

CHAPTER I

PREFACE

A. BACKGROUND OF STUDY

The twenty-first century has come; in this second millennium. Human technology rises from time to time, based on the developed science of humankind, the caliphs of this world;

﴿وَإِذْ قَالَ رَبُّكَ لِلْمَلَائِكَةِ إِنِّي جَاعِلٌ فِي الْأَرْضِ خَلِيفَةً ۗ﴾

“And (remember) when your Lord said to the angels: "Verily, I am going to place (mankind) generations after generations on earth."¹

During the development of science, mankind are competing each other without paying any attention of rules. One “kills” other just for the sake of the temporary fortune of materials. It always continues until they realize, eventually it brings them to the global destruction of the entire human race even the world.

Those continuations of competition cause various influences toward human life especially, and the other creatures commonly, and as known, it is prohibited in Islam. Many aspects of their life were broken including health.

﴿وَلَا تُفْسِدُوا فِي الْأَرْضِ بَعْدَ إِصْلَاحِهَا وَادْعُوهُ خَوْفًا وَطَمَعًا ۚ إِنَّ رَحْمَتَ اللَّهِ قَرِيبٌ

مِّنَ الْمُحْسِنِينَ﴾

¹Al-Baqarah: 30

“And do not do mischief on the earth, after it has been set in order, and invoke Him with fear and hope; Surely, Allah’s Mercy is (ever) near unto the good doers.”²

Islam gives an immense attention in health, for its important to increase human prosperity. Health is bless from Allah given to people in order to worship Him, many people are forgetting this health.

﴿حَدَّثَنَا الْمَكِّيُّ بْنُ إِبْرَاهِيمَ أَخْبَرَنَا عَبْدُ اللَّهِ بْنُ سَعِيدٍ - هُوَ ابْنُ أَبِي هِنْدٍ - عَنْ أَبِيهِ عَنِ ابْنِ عَبَّاسٍ - رَضِيَ اللَّهُ عَنْهُمَا - قَالَ قَالَ النَّبِيُّ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - نِعْمَتَانِ مَعْبُودٌ فِيهِمَا كَثِيرٌ مِنَ النَّاسِ ، الصِّحَّةُ وَالْفَرَاغُ﴾

“ al- Makiy bin Ibrohim told us, that Abdullah bin sa’id told them –and he was ibn abi Hind- from his father from ibn ‘Abbas (may Allah be pleased with them both)- said, the prophet (peace be upon him) said: “Two gifts from Allah that many people are cheated, -those are-: health and leisure”³

One can’t earn his family while the other can’t do his job well without health, even others can do nothing without it. Health perhaps not everything, but everything without it are nothing.

From many kinds of methods taken by human to keep their health well is producing drugs or medicines. This thing besides for keeping health, it also can be useful to cure someone’s illness. However, as a Moslem it is an

² Al-A’röf: 56

³ محمد بن إسماعيل بن إبراهيم بن المغيرة البخاري، أبو عبد الله. صحيح البخاري. رقم الحديث: ٦٤١٢. موقع

الأوقاف المصرية. المكتبة الشاملة من <http://www.islamic-council.com>

obligation to sharpen the eyes to choose which medicine that allowed based on precept and faith, for there are many kinds of conventional medicines that made from suspicion matter such an alcohol.⁴

Alcohol is a transparent fluid, easy to vaporize and move, with special odor. It is also flammable and gives the blue fire without any smoke, with the formula: C₂H₅OH.⁵

Nowadays, people consume medicines not just for the sake of its benefits, but furthermore they are also considering the lifestyle, the image and even the prestige. It seems that one has to do something which more than what he can do whereas, in such those thing, it is not allowed in Islam.

