



Drug Use in Medical Perspective and Islamic Law

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Abstract

The use of Narcotics, Psychotropics and Addictive Substances (NAPZA), including marijuana, presents a dilemma in the medical and legal context, especially in Indonesia. While several countries have recognized the medical benefits of marijuana, Indonesia still classifies it as a Class I narcotic, the abuse of which is subject to heavy sanctions. This research examines the duality of marijuana use, which on the one hand has significant therapeutic potential, and on the other hand, presents risks of abuse and serious legal implications in accordance with Law no. 35 of 2009 concerning Narcotics. This research also considers the views of Islamic law regarding the use of substances that can affect psychological and physiological conditions.

This research uses a normative juridical approach, analyzing existing regulations, Islamic legal texts, and academic literature to explore the medical and legal implications of using marijuana as medicine. Research results show that marijuana has therapeutic benefits that cannot be ignored, especially in treating chronic and serious diseases such as epilepsy, glaucoma and cancer. However, strict regulations and existing stigma hinder this potential utilization. Revision of Law no. 35 of 2009 to consider the medical potential of marijuana, with more flexible regulations that allow research and controlled use of marijuana for medical purposes. Further studies are needed to support these policy changes, ensuring that cannabis use can occur within a safe and responsible framework.

Keywords: Medical Marijuana, Narcotics Law, Islamic Law, Narcotics Policy, Marijuana Research.

INTRODUCTION

In the development of time and science, the use of Narcotics, Psychotropics and Addictive Substances (NAPZA) often creates a dilemma, especially when talking about the benefits versus the potential for abuse. In a medical context, NAPZA can have a crucial role as drugs that provide therapeutic benefits for several medical conditions that cannot be treated with conventional drugs. However, on the other hand, drug abuse has become a serious public health problem, considering its broad negative impact on individuals and society. Therefore, the use of drugs in the medical field demands a strict legal approach and careful supervision to minimize the risk of abuse.

From the perspective of Islamic Law, the use of any substance that can affect a person's psychology and physiology must be analyzed in depth. Islam recognizes the emergency principle which allows something that is basically prohibited when there are no other halal and safer alternatives. This principle is based on the fiqh doctrine "al-emergency tubih al-mahzurat" (emergencies permit prohibitions). However, the application of this principle must be supported by strong scientific evidence and consensus of the ulama, to ensure that the decisions taken not only meet the criteria of urgency but also support the welfare of the people and do not open the door to abuse. Thus, the use of drugs, including marijuana for medical purposes, is a subject that requires in-depth study in both medical and Islamic legal aspects, to ensure that every policy made is acceptable within the applicable legal and ethical framework.

Marijuana or marijuana, which has the Latin name Cannabis Sativa, is a type of narcotic that is prohibited in Indonesia. Marijuana has hundreds of chemical compounds, the chemical compounds in gaja have main functions in the body, including regulating movement, appetite, concentration, sensation to the senses and regulating pain. The biggest psychoactive substance in marijuana is THC, this substance will affect the area of the brain that plays a role in determining pleasure, thinking and concentration. THC can also stimulate the release of dopamine. Common effects that occur with marijuana use are pleasant euphoria, a sense of relaxation and increased appetite. Arfiani, N., & Utami, IW (2022)

However, recently there has been talk that marijuana will be legalized for medicinal purposes. In line with the narcotics policy contained in Law no. 35 of 2009 concerning Narcotics, states that in order to improve the level of health of Indonesia's human resources in order to realize people's welfare, it is necessary to make efforts to improve the field of treatment and health services, including by ensuring the availability of certain types of narcotics which are really needed as medicine as well as carrying out prevention and eradication. the dangers of abuse and illicit trafficking of Narcotics and Narcotics Precursors. The use of marijuana as a treatment method for several health problems has been implemented by several states in America, including Alaska, California, Arizona, Colorado, and Washington DC. Gunawan, DP (2021).

