

The Impact of Khamar Transactions on Traders and Minors

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Abstract, This article examines various aspects related to khamar, including its linguistic meaning, definitions, impacts, and the Islamic legal perspective on it. In Arabic, khamar means something that conceals or covers, referring to intoxicating beverages that impair rational thinking. Scholars provide various definitions of khamar, encompassing intoxicants derived from fermented grapes and other substances. From an Islamic perspective, khamar is considered to have more harmful effects than benefits, affecting social, economic, and health aspects. Although the trade of khamar may provide worldly profits, it is deemed contrary to Islamic teachings due to its potential to promote immorality and corrupt morals. The impact of khamar consumption on minors is particularly damaging, affecting their physical and mental health as well as causing broader social repercussions. Islamic legal sanctions against the consumption of khamar emphasize strict prohibition to prevent its use, although specific worldly punishments are not elaborated upon. This study highlights that despite the financial advantages it might offer, the negative consequences of khamar far outweigh its benefits and should therefore be avoided for the well-being of society.

Keywords: Khamar, Islamic Legal Perspective, Social Impacts, Khamar Consumption

1. INTRODUCTION

This article discusses various aspects of khamar, starting from the definition in Arabic, social, economic, health impacts, to the Islamic legal view on it. Khamar, which in Arabic means something that covers or obstructs, is defined as an alcoholic drink that can cloud a person's common sense. Various definitions of khamar have been given by scholars, both those derived from fermented grapes and other materials that can intoxicate. In the Islamic perspective, although there is potential for financial gain from the production and sale of khamar, the negative impacts are much greater. Khamar not only damages morality, worsens social relations, and creates sin, but also has a negative impact on physical and mental health. Consumption of khamar by minors, for example, can interfere with their brain development, cause emotional and behavioral disorders, and damage their future. Economically, this adds to the social and financial burden on families and society.

Islamic law strictly prohibits the consumption of alcohol, although the Qur'an does not explain in detail about worldly sanctions for perpetrators. This prohibition is more emphasized on efforts to avoid the practice of alcohol for the good of the community. Based on the discussion, the formulation of the problem raised in this paper is: First, what is the meaning of khamar in language and definition according to scholars? Second, what are the negative

impacts caused by khamar consumption in various aspects of life, both social, economic, health, and morality? Third, what is the Islamic law's view on the production, consumption, and sale of khamar even though it can provide financial benefits? Fourth, what are the impacts of khamar consumption on minors, both physically, mentally, economically, and socially? Fifth, what are the sanctions of Islamic law against khamar consumption? This problem formulation will be the basis for delving deeper into the impacts and views of Islam related to khamar.

2. RESEARCH METHODS

This type of research is included in library research, which collects data from various library sources that are relevant to the research topic. The data can be obtained through research abstracts, indexes, reviews, journals, and reference books related to the research object (Sugiyono, 2010). This approach provides researchers with the opportunity to obtain valid and reliable information, which can be the basis for further analysis related to the issues or phenomena discussed in this study. Through library research, researchers can also explore various perspectives from existing literature, thereby enriching the understanding of the topic being studied.

3. DISCUSSION

KHAMAR

"Kham" or "arak" originates from the Arabic language in the Qur'an, with the root word *khamr* (خمر), which means "to cover." Anything that functions as a cover is called *khimar*. This term is later more commonly associated with "a veil" or "a head covering for women," as mentioned in Surah An-Nur, verse 31. Additionally, *khamr* refers to intoxicating drinks, named as such because alcoholic beverages have harmful effects that can obscure or eliminate sound reasoning.

Linguistically, *khamar* comes from the word *khamara*, which means "to cover" or "to obstruct." A person who drinks *khamar* or *arak* typically becomes intoxicated, loses their reasoning, is veiled from the path of truth, and forgets both themselves and Allah SWT.

According to Islamic terminology, scholars have differing opinions on the definition of *khamar*. According to Imam Abu Hanifah and the scholars of Kufa, "Khamar is a drink produced from the pressing of grapes that have gone through a pressing process, where the foam is removed after boiling. (Huzaimah, 2005)".

