

**The Legality Of Miras (*Khamr*) In Al-Quran Perspective
(Comparative Study of The Tafsir Al-Maraghy, Al-Misbah, and
Al-Qurthubi)**

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Abstract

The discourse on the legality of alcohol in Indonesia has become a hot topic of controversy among various communities. The supporters claim that the legality of alcohol is part of local wisdom so it deserves to be legalized. Meanwhile, the majority of Indonesian muslims have rejected this policy with various approaches. This turmoil is interesting to study in order to ground the Qur'an which has long forbidden khamr to be traded. This study used a phenomenological method which is based on the interpretation of the Qur'an, especially the thematic comparisons by the Tafsir Al-Maraghy, Al-Misbah, and Al-Qurthubi. There were three concluding phases of this study; First, the process of forbidding khamr in the Qur'an has certain phases and levels before it is totally prohibited. Second, the most dominant advantage of khamr is only in terms of trading, while the rest has more disadvantages. Third, khamr still applies to emergencies such as medical needs, alchemy, medicine and perfumes. In essence, the legality of alcohol which is to be consumed (drunkenness) is forbidden in Islam.

Keywords: *Legality, Miras, Interpretation*

Abstrak

Hadirnya wacana legalitas miras di Indonesia sempat menjadi perdebatan hangat dan kontroversi berbagai kalangan. Pihak pendukung mengklaim bahwa legalitas miras bagian dari kearifan lokal setempat sehingga layak untuk disahkan. Sementara mayoritas muslim se-Indonesia menolak kebijakan tersebut dengan beragam pendekatan. Gejala ini menarik untuk dikaji guna membumikan Al-Qur'an yang sejak jauh hari melarang khamr diperjualbelikan. Penulisan ini menggunakan metode fenomenologi yang dianalisis berdasarkan tafsir Al-

Qur'an khususnya komparasi tematik oleh Tafsir Al-Maraghy, Al-Misbah, dan Al-Qurthubi. Terdapat tiga fase kesimpulan dari penelitian ini; Pertama, proses pengharaman khamr di Al-Qur'an memiliki fase dan jenjang tertentu sebelum diharamkan secara total. Kedua, keuntungan khamr yang paling dominan hanyalah dalam hal berniaga sedangkan sisanya lebih banyak mudaratnya. Ketiga, khamr masih diizinkan bila digunakan untuk keadaan darurat seperti kebutuhan medis, alkemis, pengobatan dan wangi-wangian. Pada intinya, legalitas miras yang bersifat untuk dikonsumsi (mabuk-mabukan) diharamkan dalam Islam.

Kata Kunci: Legalitas, Miras, Tafsir

INTRODUCTION

In accordance with the new policy issued by the Government through Presidential Regulation (Perpres) No. 10 of 2021 concerning the Investment Business Sector. The regulation stipulates a regulation that allows the liquor industry (miras) or alcoholic drinks to invest in four provinces openly. The Presidential Regulation is a derivative rule of Law Number 11 of 2020 concerning work copyright (Taufikin, 2015).

Based on the rules contained in the Perpres, the liquor industry can obtain investment from various sources, both foreign and domestic investors. With the issuance of this permit, both cooperatives and MSMEs can also inject investment into the liquor industry. This policy clearly gets a view that reaps pros and cons among the community, especially Muslims. Not a few of the community groups and religious organizations have rejected the presidential regulation. The reason is that there are many negative sides that will later appear in society compared to the positive sides (Huda dkk., 2015).

The Presidential Regulation on alcohol investment policy, according to the opinion of the experts at the Center for Community Economic Studies (PSEK), does indeed open up a paradigm of investment in the economic sector. There is some truth in seeing that the investment will have large and high economic values. However, the policy considered not to pay attention to moral aspects as well as representation of community expectations for good and lawful economic development as well as paying attention to ethical values and community welfare. In fact, this policy can provide space for certain capital

owners to ignore the moral and ethical aspects that have been maintained in the midst of Indonesian society.

