

## AN ANALYSIS OF MUAMALAH LAW IN RUM TRADING IN KUALA SIMPANG: THE ROLE OF MUI FATWA AND JINAYAH QANUN

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### *Abstract*

*This study examines the persistent practice of rum trading in Kuala Simpang, despite its prohibition under MUI Fatwa No. 4 of 2003 on halal standards and Qanun Aceh No. 6 of 2014 on Jinayah Law. Rum is commonly utilized in food and beverage preparation, imparting a sweet flavor with minimal alcoholic content. The research aims to analyze the prevailing rum trade practices and their implications in light of these religious and legal frameworks. Data were collected through interviews with rum sellers and consumers. Findings indicate that rum remains widely traded in Kuala Simpang, where it is frequently incorporated into cakes and beverages. According to MUI Fatwa No. 4 of 2003, such practices are deemed haram (forbidden), as even trace amounts of alcohol render consumption impermissible. Additionally, Aceh's Qanun No. 6 of 2014 classifies rum as **khamar** (intoxicants), prohibiting its trade under Jinayah Law. Thus, the ongoing rum trade in Kuala Simpang violates both Islamic jurisprudence and regional legal statutes in Aceh*

**Keywords:** *Buying And Selling, Rum, MUI Fatwa, Qanun*

### **Abstrak**

Penelitian ini membahas tentang praktik jual beli rum di Kualasimpang yang masih berlangsung meskipun dilarang oleh Fatwa MUI dan qanun daerah. Rum sering digunakan dalam pembuatan makanan dan minuman, memberikan rasa manis dengan sedikit kandungan alkohol. Penelitian ini bertujuan untuk meninjau praktik jual beli rum serta dampaknya berdasarkan Fatwa MUI No 4 Tahun 2003 tentang standar halal dan Qanun Aceh No 6 Tahun 2014 tentang hukum jinayah. Data diperoleh melalui wawancara dengan penjual dan pembeli produk rum. Hasil penelitian menunjukkan bahwa jual beli rum di Kualasimpang masih bebas terjadi, dengan rum digunakan dalam pembuatan berbagai produk kue dan minuman. Berdasarkan Fatwa MUI No 4 Tahun 2003, praktik ini dianggap haram, karena walaupun kadar alkohol dalam rum sedikit, tetap dilarang untuk dikonsumsi. Selanjutnya, menurut Qanun Aceh No 6 Tahun 2014, jual beli rum

juga dilarang karena termasuk dalam kategori khamar yang dilarang dalam hukum jinayah. Dengan demikian, praktik jual beli rum di Kualasimpang bertentangan dengan aturan agama dan hukum yang berlaku di Aceh.

**Kata Kunci : Jual Beli, Rum, Fatwa MUI, Qanun**

## **INTRODUCTION**

In the context of Islamic teachings, *muamalah* refers to the interactions and relationships among individuals in society through various economic, social, and everyday transactions. This encompasses all aspects of life, including buying and selling, lending and borrowing, contractual agreements, inheritance, and more. (Ali, 2016)

A sound practice of *muamalah* in Islam involves conducting social interactions and transactions in accordance with religious principles. All parties involved are expected to communicate honestly and provide accurate information regarding the goods or services offered. Ethical *muamalah* emphasizes the importance of justice in all aspects, ensuring that transactions are fair to all involved parties—particularly in terms of price, quality, and the condition of the goods or services. (Huzaemah Tahido Yanggo, 2013)

In the contemporary era, *muamalah* is faced with unique challenges and dynamics. Technological advancements and digital transformation have significantly influenced how transactions are conducted and how people interact. It is therefore essential to comprehend and adhere to Islamic principles in the use of technology, particularly in areas such as online transactions, data security, and privacy. Furthermore, understanding Islamic financial principles—such as the prohibition of *riba* (usury) and *gharar* (excessive uncertainty), and the importance of selecting investment instruments that comply with Islamic values—is critical. Ethical business conduct, including transparency, honesty, and fairness, must be upheld. Additionally, the social and environmental impacts of transactions and business activities must be considered. Among the various *muamalah* activities, buying and selling is one of the most commonly practiced by the public. (Abdul Manan, 2012)

Buying and selling is the process of exchanging goods or services between two parties based on mutual agreement and accompanied by compensation or payment. It represents one of the fundamental economic activities in daily life. In

