

Review Article

Efforts to Prevent Drugs Abuse Among Youth in Islamic Family Law Perspective

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Abstract

Introduction: In dealing with the drug problem, Islamic Law offers a “significant solution” for improving the condition of humanity, protecting, and saving them from destruction and destruction, guiding people from misguidance, keeping people away from immoral acts, and motivating people to do good, preventing humans from deviating from the straight path.

Research objectives: This study aims to analyze the eradication of drugs from the perspective of Islamic Family Law.

Research Methods: This study uses a normative juridical approach as well as descriptive-analytical research specifications.

Conclusion: The results showed that Ulama agreed to forbid narcotics except in an emergency, both intoxicating and non-intoxicating. According to Islamic Family Law, children are born in a holy state and choose monotheism which must be guided, nurtured, and developed from the child from the time he is in the womb to adulthood so that the child has a solid educational provision to deal with various situations and any conditions so that it is difficult to fall into negative things such as drugs.

Keywords: Indonesia; Narcotics users; Eradication of drug abuse; Youth; Islamic law; Islamic family law

Introduction

The problem of drug abuse is universal because each country experiences similar problems, and almost every time the problem arises, although the substance and type of drugs used are different [1]. Based on this, the prevention of drug abuse and the eradication of illicit drug trafficking are two essential things to be studied and examined, considering that both problems are not only in the national interest – where the younger generation is the successor to the survival of the nation and state – but also international problems for the human community as a whole [2]. Young people in Indonesia are “captivated” by drug abuse. Among the reasons is the acculturation – the influence of foreign cultures through the communication/contact of Hippies, films, the internet and the possible background of colonial or subversion efforts as reported by the Indonesian State Army headquarters based on observations and research conducted [3].

For the development of society, the study and research and research of drug problems in the perspective of Islamic law and positive Indonesian law is quite significant, especially directly related to abuse or abuse itself [4]. This is based on the law and functioned as one of the approaches to give a deterrent effect and improve human behaviour. Therefore, this study tries to approach the study, research, and research on how the problem of drug abuse is studied and studied based on Islamic Law and its significance today, especially when it meets positive laws that apply in Indonesia.

Drug abuse (narcotics, psychotropics and addictive substances) that plagued at the beginning of the third millennium is a social problem that is very concerning as weapons of mass destruction that explode [5]. Facts and data have shown that drugs have spread everywhere, abused by anyone regardless of fur, especially the younger generation who are expected to be the next generation of the nation in building the country in the future; it turns out that many are plunged into abusing drugs or distributing drugs illegally [6]. It is also known, the target of drugs can be anyone, the child of a rich person or the child of a poor person, a good family or a messy family, young people or parents, city people or villagers, with other sentences drugs, have crossed the line [7]. It is tough to record the number of victims of drug abusers considering the difficulty of detecting their factual conditions because they try to cover it up so that others do not know that they are drug abusers drug abusers belong to hidden groups [8].

However, at least as a reference, that according to the results of research conducted by the National Narcotics Agency with the University of Indonesia in 2020 shows that the number of drug abusers in Indonesia reaches 2.8% of the total population of Indonesia (about 4.2 million people from the total population) [9]. Victims of drug abuse are

not only adults but also children who are still in elementary school. However, it is also not surging public opinion that rises and has a practical impact on the prevention of abuse and eradication of illicit drug trafficking and how to cope with victims of drug abuse [10]. Why is this common? Is it because, in general, victims of drug abuse try to cover themselves? The family also tries to be quiet and cover it up because they still consider it a “family disgrace”. He added that drug dealers and producers in Indonesia still seem unpolished despite the severe punishment imposed by the court on them based on applicable laws.

Islamic law offers a significant solution to the betterment of the human condition, protects and saves them from perdition and destruction, guides man from error, distances man from the deeds of evil and motivates a man to do good, prevents man from deviating from the straight path [11]. Normatively, it is but are the norms of Islam that exist today are qualified to realize the noble purposes presented above. This is the big question that will be answered in this article.