The presence of liquor cannot be separated from the conditions that underlie the culture of a particular society. It is almost certain that every cultural community of a particular society has its own traditions that make or even become accustomed to drinking liquor. As an example of the culture that exists in European society, namely the French country which is very closely related to the customs of being a well-known wine supplier. The discovery of various types of alcohol from these alcoholic drinks that we can find in these areas even have different names and brands. In Asian countries, especially the Land of the Sun or Japan, alcoholic drinks are called Sake, in Arab countries it is called khamar, in the people of Flores it can be called Sopi to get to know drinking alcohol, while on the island of the gods or Bali it is called Arak (Salma & Revianda, 2020).

The bad effects of consuming alcohol included that young people can be more passionate in negative ways and can easily feel offended. From the large number of adolescent problems, both beatings and fights, all of which involved adolescents, when examined and analyzed, it turns out that all of these incidents stem from the impact of alcohol. The act of drinking alcohol shows one example of bad deeds in the lives of teenagers today. All young people who are involved in the delinquency, do not have self-control or even manipulate that self-control, and like to instill a support for their own behavior, in addition to minimizing the situation of those around him (Winurini, 2018).

Islam is a religion that originates from Allah SWT, therefore in a basic theory of law that shapes the rules on earth, of course Allah SWT; Law in the view of Islam has a holy character and is in essence absolute and does not change at all. In Islam, laws that come from the *Qur'an* are not formed through state regulations or even the policies of a country, but laws that come from the *Qur'an* are for the good of all Muslims in the world. From that, policies derived from the *Qur'an* can be applied anywhere, even in countries that do not instill Islamic syariat though (Lukmanudin, 2015).

In Islamic law, the way to understand it has been widened by the ulama, where the discussion is almost the same as modern civil law. because the law can be processed by the person who determines the law, at least for those who have an interest in the law, a system or even levels above it, the agreed norms must be in line with the situation and conditions desired in that place. In other words,

Islamic law must straighten all human behavior from all aspects of social and state life. Furthermore, Islamic law also discusses halal and haram deeds. (Wijaya, 2016)

Far from the arrival of Islam, the Arab population and nation were accustomed to drinking alcohol or we often called it in the *Qur'an* as khamar. According to the opinion of one of the foremost scholars Yusuf Qaradawi, in Arabic grammar there were more than 100 different words even more just to be able to understand and explain at least the words that contain the element of an intoxicating drink or are called alcohol. On the other hand, it can be ascertained that all the Arabic poets before the arrival of Islam could not be separated from the habit of worshipping khamar. This can illustrate how close the Arabs were at that time to habits that we consider to be bad habits (Ashar, 2015).

An interesting discourse from Islam, at least there is a related verse in the *Qur'an* that does not allow people to use alcohol and things that can cause harm to its users. In the most recent order, alcohol and drinks that can be intoxicating can also be categorized as drugs or illegal drugs or the like.

When Islam was present, the most dangerous substance for those who consumed it and the most familiar was only khamar. With the current development, these alcoholic drinks touch each other, transformed and reproduced in increasingly modern models and quantities, until now they are commonly referred to as narcotics or better known as drugs. Therefore, it can be understood that the form of refusal or prohibition of humans from using alcoholic and intoxicating drinks is the same as refusal to consume illegal drugs or narcotics (Fathurrosyid, 2018).

If we talk about halal or haram, it can be seen that the law of human behavior has been decided by Allah SWT and that will cannot be changed. But we can see the laws of behavior which need a fundamental tracing analysis to be able to conclude the statutes of the shari'ah between the laws that Allah has established regarding the prohibition of khamar, as His Word; (Q.S Al-Maidah: 90-91).

Through some of the basic explanations above, it can be found that at least the perspective of Islam through the interpretation of the *Qur'an* is clear and clearly prohibits the existence of alcohol or Khamar, that it is very forbidden, even though since the era of jahiliyyah, alcoholic drinks have been commonly used and become part of the traditions of Arab society at the time. Islam came

with an interesting discourse from the *Qur'an* to help mankind from damage, among these prohibitions are alcoholic drinks or khamar, because alcoholic drinks are part of the supporting factors in destroying the order of life of mankind.