Islam, buying and selling are governed by *sharia* principles that include mutual consent, the legitimacy of the traded goods or services, and a commitment to fulfilling contractual obligations (Yoyok Prasetyo, 2018). Islamic principles strictly prohibit practices that cause harm to either party or violate Islamic legal norms, such as *riba*, *gharar* (excessive uncertainty), *maysir* (gambling), and deceptive or unjust practices. In Indonesia, buying and selling is a critical aspect of social and economic life. To ensure that such transactions do not contravene Islamic law, the *Fatwa* of the National Sharia Council of the Indonesian Ulema Council (DSN-MUI) serves as a guideline for conducting commerce in accordance with *sharia*. (Idri, 2015)

Clear regulatory frameworks enable all parties to engage in buying and selling with mutual respect and fairness. One such regulation is the DSN-MUI Fatwa No. 4 of 2003 concerning the Standardization of Halal Fatwas. This fatwa addresses the practices surrounding the sale and distribution of halal products within multinational markets. Among the current topics of discussion is the buying and selling of rum.

This study refers to DSN-MUI Fatwa No. 4 of 2003, which establishes standards for halal products, including the permissible levels of alcohol content. The fatwa clarifies that there is a tolerance threshold for alcohol content, provided its use does not cause intoxication and remains within *sharia* compliance. Qanun No. 6 of 2014 concerning *Jinayah* Law in Aceh reinforces the supervision of goods circulating in the market to ensure compliance with *sharia* law. The aim of this study is to examine how these fatwas and legal regulations are understood and applied in the context of rum sales in Kualasimpang, and how public dissemination of the limits on rum usage in the food industry can help provide clarity to the community.

In Kualasimpang, rum is openly traded. Transactions involving rum occur publicly, and both sellers and buyers are generally unaware that the sale of rum is prohibited in the special region of Aceh in accordance with DSN-MUI Fatwa No. 4 of 2003 on the Standardization of Halal Fatwas and Qanun No. 6 of 2014 on *Jinayah* Law. There are three stores in Kualasimpang that openly sell rum: Usaha Muda, Lima Saudara, and Usaha Sentosa. Across these stores, eight individuals

were identified as purchasing rum freely, typically to be used as an additive in the preparation of food and beverages. The use of rum in these cases is aimed at enhancing the aroma, texture, flavor, and appearance of processed foods and drinks such as black forest cake, jelly, fermented black glutinous rice, *es doger*, *cendol*, steamed sponge cake (*bolu kukus*), *dawet*, vanilla choux, and *dadar gulung*. However, the sellers and buyers are unaware that some Islamic legal opinions classify the use of rum as *haram* (forbidden).

Based on the aforementioned background, which highlights the phenomenon surrounding rum usage, it is evident that many members of the public remain unaware that rum is prohibited as an additive in food and beverage production. Therefore, as a researcher, I intend to explore the legal perspectives regarding the sale and purchase of rum.

## **RESEARCH METHODS**

This study employs a descriptive qualitative approach, collecting data in the form of words, images, books, and relevant numerical information to comprehensively understand the phenomenon of rum trade in Kualasimpang, Aceh. Data were gathered through direct interviews with three shop owners engaged in the sale of rum and eight consumers, as well as through field observations. The research site was selected based on both technical and practical considerations, such as accessibility and the potential for in-depth investigation, which allowed for a more comprehensive analysis of the issue.

The data sources for this study consist of both primary and secondary data. Primary data were obtained through direct interviews and on-site observations, specifically focusing on the sellers and buyers of rum, as well as the situational context of the shops in Kualasimpang. Secondary data were derived from various relevant references, including books, academic journals, and articles discussing rum, trade practices, Islamic law, and local government regulations pertinent to Aceh Tamiang Regency.

This research centers on the practice of rum trade by collecting first-hand information from key informants and supporting these findings with documentation and references from written sources that are thematically related. The integration of empirical data and secondary literature aims to provide a

nanced and contextually grounded analysis of the legal and social dynamics surrounding the sale and purchase of rum in the region.

## **DISCUSSION/RESULTS AND DISCUSSION**

### **A. The Practice of Rum Trade**

Based on the interview findings, the practice of rum trade in Kualasimpang occurs openly and without restriction. Transactions involving rum take place publicly at three retail locations: Usaha Muda, Lima Saudara, and Usaha Sentosa. These three shops were identified as actively selling rum, with eight individuals reported to have purchased it freely. The rum is primarily used as an additive in the preparation of food and beverages, serving to enhance the aroma, texture, flavor, and overall presentation of the final products.

The rum-containing food items produced by consumers include a variety of popular dishes such as black forest cake, fermented black glutinous rice (tape pulut hitam), jelly, es doger, cendol, dawet, steamed sponge cake (bolu kukus), vanilla choux pastries (vanilla sus), and rolled pancakes (dadar gulung). Notably, both sellers and buyers appear to be unaware that there exists a scholarly and religious opinion within Islamic jurisprudence which deems the use of rum as haram (prohibited) under Islamic law.

