

REGULATING THE SALE AND CONSUMPTION OF ALCOHOL IN PUBLIC PLACES IN MALAYSIA¹

REGULAMENTAÇÃO DA VENDA E DO CONSUMO DE BEBIDAS ALCOÓLICAS EM LOCAIS PÚBLICOS NA MALÁSIA

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Abstract

The growing concern over this practice raises various questions from legal, public health, safety and socio-cultural perspectives. This phenomenon not only brings negative implications for individuals and communities but also challenges the existing legal framework and social norms in the country. This article deeply

Resumo

A crescente preocupação com essa prática levanta diversas questões sob as perspectivas jurídica, de saúde pública, de segurança e sociocultural. Esse fenômeno não apenas traz implicações negativas para indivíduos e comunidades, como também desafia o arcabouço legal e as normas sociais vigentes no

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examines the issues of the sale and consumption of alcohol in public places in Malaysia. This article discusses all Malaysian laws related to alcohol such as the Customs Act 1967 (Act 235), Excise Act 1976 (Act 176), Food Regulations 1985, Excise Duties Order 2022, Road Transport Act 1987, Penal Code, Selangor By-laws on Alcohol Sales 2021 (Undang-Undang Kecil berkenaan Penjualan Arak 2021), Guidelines and Conditions for Liquor License Applications (Intoxicating Liquor) in Federal Territory of Kuala Lumpur (Garis Panduan dan Syarat-syarat Permohonan Lesen Minuman Keras), the Fatwa on the Management Status of Excise Licenses (Liquor) in the State of Perlis (Fatwa Status Pengurusan Lesen Eksais Minuman Keras), the Policy and Guidelines for Issuing Licenses to Shops Selling Liquor and Drinking Alcohol in Public Places in the State of Kelantan (2009) (Dasar dan Garis Panduan Pengeluaran Lesen Kedai Menjual Minuman Keras dan Meminum Arak di Tempat Awam), the Prohibition on Drinking Alcohol in Public Places in Negeri Sembilan (Larangan Minum Arak di Tempat Awam di Negeri Sembilan), and the By-laws (Johor Bahru City Council) 2020 (Undang-Undang Kecil Taman) and Syariah Criminal Offences Enactments. This article uses a qualitative approach. It has been found that the legal provisions relating to the prohibition of the sale and consumption of alcohol remain scattered across various acts and are not consolidated under a specific federal legal framework. Therefore, this article emphasizes the urgent need to establish a more comprehensive single statute and to raise public awareness to address the increasingly negative impact of alcohol sale and consumption in public places on the well-being of individuals, society and the nation as a whole.

Keywords: Alcohol. Law. Sale. Consumption. Public Places. Malaysia.

país. Este artigo examina em profundidade as questões da venda e do consumo de álcool em locais públicos na Malásia. Este artigo aborda todas as leis da Malásia relacionadas ao álcool, como a Lei Aduaneira de 1967 (Lei 235), a Lei de Impostos Especiais de Consumo de 1976 (Lei 176), o Regulamento Alimentar de 1985, a Ordem de Impostos Especiais de Consumo de 2022, a Lei de Transporte Rodoviário de 1987, o Código Penal, os Regulamentos de Selangor sobre Venda de Álcool de 2021 (Undang-Undang Kecil berkenaan Penjualan Arak 2021), as Diretrizes e Condições para Pedidos de Licença para Venda de Bebidas Alcoólicas (Bebidas Alcoólicas) no Território Federal de Kuala Lumpur (Garis Panduan dan Syarat-syarat Permohonan Lesen Minuman Keras), a Fatwa sobre o Status de Gestão das Licenças de Impostos Especiais de Consumo (Bebidas Alcoólicas) no Estado de Perlis (Fatwa Status Pengurusan Lesen Eksais Minuman Keras), a Política e as Diretrizes para Emissão de Licenças para Lojas que Vendem Bebidas Alcoólicas e para o Consumo de Álcool em Locais Públicos. No Estado de Kelantan (2009) (Dasar dan Garis Panduan Pengeluaran Lesen Kedai Menjual Minuman Keras dan Meminum Arak di Tempat Awam), a Proibição de Consumo de Álcool em Locais Públicos em Negeri Sembilan (Larangan Minum Arak di Tempat Awam di Negeri Sembilan) e os Regulamentos (Câmara Municipal de Johor Bahru) de 2020 (Undang-Undang Kecil Taman) e as Leis sobre Crimes da Sharia. Este artigo utiliza uma abordagem qualitativa. Constatou-se que as disposições legais relativas à proibição da venda e do consumo de álcool permanecem dispersas em várias leis e não estão consolidadas em um arcabouço legal federal específico. Portanto, este artigo enfatiza a necessidade urgente de se estabelecer um estatuto único mais abrangente e de aumentar a conscientização pública para abordar o impacto cada vez mais negativo da venda e do consumo de álcool em locais públicos sobre o bem-estar dos indivíduos, da sociedade e da nação como um todo.

Palavras-chave: Álcool. Lei. Venda. Consumo. Locais Públicos. Malásia.

1 INTRODUCTION

The concerns regarding the sale and consumption of alcohol in public places in Malaysia are alarmingly increasing, especially as can be seen in the discussions involving legal, public health, social safety, as well as moral and cultural values. As a multi-religious and multi-ethnic country, Malaysia faces significant and sensitive challenges in managing this issue fairly and prudently. Daily, the media reports various issues in Malaysia, reflecting the public's growing concern.

