

On the Lawfulness of Marijuana for Medication according to Jurists of Nahdlatul Ulama and Muhammadiyah in East Java

Mila Rosyidah

Quranic Institute of Saabilun Najah Sidoarjo
email: mlarosyidah6@gmail.com

DOI: 10.15642/johs.2024.1.1.6-14

Abstract

The utilization of marijuana or cannabis for medicine is always a controversial issue although it is well recorded everywhere past and present. In Islam, where sobriety is part of being a good Muslim, using and/or abusing marijuana for medicine is still problematic due to its psychoactive nature of marijuana. The jurists of Nahdlatul Ulama and Muhammadiyah in East Java open their position by insisting the unlawfulness of marijuana consumption because of its similarity to khamr which is clearly restricted in the Quran. Both substances are not only psychoactive but also destructive. Nonetheless, in emergency situation, marijuana is tolerated with measured dosage and strict surveillance.

Keywords: Islam, medicinal marijuana, Muhammadiyah, Nahdlatul Ulama

Introduction

The Cannabis plant or marijuana has been utilized worldwide in various purposes like for commercial, ritual, recreational, food, fiber, and healthcare purposes for centuries. However, its psychotropic effects were believed to be harmful to society, and therefore it was illegal. (Dinesh Chandra Agrawal, Rajiv Kumar, 2022, p. vii) In Islam, where Muslims are expected to remain sober, the consumption of cannabis should be certainly avoided. (Kueny, 2001) Recently, however, with the modern science has established that cannabis potentially can be used for medical purposes. As a result, the massive increase of the application and abuse/use of Cannabis is recorded. (Dinesh Chandra Agrawal, Rajiv Kumar, 2022, p. vii) This two conflicting facts become questions that every Muslim wander; whether Islam permits the use of cannabis for medical purposes provided its psychotropic effects, especially the response of ulama in grassroot level on the question. This article will specifically dwell with opinions of resident

ulama of Nahdlatul Ulama and Muhammadiyah in Surabaya, Indonesia.

Research in the area of Cannabis for medical purposes are numerous. To name a few, T H Mikuriya, in 1969 highlights the use of marijuana for medical use as early as 1800 CE by Chinese emperor. (Mikuriya, 1969) Likewise, Dinesh Chandra Agrawal et. al in 2022 highlight the application of cannabis for cancer, migraine and other medical issues. They also describe the medical application of cannabis in many geographical contexts, including Muslim countries. (Dinesh Chandra Agrawal, Rajiv Kumar, 2022) Too, Ford et. al highlights the positive effect of cannabis application for pain relief and other medical use. (Ford, M.A., Lapham, G.T., Matson, T.E., Luce, C., Oliver, M.M., Binswanger, 2024) As to Islamic perspective of cannabis/marijuana, some researches have showed discussion on the matter. Shahrul Mizan Ismail discusses the debates between schools of law on therapeutic benefits which found that it is permissible under certain situations to consume cannabis for medical purposes in Islam. (Ismail, Shahrul, Erlen



Joni, Ekmil Krisnawati, Nordin, 2023) Likewise, Ahmad Arif et al review the use of marijuana for medical needs from the point of view of the principle of Islamic law. (Arif, Achmad, Andini Rachmawati, Imam Kamaluddin, 2022). Thus, although Indonesian law prohibited the use of cannabis for medical purposes, some research prove that it can be used for medical purposes in special and urgent circumstances.¹ This study, however records the opinion of resident ulama on cannabis/marijuana for medical use who deal with muslim community on daily basis in Surabaya.