Some of the ingredients in marijuana can be used to treat various diseases. According to the American Food and Drug Administration (FDA), it is approved that the THC content in marijuana provides medical benefits in certain formulations, several THC-based drugs that have been approved are ronabiol (marinol) and nabilone (cesamet), which can be prescribed

in pill form for the treatment of nausea and vomiting. in post-chemotherapy patients. This drug also helps stimulate the appetite of patients with wasting syndrome due to AIDS. Lokollo, L., Salamor, Y. B., & Ubwarin, E. (2020). The FDA has also approved the liquid drug Epidiolex as a drug for epilepsy, Dravet syndrome and Lennox Gastaut syndrome.

This drug contains the active substance CBD which is obtained from marijuana. In general, research on medical marijuana from around the world has covered various diseases. Medical conditions reviewed in various research journals include chronic pain, cancer, nausea and vomiting due to chemotherapy, anorexia and HIV-related weight loss, irritable bowel syndrome, epilepsy, muscle spasms, Tourette's syndrome, Huntington's disease, dystonia, dementia, glaucoma, anxiety, depression, sleep disorders, post-traumatic disorder (PTSD), and schizophrenia.

The use of narcotics as an alternative treatment is still being studied today. The initiation of the legalization of medical marijuana continues to reap pros and cons. The study of the benefits of marijuana as a treatment was carried out on the grounds that Indonesia is considered a narcotics emergency country where the prevalence of narcotics crimes increases from year to year, so that this condition will increase the risk of using medical marijuana which has not been considered. However, Indonesian Vice President Ma'ruf Amin as Chair of the Advisory Council of the Indonesian Ulema Council (MUI) actually supports the MUI to immediately issue a fatwa regarding the discourse on the use of marijuana for medical purposes. With the discourse of legalizing marijuana as medical, it must still be considered from various aspects as a whole so that it does not backfire on the state and society.

The author was motivated to carry out this research because it was actually motivated by a case that went viral in 2022. A mother named Santi. He has an only child, Pika, who suffers from cerebral palsy. He sent an open letter to the Constitutional Court Judge to review the use of medical marijuana. He wrote:

"To the Honorable Judge of the Constitutional Court, please raise my concerns. Every day I imagine one by one my child's friends who are gone. Every time my child sleeps, I always look at his chest. Is he still going up and down? Is he still breathing? Not to mention when his seizures appear. My thoughts When I stop working, my mind is somewhere, and I have to try as hard as I can to maintain my sanity."

"Tears have been shed, prayers have been said, now I am also trying to make other efforts. Don't hang me, two years have passed and my request for media marijuana for my child has no certainty. Give me certainty, give us certainty. (Signed) Me and Pika, June 26, 2022." wrote Santi, addressing the Constitutional Court.

Then the author searched deeper by visiting the Official Website of the Constitutional Court mkri.id, the author found Decision Number 106/PUU-XVIII/2020. In testing cases [Law Number 35 of 2009 concerning Narcotics \(Narcotics Law\)](#) against the 1945 Constitution of the Republic of Indonesia (1945 Constitution). The application was submitted by Dwi Pertiwi (Petitioner I); Santi Warastuti (Petitioner II); Nafiah Murhayanti (Petitioner III); Cemara House Association (Applicant IV), Institute for Criminal Justice Reform (ICJR) (Applicant V); and the Community Legal Aid Association or Community Legal Aid Institute (LBHM) (Applicant VI).

In its decision, the Constitutional Court (MK) rejected the Petitioners' petition in its entirety. "The ruling, adjudicating, states that the petitions of Petitioner V and Petitioner VI cannot be accepted. "Rejecting the Petitioners' petition in its entirety," said Chief Constitutional Justice Anwar Usman accompanied by eight Constitutional Justices at the pronouncement hearing. [Decision Number 106/PUU-XVIII/2020](#) which was held online from the MK Plenary Courtroom, Wednesday (20/7/2022).

The Constitutional Court stated the spirit contained in the General Explanation [Narcotics Law](#) emphasizes that certain types of narcotics are substances or drugs that are useful and necessary for the treatment of certain diseases. However, if it is misused or used not in accordance with treatment standards, it can have very detrimental consequences for individuals or society, especially the nation's generation. Moreover, the use of certain other types of narcotics is still strictly prohibited by law, apart from what is expressly permitted, such as Class I narcotics which are only permitted for the development of science.