For instance, 11 individuals in Kepong were arrested in 2020 during the Covid-19 Pandemic, for breaching the Movement Control Order in violation of Prevention and Control of Infectious Diseases (Measures within Infected Local Areas) (No.7) Regulations 2020 and all of them were consuming alcohol in public places during the arrest (Ahmad Ismadi Ismail 2020). In the same year, another 7 individuals were arrested in Damansara for breaching the Movement Control Order (Nor Azizah Mokhtar 2020). Two of them were arrested while consuming alcohol at Blok A Pelangi Damansara and five others were arrested while consuming alcohol at Blok 9, Desa Mentari 2. The police seized 21 alcohol cans of various brands from them. More recently, Jabatan Agama Islam Negeri Johor (JAINJ) arrested 9 individuals involved in a drinking party in Johor Bahru in 2025 (Izz Laily Hussein 2025). The party was organised in a cafe in Taman Perling and actions were taken due to the complaint from the public. Investigations were made under the Syariah Criminal Offences Enactment 1997 (Johor).

In addition to the issue of the consumption of alcohol in public places, issues surrounding the sales of alcohol in public places also frequently attract media and public attention. This includes concerns over retail or wholesale alcohol sales. In early 2025, the Mayor of Ipoh, Datuk Rumaizi Baharin, stated that the prohibition on sales of alcohol in Malay-majority areas is expected to be further expanded (Muhammad Zulsyamimi Sufian Suri 2025). In addition, concerns have been raised over the sale of alcohol in convenience stores and other premises that openly sell alcohol to the public. For instance, in Penang, alcohol is still available in convenience stores. According to the Penang State Executive Councillor, the state government has no plans to regulate the sale of alcohol in these outlets, unlike the approach taken by Kuala Lumpur City Hall (Ustaz Hafez Sabri 2021).

Moreover, the issue of selling alcohol in proximity to schools and places of worship (Puvaneswary Thopposamy 2024). For instance, in 2018, a liquor store was

opened just 10 meters away from SRJK (T) Chidambaram Pillai. Following public outcry, the Teluk Intan Municipal Council ordered the store to remove its signboard and restrict its operating hours to after school hours.

Numerous similar reports continue to surface, underscoring the level of public concern. The rising number of cases involving alcohol sales and consumption in public places leading to road accidents, public disorder and criminal incidents committed while intoxicated demonstrates that this is not merely a personal issue, but one that carries serious implications for public order.

However, there is currently no specific statute that comprehensively governs the sale and consumption of alcohol throughout Malaysia as a whole. Provisions prohibiting the sale and consumption of alcohol remain scattered across various federal laws and state by-laws and have not been harmonised into a cohesive legal framework at the federal level. This fragmentation leads to inconsistent enforcement, often depending on local authorities' interpretation and priorities. Therefore, this article aims to thoroughly examine the existing legal aspects, assess the effectiveness of current regulatory measures governing the sale and consumption of alcohol in public places and propose a more comprehensive approach to address this issue more effectively within the Malaysian context.

2 METHODOLOGY

This article adopts a qualitative methodology. The research draws extensively on primary data, including official documents, legislative texts, and policy guidelines (Mohd Zamre Mohd Zahir *et al.*, 2019a; Mohd Zamre Mohd Zahir *et al.*, 2019b). It consists of the critical interpretation of legal texts, case law, and comparative statutory provisions, focusing on normative as opposed to empirical construction. Data collection is mandatory (Na'aim *et al.*, 2025). This is a beneficial study and review stage (Rahman *et al.*, 2023).

2.1 Concept and definition of alcohol

Discussions of selling and consumption of alcohol is wiser to look from the perspectives of history, culture and value systems that shape a society. From the context of Malaysian tradition, especially the Malay community, moral values are closely tied to

proverbs passed down from generation to generation, including through poetic forms of *pantun*. One such *pantun* from the Malay archipelago that satirizes the negative effects of alcohol is as below:

*Anak merah di atas batu,
Sambil berjemur bulu belakang,
Minum arak untungnya satu,
Dapat tidur di dalam longkang.*

Since ancient times, alcohol has been in existence in human life. They were not only seen as mere drinks but also served as an important source of fluid and calories, especially for communities of that era (Bert L. Vallee 2015). During the medieval period, alcohol was often referred to as *aqua vitae*, meaning “water of life” (Ashley Buchanan 2024). This label illustrates the close relationship between humans and alcohol. Alcohol was viewed not only as a source of energy but also part of the social culture that brought communities together at the time. This relationship is perhaps best illustrated through the words of the King of Prussia, Frederick the Great, who made a statement on the rise of coffee consumption in his country in a Proclamation on September 13, 1777 (Jay Brooks 2019). Although his comment was about coffee, it reflects how strong the bond between people and alcohol once was. King Frederick the Great’s statement is as below:

It is disgusting to notice the increase in the quantity of coffee used in my subjects, and the amount of money that goes out of the country as a consequence. Everybody is using coffee; this must be prevented. My people must drink beer. His Majesty was brought up by beer, and so were both his ancestors and officers. Many battles have been fought and won by soldiers nourished on beer and the King does not believe that coffee drinking soldiers can be relied upon to endure the hardships in case of another war.

King Frederick the Great’s statement demonstrated how alcohol had become a symbol of strength and resilience among soldiers of that time. For people of that time, alcohol was not only essential to daily life but also considered a vital component in building physical and mental strength. In this context, alcohol was more than just a beverage; it was part of a deep-seated identity and culture.