Method

Cannabis and Its Medicinal Use

The medicinal use of marijuana is eventuated due to its substance formation. Marijuana contains tetrahydrocannabinol (THC). (THC) is the substantial psychoactive compound in cannabis. (Özenver, 2016) which is a mind changing substance. In order to receive a “high,” it is usually smoked, but oral application can be done or as oil on the skin. The “high” linked with marijuana is characterized by users as a tranquil, overjoyed feeling. (Reck, 2016) The chemical make-up of cannabis sativa is incredibly complex with over 480 identified compounds (ElSholy & Slade, 2005). Unlike other drugs such as heroin, cocaine, and alcohol, when marijuana used recreationally, it is not usually a processed drug. Instead, it is taken directly from nature as a crude product and used (Dupont, 1997). THC is the main desired psychoactive chemical identified in the

marijuana plant, however there are numerous other cannabinoids that cause symptoms in the user.

The psychoactive chemicals in marijuana are members of a family of molecules known as cannabinoids, derived from the plant’s scientific name, *Cannabis sativa*. Most cannabinoids are closely related to THC. Scientists also refer to chemicals that are not found in marijuana but that resemble THC either in their chemical structure or the way they affect the body as cannabinoids. Occasionally, we also refer to “marijuana-based medicines.” These encompass the entire spectrum of potential medications derived from marijuana, from whole-plant remedies to extracts to individual cannabinoids, both natural and synthetic. (Mack, 2001, p. 8) Through many studies, it has been found that unplanned and regular use of the drug can change brain working, principally in the extents of motivation and emotion.

It is originally a native plant of Western and Central Asia and has been extensively cultivated in Asia, Europe, and other continents. The use of marijuana as medicine are also well documented in India as early as 900 BC. In China, it has been used to treat malaria, fever, constipation, menstrual disorders, gout, pain, and rheumatism. Also, this plant has been encouraged for both inducing pleasures and pain alleviation since its discovery Similarly, Arabs have used it for identical medicinal uses (Machado Rocha et al. 2008). In western countries, cannabis was commonly used as a pain relief. (Sharma et al., 2022, pp. 78–79)

In the early 19th century, a British physician first introduced medicinal use of marijuana into Western medicine. The desired properties of marijuana were that it was a sedative and analgesic. For the next few years, marijuana was used to treat a variety of ailments, including rheumatism and convulsions in infants. At the time, there were no known detrimental side effects of marijuana and its somewhat weaker effects made it very attractive to physicians. Marijuana was commonly used in America

¹ See for instance, Ahmad Maulana Lingga and Irwansyah, Analysis Of The Constitutional Court's Ruling Against The Legalization Of Medical Cannabis And Its Practice In Maqashid, Indonesian Interdisciplinary Journal of Sharia Economics (IJSE), Vol. 7. No. 1 (2024), Alifa Putriana, Dimas Satriawan Rusdianto, and Deden Najmudin. Syubhat Hukum Penggunaan Ganja Medis Dalam Hukum Pidana Islam Dan Hukum Positif, Jurnal Kajian Agama dan Dakwah, Vol 2 No 1 (2023), and Dwi Putri Gunawan, Legislasi dan Masalah: Studi Pemanfaatan Ganja untuk Pengobatan Medis, Ijtihad, Volume 38, Nomor 1, (2023).

for medicinal and recreational purposes. When the Marijuana Tax Act was passed in 1937 with the intention of slowing the growth of its industry. (Mikuriya, 1969) At this time in U.S. history, marijuana was not a widely used substance until the US government passed laws that prohibited marijuana in 1970.

Thus, for many centuries before the discovery of aspirin, *Cannabis sativa*, including other subspecies viz., *C. indica*, *C. ruderalis*, have been inspected to treat various ailments, including epilepsy, cancer, glaucoma, nausea, and neuropathy, etc. (Sharma et al., 2022, pp. 78–79) But unlike marijuana which varies to one another in term of its active chemicals due to growing conditions, parts of plant (flowers or leaves), or season of planting, aspirin has been proven safe and effective through rigorous testing. Aspirin tablets contain a pure measured dose of medicine, so they can be relied on to give consistent and predictable results. (Mack, 2001, p. 9) So, this unpredictable outcome as well as its capability to alter brain function and formation causes controversy surrounding the adaptability of marijuana as medicine.