"This would be very detrimental if these restrictions actually resulted in the abuse and illicit distribution of narcotics which could result in greater danger to the life of the nation and state which in the end could damage the nation's generation and even weaken national resilience," Constitutional Justice Daniel Yusmic P. Foekh when reading legal considerations. Although the use of narcotics has been used legally and is legally recognized as part of health services in at least several countries, including Argentina, Australia, the United States, Germany, Greece, Israel, Italy, the Netherlands, Norway, Peru, Poland, Romania, Colombia, Switzerland, Turkey, England, Bulgaria, Belgium, France, Portugal, Spain, New Zealand and Thailand, but these legal facts cannot necessarily be used as parameters, that all types of narcotics can be used for health services that can be accepted and applied by all country. This is due to the different characters, both the type of narcotic substance, the structure and legal culture of the society of the country concerned, including the facilities and infrastructure needed.

In this perspective, continued Daniel, for the country of Indonesia, even though it is a legal fact that many people suffer from certain diseases with phenomena that may "can" be cured with treatment that uses certain types of narcotics, this is not directly proportional to the major consequences that can occur. arises if there is no preparedness, especially in relation to the legal structure and culture of society, including that the necessary facilities and infrastructure are not yet fully available. Moreover, regarding the use of Category I narcotics, it is included in the narcotics category with very high dependency effects. Therefore, the use of Category I narcotics in Indonesia must be measured by the readiness of the

elements as described above even though there is a possibility of pressure to use them. Reporting from LPPOM MUI Dr. KH. Maulana Hasanuddin, MA as Deputy Chair of the Central MUI Fatwa Commission explained that basically all plants or vegetable products on earth are halal and may be used. This is mentioned in several verses in the letters of the Koran.

وَسَخَّرَ لَكُم مَّا فِي السَّمَاوَاتِ وَالْمَآءِ الْأَرْضِ جَمِيعًا لَعَلَّكُمْ تَشْكُرُونَ
يَذُوقُوا الْعَذَابَ لِيَأْتِيَهُمْ الْآيَاتُ لَعَلَّهُمْ يَرْجِعُونَ

Meaning: And He has subjected to you everything in the heavens and everything on earth, (as a mercy) from Him. Indeed, in that there are truly signs (of Allah's power) for a people who think. (QS Al Jathiyah verse: 13)

Chairman of the Fatwa Commission of the Indonesian Ulema Council (MUI) East Java, KH Ma'rif Khozin, said that he still needs to wait for the results of clinical trials to find ingredients in marijuana for which there is absolutely no alternative medicine. In Islam there is a Qaidah Fiqh Irtikabu Akhfid Dhararain Waajibun Choosing the lesser danger is obligatory. Of course this requires deeper and more comprehensive research, why is medical marijuana not allowed? What is the basis for the Constitutional Court to reject the Application for Review of Law Number 35 of 2009 concerning Narcotics (Narcotics Law) Marijuana is legalized for medical purposes and so on, this will be very interesting to discuss and research further according to the author. Based on the background above which has been discussed at length from various angles, the author focuses on this research and the author only discusses two things, namely: What is the position of marijuana in Law Number 35 of 2009 concerning Narcotics? And what are the legal dynamics of legalizing medical marijuana according to positive law and Islamic law? As for the research results from this paper, the author relies on a theory which the author considers very relevant in the context of the title that the author is researching, namely Socio-Legal Theory.

METHOD

This research uses a normative juridical approach to examine regulations and legal principles relating to the use of marijuana in the context of medical and Islamic law. This approach involves in-depth analysis of primary legal sources such as Law Number 35 of 2009 concerning Narcotics, the Law on Health, as well as relevant Islamic legal texts. Secondary sources such as scientific journals, books, and organizational reports were also reviewed to enrich the analysis. Data were collected through electronic searches in legal databases and digital libraries, as well as study of related documents to gain a comprehensive understanding of the material.

Data analysis was carried out using content, comparative and normative analysis techniques. This includes reading and understanding the content of legal sources to explore the arguments, principles, and norms related to medical marijuana. A comparative analysis between Indonesian positive legal regulations and Islamic law and practices in other countries is also carried out. Normative assessments of the suitability, effectiveness and implications of existing legal norms are carried out to evaluate and recommend the development of policies that are more responsive to medical needs and values in Islamic Law.