﴿ يَبْنِي ءَادَمَ خُذُوا زِينَتَكُمْ عِنْدَ كُلِّ مَسْجِدٍ وَكُلُوا وَاشْرَبُوا وَلَا تُسْرِفُوا ۗ ۝﴾

﴿ إِنَّهُ لَا يُحِبُّ الْمُسْرِفِينَ ﴾

“O Children of Ādam! Take your adornment (by wearing your clean clothes), and eat and drink but waste not by extravagance, certainly He (Allah) likes not *Al-Musrifūn* (those who waste by extravagance).”⁶

Or even the opposite of those, they don't care of what material that the medicines were made, the proper thing is to take the function, the practical, and surely it's cheap. According the observation that writer did, most of

⁴ Drs Sartono. “*Racun dan Keracunan*” (Jakarta: Widya Medika), p 259

⁵ BrigJend Pol Purn Miss Jeanne Mandag SH *et al.* “*Masalah Narkotika dan Zat Adiktif Lainnya Serta Penaggulangannya*”. First Edition. (Jakarta: Pramuka Saka Bhayangkara), p126

⁶ Al-A'rāf: 31

consumers don't really care about what are the medicines made from.⁷ Furthermore, there was who said that the alcohol is used just as a solution, not as a main ingredient of drugs.

Pursuant to fact exist in marketing that dozens of alcoholic medicines rate more than boundary 1%, on the other hand, in the reality quite a few other medicines which is not alcoholic or at least its very low alcohol rate. With the reason of necessity, can those still be permitting?

Later; Then, in opportunity of event of Muzakarah Commission Religious advices of MUI about alcohol that goes on in the year 1993, dr. Kartono Muhammad MPH as the chief of Indonesian Doctor Association (IDI) at that moment told, that alcohol function in medicines, have earned to be replaced with other materials, so that it is suggested to look for alternative substitution of alcohol with type of other solution which more peaceful according to Islamic Law.⁸

Islamic law forbids Moslems to do or use something that suspicion, such Muslim said in his *sahih*,

﴿حَدَّثَنَا مُحَمَّدُ بْنُ عَبْدِ اللَّهِ بْنِ نُمَيْرٍ الْهَمْدَانِيُّ حَدَّثَنَا أَبِي حَدَّثَنَا زَكَرِيَاءُ عَنْ الشَّعْبِيِّ عَنْ
 النُّعْمَانِ بْنِ بَشِيرٍ قَالَ سَمِعْتُهُ يَقُولُ: سَمِعْتُ رَسُولَ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ يَقُولُ وَأَهْوَى
 النُّعْمَانُ بِإِصْبَعِهِ إِلَى أُذُنَيْهِ إِنَّ الْحَلَالَ بَيْنَ وَإِنَّ الْحَرَامَ بَيْنَ وَبَيْنَهُمَا مُشْتَبِهَاتٌ لَا يَعْلَمُهُنَّ كَثِيرٌ
 مِنَ النَّاسِ فَمَنْ اتَّقَى الشُّبُهَاتِ اسْتَبْرَأَ لِدِينِهِ وَعِرْضِهِ وَمَنْ وَقَعَ فِي الشُّبُهَاتِ وَقَعَ فِي الْحَرَامِ
 كَالرَّاعِي يَرْعَى حَوْلَ الْحِمَى يُوشِكُ أَنْ يَرْتَعَ فِيهِ. أَلَا وَإِنَّ لِكُلِّ مَلِكٍ حِمَى أَلَا وَإِنَّ حِمَى

⁷ This observation was taken at Drugs' Store of La-Tansa, where the writer stayed.

⁸ <http://www.indohalal.com/artikel.php-noid.158>. "Menggugat Status Hala! Obat Beralkohol ". (Taken on 7/11/2008)

اللَّهُ مَحَارِمُهُ أَلَا وَإِنَّ فِي الْجَسَدِ مُضَغَةً إِذَا صَلَحَتْ صَلَحَ الْجَسَدُ كُلُّهُ وَإِذَا فَسَدَتْ فَسَدَ
الْجَسَدُ كُلُّهُ أَلَا وَهِيَ الْقَلْبُ ﴿

“Nu’mān bin Bashīr (Allah be pleased with him) reported: I heard Allah’s Messenger (SAW) who said (and Nu’mān pointed towards his ears with his fingers): What is lawful is evident and what is unlawful is evident, and in between them are the things doubtful which many people do not know So he who guards against doubtful things keeps his religion and honor blameless, and he who indulges in doubtful thing indulges unlawful things, just a shepherd who pastures his animals round a preserve will soon pasture them in it Beware, every king has a preserve, and the things God has declared unlawful are his preserves Beware in the body there is a piece of flesh; if it is sound, the whole body is sound, and if it is corrupt the whole body is corrupt, and hearkens it to the heart”⁹

Besides those all, many side-effects that can be providing by consume an alcohol in medicine, one of those is malfunction of heart, pancreas, human side and others¹⁰

Based on those case, writer will try to analyze it’s law in Islam, and what other side-effects can be provide by consuming alcoholic medicine that used an alcohol as the solution of other active materials which consist in it.

