SYARIAT: Akhwal Syaksiyah, Jinayah, Siyasah and Muamalah,Vol 02, no. 03 (2025): 114-124
Publisher: Yayasan Dermawan Cendikiawan Bersatu
E-ISSN: 3047-8219

Narcotics Abuse in Islamic Criminal Law: An Analysis from the Perspective of Maqashid Syariah

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Abstract: Narcotics abuse represents a serious contemporary social and legal problem that threatens individual well-being and public welfare. From the perspective of Islamic criminal law, narcotics prohibition is closely associated with the prohibition of intoxicating substances and the protection of human intellect (Hifz al-'Aql). This research aims to analyze narcotics abuse within Fiqh Jinayah and examine the application of Maqashid Syariah to narcotics prohibition, punishment, prevention, and rehabilitation. This study employs a qualitative descriptive approach through library research, using normative juridical and conceptual approaches. Primary sources include the Qur'an, Hadith, Islamic jurisprudence literature, and relevant legislation, while secondary sources consist of academic books and scholarly journal articles. The collected materials are analyzed through descriptive-analytical and normative techniques. The analysis indicates that narcotics abuse threatens the five objectives of Maqashid Syariah, particularly the preservation of intellect and life. Furthermore, the concept of ta'zir provides a framework for proportionate sanctions, while rehabilitation and prevention support individual recovery and social protection. This research concludes that Islamic criminal law offers a comprehensive framework for addressing narcotics abuse through justice, prevention, punishment, and rehabilitation.

Research Highlights:

- Examines narcotics abuse from the perspective of Islamic criminal law (Fiqh Jinayah).
- Analyzes the relevance of Maqashid Syariah in addressing narcotics-related offenses.
- Highlights the protection of intellect (Hifz al-'Aql) and life (Hifz al-Nafs) as central objectives in preventing narcotics abuse.
- Explains the role of ta'zir in establishing proportionate sanctions based on the nature and seriousness of offenses.
- Emphasizes the integration of punishment, prevention, medical treatment, and rehabilitation in protecting individual and social welfare.

Article history
Submitted 06-07-2025
Revised 03-09-2025
Accepted 30-10-2025

Keywords
Narcotics Abuse;
Islamic Criminal Law;
Fiqh Jinayah;
Maqashid Syariah;
Hifz al-'Aql.

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INTRODUCTION

Narcotics abuse has become one of the most serious social, legal, health, and moral challenges in contemporary society(Singer & Page, 2016). The widespread misuse of narcotic substances has generated various negative consequences for individuals, families, and communities, including physical and psychological disorders, declining social responsibility, criminal behavior, family conflict, and economic instability. Beyond its impact on individual health, narcotics abuse can threaten public security, social order, and the quality of human resources. Therefore, addressing narcotics abuse requires comprehensive approaches involving legal enforcement, education, healthcare, rehabilitation, and religious guidance. From the perspective of Islamic teachings, the protection of human welfare is a fundamental objective of Islamic law, making narcotics abuse an important issue for examination within Islamic criminal jurisprudence.

Islamic criminal law (Fiqh Jinayah) provides principles for regulating prohibited actions that threaten individual and public welfare(Yasir et al., 2021). Although classical Islamic jurisprudence primarily discusses intoxicating substances through the concept of khamr, contemporary narcotics can also be examined through the legal reasoning associated with the prohibition of substances that impair human consciousness and intellect. The prohibition of intoxicants is supported by Qur'an Surah Al-Ma'idah [5]: 90–91, which explains the harmful consequences of intoxicating substances and encourages Muslims to avoid them. Furthermore, the Islamic legal principle of preventing harm (darar) emphasizes that actions causing damage to human life, health, and social welfare should be prevented. In this context, narcotics abuse raises important questions concerning legal responsibility, punishment, prevention, and the appropriate treatment of individuals affected by substance dependence.

The relevance of this issue can also be understood through the framework of Maqashid Syariah, which refers to the fundamental objectives of Islamic law in protecting human welfare. These objectives consist of the preservation of religion (Hifz al-Din), life (Hifz al-Nafs), intellect (Hifz al-'Aql), lineage (Hifz al-Nasl), and property (Hifz al-Mal). Among these five objectives, the preservation of intellect occupies a particularly important position in discussions concerning narcotics abuse because narcotic substances may impair human reasoning, consciousness, memory, and decision-making(Ersche & Sahakian, 2007). Nevertheless, the consequences of narcotics abuse extend beyond intellectual impairment, potentially threatening physical health, family relationships, religious responsibilities, and economic stability. Consequently, Maqashid Syariah provides a comprehensive framework for understanding why narcotics abuse must be addressed through legal and social measures that protect individual dignity and collective welfare.

