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## ISLAMIC SOCIOLOGICAL PERSPECTIVE ON SOCIAL DEVIANCE OF *KHAMR* DRINKING

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### Abstract

Fundamentally, the studies on *khamr*, from the Islamic studies, are on *fiqh* discussion. Meanwhile, theoretically, western sociologists discussed the topic involving *khamr* drinking in the context of social deviance related to addiction and the causes of drinking that harm others, such as accident driving, violence, and crime. This article offers a sociological view of *khamr* drinking by having the *fiqh* of *khamr* as a framework to guide the perspective. Therefore, this research will provide other researchers with another viewpoint of deviance on *khamr* drinking. This library research relies on Al-Quran and Al-Hadith as primary sources and related works of literature as secondary sources, thus applying thematic analysis. This study found that the Islamic sociological perspective on the social deviance of *khamr* is based on the Islamic social system that involves the element of *tauḥīd* which drinking is considered deviant not by society but by Allah as the source of Muslims' norms. From western sociologists, it is up to the norms of certain groups in society's culture since the discussion of the social system is limited to the interaction between humans and humans. These distinct viewpoints are due to different interpretations of the concept of religion, belief, faith, and social systems.

Keywords: *Khamr* Drinking, Social Deviance, Deviant Behavior in Islam, Islamic Crime, Alcohol and Arak.

### INTRODUCTION

The topic of deviance is usually associated with criminology. However, deviance and crime are two different things, but in some cases, they overlap. The concept of deviance is more general and broader than crime. Some deviant behaviours are sanctioned by laws, and some are not. However, crime is an action that totally breaks the law and disrupts the stability of society. Crime is one type of deviant behaviour

that covers a variety of practices, whereas deviance is a behaviour that violates the social norm and is either harmful or harmless.

In the case of *khamr* drinking, it has been seen as a culture that varies according to the scope of the country, region, races, ethnicities, and even a group in the community. Drinking is considered as a proper norm for certain societies based on days, times, places, or occasions, the types of *khamr*, and the system of social control about drinking.

Therefore, *khamr* drinking can be part of accepted culture or act of deviance or even more a crime. Drinking is a crime when the consequences of drinking lead to immoral behaviours such as violence, sexual abuse, adultery, or murder. However, drinking is seen as deviance when some individuals in a certain group break their norm when they consider drinking unacceptable even when it does not physically harm or annoy others, and even the practice of drinking is a personal right, and they practice it privately.

Islamic concept on deviance and crime in *khamr* drinking topic is different because Islam is a comprehensive system of life that systemises nature's laws that are synergized with the concept of religion, philosophy, and culture for human development in the form of belief and practices. Any deviation from the right path of human righteousness is regarded as cruelty to oneself. Furthermore, individual human rights must not cross the boundaries of the obligations of humans as the servant of Allah. Obedience to Allah's commandments guarantees the peace and the wellness of humans' life. This article will discuss *khamr* drinking from the sociological domain in the Islamic framework of social deviance.

## **SOCIAL DEVIANCE FROM THE WESTERN SOCIOLOGISTS' PERSPECTIVE**

The action that breaks any culture's drinking position in society is considered a norm violation and called social deviance, as noted by Kendall (2011). Such deviance is reflected by the behaviour, belief, or condition that violates significant social norms in the society or group in which it occurs. As well as being concluded by Giddens (2009), deviance is seen as a non-conformity to a given set of norms accepted by a significant number of people in a community or society. Similarly, when drinking causes harm to others and causes many troubles, it increases crime and could become a law violation. To some extent, deviance frequently overlaps with social problems, criminology, and mental illness. Not all norm violations are law violations, and not all norm violations are social problems, but all forms of violations (norm and law) are considered deviant behaviour (Liska, 1981).

Durkheim (2013) concluded that crime, which is part of deviance, is normal and necessary in society because it is useful to find justice and leads to social integration and social change (evolution). Crime, regarded as evil, functions to distinguish between good and the moral boundaries that society can learn. Normal and abnormal, good, and evil never can be decided since deviation is seen differently because of the diversity of society. Merton (1938), who later continued using Durkheim's approach, defined the classified deviated behaviour based on four adaptations toward achieving the cultural goals and institutionalised means: conformity, innovation, ritualism, and rebellion.

Erikson (1964) viewed deviant behaviour is something that shall not be easily concluded as the cause of social disruption. In a controlled quantity, there is space for maintaining the stability of society. In that limited sense, deviance can be seen as normal behaviour among the abnormal group in a major group of society; thus, in the context of that abnormal group, the 'deviant' behaviour may unite them as part of society members. This may be why he defined deviance as conduct that seeks the attention of social control through social agents because he believed that deviance is not an inherited possession but conferred from audiences either directly or indirectly. Then, social control leads to comparison, judgment, and placement in society between the deviants and non-deviants.

Becker (1963) has termed the deviants as 'outsiders' who are seen to act differently from the average society or from the circle of 'normal' members and those who failed to obey the group rules (rule-breakers). They are being labelled and judged by the people. The degree of deviant behaviour depends on who commits that behaviour and who is harmed by that action. For him, deviance is the interaction between committers and those who responded to it. However, from the perspective of the deviant group, those who make the social rules are found guilty. Deviant groups have their own self-justifying rationale (ideology) on what kind of action they committed, thus making them continue in their own ways.

In fact, who has the right to force people to accept and follow the rules without consent? For Becker (1963), those who are perceived as deviants may falsely be accused by the people when, in the actual situation, he has not done so. However, the secret deviant, he or she is not seen as a deviant by society, although he or she is involved in the improper act, and nobody notices it. He believed that the act of deviance is committed unintentionally for the first time and socially learned, and it has a social character. As he studied marihuana users from a group of dance musicians, he concluded that deviant behaviour occurs when the social control breaks down to maintain the value forms of behaviour. Deviance is a product of the enterprise required to get the rules made.

