

Analysis Of Drug's Law In The Perspective Of Modern And Islamic Law

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Abstract

Addiction is a kind of disease that affects all the body, brain, behavior, and personality of a person. It has been a problem for human communities for a long time. The problem has become even worse since its use has become broad and people can provide it manually and by industrial equipment. Regarding the depth of its teachings, Islam has focused its main attention on human being in this and the other worlds. Islam has acknowledged and valued wisdom more than any other religion and never admitted inflicting harm on human beings. Therefore, Islam has seriously prohibited this act and it has been certainly known as a forbidden act by the Islam. This article studied laws and foundations of prohibition of narcotic drugs, which are included in cases Islam has prohibited. All the concepts approve the claim which the authors of this article have studied them. Unjust enrichment, avoiding from uncleanness and wickedness, abstaining from any evil acts and narcotic drugs use as a leader of all evil deeds, and destroying oneself. Furthermore, the foundation of the prohibition of narcotic drugs can help authorities with their mission in campaigning against it. The authorities will be able to prioritize fighting against drugs, and finally eradicate them with peace of mind and easefully with accessing to legitimate authorization and religious orders based on the prohibition of the narcotic drugs in Islam.

Keywords: Drugs, Laws, Islamic, National, International, Scriptures

Introduction

People from all over the world and all walks of life can experience Problems with their drug use, regardless of age, race background or the reason they started using drugs in the first place. It is a painful experience for the person who has the Problem and for family and friends who may feel helpless in the face of disease.

A substance used to treat moderate to severe pain. From the definitions we can understand that “the term narcotic from ancient Greek (to make numb) originally referred medically to any Psychoactive compound with numbing or paralyzing properties”.ⁱ

Legally Speaking the term “narcotic” may be imprecisely defined and typically has negative connotations.ⁱⁱ

In the medical community “The Term is Precisely defined and generally does not carry the same negative connotation”.ⁱⁱⁱ

So the main therapeutic use of narcotics is for pain relief and they are often called narcotic analgesics. The best known narcotics are the opiates. i.e. compounds found in or derived from opium of the 20 or more alkaloids found in opium, the most important is morphine which is primarily responsible for opium’s narcotic properties. Drugs with actions

Similar to morphine that are produced Synthetically are known as opioids, the term opiate, opioids and narcotics are used interchangeably.

The 1961 convention establishes strict controls on the cultivation of opium, poppy, coca bush, cannabis plant and their products which in the convention are described as “narcotic drugs”.^{iv}

Besides their medical use, narcotics/opioids produce a general sense of well being by reducing tension, anxiety and aggression. So many people tried them not for their medical issues but for lessen their mental or Psychological issues. The fact sheet describes that “These effects are helpful in a therapeutic setting but contribute to the drugs Abuse Narcotic / opioid use come with a variety of unwanted effects, including drowsiness, inability to concentrate and apathy”.^v

Certain drugs can change the structure and inner working of the brain with repeated use, they affect a persons self control and interfere with the ability to resist the urge to take the drug. Not being able to stop taking a drug even through.

Some one known it is harmful is the hallmark of addiction, in most cases people use it when going through major life transition

The teenage years are a critical time to prevent drug use. Trying drugs as a teenager increases your chance of developing substance use disorders. The earlier the age of first use, the higher the risk of later addiction. But addiction also happens to adults. Adults are at increased risk of addiction when they encounter prescription pain-relieving drugs after a surgery or because of a chronic pain problem. People with a history of addiction should be particularly careful with opioid pain relievers and make sure to tell their doctors about past drug use.^{vi}

Many signs are indicating the condition of a person having a problem with drugs. They

might lose interest in things that they used to enjoy or start to isolate them selves they may violate or appear irritable many people mistakenly think that those who use drugs lack moral principles or will power and that they could stop their drug use simply by choosing too. In reality drug addiction is a complex disease and it change the brain in ways that make quitting hard even for those who want to.

“Addiction is a chronic disease characterized by drug seeking and use that is compulsive or difficult to control, despite harmful consequences. The initial decision to take drug is voluntary for most people but repeated drug use can lead to brain changes that challenge an addicted persons self-control and interfere. With their ability to resist urges to take drugs. These brain changes can be persistent which is why drug addiction is considered a relapsing disease – people in recovery from drug use disorders are at increased risk for returning to drug use even after years of not taking the drug”.^{vii}

People with addiction often have one or more associated health issues which can include lungs or heart disease, stroke, cancer or mental health conditions. Imaging scans, chart X-rays and blood tests can slow the damaging effects of long term drug use throughout the body.