RESULTS AND DISCUSSION

The Position of Marijuana in Law Number 35 of 2009 concerning Narcotics

Article 1 Paragraph 1 of Law Number 35 of 2009 states that:

Narcotics are substances or drugs originating from plants or non-plants, whether synthetic or semi-synthetic, which can cause a decrease or change in consciousness, loss of taste, reduce or eliminate pain, and can cause dependence, which is differentiated into groups as attached in the Law. Invite this.

In the attachment page to Law No. 35 of 2009, List of Narcotics Group 1 point 8 "Cannabis plants, all plants of the cannabis genus and all parts of plants including seeds, fruit, straw, processed products of marijuana plants or parts of marijuana plants including marijuana resin and hashish".

The position of marijuana as a Class I narcotic indicates that this substance is considered to have a very high risk of abuse and is not recognized for medical use in Indonesia. This has the impact of very strict legal treatment of activities related to marijuana, which is regulated in article 111 of the same Law.

Article 111 regulates in detail the legal sanctions for anyone who is unlawfully or unlawfully involved in the activities of planting, maintaining, possessing, storing, controlling or providing narcotics from Category I, which in this context includes marijuana. This article provides for significant prison sentences ranging from a minimum of four years to a maximum of twenty years, depending on the scale and severity of the offence, as well as huge fines ranging from eight hundred million to eight billion rupiah. More severe penalties apply if the amount planted, maintained or owned exceeds one kilogram or five trees, which emphasizes the Indonesian government's tough stance towards narcotics abuse, especially marijuana.

Article 111

- (1) Any person who, without right or against the law, plants, maintains, owns, stores, controls or provides Category I Narcotics in the form of plants, shall be punished with imprisonment for a minimum of 4 (four) years and a maximum of 12 (twelve) years and a fine. a minimum of IDR 800,000,000.00 (eight hundred million rupiah) and a maximum of IDR 8,000,000,000.00 (eight billion rupiah).

- (2) *In the event that the act of planting, maintaining, possessing, storing, controlling or providing Class I Narcotics in the form of plants as intended in paragraph (1) weighs more than 1 (one) kilogram or exceeds 5 (five) trees, the perpetrator shall be punished with life imprisonment, life or imprisonment for a minimum of 5 (five) years and a maximum of 20 (twenty) years and a maximum fine as intended in paragraph (1) plus 1/3 (one third).*

When referring to the existing legal regulations regarding Narcotics, namely Law Number 35 of 2009, it is clear that marijuana is included in the Narcotics category and its consumption is prohibited. However, what are the actual benefits of marijuana? It is completely beyond reason that God creates something but has no benefit. The island of Sumatra in general is fertile land and very suitable for growing marijuana. Is this country so complicated that no one is allowed to grow marijuana, so that its consumption is prohibited in places where it can easily grow? Isn't it true that marijuana, if managed well, can have a very good economic impact.

From various sources the author finds the benefits or positive sides of consuming marijuana or more precisely the benefits of the marijuana plant. First, the use of medical marijuana in managing chronic pain is relevant given its high prevalence as a major cause of disability. Studies such as those published in *The Health Effects of Cannabis and Cannabinoids* (Medical News Today. Accessed 2024) show that the cannabinoids contained in marijuana are effective in reducing chronic pain. The implications for health law could lead to consideration of regulating medical marijuana as an alternative treatment for diseases unresponsive to conventional treatments. Asmoro, W. & Samputra, P.L. (2021)

Second, from a mental health perspective, medical marijuana offers potential as a complementary therapy in treating depression, bipolar disorder, and stress. Although marijuana cannot be considered a primary medicine, its controlled use can provide an alternative in mental health therapy, especially in situations where traditional therapies are ineffective. This calls for a legal framework that supports further research and strict monitoring to prevent abuse. Berke, J., Gal, S., & Lee, Y. J. (2021, July 9).

Third, in the context of oncology, research shows that medical marijuana can slow the growth of cancer cells. Although not a substitute for primary treatment methods such as surgery or chemotherapy, marijuana offers hope as an adjunct therapy that can reduce the speed of cancer development. This highlights the need for legal arrangements that facilitate further medical research and the use of medical cannabis in oncology practice.