While the narcotics law that applies now sets a minimum penalty for the dealer. However, the minimal sanctions have not been effective and provide a deterrent effect for the perpetrator and prevent drug abuse and illicit circulation [12]. While for drug abusers are still being sentenced to prison even though, in the law, drug abusers should be rehabilitated. As a result, drug addicts and abusers classified as the sick under WHO do not get medical and social recovery opportunities. What happens is that they are put in a penitentiary equated with other criminals, and there is no program in it to recover them from drug dependence. They still use the drug even in the penitentiary because the illegal goods can still be entered through guests or correctional officers. Even today, and it seems to be becoming more and more so. For this reason, narcotics laws and Islamic law precisely so that khamar (read drugs) need an in-depth study so that both can be applied and have a positive impact and results by the purpose of Islamic law and law itself. Based on these problems, this study aims to analyze the eradication of drugs from the perspective of Islamic family law.

Materials and Methods

Research is a primary means in the development of science and technology. This is because the research aims to reveal the truth systematically, methodologically, and consistently through the research process is held analytically and consistently. Through the research process, analysis and construction of data that has been collected and processed [13].

Legal research is a study that has the object of law, either law as a science or dogmatic and legal rules related to people’s behaviour and life. It is essentially a scientific activity based on specific methods, systematics and thoughts, aiming to study specific legal symptoms by analyzing them. In addition, there is also an in-depth examination of the legal facts to then seek a solution to the problems that arise in the symptoms concerned [14].

This type of research uses normative legal research; nor-

mative legal research is research conducted to collect and analyze secondary data [15]. Normative legal research is usually used only secondary data sources, namely books, laws and regulations, court decisions, legal theories and opinions of leading legal scholars [16,17].

The research specification used is descriptive-analytical, i.e. doing a description of the research results with data that is as complete and detailed as possible [18]. The intended description is against primary data and secondary data related to drug use prevention among adolescents in the perspective of Islamic family law furthermore, an analysis of the study’s results using relevant laws and theories.

Results

Drug overview

Etymologically, the term narcotics come from the wordmark (Greek), which means drugged to become numb or feel nothing else [19]. What is meant by narcotic is a drug that dulls the sense, relieves pain, induces sleep, and can produce addiction in varying degrees. In the Narcotics Act, narcotics are defined as substances or drugs derived from plants or not from plants, either synthetic or semi-synthetic that can cause decrease or change in consciousness, loss of taste, reduction to relieve pain, and can cause dependence, which is distinguished into groups as attached in this law or which is then determined by the decision of the Minister of Health [20,21].

Drugs are another term introduced especially by the Ministry of Health of the Republic of Indonesia is Napza, which stands for Narcotics, Psychotropic, and Addictive Substances [22]. All terms have a risk of addiction for users. According to health experts, drugs are psychotropics commonly used to anaesthetize patients when they want to be euthanized or drug treatment for certain diseases [23]. Until now, the spread of drugs has been almost unstoppable. They are considering that almost the entire population of the world can quickly get drugs from irresponsible individuals. For example, drug dealers like to find victims in school areas, discotheques, brothels, and places of Genk gathering. Of course, this can make parents, organizations, the government worried about the spread of drugs so royally willing [24,25].

The content contained in these drugs can indeed harm health if abused. According to the Law on Narcotics, the type is divided into three groups based on the risk of dependence [26]:

Class 1 narcotics

Class 1 narcotics such as marijuana, opium, and coca plants are very dangerous if consumed because they are at high risk of causing the effects of addiction.

Narcotics group 2

While class 2 narcotics can be used for treatment as long as it is by the doctor’s prescription, the type of this group is approximately 85 types, some of which are Morphine, Alfaprodina, and others. Group 2 also has a high potential

to cause dependence.

Class 3 narcotics

Moreover, lastly, class 3 narcotics have a relatively mild risk of dependence and are widely used for treatment and therapy.

As already mentioned above, several types of drugs can be obtained naturally, but some are also made through chemical processes. If based on the ingredients of the maker, the types of narcotics include [27]:

Synthetic narcotics

This type is obtained from a complicated processing process. This group is often used for medical purposes and research examples of synthetic narcotics such as amphetamines, methadone, dextetamines, etc.