Another important issue concerns the appropriate legal treatment of individuals involved in narcotics-related activities. Narcotics users, individuals experiencing substance dependence, distributors, and traffickers may have different levels of responsibility and social impact. Therefore, Islamic criminal law should be examined not only in terms of punishment but also through the principles of justice (al-'adl), proportionality, prevention, and rehabilitation. The concept of ta'zir offers an important framework for discussing discretionary sanctions in Islamic criminal jurisprudence. At the same time, rehabilitation may support the objectives of protecting life and intellect by helping affected individuals recover their physical, psychological, and social conditions(Onishchenko et al., 2023). Thus, narcotics abuse should not be understood merely as an individual moral problem but as a complex social issue requiring integrated legal, medical, educational, and religious approaches.

Based on the background described above, this research addresses four main questions. First, how does Islamic criminal law regulate narcotics abuse? Second, what is the legal position of narcotics abuse according to the principles of Fiqh Jinayah? Third, how does Maqashid Syariah explain the prohibition and legal treatment of narcotics abuse? Fourth, how can the principles of Maqashid Syariah contribute to developing fair, proportional, and effective approaches to narcotics prevention and rehabilitation? These questions provide the foundation for examining the relationship between Islamic legal principles and contemporary narcotics-related challenges.

Research concerning narcotics abuse from the perspective of Islamic criminal law and Maqashid Syariah has attracted increasing scholarly attention, particularly in discussions of the prohibition of intoxicating substances, criminal sanctions, legal responsibility, rehabilitation, and the protection of human welfare. Sechan, Deswinta Elsa Luxiana, Muhammad Alwi Al Maliki, and Cecep Soleh Kurniawan (2025), in their study entitled Handling Narcotics and Drug Abuse in Indonesia from the Perspective of Maqashid al-Shari'ah, examined the handling of narcotics abuse in Indonesia through the framework of Maqashid Syariah. Using normative juridical research with legislative and conceptual approaches, the authors analyzed the relationship between Indonesian narcotics policies and the objectives of Islamic law. Their findings indicated that narcotics policies incorporate both repressive and rehabilitative approaches, although rehabilitation implementation still requires strengthening. They emphasized the importance of religious, social, and psychological interventions in preventing narcotics abuse and supporting the social reintegration of affected individuals. This research is relevant because it demonstrates that narcotics control should not focus exclusively on punishment but should also consider human recovery and public welfare.

Furthermore, Laksana, Lubis, Suwondo, Ngazis, and Sari (2025), in their article entitled Integrating Maqasid al-Shari'ah in Contemporary Islamic Legal Reform on Drug Policy, discussed the integration of

Maqashid Syariah into contemporary Islamic legal reform concerning drug policies. Their research emphasized the importance of connecting classical Islamic legal theory with modern public policy, particularly in addressing issues that are not sufficiently explored in traditional fiqh discussions, such as drug rehabilitation and public health. The study highlighted the potential of Maqashid Syariah to provide a systematic framework for evaluating drug policies by considering the protection of human intellect, life, and public welfare. Its contribution is particularly important because it connects Islamic legal philosophy with practical policy development(Suryani et al., 2023). However, further analysis is necessary to explain how these principles can be applied differently to narcotics users, individuals experiencing addiction, distributors, and traffickers.

In another study, Laksana, Musofiana, Hadiyanto, Osman, and Hassan (2026), entitled Rehabilitative Sentencing for Narcotics Addicts within the Framework of National Law and Maqasid Syari'ah, examined rehabilitative sentencing for narcotics addicts within the Indonesian legal system and its compatibility with the objectives of Islamic law. Employing a socio-legal approach, the researchers combined normative legal analysis with empirical considerations concerning social behavior and community responses. Their findings indicated that Indonesian legislation provides mechanisms for rehabilitation, but implementation continues to face challenges, including social stigma, institutional limitations, and public skepticism toward non-custodial sanctions. From the perspective of Islamic criminal law, rehabilitation can be understood through the concept of ta'zir as a means of correction and social improvement. The study particularly emphasized the protection of life (Hifz al-Nafs), intellect (Hifz al-'Aql), and public welfare. This research provides an important argument for considering rehabilitation as part of a comprehensive Islamic legal response to narcotics dependence rather than relying exclusively on imprisonment.