However, as we can see, perceptions of alcohol and its role in society have changed over time. The importance placed on alcohol by past leaders has gradually diminished. Modern leaders, who place more emphasis on the well-being and health of

their people, have come to recognize that alcohol sales and consumption bring numerous harms both in terms of health and social impact. For instance, the World Health Organization (WHO) has implemented the Global Strategy to Reduce the Harmful Use of Alcohol, which is the only global policy aimed at reducing the harms associated with alcohol consumption. This strategy includes efforts to address mental health issues, non-communicable diseases (NCDs), as well as communicable diseases linked to alcohol. It was developed based on various regional WHO initiatives, reflecting member states' commitment to ongoing action at all levels. Regional action plans aligned with this framework have been developed or updated and adopted in the Americas and Europe. Meanwhile, a regional strategy to reduce the consumption of alcohol has also been developed and adopted in Africa.

2.2 Definition of alcohol

Alcohol is a general term for many different chemical compounds, each with its own distinct properties. According to the World Health Organization (WHO), alcohol is defined as a beverage that contains ethanol, a psychoactive substance capable of causing addiction (WHO 2024). Most alcoholic beverages are produced through fermentation and distillation processes, though some are made through blending (Isabela Maria Monteiro Vieira 2018).

In Malaysia, alcohol is colloquially known as *arak*. The term *arak* actually originates from the Arabic word *khamar*. In linguistic terms, *khamar* means “to cover” or “to conceal,” referring to the state of intoxication in which a person’s mind is veiled, impairing their ability to think and act rationally (Syariena Arshad 2018). In terms of terminology, *khamar* refers to any beverage made from grapes that causes intoxication (Yana 2025). As such, *arak* can be defined as a drink that contains alcohol and causes intoxication. The state of intoxication resulting from the consumption of alcohol is closely related to its ethanol content. Ethanol is an organic compound commonly found in food, beverages, perfumes, medicines, and other products (Syariena Arshad 2018). It is produced through two main processes, which are the hydration of ethylene and fermentation. According to the definition provided by Dewan Bahasa & Pustaka (DBP), alcohol is interpreted as a drink that contains alcohol and has intoxicating properties, or as a type of strong alcoholic beverage.

Malaysian statutes have used the term alcohol. One of the main relevant statutes is the Customs Act 1967 (Act 235). Section 2 of Act 235 defines “intoxicating liquor” as any alcohol, or any liquid containing more than 1.14 per centum volume over volume of alcohol, which is fit or intended to be or which can by any means be converted for use as a beverage. Next, the Excise Act 1976 (Act 176) also plays an important role. Section 2 of Act 176 defines alcohol as ethyl alcohol. The same section defines beer as ale, stout, porter and all other fermented liquors made from malt. Section 2 also defined “intoxicating liquor” as having the same meaning as given under subsection 2(1) of Act 235 as aforementioned. According to the Food Regulations 1985, specifically Regulation 2, alcohol is defined as ethyl alcohol. These regulations also set minimum and maximum alcohol-by-volume contents for various types of alcoholic beverages, thus providing specific standards for classification and control of such drinks.

For example, under Section 361, an alcoholic beverage must be a liquor containing more than 2% alcohol by volume. Section 362 specifies that wine must contain not less than 7% and not more than 15% alcohol by volume. The regulations also provide detailed classifications of alcoholic beverages based on type and alcohol content, stipulating alcohol volumes for Wine cocktail, vermouth or wine aperitif (Section 363), aerated wine (Section 364), dry wine (Section 365), sweet wine (Section 366), fruit wine (Section 367), apple wine (Section 368), cider (Section 369), pear wine (Section 370), perry (Section 371), vegetable wine (Section 372), honey wine or mead (Section 373), beer, lager, ale or stout (Section 374), rice wine (Section 375), toddy (Section 376), spirit (Section 377), brandy (Section 378), fruit brandy (Section 379), rum (Section 380), whisky (Section 381), vodka (Section 382), gin (Section 383), and samsu (Section 384).

2.3 Issues of alcohol in Malaysia

Malaysia frequently faces issues arising from the sale and consumption of alcohol in public places. For example, there was an incident involving the arrest of five individuals. They consisted of four locals and one foreigner, who were found drunk and hiding in a small alley beside a flower shop near Jalan Burma, Penang, in 2020 (Opalyn Mok 2020). In that incident, they were found intoxicated and holding alcohol bottles when discovered by the authorities. They were immediately arrested, and four of them were brought to court for a remand application. However, they were charged under Section 269

of the Penal Code for negligent acts likely to spread infection of any disease dangerous to life, as they had violated the movement control order at the time. The charge against them was not for the consumption of alcohol in a public place.

Another incident in this context involved a drunk individual who attempted to seize a HK MP5 submachine gun from a police officer at the Dato Keramat Police Station, Penang, in 2024 (R. Sekaran 2024). The 35-year-old man was found to be intoxicated when detained by the police. Additionally, there was an incident where police arrested five foreign nationals involved in a fight at Taman Chai Leng Park, Penang, in 2023 (Imran Hilmy 2023). Investigations revealed that all of them were intoxicated. They were investigated under Section 324 of the Penal Code for voluntarily causing injury using a weapon or other dangerous objects, and not for being intoxicated, similar to the incidents mentioned earlier. More recently, there was also an incident involving an individual carrying a machete by the roadside in Kampung Morib, Banting, while in a drunken state (Muhammad Aminnuraliff Mohd Zoki 2024). He was investigated under Section 14 of the Minor Offences Act and Section 6(1) of the Corrosive and Explosive Substances and Offensive Weapons Act 1958.

As can be seen from the incidents mentioned above, issues resulting from sale and consumption of alcohol continue to persist and are becoming increasingly widespread. However, the charges imposed are not directly related to the consumption or selling itself. This is because Malaysian legislation lacks a specific act to regulate the sale and consumption of alcohol in the country and/or provisions specifically addressing this matter.