Semi-Synthetic narcotics

Processing uses the main ingredient in natural narcotics, which are then isolated by extracting or using other processes. Examples are Morphine, Heroin, Codeine, and others.

Natural narcotics

Marijuana and Coca become examples of natural narcotics and can be directly used through a simple process. Because of its still strong content, the substance is not allowed to be used as a medicine. The danger of this drug is very significant and can cause adverse effects on health if abused. One of the fatal consequences is death.

The circulation and impact of drugs are now very troubling. The ease of getting these dangerous materials makes its users increasing. No gender and age, everyone is at risk of addiction if they have tasted this harmful substance [28].

Although several types can be used for medical purposes, they still have to get close supervision from a doctor. There are many dangers of drugs for life and health, including [29-32]:

Dehydration

Misuse of these substances can cause reduced electrolyte balance. As a result, the body lacks fluids. If this effect continues to occur, the body will convulse, hallucinations, more aggressive behaviour, and tightness in the chest. The long-term effects of dehydration can cause damage to the brain.

Hallucination

Hallucinations become one of the effects that drug users, such as marijuana, often experience. Not only that, but excess doses can also cause vomiting, nausea, excessive fear, and anxiety disorders. If use lasts a long time, it can lead to worse mental disorders, depression, and persistent anxiety.

Decreased level of consciousness

For users who use these drugs in excess doses, the effect makes the body too relaxed so that awareness is reduced drastically. In some cases, the wearer sleeps continuously

and does not wake up. The loss of consciousness makes the body's coordination disrupted, often confused, and changes in behaviour. The impact of drugs that are quite a high risk is memory loss, so it is not easy to recognize the surrounding environment.

Death

The worst effects of drugs occur if the user uses these drugs in high doses or overdoses. The use of meth, opium, and cocaine can cause the body to convulse and, if left unchecked, can cause death. This is the fatal consequence that must be faced if, until drug addiction, life becomes the stakes.

Quality of life disorders

The dangers of drugs are not only bad for the condition of the body; these drugs can also affect the quality of life, such as difficulty concentrating while working, experiencing financial problems, and having to deal with the police if proven to violate the law.

The use of narcotic substances is only allowed for medical purposes by doctors' supervision and research purposes. The rest, these drugs do not have a positive impact on the body. There is, the quality of life becomes disrupted, relationships with families are chaotic, health decreases, and at worst is causing death. Therefore, do not use these dangerous items because the risk is very high for life and health [33].

Review of Islamic Family Law

Human life cannot be separated from the so-called family [34]. The family is central to human life; It is from the family that man builds and builds generations; from the family that each has a sense of responsibility to perform his duties as a family member; It is from the family that a sense of religion and religion can be built and built [35]. Family in the view of Islam has little meaning. Even Islam pays excellent attention to family life by laying down wise rules to maintain disharmony and destruction [36,37].

The family was the first brick to build the palace of the Muslim community and is a madrassa of faith that is expected to print generations of Muslims who can exalt the sentence of Allah [38]. Islamic law is one of the essential pillars of Islam [39]. It cannot be denied that almost all joints of life, both in the environment of worship and muamalah is regulated and conditioned in such a way by Islamic law [40]. Islamic law will play its role well and remain by its nature and characteristics if it can keep up with the ever-changing and evolving development of human law [41]. About Islamic law, the family has a very strategic position. The legal arrangement for individuals and families is strongly related to every Muslim's spiritual awareness and observance. The formation of a family will automatically give birth to the law in it, where this law contains rules that are charged to all family members [42].

Islamic family law is a law that regulates family life that starts from the beginning of the formation of the family (insanity) until the end of the family, namely divorce or one of the deceased, which includes inheritance and waqf

issues. The goal is to manage relationships between family members, husband, wife and child [43].

According to Abdul Wahab Khallaf, Islamic Family Law is a family law that regulates family life starting from family formation, namely with the establishment [44]. According to Wahbah Al Zuhaili, the law on human relationships with the family starts from marriage to the end of a marriage. Scope of Islamic Family Law is Munakahat; Waqf; Wills and guardianships; Faro'id; Bread; and Haganah [45].