Another relevant contribution was presented by Ginting (2026) in a study entitled Rasionalitas Hakim dalam Pemidanaan Penyalahgunaan Narkotika: Perspektif Maqashid al-Syari'ah. The research examined judicial reasoning in a narcotics abuse case through the concept of Hifz al-'Aql. Using normative legal research and a case-study approach, the author evaluated the relationship between criminal punishment, rehabilitation, and the protection of society. The findings demonstrated a potential tension between imposing imprisonment and achieving the rehabilitative objectives of Islamic law. The study argued that judicial decisions should not rely exclusively on a legal-positivist approach but should also consider the broader objectives of Islamic law, particularly the restoration of human intellect and the protection of public welfare. This research is important because it illustrates how Maqashid Syariah can serve as an analytical framework for evaluating judicial decisions concerning narcotics abuse.

Additionally, Darwis, Ritonga, Harun, and Halim (2026), in their study entitled Juridical Analysis of Criminal Punishment and Rehabilitation for Narcotics Offenders in Islamic Criminal Law, examined the relationship between criminalization and rehabilitation under Indonesian positive law and Islamic criminal law. Their normative juridical research used a qualitative library-based approach, examining the Qur'an, Hadith, narcotics legislation, Islamic jurisprudence, and legal literature. The study discussed the importance of combining criminal sanctions with rehabilitation through the framework of ta'zir and Maqashid Syariah. Its contribution lies in demonstrating that Islamic criminal law can accommodate both legal accountability and rehabilitative measures, depending on the characteristics of the offense and the circumstances of the offender. This perspective supports the argument that the objectives of Islamic criminal law extend beyond punishment to include individual improvement and social protection.

Previous studies have examined narcotics abuse from various perspectives, including Islamic criminal law, the prohibition of khamr, and the application of Maqashid Syariah in protecting human welfare. Other studies have discussed Islamic criminal sanctions and their relevance to contemporary criminal justice systems. However, discussions concerning the prohibition of narcotics and its legal consequences do not always sufficiently integrate the five objectives of Maqashid Syariah with the different categories of narcotics-related conduct. In particular, the practical implications of Islamic legal principles for distinguishing users, individuals experiencing addiction, distributors, and traffickers require further examination. Therefore, this research seeks to address this gap by integrating the analysis of Fiqh Jinayah and the five fundamental objectives of Maqashid Syariah to establish a more comprehensive understanding of narcotics prohibition, legal responsibility, punishment, prevention, and rehabilitation.

This research aims to analyze the regulation of narcotics abuse from the perspective of Islamic criminal law and examine its legal classification within the framework of Fiqh Jinayah. It also seeks to investigate the application of Maqashid Syariah to narcotics prohibition and punishment, particularly

concerning the preservation of religion, life, intellect, lineage, and property. Furthermore, this research aims to identify the relevance of Islamic criminal law principles to contemporary approaches to narcotics prevention, legal enforcement, and rehabilitation.

Theoretically, this research is expected to enrich Islamic criminal law scholarship concerning contemporary narcotics-related offenses and contribute to the development of discussions on applying Maqashid Syariah to modern legal problems. It also seeks to strengthen the relationship between Islamic legal theory, justice, and human welfare. Practically, the research is expected to provide insights for policymakers, legal practitioners, and Islamic scholars in developing more proportionate approaches to narcotics-related offenses. Additionally, it may encourage preventive and rehabilitative strategies that integrate medical treatment, moral education, religious guidance, and social support in accordance with the fundamental objectives of Islamic law.

METHOD

This research employs a qualitative descriptive approach using library research to examine narcotics abuse from the perspective of Islamic criminal law and Maqashid Syariah(Syaflin et al., 2020). The qualitative approach is selected because the research focuses on understanding, interpreting, and analyzing Islamic legal principles, normative arguments, and scholarly perspectives concerning narcotics-related offenses rather than measuring numerical data or testing statistical relationships. Library research is used to collect and examine relevant information from primary and secondary literature, including the Qur'an, Hadith, classical Islamic jurisprudence, contemporary Islamic legal publications, academic journal articles, and applicable legal regulations. Through this research design, the study seeks to provide a comprehensive understanding of the prohibition of narcotics, the classification of narcotics-related conduct within Fiqh Jinayah, and the application of Islamic legal objectives to punishment, prevention, and rehabilitation. The research does not involve direct experiments, surveys, or interviews because its primary focus is the normative and conceptual examination of existing legal and scholarly sources.

