

# Uses and Implications of Marijuana from the Perspective of Islamic Law

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## Abstract

**Objectives:** The study aims to determine whether all uses of Marijuana are considered haram (prohibited) or if there are any exceptions.

**Methodology:** It employed a qualitative methodology and rigorously examined relevant materials from a jurisprudential perspective, including textual and contextual aspects. Data for this study were sourced from various materials, including books, journal articles, reports, conference papers, and websites.

**Findings:** The research highlights the differences between hemp and Cannabis sativa, both types of marijuana plants, distinguished by their varying levels of tetrahydrocannabinol (THC). Hemp contains less than 0.3% THC, while Marijuana can have THC levels up to 28%. Marijuana is primarily used for recreational purposes, whereas hemp has numerous industrial applications such as textiles, rope, paint, clothing, shoes, paper, bioplastics, insulation, lotions, and more. Ultimately, the ruling on marijuana use varies between forbidden (haram) and permissible (halal), depending on the intent behind its use. This is consistent with the Islamic legal principle that the determining factors influence the law.

**Originality:** The study's findings will assist policymakers in effectively managing hemp, creating job opportunities, and significantly increasing tax revenue while implementing measures to prevent and control its use. The scientific value of this research lies in analyzing marijuana consumption from the perspective of the Sharia, which aligns with the higher objectives of Islamic law: preserving the mind and wealth.

**Keywords:** Marijuana; Islamic Law; Recreation; Industry; Medicine

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## استخدامات الماريجوانا وتداعياته من منظور الشريعة الإسلامية

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### ملخص البحث

**أهداف الدراسة:** تهدف الدراسة إلى التحقق مما إذا كانت جميع استخدامات الماريجوانا تعدّ محظورة (حرامًا)، أم توجد استثناءات أخرى.

**منهج الدراسة:** استخدمت الدراسة منهجًا نوعيًا ذات صلة بموضوع الدراسة لإنجاز أهداف البحث. وحُصل على البيانات من الكتب والمجلات العلمية المحكمة والتقارير وأوراق المؤتمرات والمواقع الإلكترونية.

**النتائج:** توصلت الدراسة إلى أن الماريجوانا يحتوي على نوعين من النباتات، توجد بكليهما مادة هيدروكانابينول المخدرة (THC)، لكنها في النوع الأول (Hemp) لا تتجاوز ٠,٣٪، في حين تصل درجة التخدير في (Cannabis sativa) إلى ٢٨٪، وهذا النوع يستخدم لأغراض التخدير، بينما النوع الثاني يستعمل في صناعة السلع التجارية والصناعية مثل: المنسوجات والحبال والطلاء والملابس والأحذية والورق والبلاستيك الحيوي والعزل والمستحضر وغير ذلك. تسهم نتائج هذه الدراسة في توضيح الصورة لدى صانعي القرار على منع الماريجوانا والسيطرة عليه، وتقنين استخدامه للحاجات الطبية والصناعية فقط؛ مما سيخلق فرص للعمل وزيادة الإيرادات الضريبية. وأخيرًا. يتنوع حكم تعاطي الماريجوانا بين الحرام والحلال بحسب الدافع وراء استعمالها. وهذا يتوافق مع القاعدة الفقهية: «الحكم يدور مع علته وجودًا وعدمًا».

**أصالة البحث:** تظهر القيمة العلمية للبحث في دراسة استخدام الماريجوانا من منظور مقاصد الشريعة الإسلامية، والتي تعد من بين أهم مقاصدها: حفظ العقل وحفظ المال.

**الكلمات المفتاحية:** الماريجوانا، الشريعة الإسلامية، الترفيهية، الصناعة، والعلاجية

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## Introduction

The Islamic Shari'ah came to safeguard morally and materially beneficial things, interests and forbid evil. One of the highest goals of Sharia is the protection of the soul and the mind, and one of the means for this is the permissibility of good and the prohibition of evil. Drug addiction is a sort of evil that has a significant negative impact on people's morals, finances, health, and security. Narcotic Drug and Psychotropic Substances (Control) Act 1994 prohibits possession of marijuana, and trafficking in narcotic drugs and psychotropic substances.<sup>1</sup> Cannabis is a greenish gray mixture of the dried, shredded leaves and flowers of Marijuana sativa, the hemp plant. The plant originates in both male and female varieties. According to Munene, "The plant, usually the resin-included flowering tops of the woman plant and their adjoining leaves, are taken into consideration to have the highest concentration of cannabinoids and remain the maximum ordinary issue of marijuana, even though the material from male and female plant life has been shown to have essentially equal psychoactive properties."<sup>2</sup> *Cannabis sativa* is a plant that grows worldwide in humid, arid climates and the tropics, Furthermore, the plant consists of three primary varieties: the drug type, the fiber type, and the intermediate type. The first type is used in making marijuana and is commonly found in Jamaica and Mexico. The second type is less potent and is naturally used in making hashish and hashish oil. The fiber type is mostly used to make fabrics and rope in Asia.<sup>3</sup> *Marijuana sativa* is a plant that grows wild all over the world, especially in humid and tropical areas. In India, "ganja" is the name given to the resinous mass made from the blooming top's tiny leaves and rear inflorescence. While in North Africa, they called it "Kif," which contains fewer psychoactive substances. *Dagga* is another name for marijuana used in South Africa. However, the name "bhang" is common in India and the Middle East, but in parts of South America, they call it "machna." These are some additional names for marijuana: mbanje, grass, weed, pot, dope, reefer, jive, and hemp. The term "joint," "ace," or "stick" refers to marijuana that has been rolled in cigarette paper.<sup>4</sup> Based on the latest World Drug Report (2022), 284 million people aged 15-64 used drugs worldwide in 2020, a 26 percent increase over the previous decade. It is reported that young people are consuming more drugs in many countries higher than the past generation.<sup>5</sup> Drug abuse has risen significantly brightly in recent years, leaving no country exempt from the destructive effects of drug misuse that cause crime, corruption and violence, as well as the dissolution of individuals, families, and communities; the loss of human, financial, and other resources; and, more recently, the high

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1 The Republic of Kenya, *The Narcotic Drugs and Psychotropic Substances (Control) Act*, Revised Edition 2022 (National Council for Law Reporting with the Authority of the Attorney-General, 1994): 3-18.

