

DOI: <https://doi.org/10.63332/joph.v5i6.2683>

Prohibition of Drinking Alcohol in Public: A Legal Analysis of Malaysian Law

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Abstract

The public consumption of alcohol in Malaysia presents multifaceted legal, social, and health challenges, particularly in light of the country's diverse cultural and religious composition. While alcohol is legally permitted for non-Muslims, Malaysia lacks a comprehensive federal law that specifically prohibits or regulates drinking in public spaces. Existing laws, including the Penal Code, Road Transport Act 1987, Excise Act 1976, and various local government bylaws, address alcohol-related concerns in a fragmented manner, leading to inconsistent enforcement and public confusion. Furthermore, Syariah enactments applicable only to Muslims further complicate the legal landscape, creating disparities in regulation and enforcement based on religious affiliation. This article critically examines the current statutory and regulatory framework governing public alcohol consumption in Malaysia, highlighting significant legislative gaps and enforcement challenges. By adopting a qualitative methodology, it draws on comparative legal models from jurisdictions such as Singapore, India, and the United Kingdom to demonstrate how coherent and targeted legal interventions can promote public order while respecting individual freedoms. Based on this analysis, the article proposes a structured, federal-level legal framework that incorporates uniform definitions, designated alcohol-free zones, time-based restrictions, and standardised local enforcement mechanisms. In advocating for reform, the article underscores the need for legal clarity, institutional coordination, and public education. A well-designed legal infrastructure would enhance regulatory coherence, promote responsible alcohol use, and reinforce public confidence in the rule of law. By balancing legal pluralism with universal principles of public safety and health, Malaysia can address the current legal ambiguities and build a more effective and inclusive regulatory system for managing alcohol consumption in public spaces.

Keywords: Criminal, Drinking Alcohol, Health, Penal Code, Public.

Introduction

The public consumption of alcohol presents complex challenges in Malaysia, where multicultural sensitivities, religious considerations, and public health priorities intersect. Although alcohol is legally permitted for non-Muslims, its consumption in public spaces, such as parks, sidewalks, and recreational areas, raises significant issues related to public order, safety, and community welfare. Reports of nuisance behaviour, noise disturbances, and intoxicated individuals near schools, residential areas, or places of worship have prompted increasing public concern. These incidents often highlight the inadequacy of current legal

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provisions and the limited capacity of enforcement agencies to respond effectively, particularly in densely populated urban areas. Despite alcohol's legality, its unregulated consumption in public spaces remains a grey area in Malaysia's legal landscape.

From a legal standpoint, Malaysia lacks a centralised and comprehensive framework that expressly prohibits or governs public drinking. While several legislative provisions, such as Section 510 of the Penal Code (Act 574), the Road Transport Act 1987, and local government bylaws, address public intoxication, drunk driving, or alcohol licensing, none uniformly regulate the act of drinking alcohol in public. The regulatory responsibility is often devolved to local authorities through the Local Government Act 1976, resulting in a patchwork of bylaws with varying standards and enforcement practices. Meanwhile, Syariah law prohibits Muslims from consuming alcohol under state religious enactments, but these do not extend to non-Muslims, creating a bifurcated regulatory framework. The absence of uniformity and clarity leads to inconsistent enforcement and undermines public confidence in the legal system.

This article critically analyses Malaysia's current legal framework governing public alcohol consumption, identifies gaps and inconsistencies, and proposes reforms informed by comparative best practices from jurisdictions such as Singapore, India, the United Kingdom, Australia and Indonesia. It argues that the lack of a cohesive national law not only hampers effective governance but also compromises Malaysia's efforts to safeguard public health and order. Drawing on statutory analysis, case law, municipal regulations, and international models, the article advocates for the enactment of a federal-level legal instrument that clearly defines and prohibits public drinking while enabling local adaptation through standardised bylaws. It also highlights the importance of integrating education, enforcement, and stakeholder engagement into a multi-pronged strategy for reform. In doing so, the article seeks to provide a coherent legal and policy framework that is contextually appropriate, operationally feasible, and socially inclusive for managing alcohol consumption in public spaces across Malaysia.

Current Legal Framework in Malaysia

In Malaysia, alcohol consumption is legally permitted for non-Muslims, but the absence of a comprehensive federal law governing the act of drinking in public has created a legal and regulatory vacuum. This gap has become increasingly problematic, especially in urban and multicultural areas, where public drinking can trigger social tensions, disturb public order, and conflict with religious and cultural sensitivities. While intoxication-related nuisances are punishable under certain laws, the act of consuming alcohol in public spaces such as parks, beaches, and residential streets is not uniformly regulated across the country (Wang et al., 2022).

