

REVIEW OF ISLAMIC CRIMINAL LAW ON THE ABUSE OF KOMIX COUGH MEDICINE (CASE STUDY OF TELUK PAYO VILLAGE)

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ABSTRACT

The abuse of illegal drugs is a serious challenge faced by the Indonesian people, including the abuse of Komix cough medicine containing dextromethorphan. The absence of laws regulating the prohibition of consuming and selling komix cough medicine, as well as the lack of public understanding of the classification of narcotics, leads to the erroneous assumption that only substances such as shabu, marijuana, and ecstasy are included in narcotics, so this phenomenon is interesting to review in Islamic criminal law. This study aims to identify the factors of Komix cough medicine abuse in Teluk Payo Village and review the case from the perspective of Islamic criminal law. This research is an empirical juridical research that manages and analyzes qualitative data obtained from interviews and literature studies, then the data is described in a qualitative descriptive manner so as to obtain conclusions that can be understood by the reader. The results of the study showed that Komix abuse was influenced by internal factors (personality and family) as well as external factors (environment and association). From the perspective of Islamic criminal law, the use of Komix for intoxicating purposes is equated with khamr which is prohibited because it can damage reason and health, so that the perpetrator can be subject to hudud sanctions in the form of dera.

Keywords: Drug Abuse, Komix, Islamic Criminal Law

INTRODUCTION

Indonesia places the law as an intermediary to prevent the occurrence of behavior that is not in accordance with the applicable legal rules. All aspects of people's lives are regulated through the provisions of the law with the aim of creating order and legal certainty, so that each individual does not act as he or she will or violate the law without considering the consequences and responsibilities caused. All aspects of people's lives are regulated through the provisions of the law with the aim of creating order and legal certainty, so that each individual does not act as he or she will or violate the law without considering the consequences and responsibilities caused.

Every community has the right to live in a healthy and decent environment, so the state has an important role as well as responsibility to realize this right through the provision of equitable environmental protection guarantees, both in urban and rural areas. Criminal acts have a very serious impact if the number continues to increase every year and the impact it causes results in huge economic-social losses and the number tends to increase every year. The number of people exposed to narcotics is estimated to reach 4.8 million people in 2022-2023. And from the National Narcotics Agency itself revealed

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that as many as 49 international and national narcotics networks have spread to all levels of society in cities and villages in Indonesia as well as 768 cases of narcotics crimes with a total of 1,209 suspects.⁴

The severity of the threat of class III narcotics in Indonesia issued a decree from the Head of the Food and Drug Control Agency (BPOM) of the Republic of Indonesia Number HK.04.1.35.07.13.3855 of 2013 concerning amendments to the Decree of the Head of the Food and Drug Control Agency (BPOM) of the Republic of Indonesia Number HK.04.1.35.06.13.3534 of 2013 concerning the cancellation of distribution permits for drugs containing *single dextromethorphan*.⁵ The content of *dextromethorphan* in komix is included in the second order of the third group narcotics group under the name *dextropoxyphene*. Article 122 paragraphs (1) and (2) of Law No. 35 of 2009 concerning Narcotics explains that: every person who without rights or against the law possesses, stores, controls, or provides class III narcotics, shall be sentenced to imprisonment for a minimum of 2 (two) years and a maximum of 7 (seven) years and a fine of at least Rp 400,000,000.00 (four hundred million rupiah) and a maximum of Rp 3,000,000,000.00 (three billion rupiah). Then, every person who possesses, stores, controls, and provides class III narcotics weighing more than 5 (five) grams, the perpetrator shall be sentenced to imprisonment for a maximum of 10 (ten) years and a maximum fine as referred to in paragraph 1 plus 1/3 (one-third).⁶

Dextromethorphan itself is a modern engineering result in the pharmaceutical field that was only developed in the 20th century as an active ingredient in cough medicines, such as Komix. This komix cough medicine is abused by the people of Teluk Payo Village, this medicine that should be used as a cough suppressant is actually abused, especially by teenagers, to get a sensation of euphoria or the "fly" effect. This uncontrolled consumption pattern is often triggered by a momentary urge for pleasure and a lack of understanding of the dangers of drug abuse. Even more concerning, most of the perpetrators come from Muslim backgrounds, even though in Islamic teachings, any form of action that causes loss of consciousness or intellect such as drunkenness is declared as a prohibited act. This phenomenon shows that there is a gap between the values of religious teachings and the behavior of the younger generation, which ultimately raises concerns in social, health, and religious aspects. This condition encourages the importance of conducting research to examine the factors that cause abuse and the view of Islamic criminal law on this phenomenon.