2 Munene, E. Miano. *Abuse of cannabis (bhang) among secondary school students in Gichugu Division, Kirinyaga District*, PhD diss., (2001): 8.

3 Ibid., p. 19.

4 Ibid., p. 8.

5 UNODC World Drug Report 2022. Official Website: <https://reliefweb.int/report/world/unodc-world-drug-report-2022> retrieved: September 6, 2022.

risk of spread of infectious diseases like HIV/AIDS. On the other hand, several nations have legalized marijuana, including Canada, the Netherlands, Germany, Italy, Belgium, Thailand, and Argentina.<sup>1</sup> This legalization encompasses its use for medicinal, recreational, and other purposes. The study seeks to answer the following research questions: What does Islamic law say about using marijuana for medical purposes, recreational purposes, nourishment, trafficking, etc.? Thus, this paper attempts to examine the consumption of marijuana and its implications from a Sharia perspective.



Fig.1: Marijuana Plant

Having established the research question, we turn now to the hypotheses of this study, as follows: Islamic law forbids using marijuana because it causes harm to sound religious practice, life, sanity, the family, and personal and communal wealth. On the contrary, legalizing marijuana can stimulate economic growth by fostering a new industry. It can encourage entrepreneurship and investment in related businesses, further contributing to overall economic expansion. The study holds substantial significance as it has the potential to generate job opportunities and significant tax revenues. Its practical importance lies in the fact that the recommendations provided at the conclusion of this study could serve as valuable insights for African states, such as the Kenyan Government, particularly in light of the historical ban on marijuana dating

<sup>1</sup> 7 Countries where Marijuana is Legal, Used, Official Website: <https://www.wionews.com/web-stories/trending/7-countries-where-marijuana-is-legal-used-1684327908775> retrieved: November 21, 2023.

back to the Opium Ordinance enacted during the British colonial East Africa Protectorate, which became effective on January 1, 1914. After independence, the government of Kenya also banned cannabis under the Narcotic Drugs and Psychotropic Substances (Control) Act of 1994. Lately, there have been campaigns for its legalization from researchers. This study will build on the existing theories, as numerous studies have explored marijuana, yet the research gap concerning “Marijuana Consumption and Its Implications from Sharia Perspective” identifies areas insufficiently covered in scholarly works regarding marijuana use in accordance with Sharia law. This gap encompasses a comprehensive examination of Sharia law’s specific rulings on marijuana use, which may be incomplete or lacking, limited exploration of the ethical, moral, and legal consequences of marijuana consumption within Sharia principles, scarcity of research comparing marijuana use across different Islamic jurisprudence schools or within diverse Muslim-majority regions, Inadequate investigation into how marijuana consumption affects communities following Sharia law, including its influence on family dynamics, social behaviors, and religious practices and insufficient information on applying Sharia-based guidelines on marijuana within policies, counseling, or legal frameworks in Muslim societies. The compiled literature of the study will guide future research endeavors. Employing qualitative data analysis, the study collected information from various sources such as books, journal articles, reports, conference papers, and YouTube. Structurally, the paper comprises four sections: a literature review, research methodology explanation, findings discussion, and a concluding section with recommendations.

## 1. Literature Review

The researcher reviewed the literature related to the study, incorporating theoretical frameworks such as the Theoretical review and Realism theory as applicable to the study.

In the context of the Realism theory applied to marijuana consumption, several key points have been considered as follows: Cannabis is a plant in the *cannabaceae* family. Hemp and Marijuana are two types of *Cannabis sativa*. There are two of the many compounds in cannabis plants. THC has psychoactive effects but CBD doesn’t. Hemp is often used for CBD products since it has lower levels of THC and higher levels of CBD compared to *Cannabis sativa*.<sup>1</sup> Marijuana on the other hand has significantly more THC and since THC has psychoactive effects, that is why the user can ‘feel high’ from marijuana.<sup>2</sup> THC levels in hemp do not exceed 0.3%, whereas THC levels in *Cannabis sativa* can reach up to 28%; they are simply two different names for cannabis, the flowering type of the *Cannabaceae* family. The hemp tree contains a stalk, leaves, flower, and seeds. (1) In the stalk, there is a fiber layer and a core layer. Fiber is commonly used in

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1 Single care, “Pharmacist Crash Course: CBD vs. Marijuana,” YouTube, <https://www.youtube.com/watch?v=k5bfBt8qnC4> retrieved: May 31, 2022.

2 Sawler, Jason, Jake M. Stout, Kyle M. Gardner, Darryl Hudson, John Vidmar, Laura Butler, & Jonathan Sean Myles. “The genetic structure of marijuana and hemp,” *PLOS Journal*, vol. 10, no. 8 (2015): 4.

(i) textiles, where it is used to make rope and carpet, and (ii) consumer textiles, where it is used to make clothing and fabric. Core layer: it produces (i) paper products such as printing and cardboard; (ii) building materials such as insulation and hempcrete; and (iii) fuel, such as firewood and activated carbon. (2) Hemp leaves, have nutrients, antioxidants, and omega-3 and omega-6 fatty acids. (3) Seeds are nutrient-dense, high in protein, and versatile ingredients. Oil was also produced by the seed, which is used in cooking and cosmetics. Oil was also used in industrial products, such as paint and fuel (4) All CBD products, including lotions and drinks, are derived from the flower.<sup>1</sup>

