# SHARIAH AND ALCOHOL ISSUE

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## Abstract

Alcohol is an organic solvent that generally used in research and industry especially in food, pharmaceutical and beverage products. It is also reported to be widely used in cosmetic industries to produce cosmetic products such as perfume, skin care and personal care products. However, the discussions on shariah and alcohol issue are still very limited. Thus, the main focus of the present study is to analyze the status of alcohol in shariah by focusing on analyzing the history of alcohol. Furthermore, issues related to alcohol in Islam are also discussed in this article.

Keywords: Alcohol; Status of alcohol; Shariah

## *Abstrak*

*Secara umumnya alkohol ialah pelarut organik yang digunakan dalam penyelidikan dan industri terutama dalam produk makanan, farmasi dan minuman. Alkohol juga digunakan secara meluas dalam industri kosmetik dalam penghasilan produk kosmetik seperti minyak wangi, penjagaan kulit dan produk penjagaan diri. Walau bagaimanapun, perbincangan mengenai isu syariah dan alkohol masih amat terhad. Oleh itu, fokus utama kajian ini adalah untuk menganalisis status alkohol menurut syariah dengan memberi tumpuan kepada menganalisis sejarah alkohol. Selanjutnya,artikel ini membincangkan isu-isu yang berkaitan alkohol menurut Islam.*

*Kata kunci: Alkohol; Status alkohol; Shariah*

## Introduction

The issue of halal and haram are the most important issues to be focused on all Muslims in Malaysia. Therefore, the issue is important to us because it is closely related to religious affairs and everyday life. Generally, the issue of alcohol consumption is very confusing for the Muslim community in Malaysia. The public is

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aware that alcohol consumption is not only found in beverages but also in industries such as cosmetics, foods and pharmaceutical. In fact, from the view of Islam explaining that alcohol intoxication is forbidden to Muslims because of the danger and the impact using it. This is because Islam is very concerned about halal and haram to use alcohol.

Alcohol such as methanol is derived from wood and ethanol is derived from cereal. The alcohol commonly used in daily life is ethanol which is volatile, flammable, colorless, and has a distinctive aroma (Mulaina, 2014). According Noor (2018) alcohol in chemistry is an organic compound consisting of carbon C, hydrogen H, and oxygen O which has the general $C_nH_{2n+1}OH$ for aliphatic alcohols and for aromatic alcohols or otherwise known as phenol, $C_6H_5OH$. Besides that, alcohol occurs naturally as a by-product of fermentation of the action of sugar eating yeasts on fruits. It is a highly nourishing substance, one ounce of pure ethanol contains 224 calories and 75 percent more than refined sugar (Gately, 2008). Based on the article Daud (2016), *khamar* is the intoxicating substance of alcohol. Not all alcohol is prohibited or not permissible (haram) in Islam, there are also alcohols that are permissible to be used.

Therefore, this article explains about status of alcohol in Shariah in terms of history of alcohol and the next section discusses the methodology that were used in this article. In addition, this article will also discuss about alcohol in Islam.

## Methodology

Desk research is the research method used in this study. Academic material which consist of various sources as journal, articles, websites and books are referred to in this study. The findings in the of the study that discusses about the history and issues stemmed from the use of alcohol from literature. Therefore, the data used in the study consist of secondary sources.

## The Status of Alcohol in Shariah

Alcohol is the common name that has always been a discussion between current and earlier scholars. The use of alcohol is not only found in certain food and beverage product, but also most widely used in cosmetics such as perfume, skin care products, and others. If the use of alcohol in foods and beverages are described as not permissible, there are some disputes over the use of alcohol in cosmetics products. Islam would be expected to influence the alcohol use of Muslim college students because of various ways the Al-Quran and Sunnah sources specifically prohibit the use, transportation, and sale of alcohol (Abu-ras, Ahmed, & Arfken, 2010).

