia*, especially in maintaining reason (*hifz al-'aql*) (Kamali, 2008). Alcohol consumption has been proven to damage physical and mental health, as well as increase the risk of various crimes, such as violence, theft, and immoral acts. Therefore, the prohibition of alcohol is a form of protection for individuals and society in order to maintain social stability and realize the public good (Kamali, 2008).

In the contemporary context, the problem of alcohol has become increasingly complex with the development of the alcoholic beverage industry and increasing consumption across various segments of society. Globalization and modernization have also influenced changes in lifestyles that tend to be permissive towards alcohol consumption, even among Muslim communities. This situation presents a challenge in the implementation of Islamic law, particularly in countries that do not formally implement an Islamic legal system (Rahman, 2019). Therefore, an approach is needed that is not only repressive through legal sanctions, but also educational and persuasive through counseling, religious education, and strengthening moral values within society.

Furthermore, in its implementation, law enforcement against alcohol crimes must adhere to the principles of justice and public welfare. The application of hudud punishments requires clear evidence and the absence of doubt (*syubhat*), so they cannot be carried out carelessly (Al-Zuhayli, 2003). This demonstrates that Islamic law highly values the principle of caution in imposing sanctions. Furthermore, the role of the state, religious scholars, and society is crucial in creating a conducive environment to suppress alcohol consumption through a comprehensive approach.

Overall, the prohibition of alcohol in Islam has broad dimensions, encompassing theological, legal, social, and moral aspects. The

establishment of alcohol as a hudud crime with strict sanctions reflects Islam's commitment to safeguarding human reason and well-being. Furthermore, the flexibility in the implementation of the law demonstrates Islam's ability to adapt to changing times without abandoning its fundamental principles. Therefore, a comprehensive understanding of alcohol is crucial for the effective, just, and relevant application of Islamic law in modern society.

#### IV. CONCLUSION AND SUGGESTION

##### A. Conclusion

Based on the analysis, it can be concluded that the crime of drinking alcohol (syurbul khamr) in Islamic law is a criminal offense that is included in the category of hudud crimes, namely crimes that have provisions for sanctions that have been strictly determined by sharia. Alcohol is defined as anything that intoxicates and can damage the mind, so that its prohibition is universal and includes various forms of substances, both traditional and modern. The prohibition of alcohol is based on the Qur'an and the hadith of the Prophet Muhammad SAW, which shows that Islam has a strong normative foundation and uses a gradual approach in establishing laws, so that it is able to adapt to the social conditions of society.

Furthermore, the prohibition of alcohol in Islam is not only directed at individuals who consume it, but also encompasses all parties involved in its production and distribution. This demonstrates that Islam applies a preventive and systemic approach to eradicating alcohol. Legally, the penalty for drinking alcohol is flogging, a form of hudud punishment, although there is disagreement among scholars regarding the number of punishments imposed, indicating the existence of room for *ijtihad* (intelligence) in implementing the law without altering its fundamental principles.

Furthermore, the prohibition of alcohol aligns with the primary objectives of Islamic law (*maqasid syariah*), particularly in safeguarding reason (*hifz al-'aql*), as well as protecting individuals and society from various negative impacts, including health, morals, and social aspects. In the context of modern life, the challenges to implementing alcohol laws are

increasingly complex due to the influence of globalization and changing lifestyles. Therefore, a comprehensive approach is needed, not only through law enforcement but also through education, preaching, and supportive social policies.

Thus, it can be emphasized that the prohibition of alcohol in Islam is not merely repressive, but also aims to create welfare and maintain balance in human life. Islamic law, in this regard, demonstrates a firm yet flexible character, thus remaining relevant for application in various contexts and societal conditions.

##### B. Suggestion

First, the author is advised to strengthen the theoretical foundation by examining in more depth the opinions of scholars from various schools of thought regarding the concept of the crime of alcohol, both from the perspective of Islamic jurisprudence (*Fiqh Jinayah*) and Islamic principles (*Usul Fiqh*). This is crucial so that the analysis is not only descriptive but also comparative and critical, thus demonstrating the differences and similarities in Islamic legal perspectives comprehensively.

Second, research should be complemented by a contextual or empirical approach relevant to current societal conditions, particularly in Indonesia. For example, linking the application of laws to alcohol crimes with the prevailing positive legal system and social phenomena related to alcohol consumption. Thus, research will not only be normative but also make a tangible contribution to the development of Islamic law in modern life.

Third, the author could add an analysis of the purpose of imposing punishment (*maqasid al-shariah*), particularly in preserving reason (*hifz al-'aql*), one of the primary objectives of sharia. This approach would enrich the discussion by highlighting the wisdom behind the prohibition of alcohol and its relevance to maintaining public order and morality.

Fourth, it is recommended that authors clarify the writing structure, including the systematic discussion and consistent use of scientific language. Adding up-to-date reference sources, both from national and international journals, is also essential to improve the academic quality and credibility of the research.

Finally, the author can provide practical recommendations for policymakers, religious leaders, and the public regarding efforts to prevent and address alcohol consumption. Thus, this journal not only provides theoretical contributions but also has broader applicative value.

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