According to Imam Malik, Syafi'i and Ahmad, khamar has a broader, "Khamr is a drink made from grape juice and other things."

According to Sayyid Sabiq, khamar is "a liquid produced from the fermentation of grains or fruits and the sugar contained in it becomes alcohol (Setiawan, 2003)." by using active enzymes that are able to release certain elements, their presence is considered important in the fermentation process."

According to Wahbah al-Zuhaili, "Arak (khamar) is raw milk from grapes ('inab) which can intoxicate."

Mohammed Ali al-Bar, Khamar refers to a liquid produced through the fermentation process of grains or fruit, where the starch of the material is converted into alcohol with the help of enzymes as a catalyst. This drink is called liquor because it can disrupt and damage the function of the mind, thus hindering a person's ability to think clearly (Al-Bar, 1993)."

Based on several definitions of khamar that have been explained, it can be concluded that all things that affect the function of the mind, whether called khamar or not, are included in this category. Examples are whiskey, brandy, marijuana, hashish. Which are made from grapes or other intoxicating substances. Muhammad Iqbal Siddiq also mentioned various types of alcoholic beverages known to the jahiliyah community, such as al-Khamr, al-Khandaris, al-Rahiq, al-Sukr, al-Humayyah, al-Qahwa, al-Sulafa, al-Mudama, al-Rahu, al-Sahba'u, al-Nabidzu, al-Bit', al-Kumait, al-Sakurka, al-Fadikh, al-'Uqar, al-Qarqaf, al-Zalla, al-Isfant, al-Muzaffat, al-Saqafa, and al-'Atiq.

Positive and Negative Impacts of Transactions on Traders

In running a business, traders make the sale and purchase of khamar as a source of economy to continue life. Therefore, traders must know that in buying and selling there are several things that must be considered both in terms of law and the terms of buying and selling contained in Islamic law so that the rules of buying and selling can be used as a reference for traders in carrying out buying and selling according to the perspective of Islamic law.

In Islam, buying and selling is only valid if it meets certain conditions related to the eligibility of the seller and the buyer. The person who makes the contract must be someone who is mumayyiz, that is, able to distinguish between good and bad, and has the ability to manage his wealth. Transactions must also be carried out voluntarily, without any element of coercion. In addition, the person who makes the contract must be baligh, because transactions carried out by children or people who are not yet adults are considered invalid. However, in buying and selling, it is necessary to pay attention to things that are not in accordance with Islamic law because these conditions have several forms that are prohibited. First, buying and

selling that hinders worship, namely when traders are too busy with their businesses to neglect obligations such as congregational prayer at the mosque. This act is forbidden because it prioritizes the world over obligations to Allah. Second, buying and selling that is used to support crime or disobedience, such as selling something that clearly helps violate Allah's law. Third, selling Muslim slaves to non-Muslims without freeing them, because this degrades the dignity of the slave in front of infidels and is contrary to Islamic teachings.

Allah SWT permits the practice of buying and selling if the goods are not prohibited by Allah SWT, as an individual who gives the authority to explain what comes from Allah SWT will have the meaning that He wants. For example in khomr, Apart from that, khomar drinks are similar to alcoholic drinks and have the same effect of making the consumer drunk. In the Quran it is stated that Allah forbids drinking alcoholic drinks, as Allah says in QS Al-Maidah/05:90, meaning: *"O you who believe, indeed (drinking) wine, gambling, (sacrificing to) idols, and drawing lots of fortunes with arrows, are abominable acts of the devil. So stay away from those actions so that you will be lucky."* Qs. Al-Ma'idah (5:90)".

When the goods are forbidden, then the goods are also forbidden to be bought and sold. In addition, in the view of Islam, alcohol and the like contain more harm than benefit. This is discussed in QS AL-Baqarah/2:219, meaning: "They ask you about wine and gambling. Say: "In both there is a great sin and some benefit for humans, but the sin of both is greater than the benefit." and they ask you what they earn. Say: "more than necessary." Qs. Al-Baqarah/2:219.