Fourth, in cases of multiple sclerosis, cannabinoids have been shown to improve symptoms of motor disorders in the short term. The use of medical cannabis in this context can help improve patients' quality of life, and reduce the burden on the healthcare system. Legal support for research and therapeutic use of cannabinoids could be an important step in the management of multiple sclerosis.

Fifth, medical marijuana has been approved by the US Food and Drug Administration (FDA) for the treatment of certain types of epilepsy, marking a precedent that could be considered by health regulators in Indonesia. The successful use of cannabinoids in reducing the intensity and duration of seizures offers significant potential in the treatment of epilepsy refractory to conventional therapy. Firmansyah, D. (2015).

It doesn't stop there, in several countries, marijuana is also seen as having positive impacts or benefits that should not be underestimated. In the United States, marijuana was commonly consumed recreationally until 1941, and was also prescribed medically to relieve symptoms such as arthritis, nausea, and labor pains. In the 1930s, marijuana was depicted as a substance that incited violent behavior in society, while in the 1960s it became a symbol of counterculture and rebellion against societal norms. (Narconon International. History of Marijuana. 2023) In 1970, the Controlled Substances Act classified marijuana as a Schedule drug. Despite this, recreational and medicinal use of marijuana has increased in the United States. This is due in part to surveys showing that 81% of American adults believe this drug has at least 1 medical benefit.

For over 4000 years, marijuana has been used for both medicinal and recreational purposes. The earliest known use of cannabis is documented in Chinese artifacts from 2700 BC, indicating that it was used to treat a variety of conditions including malaria, poor memory, gout, and rheumatism. After originating from China, marijuana spread to other regions including Korea, India and East Africa. Cultivation of hemp, which has strong fibers, also contributed to its spread. For example, the Spanish brought it to America in the mid-1500s to cultivate it.

Legal Dynamics of Legalizing Medical Marijuana according to Positive Law and Islamic Law

According to Dr. Widya Murni, in a discussion on the Rosi program, who serves as an integrative and functional doctor and is the head of Indonesian general practitioners, said that:

"Marijuana or cannabis is divided into two large groups, namely hamp (cannabis sativa) and marijuana (cannabis indica). In hamp the CBD content is higher and the THC is less than 0.3% and this means that hamp can be used for medical purposes and is non-psychoactive, useful for anti-seizures (epilepsy/celebral palsy), natural tranquilizers, growing bones (osteoporosis), migraines or headaches, anti-hypertension, anti-diabetes, lupus, anti-cancer and anti-pain. This marijuana is usually used during the day to give enthusiasm, energy, anti-depression, stimulate creativity and relax the mind. Meanwhile, marijuana contains a higher THC content of 5-25% and usually this marijuana used for recreation is psychoactive, useful for anti-nausea, increasing appetite, useful for insomnia, anti-cancer, glaucoma and digestive tract disorders. This marijuana is usually used at night as a sedative, anti-pain, to stimulate appetite and for those with chronic pain. And this research has been

researched by countries that have legalized medical treatment." BNN in this case is a state apparatus that must enforce laws regarding narcotics abuse.

In the world of health, medicines must fulfill four precise precautions, namely the right drug, the right dose, the right patient, the right administration, then being alert to side effects. There are several medicinal substances that have a greater addictive effect than other medicinal substances, namely heroin, nicotine, cocaine and marijuana do not have an addictive effect at all. Until now there are no medical reports that people suffer from addiction to marijuana or sakau (when they do not consume sakau) but, that there is abuse is justified and marijuana ranks fifth first, namely nicotine, alcohol, heroin, cocaine, and then marijuana. Currently there is a shift in the use of drugs where drugs are usually used to treat disease, now they are being used to improve the quality of life. (Ryu Hasan, Marijuana Myths or Facts, 2020)

There are still many specific diseases that can be treated by marijuana, according to the book Hikayat the Marijuana Tree. There are 34 diseases that can be cured by marijuana, such as Alzheimer's disease, ALS, HIV-AIDS, Crohn's disease, epilepsy, glaucoma, muscle spasms, chronic pain, nausea and vomiting due to medication. cancer. One of the most famous is glaucoma, which research has shown can be cured by using marijuana. Glaucoma is a condition where the circulation of eye fluid is disrupted due to blocked ducts. The blockage increases fluid pressure into the eyeball and prevents blood from entering, pressing on the retina's nerve cells, and ultimately reducing the ability to see gradually. Glaucoma is characterized by gradual loss or reduction in the range of vision over a very long period and sufferers often experience pain in the head.