## **KHAMR AND DEVIANT BEHAVIOUR IN ISLAM**

*Khamr* is taken from an Arabic word that refers to each intoxicating substance that comes from multiple sources, such as fruits and sweets and is known by many names that refer to the characteristics of *khamr* (Muhammad 'Ali Al-Bār, 1984). From the context of Arabic to English translation, Lane (1863, p. 808) translated *khamr* as wine or grape-wine or what intoxicates from the expressed juice of grapes, whereas T.B Irving (1988) translated *khamr* as liquor and Seyyed Hossein Nasr (2015) translated *khamr* as wine. He also explained that even verse in *Surah Al-Baqarah* verse 219, mentions specifically the word wine, but the Islamic law understands that this ruling is to apply to all alcoholic drinks. It is widely understood and called just 'alcohol' to refer to any alcoholic drinks.

As a matter of fact, *khamr* must not be easily interpreted as alcohol, and alcohol must not be pointed directly as drinks because both of them are two different things, but they are interconnected. In short, *khamr* contains alcohol, but alcohol is not *khamr*. It can be concluded that *khamr* refers to any liquid that comes from any source of ingredients, which specifically made it as drinks that contained alcohol and were able to cause intoxication.

In Islam, *khamr* is one of the prohibited things and any action related to *khamr*, which is mainly drinking, is considered one of the great sins. Drinking *khamr* is regarded as an act that is disgusting, despicable, and dirty. It is the practice of *syaitān* to cause chaos to those practising it, as mentioned in *Surah Al-Māidah* verses 90-91.

*Khamr* drinkers are categorized as *al-'aṣāh* (it means those who believed in Allah as the only God and Prophet Muhammad as the Messenger of Allah but disobeyed the commandment made by Allah) and as the Muslim *fāsiq* who disobeys and deviates from the Islamic teaching (the sinner) (Abdul Karim Zaydan, 2000, p. 406). This prohibition is categorised as a fixed law (*qaṭ'ī*).

Historically, *khamr* prohibition happened gradually to give time for Muslims to notice, think, be aware, believe, and then obey the commandment in full because Muslims (especially Arabians) had made drinking a culture. Hamka (1982) interpreted that the gradual process of *khamr* prohibition is because the level of intelligence of human beings is different, and this approach (*al-tadarruj fi al-tashri* ') is considered a systematic method.

According to Ibn Kathir (2006), the prohibition of *khamr* happened in three stages. It began with a hint that there are other forms of good sustenance other than *khamr* through *surah Al-Nahl* verse 67. This verse shows that *khamr* is not a suitable type of sustenance; it introduces the *khamr* prohibition verses in the Quran later (Sayyid Qutb, 2010, p. 163). Ibn Kathir (2006, p. 738) interpreted that because human beings are

noble, they must be protected from drinking something that can cause intoxication (*khamr*) because it disrupts the function of the mind.

The first stage that discouraged *khamr* consumption was seen in *Surah Al-Baqarah* verse 219. This verse compared the positive and negative aspects of drinking *khamr* to encourage people to think deeply about the consequences of consuming *khamr*, which has more negative than positive impacts. The reason for this verse's revelation is based on *du'a* recited by Umar Al-Khattab that asked Allah to clearly explain the status of *khamr* (Ibn Kathir, 2006). Seyyed Hossein Nasr (2015) cited what al-Qurtubi mentioned about the benefits of *khamr* to mankind that it helps their digestion, makes miserly people magnanimous, gives boldness to the timid, gives colour to the face, helps one to have sex and makes one feel good for a short time. However, the disadvantageous of *khamr* make people intoxicated, leading to loss of one's rational faculties, quarrelling, violence, promiscuity, impaired judgment, and forgetting the remembrance of God.

The second stage is through *Surah Al-Nisā'* verse 43. This verse specifically addressed those who wanted to perform *ṣolāh*; they must avoid the drinking of *khamr* because intoxication condition leads to the incorrect recitation of Quran and degrading the quality of the prayer. It is based on what had been happened to Ali bin Abu Talib (the fourth caliph of Islam) when he wrongly recited *surah Al-Kāfirun* (Ibn Kathir, 2006). Muslims must ensure they are sober for prayer and know what they recite. After this verse was revealed, Muslims would drink *khamr* after evening *ṣolāh* (*'ishā'*), the last prayer of the day. This stage showed partial prohibition of *khamr*, and its consumption had yet to be totally banned.

Finally, in *surah Al-Mā'idah* verses 90 and 91, it was recorded that Allah reminded those who believe in Him (*mu'min*) to avoid *khamr* because it is the first point of downfall that could lead to other people's sinful acts with the ultimate aim to encourage people from not remembering Allah. *Mu'min* must avoid *khamr* to become victorious Muslims. This verse is categorised as *ayāt al-aḥkām* or *al-muḥkām*, which means it uses firm words to differentiate between right and wrong (Manā' al-Qaṭṭān, 2006).

Therefore, drinking *khamr* is considered both, deviance and crime in the Islamic viewpoint. It is deviance because of the violation of Allah's law and also social deviance to the Muslim community. It is also a crime (*sharī'ah* crime) because *khamr* drinking is categorised under the right of Allah, which is *ḥudūd*, where the punishment has already been decided. Someone is considered deviant when he or she breaks Allah's laws, which will automatically implicate them as breaking the norm of humankind in the Muslim community. The crime toward human beings is the crime towards Allah and vice versa. Any crime is a norm violation in the Muslim community

because the source of norm formation is based on the revealed knowledge designed by Allah, and Allah is the source of reference for Muslim social norms.

Farid Younos (2011) also categories deviance in Islam into six; (i) legal deviance: disobeying Quranic law and the civil law of society, (ii) social deviance: violating social manners that are grounded with Islamic framework, (iii) economic deviance: breaking the law such as gambling, charging interest to borrowers and refusing to pay *zakāh* for those who are capable, (iv) religious deviance: showing off their ritual practices to obtain public attention and disrupting others' right in religious matters, (v) cultural deviance: mocking and insulting the accepted norms of society and (vi) psychological deviance: feeling superior and looking down and criticising others, even though sometimes they also make the same mistake.