Trading transactions have various impacts, both positive and negative, especially for the business actors themselves. In Islam, buying and selling activities are seen as noble deeds as long as they are carried out in accordance with the principles of sharia. However, if a trader decides to trade in khamar or alcoholic beverages, there are a number of consequences that should be taken seriously. From an economic perspective, trading in khamar can indeed provide material benefits due to the high demand from certain groups. However, from an Islamic legal perspective, this type of transaction is contrary to sharia and contains more losses (mudharat) than benefits, as emphasized in QS. Al-Baqarah verse 219 and QS. Al-Maidah verse 90.

Trading that focuses on prohibited or harmful goods, such as alcohol, is clearly not in line with the principles of Maqāṣid al-Sharī'ah, which emphasizes the protection of life and mind. On the contrary, traders who choose to trade in halal goods that provide benefits to society, while maintaining moral integrity and compliance with the Shari'a, are more in line with the main objectives of Maqāṣid al-Sharī'ah. This includes efforts to avoid harm and prioritize broader interests. For example, in the case of consuming substances that have the potential to harm the body, such as MSG in excessive amounts, this principle is also relevant.

Maintaining body health by avoiding harmful things is considered more important than simply pursuing momentary pleasures that have the potential to cause harm to the body in the future.

The concept of Maqāṣid al-Sharī'ah is the core of the objectives of Islamic law, which emphasizes the importance of maintaining and preserving human welfare. Islamic jurists agree that Maqāṣid al-Sharī'ah aims to create human welfare in this world and the hereafter through the fulfillment of benefits and prevention of harm. The main principle that is the basis is that preventing harm is prioritized over simply pursuing benefits. Therefore, protection of the five basic aspects of sharia, namely religion, soul, mind, descendants, and property, is something that must be protected from all forms of threats that can damage it (Syam, dkk, 2024).

Impact of Alcohol Transactions on Minors

a. Definition of Impact

According to the Big Indonesian Dictionary, impact is a collision or influence that brings about either positive or negative consequences. Positive impact refers to an influence that is beneficial or brings good results. It includes anything that promotes progress, improves well-being, or provides benefits to individuals or society.

In contrast, negative impacts are influences that are detrimental or cause bad consequences. This can be material, emotional, or social losses experienced as a result of an action. For example, parental divorce can have a negative impact on the mental state and learning motivation of children, who often feel guilty or ashamed of the situation. Impacts are not only limited to social aspects, but can also include economic and health dimensions.

b. The Effects of Consuming Alcohol on Minors

a. Social Impact

Minors who consume alcohol can face significant social consequences. Alcohol is often the substance that is consumed by those under the age of 21. Although alcohol consumption by individuals under the age of 21 is prohibited by law, approximately 20 percent of alcohol use occurs in the 12-21 age range (Khayyla, dkk, 2024). This can lead to deviant behavior towards children in society.

Quoting from the Neo Societal Journal Vol. 4, No. 3 July 2019 in Maabhodo Village, Kontunaga District, the following are the effects of drinking alcohol on teenagers such as fights between teenagers and reckless behavior on the highway. In addition, other social impacts are on families such as damaged family reputations and poor relationships between parents and children as well as violence within the family. Both of these impacts

can also cause an influence due to consuming alcohol in the social environment, thus disrupting the comfort of society (Haikul, dkk, 2019).

b. Economic Impact

Underage alcohol consumption has a significant impact on the economy. Children exposed to alcohol are at risk of declining academic achievement, which in turn hinders the development of skills needed to obtain decent employment in the future. As a result, their earning potential is lower, thus their contribution to national economic growth tends to be reduced. In addition, this habit substantially increases the risk of serious health problems, such as addiction and liver damage, which require high medical costs. This condition also has implications for reducing the productive life of individuals, thus limiting their capacity to make optimal contributions to economic development.