RESEARCH METHODS

This research is a qualitative research where the research has produced descriptive data in the form of written or spoken words from people and observed behavior. In this study the data were not realized in the form of numbers, but they were obtained with explanations and various descriptions in the form of writing. The research approach used is a non-interactive approach or also known as comparative analytical research, which conducts a study based on document analysis. Researchers work by collecting, identifying, analyzing, and synthesizing the data, then providing interpretations of concepts, policies, and events that can be directly or indirectly observed. As the name implies, this research does not collect the data interactively or through interaction with human data sources. The data source is in the form of documents. This research is a literature study with a comparative method of various interpretations in the form of Tafsir Al-Maraghy, Tafsir Al-Misbah, and Tafsir Al-Qurtubi. Then examine the thoughts of the mufassirin expert to find out the contents of the message contained in the mufassirin's thoughts. The specification of this research is descriptive analysis because it does not search for causal relationships in the field, nor does it test hypotheses or make predictions. This method describes and explains how the views of the non-believers towards the legality of the alcohol that the government is trying to implement.

RESEARCH FINDINGS AND DISCUSSION

Khamar In Islamic Perspective

Linguistically, khamar is a filter of grapes, in fact it has properties that can make people who drink it drunk. Meanwhile, according to the term, khamar is a term that is often used to indicate an object that can be intoxicating or the like, whether it is consumed in small quantities or in large quantities, whether it comes from fruits that contain intoxicating elements, or other ingredients (Hakim, 2004)

In the Arabic term, this intoxicating drink is known as al-kuhl, and has become a familiar term in a cosmetic medicine, namely eyeshadow. Because alcohol is similar to compounds that can easily be evaporated, boiled, even condensed and is one of the elements that can cause drunkenness for those who consume it (Jauhar, et.al, 2009)

While the explanation of the Qur'an and Hadith, said to be khamar because it is taken from Arabic which means wine, shows its basic nature which can be intoxicating because the drink contains a substance called alcohol. It is called khamar because the drink functions to damage the mind and eliminate normal thoughts, and also in the procedure to make alcoholic drinks appear covered up, with the reason to maintain the quality of the drink process (Shehab, et.al, nd)

In Islam, the term khamar becomes a discussion that has been explained through the Qur'an, at least in several letters in the Qur'an, namely (Surah Al-Baqarah: 219) and (Surah Al-Maidah 90-91). Even the in-depth explanation regarding the teachings of the Prophet has also been frequently put forward by the hadiths of the Prophet Muhammad. The Qur'an and Hadith have analyzed that consuming drinking alcohol is a part of forbidden behavior, even the punishment for those who have ignored it is very severe, and for those who have violated it, they can get certain punishments.(Salma & Revianda, 2020)

Some ulamas have different opinions in understanding the meaning of the word khamar, both in understanding the words of the *Qur'an* and also understanding the hadith of the prophet. Some opinions regarding the method of assessment are also very influential for the impact of the law which will later become evidence. Because through a real context, khamar is the juice (water) of fruit that we usually enjoy like grapes or apples. after that, there is a fermentation process.(Mahmud, 2020)

In general, both Syafi'i and Maliki Islamic scholars have all assessed the meaning of khamar in the Qur'an as a measurable form and not a single thing. Therefore, anyone who tries to consume khamar or objects in the form of alcohol such as drugs, or other similar forms and can be intoxicating, in large or small volumes, whether consciously or not, then it can be given legal sanctions at least in the form of a perspective of Islamic law.(Maiti & Bidinger, 1981)

The Islamic scholars have agreed to conclude that all things in the form of objects that bring modharat or have an intoxicating effect even to the point of eliminating the influence of reason and drinking it is categorized as haram. Likewise, what has been conveyed through the hadith narrated by Sunan Ibn Majah (Asy-Syaukani, 1993). It can be concluded that the general view of the scholars is based on the original nature of the object, namely eliminating the common sense function of humans and even making them drunk to the point of unconsciousness.(Mahmud, 2020)

The islamic scholars of hadith explained the prohibition of khamar, for example, a simple example of Imam Bukhori when explaining his sequences and prohibitions, argued, in fact the result of alcoholic drinking is the basis of one of the most frequent and common things in spending wealth and can also have an impact on the way humans destroy religion (Hakim, M., 2004). Meanwhile, Abu Hanifah gave limits only to fruits by processing or cooking them until they were really boiling and the froths came out of the preparations, then poured them into a tray until they were clear. In his opinion it is stated that the law is haram to drink even if only a little, either causing a sense of drunkenness or even not at all (Hakim, M., 2004).