B. PROBLEM FORMULATION

Based on the background of study above, writer formulated the problems as bellow:

1. What is the truly function of alcohol in making medicines?
2. What is the law of consuming alcoholic medicines in Islam?

⁹ Hadist told by Muslim. “*Shohih Muslim. chapter 20: Accepting That Which Is Unlawful And Abandoning That Which Is Doubtful*”. No: 2996

¹⁰ Jeanne. Op Cit. p. 136

C. PURPOSE OF STUDY

Towards the problem formulation above, writer purposes his study as following:

1. To find out the truly function of alcohol in medicines
2. To know what is the law of consuming alcoholic medicines in Islam

D. SIGNIFICANCE OF STUDY

According to the purpose of study, writer should divide the significance of study into two parts, those are:

1. Theoretical Significance:
 - a. The knowledge development of writer especially and readers commonly, in the usage of alcohol in medicine according to Islamic law.
 - b. Brings the students of institute to have a deep thinking about using medicine that has something suspicion within.
2. Practical Significance:
 - a. As contribution towards the scientific view especially in such problem.
 - b. To be consideration for most people to choose the medicines that appropriates with Islamic law.
 - c. As an input for most companies which use the suspicion matter on their products, especially medicines.

E. LITERATURE REVIEW

Some experts nowadays have done a great deal in revealing the problems about something that perhaps can be a substitution of suspicion matters, and also to conclude the influences which may be caused by consuming medicines that have a suspicion matter in it, so that they may be able to -at least- decrease those, however no body's perfect, to Him the Almighty we ask for help.

Based on this situation, writer tries to find the solving for this problem in some literature books of it, in his efforts to complete these studies

Although this research is more speaking about the medicines, it would be good enough to explore “القانون في الطب” which written by *Ibnu Sina*, contains the amazing information and law of medical treatment. But unfortunately, there are just a small numbers of study contain alcoholic medicines.

Speaking about Islamic law, the writer observes the book, “*Ilmu Ushul Fiqh*” of Drs. Beni Ahmad Saebani M.Si which explains about Islamic law, comprehensively enough. But there are less explanation of the aims of Islamic Law, and the study of problems related to the chapter.

Meanwhile, “*The Chemistry for College*” written by Charles W Keenan, Donald C Kleinfelter and Jesse H Wood with their book, Which has translated by, Aloysius Hadyana Pudjanatmaka, PhD into “*Ilmu Kimia Untuk Universitas*”, were really helpful for its contain about alcohol and its various.

But again in that book there are just a few study of the effect of alcohol into human body.

In the otherhand , “ *Benang Tipis Antara Halal dan Haram* “ written by *Hujjatu-l- Islam*, Imam Gozali would enrich this research. For its’ contain of the definition of allowed and proscribed (Halal & Haram) in Islam, and also the clasifications of food into the allowed and proscribed in Islam. Unfortunately not as comprehensive as the writer wanted to be, for there is not enough description about alcoholic medicines.

Also the book “*Masalah Narkotika dan Zat Adiktif Lainnya Serta Penanggulangannya*” written by Brig. Jend. Pol. Purn. Miss Jeanne Mandag SH and friends consist of the introduction, pharmacology, and the dangerous of alcohol, would become a good source for this research. But it is very regrettable that there was less statement of the allowed amount of alcohol used in medicine.

Next, the book “*الخمر و الحياة*”, written by Dr. Ahmad Golwash, is surely explains about alcoholic liquor and its effects to the body as well as to the life comprehensively enough. However, once again, there was also less explanation of using it in the medicine as relating to this study.