METHOD

This study uses empirical research/field *research*. It is research that is carried out on an event or event that then tries to interact with people related to the event. This study also uses the Qualitative Description method, which is a method that explains in the field and reveals activities and events that occur in the research. The research location is located in Teluk Payo village, Banyuasin II District. The data sources in this study were obtained

⁴Aguido Adri, "Warning, there are 4.8 million people exposed to narcotics," *Kompas*, March 23, 2023, accessed February 21, 2024. <https://www.kompas.id/baca/metro/2023/03/25/peringatan-ada-48-juta-penduduk-terpapar-narkotika>

⁵Sri Yulianty Masoara, "Juridical Review of the Abuse of Komix According to Law Number 35 of 2009 concerning Narcotics" *LEX CRIMEN*, Vol. 6 No. 9 (December 2017): 19, accessed 09 June 2024, <https://ejournal.unsrat.ac.id/v3/index.php/lexcrimen/article/view/18406/17934>

⁶ Law of the Republic of Indonesia Number 35 of 2009 concerning Narcotics Article 122.

from 3 forms of data, namely primary data sources obtained from interviews and secondary data sources derived from literature related to the problem being researched, and tertiary data sources derived from dictionaries, articles from the internet, etc. The data collection techniques in this study are observation, interviews, and literature. The data analysis technique in this study is to compile the results of observations, interviews and others with the aim of increasing understanding and strengthening research on the case being studied. The data that has been collected will be managed and presented using qualitative descriptive techniques. Then from the presentation, a conclusion is drawn deductively.

RESULT AND DISCUSSION

A. Factors of Abuse of Komix Cough Medicine in Teluk Payo Village

It is known that the factors causing the abuse of Komix cough medicine in Teluk Payo Village are inseparable from internal and external influences.

1. Internal Factors

- a. Personality, is the impulse rather than a sense of curiosity or by oneself, mental weakness, or stress.
- b. Family, lack of communication between families or problems between families that can trigger such negative behavior, broken homes, and so on.

The researcher obtained the two factors above, from the results of the informant interviews as follows:

In an interview with informant F, he said that: "At first I didn't know what *the dextromethorphan* content in komix was, the first time I tried it out of curiosity and finally I met friends who used to mix as well and that's why we often hung out until dawn, and the place where we mixed was uncertain. Sometimes we do it under a tree, at home or on a bridge when it's quiet. Honestly, the feeling I felt when I was mixing felt very calm, sometimes I also felt very excited depending on the taste of the komix that was being consumed. My parents don't know about the habit of ngomix that I often do".⁷

Almost the same with F, informant A said that: "I know what *the dextromethorphan* content in komix is but I was curious to try it. After I got to know my school friends, I did get drunk. Then the habit of consuming komix medicine for hangovers and flies arose in my environment which made me curious why people around liked to consume it, so I also tried it to answer this curiosity. My parents don't mind what I do as long as I don't steal."⁸

Interview with informant J, stated that: "I had rarely joined the barge group in my neighborhood before. The first time I tried komix, when I was bored at home and had a lot of problems with my wife, there I decided to leave the house so that my head and anger subsided. Then I met my friends at school and saw that they were mixing, they were reluctant to invite me to mix because maybe because I already had a family, but because at that time my mind was in turmoil, I tried it, then the incident repeated in the following days when I had problems at home. Sometimes I also mix alone if I'm lazy to go out of the house."⁹

From the results of the interviews with informant F, informant A, and informant J above, it can be concluded that the abuse of komix occurs because it is influenced by

⁷ The interview was conducted on September 14, 2024

⁸The interview was conducted on September 14, 2024

⁹The interview was conducted on September 14, 2024

internal factors where there is an impulse or tendency from himself to consume it and the absence of concern from his family or parents even his parents do not know what their child's habits are.

2. External Factors

- a. Socializing, is one of the factors that makes a person eventually try to get drunk on komix. Even from the local community's admission, most of those who have a habit of getting drunk on komix started as a result of the invitation of barge friends
- b. The environment, the environment of the community that is less concerned also causes the abuse of komix cough medicine.