The use of *Cannabis sativa* dates back to the pre-Neolithic period (88800–6500 BCE), where it was consumed as a food and psychoactive substance.<sup>2</sup> In the Oki Islands, close to Japan, archeologists discovered that people used marijuana as early as 8000 BC.<sup>3</sup> Later, the Chinese used hemp to make clothing, ropes, and a type of paper.<sup>4</sup> Furthermore, *Cannabis sativa* is thought to be utilized by the Hindu god Shiva in ritual and culture.<sup>5</sup> Bhang is mentioned in several Indian manuscripts written before the year 1000 AD that make reference to Bhang. However, there was debate among their scholars as to whether this bhang was comparable to marijuana or modern bhang.<sup>6</sup> The Assyrians were also familiar with marijuana, they may have used it as an aromatic compound. They called it Qunabu, which could be the origin of the modern word “marijuana.”<sup>7</sup> The ancient Greek historian Herodotus (about 480 BC), the people of Scythia frequently inhaled the vapors of hemp-seed smoke, both as a ritual and for their own pleasure. Furthermore, marijuana had been found in the kingdom of Judah in the 8th century BC, and it was used for ritualistic psychoactive purposes.<sup>8</sup> When we look at global spread, we see that the use of marijuana began to spill over from the Persian world into the Arab world. Marijuana was allegedly brought to Iraq by Bahraini rulers during the reign of Caliph Al-Mustansir Bi’llah in 1230 AD.<sup>9</sup> According to John Charles, smoking did not become popular in the Old World until after the introduction of tobacco, hashish was consumed as an edible in the Muslim world until the 1500s.<sup>10</sup> On the other hand, Indian Hindu travelers are thought

1 Hemp, “The Products that can be made from a Hemp Plant,” YouTube, [https://www.youtube.com/watch?v=hYPqs304\\_yI](https://www.youtube.com/watch?v=hYPqs304_yI) retrieved: Mar 15, 2020.

2 Clarke, Robert, & Mark Merlin. *Cannabis: Evolution and Ethnobotany* (Univ of California Press, 2016).

3 Long, Tengwen, Mayke Wagner, Dieter Demske, Christian Leipe, & Pavel E. Tarasov. “Cannabis in Eurasia: Origin of human use and Bronze Age trans-continental connections.” *Vegetation History and Archaeobotany*, vol. 26. no. 2 (2017): 245-258.

4 Peter G. Stafford, *Psychedelics Encyclopedia*. (Ronin Publishing, 3<sup>rd</sup> ed., 1992): 157.

5 S. L. Acharya, J. Howard, S. B. Panta, S. S. Mahatma, & J. Copeland. “Cannabis, Lord Shiva and Holy Men: Cannabis Use among Sadhus in Nepal.” *Journal of Psychiatrists’ Association of Nepal*, vol. 3, no. 2 (2014): 9-14.

6 Ethan Russo. Cannabis in India: ancient lore and modern medicine. *Milestones in Drug Therapy*, (2015): 1-22.

7 Robert A. Mikos, & Cindy D. Kam. “Has the “M” word been framed? Marijuana, cannabis, and public opinion,” *PLOS journal*, vol. 10, no. 14 (2019): 2.

8 Eran Arie, Baruch Rosen, & Dvory Namdar, “Marijuana and Frankincense at the Judahite Shrine of Arad,” *Tel Aviv*, vol. 47, no. 1 (2020): 5–28.

9 Franz Rosenthal, *The Herb: Hashish versus Medieval Muslim* (Brill Academic Pub., 1971): 53.

10 John Charles Chasteen, *Getting high: Marijuana through the ages* (Rowman & Littlefield, 2016): 72.

to have brought marijuana to Africa. It was already in popular use in Ethiopia dated around 1320 AD. By the 1850s, Swahili traders had transported marijuana from Africa's east coast to the western Congo Basin.<sup>1</sup> Another report shows that the non-traditional use of bhang in East Africa was traced back to when soldiers returning home came with new tastes for using marijuana for recreational purposes or to forget unpleasant feelings and memories.<sup>2</sup> At the beginning of the 20th century, more countries continued to prohibit marijuana. Illegalization of the substance played a big role in such innovations as people try to find ways of camouflaging the drug for fear of legal repercussions.

Marijuana serves multiple purposes, notably including its recreational use. Dr. Bhatia's observations indicate that individuals abusing drugs might encounter a spectrum of effects, encompassing pleasant euphoria and disinhibition (a), feelings of anxiety or agitation (b), tendencies towards suspiciousness or paranoid ideation (c), temporary cognitive slowing (d), compromised faculties such as judgment, attention, and reaction time (e), sensory illusions involving hearing, sight, or touch (f), hallucinatory experiences (g), instances of depersonalization (h), and instances of derealization impeding personal functionality.<sup>3</sup> Additionally, Dr. Charles Kinyua highlighted that marijuana has numerous detrimental effects, both short-term and long-term. In the short term, it can lead to issues such as anxiety, panic attacks, and decreased personal efficacy. Over the long term, its impact extends to relationships, financial stability, and addiction. Moreover, the gateway effect implies that its usage frequently paves the way for the abuse of harder drugs.<sup>4</sup> Smoking marijuana recreationally can harm the lungs, increase the risk of a heart attack, and lead to anxiety. Furthermore, there is a significant connection between smoking marijuana and the development of psychoses. Marijuana's short-term negative effects include: hallucinations, paranoia, memory loss, psychosis, panic, loss of self-identity, reaction time, increase in heart rate, stress, high opportunity of getting HIV, gonorrhea, syphilis, decrease of memory functions, lost sense of time, risks of psychiatric disorders, causes of depression and anxiety, cardiovascular and heart damage, a decrease in Testosterone Production and Addiction to Marijuana.<sup>5</sup>

Regarding its medicinal applications, marijuana can alleviate symptoms such as fever, diarrhea, coughing, aid in digestion, stimulate appetite, and heighten an individual's awareness of their bodily sensations. Additionally, it has been suggested to potentially enhance emotional connections, including fostering a desire for companionship. Dr. Jon LaPook supports marijuana's effectiveness in treating chronic

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1 Vera Rubin, "The "Ganja Vision" in Jamaica," *Cannabis and culture* (1975): 77.

2 I. K. Musoke, *Alcohol and Drug Abuse in Tanzania Schools: Experience from Dar es Salaam* (Dar es Salaam: ADIC. 1997): 13.

3 Vijay Bhatia, "Cannabis Intoxicant." YouTube, <https://www.youtube.com/watch?v=qDRLDFaRV1A> retrieved: Mar 15, 2020.

4 Charles Kinyua, "Debate ongoing over whether Marijuana should be legalized in Kenya," YouTube, 7:11 Nov 2, 2016. [https://www.youtube.com/watch?v=hPx01xrqHuM\\_](https://www.youtube.com/watch?v=hPx01xrqHuM_) retrieved: August 20, 2022.