Hence, drinking *khamr* is one of the clear examples of legal deviance in Islam because drinking is prohibited in the Quran. In Muslim countries, drinking in public is illegal. It is also regarded as social deviance and cultural deviance. Islam sees *khamr* drinking as harmful deviance that society must not tolerate at all to avoid social disruption. The prohibition of *khamr* drinking in Islam highlighted that obedience toward Allah's law is primarily for the sake of human life socially. Any action that destroys humans individually will harm others collectively, which is regarded as a sin toward Allah. As well as, any action across the boundaries of *sharī'ah* is a threat to humans socially.

Even though *khamr* in Islam is prohibited and is not limited to the drinking act alone, only the act of drinking has a specific punishment determined by *sharī'ah*. Muslim drinkers face two types of punishment related to the offence of drinking *khamr*. The first one is implemented in this current world and named *ḥudūd*. *Hudūd* is one of the crimes and punishment in Islam that means limitations, which is a fixed law according to the Quran and Hadith on its rate and types, which is different from *qiṣās* and *ta'zīr*. Crimes under the *ḥudūd* category are considered violating the rights of Allah. These consist of drinking *khamr*, adultery, stealing, robing, apostasy, and *qadhaf*, which is accusing of adultery (Abdul Monir, 2000; Aishath Muneeza & Ismail Wishari, 2011; Mustaffa Al-Khin, Mustaffa Al-Bugha, & Ali Al-Sharh Yahya, 2006).

The punishment of drinking *khamr* is 40 whip strokes with particular conditions (*thabit*). First, the accused person (drinker) must be proved their offense with clear evidence (*al-bayyinah al-kāmilah*) and second from their confession (*al-iqrār*). If the drinkers vomit and their breath and mouth smell of *khamr*, it cannot be accepted as evidence or confession because they could have drunk it by mistake or were forced, and this condition is excluded from punishment. This is warned by a hadith narrated by 'Āishah recorded by Al-Tirmīdhī (1983:1447).

The 40 whip strokes are according to *ḥudūd* as practiced by Prophet Muhammad. During the time of 'Umar Al-Khattab, he increased the strokes to 80 times because the offense of drinking leads to other offences, which are lying and accusing others of committing adultery. This is called *ta'zīr*, where the government decides the extra punishment. However, the *fiqh* scholars concluded that 40 strokes of the whip are the foundation of drinking *khamr* punishment because that is what Prophet Muhammad did and it is adequate. If the drinkers have no idea about the prohibition of drinking, there is no punishment for them (Al-Mawardi, 2006). The most important thing is that punishment cannot be executed when the drinkers are intoxicated. This is because the objective of punishment is prevention. The punishment must be postponed until the drinkers are conscious so that they realise and self-reflect upon their wrongdoings after the punishment. In addition, the drinkers or any offenders who are related with *ḥudūd* punishment cannot be forced to surrender to the judge for judgement. Even more, they must also repent with true repentance (*taubatan naṣuḥā*) to Allah. This is according to a hadith narrated by Anas Bin Malik recorded by Al-Bukhāri (2004:6823).

The second punishment will be implemented on the Day of Judgment (*yaum al-qiyāmah*). The execution of retaliation from Allah in the hereafter depends on Allah, and the punishment will definitely be terrible if they do not get forgiveness and mercy from Allah. This is based on a hadith narrated by Jābir recorded by Al-Muslim (2006:2002).

In truth, the prohibition of drinking *khamr* is meant only to be applied to this world. Muslims are free and welcome to drink *khamr* in the hereafter as a reward and the enjoyments in Heaven due to their obedience to Allah's commandment as recorded in *Surah Muhammad* verse 15.

In addition, *khamr* is considered as a symbol of spiritual absorption for Sufists in manifesting their love towards God (*ma'rifah*). The excitement in professing love makes them intoxicated like drinking *khamr*. Although drinking is prohibited in this world, the pleasure of *khamr* is bestowed to and felt by the Sufists through their spiritual enthusiasm journey as mentioned by Seyyed Hossein Nasr (2015).

The current world is a world of tests. Muslims must be tested on their belief and practice of Islamic teaching to make them deserving of Heaven; thus, the prohibition of drinking *khamr* is one of the tests that Muslims must obey for the sake of *al-falāḥ* in this world and the hereafter. *Al- 'Ankabut* 29:2-3

## DIVERSE PERSPECTIVES ARE DUE TO DIFFERENT INTERPRETATIONS OF THE CONCEPT OF RELIGION, BELIEF, FAITH AND THE SOCIAL SYSTEMS

In general, Western sociologists have various standpoints on the relationship between religion and society. They think religions are socially constructed by humans and not being decreed by God. Religion is also a subunit of culture in that people share the same ideas, rituals, and a sense of purpose. Religion is one of the social institutions which continuously plays an essential role in the social aspect of human life (Giddens, 2009). Highlighting the concept of faith and belief, sacred and profane, sins and reward, as well as rituals practices such as religious experience, religious beliefs, and religious rituals.

According to Durkheim (1995), religion is a system that unites faith with the practice that merged into a single moral community known as the church. It is the symbol that people attach firmly to it. He strongly believed that religion is the key to social solidarity in society. Weber (2005) saw religion as the response to human needs for god and the divine. He also asserted that the belief in religion has a substantial effect on economic activities, particularly in terms of work ethics (English Puritanism) among the Protestants. For Marx (1970), he claimed that religion is the opium for the people, it depended on the economy, and it is an illusion to create reasons to keep society functioning as requested by an alien, which is an unknowable being which is God.

However, through the definition of religion (*dīn*), Islam carries the meaning of interaction and bonding between two parts. The first part is reflected in the act of obedience and conformity, whereas the second part is reflected in the nature of commandment and power. That interaction is guided by law. *Dīn*, from the etymology definition, is the concrete fundamental principle of the community in society, either in the theoretical or practical forms (Al-Qaradawi, 2007a). Islam is an essential foundation that overshadows all aspects of life. Islam explains the interaction between humans and Allah and the interaction between humans and humans (*Surah Āli ‘Imrān* verse 112).