In Indonesia, marijuana as commodity was brought by Gujarati traders and sailors to Aceh and Molucca around the 14th Century onward. They traded it in exchange of clover, coffee, vanilla, pepper and other spices. In addition, the carving of marijuana is depicted in a Hindu temple in East Java signifying its meaning for Hindu rituals. In an Indonesian Islamic manuscript entitled *Taj al-Mulk* dated back in the 16th Century, it was reported that marijuana was medicine for diabetes. Other than that, the Achehnese for centuries have used marijuana for improving appetite, coffee ingredient and pest repeller. Ambonese people of Molucca also used it in their food and for religious rituals. As for medicine, marijuana is used to cure gonorrhoea, asthma, pleuritic chest pain and gall secretion. During Dutch colonialization, marijuana once sold publicly as medicinal cigarette to relieve asthma, cough, sore throat, breath problem and insomnia before eventually restricted

severely in 1927. (Lumbanrau, 2020) This prohibition remains after independence of Indonesia. This illegal status is then asserted by Law No. 35 of 2009 concerning Narcotics and later reinforced by by Constitutional Court that in 2020 declined a judicial review of the law filed by families of cerebral palsy patients. (Lingga & Irwansyah, 2024).

Results

Medicinal Marijuana according to Nahdlatul Ulama Resident Ulama in Surabaya

Nahdlatul Ulama is an Islamic organization founded in 1926 that is home for traditionalist Muslims in Indonesia, especially in Java. Its goals are to uphold the teaching of ahl al-Sunnah wa al-Jama'ah which revolves around three main tenets, theology, jurisprudence and sufism. In term of theology, they strictly follow the thoughts of Abu Hasan al-Ash'ari (d. 926 CE) and Abu Mansur al-Maturudi (d. 944 CE) through writings of their successor theologians. As for jurisprudence, although they acknowledge the authoritativeness of four sunni schools of law, they prioritize the Shafii school of law by referring to opinions of shafii jurists, especially the period after al-Rafii (d. 1226 CE) and Yahya ibn Sharaf al-Nawawi (d. 1277 CE) onward. Whereas in sufism, they subscribe to orthodox sufi thoughts of al-Junayd al-Baghdadi (d. 910 CE) and Abu Hamid al-Ghazali (d. 1111 CE). (Ulama, 2022, p. 51). These tenets are taught, preserved and maintained mainly through madrasas affiliated to Nahdlatul Ulama, which in Indonesia called as *pesantren*.

In the area of Islamic jurisprudence a special forum for fatwa issuing called *bahtsul masail* is created within Nahdlatul Ulama. This later is institutionalized by establishing Lembaga Bahtsul Masail Nahdlatul Ulama (LBMNU) or the institute of *bahtsul masail* which has the task to issue fatwa for Muslim traditionalists based on Shafii school of law. The fatwas usually refers to Shafii jurisprudence treatises in one way or another. The primary method is called *qamby*, that is when the question correspond the opinion of



Shafii jurist *lock*, *stock* and *barrel*. If such correspondence is absent, *ilbaqi* (*takbrij*) is applied by making analogy to resembling cases that already available in the treatises. The last resort if these two methods fail to provide answer is *manhaji*, that is by employing *qaidah usuliyah* (legal theory) and *qaidah fiqhiyyah* (legal maxim) (M.A.N, 2022, pp. 523–524). This last methods, however, is the least used although efforts to mainstream it are tirelessly steered. Thus, fatwa of bahtsul masail is usually refers to opinions of Shafii jurists cited from their jurisprudential treatises.