5 "Dr. Said Mohamed, Madhara ya Bangi," YouTube, Jun 5, 2017. <https://www.youtube.com/watch?v=KKAMNMu-Vck>. retrieved: August 19, 2022.

pain in adults, offering relief from nausea induced by chemotherapy, and easing muscle spasms associated with multiple sclerosis. However, it's important to note that marijuana also has adverse impacts, such as an increased risk of conditions like schizophrenia and other psychoses, as well as a potential link to low birth weight in babies.<sup>1</sup>

Marijuana is used to make clothing and textiles. It was also planted for the production of supplement foods and drinks such as: beer, sausages, and flowers, among other things. Hemp oil is also used to treat chronic pain, inflammation, and sleepiness, among other things. Industrial hemp is used to make rope, paper, plastics, beauty products, and building products, among others. Ethanol production: converting hemp into ethanol requires a process called cellulolysis, whereby the cellulose content in the plant is pre-treated and converted into sugars which are then fermented and distilled for use as fuel. Hemp milk: it has an earthy, nutty flavor and a creamy consistency. You can use hemp milk to replace cow's milk in coffee, tea, cereal, smoothies, and any other recipe that calls for milk.<sup>2</sup> Finally, cannabis is used in manicure and pedicure, which some people believe offers therapeutic results that relieve and relax. Products including a CBD scrub, bath bomb, and lotion as well as a CBD chocolate treat. The salon's mission statement is to provide relief and relaxation, a message which is already appealing to a string of celebrities. Its advocates also claim it can be used to hydrate skin and combat eczema and psoriasis.<sup>3</sup>

What has been precedent, the state holds the primary authority in determining laws and regulations pertaining to the legality of marijuana. It dictates whether marijuana can be used for medical, manufacturing, or recreational purposes, establishes limits on possession, and lays out the structure for growing, distributing, and selling it. Additionally, the state is responsible for enforcing these regulations through law enforcement agencies. This includes overseeing cultivation, production, and distribution to ensure adherence to established laws and taking legal action against any illicit activities in the marijuana industry. Moreover, the state plays a crucial role in implementing measures to safeguard public health and safety regarding marijuana usage. This involves setting age restrictions, specifying labeling requirements, maintaining quality control standards, and educating the public about potential risks associated with consuming marijuana.

From a Sharia perspective, the theoretical understanding of marijuana consumption and its implications can vary among Muslim scholars. The use of substances altering one's consciousness, including marijuana, is a topic debated within Islamic jurisprudence. Some aspects to consider from a Sharia perspective regarding marijuana consumption include: Intoxicants and Altering Consciousness: In Islamic teachings, the

1 Lapook, "Benefits and risks of Marijuana," YouTube, 3:11. Jan 13, 2017 <https://youtu.be/Jx6ioVF5KhE?si=JX5skrDKYiIFJv6Z>. retrieved: August 20, 2022.

2 GenXYZ, "Best new products that can be made with Hemp," YouTube, 7:48, Feb 26, 2022 <https://www.youtube.com/watch?v=QCN52kvVBsg>. retrieved: August 21, 2022.

3 AP Archive, "A new generation of beauty products from cannabis," YouTube, 6:24, Jan 4, 2018 [https://www.youtube.com/watch?v=B1pEEy\\_bIB8](https://www.youtube.com/watch?v=B1pEEy_bIB8). retrieved: August 20, 2022.



consumption of intoxicants (Khamr) is generally prohibited. The classification of marijuana as an intoxicant may vary among scholars, depending on its impact on consciousness and the mind. In this context, Muslim jurists have provided varying statements regarding the use of the term Mukhādarāt (Narcotic). Hanafis interpret drugs as “any substance that causes the absence of mind without ecstasy or rapture.”<sup>1</sup> According to Maliki jurists, “Narcotic” are any substance that causes the mind to be absent without the senses and not with ecstasy and pleasure.<sup>2</sup> While the school of Shafī, defines “Narcotic” as a situation that covers the mind with thoughts of laziness, heaviness, and apathy.<sup>3</sup> Finally, Hanbali jurists elucidate that a narcotic is any substance that turns the body into a drug, even if it does not attain the level of intoxication.<sup>4</sup> Muslim jurists concurred that, according to the aforementioned description, narcotic always cover the mind and result in varying degrees of loss of consciousness, sense, and affects the normal functioning of the central nervous system.<sup>5</sup> It is clear that marijuana, like other narcotic herbs, leaves an effect on the mind, preventing it from carrying out its role of controlling human behavior and understanding of surroundings, and thus it falls under the name of alcohol (Khamr). This opinion is supported by what Omar Ibn Al-Khattab meant when he said “Khamr is what shields one’s mind.”<sup>6</sup> Furthermore, Allah (SWT) forbade khamr, as clearly captured in the following verse, “*O you who have believed, indeed, intoxicants, gambling, [sacrificing on] stone alters [to other than Allah], and divining arrows are but defilement from the work of Satan, so avoid it that you may be successful.*”<sup>7</sup> Sharia law considers the principle of balancing harm and benefit (Maslaha and Mafsadah). In this regard, both CBD and THC are among over 400 chemical components found in cannabis that have medicinal potential. They have been known to alleviate chronic pain, with evidence suggesting cannabis can also aid in reducing muscular spasms. One of the primary reasons for using cannabis is

1 Mohammad Amin b. Omar E Abideen, *Hashiya b. E Abideen* (in Arabic), (Dar al-Fikr, 2000): 8/197.

2 Shamsudin Mohammad b. Abdulrahman, *Mawahib Al-Jalil* (in Arabic), (Dar Alam Al-Kutub, n.d): 1/126. Maliki Jurist classified the substance that affects the mind into three categories as follows: (i) Muskir is the one who makes the mind go blank, not affect sense, accompanied by ecstasy and pleasure. (ii) Murqid is the one that makes the mind and senses absent (anesthesia) (iii) Mufsid is the one who makes the mind absent without sense or rapture.