This comes from the hadith of the Prophet. : "Everything that is intoxicating is khamar, and every khamar is haram" (Narrated by Muslim).

In another hadith it is also described: "Everything that is intoxicating if it is drunk in a bad state, then the level is haram" (Narrated by Ibn Majjah).

Islam does not turn a blind eye to the useful side of khamar or alcohol, but in an Islamic perspective, through the explanation of the *Qur'an*, the negative impact that can lead to an element of damage in the order of life is far greater than the elements that can make the benefits that can be obtained from alcohol. as explained (Surah Al Baqarah: 219).

Allah Almighty has given an image of both sin and harm, even what arises as a result of these two things, in the form of loss of reason, property and preventing us from remembering Allah, and even praying, has sparked enmity and even between fellow people. can hate each other and suspect each other (Hakim, M., 2004).

The bad consequences of alcohol have been fully accepted through health agencies even at the world level such as WHO. Even though there is no country in the world that is 100 percent free from alcohol, at least the data from statistics show that the WHO shows that the per capita use of alcoholic beverages in a predominantly Muslim country is much lower if you want compared to other non-Muslim-majority countries. Even Muslim-majority countries consume less than 0.5 liters per capita of alcohol per year. Then look at the countries where the majority of the population is not Muslim, European countries, for example, can consume alcohol in a matter of more than 10 liters of alcohol per capita per year (Rahardjo, W., 2008).

This explains that there is actually a relationship that has a positive impact on Islamic teachings, we can see from the low per capita figure of the volume or level of public consumption of alcohol-type drinks in countries where the majority of the population is Muslim (Syafe'i. 2015). In principle, the prohibition of alcoholism cannot be separated from the problems in human life, so that a phase that is also passed along with the phase of human life is described more rigorously in the *Qur'an*.

Threats in the *Qur'an*

In the *Qur'an* stated, "O Muhammad, your friends are asking about drinking khamar. So, say to them, "Verily there is a great sin in khamar." alcohol has enormous dangers, although there are several benefits that can be obtained. The negative points even outweigh the benefits. Drinking khamar is able to make anyone who sips it lose their mind and can prevent us from worshiping Allah SWT. and all if we compare the benefits and harms that can be generated from the khamar (Al-Sabuni, 2015).

Khamar is the mother of all evil, this is because khamar is able to make the drinker forget from remembering Allah or forgetting neglect in prayer. Khamar can also be a hindrance to the heart from the most dangerous guidance. Khamar is one of the devil's tricks that misleads anyone, leads to destruction of both personal and property destruction, even the general public (Al-Jarawi, 2006).

We can find a number of verses in the *Qur'an* regarding the prohibition of consuming khamar, or any form of intoxicating drink. The order to prohibit the

consumption of khamar was given in a gradual manner. Initially the prohibition was only dates and grapes which could be used as an intoxicating drink and good sustenance. (Q.S. an-Nahl ayat 67).

It is clear that the verse has explained that dates and grapes can have two different meanings, namely a drink that can be intoxicating and a sustenance that brings goodness. if that so, good wine processed through grapes and dates cannot be said to be a good sustenance because the first condition is to invite some Muslims at that time to avoid drinking khamar as soon as possible, even though at that time it has not been explicitly declared haram (Shehab, Magdy, nd).

Furthermore, it is also explained that drinking liquor or (khamar) is a big sin, although there are several benefits of khamar, still the sins it receives are far greater than the benefits. , (Q.S. al-Baqarah: 219) (Ashar, 2015).

Next After the verse was revealed, it was also revealed that it immediately forbade khamar, also related to praying while drunk, especially for friends who were already addicted to drinking khamar and had already learned khamar was a part of their life, (QS. An-Nisa': 43) (Rosihon, 2012).

After going through several phases of revelation, only then completely stipulates the prohibition of explicitly explaining khamar, and all actions that lead to corruption of reason and faith and heinous acts and gambling, are all parts of bad deeds and must be avoided and shunned. It was also emphasized that this act was intended to transmit enmity and hatred, and could also prevent humans from remembering the creator by leaving prayer. (Qs. al-Maidah ayat 90-91) (Rosihon, 2012).