Wine or *khamar* is an alcoholic beverage that is *haram* in Islam. *Surah Al-Maidah* verse 90, testifies that Allah Almighty forbids the Muslims from drinking (*khamar*) because it is an abominable act and includes the act of the devil. Therefore, wine (*khamar*) becomes *illa* because of the *haram* commandment on Muslim to drink it. So, the Prophet Muhammad SAW has reaffirmed in his hadith which says, "*Every intoxicant is khamr and every khamr is haram*".

As stated by Azahari (2010), the issue of alcohol solving is widespread in Malaysia. Therefore, *Jabatan Kemajuan Islam Malaysia* (JAKIM), has specified that alcohol in perfumes, cosmetics, medicines and beverages is permissible (*harus*) and is acceptable if the alcohol content is not inferior. In addition, according to views of Usmani (2017), the meaning of alcohol in Shariah is not specifically specified, except the wine restriction (wine) made of grapes, date palm and other materials.

In addition, according to the book Limited, in Al-Quran there is mention of *khamar* namely alcoholic drinks. During the reign of Prophet Muhammad SAW, these alcoholic beverages were derived from grapes, dates palm, wheat, barley and honey. Although alcohol is from the source of the other, it is still regarded as prohibited because of the intoxicating effects for Muslim. As well as some opinion from the western pastor that states alcohol is permissible to be used in cosmetics (Michalak & Katz, 2010). Fatwa Malaysia explained that alcohol describes in cosmetics are not prohibited as it is for external used only and not for the purpose of drinking.

Afifi *et al*. (2014) discusses that alcohol is a colorless liquid produced by two ways of processing. Firstly, it can be produced by fermentation, the main process to produce liquor and secondly by chemical substances, which is a process to produce alcohol from petroleum. The product produced by this process is known as ethanol or ethyl alcohol. But, all the earlier scholars of *Mazhab Hanafi*, *Mazhab Maliki*, *Mazhab Shafie* and *Mazhab Hambali* agreed that alcohol is a *najs* because it can intoxicate. Thus, according to the views of Hashim *et al.* (2009), they explained that to decide the halal status of cosmetic, the product must not contain any products or by-products from alcoholic beverages (*khamar)*. Abdul (2014) states that the difference between alcohol (*khamar*) and wine (*khamar*) is anything that can cause intoxicant from juice and Ibn *Saiyidah* said that wine (*khamar)* is from grape and other substance which caused intoxicant. While, Imam Hanafi states that wine (*khamar)* is intoxicant from grape juice only. Then, alcohol in the chemistry perspective is an organic compound formed when a hydroxyl group is subtituted for a hydrogen atom in a hydrocarbon (Shiel, 2018).

According to Dr. Erwandi Tarmizi (2013) there are two different opinion from *ulama* regarding the legal ruling of alcohol. First opinion from most *ulama* today and the fatwa from the Council of Ulama of the Kingdom of Saudi Arabia says that alcohol is *khamar,* which explain anything that is consumed and can cause drunkenness is

categorized as *khamar*, regardless of whether it is in a small or a large amount, and whether it is called alcohol or any other name. Second opinion is from *Sheikh Muhammad Rasyid Ridha* and several other modern *ulama* said that alcohol is not *khamr* because *khamr* is the result of the fermentation of fresh fruits like grapes, dates, wheat and cereals, while alcohol can be made from wood, roots, fibers of sugarcane, orange, lemon and other. But Prophet Muhammad SAW said in Hadith '*everything that is intoxicating is khamar and everything that is intoxicating is prohibited*'. Thus, according to this hadith, alcohol also considered as *khamr* according to Islamic law and is treated according to the same rules as *khamar*, since alcohol is the main intoxicating component of many other drinks that are already considered as *khamr.*

## Findings

## History of alcohol

Between colonials and Native Americans, playing a more central role in America's history than any other psychoactive drug (Acker, 2004). During the Neolitic time, the human produced wine before the domestication of grapes. Theoretically, wine was easier started the fermentation process for the wine. Human improved grapes vines through domestication in order to increase production and regulate the taste of the wine. One of the most important plants for producing wine was the date and palm. Moreover, alcohol influenced the development of the ancient civilizations of Egypt, Mesopotamia, China, India and America. The consumption of alcohol structured everything from daily nutrition and medicine to social hierarchies and religious rituals, and the regulation of alcohol (Hames, 2010).