On the issue of lawfulness of medicinal marijuana, Ali Maghfur, a deputy chairman of Lembaga Bahtsul Masail of Nahdlatul Ulama in East Java admits that there is no fatwa on the matter. He consider the status of use/abuse of marijuana is already *ma'lum* (obvious) and the stipulation on the matter in Shafi'i authoritative jurisprudential treatises is undisputable. Nevertheless, he admits that there were several requests for fatwa on the lawfulness of the use/abuse of marijuana for medicine by some branches of Nahdlatul Ulama, non government organizations and government agencies. (Maghfur, 2022) He further explain the reason for refusal in specific fatwa on marijuana as he simply states that using marijuana for medicine is identical to using *najis* (unclean/impure) for medicine. This last issue has been numerously discussed by many ulama of Nahdlatul Ulama. Therefore, there is no need for to issue a specific fatwa on the matter. (Maghfur, 2022)

Similarly, Lukmanul Hakim, the treasurer of Lembaga Bahtsul Masail of Nahdlatul Ulama in East Java states that the attribution that marijuana is *najis* because of its similarity to alcoholic beverages with its toxic effect on the brain. In Islam, it is called *kehamr* which is definitely unlawful and unclean based on clear injunction in the Quran and many prophetic reports without specifically mention the texts that are numerous in Islamic legal theory. Marijuana is similar to *kehamr* in a sense that it has similar effect of altering the works and functions of brain

which causes users momentarily intoxicated. This psychoactive intoxication is attributed as *najis* (unclean). For instance, *toak* (alcoholic beverages made from fermented juice of a certain palm tree cultivated in Java. Since it is considered *kehamr*, consuming it for medication is forbidden. (Hakim, 2023)

This pronouncement is reached by citing an opinion of al-Nawawi, a prominent jurist of Shafii school of law, from his treatise called Majmū' Sharah Muhadhdhab, volume 2 which says:

“The *kehamr* is *najis* due to the word of God (in the Quran) (O you who have believed, indeed, psychoactive (*kehamr*), gambling, [sacrificing on] stone altars [to other than God], and divining arrows are but defilement from the work of Satan, so avoid it that you may be successful) and because it is unlawful to consume if done without emergency situation. therefore it is unclean like blood. whereas wine is unclean because it is a drink which is very psychoactive, therefore it is unclean like *kehamr*.” (Al-Nawawi, 1994, p. 504).

Based on the this citation, it is clear that all psychoactive intoxicating beverages is *kehamr* and therefore its *najis*. This is explained by Ali maghfur as he says that marijuana is identically intoxicating and therefore unclean. (Maghfur, 2022) Lukmanul Hakim adds that there is a fatwa formulation by FMPP se-Jawa Madura, which is a discussion forum on Islamic jurisprudence in which students of pesantren discuss contemporary jurisprudential issues,(A Kemal Riza, 2024) back in 2010. The forum discussed the status of taking medicine from *najis* substances, which according to Lukmanul Hakim is similar to the question of lawfulness of taking marijuana as medicine. The formulation is from the same treatise by al-Nawawi which states: (Abdullah Afif and Masaji Antoro, 2015, p. 4310):

Medication with *najis* substances other than *kehamr* is lawful. Similarly, all forms of *najis* except for psychoactive substances. This is determined by adhering the opinion of Shafi'i *maddhab* (school of law) as asserted by the majority of jurists. The associates of Shafi'i *maddhab* states that medication using

najis substance is tolerable if the patient is knowledgeable with the medicine and understands that it cannot be replaced by other medicines or a Muslim doctor informs him/her about it. This is the explanation of al-Baghawi and other Shafii jurists. If you takes this unlawful medicine, you will cure slowly, but if you takes it, you will cure swiftly. On the case, there are two opinions (lawful and unlawful). But if this case is compared to the case in tayammum, the more correct opinion is to allow taking unlawful medicine. (Al-Nawawi, Majmū' Sharah Muhadhab, Vol 9, 54-55).