The use of marijuana as medicine is an urgent need. According to Inang Winarso, director of the Sativa Nusantara Foundation, as many as 90% of medicines in Indonesia are made from imported raw materials at quite expensive prices. Therefore, marijuana can be used as an alternative medicine in Indonesia considering that its distribution is in several areas such as Aceh, Papua, Kalimantan and even Garut. (Abbiyu, 2017)

Until now, the legalization of marijuana is still being debated. In our country, Indonesia, the use of medical marijuana is still prohibited according to Law No. 35 of 2009 concerning narcotics, article 8, which states that class I narcotics are not permitted for use in health services and medical treatment. WHO previously said that marijuana has no health benefits and its effects are addictive, but WHO research now says that marijuana has many health benefits. (BNN Public Relations, 2024) The following is a list of countries where marijuana is legal.

Countries That Legalize Medical Marijuana

Argentina	Jamaica	Peru	Czech Republic
Australia	Germany	Poland	Greece
Dutch	Canada	Czech Republic	Netherlands
Chile	Croatia	Romania	Portugal
Colombia	Lesotho	San Marino	South Korea
Cyprus	Lexembourg	Switzerland	Sri Lanka
Denmark	Macedonia	Türkiye	Thailand
Finland	Malta	Uruguay	United Kingdom
Israel	Mexico	Greece	India

Marijuana in Islam is known as al-hasyusy. (Abdurrahman al-jaziri, 2017) The term al-hasyusy was originally used in the East, because it can cause numbness and floating. (Wazarat al-Auqaf, 1995) Marijuana law is not something new in Islamic history, whether in Sunni or Shia history. In al-Hasyusy Arab culture, marijuana is not classified as cigarettes or wine. But it is clear that marijuana is something haram. It could be that marijuana is haram lidzatihi, that is, it is absolutely haram like pork, or haram li dlararihi, that is, an item that is forbidden because of its potential danger. (Muhammad Iqbal Syauqi, 2024).

Dr. KH. Maulana Hasanuddin, MA (Deputy Chair of the Central MUI Fatwa Commission); and Drs. H. Sholahudin Al-Aiyubi, M.Sc. (Deputy Secretary of the Central MUI Fatwa Commission). Based on MUI Halal research, in several places/regions there are people who use marijuana leaves to spice up regional dishes. And indeed the dish tastes more delicious than if it didn't use marijuana leaves. However, there are also those who prohibit the use of marijuana completely. In fact, there are often operations by authorities to prevent the shipment of marijuana from one area to another.

So, what is the law regarding using marijuana? The following is the HalalMUI review. Basically, all Mazru'at, plants or vegetable products on earth are halal and may be used. Pay attention to the meaning of the following verse: "And He (Allah) has subjected to you everything in the heavens and everything on earth, (as a mercy) from Him. Indeed, in that there are truly signs (of Allah's power) for a people who think." (QS. 45: 13).

This kind of verse guidance is repeated several times in the Qur'an. Among them:

"He is Allah, who created everything on earth for you all..."(QS. 2: 29).

"Do you not see that Allah has subjected to you everything on earth..."(QS. 22: 65).

"Have you not seen that Allah has subdued for your (interest) what is in the heavens and what is in the earth and perfected for you His blessings physically and mentally."(QS. 31: 20).

Unless it contains Khobaits, badness or danger. Also pay attention to the meaning of the verse of the Qur'an: "...and it has made lawful for them everything that is good and forbid them everything that is bad..." (QS. Al-A'raaf [7]:157).