The relationship between humans and Allah is *‘ibādah* interpreted as a vertical relationship (*ḥabl min Allāh*). Humans interact with Allah through practical worship acts such as *ṣolāh* and fasting that form *taqwā* (steadfast obedience toward Allah). *Taqwā* is a characteristic that secures and observes human behaviour all the time in line with the meaning of *akhlāq* with Allah. A vertical relationship is the manifestation of direct interaction between the creations (human) and the Great Creator (Allah), who deserves a high place (above). Whereas the interaction between humans and another human is *mu‘āmalah* a horizontal relationship (*ḥabl min al-nās*) to represent that



humans are equal. Both interactions must be implemented in a Muslim's life to balance and integrate spiritual and physical needs (Zulkiple, 2003). The vertical interaction is the foundation of knowledge and society in producing a strong and solid social construct because Allah is the absolute truth. The truth is only gained from Allah. The closer humans are to Allah, the better society will become. In measuring the relationship between humans, all their manifestations depend on the quality of their level of trust in Allah (Ahmad Kamar, 1982, pp. 39-59).

The interaction between humans and other humans must be upheld with compassion and love for each other as mentioned in *surah Al-Rūm* verse 21 and *surah Al-Shūrā* verse 11. They must also uphold the balance between an individual's interests and society's interests. The prosperity of the *ummah* must surpass the individuals' interests (Mohd Kamal, 1994). Muslim *ummah* can literally be translated as the Muslim community that has been defined beyond race, nationality, and geographical borders. It is not economically based on social classes, but it is based on the faith in Islamic teaching that forms the brotherhood spirit as a system of relationship (*ukhuwwah*). Muslim *ummah* is governed by the *sharī'ah* that functions to strengthen the relationship between humans with humans as well as a human with God. The term *ummah* is a universal term that goes beyond ethnic, social class, language, or culture and fundamentally unity of the brotherhood of Muslims (A.R Momin, 2017). Hence, the *ummah* concept is universal. Ideally, the Muslim *ummah* must not be extreme (*mutashaddidun*), radical, and too liberal or too simplistic (*mutasaḥḥilun*). To be acknowledged as the finest community, they must maintain the balance in everything and exercise moderation (*wasatīyyah*) (Farid Younos, 2011).

The ideal state of being an *ummah* is possessing the same faith and coming together in harmony, and sharing the same goal (Ali Shari'ati, 1979). Ibn Khaldun (2014) defined his theory on civilization (*'umrān*), emphasising that each individual in society must fulfil their obligation as a *khalīfah* to prosper this earth by interacting with each other to fulfil their social needs. They must be fought against tyranny and defend each other. The primary obligation of being a *khalīfah* is stated in *surah Āli- 'Imrān* verse 110. One of the principles of the Islamic state is the formation of the Muslim *ummah*, who have a special mission to accomplish based on the basic framework of *'ibād al-rahmān* as stated in *surah Al-Furqān* verses 63 to 68 (Mahmoud Ayoub, 1994).

Islamic values have an organic relationship with the universal worldview of Islam regarding God, human, and nature. Values associated with social life, economy, politics, and culture have the same source and root from Allah as the Lord, The Sustainer, and The Nourisher of this universe. All those things are tied with the obedience toward the only one evaluation, which is the blessing from Allah (*riḍwānullāh or marḍātillāh*). The pattern of Islamic teaching in the concept of society is founded with *tauḥīd* that is considered as *īmān*, being practised as structured in

*sharī'ah* that provides the various dimension as a religion, then it is appreciated through the implementation in all aspects of social life that is considered as culture. The culture that is based on Islamic teaching is implemented with *akhlāq*, as Islamic culture. Islamic culture upholds the principle of *taqwā* based on the Quran and Hadith (Mohd Kamal, 1994).

Culture is the worldview and way of life of a group or community consisting of beliefs, values, languages, institutions, traditions, and customs. Culture is learnt and acquired by humans in a social context. Culture is not a personal matter, but it is a shared value. Culture is a manifestation of the qualities and capabilities of humans in a collective manner (A.R Momin, 2017). Islamic culture is a universal culture that is derived from the Quran and from the tradition of the Prophet, which was specially designed for humans. It is based on natural laws and timeless beyond the boundaries of races and nationalities. Culture covers all aspects of this extensive life and can be divided into several disciplines known as cultural universals. The principle of culture refers to humanities, and even though changes happened, the principal acts as a foundation that remained fixed and evergreen through the years. The balance between this world and the world of the hereafter (*ākhirah*) is the result of the balance between religion and culture. If one of them is ignored, both will be disrupted. Thus, both culture and religion can be differentiated but cannot be separated due to their functions to create prosperity for each other (Sidi Gazalba, 1976). Islam is not only a doctrine, but it is a law of behaviour, a social system and also a culture concerned with having faith in God (Alijah Gordon, 2001).

As for the source of values in Islam, it is divided into *naql* (shreds of evidence from revealed knowledge) and *'aql* (human intelligent provided by Allah). The values that come from *naql* form the *akhlāq* whereas the values from *'aql* form the ethics. Value in Islam is a system of *Rabbāni* that comes from *naql* that are formulated as *sharī'ah*. The stages of values can be divided into five categories which are (i) compulsory (*wājib*), (ii) recommended (*mustahab*), (iii) neutral (*mubāh*), (iv) disliked (*makrūh*) and (v) forbidden (*ḥarām*) that controlled the Muslim behaviour. The measurement of values can either be positive or negative, and it is based on reward (positive) or sin (negative). The deviation of that value or *sharī'ah* is considered as a sin, which is the negative value. Sin is divided into sin to God and sin to humans. Usually, the sin involving humans is a social matter, but in Islam, the sin to humans is also considered as the sin to God because preserving human rights is one of the essential commandments (Sidi Gazalba, 1976). Whereas the principle of the norm in Islam is commanding right and forbidding wrong. Norm is the sunnah of the Prophet that is revealed by Allah.