And so the phenomenal book “*The Lawful and the Prohibited in Islam*” by Yusuf Qordowi, descript some matter in Islamic law concerned to the using of the alcoholic medicine, but still, the amount that allowed on using it in medicine is not transparently explained here.

The other book “Racun dan Keracunan” by Drs. Sartono that expected by the writer in the details of the allowed amount of using the alcohol in medicine at once also the dangerous of consuming alcoholic medicine is coming up with the expectation. However, there is still lack of how does the Islamic law concern to the problem.

Those all books do help writer to have enough the comprehensive view about consuming alcoholic drugs or medicines according to islamic law. But unfortunately, writer enable to find a specialize and particular research of it. For those are written and explained the elements partially.

F. THERORITICAL FRAMEWORK

The writer searches for this chapter “consuming alcoholic medicines according to islamic law” and will be studied in normative approach, that analysing the case through the principle rules of life and its sincronization with the norm and law based on Al-Qur’an and Prophetic Traditions.¹¹

Based on the tittle above, there are some variables that wish to be explained:

Consume, it is to eat or to drink something especially in large ammounts.¹² It includes the injection, for this kind of consuming is taken inside the body, yet in a different way.

¹¹ Drs Peter Salim. “*Kamus Bahasa Indonesia Kontemporer*”. Third Edition. (Jakarta: Modern English Press), p. 1031

¹² Microsoft® Encarta® 2006 © 1993-2005 Microsoft Corporation “*Consume*”

Alcoholic medicine Alcohol in epistemology is colourless volatile inflammable liquid, esp as the intoxicant in wine, beer, spirits, etc, and as a solvent, fuel, etc.¹³ And, in terminology, such this explanation bellow:

In chemistry alcohol 'Arabic: 'الكحول' transliterated as *al kohl*' is an organic compound in which a hydroxyl group (-OH) is bound to a carbon atom of an alkyl or substituted alkyl group. The general formula for a simple acyclic alcohol is $C_nH_{2n+1}OH$. In general usage, the word alcohol, when used alone, usually refers to ethanol, also known as grain alcohol or (older) spirits of wine. Ethanol is a strongly-smelling, colorless, volatile liquid formed by the fermentation of sugars It also often refers to any beverage that contains ethanol.¹⁴

Medicine is drug etc for the treatment or prevention of disease, especially taken by mouth,¹⁵ injection etc.

Islamic law is a "way" or "path"; it is the legal framework within which public and some private aspects of life are regulated for those living in a legal system based on Muslim principles of jurisprudence.¹⁶

Thus, the meaning of consume is to consume medicine that contain or use the alcohol as the solution for any other materials that insoluble by any other solutions, and the Islamic view towards this problem.

Some experts may differ in their opinion about this problem. Agus Kuantu, the Product manager of medical Company said that the alcohol in medicine used as the solution and preservative only, so it doesn't matter to be

¹³ AS Hornby. "Oxford Advanced Learner's Dictionary of Current English". Twenty-fifth Impression. (Great Britain: Oxford University Press 1987), p.21

¹⁴ <http://www.enwikipediaorg/wiki/Alcohol>. (Taken on 5/4/2005)

¹⁵ Hornby, *Op. Cit.*, p. 528

¹⁶ Enwikipedia. *Loc. Cit.* shari'a

consumed by Muslim society, for its function that there is no connection for curing patients' illness. Furthermore, senior Brand Manager of Medical Company too also said that the medicine that contains alcohol in it, it is just in a very small number. So when the sick consumes that medicine, the alcohol would not have much effect to the body.¹⁷ They keep the reason that the Supervisor of Medicines and Foods Institution (Badan Pengawas Obat dan Makanan), have given them permission to circulating their products in market. It becomes hard evidence that the medicine that contains alcohol within is secure.