Furthermore, these negative impacts are not only felt by the individuals involved, but also cause significant economic pressure on society as a whole. The burden of costs required to deal with the impacts of alcohol consumption by minors, such as accidents, criminal acts, legal processes, and rehabilitation, becomes a collective burden. Thus, the economic implications of this phenomenon include not only losses at the individual level, but also systemic consequences that burden the public budget and slow down economic growth at the macro level.

c. Health Impact

Alcohol consumption in minors can disrupt the development of the brain that is still in the formation stage, which is a crucial period in the formation of cognitive and emotional functions. Exposure to alcohol at an early age has the potential to cause serious neurocognitive disorders, considering that alcohol can damage children's abilities in terms of learning, memory, and emotional regulation. The neurotoxic effects of alcohol not only increase their vulnerability to addiction in the future, but also damage children's ability to focus, regulate impulses, and respond to stimuli in a constructive way. This phenomenon can encourage risky behavior, including violence and dangerous decision-making. Overall, alcohol consumption in minors can worsen their physical, emotional, and mental development, with detrimental long-term impacts, which hinder their potential to develop in a healthy and stable way, both personally and socially (Irfan, 2022).

Legal Sanctions Received

a. Islamic religious law sanctions

According to the Qur'an, regarding the prohibition on drinking alcoholic beverages (khamar), it is regulated in the Qur'an gradually, namely in QS. An-Nahl verse 67, QS. Al-

Baqarah verse 219, QS. An-Nisa verse 43, and QS. Al-Maidah verse 90. However, regarding the sanctions and punishments for perpetrators of the crime of drinking alcoholic beverages (khamar), in the Qur'an there are no verses at all that explain worldly punishments for perpetrators of drinking alcoholic beverages (khamar).

The meaning of Q.S An-Nahl 67: "And from the date palm and the grape you make from it an intoxicant and good provision. Verily in that is a sign for a people who give thought">

The meaning of Q.S Al-Baqarah 219; "They ask you about wine and gambling. Say: 'In both there is a great sin and some benefit for humans, but the sin of both is greater than the benefit.' And they ask you what they (should) spend. Say: 'Excess (of what is necessary).' Thus Allah explains His verses to you so that you think.

The meaning of Q.S An Nisa verse 43: "O you who believe, do not pray while you are drunk, so that you understand what you are saying, (nor do you approach the mosque) while you are in a state of junub, unless you just pass by, until you have bathed." And if you are sick or on a journey or coming from a place of urination or you have touched a woman, and you do not get water, then pray on good (holy) ground; sweep your face and your hands. Indeed, Allah is Most Forgiving, Most Forgiving" (QS An Nisa verse 43).

The meaning of Q.S Al-Maidah 90: "O you who believe, indeed (drinking) wine, gambling, (sacrificing to) idols, drawing lots of fortunes with arrows, are heinous acts including those of the devil. So stay away from those actions so that you will get good luck." (Qs. Al-Maidah 90).

Sanctions according to the Hadith of the Prophet Muhammad SAW: Hadd for drinking khamr. If amukallaf is in a situation where he is not forced to drink khamr, even though he knows that what he is drinking is khamr, then he will be punished 40 times. If necessary, the judge may increase it up to 80 times, as narrated by al-Hushain bin al-Mundzir, "That 'Ali whipped al-Walid bin 'Uqbah for drinking wine with 40 lashes, then he said, 'The Prophet sallallahu 'alaihi wa sallam was flogged with 40 lashes, Abu Bakr 40 lashes, and 'Umar 80 lashes. whipping. All of them are Sunnah, and this one (40 times accu-not) I like more (Al-Mundziri, dkk, 2016).

If a person drinks wine repeatedly, and he is whipped each time he does so, it is permissible for the priest to kill him. From Abu Hurairah Radhiyallahu 'anhu, he said, "The Messenger of Allah sallallahu 'alaihi wa sallam said: "If someone is drunk, then whip him, if he repeats himself, then whip him." Then he said the fourth time, 'If he repeats it, then cut his neck."