Then, the law of nature, according to Islam, is known as *sunnatullāh*, which is Allah manages every single matter in this universe. As a general meaning, every creature is a Muslim, including animals, plants and other creatures that must obey Allah without any condition. However, for humankind, they are provided with 'aql that have been given the freedom to choose either to obey the commandment or vice versa. The rationale of 'aql for Muslims is determined by the faith (*īmān*). Therefore, even physically, humankind is basically Muslims, but spiritually they may be Muslims or *kāfir* who deny, disobey, and deviate from the laws of Allah.

Therefore, apart from the rights of Allah, the prohibition of *khamr* primarily seeks to protect the human and society themselves because drinking is not just about health issues; it is also related to the issue of immorality and criminality. This is what had been listed and explained in the purpose or objective of Islamic law (*maqāsid al-shar'iyyah*). The dimensions of *maqāsid al-shar'iyyah* are divided into three main scopes which are necessities (*daruriyyāt*), needs (*hājjiyyāt*) and luxuries (*taḥsīniyyāt*). All those three dimensions are classified as general *maqāsid*. The objective of Islamic law from the scope of necessities is to preserve faith (*hiḥẓ al-dīn*) and to protect the soul (*hiḥẓ al-naḥs*). In terms of needs, *sharī'ah* aims to protect the mind (*hiḥẓ al-'aql*) and wealth (*hiḥẓ al-māl*). Its purpose at the level of luxuries is to protect offspring (*hiḥẓ al-nasl*). See (Ahmad Al-Raisuni, 2009; Al-Syatibi, 1968; Jasser Auda, 2010; Mahmood Zuhdi, 2017). Al-Ghazali (1993/1413) named it as *al-uṣūl al-khamsah (al-maṣlahah)*.

The philosophy of *maqāsid al-shar'iyyah* on the prohibition of *khamr* drinking is meant to protect all those five elements as individual rights as well as society's rights, respectively. Everything that Allah forbids is because it destroys individuals and society. *Khamr* has been proven to destroy both spiritual and physical states. Every action that destroys oneself will also destroy a social relationship, which is considered a sin (Sidi Gazalba, 1976). Indeed, Allah's law is for the goodness of humanity; therefore, the right of Allah must be upheld for the social sake of society.

Protecting faith (*īmān*) is the central pillar of upholding universal well-being and gain *al-falāh*. In Islam, protecting the faith is not only by glorifying it; Muslims must express their obedience and love towards Islam through physical practice by doing what is asked and abstaining from what is prohibited. A Muslim is not acknowledged as *Mu'min* if they practise what is ordered, such as *ṣolāh*, *ramaḍān* fasting and paying *zakāh* but still commit prohibited acts like drinking *khamr*. The perfection of *īmān* is achieved when the people abide in everything that comes from Allah on the do's and don'ts. Hadith Narrated by Abu Jamrah recorded by Al-Bukhāri (2004:53) mentioned that the meaning of *īmān* by doing what is commanded and avoid the *khamr*.

Allah gives the freedom of choice to all mankind, but that freedom has a limitation, and each will be accountable on the day of judgment. For example, humans are free to choose what they want to eat and drink, but some foods and drinks are not allowed for consumption, such as drinking *khamr* (Mohd Kamal, 1994). Allah ordered humans to eat what has been provided on this earth, but it must be something good for their health, and the most important thing is that it is allowed according to *sharī'ah* as mentioned in *surah Al-Baqarah* verse 168.

In terms of protecting the soul and mind, in Islam is considered valuable and must be protected and secured from any risks. Protecting the soul also means self-security, self-care, and self-esteem, and also achieved by taking healthy food and beverage that are allowed (*ḥalālan ṭayyiba*) and avoiding prohibited and unhealthy food. *Khamr* is both considered prohibited and unhealthy. The mind is the symbol of human rationality and intellectuality that differentiates them from animals and other creatures. Islam is very concerned about the mental health that entitles a person to take responsibility for the *sharī'ah* commandment. Those who have mental problems are excluded from the category of *mukallaḥ*. Drinking *khamr* is clearly known and has been clinically proven to cause an irrational mind that leads to misbehaviour and disturbance to oneself and the surrounding people (Sharifah et al; 2017& Zulkifli et al; 2017).

*Khamr* causes harm (*ḍār*). Islam forbids something that damages the body as mentioned in *surah Al-Baqarah*, verse 194 and *Surah Al Nisā'*, verse 29. *Khamr* is one of the categories of excrement (*najāsah mutawassiṭah*) because of the word *rijsun* in *surah Al-Māidah*, verse 90, as agreed by most of the scholars from *Al-Shāfi'i's* school of thoughts whereas the other scholars from the other schools (*mazāhib*) refer the meaning of *rijsun* as dirty and unclean (*najāsah ma'nawīyyah*). *Khamr* is one of the intoxication substances (*al-muskir*). Intoxication is where the intelligence is disturbed and abandoned. Consuming something that leads to intoxication is prohibited as mentioned in hadith narrated by 'Āishah recorded by Al-Bukhari (2004:5585). This prohibition is applied to whether the intoxicating substances were taken in a small or big amount or had caused intoxication or not. This is according to hadith narrated by 'Abdillah bin 'Umar recorded by Ibn Mājah (2008:3392).

The substance in this discussion refers to the *khamr* (as a drink) and not alcohol even though both productions are the same. In other words, the process of making alcohol or specifically ethanol that does not intend to produce *khamr* is allowed in Islam. In contrast, if ethanol production is precisely to produce *khamr*, it is considered *ḥarām*. In Islam, alcohol per se is not considered *ḥarām* because it covers general meaning since it has been used in various industries such as foods, hygiene products, cosmetic

products, perfume, and chemical industries. Instead, the *ḥarām* refers to *khamr*, which Muslims are prohibited from consuming and being involved in its activities (Muzakarah Jawatankuasa Fatwa MKI, 2011). That is why perfume, which also contains alcohol, is not considered *ḥarām*, and Muslims are allowed to apply it anytime. The other important point is that *khamr* has never been acknowledged and considered as medicine in Islam, but it is a disease. Prophet Muhammad said in a hadith narrated by Tariq b. Suwaid recorded by Abi Daud (1990:3873).