This formulation gives a summary that an unlawful and unclean substance can be used for medicine with the condition that there is no clean substance for medication. However, if there is lawful and clean substance for medicine, the unlawful and unclean is not allowed to consume. This explanation is cited from Majmū' Sharah Muhadhab volume 9 page 54-55 and refers to a hadith narrated by Abd Allah ibn Mas'ud which says that God does not place medicine in unlawful substances. Lukmanul Hakim adds that any unlawful substances including the unclean and psychoactive in any form, for consumption or medicine is not allowed, except if there is no clean substance that substitutes it. (Hakim, 2023)

The textual reference of consuming unlawful substances in emergency situation is the Quran 2:173 which says:

He hath only forbidden you dead meat and blood and the flesh of swine and that on which any other name hath been invoked besides that of God but if one is forced by necessity without wilful disobedience nor transgressing due limits then is he guiltless. For God is Oft-Forgiving Most Merciful.

Thus, based on mainly the treatise of al-Nawawi those two resident ulama of Nahdlatul Ulama clearly state that the use of medicinal marijuana is not allowed because like *kbammr* it is unclean and therefore unlawful. The only way marijuana is consumable for medicine when it is the only cure for the pain or disease.

Medicinal Marijuana according to Muhammadiyah Resident Ulama

Muhammadiyah is a modern organization and was founded by Ahmad Dahlan in Yogyakarta on 18 November 1912. Muhammadiyah adopts modern life style and culture, as well as a rational understanding of religion. Muhammadiyah is a puritanical Islamic organization that aim at erasing non-Islamic practices of superstition, , innovation, and syncretism (TBC — Takhayul, Bid'ah and Churafat) practiced by Muslims in Indonesia. Muhammadiyah reintroduces the instructions of the exact sciences which had been the instrumental in building western civilization. Thus, promoting a reform movement among Muslims, that is, by returning to the Qur'an and Sunnah is they only method to reclaim the glory of Islam according to Muhammadiyah. (Hilmy, 2014, p. 184)

This commitment of Muhammadiyah to the Quran and Sunnah is reflected to the *manhaj* (methods) of its fatwa issuing body, Majelis Tarjih dan Tajdid Muhammadiyah. This commitment also means that Muhammadiyah does not observe any traditional school of law (Fanani, A., Hamzani, A.I., Khasanah, N. & Sofanudin, 2021). Instead, *ijtihad* (independent reasoning) is practiced (Djamil, 1995, p. 59). This *manhaj* simply means the application of Islamic legal theory or *usul al-fiqh* for deducing fatwa. To maintain the commitment of Muhammadiyah to modernism, this method is equipped with new layer of approaches, adopted from Moroccan Muslim intellectual, Muhammad Abid al-Jabiri, known as *bayani* (textual), *burhani* (logical) and *irfani* (spiritual) simultaneously (Arsadani et al., 2024). In practice all fatwa issued by Majelis tarjih of Muhammadiyah cite verses of the Quran and hadith of the prophet

In this question of using marijuana for medicine, two Muhammadiyah Jurists of Surabaya are interviewed. They are Syamsuddin, the deputy chief of Muhammadiyah in East Java and Afifun Nidzom, the executive secretary of



Muhammadiyah East Java. Speaking about Islamic medicine Nidzom asserts that the cure is from God. If someone says that marijuana gives cure, than it is shirk (idolatry), because of not believing in God's authority. In addition, medicine is the domain of doctors and paramedics who are trained professionally in this field. Even alternative medicine, such as medical cupping, should be practiced by professional cupping practitioners. Also, the medicine should be prescribed in an accurate dosage using correct substance by well-trained chemists (Nidzom, 2022).

Concerning the use of marijuana for medicine, the concept of *maqasid al-shari'ah* (the purpose of Islamic law) is applicable. They are five principles of maqasid al-shari'ah, they are *hifd al-din* (protection of religion), *hifd al-nafs* (protection of soul), *hifd al-nasl* (protection of progeny), *hifd al-aql* (protection of mind) and *hifd al-mal* (protection of property). This issue of taking medicine is considered *hifd al-nafs* (the protection of soul). The survival is the second purpose of Islamic law. Thus, someone who deliberately commit homicide is punishable because he or she has breached one of the purpose of Islamic law. Among the means of protection of soul is taking medicine (Nidzom, 2022). When substance of medicine is unlawful, it still can be taken because of the urgency of saving lives. This corresponds to an Islamic legal maxim states that the emergency situation may tolerate the forbidden things (Ibrahim, 2019, p. 82). He further adds a legal maxim states that everything other than rituals,, is allowed, except if there is specific injunction that states otherwise (Ibrahim, 2019, p. 61).