But on the other hand, 'Aishah Girindra, the chief of Supervisor of Medicines and Foods Institution of MUI explained that if there is still another medicine without any alcohol used as anything in it, it is recommended to consume it rather than the alcoholic medicines. Her explanation denotes that in any numbers of alcohols used in medicine surely have bad effects into human body.¹⁸

G. RESEARCH METHOD

To reach the purpose of this research, the writer has to use the method that compatible with the chapter. In that case, the writer would use the method of Prof. Dr. Suharsimi Arikunto. Thus, by using the methods bellow:

¹⁷ <http://www.gizi.net/cgi-bin/berita/fullnews.cgi?newsid1145352304,54296>. "Khasiat Obat Batuk tak Tergantung Kandungan Alkoholnya "

¹⁸ Ummi Magazine. "*Karena Umat Harus Dilindungi*" (Special edition, March 2007), p.

1. Kind of Research

This is literature study, which uses the conceptual approach analysis; it is to make the books as the primary source in collecting data.

2. Data Sources

In order to write this research, writer classifieds the data sources into two parts, those are:

- a. Primary data sources which are taken from some books related to the title.
- b. Secondary data sources which are taken from papers, newspaper, magazines, websites, etc used to find more data related to the title to support the primary data sources.

3. Method of Data Collecting

In order to collect data, writer will use two supplementary methods, those are:

- a. Observational Method, it is a method that collects the data by observation and writes it down as a data.¹⁹ The writer uses this method to collect and analyze some concepts of consuming alcoholic medicines, and also to observe the consumers' buying-product of the alcoholic medicines as well as observing the content of some

¹⁹ Prof Dr Suhasimi Arikunto. "*Prosedur Penelitian 'Suatu Pendekatan Praktek'*". Revision Edition. (Jakarta: PT Rineka Cipta, 1998), p 234

medicines at the “*La-Tansa*” drugs store where the writer lived in that time.

- b. Written Records, it is looking for data in some books, literatures, newspapers, internet, etc.²⁰ Writer would use this method to collect data from those writings or ideas towards consuming alcoholic medicines.

4. Method of Data Analysis

In order to complete this research, the writer concludes the method of data analysis, after collecting some data, those are:

- a. Inductive Method, it is the method of processing data reached by the logical method from particular into general.²¹ The writer uses it to conclude the experts’ views on consuming alcoholic medicines according to Islamic Law based on nowadays occurrence.
- b. Deductive Method, it is the method of analogical processing data from general into particular. The writer would use the method to describe the general concept of consuming alcoholic medicines according to Islamic Law.

²⁰ *Ibid*, p. 236

²¹ Dirjo Sartokerto. “*Metode-metode Penelitian Masyarakat*”. (Jakarta: Gramedia, 1997), p. 71

- c. Method of Data analysis, it is the method to analyze those contains of the revealed text mentioned.²² It will used by writer to analyze the collected data related.

H. SYSTEM OF STUDY

Managing this research, the writer divides it into four chapters, those are:

Chapter one, it begins with introduction of this research. Contains of; background of study, problem formulation, and purpose of study, literature review, theoretical framework, research method and system of study.

Going to the second chapter, contains of general view on consuming alcoholic medicine and Islamic law, hence from that side it will have four separations. The first is about the alcohol. It contains; the definition of alcohol, the history of it, the function-in the other words the harms and benefits of alcohol- generally, and the alcohol and a brief about *khamr* or alcoholic beverage. Next is the general view of consuming alcoholic medicine, which explains the definition of alcoholic medicine, the history of alcoholic medicine, and a brief about alcoholic medicine comprehensively with some example of medicine that contain alcohol more than what it should and the next is the definition of the consuming itself.

The next part is the general view of Islamic Law, which consists of; the definition of Islamic Law, and the related texts about consuming the

²² Arikunto. *Op Cit.*, p. 240

alcohol, driven either from the Holy book, *As-sunnah*, or from the Islamic scholars in their jurisprudences.

Steps to the next chapter; three, it will be the writer's observation on consuming alcoholic medicine according to Islamic law. There would be separated into two; *First*, it's about the function of alcohol in medicine, which includes the truly function of alcohol in medicine and the allowed amount of it in medicine. *Second*, the law of consuming alcoholic medicines in Islam, which consists of the effect of consuming alcoholic medicine, and the law of consuming alcoholic medicine in Islam based on the text related to the problem.

Afterward, the forth chapter is the end of this research, conclusion and suggestion would be written there.