However, in emergency condition (*darurah*) when someone is in danger and has no replacement for medicine apart from the ones that contained *khamr*, besides the physicians and doctors who are expert in that field, thus the *sharī'ah* allows for its use as a medicine to save the life (Al-Qaradawi, 2007b, p. 70). As the *khamr* is prohibited as a drink, the same prohibition is also applied to all cuisine that uses *khamr* as one of the ingredients in cooking, baking and others. The prohibition of *khamr* also includes any activities related to *khamr*, such as preparing, distributing, delivering, ordering, serving, selling, buying, and gaining profits from *khamr* sources. This is known as the cursed ten. In other words, all things related to *khamr* is *ḥarām* for Muslims. This is according to hadith narrated by Anas bin Mālik recorded by Ibn Mājah (2008:3381).

Furthermore, protecting wealth in Islam is not only to ensure the guarantee of ownership of property and protect it from being stolen or confiscated but also to secure from deviance and not practising oppression and fraud, for example, charging or taking interest (*ribā*) or gaining wealth or from any prohibited sources. Expenditure on non-beneficial goods and harmful substances like *khamr* is part of the deviancy of wealth even more, so it is a waste and does not align with the concept of wealth protection. Wasting is the behaviour of *shaitān* who disobey Allah's commandment, and people must not follow them. Refer *surah Al-Isrā'* verse 27. In addition, Al-Qaradawi (2007b) mentioned that the trading of *khamr* is prohibited even with non-Muslims, and it cannot be given as a gift. Even more so, Muslims must stay away from drinking parties or gathering where *khamr* is served.

Many problems can be triggered by drinking, such as adultery. Weil (2003) claimed that by engaging with addictive substances like *khamr* will lead people to commit adultery (see also (Lee, Chen, Lee, & Kaur J, 2006)). In early Rome, women drinkers were punished because they firmly believed that drinking is directly linked with adultery (Plant & Plant, 2003). Adultery will lead to illegal children who are not entitled to many things, including wealth, heritage and they will also grow up with low self-esteem and a lack of love. Even worse, if a prostitute has sex with many men, she would not know the actual father of her baby unless she applies for DNA test. Pregnant drinkers will also suffer from many pregnancy problems that can directly affect the baby. Children will potentially grow up and become drinkers if their parents are drinkers because they observe and follow everything that is done by their elders

(World Health Organization, 2018). The concern of Islam in protecting the dignity of the offspring is the clear message on why *khamr* is prohibited to show that Islam blocks any potential risks that may lead to adverse consequences.

### MUSLIM DRINKERS ARE THE DEVIANT MUSLIMS: *AL-INḤIRĀF AL-AKHLĀQ*

The ideal human in Islam is that they must have truth (knowledge), goodness (ethics), and beauty (art). From the context of the vicegerent of Allah, they have awareness, freedom, and creativity (Ali Shari'ati, 1979). Whereas the foundation for the Muslim *ummah* is based on the code of behaviour that upholds manners, morality, and ethics that encourage one to each other. It can be interpreted as *akhlāq*. Being well-behaved is intended to strengthen the honourability and dignity of humans that are totally different from animals and other creatures.

Therefore, humans will be able to develop a strong society that can uphold the brotherhood spirit (*ukhuwwah*), which empowers everyone to encourage and love each other in social institutions. With *akhlāq* also, society manages to decide and choose the best option and decision when facing social changes (Al-Kharāz, 2016). There is hadith narrated by Anas recorded by Al-Bukhāri (2004:13), shows loving among each other is part of the evaluation of *īmān*.

The priority of the implementation of *akhlāq* is in the interaction between humans and Allah, including the belief in His revelation, executing all instructions, and avoiding His prohibition as exercising patience when given provisions and tests. Belief and obedience to the Prophets are one of the main parts of a Muslim's *akhlāq* with Allah. The second priority of *akhlāq* is between humans that can be specifically related to parents, family and kinship, teachers and students, friends, leaders and servants, and non-Muslims. Those who have good *akhlāq* or virtue are called '*al-insān al-kāmil*'. Literally, *akhlāq* is defined by Ibn Manzur (2003) as religion, behaviour, character, and habits. Madina (2007) defined *akhlāq* as a character, natural disposition, morals, and ethics. Fazlur Rahman (1984) explained *akhlāq* as an inborn character, moral character, and moral virtue in his work.

Ibn Miskawayh (2011) explained *akhlāq* as a condition of the soul that leads to actions without thinking and discussion. That condition can be divided into two categories: natural and inherited. Natural *akhlāq* originated from human characteristics such as laughing at funny things and feeling down and sad when in trouble conditions, whereas inherited *akhlāq* is based on habit and self-training. It is developed gradually and continuously. Rationality (*al-naḥs al-nātiqah*) is the noble achievement of humanity that influences the virtue in conducting *akhlāq* by choosing the best for self, accepting the truth, and avoiding lying and falsehood in any condition. The real

happiness of life can only be obtained by a good relationship with Allah in the first place; then, that goodness will be secured the goodness and happiness of the entire life (human with human relationship) and gain happiness.

Deviance in Islam is any action that is not parallel with the teaching from the Qur'ān and the Sunnah of Prophet Muhammad (p.b.u.h). A.R Momin (2017) defined deviance as an intentional action that breaks society's moral codes and norms. Therefore, deviant behaviour in Islam can be interpreted as the violation of ethics and morality, and it is a manifestation of bad moral conduct (*sū' al khuluq* or *al-inḥirāf al-akhlāqi*) in particular, violation of the rights of Allah as the source of human norms. Since Muslims are bonded with the declaration of *shahādah*, they are obliged to practise the rules of law in the social system (legal, ethical and moral) in the framework of *tauḥīd*, *sharī'ah* and *akhlāq*.

Consequently, any Muslim who crosses that framework's boundaries is considered deviant. Deviant behaviour is not defined by people but by Allah. In that sense, whoever disobeys Allah's law is deviant, and they are committing sin and deserving punishment. There are four principles of deviance in the Islamic social system that will disrupt the individual and society at once. The highest deviance in Islam is polytheism (*shirk*), which is when humans do not see Allah as The Creator and fail to understand the unity between the system of this universe and the power of Allah as The Great Sustainer. Whoever rejects the law of nature and the law of Allah (who manages the nature) is rejecting to be a part of this cosmic system. The second one is arrogance. Whoever is against (not respecting) human dignity, integrity, and the morals of Islam is categorized as arrogant and is not qualified to claim his or her superiority. In the social context, arrogance leads to selfishness that will destroy the social system.