This situation has led to calls from various parties for the enactment of specific laws. For instance, the Muslim Lawyers Association of Malaysia (PPIM) has expressed that there is a need for special legislation to prohibit alcohol sales and consumption in public places in Malaysia. Its Chief Activist, Datuk Nadzim Johan, stated that such a law is necessary to address the recent rise in social problems linked to alcohol sales and consumption (K. Parkaran 2025). In addition, the Selangor State Government has confirmed that, to date, there is no law prohibiting alcohol sale and consumption in public places (Pui Fun 2019). Former UMNO Member of Parliament Noh Omar also called for a ban on alcohol in public areas, similar to the ban on smoking in open spaces (Minderjeet Kaur 2019). He argued that such a prohibition is necessary because alcoholic beverages are more dangerous than smoking.

Currently, Malaysian legislation does not have a specific law or provision that regulates the sale and consumption of alcohol in public places. As of today, provisions related to alcohol sale and consumption are governed through several different laws, such as the Food Regulations 1985, the Customs Act 1967 (Act 235), the Excise Act 1976 (Act 176), the Excise Duty Order 2022, the Road Transport Act 1987 (Act 333), the Penal Code, state Syariah criminal laws, and regulations enacted by local authorities. However, these laws do not specifically regulate the act of selling and consuming alcohol in public places.

3 LAWS GOVERNING THE SALE AND CONSUMPTION OF ALCOHOL IN PUBLIC PLACES IN MALAYSIA

In Malaysia, the sale and consumption of alcohol are regulated under various legislations, including the Customs Act 1967 (Act 235), Excise Act 1976 (Act 176), Food Regulations 1985, Excise Duty Order 2022, Road Transport Act 1987, Penal Code, Selangor Park By-Laws 2005, Guidelines and Conditions for Liquor License Applications (Intoxicating Liquor) by DBKL, Fatwa on the Management of Excise Licenses (Liquor) in Perlis, Policy and Guidelines for Issuing Licenses to Sell Alcohol and Drink in Public Places in Kelantan (2009), the Ban on Drinking Alcohol in Public in Negeri Sembilan, and the Johor Bahru City Council Park By-Laws 2020. However, the legal provisions regarding the prohibition of sales and consumption of alcohol remain scattered across separate acts and have not been consolidated under a single, specific federal legal framework.

The most relevant legislation regarding the sale and consumption of alcohol in public in Malaysia can be seen in the recent ban on drinking alcohol in public places in Negeri Sembilan. The Negeri Sembilan State Government prohibited consumption of alcohol in public areas such as recreational parks, children's playgrounds, fields, and beaches, places commonly used for recreational and family activities (Nur Sharieza Ismail 2025). According to an official statement by the Menteri Besar of Negeri Sembilan, the main purpose of this ban is to ensure that public areas are not polluted by socially inappropriate activities such as consumption of alcohol, thereby preserving community harmony and safety (Bernama 2025). Violations of this ban can result in a compound fine

of up to RM2,000. However, it should be emphasized that this ban is only enforced at the state level and does not apply nationwide.

Additionally, the Selangor Park By-Laws 2005 provides that consumption of alcohol in public places is an offense (Nurzamira Che Noh 2020). Selangor was the first state in Malaysia to proactively enforce such a ban through specific by-laws (Zainah 2020). Under By-Law 9, any individual found drinking alcohol in public areas may be ordered to leave by the President, any authorized officer, or a police officer of at least inspector rank. This provision aims to allow immediate action to maintain public order. By-Law 11 grants the President or any authorized officer the power to arrest individuals consuming alcohol in public without a warrant. By-Law 12 allows officers to seize or remove related items, such as bottles of alcohol or other paraphernalia used in public drinking activities. By-Law 15 sets a maximum compound fine of RM1,000 for violators. These provisions demonstrate that Selangor has established a comprehensive and effective regulatory framework for addressing the consumption of alcohol in public.

Local authorities in Selangor also enforce additional guidelines to regulate the sales as a preventive measure against misuse, particularly among vulnerable groups such as teenagers and at-risk communities (Dewan Negeri Selangor 2025). Guidelines include mandatory signage prohibiting the sale to individuals under 18 at all relevant premises. Minimum distance requirements from sensitive areas such as places of worship, schools, hospitals, government offices, and residential areas are also enforced. Moreover, the premises must adhere to operating hours, generally until 12:00 midnight, to reduce risks associated with immoral or criminal activities related to the consumption of alcohol.

The Johor Bahru City Council Park By-Laws 2020 also explicitly prohibits consumption of alcohol in public areas, particularly recreational parks. Under By-Law 4, drinking any intoxicating beverage in parks constitutes an offense. Violators may be ordered to leave by the Mayor, any authorized council officer, or a police officer of at least inspector rank (By-Law 10). Authorities may also arrest offenders without a warrant if the offense is evident. Seizure of alcohol bottles or other drinking paraphernalia is permitted, and By-Law 17 sets a compound fine of up to RM2,000. This reflects the local authorities' commitment to maintaining safe and clean public spaces free from alcohol related disturbances.

The Kelantan Policy and Guidelines for Issuing Licenses to Sell Alcohol and Drink in Public (2009) establish strict regulations regarding alcohol control (Nik Suhaida

Nik Abdul Majid 2023). Consumption of alcohol is prohibited in open public spaces, including hotels, restaurants, coffee shops, and similar premises. Non-Muslims are allowed to drink alcohol only at designated locations, such as licensed coffee shops or restaurants, religious ceremonies of non-Muslims, and private events, provided conditions such as prior notice to local authorities, closed-door settings, absence of Muslims, and no consumption past 12:00 midnight are met. Licenses issued by state authorities are premise-based and only certain non-Muslim establishments qualify after screening and approval by the State Executive Council. Staff dress codes are enforced to maintain propriety and hygiene, and operating hours are restricted to 12:00 midnight, with certain nights when the sales are prohibited. Non-Muslims are permitted to operate these premises, but Muslims are not allowed to work or enter such establishments.