According to the text, there is also no provision or prohibition on the use of marijuana leaves (*Cannabis sativa* syn., *Cannabis indica*). Therefore, the use of marijuana leaves as a traditional cooking spice, as is widely used in several regions of Indonesia, is permitted. The same goes for other spice leaves, for example bay leaves, pandan leaves, celery, lemongrass, etc. It is also used as a cooking spice in relatively small doses. But if it is excessive and causes danger, of course it is prohibited. Here the rule applies: everything that is excessive and harmful is prohibited: "...Eat and drink (you), but do not overdo it. Indeed, Allah does not like people who are excessive." (QS. 7: 31). Eating rice too, if it is excessive, so that it has an impact on health, is of course prohibited. In accordance with Maqashid Asy-Syariah (purpose of Sharia regulations), among them is *Hifzhun-Nafs*. Protecting oneself or the human soul, to avoid danger. (HalalMUI)

Furthermore, HalalMUI also summarizes the use of marijuana leaves. If misused, the law on marijuana leaves becomes prohibited. For example, if marijuana leaves are rolled, then burned and smoked like a cigarette, then that is a prohibited form of abuse. Because it can cause dangerous effects. As a *Qiyash* or simple analogy: a knife or machete is used to cut vegetables in the kitchen, or to slaughter a chicken, that is permissible. But if it is used to threaten and rob, then the law becomes prohibited. Moreover, the use of marijuana to be smoked as cigarettes, for example, is usually very excessive, causing the user to become drunk, lose their memory and damage their mind.

In Islamic law the rules are very clear; "Laa dhoror walaa dhiror" (you must not cause or cause harm to yourself, and you must not harm others). Also the rule: "Adh-dhororu yuzal" (danger must be eliminated). This rule is the main basis for mutual benefit in life. In general, *Fiqhiyyah* rules prohibit all actions that bring harm/danger without a valid reason.

From this it can be understood, different uses, food will have different impacts, and thus the legal provisions will also be different. As another comparative example, the use of narcotics or morphine is permitted in medicine. For example, in surgery, to anesthetize the patient so that they do not feel pain during surgery. But if you get drunk, then the law becomes haram. In this case, it falls into the category of narcotics abuse, and the law is clearly haram.

While government regulations prohibit the use of marijuana in general, in *Fiqhiyyah* rules, this can be categorized as *Saddudz-dzari'ah*, preventive measures. Namely preventing bad things, or closing the doors of possibility so as not to step into sinful acts that are forbidden/forbidden in religion. This is also in accordance with the *Fiqhiyyah* rules that have been mentioned, namely that the possibility that could cause danger must be eliminated. (Halal MUI)

CONCLUSION

The socio-legal theory developed by Roscoe Pound emphasizes the importance of law adapting and responding to continually changing social needs. According to Pound, law should be an effective tool in achieving a balance between the interests of individuals and society. In the context of medical marijuana use in Indonesia, this perspective offers important insights into the dynamics between law, medical need, and public perception.

First, the implementation of Law Number 35 of 2009 concerning Narcotics which strictly prohibits the use of marijuana in all forms, including for medical purposes, needs to be reviewed taking into account changes in current medical needs and understanding. Medical research showing the therapeutic potential of cannabis in treating serious conditions such as epilepsy, cancer and chronic pain, suggests benefits that can be accessed through more flexible regulation. This is in accordance with the socio-legal concept which underlines the importance of law to adapt to continually developing social and scientific realities.

Second, in response to these changes, the Indonesian government could take a more measured approach by enacting regulations that allow the use of marijuana for medical purposes in a controlled environment. This will meet medical needs while maintaining control over abuse. For example, strict regulation of dosage, medical supervision, and closely monitored distribution could be elements in new regulations that reflect a balance between medical needs and public safety. This approach will illustrate the practical application of socio-legal theory where law not only limits but also facilitates the fulfillment of legitimate social needs.

Third, the revision of Law Number 35 of 2009 should also consider the socio-economic aspects of the legalization of medical marijuana. In many cases in other countries, the legalization of medical marijuana has contributed to local economies through job creation and increased tax revenue. In Indonesia, with geographical conditions that support the growth of marijuana, this economic potential cannot be ignored. Through comprehensive studies and dialogue between stakeholders, legal revisions can be directed to not only meet public health needs but also encourage economic growth. By applying the principles of Roscoe Pound's socio-legal theory, legal policy regarding medical marijuana in Indonesia can be directed to better responsive to the dynamics of current social and medical needs. This requires critical thinking, adaptation and legal reform oriented towards the general welfare, in line with the latest developments in medical knowledge and technology.

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