The third principle is ignorance, which leads to cultural poverty and eventually causes material poverty. Ignorance in Islam means being unaware of the truth from the Qur'ān that provides the system of culture, including norms and values. The last principle of deviance in Islam is negligence. The negligence of an individual affects society since society is a collective form of individuals. Negligence in the concept of deviance is due to a lack of Quranic education (Farid Younos, 2011).

However, those who are mentally ill and commit deviant acts are not categorised as deviants or sinners because they are not in the category of *mukallaf* (being obligated to the *fiqh* law). Therefore, they are excluded from *sharī'ah* implication.

Muslim deviants are those who are normal mentally but intentionally commit deviant acts that contradict Islamic principles and know the consequences of their wrongdoings.

## CONCLUSION

Islam is a religion that provide a system of life which firmly integrated, and its provisions of principles are determined by God (Allah). The primary source of Islamic teaching is the Quran, which is explained detail in the Hadith, whereas the adherents of Islamic teaching are called Muslims and united as a community called ummah. The basic foundation of Muslim ummah is based on 'aqidah, shari'ah and akhlaq. Islamic view on the prohibition of *khamr* is for the social wellbeing grounded with the *tauhidic* paradigm. Therefore, the discussion of deviance and crime on *khamr* drinking in Islam is significantly different from Western sociologists' standpoint due to varying interpretations of religion, belief systems, behavioural, and consequences brought the issue and the differences in terms of paradigms in the concept of the social system. Islam emphasizes mental and physical safety and peace. In order to ensure human beings are able to live in peace, Islam is against any elements that could affect the well-being of each human life, and to do so, Islam provides clear and extensive guidelines.

## REFERENCES

- A.R Momin. (2017). *Introduction to sociology: An Islamic perspective*. New Delhi: Institute of Objective Studies & Genuine Publications & Media Pvt. Ltd.
- Abdul Karim Zaydan. (2000). *Usul al-da'wah*. Beirut: Muassasah al-Risalah.
- Abdul Monir, Y. (2000). Kedudukan dan pelaksanaan undang-undang jenayah Islam di Malaysia. In Y. Abdul Monir & S. Othman (Eds.), *Tinjauan kepada perundangan Islam*. Kuala Lumpur: Institut Kefahaman Islam Malaysia.
- Abi Daud. (1990). *Sunān Abī Dāud*. Beirut: Dār Al-Fikr.
- Ahmad Al-Raisuni. (2009). *Madkhal maqāsid al-sharī'ah*. Kaherah: Dar Al-kalimah.
- Ahmad Kamar, A. R. (1982). *Islam dans Sains sosial : Allah, manusia dan masyarakat*. Petaling Jaya: Agensi Penerbitan Nusantara.
- Aishath Muneeza, & Ismail Wishari. (2011). *Science of punishment: Introduction to comparative penology*. Gombak: A.S Noordeen.
- Al-Ghazali, A. H. M. b. M. A.-G. (1993/1413). *Al-Mustasfa min 'ilm Usul* (Vol. 2). Madinah: Syarikah Al-Madinah Al-Munawwarah lil At tiba'ah.
- Al-Kharāz, K. B. J. a. B. U. (2016). *Mausu'ah al-akhlaq*. Kuwait: Maktabah Ahl Al-Athar li al-Nashr wa al-Tauzi'.
- Al-Mawardi, A. A.-H. A. (2006). *Al-Aḥkām al-sultāniyyah*. Kaherah Dar Al-Hadith.
- Al-Muslim. (2006). *Ṣaḥīḥ Muslim*. Riyadh: Dār Al-Ṭayyibah.
- Al-Qaradawi, Y. (2007a). *Al-ḍīn wa al-siyāsah ta'ṣīl wa raddu syubahāt*. Dublin: Al-Majlis Al-Awrubi li Al-Iftā' wa Al-Buhus.
- Al-Qaradawi, Y. (2007b). *Al-halal wa al-haram fi Islam*. Kaherah: Maktabah Wahbah.
- Al-Syatibi, A. I. (1968). *Al-Muwafaqāt fi uṣūl al-sharī'ah*. Kaherah: Matba'ah Maktabah Al-Tijariah.