The second jurist of Muhammadiyah, Syamsuddin approaches the issue of medicinal marijuana from different angle. He begins by stating that taking medicine is not *ibada mahda* (prescribed ritual) like *salat* or *hajj*. Thus, taking medicine is just *mubah* (allowed). Marijuana is a mere plant which is not fair to prohibits it because no *dalil* (textual reference) that prohibits for its consumption. In fact, marijuana is used as spice and such

consumption does not create any negative effect. Certainly, This is different with marijuana cigarette which creates negative effect and even graver than *khamr* (Syamsuddin, 2022).

Nonetheless, there is still no decision or fatwa of Majelis tarjih Muhammadiyah concerning medicinal marijuana because like in Nahdlatul Ulama, it is considered simple case in a sense that its status is easily determined. Also, no Muhammadiyah community asks about the matter (Nidzom, 2022). However, Syamsuddin adds that if it is analyzed, marijuana is comparable to *khamr*. Moreover, the effect of marijuana is more destructive than *khamr*, so that it is considered *qiyas amlawi* in which the *far'* (the branch, the novel case) is greater than the *asl* (the root, the case in the Quran or hadith). Syamsuddin relates to history when he states that there is no one in history to have died because of *khamr* consumption. The worst effect is psychoactive intoxication and unconsciousness. *Khamr* is produced from date and grape juice. Similar to date and grape, marijuana is a plant and therefore it is *halal* (lawful). It is the consumption of processed product which makes dangerous and destructive.

However, Indonesian law has regulated the use of marijuana. It is categorized as narcotics class 1 according to Law No. 35 year 2009 so that the offender is subject to punishment. In Islamic law, plants is *halal*. Marijuana is plant and not *najis*. Thus, consuming marijuana is allowed, with the condition not processing it into become *khamr* which may cause destruction. If so, then it become *haram* (unlawful). In the issue of using marijuana for medicine, Syamsuddin says that it is allowed as long as in correct dosage and under expert surveillance, like any medicine that is prescribed by chemists for treating disease or illness (Syamsuddin, 2022).

Discussion

The approach of Nahdlatul Ulama jurists to the issue of medicinal marijuana is typical to traditionalist Muslims' point of view. They primarily employ opinions of past Shafii

jurists. In this case, Yahya ibn Sharaf al-Nawawi in his masterpiece, *al-Majmu Ala Sharh al-Muhadhdhab*. Along with al-Rafi', Al-Nawawi is attributed as the two great masters in Shafii madhhab whose opinions are the main reference of Shafii school of law. The opinion that is cited by the two jurists concern the unlawfulness of *khamr*, which they consider comparable to marijuana. Thus, this method of referencing is called as *ilbaq*, that is comparing marijuana to *khamr*. After they establish the comparison, the status of marijuana will follow that of *khamr*. Thus, marijuana is unlawful. Interestingly, the two jurists do not refer to the opinions of Shafii jurists on hashish, which is actually Arabic term for cannabis or marijuana. Ibn Hajar al-Haytami (d. 1566 CE), a leading Shafii jurist and commentator to one of al-Nawawi's jurisprudential work assert that hashish which is actually made of cannabis, is haram (unlawful) because it is *muskir* (psychoactive intoxicating substance) (Al-Haytami, n.d., p. 233). Had the jurists referred to Ibn Hajar al-Haytami's opinion, it would be considered as *qawli* method, because hashish is essentially marijuana, stock, lock and barrel. Another anomaly is the quotation of the Quran because essentially Nahdlatul Ulama do not perform *ijtihad* in formulating fatwa. However, the Nahdlatul Ulama jurists in East Java in recent years have incorporated the quotation of verses of the Quran and hadith at the final stage of fatwa issuing process. It means that jurisprudential reasoning remains heavily rely on the opinions of the Shafii jurists.