The Kuala Lumpur City Hall (DBKL) has implemented new Guidelines and Conditions for Liquor License Applications after stakeholder consultations, covering manufacturers, bottlers, retailers, resident committees, and Members of Parliament. Premises required to apply for a Liquor License include bars, pubs, lounges, restaurants, warehouses, and event organizers serving alcohol. Operating hours for pubs, bars, lounges, and restaurants are from 10:00 a.m. to 12:00 midnight, extendable to 2:00 a.m. if approved. Wholesale and retail sales are allowed from 7:00 a.m. to 9:00 p.m., in accordance with the Excise (Liquor Sale) Regulations 1977 under the Excise Act 1976, reflecting DBKL's structured approach to regulating the industry.

At the federal level, Malaysian law does not specifically prohibit the sale or consumption of alcohol in public. Existing provisions only address peripheral aspects related to *arak*. For example, the Food Regulations 1985 define alcohol as ethyl alcohol and set volume standards for various beverages such as wine, cider, beer, spirits, brandy, rum, whiskey, etc., focusing on content and packaging rather than public consumption. The Customs Act 1967 (Act 235) regulates “intoxicating liquor” in storage warehouses or licensed warehouses, while the Excise Act 1976 (Act 176) governs licenses for distilling, fermenting, manufacturing, and selling alcohol wholesale and retail, focusing on business and taxation aspects. The Excise Duty Order 2022 specifies duty rates for alcoholic beverages, and the Road Transport Act 1987 (Act 333) addresses road safety, particularly driving under the influence. The most relevant federal provision concerning the consumption of alcohol in public is Section 510 of the Penal Code, which penalizes individuals who appear in public intoxicated and behave in ways likely to disturb public

order. Overall, there is no comprehensive federal law specifically prohibiting alcohol consumption in public, highlighting the need for more unified legislation to address this issue.

4 EXISTING LEGAL CHALLENGES AND SUGGESTED IMPROVEMENTS

The regulation of the sale and consumption of alcohol in public places in Malaysia faces several constraints that need to be addressed to ensure the effectiveness of legislation and the continuity of enforcement. The first and primary challenge is the absence of a specific federal legal framework to regulate the sale and consumption of alcohol in public places. Over time, there have been calls from the public to establish a dedicated act. For example, the Selangor State PAS Youth Council urged the establishment of a policy to prohibit open consumption in public spaces as a step to ensure the harmony of Malaysia's multi-ethnic and multi-religious society. They argued that such a policy is important for preserving Islam as the federal religion.

The former Chief Activist of the Muslim Consumers Association of Malaysia (PPIM) also stated that the government and local authorities should consider enacting a specific law to ban the consumption of alcohol in public places (Bernama 2019). He compared Malaysia's situation with Australia and the United Kingdom, where consumption of alcohol *is* only allowed on licensed premises and not in public. He justified his opinion by pointing to the increasing social problems caused by public consumption in Malaysia.

Existing laws and regulations in Malaysia, such as the Customs Act 1967, Excise Act 1976, and the Penal Code, mainly focus on aspects of sales control, taxation, and regulating general drunken behavior without specifying prohibitions on consumption in public places. The lack of a specific federal act has resulted in inconsistencies in the implementation and enforcement of laws nationwide. This situation causes uncertainty in regulations across different states, leading to confusion not only for the public but also for authorities responsible for enforcement, as they must refer to various local laws, regulations, policies, and guidelines that differ from state to state. Consequently, there is no comprehensive and consistent legal framework to ensure that public alcohol regulation is orderly and effective.

Additionally, fragmented and disorganized legal provisions pose a significant challenge in controlling the sale and consumption of alcohol in public places. Each state has its own regulations, varying in content and penalties. For example, the Public Drinking Ban in Negeri Sembilan imposes fines of up to RM2,000, whereas the Selangor Taman By-Laws 2005 provide for a maximum fine of RM1,000. These differing approaches create inconsistency, making regulation difficult to manage and coordinate, and may lead to uneven enforcement. Inconsistent enforcement can make offenders less fearful of the law or more likely to disregard existing regulations. Moreover, since each set of by-laws grants different powers to enforcement officers such as the power to arrest without a warrant or seize related items, officers require specialized training and understanding to ensure their actions are lawful and effective. A lack of comprehensive understanding among enforcement officers may result in misuse of power or procedural errors that undermine enforcement effectiveness.

Enforcement also faces practical challenges. Large public areas, such as recreational parks, fields, beaches, and playgrounds, are difficult to monitor fully due to limited manpower and technology. Police and local enforcement officers often face constraints regarding the number of officers and adequate equipment to conduct consistent patrols or inspections, particularly at night or during weekends, which are peak times for public consumption. Furthermore, consumption of alcohol in public places may occur covertly or in small groups that are hard to detect, making it difficult for authorities to take immediate action. These constraints allow undesirable consumption activities to continue, negatively affecting public order and the image of public spaces as clean and safe for all community members.