- Al-Tirmīdhī. (1983). *Sunan al-Tirmīdhī wa huwa al-jāmi' al-ṣaḥīḥ*. Beirut: Dār Al-Fikr.
- Al Bukhārī, M. b. I. (2004). *Ṣaḥīḥ al-Bukhārī*. Kaherah: Dar- Al-Hadith.
- Ali Shari'ati. (1979). *On the sociology of Islam : Lectures by Ali Shari'ati* (H. Algar, Trans.). New York: Mizan Press.
- Alijah Gordon. (2001). *The propagation of Islam in the Indonesian-Malay archipelago*. Kuala Lumpur: Malaysian Sociological Research Institute (MSRI).
- Becker, H. S. (1963). *Outsiders: Studies in the sociology of deviance*. New York & London: The Free Press & Collier-Macmillan Limited.
- Durkheim, E. (1995). *The elementary forms of religious life*. New York: The Free Press.
- Durkheim, E. (2013). *The rules of sociological method and selected text on sociology and its method* (S. Lukes Ed.). New York: Free Press.
- Erikson, K. T. (1964). Notes on the sociology of deviance. In H. S. Becker (Ed.), *The other side perspective on deviance*. New York & London: The Free Press & Collier-Macmillan Limited.
- Farid Younos. (2011). *Principles of Islamic sociology*. USA: AuthorHouse.
- Fazlur Rahman. (1984). *Aḫlāq*. In E. Yarshater (Ed.), *Encyclopedia Iranica* (Vol. 1). London, Boston and Henley: Routledge & Kegan Paul.
- Giddens, A. (2009). *Sociology*. Cambridge: Polity Press.
- Hamka. (1982). *Tafsir al-Azhar* (Vol. 7-8-9). Jakarta: Pustaka Paniiimas.
- Hanson, G. R., Venturelli, P. J., & Fleckenstein, A. E. (2009). *Drugs and society*. Boston: Jones and Bartlett Publishers.
- Ibn Kathir. (2006). *Tafsir al-Quran al-Azim* (Vol. 1). Damsyik: Darul Khair.
- Ibn Khaldun, A. R. (2014). *Muqaddimah*. Kaherah & Mansurah: Dar Al-Ghad Al-Jadid.
- Ibn Mājah, A. A. M. b. Y. a.-Q. (2008). *Sunan Ibnu Mājah*. Lubnan: Darul Kutub Al-'Ilmiyah.
- Ibn Manzur. (Ed.) (2003) *Lisān al- 'Arab*. Kaherah: Darul Hadith.
- Ibn Miskawayh, A. ' . A. (2011). *Tahzib al-akhlaq* (I. al-Hilali Ed.). Beirut: Manshurat Al-Jamal.
- Irving, T. B. (1988). *The Qur'an*. Vermont: Amana Book.
- Jasser Auda. (2010). *Maqāsid al-syari'ah as philospfy of Islamic law: A systems approach*. Petaling Jaya: The International Institute of Islamic Thought & Islamic Book Trust
- Kendall, D. (2011). *Sociology in our times*. Belmont: Wadworth Cengage Learning.
- Lane, E. W. (Ed.) (1863). *An Arabic-English Lexicon*. London: Williams and Norgate.
- Lee, L. K., Chen, P. C. Y., Lee, K. K., & Kaur J. (2006). Premarital sexual intercourse among adolescents in Malaysia: a cross-sectional Malaysian school survey. *Singapore Med J*, 47(6), 476-481.

- Liska, A. E. (1981). *Perspective on deviance*. New Jersey: Prentice-Hall.
- Madina, M. Z. (Ed.) (2007) *Arabic-English dictionary of the modern literary language*. Shah Alam: Pustaka Darussalam.
- Mahmood Zuhdi, A. M. (2017). *Maqāsid al-syari'ah: Satu pengenalan*. In A. M. Mahmood Zuhdi, M. Mek Wok, & A. A. Akhtarzaite (Eds.), *Maqāsid al-syari'ah* (pp. 1-49). Kuala Lumpur: IIUM Press.
- Mahmoud Ayoub. (1994). The Muslim ummah and the Islamic state. In Syed Othman Alhabshi & S. A. Syed Omar (Eds.), *The role of religion in society* (pp. 49-57). Kuala Lumpur: Institute of Islamic Understanding Malaysia (IKIM).
- Manā‘ al-Qattān. (2006). *Mabāhith fi ‘ulūm al-Qurān*. Beirut: Muassasah Al-Risalah.
- Marx, K. (1970). *Critique of Hegel's philosophy of right*. Oxford: Oxford University Press.
- Merton, R. K. (1938). Social structure and anomie. *American Sociological Review*, 3(5), 672-682.
- Mohd Kamal, H. (1994). Nilai-nilai universal Islam tentang kesejahteraan masyarakat. In I. Ismail & A. R. Mohd Sahri (Eds.), *Ilmu dan kecemerlangan dari perspektif Islam*. Kuala Lumpur: Institute of Islamic Understanding Malaysia (IKIM).
- Muhammad ‘Ali Al-Bār. (1984). *Al-Khamr baina al ṭib wa al-fiqh*. Riyadh: Al-Dār Al-Sa‘udiyyah lil nasyr wa al tauzi’.
- Mustaffa Al-Khin, Mustaffa Al-Bugha, & Ali Al-Sharh Yahya. (2006). *Al-Fiqh al-manhaji 'ala mazhab al-Imam al-Shāfi'i*. Damsyiq: Darul Qalam.
- Muzakarrah Jawatankuasa Fatwa MKI. (2011). Kenyataan media mengenai isu alkohol dalam makanan dan minuman pada 25 Julai 2011 [Press release]. Retrieved from [http://www.e-fatwa.gov.my/sites/default/files/kenyataan\\_media\\_mengenai\\_alkohol\\_0.pdf](http://www.e-fatwa.gov.my/sites/default/files/kenyataan_media_mengenai_alkohol_0.pdf)
- Plant, M., & Plant, M. (2003). *Risk-takers: Alcohol, drugs, sex and youth*. USA & Canada: Routledge.
- Rachel Hajar. (2018). Intoxicants in society. *Heart Views*, 17(1), 42-48.
- Sayyid Qutb. (2010). *Tafsir fi zilalil Qur'an* (Yusoff Zaky, Trans. Vol. 6). Kuala Lumpur: Pustaka Darul Iman.
- Seyyed Hossein Nasr. (2015). *The study Quran a new translation and commentary*. New York: HarperOne.
- Sidi Gazalba. (1976). *Masyarakat Islam*. Kuala Lumpur: Pustaka Antara.
- Weber, M. (2005). *The Protestant ethic and the spirit of capitalism*. London & New York: Routledge.
- Weil, B. E. (2003). *Adultery: The forgivable sin*. United States of America and Great Britain: Waterside publication.
- Withington, P. (2011). Intoxicants and society in early modern England. *The Historical Journal*, 54(3), 631-657.

- World Health Organization. (2018). *Global status report on alcohol and health 2018*. Retrieved from Geneva: <https://apps.who.int/iris/bitstream/handle/10665/274603/9789241565639-eng.pdf?ua=1>
- Zulkifli, H., Marwan Bukhari, A. H., Mohamad Zarin, M., Mohamad Zulkifli, A. R., & Abdullah Shahir Ariffin, A. F. (2017). *Kompedium maqasid al-shari'ah*. Shah Alam: IDE Research Centre Sdn. Bhd.
- Zulkiple, A. G. (2003). *Islam, komunikasi dan teknologi maklumat*. Kuala Lumpur: Utusan Publication & Distributors.