This study applies three complementary research approaches, namely the normative juridical approach, the conceptual approach, and the comparative approach(Brand, 2006). First, the normative juridical approach is employed to examine Islamic legal principles and relevant legal provisions concerning narcotics abuse. This approach focuses on analyzing the legal foundations of narcotics prohibition through the Qur'an, Hadith, Islamic jurisprudence, and Indonesian legislation, particularly Law No. 35 of 2009 concerning Narcotics. It also examines the relationship between Islamic legal norms and contemporary regulations concerning narcotics users, addicts, distributors, and traffickers. Second, the conceptual approach is used to analyze fundamental concepts in Islamic criminal law, including Fiqh Jinayah, Maqashid Syariah, khamr, mukhaddirat, jarimah, and ta'zir. Particular attention is given to the five fundamental objectives of Islamic law: the preservation of religion (Hifz al-Din), life (Hifz al-Nafs), intellect (Hifz al-'Aql), lineage (Hifz al-Nasl), and property (Hifz al-Mal). This approach helps explain the philosophical foundations of narcotics prohibition and the importance of protecting individual and collective welfare. Third, the comparative approach is applied to identify similarities and differences between classical Islamic legal perspectives and contemporary legal approaches to narcotics abuse. The comparison focuses on the objectives of punishment, legal responsibility, proportionality, prevention, and rehabilitation. These three approaches provide a comprehensive framework for examining narcotics abuse from both normative and philosophical perspectives.

The research materials consist of primary and secondary sources that are relevant to the research objectives. Primary sources include the Qur'an, Hadith, classical Islamic jurisprudence literature, and applicable legal regulations(Abdal-Haqq, 2002). The Qur'anic references include Surah Al-Baqarah [2]: 195, which emphasizes the prohibition of contributing to one's own destruction; Surah Al-Ma'idah [5]: 90–91, which discusses the prohibition of intoxicants and their harmful consequences; Surah An-Nisa [4]: 29, which contains the prohibition against taking one's own life; and Surah Al-Baqarah [2]: 219, which explains the harmful consequences associated with intoxicants and gambling. Hadith concerning intoxicating substances, particularly the principle that every intoxicant is prohibited, are also examined to establish the Islamic legal basis for addressing substances that impair human consciousness and reasoning. Furthermore, classical and contemporary Islamic jurisprudence literature concerning khamr, mukhaddirat, jarimah, and ta'zir is used to analyze the legal classification and treatment of narcotics-related conduct. In the context of

Indonesian law, Law No. 35 of 2009 concerning Narcotics serves as an important legal reference for understanding the regulation of narcotics abuse, criminal sanctions, and rehabilitation.

Secondary sources consist of Islamic criminal law textbooks, publications on Maqashid Syariah, academic journal articles concerning narcotics abuse, books on Islamic legal philosophy and contemporary criminal justice, and scholarly publications addressing rehabilitation, restorative justice, and narcotics prevention. These sources are used to support the interpretation of primary legal materials, compare different scholarly perspectives, and identify the relationship between Islamic legal principles and contemporary narcotics policies. The selection of research materials considers their relevance, academic credibility, and contribution to answering the research questions.

Data collection is conducted through systematic documentation and literature review(Fink, 2010). The first stage involves identifying and collecting relevant Qur'anic verses and Hadith concerning intoxicating substances, the prohibition of self-harm, and the protection of human welfare. The second stage involves reviewing classical and contemporary Islamic legal literature to understand the development of legal reasoning concerning khamr, narcotics, jarimah, and ta'zir. The third stage consists of collecting relevant legislation and legal documents, particularly Indonesian narcotics regulations, to identify the legal framework governing narcotics abuse, criminal responsibility, and rehabilitation. The fourth stage involves examining scientific journal articles, academic books, and scholarly publications that discuss the application of Maqashid Syariah to contemporary criminal justice and narcotics policies. Finally, all collected materials are classified and organized according to the research questions and thematic categories, including narcotics prohibition, Islamic criminal sanctions, the five objectives of Maqashid Syariah, and the relationship between punishment and rehabilitation. This systematic collection process ensures that the materials used in the research are relevant to the study's analytical objectives.

The collected research materials are analyzed using descriptive-analytical and normative analysis techniques. Descriptive-analytical analysis is employed to explain and interpret the relevant Islamic legal principles, scholarly arguments, and legal provisions concerning narcotics abuse(Al-Dafrawi, 2020). Meanwhile, normative analysis is used to evaluate the compatibility of narcotics-related conduct and its legal treatment with the objectives and principles of Islamic law. The analysis begins by identifying the Islamic legal foundations concerning narcotics and intoxicating substances through the Qur'an, Hadith, and relevant Islamic jurisprudence. Subsequently, the study examines the classification of narcotics-related conduct within Fiqh Jinayah, particularly the relationship between the prohibition of khamr, the concept of jarimah, and the application of ta'zir. The next stage analyzes narcotics abuse through the five fundamental objectives of Maqashid Syariah, namely the preservation of religion, life, intellect, lineage, and property, with particular emphasis on the protection of intellect (Hifz al-'Aql) and life (Hifz al-Nafs). Furthermore, Islamic legal principles are compared with relevant contemporary legal provisions to identify similarities, differences, and potential implications for narcotics regulation. Finally, the research synthesizes the findings to formulate conclusions concerning appropriate punishment, legal responsibility, prevention, rehabilitation, and the protection of individual and public welfare.