3 Mustafa Saeed Al Khan and others, *Al-Fiqh al-Manhajī ala Madhhab al-Shāfi* (in Arabic), (Dar al-Qalam, 1992): 8/73.

4 Abdulrahman b. Rajab Al-Hanbali, *Jami’ Al-Uluom wa Al-Hikmah* (in Arabic), (Dar Al-Marifa, 1408AH): 1/423.

5 Muslim jurists hold different opinions regarding narcotics and intoxicants. Some scholars, including Shafi and Hanbali, argue that drugs are intoxicants like wine. According to their view, the ruling is based on the impurity of the substance, which is considered untreatable, leading to abusers being punished by hudood (fixed punishment). They justify their stance with the Hadith stating, “every intoxicant is khamr, and every khamr is forbidden.” This implies that any intoxicant, regardless of variations in color, form, or other characteristics, is considered Khamr. Additionally, there is no distinction between whether the intoxicant is in the form of food or drink, solid or liquid. In contrast, scholars such as Hanafi and Maliki argue that narcotics differ from intoxicants because the substances are pure and can be used for medicinal purposes. According to this perspective, drug users should be subject to discretionary punishment (tazir). They support their viewpoint with the Hadith that states, “The Prophet Mohammad (Pbuh) forbade every intoxicant and languidness.” This prohibition is seen as a recognition that alcohol, as a depressant of brain impulses and neurons, has psychoactive effects distinct from narcotics.

6 Ahmad b. Mohammad b. Hanbal, *Al-Ashriba* (in Arabic), (Maktab al-Turathi al-Islami, 1985): 1/183.

7 Suratul Al-Midah: 90.

its effectiveness in treating glaucoma, a disease that increases pressure on the eyes and damages optic nerves, potentially leading to blindness. Studies indicate that Cannabidiol (CBD) shows promise in helping individuals with epilepsy that is resistant to common treatments. Additionally, CBD has shown potential in impeding the spread of cancer. Its anti-inflammatory properties make Cannabidiol (CBD) beneficial in treating diseases such as ulcerative colitis, Crohn's disease, among others.<sup>1</sup> Based on the aforementioned, in situations where there is no alternative to using marijuana for medicinal purposes, preserving life takes precedence over the potential effects on the mind. This stance is supported by the Islamic legal maxim: 'Necessity renders prohibited things permissible.'<sup>2</sup>

Islamic jurisprudence frequently incorporates consensus among scholars (Ijma), legal precedents (Qiyas), al-Masalih al-Mursala (Considerations of Public Interest), and the statements of scholars, among other factors, when addressing contemporary issues.<sup>3</sup> The application of these principles to the use of marijuana can prompt scholarly debates. Sheikh Alaudin says: "It is forbidden to use marijuana, hashish, and opium because it corrupts the mind and prevents the remembrance of God and prayer."<sup>4</sup> Al-San'ani said: Islam forbids anything that intoxicates, even if it is not liquor like, marijuana.<sup>5</sup> The author of Al-Rawdha said: "And what removes the mind, apart from drinks such as marijuana, is forbidden"<sup>6</sup>

The preservation of one's health, mental clarity, and the protection of society from potential harms are significant considerations in Islamic law. Nevertheless, smoking marijuana triggers rapid reactions within the body. As the substance enters the bloodstream from the lungs, it then reaches the brain, inducing feelings of relaxation, drowsiness, happiness, euphoria, and joy. However, it can also result in a significant decrease in focus and concentration, rendering the individual feeling notably weak. In this regard, Ibn Hajar listed several hundred and twenty harms associated with marijuana use, including, among other things, inherited forgetfulness, sudden death, lunacy, rotten teeth, leprosy and tuberculosis, abstinence from modesty and respect of self, eye membrane, inability to concentrate or focus, drowsiness, headache, dry semen, and forgetting the two testimonies when you die.<sup>7</sup> It is obvious from the prior information that marijuana has a psychoactive effect. Similarly, when marijuana is consumed as edibles, the effects reach the

1 Natural Cures, "5 Important Benefits of Medical Marijuana Use," YouTube, <https://youtu.be/KPLLw7JzxHA?si=E5xtY8Uw-wNAdsOKX>, retrieved: July 5, 2019.

2 Abdulrahman bin Abubakar, *Al-ashbah Wa Al-nazair* (in Arabic), (Dar Al-Kutub Al-Ilmiyah, 1990): 2/84.

3 Fouzia bint Abdulaziz and Omar Bin Ibrahim, "Non-Puerperal Induced Lactation among Married Women: Islamic Jurisprudence and Contemporary Practice," *Journal of college of Sharia and Islamic Studies* (JCSIS), Vol. 41, No. 2 (2023): 160.

4 Mohammad Alaudin, *Al-Durr Al-Mukhtar* (in Arabic), (Dar Al-Fikr, 1386AH): 6/454.

5 Mohammad b. Ismail Al-San'ani, *Subulu Salam* (in Arabic), (Maktabah Bab Al-Mustafa Al-Halabi, 1960): 4/35.

6 Yahya ibn Sharaf al-Nawawi, *Rawdatu Talibin* (in Arabic), (Maktab al-Islami, 1405AH): 10/171.

7 Ahmad b. Mohammad b. Hajar, *Al-zawajir an Iqtiraf Al-Kabair* (in Arabic), (Dar Al-Fikr, 1<sup>st</sup> ed., 1987): 1/358.

bloodstream with significantly less THC than smoking an equivalent amount of the plant.