As it is commonly known that the hadith of the Messenger of Allah is an explanation of the Qur'an, then it is appropriate to seek an explanation of the punishment for those who drink alcohol (khamar) that the hadith punishment for those who drink khamar is flogging. This is based on the hadith of the Prophet Muhammad SAW narrated by Qubaidhoh bin Du'aib: Meaning: "Whoever drinks alcohol, then tie him up" (Sunan Abu Dawud)

There is also another hadith from the Prophet Muhammad SAW narrated by Anas bin Malik. It means: "One day when the Messenger of Allah was given someone who had just drunk alcohol, the Messenger of Allah hit the person with his sandals no more and no less than 40 times. Then the person in question was brought before Abu Bakr who also hit him 40 times and so on and was brought before Umar who continued to hold a deliberation to discuss the issue of this punishment. At that time, Ibn Auf expressed the opinion that the minimum punishment was 80 blows, then Umar hit the man 80 times." (HR Bukhari and Muslim).

Abuse of alcoholic beverages (khamar) in Islamic teachings is clearly explained in the Qur'an and Hadith, which voice the prohibition and provide warnings about the damaging effects of alcohol consumption. In the Qur'an, several verses such as QS. An-Nahl 67, QS. Al-Baqarah 219, QS. An-Nisa 43, and QS. Al-Maidah 90 explicitly describe the dangers posed by khamar, both in terms of morals and socially, although there are no detailed provisions regarding worldly punishments for drinkers. The hadiths of the Prophet Muhammad SAW complement this understanding with an explanation of physical punishment for drinkers of khamar, which is manifested in the form of lashing. This punishment is applied in stages, starting with 40 lashes and potentially increasing to 80. In more extreme cases, the punishment can continue to the death penalty if the perpetrator continues to repeat his actions. These hadiths clearly show that the punishment of flogging (lashing) is a form of disciplinary enforcement aimed at giving a warning to Muslims, as well as educating them to avoid such behavior. The purpose of this punishment is to maintain the moral and social stability of society, as well as to protect individuals from the negative impacts that can arise from the consumption of alcoholic beverages, which have the potential to damage the order of a healthy social life.

c. State Legal Sanctions

In the book of the Criminal Code (KUHP) and its Complete Article by Article Comments by R. Soesilo, it is explained that in order to be subject to Article 492 paragraph (1) of the Criminal Code, several things must be proven. First, the individual is drunk, namely after consuming too much alcohol to the point of losing control of one of the five

senses or body parts. Second, the incident occurred in a public place, which includes highways or other areas that can be accessed by many people. However, if the drunkenness occurs at home without disturbing others, this provision does not apply. Third, there is an action that causes a disturbance, such as blocking traffic or disrupting public order. If someone just stays at home without causing any disturbance, then this provision cannot be applied (Soesilo, 1995).

Article 316 paragraph (1) of Law 1/2023 Any person who is drunk in a public place disturbing public order or threatening the safety of others shall be punished with a maximum fine of category II, namely IDR 10 million. In the Explanation of Article 316 of Law 1/2023, it is explained that a person who is drunk is not fully able to control himself. Therefore, in this condition, a person is prohibited from committing the acts regulated in this article. In our opinion, it is not the way of getting drunk (how to drink) that is an element of a criminal act, but rather proof that the person's actions caused the state of drunkenness and disturbed public order, as conveyed by R. Soesilo.

In addition, dIn the Criminal Code (KUHP), the imposition of sanctions on perpetrators who consume alcohol is justified based on the impact of such consumption on public order. Such sanctions can only be imposed if the consumption of alcohol leads to a state of intoxication that disrupts public order. Based on the provisions contained in Article 536, perpetrators can be subject to imprisonment for varying durations, between three days and a maximum of three months.

Furthermore, the Criminal Code also explicitly regulates sanctions for individuals involved in the preparation or sale of alcohol. Based on Article 537, perpetrators involved in such actions can be sentenced to imprisonment for a maximum of three weeks. This provision shows a legal effort to combat the circulation of alcohol which has the potential to damage social order. As for cases involving the provision of alcohol to children under the age of 16, the law provides more serious attention. Articles 538 and 539 regulate the imposition of heavier penalties for those who commit such actions, as a preventive measure to protect the younger generation from the negative impacts of alcohol consumption (Ali, 2007). The existence of these articles reflects the seriousness of the law in maintaining norms and social order in society.