In contemporary Islamic legal literature, the word "renewal" alternates with reform, modernization, recapitalization, deconstruction, reconstruction, tarjih, islah, and tajdid. Among the most widely used words are the words reformation, islah, and tajdid [46]. Reformation comes from the English "Reformation", which means to form or reconstitute. Tajdid means rebuilding, reviving, reconstituted or repairing so that it can be used as expected. At the same time, the word is interpreted by repair or repair. Therefore, the renewal of Islamic family law can be interpreted as efforts and deeds through specific processes with complete earnestness carried out by those who have competence and authority in the development of Islamic family law in ways that have been determined based on the rules of legal istimbat corrected to make Islamic family law can appear more actual, not outdated. Thus, what is meant by the renewal of Islamic family law is a renewal that is done including al i'adah (restore), al banan (purifying) and al ihya (revive) [47,48].

The factors that cause the renewal of the law [49]:

1. To fill the legal void because the norms in the book of fiqh do not regulate it, while the need for the law to the new problem is very urgent to apply.
2. The influence of globalization and science and technology needs to be a rule of law that regulates it, especially problems that do not yet have the rule of law.
3. The influence of reform in various fields provide opportunities to Islamic law for reference materials in making national laws.
4. The effect of the renewal of Islamic family law thinking carried out by mujtahids at national and international levels.

The renewal of Islamic family law is due to changes in conditions, circumstances, places, and times due to the above factors. Some of the reformers of Islamic family law in Indonesia contributed a lot to developing Islamic family law, including Hasbi ash-Shiddieqy, Hasan Bangil, Harun Nasution, Hazairin, Ibrahim Husen, Munawir Syadzali, Busthanul Arifin and other reformers [50].

The concept of drug prohibition in islamic law

Drugs stand for narcotics and dangerous substances. According to Law No. 35 of 2009 on Narcotics that Narcotics are substances or drugs derived from plants or not from plants, both synthetic and semi-synthetic that can cause decrease or change of consciousness, loss of taste, reduce to

relieve pain, and can cause dependence. Narcotics crimes are those who abuse the use of narcotics. Article 7 of the Narcotics Act states that narcotics can only be used to benefit health services and the development of science and technology [51,52].

Textually in the Qur'an and Hadith, do not mention drugs and drugs directly. Even drugs are also not known at the time of the Prophet (peace be upon him) [53]. This problem can be solved by using the source of qiyas law, where it includes the law of syar'I, a problem that does not have nashnya with the problem that already has nashnya because it has the same illat (primary reason) [54].

Ijtihad the scholars 'qiyaskan drugs with khamr, thus drug abuse is criminal law. It is because drugs can damage the mind that must be maintained so That God will provide taklif and regulatory of the act of drug abuse. It has similarities with khamr, as mentioned in Nash and Hadith [55].

Etymologically, drugs are translated into Arabic with the word almukhadaratun derived from the root of the word khaddara-yukhadara-takhdurun, which means loss of taste and confusion anaesthetizing, unconscious, closing, dark, or drunk. In terminology drugs are any substance that if consumed will damage physical and sense, also make people drunk or crazy [56].

As Umar bin Khattab said, everything that disturbs the mind and removes it from its original character as one of the human elements that can distinguish good and evil is khamar, which Allah and His Messenger prohibit until the Day of Resurrection. Some examples of drugs include marijuana, opium, morphine, heroin and cocaine [57].

Thus, the drug can be used with khamr, which has criminal laws to be used. As explained in Nash QS Al-Maidah verses 90-91, When those who believe, drink khamr, gamble, sacrifice for idols, vote fate with arrows, are heinous deeds and include the deeds of satan, so stay away from them so that you are lucky. Indeed satan intends to bring hostility and hatred among you for drinking and gambling and preventing you from remembering Allah and praying, so you stop doing it.