## 2. Research Methodology

Investigating marijuana consumption from a Sharia perspective involved a detailed methodology. The process followed a qualitative approach, delving into religious texts, interpretations, and scholarly opinions. This structured approach encompassed various stages: The methodology begun with a comprehensive literature review, analyzing classical and contemporary Islamic texts, opinions of Islamic scholars, and existing research on cannabis and Islamic jurisprudence. Interpretative analysis followed, focusing on Quranic verses, Hadith, and Islamic jurisprudence related to intoxicants and their implications. Data collection involved accessing primary sources like Islamic scriptures and texts concerning intoxicants, morality, and legal principles. Additionally, secondary sources such as academic papers, fatwas, and scholarly opinions on marijuana within Sharia law's framework were reviewed. A qualitative data analysis was deployed in this study that gathered data from a variety of sources, including; books, journal articles, reports, conference papers, and websites. Data analysis involved content analysis to identify key themes, principles, and arguments within Islamic texts and scholarly opinions regarding recreation, manufacture and therapy. Comparative analysis contrasts interpretations and views on marijuana consumption from different schools of Islamic thought. Ethical considerations were paramount and emphasized respect for Islamic jurisprudence thoughts, practices, and interpretations throughout the research process. This includes acknowledging limitations in accessing certain texts and potential biases in selected sources. The research concludes by highlighting the policy implications of Sharia perspectives on marijuana, emphasizing how they may influence legal and societal norms. Additionally, it offers recommendations or guidelines based on Sharia principles regarding marijuana use for individuals and communities. Ultimately, the findings were presented in a structured manner, typically through a report, citing sources, interpretations, and key insights obtained through this comprehensive methodology.

Based on the previously mentioned information, marijuana serves purposes in recreation, manufacturing, and therapy. This segment aims to explore marijuana consumption within the framework of Sharia law, elucidating opinions from Muslim jurists alongside supporting evidence. Subsequently, it will derive reasoned conclusions from this analysis.

Marijuana covers the mind and causes loss of consciousness and sense, and causes addiction and affects the normal functioning of the central nervous system. The recreational use of marijuana is forbidden since it weakens the body. Narrated by Umm Salamah, Ummul Mu'minin: The Messenger of Allah (Pbuh) "forbade every intoxicant and everything which produces languidness."<sup>1</sup> Ibn Taymiyyah comments on marijuana as follows, "The cursed weed is like other intoxicants, and intoxicants are forbidden according to

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1 Muhammad b. Ismael Al-Bukhary, *Sahih Al-Bukhary* (in Arabic), (Dār Tūq Al-Najāt Al-Najat, n.d) 7/107, Hadith No: 5598.

the consensus of the Muslim scholars. Rather, anything that removes the mind, even if it is not intoxicating, such as marijuana, is prohibited. For one use of intoxicants, a fixed punishment is imposed, and non-intoxicants must be punished. As for a little marijuana, it is forbidden according to the majority of scholars, like all other little intoxicants.<sup>1</sup> Al-Alqamī reported in *Sharh Al-Ja‘mī* that a man from the Persians came to Cairo and inquired about the evidence for the prohibition of marijuana. At that moment, Muslim jurists attended that forum, including Al-Hafiz Zain Al-Din Al-Iraqi, where he mentioned the following hadith. “The Messenger of Allah (Pbuh) forbade every intoxicant and everything which produces languidness.” The participants were impressed, and Al-Suyuti notes the authenticity, and Ibn Hajar makes an argument for the prohibition of languidness, even if it was not a drink or an intoxicant.<sup>2</sup>

Marijuana has a negative impact on the body, such as polluting the lungs, causing cancer, emphysema, heart disease, pregnancy complications, low birth weight, and other ills. As previously stated, marijuana is illegal because it causes harm and has proven negative effects. Its dangers have been discovered to individuals and human societies. As for the evidence that scholars have adopted in prohibiting marijuana, they include: Allah (SWT) says, “And do not kill each other or yourselves. Surely Allah is ever Merciful to you.”<sup>3</sup> Allah Said in another verse from Qur’an, “do not cast yourselves into destruction with your own hands.”<sup>4</sup> A smoker of marijuana, for example, harms himself and others by inhaling it, and harms his children, whether during pregnancy or complications of pregnancy. Harm is absolutely forbidden. It was narrated from Ibn ‘Abbas that the Messenger of Allah (Pbuh) said: “There should be neither harming nor reciprocating harm.”<sup>5</sup> Abu Huraira reported Allah’s Messenger as saying, “He who throws himself from a mountain and kills himself will be thrown down in the fire of Jahannam and remain in it for ever and ever; he who sips poison and kills himself will have his poison in his hand and sip it for ever and ever in the fire of Jahannam; and he who kills himself with a piece of iron will have his piece of iron in his hand and will be stabbed with it in his belly in the fire of Jahannam for ever and ever.”<sup>6</sup> Similar to the previous hadith, the effects of drug abuse are devastating to humans and society, and they contradict Islamic Sharia provisions and rulings. As a result, the use of marijuana is considered haram.

Marijuana has more than 400 chemical components that can be used medicinally. It aids in the treatment of chronic pain, cancer therapy, and seizure control, among other things. Medicines made from marijuana

1 Taqi al-Din Ahmad Ibn Taymiyyah, *kutub warasayil wafatawaa sheikh Islam ibn Taymiyya* (in Arabic), (Maktabah ibn Taymiyyah, n.d): 34/204.

2 Juma Ali Al-Khouli, *Sabil al-Dawa al-Islamiyah lilwiqayat min al-Muskirat wal-Mukhadirat* (in Arabic), (Islamic University of Madinah, 1402AH): 54/84.

3 Suratul An-Nisaa: 29.

4 Suratul Al-Baqarah: 195.

5 Muḥammad ibn Yazīd Ibn Mājah, *Sunan ibn Majah* (in Arabic), (Muasasat Al-Risalah Al-Alamiyyah, 2009): 2/430, Hadith No: 2340

6 Al-Bukhary, Vol. 7, p. 139, Hadith No: 5778.

are Marinol, Nabilion, Sativex, and Epidiolex, among others. Allah (SWT) permitted people to take medication for what had been permissible and to avoid illegal drugs. Sometimes an illness leaves a person feeling weak, and in an effort to recover quickly, he may resort to utilizing drugs as medicine. Muslim jurists unanimously agreed that the use of illegal drugs without a valid excuse is forbidden. However, they held differing opinions on three specific doctrines:

It is forbidden to use drugs as medicine, no matter how little. This opinion was seconded by Maliki, Shafi, Hanbali and Ibn Taymiyyah. Imam Malik said, “The permissibility of using drugs in treatment is conditional upon their not causing a loss of consciousness or altering the mind. If a drug induces a state of altered consciousness, it is not permissible to use it as medicine.”<sup>1</sup> And what was recorded from Mughni is that “it is permissible to take what will absent the mind if it is not liquor for the sake of cutting the joint, and it is not permitted for liquor.”<sup>2</sup> On the same, Imam Hanbali said, “It is not permitted to use drugs in medicine or drink them for thirst unless he is forced to pay a morsel, then it is permissible.”<sup>3</sup> They support their opinion with the following evidence. Wa’il Al-Hadrami narrated that Tariq bin Suwaid asked the Messenger of Allah (Pbuh) about Khamr which he made only to be used as a medicine. The Prophet (Pbuh) replied, “It is not a medicine, it is a disease.”<sup>4</sup> Another Hadith, “Allah has not made my Ummah’s remedy in what He has forbidden to them”<sup>5</sup> Sheikh Islam ibn Taymiyyah said, “And what is correct is what has been agreed by the majority of Muslim jurists: that every intoxicant is khamr (wine), and the punishment is inflicted on the drinker, even if he drinks a drop of it for medicine or not.”<sup>6</sup> He continued to say, “Everything that absents the mind is forbidden, even if no ecstasy or rapture occurs in it. The absence of the mind is forbidden, according to the consensus of Muslims. As for the use of marijuana that did not intoxicate and did not lose the mind, the punishment for it is ta’zir.”<sup>7</sup>

Some scholars advocate that under necessity or genuine need, the consumption of narcotics might be permissible if the treatment is certain and no alternative options exist. This opinion was supported by a number of scholars. Imam Nawawy said, it is not permitted to use what will absent the mind such as marijuana but there is no penalty to take it for surgery and for the right purpose.<sup>8</sup> Ibn Abiddin, another scholar, stated that it is acceptable to consume a small amount of marijuana for medicinal purposes as long as it does not cause the person to lose consciousness and life.<sup>9</sup> Al-Qurafi, another scholar, said that as long

1 Ahmad al-Saawy, *Bulgha Salik liaqrab Masalik* (in Arabic), (Dar al-Kutub al-Ilmiyah, 1995): 1/33.

2 al-Khaṭīb ash-Shirbīniy, *Mughni Muhtaj* (in Arabic), (Dar Fikr, n.d): 4/188.

3 Ibn Qudāmah al-Maqdisī, *al-Mughnī* (in Arabic), (Dar Fikr, 1405AH): 10/323.

4 Muslim ibn al-Ḥajjāj an-Naysābūrī, *Sahih Muslim* (in Arabic) (Dar Ihyau al-Turath Al-Arabiyyah, n.d): 3/1573, Hadith No: 11.

5 Al-Bukhary, Op. cit.,: 7/143, Hadith No: 5613.

6 Taqī al-Din Ahmad Ibn Taymiyyah, *al-Siyasa al-Shar’iyya fi Islah al-Ra’i wa al-Ra’iyya* (in Arabic), (Dar Marefah), n.d): 1/137.

7 Taqī al-Din Ahmad Ibn Taymiyyah, *Al-Fatawa al-Kubra* (Dar al-Kutub al-ilmiiyyah, 1987): 3/423.

8 Yaḥyā ibn Sharaf al-Nawawī, *Rawdhat al-Talibin* (in Arabic), (Al-Maktab al-Islamī, 1405): 10/171.

9 Ibn Abiddin, *Hashiya Rad al-Mukhtar ala Dur Muhtar* (Dar al-Fikr, 2000): 1/402.

as marijuana or opium is not used to cause mental or conscious impairment, it is permitted to consume in small amounts.<sup>1</sup>

The al-Zahiriyah and Abu Yussuf, along with other scholars of the Shafi'i school, assert that it is permissible to use narcotic drugs under necessity and genuine need. This allowance extends to various reasons, including quenching one's thirst or for medical purposes, among others.<sup>2</sup> They support their opinion with the following evidence. Allah (SWT) says, "Why should you not eat of what is slaughtered in Allah's Name when He has already explained to you what He has forbidden to you—except when compelled by necessity?"<sup>3</sup> Another verse from Qur'an "But if someone is compelled by necessity—neither driven by desire nor exceeding immediate need—they will not be sinful."<sup>4</sup> They also referenced the following Hadith. Narrated Anas: The climate of Medina did not suit some people, so the Prophet (Pbuh) ordered them to follow his shepherd, i.e. his camels, and drink their milk and urine (as a medicine). So they followed the shepherd that is the camels and drank their milk and urine till their bodies became healthy. Then they killed the shepherd and drove away the camels. When the news reached the Prophet (Pbuh) he sent some people in their pursuit. When they were brought, he cut their hands and feet and their eyes were branded with heated pieces of iron.<sup>5</sup> In reference to the previous hadith, the consumption of camel urine for medicinal purposes is permitted.

After careful examination of the three viewpoints, the researcher concludes that using illicit drugs is permissible only when there is no alternative medication available and the individual firmly believes in its curing effects. This should be done in consultation with a trustworthy Muslim physician. Additionally, any illicit components within the medicine should be significantly less in concentration compared to the other components.

Marijuana is grown for use in variety of commercial and industrial products, including textiles, rope, paint, clothing, shoes, paper, bioplastics, insulation, and biofuel, lotion, among others. The first principle recognized by Sharia was: "Everything in one's daily life is permissible unless there is a proof of the opposite."<sup>6</sup> Muslim scholars inferred that the principle with regard to things and benefits is permissibility, with clear Qur'anic verses such as, "He is the One Who created everything in the earth for you."<sup>7</sup> Another verse, "Have you not seen that Allah has subjected for you whatever is in the heavens and whatever is on

1 Shihāb al-Dīn al-Qarāfi, *Anwar al-Buruq fi Anwa' al-Furuq* (in Arabic), (n.p, n.d): 2/355.

2 Alī ibn Aḥmad ibn Sa'īd ibn Ḥazm, *al-Muhalla* (in Arabic), (Dar al-Fikr, n.d): 7/426.

3 Suratul Al-An'am: 119.

4 Suratul Al-Baqarah: 173.

5 Abd al- Rahman Ahmad Ibn Shuib, *Sunan An-Nasa'I* (Muasat Al-Risalah, 2001): 1/187, Hadith No: 290.

6 Abdulrahman Abubakar al-Suyuti, *Al-Ashbah wa-al-Nazair* (in Arabic), (Dar Al-Kotob Al-Ilmiyah, 1<sup>st</sup> ed., 1983): 133.