### **B. A Legal Review of the Sale and Purchase of Rum in Kualasimpang Based on MUI Fatwa No. 4 of 2003 (Concerning the Standardization of Halal Fatwas) and Qanun No. 6 of 2014 (Concerning Jinayat Law)**

This section aims to examine the legality of the sale and purchase of rum in Kualasimpang in light of MUI Fatwa No. 4 of 2003 on the Standardization of Halal Fatwas and Qanun No. 6 of 2014 on Jinayat Law. These two legal instruments serve as the primary basis for determining whether such practices are permissible or prohibited under Islamic law as applied in Aceh. The MUI Fatwa No. 4 of 2003 outlines the following key provisions (MPU, 2003) :

1. It is prohibited to consume or use food or beverage names and symbols that imply kufr (disbelief) or batil (falsehood).
2. It is prohibited to consume or use names or symbols of food or beverages referring to prohibited objects or animals, particularly pork and khamr (intoxicants), except those that have become customary ('urf) and are

confirmed not to contain any haram substances, such as bakso, bakmi, bakwan, bakpia, and bakpao.

3. It is forbidden to consume or use ingredients that provide the flavor or aroma of prohibited items or animals, such as "pork-flavored instant noodles" or "bacon flavor."
4. It is impermissible to consume food or drink that bears names of prohibited substances, such as whisky, brandy, beer, and rum.

Based on a comparison between the statements of sellers and the stipulations of the Fatwa, several analyses can be drawn :

1. Use for Culinary Purposes: The sale of rum in Kuala Lumpur is reportedly intended for cooking and preparing desserts and beverages. The fatwa does not explicitly prohibit the use or sale of rum for culinary purposes. Therefore, on this point, the practice may not directly violate the fatwa.
2. Brand Naming and Symbolism: Sellers often identify specific brands of rum popular among consumers. According to the fatwa, if these brands do not contain elements associated with disbelief or falsehood and are free from haram substances, their sale may be viewed as compliant.
3. Ignorance of Prohibition: Both buyers and sellers are unaware of the religious prohibition against using rum. The fatwa, however, emphasizes the avoidance of any food or beverage bearing the names or characteristics of haram substances, regardless of intent or awareness. Alcohol, even in non-beverage forms, may still fall under prohibition.

The fatwa's legal considerations are not stated explicitly but are derived from the Sharia-based reasoning adopted during the Halal Product Fatwa Commission Meeting with the LPPOM MUI on December 20, 2000. One of the primary scriptural foundations is :

يَا أَيُّهَا النَّاسُ كُلُوا مِمَّا فِي الْأَرْضِ حَلَالًا طَيِّبًا وَلَا تَتَّبِعُوا خُطُوَاتِ الشَّيْطَانِ إِنَّهُ لَكُمْ عَدُوٌّ مُبِينٌ

*"O mankind, eat from whatever is on earth [that is] lawful and good and do not follow the footsteps of Satan. Indeed, he is to you a clear enemy."*  
(Qur'an, Al-Baqarah: 168)

From the above verse and related hadiths, it is clear that Muslims are prohibited from consuming unlawful or harmful foods and beverages. Rum, often

used as a flavoring agent in items such as black forest cake, is classified as khamr. There are two main scholarly approaches regarding the inclusion of khamr in food: (Ummu Kalsum dkk, 2023)

First, it is considered haram due to its impurity (najis). Scholars holding this view assert that mixing any amount of khamr with food renders the food impure and thus impermissible. For instance, Al-Sarkhasi stated that if dough is mixed with khamr and then baked, the resulting bread remains impure and must not be consumed.

Second, the ruling of haram is upheld regardless of its impurity, on the basis that consuming food with khamr is equivalent to consuming khamr itself. Even if cooked, the alcohol content may not be completely eliminated, thereby preserving its legal status as haram. As noted in the Fiqh Encyclopedia:

طَبَخَ بِلِخْمٍ لَحْمًا فَأَكَلَ مِنْ مَرَقَتِهِ، فَعَلَيْهِ الْحُدُّ؛ لِأَنَّ عَيْنَ الْحَمْرِ مُوجُودَةٌ. وَكَذَلِكَ إِنْ لَتَّ بِهِ سَوِيًّا فَأَكَلَهُ،  
نَصَّ عَلَى ذَلِكَ الشَّافِعِيُّ، وَالْحَنَابِلَةُ