Opinions of the Mufassir

According to several mufassir, namely Muhammad bin Ali Asy-Syaukani and Muhammad Rasyid Rida, that drinking a substance that has an intoxicating element such as alcohol, even in small amounts it doesn't even cause hangovers as well and should be avoided in our lives. The two Islamic scholars leaned through the rule of "*sadd az-zari'ah*" or something preventive action, because something can be intoxicating in a small volume and does not cause a feeling of drunkenness, but one day the habit will become a bad act that will lead to a habit. and a sense of dependence for the perpetrator, and of course, if cucumber

in larger quantities will cause excessive drunkenness, it will certainly cause harm in terms of benefits for those who drink it (Ahmad, 1997).

However, there have been some Islamic scholars who have the opinion that khamar is holy or not haram, for example Muhammad bin Ali asy-Syaukani in *Tafsir al-Manar*, he has argued that alcohol and khamar are not unclean, and also various forms of perfume which of course contain alcohol, because his statement is based on the absence of a *nassarih* or a clear statement regarding the matter conveyed by him above.

Meanwhile, according to the opinion of a Majlis named *Muzakarah al-Azhar Panji Masyarakat*, that if alcohol is in the form of perfume or perfume, it cannot be said to be haram, in fact we should be advised to use fragrances because the action is categorized as *sunah* (Azra, 1983).

Tafsir Al-Maraghy

There are several phases in the prohibition of alcohol, Imam Ahmad has narrated from the relatives of Abu Hurairah, that when the Prophet Sawhadirdi the city of Medina, the Prophet noticed some of his companions were engrossed in a state of alcoholic beverages and they also gambled. then some of them asked the Prophet Muhammad about the act of drinking alcohol and their gambling, because the question was revealed (QS. Al-Baqarah: 219). then they said, "It is not forbidden, only a great sin for the perpetrator". Most of the companions were still active in drinking alcohol, until one day there was an incident where one of the immigrants (*muhajirin*) performed prayers and even he became an imam at maghrib prayers at that time. Before leading the evening prayer, he had a chance to drink alcohol and was definitely still in a drunken condition, so he got some fatal mistakes in reciting the Al-Quran when he became an imam. and finally came a revelation that is more strict and forbids drunkards, namely (QS. An-Nisa': 43). And then after that, it was revealed again in the form of a verse that is much more firm than the previous verses, (QS. Al-Maidah : 90-91) (Al-Maraghy, nd, p. 259).

We can see that some of the verses revealed above show that the form of prohibition against drinking khamar is firm and certain to be carried out after prior warning and then after a form of prohibition against praying in an

unconscious condition or in a drunken state. Given the conditions and times for performing prayer services are very close and connected, therefore for those of me who are accustomed to drinking khamar are required to immediately avoid it, so as not to perform the prayers while drunk. for the gradual prohibition is of immense benefit. Anyone who drinks khamar who is accustomed to and has been addicted, can leave it slowly and gradually, and of course in the end all addicted drinkers can accept and obey these restrictions.

In substances that contain alcohol or khamar, there is a very terrible danger, both for physical health, soul, mind and property, even to our life in society. First: Damaging to health, drinking alcohol can certainly damage the process of digestion of food and can reduce our appetite, even the eyes of alcohol drinkers can appear bigger, the position of the stomach can cause excessive bloating, the face looks paler and always lethargic, for alcoholics that can trigger heart and bladder disease and cause lung disease which has claimed many lives. Khamar or alcohol can also spontaneously weaken the sense of taste for addicts, because these substances will cause infection in the throat and tongue, because alcohol produces fat content which then wraps around the heart and causes its working power to weaken and disrupts the circulatory system for the blood that passes through it. and it could just suddenly stop the working system of the heart so that it can cause sudden death (Al-Maraghy, nd).

Second: alcohol in addition to destroying physical health, alcohol is also very dangerous for the intellect, can cause a weakening of one's thinking and memory power, or it can make the drinker go crazy, because the network connected through the nerves of the brain is damaged. third: Dangers to property, drinking alcohol is a waste of behavior and can even result in the depletion of assets. Especially if we look at the conditions today where the models and types of alcohol (khamar) are increasingly varied and varied, and it is certain that the price of these drinks is also very expensive.