Moreover, differences in approaches between states based on social, cultural, and religious sensitivities further complicate efforts to harmonize laws and the enforcement of public consumption. States such as Kelantan, with a predominantly Muslim population, adopt strict and conditional measures regarding sales and consumption of alcohol, whereas more heterogeneous states take a moderate approach. These differences have implications for national-level regulatory harmonization and may lead to social tension if not managed properly. Therefore, any new legislative proposal must consider local religious and cultural sensitivities.

To address these challenges, several improvement measures should be considered. First, legislators are advised to enact a specific act to comprehensively regulate the sale

and consumption of alcohol in public places. Reference can be made to countries like India and Canada. India has specific legislation, such as the Tamil Nadu Prohibition Act 1937, Tamil Nadu Retail Vending (In Shops and Bars) Rules 2003, and Tamil Nadu Liquor (License and Permit) Rules 1981. The first act prohibits the production, sale, and consumption of alcohol and intoxicating drugs in Tamil Nadu. The 2003 rules prohibit liquor shops within 50 meters of municipal council areas and 100 meters from places of worship or educational institutions elsewhere. They also restrict alcohol sales on specific days such as Thiruvalluvar Day, Gandhi Jayanthi, Birthday Eve of Nabigal Nayagam, Mahaveer Jayanthi Day, Vallalar Ninaivu Day, Independence Day, Republic Day, and May Day. Canada has the Liquor License and Control Act, 2019 (Ontario), which prohibits operating alcohol premises without the required license. According to the Liquor Control and Licensing Act, 2015 (Victoria), managers may impose conditions regarding the days and hours of alcohol sales. For instance, service hours start no earlier than 7 a.m. and end no later than 11 p.m.

This act should serve as a single framework with clear and uniform regulations across the country, reducing confusion and overlapping powers among federal, state, and local authorities. Through this act, the designation of prohibited areas, licensing conditions, operating hours, and penalties for offenses can be standardized for easier understanding and enforcement by all parties. However, the act should also be flexible to allow states to consider local social and religious sensitivities through special provisions.

In addition to enacting a federal act, harmonizing regulations and by-laws at the state and local levels is crucial. Cooperation between state governments and local authorities should be strengthened to ensure consistency in the definition of offenses, penalties, and enforcement procedures. This would simplify the work of enforcement officers and improve the efficiency of actions taken against violations. For example, establishing uniform fines for public consumption across all states would send a clear and consistent message to society.

Regarding enforcement, efforts to enhance collaboration between agencies such as the police, local authorities, and enforcement departments should be intensified. The use of modern technology, such as closed-circuit cameras (CCTV), behavior detection systems, and mobile reporting applications for the public, can help accelerate action. Additionally, increasing human resources and providing specialized training to enforcement officers will improve their professionalism and effectiveness in carrying out

duties. Public involvement through awareness campaigns and education can also reduce violations by fostering a sense of social responsibility among the public to maintain order in public spaces.

Finally, continuous public education and awareness campaigns are essential to foster understanding of the dangers of misuse of alcohol and the importance of complying with the law. Targeted campaigns for youth and the general community can convey awareness messages so that society becomes more conscious and does not encourage or allow public alcohol consumption that could harm collective well-being. This education can also promote a culture of mutual respect within Malaysia's multi-religious and multicultural society.

In conclusion, comprehensive legal improvements and a holistic approach combining legislation, enforcement, technology, and education are essential to effectively address the issue of sales and consumption of alcohol in public places in Malaysia. With these measures, public order can be preserved, social sensitivities respected, and society can enjoy safe and conducive public spaces for all.

5 CONCLUSIONS

The issue of regulating the sale and consumption of alcohol in public places in Malaysia is a complex challenge that requires a comprehensive and integrated approach from all parties. Hence, various existing laws governing this matter, it is clear that although there are some legal provisions and regulations at the state and local levels, there is no specific and comprehensive federal law that regulates public alcohol consumption nationwide. This situation creates various enforcement challenges and inconsistencies in the application of regulations, leaving gaps that can give rise to social issues and public order problems that are not effectively controlled.

Specifically, the enforcement of local laws and state regulations, which differ in terms of penalties, licensing conditions, and prohibitions, has shown that Malaysia has a non-uniform approach in addressing the issue of alcohol consumption in public places. While each state has its own social and cultural background that must be respected, these significant differences affect the uniformity of law enforcement nationwide. For instance, public drinking bans in Negeri Sembilan and Selangor, with relatively high compound fines, demonstrate the local authorities' commitment to controlling this behavior.

However, other states that lack equally strict regulations limit the effectiveness of national regulatory efforts. Therefore, there is an urgent need to introduce a comprehensive and uniform federal legal framework as a basis for regulating *arak* consumption in public areas.

Another key challenge to overcome is enforcement constraints, including shortages of human resources, equipment, and technology to effectively monitor public spaces. Areas such as recreational parks, beaches, fields, and playgrounds are common public spaces used for leisure activities and are also potential sites for open alcohol consumption that can disrupt public order. In this context, the limited presence of enforcement officers and the lack of technologies such as closed-circuit television (CCTV) for real-time monitoring create weaknesses in regulation. Hence, increasing the use of surveillance technology, as well as enhancing training and staffing for enforcement officers, is crucial to ensure laws are enforced more effectively and accurately.

Another significant challenge involves the social and cultural sensitivities within Malaysia's pluralistic society. As a country with diverse religions and ethnicities, the sale and consumption of alcohol cannot be viewed from a single perspective. States like Kelantan, which are predominantly Muslim, adopt much stricter measures, imposing various conditions on non-Muslims and prohibiting Muslims from participating in alcohol related activities. In contrast, more heterogeneous states require a balanced approach to protect the rights of non-Muslims to practice their cultural alcohol consumption without infringing on Muslim sensitivities or public order. Therefore, any new legislation must account for these factors to achieve social harmony and justice for all communities.