Similarly, the jurists of Muhammadiyah also shows the feature of *Majlis Tarjih* method of employing textual reference of the Quran, especially concerning *khamr*. They finds that marijuana is comparable to *khamr* and therefore *qiyas* is applicable. In addition, *maqasid al-shari'ah* which is not clearly mentioned in the *manhaj majelis tarjih* Muhammadiyah is employed. According to Fathurrahman Djamil, Muhammadiyah respects *maqasid al-shari'ah* under the rubric of *maslahah* (Djamil, 1995, p. 60). On top of that, the answer of Muhammadiyah jurists

from the outset state their theological puritanical stance by stating that all cure is from God, not because of taking certain medicine.

Pertaining the fatwa on marijuana, jurists of Nahdlatul Ulama and Muhammadiyah are correct when saying that this is an obvious case from beginning. The use of marijuana for medicine is not allowed because of it is psychoactive intoxicating substance, like *khamr*. Also, jurists of Nahdlatul Ulama Adds that it is only unlawful, but also unclean (*najis*), while jurists of Muhammadiyah add the destructive effect of marijuana to human brain and body. However, those jurists also still open a possibility of using medicinal marijuana in certain case, that is in emergency situation. Nahdlatul Ulama jurists quotes al-Nawawi's *al-Majmu'* stating just that, especially when no other medicine is available nor effective enough. Meanwhile, Muhammadiyah jurists refer to a legal maxim allowing taking the unlawful in emergency situation. Moreover, Syamsuddin goes further by asserting the lawfulness of taking marijuana for medicine in normal situation as long as under medical surveillance with measured dosage prescribed professional chemist.

Conclusion

Controversy surrounding the use/abuse of cannabis or marijuana is well-documented albeit its use/abuse by many people across history of humankind. In Islam, where Muslims are expected to remain sober at all time, the use of marijuana is considered a breach of this basic rule. Using marijuana for medical or medicinal purposes also under this precept. According to jurists of Nahdlatul Ulama and Muhammadiyah in East Java, the use of marijuana is not allowed because of its similarity to *khamr*, the psychoactive intoxicating substances. Nahdlatul Ulama jurists come into this conclusion mainly by citing works of Shafii Jurists, while Muhammadiyah jurists employ the Quran and legal maxim. However, they still tolerate its use in emergency situation in different degree and with certain precaution. []