Ulama' also agreed to ban narcotics except in emergencies, both intoxicating and non-intoxicating this was affirmed by Ibn Taymiyyah narrated by imam Muslim as follows: From Ibn Umar RA. The Prophet (peace be upon him) said that every intoxicating thing is wine, and every intoxicating one is haram. (Muslim history). (Ahmad Ibn Taymiyyah, Majmu' al-fatawa Ibn Taymiyyah)

If you look at the method of al-mashallah al-mursalaha where the establishment of the law will benefit or reject mudarat, then narcotics are forbidden by religion. In addition to khamr (drugs) can rub a person to a low and low degree because it can be intoxicating and debilitating; it is also dangerous both human physical health such as lung disease as well as hazardous to the body because it can weaken the immune power to disease, and affect the body's organs, especially on the liver, and can weaken the intensity of nerve work.

Ahmad bin Hambal narrates even a hadith from Ibn Abbas, which prohibits the wearer and prohibits parties involved in narcotics transactions such as storers and sellers. "The angel Gabriel came to me and said, 'O Muhammad, Allah curses the liquor, the maker, the people who helped make it, the drinkers, the recipients and their stores, the sellers, the buyers, the herbalists, and the one who wants to be treated.'" (HR. Ahmad bin Hambal of Ibn Abbas).

The role of family in the prevention of drug abuse

In addition to repressive measures in the form of sanctions against drug abuse, preventive measures are also needed not to use drugs so that the user does not continue and does not cause adverse effects. Families have a vital role in the implementation of preventive measures in the prevention of drug abuse. One of the roles of parents in the prevention of drug abuse is to provide education both formal and moral to children [58].

This is written in the Word of God QS At-Tahrim verse 6: O you who believe, keep yourself and your family from the fire of hell whose fuel is man and stone; the guardians of the angels are rude, complex, and obey Allah against what He commanded them and always do what he is commanded.

The above verse explains that everyone has an obligation and responsibility to keep his family from hell, so the individual, in this case, is a parent, must direct his child to avoid things forbidden by religion. In addition, it is also explained by the Hadith of the Apostle narrated by Imam Bukhari: From Abu Hurayrah r.a. has said the Prophet Muhammad: Every child is born in a holy state, then both parents are the ones who make him Jewish, Christian, or majusi. (HR. Bukhari).

The hadith above explains that the child is born in a holy state and chooses a monotheism that must be guided, nurtured, and developed from the child from still in the womb to adulthood so that the child has a solid educational provision to deal with various situations and conditions so that it is difficult to fall into negative things such as drugs. There are several indicators of the role of parents in shaping Muslim personalities towards children, namely guiding children by giving advice, practising good habits and examples and providing supervision carried out by children to ensure that children have a healthy spiritual because children who are left unguided, not noticed then the child will do things that are not commendable.

According to Saiful Djamaroh, the family's responsibility to children, in general, is to rejoice in welcoming the birth of children, giving a good name, instilling love among children, providing moral education, instilling tawhid aqidah, training children to pray, being fair, providing entertainment, preventing free deeds, placing in a good environment, introducing relatives to children, educating neighbours and society [59].

Some of the responsibilities of parents in making children into good Muslim personalities in order to avoid illicit acts, including drug abuse, as explained by Nasihin Ulwan [60]:

1. Parents must educate children's faith from introducing children to the shahada to teaching to read the Qur'an, introducing things that are halal and haram from an early age, and so on. From this, the child has the thought early on that the exact wine, including narcotics, is illegal;
2. The responsibility of educating the morals of children such as preventing and avoiding acts that are haram or forbidden by Allah;
3. Physical education responsibilities such as maintaining the body well so that children are accustomed to avoiding acts that damage the physical so that children will be accustomed to avoiding unhealthy foods, let alone drug consumption;
4. The responsibility of educating the ratio of children by teaching children and fostering awareness to think;
5. The responsibility of psychiatric education, namely preventing and avoiding children from negative psyches such as attitudes and character, timid, inferior, incitement, grumpy, and so on;

In addition to some types of education provided by parents in creating good children, Abdullah Nasikh ulwan, in his book *Children's Education in Islam* (Tarbiyatul awlad fil Islam), describes some of the religious development of parents towards children to create a perfect Muslim personality as follows [61]:

Giving transparency

Transparency in education is very influential and proves successful in shaping children's moral, spiritual, and social ethos. Thus, parents are obliged to set an excellent example in everyday life so that children will imitate the habits that parents do in their daily lives.