4. CONCLUSION

Based on the analysis conducted, it can be firmly concluded that *khamar*—whether derived from grapes or other ingredients containing alcohol or intoxicating substances—is

explicitly prohibited in Islamic teachings. The Qur'an categorically identifies *khamar* as a substance that disrupts the function of human intellect, which, in Islam, is considered one of the fundamental rights that must be safeguarded and protected. This prohibition is not merely individual but has broad social implications, particularly regarding moral stability and societal harmony.

Furthermore, the consumption of *khamar* by children, especially those underage, leads to serious potential damage in their physical, psychological, and social development. Exposure to alcohol at a young age risks impairing cognitive development, diminishing sound reasoning capacity, and worsening social behavior, which ultimately can significantly affect their future. Therefore, under Islamic law, protecting the younger generation from *khamar* consumption is an obligation that cannot be delayed or debated. It is an integral part of the effort to uphold the dignity and honor of the Muslim community.

From the perspective of Islamic law, although the Qur'an does not explicitly mention specific punishments for consuming *khamar*, the consensus among scholars highlights the necessity of strict supervision and effective law enforcement. This aims to create a strong deterrent effect on offenders and to prevent the widespread negative impact of *khamar* consumption on society. Upholding the principles of protecting intellect and morality comprehensively is essential.

In conclusion, from the perspective of Islamic law, all forms of transactions or consumption involving *khamar* must be strictly avoided, both on an individual and social level. This is an absolute obligation to ensure individual well-being, protect the younger generation, and preserve the moral integrity of society as a whole.

BIBLIOGRAPHY

- al-Ashfāhānī, a.-A. a.-R. (1997). *Mufradat Alfadz Al-Qur'an*. Dimasq: Dār al-Qalam.
- al-Bar, MA (1993). *The Problem of Arak and Its Solution According to Islam*. (AS Gani, Trans.) Kelantan: Pustaka Reka.
- Ali, Z. (2007). *Islamic Criminal Law*. Jakarta: Sinar Grafika.
- Al-Mundziri. (2016). *Mukhtashar Sahih Muslim*. Riyadh: Ummul Qura.
- al-Zuhaili, W. (2005). *Islamic Legal Fiqh* (4 ed.). (AS Salamon, Trans.) Kuala Lumpur: Dewan Bahasa dan Pustaka.

- Haikul, Bahtiar, Ambo. (2019, July). SOCIAL IMPACT OF ALCOHOLIC DRINKING (Study on Adolescents in Maabhodo Village, Kontunaga District). *Neo Societal Journal*, 4(3), 871-878.
- Huzaimah. (2005). *Islamic Jurisprudence Issues*. Bandung: Angkasa Bandung.
- Irfan, YE (2022). Effects of Alcohol Consumption in the Perspective of Hadith. *Gunung Djati Conference Series*, 8.
- Khayyla, Ardi, Putri, et al. (2024, June). The Impact of Consuming Alcoholic Beverages Among Adolescents. *Journal of General Studies and Research*, 2(3), 36-39.
- Setiawan. (2003). *Current Jurisprudence*. Jakarta: Gema Insani Press.
- Soesilo, R. (1995). *Criminal Code (KUHP) and its Complete Commentaries Article by Article*. Bogor: Politenia.
- Sugiyono. (2010). *Quantitative, Qualitative, and R&D Research Methods*. Bandung: Alfabeta.
- Suharno, A. (2008). *The Great Dictionary of the Indonesian Language*. Semarang: Widya Karya.
- Syafruddin Syam, ,. C. (2024, July-December). Reevaluating the Legal Status of Monosodium Glutamate Consumption: The Indonesian Ulema Council's Fatwas and Maqāṣid al-Sharī'ah. *Al-Manāhij: Journal of Islamic Law Studies*, 18(2), 289-302.