The two external factors above were obtained from the results of the interview as follows:

Interviewed by informant S, he said that: "I don't know about *the dextromethorphan* content in komix, I do know that drunkenness is prohibited. At first, I wasn't tempted to consume komix, but over time, I didn't feel good because I often refused my friend's invitation on the barge. Finally I tried it and it continues until now. My parents also don't mind it as long as I continue to work during working hours."¹⁰

Almost the same as S, informant R said that: "I actually don't understand the substances contained in komix drugs, this habit of getting drunk on komix started at the invitation of my schoolmate from the next village and out of curiosity, I tried it. I used to mix after school, and my two old oreng no one knew about it".¹¹

An interview with informant U said that: "In our place, there are no people who care about us to clean the deck, the important thing is that we don't make a fuss (not disturb). I used to get drunk until mid-afternoon if I had work to do the next day, but if I didn't work, we hung out until the morning".¹²

Wainterview with informant Y: "The conditions in the neighborhood where I live are very ignorant, the important thing is that there is no commotion when it is safe."¹³

From the results of the interview with the informant above, it can be concluded that the factor that causes the abuse of komix cough medicine in Teluk Payo Village from external factors is the influence of the invitation of friends and the environment of the surrounding community who do not care about what they do.

B. A Review of Islamic Criminal Law on the Abuse of Komix Cough Medicine in Teluk Payo Village

The activity of consuming komix cough medicine in Teluk Payo village to get the effect *of fly* or drunk is called "*Makkomik*" and people who usually do Makkomik activities are called "*Pakkomik*". Abuse is usually carried out by teenagers or adults or those who already have families. They usually do it in quiet places where people pass by, for example, under trees, bridges, empty houses, or even in the house of one of their own if they are lonely. They usually do it at night but sometimes it is also done during the day.

¹⁰The interview was conducted on September 14, 2024

¹¹The interview was conducted on September 14, 2024

¹²The interview was conducted on September 14, 2024

¹³The interview was conducted on September 14, 2024

They usually get komix stock at stalls or in traditional markets if the surrounding stalls are unavailable, if the market is still a few days away, they look for komix stocks in neighboring villages. This continues to be repeated so that their komix stock is rarely empty. From the informant's information, the seller said that the sellers did not care and did not question what purpose they stocked the komix, because they would be happy if the sale sold.

The confession from the informants that the effects caused after mixing vary. Some innate want to sleep constantly, some want to go for a walk, some vomit, some are inherently riotful and want to get angry but not to cause riots. It is known that the lowest dose to get *the effect of fly* or drunk is the lowest of 15 sachets and the highest is 30 sachets of komix. They believe that each variant of komix can have different effects according to the informant. Informant Ferdi said: "If the taste of ginger has a high fly effect if drunk during the day, then if it tastes mint, the effect is not high but the effect is long-lasting , if the taste of orange the effect is slow and delicious to consume during the day because it feels more relaxed".¹⁴

The Qur'an is the main source of law for all Muslims, which contains the main points of teaching that serve as a guide. Human civilization has always developed along with the progress of the times, whose progress has given rise to many phenomena in social life. The rise of drug abuse that occurs is now evenly distributed in all circles and from urban areas and villages.

Hifdz al-'Aql is one of the concepts of *maqasid al-shari'ah* which aims to maintain reason so as not to threaten the existence of reason. The prohibition of drunkenness in Islam indicates that Islam is very concerned about human survival in various aspects of life, one of which is reason. In the case of the abuse of komix cough medicine in Teluk Payo Village, it is very closely related to the maintenance of reason. Reason is the most important element for humans and therefore, if humans lose their sense of smell then their degree will be the same as animals.

Although the content of dextromethorphan contained in komix cough medicine did not exist in the time of the Prophet Muhammad, in general the problem of komix intoxication has been mentioned in Islamic law but has not been regulated clearly and in detail. In this case, komix drunkenness is equated with *qiyasan khamr*, which is clearly haram in Islam. Anything that disturbs the mind and makes a person out of his original character which is one of the human elements to be able to distinguish good and bad such as *khamr*, Allah forbids it, including the abuse of komix cough medicine.