Habituation

This habituation is a crucial principle in education and is an effective method in forming the creed and straightening the child's morals and educating and getting used to children since childhood is the most guaranteed effort to achieve and obtain the perfect fruit. While educating and training after the child is an adult, there are difficulties for people who want to seek success and perfection.

Giving advice

Advice and advice have a considerable influence in opening children's eyes to the nature of things, pushing them towards dignity and dignity, adorning it with noble morals, and equipping them with Islamic principles. Thus, children should be accustomed to being advised since childhood.

Give attention and supervision.

Give a light punishment to cause a deterrent effect.

As described above, the development and education of children are expected to make children with perfect Muslim personalities where children have a personality based on a solid religion and have moral values and rules that are

the basis of adolescent life will be realized. Thus, children will have strong provisions in the face of various situations that will not shake in acts that are prohibited by religion, including drug abuse. This is a preventive form in reducing cases of narcotics abuse that has been damaging generations of Indonesians.

In addition to the education and coaching of parents towards children, family disharmony is also one of the factors children fall into the abuse of illegal drugs. Director of Zakat and Waqf Empowerment Director-General for Guidance of the Islamic Community, Ministry of Religious Affairs Fuad Nasar assessed that harmonious families could be the first defense to protect the nation's generation from the dangers of drugs.

According to Quraish Shihab, the word *sakinah* means tranquility or antonym of shock. The tranquility here is emotional; there must be times when there is turmoil in every household, but it can be immediately overcome and give birth to *sakinah* [62]. According to al-mawardi, there are three meanings of *mawaddah*: *Mawaddah ismahabbah*; *Mawaddah* is an excellent love and the attitude of husband and wife who love each other. At the same time, Raghīb al-Isfahani defines *mawaddah* as a feeling of love for something accompanied by wanting to have an object he loves. The word *Rahmah* comes from Arabic, which means forgiveness, mercy, sustenance and grace. The greatest *rahmah* certainly comes from Allah SWT, which is given to families who are awake with love, affection and trust [63].

Four visions in building a *samarah* family according to Abdullah Gymnastiar, namely [62]:

1. I realize the household is the centre of the inner peace and tranquillity of the soul.
2. Home as a science centre
3. The household is an advice centre.
4. The home is the centre of glory.

Family *sakinah*, *mawaddah*, *warahmah* can create a good family atmosphere to provide an excellent emotional atmosphere for children. For example, feeling happy, safe, loved, and protected. Thus, the child will feel comfortable and prosperous in the face of various problems outside. This is what can prevent children from falling into forbidden deeds both prohibited by religion and state. Based on all the above exposure, it can be concluded that parents have a role in the prevention of drug abuse by creating a family that is *sakinah*, *mawaddah*, *warahmah*, provides good education from an early age and also provides child coaching from his age to create the perfect Muslim personality [63].

Conclusion

Drugs are another term introduced especially by the Ministry of Health of the Republic of Indonesia is *Napza*, which stands for Narcotics, Psychotropic, and Addictive Substances. All terms have a risk of addiction for users. Islamic family law is a law that regulates family life that starts

from the beginning of the formation of the family (insanity) until the end of the family, namely divorce or one of the deceased, which includes inheritance and *waqf* issues. The goal is to manage relationships between family members, husband, wife and child.

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Ijtihad the scholars' *qiyaskan* drugs with *khamr*, thus drug abuse is criminal law. It will ban it because drugs can damage the mind that must be maintained so That God will provide *taklif* and regulatory of the act of drug abuse. It has similarities with *khamr*, as mentioned in *Nash* and *Hadith*. In the perspective of Islamic family law, children's development and education as described above are expected to make children with perfect Muslim personalities where children have a personality based on vital religion and have values and moral rules that are the basis of adolescent life realized. Thus, children will have strong provisions in the face of various situations that will not shake in acts that are prohibited by religion, including drug abuse. This is a preventive form in reducing cases of narcotics abuse that has been damaging generations of Indonesians.

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