*"Cooking meat with khamr and consuming its broth leads to the imposition of the hadd (legal punishment) for khamr consumption, as the substance remains. Similarly, if dough mixed with khamr is baked and consumed, the hadd punishment applies."* (Wizārah al-Awqāf wa al-Syu'ūn Al-Islāmiyyah, 1984)

Accordingly, it can be concluded that the muamalah (transactional) perspective on the sale and purchase of rum in Kuala Lumpur, when examined through MUI Fatwa No. 4 of 2003, determines the practice as prohibited. Even trace amounts of khamr in food or beverage are deemed unlawful. The principle of Islamic jurisprudence holds that “whatever intoxicates in large quantities is also haram in small quantities,” even if the intoxicating effect is absent.

While rum may originate from otherwise halal ingredients, the fermentation process that results in alcohol renders it haram. Consequently, any foods containing rum, such as black forest cake, jelly, tape pulut hitam, es doger, cendol, steamed sponge cake (bolu kukus), dawet, vanilla choux pastries (vanilla sus), and rolled pancakes (dadar gulung), are all considered haram.

Moreover, based on MUI standards, permissible alcohol content in food products is extremely low—typically below 0.5% or within the threshold set by

halal certification bodies. By contrast, rum generally contains 35% to 50% alcohol, with standard varieties averaging 40%, far exceeding the allowable limit.

Under Qanun No. 6 of 2014, the use of alcohol—including rum—in food or beverages is explicitly prohibited as it constitutes a violation of Islamic Sharia. This Qanun categorically forbids the consumption and usage of alcohol in any form, as it is considered haram. Even minimal amounts retained in the final product are treated as violations.

To comply with this regulation, food and beverage producers in Aceh are mandated to ensure their products are completely free from alcohol. The implementation of Qanun No. 6 of 2014 demands strict adherence, and the use of rum or similar alcoholic ingredients in culinary practices is not tolerated.

According to Qanun Aceh No. 6 of 2014, the production, storage, distribution, or sale of khamr—including rum—incurs severe penalties. The law stipulates : For producers, sellers, and distributors: a maximum of 60 lashes, a fine of up to 600 grams of pure gold, or a prison sentence of up to 60 months. For consumers or individuals found transporting, receiving, or gifting khamr: a maximum of 20 lashes, a fine of up to 200 grams of pure gold, or imprisonment for up to 20 months. (Qanun Aceh, 2014)

From both the perspective of muamalah jurisprudence and the stipulations of Qanun Aceh No. 6 of 2014, the sale and purchase of rum in Kualasimpang are clearly prohibited. The relevant fatwa and statutory laws classify rum as khamr, which is haram and subject to both religious and legal sanctions. These prohibitions reflect broader efforts by the Aceh provincial government to uphold Islamic moral values and protect public welfare by curbing alcohol use in any form. Thus, the commercial circulation of rum in Kualasimpang constitutes a legal and religious violation subject to enforceable penalties.

## **CONCLUSIONS**

Based on the findings of this study, it can be concluded that the practice of buying and selling rum in Kualasimpang occurs openly. The purchased rum is subsequently used by consumers in the preparation of various food products, including black forest cakes, fermented black glutinous rice (tape pulut hitam), jelly, es doger, cendol, dawet, steamed sponge cake (bolu kukus), vanilla choux,

and rolled pancakes (dadar gulung). Furthermore, both sellers and buyers are generally unaware that there are religious opinions declaring the use of rum to be prohibited (haram). From the perspective of Islamic commercial law (muamalah), the sale and purchase of rum in Kualasimpang, as evaluated through the lens of MUI Fatwa No. 4 of 2003 on the Standardization of Halal Fatwas, is deemed impermissible. This is due to the principle that any substance which, when consumed in large quantities, causes intoxication is considered haram even in the smallest amounts—regardless of whether it causes intoxication in those quantities. Thus, even trace amounts of rum in food render the product unlawful for consumption. Additionally, from the perspective of Qanun Aceh No. 6 of 2014 on Jinayah Law, the sale and purchase of rum is explicitly prohibited. This regional Islamic criminal code outlines strict prohibitions against the production, storage, sale, and distribution of intoxicants (khamr), under which rum is categorized. The Qanun provides detailed legal sanctions, including physical punishment (caning), monetary fines, and imprisonment, for individuals found violating these provisions. In summary, the legal assessment of the sale and purchase of rum in Kualasimpang—according to both the MUI Fatwa No. 4 of 2003 and the Qanun Aceh No. 6 of 2014—clearly indicates that such activities are forbidden under both religious and regional Islamic law.

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