Drug use can also increase the risk of contracting infections. “Infection of the heart and its valves and skin infection can occur after exposure to bacteria by injection drug use”.^{viii}

Drug use also cause some mental disorders such as anxiety, depression or schizophrenia may come before addiction and after the addiction may face some physical as well as mental disorders.

- **Prohibition of Addiction in Islam**

Islam prioritizes the well being and health of its people. Muslims are required to take care of their body because healthy body will be at ease to worship, do daily task and to

fulfill responsibility as Allah's caliph on earth. Effort for Halal food and keeping away from Haram is also our responsibility According to Islam alcohol and drugs containing "najis" or haram and Prohibited to be used.

All intoxicants are for bidden because of its physical – mental adverse effects on individuals and communities. Drug consumption causes moral degeneration body and intellect corruption, inflicts severe cultural, social and economic losses and finally ruins societies. Addicted persons are not able to oversee their behavior losses his zeal, motivation and common sense and as a result is ready to do anything to obtain drugs without any consideration. A drug addicted person. Cannot fulfil his Islamic Practice, Since drugs turn him into an irresponsible and a total inefficacious human.

That's why Islam describe an exact and clear prohibitions laws.

The Qur'an is reticent regarding drug use, although it discusses intoxicants (khamr) and, more specifically, alcohol. Any discussion on narcotics and addictions must start from the Qur'an, since it is the foundation of Islamic law, ethics, and theology (p. 25). Alcohol is prohibited in the Qur'an for recreational reasons; the Qur'an calls alcohol the "Handiwork of Satan"

يَا أَيُّهَا الَّذِينَ ءَامَنُوا إِنَّمَا الْخَمْرُ وَالْمَيْسِرُ وَالْأَنْصَابُ وَالْأَزْلَامُ
رَجْسٌ مِّنْ عَمَلِ الشَّيْطَانِ فَاجْتَنِبُوهُ لَعَلَّكُمْ تُفْلِحُونَ^{ix}

"O believers! Intoxicants, gambling, idols, and drawing lots for decisions¹ are all evil of Satan's handiwork. So shun them so you may be successful".

Prior to being forbidden by divine decree through a Qur'anic revelation, the early Arab Muslims indulged in wine and took much delight in inebriation. It was gradually forbidden in three phases, with the final prohibition being revealed in the fifth hijri (ca. 627 CE) after the siege of Medina, nearly seventeen years after the inception of Islam.

Initially, the Arabs consumed alcohol in their parties and gatherings. Some Muslims, seeing the effect that alcohol had on a person's cognitive faculty and the social consequence of that, asked Muhammad to provide them with some Qur'anic guidance on it. God responds in the Qur'an by saying, "They ask you (Prophet) about intoxicants (khamr) and gambling: say, 'There is great sin in both, and some benefit for people: the sin is greater than the benefit.'"

يَسْأَلُونَكَ عَنِ الْخَمْرِ وَالْمَيْسِرِ قُلْ فِيهِمَا إِثْمٌ كَبِيرٌ وَمَنْفَعَةٌ لِلنَّاسِ
وَإِثْمُهُمَا أَكْبَرُ مِنْ نَّفْعِهِمَا وَيَسْأَلُونَكَ مَاذَا يُنْفِقُونَ قُلِ الْعَفْوَ كَذَلِكَ
يُبَيِّنُ اللَّهُ لَكُمُ الْآيَاتِ لَعَلَّكُمْ تَتَفَكَّرُونَ

They ask you 'O Prophet' about intoxicants and gambling. Say, "There is great evil in both, as well as some benefit for people—but the evil outweighs the benefit."¹ They 'also' ask you 'O Prophet' what they should donate. Say, "Whatever you can spare." This is how Allah makes His revelations clear to you 'believers', so perhaps you may reflect.^x

After this verse was revealed, some of Muhammad's followers, out of personal piety, refrained from drinking alcohol, since God mentioned that the harm in alcohol is greater than the good, while acknowledging that He did not prohibit it. Even then, many of Muhammad's Companions still consumed alcohol. The second phase of prohibition was revealed when the leader of a prayer, after a heavy drinking session, recited the Qur'an so incorrectly, the act amounted to blasphemy. God revealed.