Fourth: Dangers to society, many of the disputes and fights between fellow alcoholic drinkers, although sometimes only caused by trivial problems, from the perspective of society in general, khamar drinkers are always considered despicable and lowly. because, in a drunken state they can casually utter words and actions that become the subject of ridicule. Even underage

children dare to disturb them, because with this condition, their minds become weak and we can rarely see drunks able to control themselves both thinking and even speaking. Even alcoholic drinkers can also provoke someone to commit crimes such as killing and even committing a rape (Al-Maraghy, nd).

Considering that drinking alcohol has such great harm, in the era of jahiliyyah there were many people who had left this habit, including Al-Abbas Ibn Muradis. Because someone warned, "Why don't you drink khamar anymore? Isn't that able to warm your body?". then answered by Al-Abbas, "I will never plunge myself into ignorance, and I am not willing after becoming a prominent person in society, to end up being the most stupid of them (Al-Maraghy, nd).

Until now, the world has continued to prove the great dangers of alcohol (khamar) that we had never known before. Thus it has been produced what has been revealed by the *Qur'an* which reads, "but the sins of both are greater than the benefits". However, they are so concerned that so many people who claim to be modern and civilized humans, but not infrequently they still turn away from the provisions of God and just follow their lust.

Tafsir Al-Misbah

Of the many causes of the spread of khamar during the era of jahilliyah, among them was because they were less willing to share with others who were less than they had. This lack of willingness to share made them have fruit or alcohol at that time. In other words, the excess of dates and grapes at that time encouraged them to make it a drink, namely liquor. If only they were willing to share what they had so that it was not excessive and only enough for their needs, surely the fruits would not turn into alcoholic drinks (Shihab, 2002).

while 'illat or (the cause) is prohibited from alcohol, because from the minimum it causes a general feeling of drunkenness for anyone who consumes it. Therefore, for anyone who does not feel drunk because of it, the law is still declared haram, because the law of cause or illat is based on general conditions. This law was ordered by Allah instead to save our health condition in general and protect ourselves from damage to the general environment, because if we just let it consume it, there would be a huge bad impact because of it.

The explanation of some of the arguments from the *Qur'an*, drinking khamar is an act that contains a grave sin and there is also little benefit from it. The purpose of these few benefits is the benefit from the economic side, from the trade perspective as well as from the production point of view which could become employment. At this time, we know together with several countries where people cultivated grapes and dates to sell and produce khamar to get money. With these advantages, many companies are currently trading alcohol, even most think this is a positive thing to attract foreign tourists (Shihab, 2002).

Tafsir Al-Qurthubi

Khamar drink is the juice of boiling and ripe grapes. As for apart from the juice of the same grape juice and dates, it can also corrupt the mind, it is also part of the alcohol. Even if there is a benefit from the khamar it is an advantage in trading only. because at that time the khamar makers bought it from the land of Syria very cheaply, then they sold it back at a price that had doubled in the Hijaz. because at that time the khamar traders did not see the signs of the effects of addiction to khamar, so that anyone who wanted to drink it would buy it even though it was given a fairly expensive price at that time. This is one of the closest opinions regarding the benefits of khamar.

But we can also see the opinion which states that the benefits of drinking khamar can improve digestion in food, can strengthen something that is weak, can also stimulate sex, and even cleanse the skin. In the era of ignorance (jahiliyyah), Qais bin Ashim Al-Minqari was a man dependent on khamar. then he forbade himself khamar. some of the things that make him forbid drinking wine against himself because he once held the folds of his daughter's stomach while drunk, he also cursed his old parents, he even spent so much money just to buy khamar (Al-Qurthubi).

Local Wisdom Context

Local wisdom or better known as *ihktisan 'urf* is a study of *ushul fiqh*, giving a different view regarding the legality of alcohol in a country. This is related to the transaction process and objects of sale that do not target the Muslim individuals or groups (Arifin, Haq, 1997). If an analogy is the same as the

obligation to veil in Aceh, only Muslim women are obliged while non-Muslims still exist without wearing a headscarf without any prohibition or serious rejection. The context of local wisdom also exists in traditional clothing in Papua. The Papuan people use a city which is legally rejected and prohibited by Islam. However, if it is based on preserving culture and it is carried out in a non-Muslim community, then the law is permissible.