God created man in the best possible form, when compared to his other creations. But if beauty is of no use if it is not accompanied by good understanding, therefore Allah praises those who have understanding. Therefore, maintaining reason lies in the level of *daruriyat* , which is a must and must be fulfilled in order to fulfill the commands and stay away from Allah's prohibitions so that benefits are created in religious and state life. The legal basis for the haram of *khamr* and the like, such as the abuse of komix cough medicine for drunkenness, is as follows:

1. QS. Al-Baqarah verse 219

يَسْأَلُونَكَ عَنِ الْخَمْرِ وَالْمَيْسِرِ فَلَنْ فَيُؤْمِنَا إِنَّمَا كَثِيرٌ وَمَنَافِعُ النَّاسِ وَإِنَّهُمْ أَكْثَرُ مِنْ نَفْعِهِمْ وَيَسْأَلُونَكَ مَاذَا يُنْفِقُونَ هُنَّ قُلُّ الْعَفْوِ كَذَلِكَ يُبَيِّنُ اللَّهُ لَكُمُ الْآيَتِ لَعَلَّكُمْ تَتَكَبَّرُونَ

¹⁴ The interview was conducted on September 14, 2024

"They ask you (the Prophet Muhammad) about khamr and gambling. Say, "In both there is great sin and some benefit to man. (However,) the sin of both is greater than the benefit." They ask you what they have done. Say, "(What is given is) excess (of what is needed)." Thus Allah explains His verses to you so that you may think." (QS. Al-Baqarah 219).

The above verse is the second verse that discusses liquor, the first verse is found in the Qur'an surah An-Nahl verse 67: *"And from dates and grapes, you make intoxicating drink and good sustenance"*. This verse provides an affirmation that dates and wine can produce 2 (two) different things, namely drinks that cause drunkenness and good sustenance. At that time, this verse had succeeded in inviting some Muslims to avoid liquor even though it was not expressly forbidden. As for Surah Al-Baqarah verse 219, it has given a strong signal of its haram and it is clearer even though it is not yet firm. The answer that gives a statement about the sin of both is greater than the benefit of giving the sense that it should be shunned, because anything that is more bad than good is reprehensible, even haram. In verse 43 of surah An-Nisa, Allah expressly prohibits drunkenness, but it has not been completed because the prohibition is limited to the time before prayer. Then in surah Al-Maidah verse 90 there is a strict prohibition, and finally it is related to liquor or *khamr* all the time.¹⁵

2. QS Al-Nisa Verse 43

يَأَيُّهَا الَّذِينَ آمَنُوا لَا تَقْرُبُوا الصَّلَاةَ وَإِنْتُمْ سُكَارَى حَتَّىٰ تَعْلَمُوا مَا تَفْعَلُونَ...

O you who have believed, do not approach the prayer while you are drunk until you realize what you are saying...

In the tafsir al-Mishbah, Prof. M Quraish Shihab stated that in the verse *"O you who believe*, that is, those who justify with their hearts what Allah and His Messenger have taught, which begins from pleasing Allah by not associating it with anything, do not approach prayer, that is, perform it, the place of prayer, let alone perform it, while you are drunk, i.e. in a state of loss or reduced consciousness due to liquor or something like that, as happened to your friends who were drunk so that they read the verses of the Qur'an when they prayed mistakenly without realizing it. But you should pray solemnly, with full awareness so that you know what you are saying.¹⁶

The word *sukara*, in the verse is interpreted as drunk, which is the plural form of *sukran*. At first, this word means to contain. Water that flows rapidly if it is contained will be held back or find a place to flow elsewhere. People who consume alcohol will have their minds stopped, not flow normally, and do things that are not appropriate. A drunk person is not allowed to pray until he is conscious, nor is a sleepy person allowed to pray because he is most likely not aware of what he is doing.¹⁷

This verse provides an understanding to Muslims of the prohibition of performing prayers while drunk, prayer is a mandatory worship which if before doing it is preceded by komix drunkenness, it will make a person float, *fly*, or drunk, thus causing the prayer that is being done to be disturbed because of the state of drunkenness.

3. QS. Al Maidah verse 90

¹⁵ M. Quraish Shihab, *Tafsir Al-Mishbah Vol I*, (Jakarta: Lentera Hati, 2002), 468.

¹⁶ M. Quraish Shihab, *Tafsir Al-Mishbah Vol II*, (Jakarta: Lentera Hati, 2002), 451.

¹⁷ Shihab, *Tafsir Al-Mishbah Vol II*, 452.

يَأَيُّهَا الَّذِينَ آمَنُوا لَئِمَّا الْخَمْرُ وَالْمَيْسِرُ وَالْأَنْصَابُ وَالْأَرْلَامُ رَجْسٌ مِّنْ عَمَلِ السَّيِّطَنِ فَاجْتَنِبُوهُ لَعْنَكُمْ
نَّفِلُهُنَّ

O you who have believed! Indeed, drinking, gambling, (sacrificing to) idols, and casting lots with arrows, are abominable acts and include the deeds of Satan. So stay away from them so that you may be lucky.