يَا أَيُّهَا الَّذِينَ ءَامَنُوا لَا تَقْرَبُوا الصَّلَاةَ وَأَنْتُمْ سُكَرَىٰ حَتَّىٰ تَعْلَمُوا
مَا تَقُولُونَ وَلَا

"You who believe, do not come anywhere near the prayer if you are intoxicated, not until you know what you are saying..."^{xii}

This was the second phase of prohibition, where believers were able to drink so long as they were sober during prayer times. Muhammad's Companions used to hold their drinking sessions after the night prayer, which

gave them enough time to sober up prior to the dawn prayer. In one such night gathering, under the influence of alcohol, a person from one tribe recited offensive poetry about another tribe. The members of the second tribe were infuriated and retaliated, leading to a fight, which resulted in a person being hit on the head with a camel's skull. This was the proverbial straw that broke the camel's back. The final revelation came down, which made alcohol prohibited for Muslims.

• **International Policies and Efforts**

For centuries drug abuse has been an international Problem "The scale of global drug problems generated concern as long ago as 1909, when the first international conference on narcotic drugs was held at Shanghai since then there has been an extensive international Program of legislation more recently under the auspices of the United Nations. 12 multilateral drug control treaties were concluded between 1912 and 1972. The single convention on Narcotic Drugs of 1961, that convention as amended by the 1972 Protocol, and the convention on Psychotropic substances of 1971 extended the drug control to newer synthetic Psychoactive drugs. Those conventions are aimed at reducing drug abuse by controlling strictly the supply side of the drug economy. They license the production manufacture, Prescribing and storage of, as well as the domestic and international trade in, the substances covered. So that legitimate trade and Production are limited to the required amount, and diversion into illicit channels is prevented. Although this sort of control is undoubtedly necessary, it has become apparent that controlling international supply is not a sufficient response and that prevention or at least reduction of the illicit demand for drugs of abuse is also essential"^{xiii}

Some factors are defined for this global epidemic of drug abuse

One is international traveling, the contacts of people although have benefits but

with this the problems of spreading of drugs can also be seen, a relaxation of traditional social and cultural constraints an increased range of acceptable behavior and advances in Technology, Pharmacology and agriculture are among the many factors responsible for the ever – increasing drug abuse Problems.

The international Narcotics control Board and its predecessors were established to limit the cultivation Production, manufacture and use of drugs to an adequate amount

Required for medical and scientific purposes, and build – in monitoring instrument of the international drug control treaties

World Drug Report 2022: The World Drug Report 2022 is aimed not only at fostering greater international cooperation to counter the impact of the world drug problem on health, governance and security, but also, with its special insights, at assisting Member States in anticipating and address-ing threats from drug markets and mitigating their consequences.

Since its creation, WHO has played an important role within the UN system in addressing the world drug problem. WHO activities to counter the world drug problem can be presented under the following main dimensions:

- prevention of drug use and reduction of vulnerability and risks;
- treatment and care of people with drug use disorders;
- prevention and management of the harms associated with drug use;
- access to controlled medicines; and
- monitoring and evaluation.

Target 3.5 of UN Sustainable Development Goal 3 sets out a commitment by governments to strengthen the prevention and treatment of substance abuse. Several other targets are also of particular relevance to drug policy-related health issues, especially target 3.3, referring to ending the AIDS epidemic and combating viral

hepatitis; target 3.4, on preventing and treating noncommunicable diseases and promoting mental health; target 3.8, on achieving universal health coverage; and target 3.b, with its reference to providing access to affordable essential medicines.

In April 2016, the thirtieth Special Session of the UN General Assembly (UNGASS) reviewed the progress in the implementation of the 2009 Political Declaration and Plan of Action on International Cooperation Towards an Integrated and Balanced Strategy to Counter the World Drug Problem and assessed the achievements and challenges. In resolution S-30/1, the General Assembly adopted the outcome document of the special session on the world drug problem entitled “Our joint commitment to effectively addressing and countering the world drug problem”. The UNGASS marked a shift in the overall drug policy discourse to highlight the public health and human rights dimensions of the world drug problem and to achieve a better balance between supply reduction and public health measures.^{xiv}

- **Pakistan: Problem and effort for Narcotics control**

Like other countries Pakistan is also facing the problem of illicit drugs Pakistan’s geographic location next to Afghanistan which is the world’s largest producer of illicit opium. Places the country of illicit opium. Places the country in a vulnerable Position in terms of drug trafficking as well as drug abuse. Patterns of illicit drug Production, dis attribution and abuse change as a result of social economic and Political development.