RESULTS AND DISCUSSION

The Concept of Narcotics Abuse in Islamic Criminal Law

Narcotics abuse is a complex legal and social problem involving the use of substances that can influence the functioning of the human nervous system, consciousness, emotions, and behavior. In general, narcotics refer to substances that may produce changes in physical and psychological conditions, reduce pain, create dependence, or alter an individual's mental state. Narcotics abuse occurs when these substances are used improperly, without medical justification, beyond prescribed instructions, or for purposes that may endanger individual and public welfare(Cobaugh et al., 2014). From a legal perspective, it is important to distinguish between the legitimate medical use of narcotics and their misuse for non-medical purposes. Certain narcotic substances have recognized medical benefits when administered under appropriate professional supervision, whereas uncontrolled consumption may result in dependence, health complications, impaired judgment, and social problems. Therefore, the legal assessment of narcotics use should consider its purpose, dosage, medical necessity, potential harm, and applicable regulations.

In Islamic criminal law (Fiqh Jinayah), the discussion of narcotics can be connected to the prohibition of khamr, which refers to intoxicating substances that impair human consciousness and rational capacity(Usman et al., 2022). Although classical Islamic jurisprudence primarily discusses

alcoholic beverages, the underlying legal reasoning can also be applied to other substances that produce comparable harmful effects. This relationship is supported by the Hadith of the Prophet Muhammad (peace be upon him): "Kullu muskirin khamrun wa kullu khamrin haram," meaning, "Every intoxicant is khamr, and every khamr is prohibited." This Hadith establishes a general principle that the prohibition of intoxicating substances is not limited to a particular beverage but is associated with their intoxicating characteristics and harmful consequences. Consequently, substances that impair human reasoning and consciousness may be examined through the legal reasoning ('illah) underlying the prohibition of khamr.

The principal 'illah associated with this prohibition is the impairment of intellect and the potential harm caused to human welfare. In Islamic teachings, intellect is an essential element that enables individuals to distinguish between right and wrong, fulfill religious obligations, make responsible decisions, and maintain social relationships. Substances that substantially impair these abilities may therefore conflict with the objectives of Islamic law. However, not all narcotics produce identical effects, and some have legitimate therapeutic applications. For this reason, their legal assessment should not be based solely on their chemical classification but should also consider their pharmacological characteristics, intended use, dosage, medical supervision, and potential harm. This distinction is important because Islamic law seeks to prevent harmful consumption without disregarding legitimate medical treatment. Thus, the Islamic legal perspective provides a foundation for distinguishing between medically justified narcotics use and prohibited abuse.

The Legal Position of Narcotics Abuse in Fiqh Jinayah

The legal position of narcotics abuse within Fiqh Jinayah can be examined through the principles governing prohibited substances, criminal responsibility, and appropriate sanctions. Islamic criminal law recognizes different categories of offenses, including jarimah hudud, jarimah qisas-diyat, and jarimah ta'zir(Nokoe, 2016). These classifications have different legal foundations and consequences. Hudud refers to offenses for which specific punishments are established in Islamic legal sources, while qisas-diyat concerns offenses involving bodily injury or loss of life. Meanwhile, ta'zir refers to sanctions determined by legitimate authority for offenses that do not have a fixed hadd punishment and for which discretionary legal responses are appropriate. Narcotics-related offenses can be examined within the framework of ta'zir, particularly when their legal characteristics and specific circumstances do not correspond directly to established hudud categories.

The relationship between narcotics abuse and the prohibition of khamr is commonly explained through the principle of qiyas, or analogical reasoning. Through this method, contemporary narcotic substances may be compared with intoxicating substances prohibited in Islamic legal sources when they share the relevant effective cause, particularly impairment of intellect and the potential to cause harm. However, the application of qiyas requires careful examination because different narcotic substances may have different pharmacological effects, purposes, and levels of risk. Furthermore, the legal treatment of narcotics consumption should not automatically be equated with the legal treatment of trafficking or distribution. A person consuming narcotics, an individual experiencing substance dependence, and a person organizing narcotics distribution may have different levels of responsibility and create different forms of harm. Therefore, the application of Islamic criminal law must consider the nature of the conduct, intention, knowledge, circumstances, and consequences of the offense.