7 Suratul Al-Baqarah: 29.

the earth, and has lavished His favours upon you, both seen and unseen?<sup>1</sup> Although marijuana is a narcotic, the aforementioned products made from marijuana are either pure or impure. The majority of scholars have different opinions regarding narcotics: if it is liquid, then they determine it to be impure, and if it is solid, then they conclude its purity. Al-Damiati Al-Shafi'i said in Al-Talibeen: "His saying: and was excluded from liquids like hashish and opium, among others, so these are all pure because they are solid."<sup>2</sup> So any products made from marijuana are permissible to use as long as they're not harmful.

If this is the case, Muslim scholars agree that cultivating marijuana for drug abuse or trafficking is prohibited based on the following justification:<sup>3</sup> The Prophet Mohammad (Pbuh) forbade selling grapes to those who made wine. Narrated 'Abdullah bin Buaraidah on his father's authority (RA): Allah's Messenger (Pbuh) said: "Whoever hoards grapes in the vintage (harvest) season till he sells them to those who make wine from them, has hastily thrown himself into Hell-fire with clear knowledge."<sup>4</sup> Furthermore, any income that the farmer owns from that cultivation of marijuana and poppy is forbidden money, and it is not permissible for him to benefit from it because it is derived from the sin. In addition to that, Ibn 'Umar reported Allah's Messenger as saying, "Allah has cursed\* wine, its drinker, its server, its seller, its buyer, its presser, the one for whom it is pressed, the one who conveys it and the one to whom it is conveyed."<sup>5</sup> All that applies to khamr (wine), it is also applicable to those cultivated drugs under it because they help in disobedience. Therefore, the drugs are intoxicating, and there is no doubt about their prohibitions. Cultivating it makes it haram, and as Ibn Taymiyyah put it, "The harm of weed is more harmful than the harm of khamr (wine)."<sup>6</sup> General Presidencies of Scholarly Research and Ifta states that it is forbidden to grow, import, and use Khat<sup>7</sup> because of the evils and harms that it entails in minds, religions, and bodies; because of the waste of money and people's temptation with it; and because of what it includes in preventing the remembrance of God and prayer and as a means of many evils.<sup>8</sup> Another issue that Muslim scholars did not go into detail about is leasing land to someone who wants to grow drugs. The main reason behind it is that drugs were not popular at the time; Similarly, Muslim scholars have forbidden leasing the shop to anyone who wants to sell alcohol because it aids disobedience. Ibn Rushd said aid in haram is haram.<sup>9</sup> Furthermore, leasing land for the sake

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1 Suratul Luqman: 20.

2 Uthman ibn Shata, Abu Bakr al Bakri, *I'aaanat at-Taalibin 'ala Hall Alfaadh Fath al-Mu'een* (in Arabic), (Dar Fikr, 1<sup>st</sup> ed., (1997): 110.

3 Abdulrahman Al-Jazair, *Al-Fiqh 'Ala al-Madhahib al-Arba'ah* (in Arabic), (n.p., n.d): 5/21.

4 Atiya Mohammad b. Salim, *Sharh Bulugh Maram* (in Arabic), (n.p., n.d): 14/193.

5 Abubakar Ahmad Al-Hussein Al-Baihaqi, *As-Sunan Al-Kubra wa fi Dhailihi Al-Jawharu* Naqi (in Arabic), (Majlis Dairatul Al-Maarif An-Nidhamiyah, 1344AH): 6/12, Hadith No: 11367.

6 Taqi al-Din Ahmad Ibn Taymiyyah, *Majmu' Al-Fatawa* (Majma Malik Fahad, 1995): 34/204.

7 Khat, also known as Miraa, is a plant typically cultivated in the Horn of Africa and Yemen. People chew its leaves for their stimulating effects.

8 *General Presidencies of Scholarly Research and Ifta* (Department of Scholarly Research and Ifta, n.d): 22/160.

9 Ahmad b. Rushd Al-Qurtubi, *al-Bayan wa Tahsil* (Dar al-Gharb al-Islami, n.d): 10/31.

of cultivating drugs is part and parcel of aiding someone in haram. Another rule concerning leasing land is that it is permissible to lease the land for what is permissible to own and sell what was cultivated. However, the drugs are not allowed to own and to sell. Therefore, leasing land for the sake of growing drugs is null and void. Though it is legal to cultivate narcotic substances for medical purposes if there is no other option, this opinion is supported by the proof in the Qur'an. Allah said: "*but whoever is forced [by necessity], neither desiring [it] nor transgressing [its limit], there is no sin upon him. Indeed, Allah is Forgiving and Merciful.*"<sup>1</sup> If the medical doctor has no option except to use narcotic substances for anesthesia or pain relief, it is therefore allowed to cultivate narcotic substances for therapeutic purposes.

## Conclusion and Recommendation

This study critically reviews marijuana consumption from a sharia perspective. The study found that marijuana has been used for centuries to make food, clothes, shoes, papers, and psychoactive substances, among others. Islam prohibits the use of marijuana as a recreational drug because it causes a loss of consciousness and senses and affects the normal functioning of the central nervous system. On the other hand, Muslim jurists disagreed on using marijuana medicinally, but the most correct statement is that it is permitted to use marijuana for therapeutic purposes if there is no other option, which coincides with the legal maxim "Necessity renders prohibited things permissible." Furthermore, the commercial and industrial products made from marijuana are pure, as stated by Al-Damiati Al-Shafi'i in Al-Talibeen: "Hashish and opium, among others, are all pure because they are solid." Finally, the ruling on using marijuana differs from haram and halal based on the reason for consuming it. This is in line with the Islamic legal maxim principle that states: "Whether a law exists or not depends on the factors that influence it." Therefore, it is recommended that community members should be educated through social media on physical, health, and social harms of drug abuse. It is also recommended that legislation which will help reduce addiction, prevent entry of drugs into the country, and impose the most severe penalties on trafficking in narcotic drugs should be developed.

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1 Surat-ul Al-Baqarah: 173.



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