“Pakistan’s cultivation of opium poppy largely declined during the 1990’s to near zero levels in 1999 and 2000. The commitment of the Govt of Pakistan to measures for eliminating opium poppy cultivation and led to decrease from approximately 9441 ha in 1992 to some 213 ha in 2001 In 2003 cultivation was reported at 6703 ha including for the first time

cultivation in Baluchistan Province. The total area cultivated declined to 2306ha by May 2007 as a result of concerted eradication efforts.”^{xv}

The Anti Narcotics Force collect and Published annual statistics on drug related crime. ANF’s conviction rate has improved over the last few years and at 8% in 2006 the us Government and the Government of Pakistan Signed a five year agreement in September 2007. These activities are intended to promote better living conditions and the cessation of opium poppy cultivation ANF, FC, Pakistan customers, police Pakistan Rangers. Airport security Force and Pakistan coast Guards are the Agencies which are doing their best to control the Narcotics these agencies have some Policies which are

The Ministry of Narcotics Control is responsible for formulating and coordinating the implementation of Pakistan's Anti-Narcotics Policy. However this is a shared responsibility of the government and society. To alleviate the root causes of the drug problem both the government and society need to promote the socio-economic environment and values that restrict the space for drug abuse.

In order to reduce the health, social and economic costs associated with drug trafficking and substance abuse in Pakistan, this new Policy outlines a number of objectives targeting supply reduction, demand reduction and international cooperation, developed in accordance with international best practice.

The Government of Pakistan (GOP) is active in cooperating internationally on counter-narcotics and is a signatory to all United Nations (UN) drug control conventions as well as the SAARC Convention on Drug Control. The GOP will work closely with the UN and other international partners to strive towards a drug-free Pakistan.

Drug Supply Reduction

- Eliminate poppy cultivation to maintain Pakistan's poppy-free status

- Prevent the trafficking and production of narcotic drugs, psychotropic substances and precursor chemicals
- Strengthen law enforcement agencies and streamline their activities

Drug Demand Reduction

- Enhance demand prevention efforts through education and community mobilization campaigns and projects
- Develop effective and accessible drug treatment and rehabilitation systems
- Conduct a drug abuse survey to determine the prevalence of drug addiction

International Cooperation

- Promote and actively participate in bilateral, regional and international efforts to combat Drugs
- Emphasize on control of problem at source in poppy growing countries
- Demand reduction in destination countries need to be an important part of international efforts^{xvi}

Analysis with Islam

Islam has focused its main attention on human's well being both in this and the life here after. Islam has acknowledged and valued wisdom more than any other school of thought and has never admitted inflicting harm on such a precious gold, including the harmful effects of the narcotic drugs that influences on the wisdom and Psych of humans, therefore Islam has seriously antagonized and Prohibited this act and it has been certainly known as a forbidden act by the Islam.

As prevalent phenomena, narcotic drugs have made many difficulties for humankind and especially Muslim Religious leaders have paid attention to them for the first appearances of Islam and have presented many appropriate and efficient solutions.

Islamic scholars and jurisconsults have used religious sources such as Quran, tradition, wisdom, and consensus that have formed the foundations of prohibition of narcotic drugs. According to these foundations, narcotic drugs are prohibited and forbidden in Islam due to harms and corruptions that they make for wisdom, body, family, society, state and government. The law stipulates religious punishments and worldly and legal sentences. Jurisconsults of the Islamic world who have been the main keepers of intellectual and ideological borders and they have a consensus about it and believe that narcotic drugs are certainly prohibited and no Muslim is allowed and permitted to use them. If anyone of Muslim uses it, he or she commits a great sin and should be punished.

Key Points:

- Drugs addiction is a Bio Psycho Physical disorder disease.
- People are not using the Narcotics as for medical reason but for lessen their mental and Psychological issues.
- People with addiction often have some medical issues like lungs and heart diseases.
- In Islam Alcohol and drugs containing "Najis" and Prohibited to be used.
- International laws and Polices aimed at reducing drugs abuse by controlling strictly the Production and supply.
- In Pakistan ANF's conviction rate improved over the last few years.
- Islam has seriously antagonized and Prohibited drugs and has been certainly known as a forbidden act by Islam.

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