According to Wagner (2019) alcohol has played an influential role throughout history and has left its mark on many cultures and civilizations, including the Sumerians, Egyptians, Greeks, Romans, Chinese and British. For thousands of years, people around the world have used fermented grains and fruits to make alcohol. The earliest evidence that humans were brewing alcohol comes from residues in pottery jars found in northern China that date from 7000 to 6600 B.C.

Besides that, in Islam alcohol were mentioned in the Quran, Hadith, Sunnah and *fiqh,* all generally agree in condemning alcohol. There are some minor disagreements, for example, *Mazhab Hanafi* tradition of Islamic law interprets *khamar* is the word for the forbidden beverage in the Quran and it means only certain specified beverages, rather than all intoxicants. However, the dominant belief in Islam is that, not only is the consumption of alcohol in any of its forms forbidden. Form the Hadith says '*Truly (God) has cursed (alcohol) and has cursed the one who produces it, the one for whom it is produced, the one who drinks it, the one who earns from the sale of it, the one who buys it, and the one for whom it is bought.*' (Michalak & Katz, 2010).

In her article, Huda (2019) explain in the reign of the Prophet Muhammad, he instructed his followers to avoid the use of alcohol in any intoxicating substance because it's like in the hadiths saying '*if it is intoxicating in large numbers, it is prohibited in the slightest*'. Therefore, most Muslims should avoid alcohol in any form, even a little or sometimes used in cooking.

Alcohol in Arabic is *khamar* as described bye Ammar (2016) were prohibited after the battle of *Uhud* according to all of the historians. In this regard, there was a famous dispute which involed scholars of *Usul al-Fiqh* and *'Ilm al-Kalam* about the original state of things like *khamar* before it was sanctioned by a Quranic verse; the first opinion says that the original state of things is *Tahrim* (being forbidden) until the Quran sanctions otherwise views of *Hanafi* and *Hanbali* jurists, some of the *Mu'tazili* theologians and the literalists among the *Maliki* jurists. Second opinion says *Tawaqquf*, is temporary cessation or suspension until a clear sanction is given views of *Shafi'I* jurists, including the famous theologian *Abu Al-Hasan Al-Ash'ari*, some of the *Hanafi* jurists, including another famous theologian *Abu Mansur Al-Maturidi* and *Ibn al-Hajib* from the *Maliki* school of law. The opinion assigns *ibaha* (neutrality) as the normal state of things unless *taklif*, or assignment of responsibility to do it as a duty or to avoid it as forbidden exists. Therefore, all things are *mubah* (permitted) until Quran gives a sanction to change this state views of Hanafi jurists, some of the *Maliki* jurists, some of the *Shafi'i* jurists and some of the *Mu'tazili* theologians.

In addition, this matter was that not only is *khamar* (wine or alcohol) prohibited, but *khamr* also extends to any substance that intoxicates, in whatever from or under whatever name it may appear are forbidden (haram). However, there are no prohibitions on using alcohol for scientific, medical, industrial or automotive use (as a biofuel, solvent or a coolant, for instance) (Rassool, 2014). In Islam, since 1400 years ago, *khamar* (wine) has been regarded as haram (prohibited). It has been an established principle of Islamic Law that the purpose for the prohibition of khamr is due to its intoxicating nature. The prohibition of alcohol for drinking purpose, but Islamic principle highlights that alcohol that can be used with the process fermentation is called takhammur, takhallul and istihalah (Ibrahim, 2018).