Regarding proposed improvements, a key step is the drafting of a specific and comprehensive federal law to regulate the sale and consumption of alcohol in public places. This law should include clear definitions of prohibited areas, licensing conditions for alcohol sales, operating hours for premises, and standardized and strict penalties for violations. Through this legislation, each state and local authority would have the same guidance to enforce restrictions and regulations, thus improving regulatory effectiveness nationwide. At the same time, the law should allow flexibility so that states with unique sensitivities can introduce additional regulations according to local community needs, making the law inclusive and relevant without causing social tension.

Moreover, efforts to enhance cooperation among enforcement agencies, such as the police, local authorities, and other departments, should be encouraged to improve

coordination and monitoring of public drinking activities. The use of modern technologies, such as CCTV in high-traffic areas, community reporting applications, and integrated monitoring systems, can enable enforcement officers to act more quickly and accurately. Specialized training should also be provided to ensure officers thoroughly understand the law and procedures, reducing the risk of abuse of power or procedural errors. Community involvement through public awareness campaigns is also essential to foster a shared sense of responsibility for maintaining public order.

Continuous public education must be emphasized to raise awareness about the negative effects of alcohol misuse and the importance of compliance with the law. Educational programs should target *all* age groups, particularly youth, who are more prone to unhealthy habits such as drinking in public places. Through education and awareness initiatives, society can play an active role in preserving the safety and cleanliness of public spaces, thereby reducing incidents of legal violations.

In summary, regulating the sale and consumption of alcohol in public places in Malaysia requires a holistic approach combining strong legislation, efficient enforcement, technological support, and public education and awareness. With comprehensive and uniform federal laws, close cooperation between enforcement agencies, and active community participation, the issue of public alcohol misuse can be significantly reduced. This will not only help maintain public order and social harmony but also enhance the country's image as a nation that prioritizes the safety and well-being of its citizens.

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REFERENCES

Ahmad Ismadi Ismail. (2020). 11 Lelaki Dikecup Minum Arak Di Tempat Awam, *Sinar Harian*, 07 April. Available at: <https://www.sinarharian.com.my/article/77730/edisi/selangor-kl/11-lelaki-dicekup-minum-arak-di-tempat-awam>

- Nor Azizah Mokhtar. (2020). Tujuh Ditahan Melepak, Minum Arak Ketika PKP, *Berita Harian*, 05 April. Available at: <https://www.bharian.com.my/berita/kes/2020/04/673364/tujuh-ditahan-melepak-minum-arak-ketika-pkp>
- Izz Laily Hussein. (2025). 9 Ditahan Dalam Pesta Minum Arak, Parti Buih, *Berita Harian*, 02 January. Available at: <https://www.bharian.com.my/berita/kes/2025/01/1343749/9-ditahan-dalam-pesta-minum-arak-parti-buih>
- Muhammad Zulsyamimi Sufian Suri. (2025). MBI Kaji Tambah Lokasi Kawasan Larangan Jualan Arak Di Kawasan Majoriti Melayu Islam, *Berita Harian*, 18 January. Available at: <https://www.bharian.com.my/berita/wilayah/2025/01/1350995/mbi-kaji-tambah-lokasi-kawasan-larangan-jualan-arak-di-kawasan>
- Ustaz Hafez Sabri. (2021). Sokongan Larangan Penjualan Arak Secara Terbuka, *Harakah Daily*, 03 November. Available at: <https://harakahdaily.net/2021/11/sokong-larangan-penjualan-arak-secara-terbuka/>
- Opalyn Mok. (2021). Penang Says No Plans To Follow KL and Control Liquor Sales In Convenience Stores, *Malay Mail*, 30 November. Available at: <https://www.malaymail.com/news/malaysia/2021/11/30/penang-says-no-plans-to-follow-kl-and-control-liquor-sales-in-convenience-s/2024756>
- Puvaneswary Thopppasamy. (2024). Kedai Arak Berhampiran Sekolah Tamil, *Makkal Osai*, 27 April. Available at: <https://makkalosai.com.my/2024/04/27/kedai-arak-berhampiran-sekolah-tamil-menjadi-isu-masyarakat/> [10 April 2025];
- Mohamad Hafizi Mohd Said. (2021). NGO Desak Henti Jualan Arak Di Kuala Kangsar, *Utusan Melayu*, 22 December.. Available at: <https://www.utusan.com.my/terkini/2021/12/ngo-desak-henti-jualan-arak-di->
- Muhammad Haji Salleh. (2006). *Setaman Pantun Kenangan*, Penerbit Universiti Sains Malaysia.
- Bert L. Vallee. (2015) The Conflicted History of Alcohol in Western Civilization, *Scientific American*. Available at: <https://www.scientificamerican.com/article/the-conflicted-history-of-alcohol-in-western-civilization/> (Accessed 25 March 2025).
- Ashley Buchanan. (2024) Alchemy, aqua vitae, and Mixology: How alchemy gave us liquor, *Folger Shakespeare Library*. Available at: <https://www.folger.edu/blogs/shakespeare-and-beyond/alchemy-aqua-vitae-and-mixology-how-alchemy-gave-us-liquor/#:~:text=Many%20of%20the%20liquors%20we,makes%20a%20great%20cocktail%20base> (Accessed 25 March 2025).
- Jay Brooks. (2019) When Frederick The Great Went To War On Coffee, *Brookston Beer Bulletin*. Available at: <https://brookstonbeerbulletin.com/when-frederick-the-great-went-to-war-on-coffee/> (Accessed 25 March 2025).
- World Health Organisation (2024). Global Alcohol Action Plan 2022-2030. Available at: <https://iris.who.int/bitstream/handle/10665/376939/9789240090101-eng.pdf> (Accessed 25 March 2025).