References

- A Kemal Riza. (2024). *Dinamika Taklid dalam Kajian Fikih: Studi Babtsul Masail Forum Musyawarah Pondok Pesantren Se-Jawa Madura*. UINSA Press.
- Abdullah Afif and Masaji Antoro. (2015). *Kumpulan Tanya Jawab Keagamaan*. Pustaka Ilmu Sunni Salafiyah-KITB.
- Al-Haytami, I. H. (n.d.). *al-Fatawa al-Kubra al-Fiqhiyya, Vol. 4*. Dar al-Kutub al-Ilmiyya.
- Al-Nawawi, Y. ibn S. (1994). *Majmū' Sharab Muhadbbab, Vol 2*. Dar Ihya al-Turath al-Arabi.
- Arif, Achmad, Andini Rachmawati, Imam Kamaluddin, N. N. (2022). The Use of Marijuana for Medical Purposes: Between Normativity and the Principle of Islamic Law perspective. *Mazabib Jurnal Pemikiran Hukum Islam*, 21(315–339).
- Arsadani, Q., Djamil, F., Jahar, A. S., & Sholeh, M. A. N. (2024). The Progressiveness of Sharia Economic Fatwas: Direction of Islamic Legal Thoughts within NU and Muhammadiyah. *Abkam: Jurnal Ilmu Syariah*, 24(1), 153–170.
- Dinesh Chandra Agrawal, Rajiv Kumar, M. D. (2022). *Cannabis/Marijuana for Healthcare*. Springer.
- Djamil, F. (1995). The Muhammadiyah and The Theory Of Maqasid al-Shari'ah. *Studia Islamica*, 2(1), 53–68.
- Fanani, A., Hamzani, A.I., Khasanah, N. & Sofanudin, A. (2021). Muhammadiyah's Manhaj Tarjih: An evolution of a modernist approach to Islamic jurisprudence in Indonesia. *HTS Teologiese Studies/Theological Studies*, 77(4).
- Ford, M.A., Lapham, G.T., Matson, T.E., Luce, C., Oliver, M.M., Binswanger, I. . (2024). Comparing Cannabis Use for Pain to Use for Other Reasons in Primary Care Patients. *Journal of the American Board of Family Medicine*, 36(6), 996–1007.
- Hakim, L. (2023). *Interview*.
- Hilmy, M. (2014). The double-edged sword of Islamic reform: Muhammadiyah and the dilemma of tajdid within Indonesian Islam. *Review of Indonesian and Malaysian Affairs*, 48(1), 183–206.
- Ibrahim, D. (2019). *Al-Qawa'id Al-Fiqhiyah (Kaidah-Kaidah Fiqih)*. CV. Amanah.
- Ismail, Shahrul, Erlen Joni, Ekmil Krisnawati, Nordin, R. (2023). The Legality of Medical Cannabis from the Islamic Perspective. *Jurnal Undang-Undang Dan Masyarakat*, 32, 55–71.
- Kueny, K. (2001). *The Rhetoric of Sobriety: Wine in Early Islam*. State University of New York Press.
- Lingga, A. M., & Irwansyah. (2024). Analysis Of The Constitutional Court's Ruling Against The Legalization Of Medical Cannabis And Its Practice In Maqashid. *Indonesian Interdisciplinary Journal of Sharia Economics*, 7(1), 772–781.
- Lumbanrau, R. E. (2020). *Sejarah dan budaya ganja di Nusantara: Ritual, pengobatan, dan bumbu rempah makanan*. <https://www.bbc.com/indonesia/indonesia-51441909>
- M.A.N, S. (2022). A Critical Analysis of Islamic Law and Fatwa of MUI (Majlis Ulama Indonesia) & NU (Nahdlatul Ulama) on A Gold-Backed Cryptocurrency (OneGram). *Ibkam: Jurnal Hukum Dan Pranata Sosial*, 17(2), 506–530.
- Mack, A. and J. J. (2001). *Marijuana as Medicine?: the science beyond the controversy*. D.C: National Academy Press.
- Maghfur, M. A. (2022). *Interview*.
- Mikuriya, T. H. (1969). Marijuana in medicine: past, present and future. *California Medicine*, 110(1), 34–40.
- Nidzom, A. (2022). *Interview*.
- Özenver, N. (2016). Cannabis in Healthcare:



- Ethnobotanical and Pharmaceutical Perspectives and Legal Status in Turkey and the Middle East. In *Marijuana: Medical Uses, Regulations And Legal Issues*. Nova Publishers.
- Reck, L. and F. R. F. (2016). Marijuana And Motivation. In *Marijuana: Medical Uses, Regulations And Legal Issues*. Nova Publishers.
- Sharma, D., Bhushan, S., Agrawal, D. C., Dhar, M. K., & Kaul, S. (2022). Cannabis as a Potent Therapeutic Agent for Pharmaceutical Drugs: Recent Advancement in Drug Discovery and Human Healthcare. In *Cannabis/Marijuana for Healthcare* (pp. 77–99). Springer. https://doi.org/10.1007/978-981-16-8822-5_4
- Syamsuddin. (2022). *Interview*.
- Ulama, P. B. N. (2022). *Anggaran Dasar dan Anggaran Rumah Tangga Nahdlatul Ulama keputusan Muktamar ke-34 NU di Lampung*. Sekretariat Jenderal PBNU.