The concept of ta'zir provides flexibility for addressing these differences because sanctions can be determined according to the seriousness of the offense, the offender's circumstances, and the interests of society. Such sanctions may include warnings, educational measures, restrictions, imprisonment, and other legally appropriate interventions determined by legitimate authorities. In the context of narcotics abuse, this flexibility allows Islamic criminal law to accommodate preventive and rehabilitative approaches alongside punishment. Nevertheless, discretionary authority must remain subject to the principles of justice, proportionality, and the protection of human rights. Consequently, Fiqh Jinayah offers a framework for addressing narcotics-related offenses without treating all offenders as legally identical.

Narcotics Abuse from the Perspective of Maqashid Syariah

Maqashid Syariah is a fundamental framework in Islamic legal thought that emphasizes the achievement of human welfare (maslahah) and the prevention of harm (mafsadah)(Dusuki & Bouheraoua, 2011). Its five essential objectives consist of protecting religion (Hifz al-Din), life (Hifz al-Nafs), intellect (Hifz al-'Aql), lineage (Hifz al-Nasl), and property (Hifz al-Mal). These objectives provide a comprehensive

foundation for understanding why narcotics abuse is inconsistent with Islamic legal principles and why its prevention requires more than the imposition of criminal sanctions.

a. Protection of Religion (Hifz al-Din)

The preservation of religion emphasizes the importance of maintaining faith, religious awareness, and the ability to fulfill religious obligations. Narcotics abuse may interfere with this objective when substances impair consciousness, reduce self-control, and weaken an individual's ability to perform religious responsibilities. Individuals experiencing substance dependence may also face difficulties maintaining consistent religious practices and moral discipline. From an Islamic perspective, preserving religion requires maintaining the mental and spiritual conditions necessary for responsible religious life(Chapra, 2008). Therefore, Islamic education, religious counseling, and spiritual guidance can contribute to narcotics prevention and recovery. Religious institutions and families also have an important role in developing moral awareness and encouraging individuals to avoid substances that may damage their physical, psychological, and spiritual well-being.

b. Protection of Life (Hifz al-Nafs)

The preservation of life is one of the most important objectives of Islamic law because human life possesses fundamental dignity and must be protected. Narcotics abuse may threaten this objective through overdose, physical illness, psychological disorders, accidents, and other potentially life-threatening consequences. Continued misuse can also expose individuals to unsafe environments and behaviors that increase the risk of injury and premature death. Islamic teachings emphasize the importance of protecting life and preventing actions that cause serious harm. Consequently, narcotics prevention, medical treatment, and rehabilitation are consistent with the objectives of Hifz al-Nafs. Individuals experiencing substance dependence should have access to appropriate healthcare services and professional assistance. This approach demonstrates that protecting life requires not only prohibiting harmful behavior but also providing opportunities for recovery and restoring individual welfare.

c. Protection of Intellect (Hifz al-'Aql)

The preservation of intellect is particularly relevant to the discussion of narcotics abuse because human reasoning is essential for moral responsibility, legal accountability, and social participation(Bonnie, 2002). In Islamic legal thought, intellect enables individuals to understand religious obligations, distinguish between beneficial and harmful actions, and make rational decisions. Narcotics substances that impair consciousness and cognitive functioning may threaten this fundamental capacity. Their misuse can affect memory, concentration, emotional regulation, judgment, and decision-making. Consequently, the prohibition of intoxicating substances can be understood as an important measure for protecting the human intellect.

d. Protection of Lineage and Family (Hifz al-Nasl)

The preservation of lineage and family emphasizes the importance of protecting family stability, parenting responsibilities, and the welfare of future generations. Narcotics abuse may negatively affect family relationships through financial difficulties, emotional instability, domestic conflict, neglect of responsibilities, and the breakdown of family communication(Mardani et al., 2023). Individuals experiencing substance dependence may have difficulties fulfilling their responsibilities as parents, spouses, and family members. Children living in environments affected by narcotics abuse may also experience emotional insecurity, inadequate supervision, and other social disadvantages. Therefore, preventing narcotics abuse is relevant to the objectives of Hifz al-Nasl. Family education, counseling, community support, and rehabilitation programs can help reduce the negative effects of substance dependence and strengthen family relationships. Protecting lineage in this context involves not only biological continuity but also maintaining a healthy and supportive environment for the development of future generations.