- World Health Organisation (2024) Alcohol. Available at: <https://www.who.int/news-room/fact-sheets/detail/alcohol> (Accessed 25 March 2025).
- Isabela Maria Monteiro Vieira, et. al. (2018). Alcohol and Health: Standard of Consumption, Benefits and Harm - a Review. *Czech J. Food Sci*, Volume 36, page 427 - 440.
- Syariena Arshad and Nur Fadhilah Khairil Mokhtar. (2018). Alcohol Halal or Haram, What is Alcohol or Khamar, Halal Product Research Institute, University Putra Malaysia, 07 September.
- Yana. (2025). All about Khamar and Khamir (Yeast). *LPPOM*. Available at: <https://halalmui.org/en/all-about-khamar-and-khamir-yeast/> (Accessed 25 September 2025).
- Opalyn Mok. (2020). Penang Cops Arrest Another Five Men For Drinking Beer in Public, in Defiance of MCO, *Malay Mail*, 27 March. Available at: <https://www.malaymail.com/news/malaysia/2020/03/27/police-arrests-another-five-men-for-drinking-beer-in-public-in-defiance-of/1850792>
- R. Sekaran. (2024). Man Who Tried To Snatch Firearm From Police Station Was Drunk, Says Penang Top Cop, *Star*, 19 May. Available at: <https://www.thestar.com.my/news/nation/2024/05/19/man-who-tried-to-snatch-firearm-at-penang-police-station-was-drunk-says-top-cop>
- Imran Hilmy. (2023). Penang Cops Nabs Five Foreigners Over Two Separate Fights, *Star*, 23 January. Available at <https://www.thestar.com.my/news/nation/2023/01/23/penang-cops-nab-five-foreigners-over-two-separate-fights>
- Muhammad Aminnuraliff Mohd Zoki. (2024). Lelaki Mabuk Bawa Parang di Tempat Awam Diberkas, *Sinar Harian*, 22 March. Available at: <https://www.sinarharian.com.my/article/656035/berita/semasa/lelaki-mabuk-bawa-parang-di-tempat-awam-diberkas>
- Pui Fun. (2019). No Laws Against Drinking Alcohol in M'sian Public Spaces But Strict Action Taken If You Are A Nuisance, *World of Buzz*, 11 November. Available at: <https://worldofbuzz.com/no-laws-against-drinking-alcohol-in-msian-public-spaces-but-strict-action-taken-if-you-are-a-nuisance/#:~:text=This%20is%20actually%20not%20something,if%20any%20unto%20ward%20incidents%20happened>
- Minderjeet Kaur. (2019). MP UMNO, PAS gesa larangan minum arak di tempat awam, *Free Malaysia Today*. Available at <https://staging-beta.freemalaysiatoday.com/category/bahasa/2019/11/13/mp-umno-pas-gesa-larangan-minum-arak-di-tempat-awam/>
- Nur Sharieza Ismail. (2025). Negeri Sembilan Cadang Perketat Larangan Minum Arak di Tempat Awam, *Utusan Melayu*, 2 July. Available at: <https://www.utusan.com.my/nasional/2025/07/negeri-sembilan-cadang-perketat-larangan-minuman-arak-di-tempat-awam/>
- Bernama. (2025). Negeri Sembilan Larang Minuman Keras di Taman Rekreasi, Pantai Awam Serta Merta, *Astro Awani*, 4 November. Available at:

<https://www.astroawani.com/berita-malaysia/negeri-sembilan-larang-minuman-keras-di-taman-rekreasi-pantai-awam-sertamerta-527>

- Nurzamira Che Noh. (2020). Selangor Haramkan Merokok, Minum Arak Di Taman Awan, *Berita Harian*, 14 July. Available at: <https://www.bharian.com.my/berita/wilayah/2020/07/710591/selangor-haramkan-merokok-minum-arak-di-taman-awam>
- Mohd Zahir, Mohd Zamre, T. N. A. T. Zainudin, R. Rajamanickam, and Z. A. Rahman. (2019a). “Arahan Do Not Resuscitate (DNR) dalam Sektor Kesihatan dari Perspektif Undang-Undang (Do Not Resuscitate (DNR) Order in Health Sector from the Legal Perspective).” *Akademika* 89: 143–54.
- Mohd Zahir, Mohd Zamre, T. N. A. T. Zainudin, H. Yaakob, R. Rajamanickam, H. Harunarashid, A. A. Mohd Shariff, Z. Abd Rahman, and M. Hatta. (2019b). “Hak Pesakit bagi Melaksanakan Arahan Awal Perubatan: Suatu Gambaran Umum (The Patient’s Right to Implement Advance Medical Directive: An Overview).” *Sains Malaysiana* 48: 353–359.
- Na’aim, M. S. M., Mohd Zahir, M. Z., Rajamanickam, R., Dahlan, N. K., & Hashim, H. (2025). Analysing ministerial reasons for banning books under the Printing Presses and Publications Act 1984. *Malaysian Journal of Syariah and Law*, 13(2), 401–412.
- Ab Rahman, Nurul Hidayat, Mohd Zamre Mohd Zahir, Nabeel Mahdi Althabhwani. (2023). Repercussions of COVID-19 Lockdown on Implementation of Children's Rights to Education. *Journal: Children*. 10 (3): 1-14

Authors’ Contribution

Both authors contributed equally to the development of this article.

Data availability

All datasets relevant to this study’s findings are fully available within the article.

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