*O you who have believed, indeed drinking *khamr* and every little intoxication, and *gambling*, sacrificing to *idols*, arrows used to draw lots, is an *abominable act* of various abominable deeds *which are among the deeds of Satan*. Therefore, *stay away from it*, that is, these practices. *so that you may be lucky* by getting everything you hope for. Imam Bukhari explained the order of the prohibitions by stating that *khamr* is one of the most removes wealth, followed by the prohibition of drinking *khamr* with gambling. Because gambling is one of the ways to destroy wealth, the destruction of wealth is followed by the prohibition of glorifying idols that destroy religion. Similarly, the glorification of idols is a manifest act of shirk (associating with Allah) if the idol is healed, and includes hidden shirk if it is done by sacrificing in its name, even if it is not worshipped. So the prohibition of idolatry is combined with one of the hidden shirks, namely drawing lots with arrows. Then, after all of that was put forward, everything was gathered together along with the reason, which was *rijs (heinous acts)*.¹⁸*

In the *tafsir al-Mishbah*, Prof. M Quraish Shihab states that what is called *khamr* is anything that causes drunkenness, regardless of the raw material. Every drink that has intoxicating potential that if consumed in normal amounts by a person in normal circumstances, then the drink is *khamr* so that it is haram to consume, whether consumed in large or small amounts. Thus, the haram of drinking *khamr* is not because of the alcohol it contains, but the drink has the potential to be intoxicating.¹⁹

Qiyas Adna, is a *qiyas* which in its *furu'* weight is lower than the *'illat* in the *ashl* which in this case the intoxicating nature of the *komix* is lower than the intoxicating nature of the liquor of *khamr* which is forbidden in the Qur'an. Similar to *khamr*, the abuse of *komix* cough medicine in principle provides an intoxicating effect and various other negative effects on the body and spirit for the user. As the rule of ushul fiqh "*al-hukmu yaduuru ma'a 'illatihi wujuudan wa 'adaman*" (The law circulates with the existence and absence of '*illat*).

The content of *dextromethorphan* in the package is 15 mg, so if a person has as many as 350 packs or about 5.25 grams if it is misused to get the effect of flying, drunkenness and so on, the user can be sentenced to 2-7 years in prison as contained in Article 122 paragraph (2).²⁰ In the early days of Islam, the intoxicating ingredient that was commonly consumed at that time (the era of *jahiliyah*) was a drink called *khamr*. The scholars of fiqh agree that a person who consumes liquor or *khamr* or something intoxicating without coercion from another person is obliged to be punished with *hadd*. The limit for a *khamr* drinker is *hadd* if it is *mukallaf*. The number of punishments used depends on the opinion used, there are opinions that say 40 times and there are also opinions that say 80 times abuse.

Thus, Islam views the haram of *khamr* to lie in the act of consuming something that is declared haram, as well as consuming *komix* cough medicine to be used for drunkenness, *flies* and so on because in reality it will have a negative impact. As it has

¹⁸ M. Quraish Shihab, *Tafsir Al-Mishbah Vol III*, (Jakarta: Lentera Hati, 2002), 192.

¹⁹ Shihab, *Tafsir Al-Mishbah Vol I*, 467.

²⁰ Masoara, "Juridical Review", 39

been explained that the substance dextromethropan in komix *isqiyaskan* with *khamr* which is explained in the Quran that *khamr* can damage the mind the same as consuming excessive cough medicine komix can cause various negative effects.

CONCLUSION

1. The factors that cause the abuse of komix cough medicine in Teluk Payo Village consist of two factors, namely Internal factors consisting of Personality factors, namely the drive by their own desires and their strong curiosity and family factors, namely the existence of conflicts that cause disputes between family members or families who do not care about the cause of negative behavior. The second factor is external factors consisting of social factors, the behavior of consuming komix cough medicine excessively mostly starts from the invitation of a friend even if you reject the invitation of a friend is called less male or unfaithful to your friend as well as environmental factors, a poor surrounding environment and a lack of concern between fellow people cause behavior that is increasingly free to do negative things such as abusing komix cough medicine, and
2. A review of Islamic criminal law on the abuse of komix cough medicine in Teluk Payo Village. In Islamic law, it is not explained about the content of dextromethropan in komix, but in this case consuming komix cough medicine for drunkenness, *flying*, and so on *isqiyaskan* with *khamr* which is clearly haram because it can damage the mind and interfere with physical and spiritual health and is threatened with a sanction of limitation in the form of deraan.

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