e. Protection of Property (Hifz al-Mal)

The preservation of property emphasizes the importance of protecting legitimate wealth, economic stability, and responsible financial behavior. Narcotics abuse may threaten this objective through excessive spending, loss of employment, financial dependence, debt,

and reduced economic productivity. In more serious situations, narcotics-related activities may involve theft, illegal transactions, exploitation, and organized trafficking networks. Such activities can damage individual economic security and undermine community welfare. From the perspective of Islamic law, wealth should be acquired and utilized through legitimate means and should contribute to human welfare(Akram Laldin & Furqani, 2013). Therefore, narcotics prevention and the suppression of illegal distribution activities are consistent with Hifz al-Mal. Rehabilitation and employment support may also help affected individuals regain economic independence and participate productively in society.

Overall, the five objectives of Maqashid Syariah demonstrate that narcotics abuse is not limited to the impairment of individual intellect but can also threaten religious responsibilities, human life, family stability, and economic welfare. These objectives provide an integrated framework for developing legal and social responses that address both the causes and consequences of narcotics abuse.

The Principles of Justice and Proportionality in Narcotics Punishment

Justice (al-'adl) is a fundamental principle of Islamic criminal law that requires legal decisions and punishments to be fair, responsible, and proportionate to the nature of an offense(Nur, 2021). In addressing narcotics abuse, the principle of justice requires consideration of the offender's conduct, intention, level of responsibility, and the consequences of the action. This means that narcotics users, individuals experiencing substance dependence, distributors, and traffickers should not automatically receive identical legal treatment. Although all forms of narcotics-related conduct may require legal examination, their characteristics and levels of social harm can differ significantly. Therefore, the determination of appropriate sanctions should consider the circumstances of each case rather than applying a uniform approach.

The principle of proportionality is closely connected to the concept of ta'zir, which provides legitimate authorities with discretion to determine appropriate sanctions according to the seriousness of an offense and the interests of society. For individuals who consume narcotics, particularly those experiencing substance dependence, legal responses may need to incorporate medical assessment, rehabilitation, and appropriate legal accountability(Tiger, 2012). In contrast, individuals involved in distribution, trafficking, or activities that exploit others may create broader social harm and therefore require stronger legal responses. This distinction reflects the importance of examining both individual responsibility and the consequences of criminal conduct.

Furthermore, punishment in Islamic criminal law should not be understood exclusively as a mechanism of retaliation or deterrence. It should also contribute to preventing future offenses, protecting society, restoring individual responsibility, and maintaining social order. Imprisonment may be necessary in certain circumstances, especially where serious criminal conduct is involved. However, imprisonment alone may be insufficient when an individual is experiencing substance dependence and requires medical or psychological treatment. Without appropriate rehabilitation, incarceration may fail to address the conditions associated with repeated narcotics use. Therefore, a proportionate legal approach should balance accountability, public protection, and opportunities for recovery in accordance with the objectives of Islamic law.

Rehabilitation and Prevention Based on Maqashid Syariah

Rehabilitation is an important approach to addressing narcotics abuse because it focuses on restoring the physical, psychological, social, and behavioral conditions of individuals affected by substance dependence(Health et al., 2009). From the perspective of Maqashid Syariah, rehabilitation is closely associated with the preservation of life (Hifz al-Nafs) and intellect (Hifz al-'Aql). The objective is not merely to stop narcotics consumption but also to help individuals regain their health, cognitive capacity, self-control, and ability to participate responsibly in society. This approach reflects the Islamic emphasis on protecting human dignity and promoting individual welfare.

Effective rehabilitation requires an integrated approach involving medical treatment, psychological counseling, social assistance, and, where appropriate, religious guidance(Juvva & Newhill, 2011). Medical interventions are important for addressing physical dependence and related health complications, while psychological counseling can help individuals understand the factors contributing to substance misuse and develop healthier behavioral patterns. Religious counseling and moral education may strengthen spiritual awareness, personal responsibility, patience, and self-discipline. These approaches should complement professional medical treatment rather than replace it. Furthermore, family

involvement and community support are important in preventing relapse and encouraging successful social reintegration.

Prevention is equally important because reducing narcotics abuse requires addressing the factors that contribute to substance misuse before they develop into more serious problems(Volkow et al., 2019). Educational institutions can provide information about the physical, psychological, social, and legal consequences of narcotics abuse. Religious organizations can strengthen moral awareness and provide counseling and community-based support. Families can contribute through communication, supervision, and emotional assistance, while government agencies have responsibilities in law enforcement, public education, healthcare provision, and rehabilitation services. Within the framework of Maqashid Syariah, these preventive measures support the protection of all five fundamental objectives of Islamic law.