## Issue of alcohol in Islam

In general, *khamar* is a term refers to any substance that intoxicates the mind and can cause the person who took it lose their ability to control their mind and action. *Mazhab Maliki, Shafie, Hanbali* consider *khamr* to be any intoxicating drink made from grapes, dates, or raisins. According to Hadith Bukhari and Muslim, khamr is what covers intellect and made from five things that are grapes, dates, wheat, barley and honey. The prohibition of *khamr* is clearly stated in Al-Quran. Surah Al-*Baqarah* verse 219; '*they ask thee concerning wine and gambling, say: in them is great sin, and some profit, for men; but the sin greater than the profit*' (Ramli, 2018).

Rahim (2016) explain that alcohol is related to *Istihalah*, for example most bread contain yeast, which produces alcohol during anaerobic respiration. However, the amount of alcohol is so small that no amount of ingested bread could cause intoxication. This because, according to *Mazhab Hanafi* and *Maliki* accepts *Istihalah* as the process of transforming *najs* or alcoholic material into a pure acceptable form, regardless of whether the process is governed by nature or man-made. Where *Mazhab Syafie* and *Hanbali* says that *Istihalah* is partially with three basic conditions is natural process of change when alcohol is transformed into vinegar, second tanning of animal hides, besides pigs and dogs. Third is decomposition of carrion or dead animals.

Noor (2017) explain that Fatwa Committee National Council for Islamic Religious Affairs Malaysia (*Muzakarah Jawatankuasa Fatwa Majlis Kebangsaan Bagi Hal Ehwal Ugama Islam Malaysia*) discuss the status of alcohol according to the Islamic view and has decide that:

1) Every alcoholic beverage contains alcohol. Not all alcohol has *khamar*. Alcohol from the process of making wine is haram and *najs*, but alcohol made not through the process of making wine is not *najs* but is prohibited to drink.
2) A soft drink made in the same manner as making alcohol either containing alcohol or distilled alcohol is prohibited to drink.
3) Soft drink is not made into *khamar* or intoxicating substances and are not the same as alcoholic beverages is halal.
4) *Tapai* is halal to eat.
5) Alcohol that is occurring as the by product from food processing is not *najs* and can be eaten.
6) Medicine and fragrance have alcohol are needed (*harus*) and forgiven.

Based on Quran states that alcohol is forbidden and described as '*najs*' (unclean) if the process from making wine (*khamar*). The Prophet Muhammad SAW says that not only drinking but also to know alcohol from generating, manufacturing, delivering, buying, selling and profiting from it (TÜRKUÇAR1 et. al 2017).From article Zaufishan (2011) says that *khamar* from Arabic word is alcohol derived from grapes. This word was prohibited specifically in Quran. Therefore, alcohol is categorically unlawful (haram) and considered impure (*najs*). Consuming any amount is unlawful, even if it doesn't create drunken effects. The Prophet Muhammad SAW said '*intoxication is from these two trees*' while pointing to grapevines and date-palms. Alcohol derived from dates or raisins are also prohibited again regardless of the amount consumed.

## Conclusion

In conclusion, this article explains about the status of alcohol in Shariah are prohibited because of the intoxicating effects for Muslim. Besides that, the scholars of

*Mazhab Hanafi*, *Mazhab Maliki*, *Mazhab Shafie* and *Mazhab Hambali* agreed that alcohol is a najs because it can intoxicate. History of alcohol in this article also explain about alcohol has played an influential role throughout history and has left its mark on many cultures and civilizations, including the Sumerians, Egyptians, Greeks, Romans, Chinese and British. In addition, history of alcohol in Islam also explain in this article about the development of alcohol and its use in accordance with the law of the Al-Quran, As-Sunnah and *Usul Al-Fiqh*. Then, the issue of alcohol in Islam discuss alcohol prohibition through an explanation from Fatwa Malaysia, *istihalah*, prohibited alcohol in the time of Prophet of Muhammad SAW. Use of alcohol depends on various factors, thus more studies and discussion in Shariah are needed to verify the halal status.

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