In Acehese people it is known as 'peusijuk'. It is local wisdom in holding traditional activities such as weddings, sunnatans, early entry to college, and others. Peusijuk was originally adopted from Hindu culture (plain flour), where a form of gratitude to nature or certain gods for an event or activity that is sacred (Aula, dkk, 2019). According to Islamic teachings, doing peusijuk if the content is to hope that other than Allah SWT is musrik, but the consideration of local wisdom in maintaining cultural assets is maintained especially by carrying out the process of Islamization. If in the past pre-Islamic Aceh did peusijuk to the sea, now the practice is at the sea, but prayers were said to Allah SWT.

Likewise related to the legality of alcohol in several places in Indonesia. Ali Jum'ah as the Mufti in Egypt and also the Professor of Al-Azhar once said that it was permissible to sell liquor in certain areas. According to Ali Jum'ah, it is permissible to sell alcohol in the West even in sales centers in Islamic countries on the condition that it will not sell to Muslims (Zuhrah, 1998). The same thing was also emphasized by Imam Abu Hanifah, according to him, it is permissible to sell things that are prohibited under certain conditions, one of which is selling khamar to non-Muslims.

Based on the above paradigm, investing in alcohol in Indonesia is not haram because it is in accordance with local wisdom that has made alcohol part of the tradition. In addition, it is in line with what Abu Jum'ah has stated, that the location for the application of legality of alcohol is the zoning for the majority of non-Muslims, namely Bali, East Nusa Tenggara, North Sulawesi, and Papua.

Furthermore, legality based on local wisdom has an important role in the aspects of supervision and implementation in the field. The government must be serious in limiting the practice of alcohol from its zoning and there is no violation in the form of selling against Muslims. Don't be like the phenomenon of

permission to set up a factory in an area. Initially he promised not to throw his waste into the river, but after obtaining the permit, it was not done properly.

CONCLUSION

As a result of the rejection of the majority of Indonesia's population who are Muslim, the discourse on the legality of alcohol in Indonesia was canceled. This cannot be separated from the awareness of the people who realize that the practice of buying and selling khamar is prohibited in Islam. The problem of legality of khamar is actually not a new phenomenon at this time, since the time of the Prophet this event has been popular and has even gone through phase after phase before being firmly rejected.

Based on al-Maraghy's interpretation, the process of banning khamar undergoes stages. Initially allowed, and only prohibited when before prayer. This was indicated by the imams who were wrong in reciting the verses of the Al-Qur'an because they were drunk. This process has its own wisdom, one of which is for Muslims at that time to realize the direct impact of the bad side of drinking khamr. This is also a philosophical basis, leaving something bad like an addiction to alcohol can only be done slowly not instantaneously.

According to Tafsir al-Misbah, the beginning of the existence of khamr was because the people of Jahiliyah at that time did not want to share the dates or grapes that were harvested so that the staple food changed its function to tuak (alcohol). The reason why khamar is prohibited according to Tafsir al-Misbah is because it destroys health regardless of whether the drinker is drunk or not. Even so, in this interpretation it is explained that the positive side of alcohol is to trade and attract foreign tourists. Maybe this is the reason why the Indonesian government is trying to legalize alcohol to increase investment from outside.

According to the Tafsir Al-Qurthubi, alcohol or khamar is prohibited because it can trigger other negative traits such as sexual arousal, and addiction that can be wasteful. A person who is addicted to alcohol can steal, rob, and kill just to get this haram. Alcohol can also increase cases of adultery and rape because of uncontrolled lust. The functions and roles of alcohol that are permitted are for medicinal purposes, for medical purposes, alchemists, fragrances and others.

Based on the view of local wisdom, the legality or practice of alcohol is permissible as long as it is not traded to Muslims. In addition, it must be guarded and prevented so that the distribution of alcohol runs on target and does not leave the permitted areas. The government must also prepare a special agency systematically to anticipate or follow up on various findings that occur as a result of consuming alcohol.

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