Nevertheless, rehabilitation should not necessarily replace all criminal sanctions. Its application should depend on the offender's conduct, legal responsibility, medical condition, and the seriousness of the offense(Packer, 2009). Individuals experiencing substance dependence may require treatment alongside appropriate legal supervision, whereas distributors and traffickers may require more stringent sanctions because of the wider harm associated with their activities. Thus, rehabilitation and punishment should be viewed as complementary instruments that can serve different legal and social purposes. Their combination can support the objectives of Islamic criminal law by preventing harm, restoring individual welfare, and protecting society.

The Relevance of Islamic Criminal Law to Contemporary Narcotics Regulations

The principles of Islamic criminal law have significant relevance to contemporary narcotics regulations, particularly in Indonesia, where narcotics abuse is addressed through Law No. 35 of 2009 concerning Narcotics(Packer, 2009). This legislation establishes a legal framework for narcotics control, including regulation of medical and scientific use, prohibition of unauthorized activities, criminal sanctions, and rehabilitation. Its provisions recognize different forms of narcotics-related conduct, including unauthorized possession, distribution, trafficking, and abuse. The legislation also provides a legal basis for medical and social rehabilitation in specified circumstances. These regulatory arrangements demonstrate the importance of combining law enforcement with treatment and preventive measures.

The relationship between Indonesian narcotics regulations and Islamic criminal law can be examined through their shared concern for protecting individuals and society from harmful substances. Islamic criminal law emphasizes the prevention of harm, the protection of intellect, and the maintenance of public welfare, while contemporary narcotics regulations seek to control illegal activities, reduce substance abuse, and protect public health and security. Both frameworks recognize that narcotics-related problems require legal intervention, although their normative foundations and institutional mechanisms are different. In Islamic criminal law, the concept of ta'zir provides a framework for discretionary punishment, whereas Indonesian positive law establishes specific criminal provisions and rehabilitation mechanisms through statutory regulations.

An important area of comparison concerns the treatment of narcotics users and addicts in relation to distributors and traffickers. Contemporary legal policy recognizes that individuals who misuse narcotics may require rehabilitation, while those involved in illegal distribution and trafficking may face criminal sanctions. This distinction is consistent with the broader Islamic legal principle that punishment should consider the nature of the conduct, individual responsibility, and the consequences of an offense. However, the actual legal treatment of each person must be determined according to applicable legislation and the evidence established in the legal process.

The framework of Maqashid Syariah can contribute to evaluating contemporary narcotics policies by providing ethical and philosophical considerations concerning justice, proportionality, human dignity, and public welfare. The preservation of intellect and life supports policies that prevent harmful consumption and provide access to appropriate treatment. The preservation of lineage and property highlights the importance of protecting families and communities from the wider consequences of narcotics-related activities.

CONCLUSION

This research concludes that narcotics abuse constitutes a serious issue in Islamic criminal law because of its potential to damage human intellect, life, and social welfare. Its prohibition is closely related to the Islamic prohibition of intoxicating substances (khamr), particularly through the legal reasoning of

preventing harm. Within Fiqh Jinayah, the concept of ta'zir provides a relevant framework for addressing narcotics-related offenses through proportionate sanctions based on the nature and seriousness of the conduct. Furthermore, Maqashid Syariah offers a comprehensive perspective through the protection of religion, life, intellect, lineage, and property. Among these objectives, Hifz al-'Aql and Hifz al-Nafs are particularly important in preventing the harmful consequences of narcotics abuse. The findings also emphasize that effective responses should integrate legal accountability, prevention, medical treatment, and rehabilitation. Islamic legal scholars should strengthen contemporary interpretations of narcotics offenses, while policymakers should distinguish users, addicts, distributors, and traffickers when determining sanctions. Rehabilitation should integrate medical, psychological, family, and religious support. Future research should examine rehabilitation effectiveness and the practical implementation of Maqashid Syariah in contemporary narcotics policies.

AUTHORS' DECLARATION

Authors' Contributions and Responsibilities

The author was responsible for the entire research process, including formulating the research problem, developing the conceptual framework, conducting the literature review, collecting relevant legal and scholarly materials, and analyzing the findings using normative juridical and conceptual approaches.

Competing Interests

TThe author declares that there are no competing interests related to the research, authorship, or publication of this article. This research was conducted independently and was not influenced by an.

Acknowledgments

The author would like to express sincere gratitude to all individuals and institutions that provided academic support and encouragement throughout the completion of this research.

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