The primary legislative instruments currently addressing alcohol-related conduct include the Penal Code (Act 574), the Road Transport Act 1987 (Act 333), the Local Government Act 1976 (Act 171), the Excise Act 1976, the Customs Act 1967, and various food and licensing regulations. Nevertheless, none of these laws provides a specific and comprehensive prohibition on public alcohol consumption.

For instance, Section 510 of the Penal Code penalises individuals who, while intoxicated, appear in public and cause annoyance to others. This provision is limited in scope and only criminalises disorderly behaviour, not the act of public drinking itself. Similarly, the Road Transport Act 1987 focuses exclusively on alcohol consumption related to road safety. Under Section 45A, it is an offence to drive with blood alcohol levels exceeding the legal limit, and Section 44 prescribes severe penalties for causing death while driving under the influence. However, these

provisions are narrowly tailored to driving offences and do not extend to regulating alcohol consumption in public spaces.

The Local Government Act 1976 allows local authorities (Pihak Berkuasa Tempatan, or PBT) to enact bylaws that may address public drinking, but these are highly localised and lack uniformity. A notable example is the Undang-Undang Kecil Taman 2005, enforced in Selangor, which prohibits alcohol consumption in public parks. However, this bylaw applies only within specific municipalities in Selangor and has no effect in other states unless similarly adopted. Other states and local councils have not consistently followed suit, resulting in fragmented enforcement across jurisdictions.

Additionally, regulations under the Excise Act 1976 and the Customs Act 1967 focus primarily on licensing and taxation. They establish requirements for retailers to obtain licenses for selling intoxicating liquor, and they define “intoxicating liquor” as containing more than 1.14% alcohol by volume. However, these laws do not impose restrictions on where or when alcohol can be consumed, nor do they explicitly prohibit drinking in public.

Regulations such as the Food Regulations 1985 (under the Food Act 1983) impose certain controls on labelling and minimum age requirements (now set at 21 years) and require warnings such as “Drinking alcohol may be hazardous to health.” Yet these measures also fall short of prohibiting public consumption or restricting alcohol use to designated areas.

For Muslims, the Enakmen Jenayah Syariah enacted in various states criminalises both the consumption and sale of alcohol. In Selangor, for instance, Section 18 of the Enakmen Jenayah Syariah (1995) makes it an offence for Muslims to consume any form of liquor, regardless of location. While these laws impose explicit prohibitions, their application is limited to Muslim citizens and falls under the jurisdiction of Syariah courts.

In summary, Malaysia’s legal approach to public drinking is fragmented, uneven, and often reactive. The combination of federal laws, state-level Syariah enactments, and localised bylaws has resulted in regulatory overlaps and enforcement inconsistencies. The lack of a unified national standard contributes to public confusion and limits the effectiveness of alcohol control policies, particularly in managing issues related to public health, safety, and social harmony.

Gaps and Challenges

Despite the existence of several laws that touch upon alcohol-related conduct in Malaysia, the legal framework remains disjointed and insufficient in addressing the specific issue of drinking alcohol in public spaces. A significant legislative gap is the absence of a centralised and comprehensive federal law that prohibits the act of drinking alcohol in public. Current provisions are limited to specific behaviours, such as driving under the influence or causing public annoyance while intoxicated, and do not extend to the broader conduct of public alcohol consumption in a preventative or regulatory sense.

The Penal Code (Section 510) criminalises appearing in a public place in a state of intoxication that causes annoyance, but it does not prohibit drinking per se in public places. This means that an individual may legally consume alcohol in a park, beach, or street as long as their behaviour is not deemed disorderly. The interpretation of “annoyance” is also subjective and places an unnecessary burden on enforcement officers, who must determine the threshold of disruption on a case-by-case basis.

While specific case law under Section 510 of the Penal Code is scarce, several cases provide insight into how Malaysian courts handle offences involving intoxication. For instance, in *Public Prosecutor v Tan Ho Teck* [1988] 3 MLJ 264, the accused, after consuming a bottle of brandy, fatally stabbed his brother. He claimed that he was so heavily intoxicated that he did not know what he was doing. The court held that the prosecution had made out a case which, if unrebutted, would warrant a conviction, emphasising that voluntary intoxication is not a defence under Section 85 of the Penal Code.

Further, in *Public Prosecutor v Kumaran Kunchi Raman* [2010] 3 CLJ 220, the accused, after consuming alcohol, set fire to a car, resulting in the death of his daughter. The court found that, although there was no scientific evidence of intoxication, the accused's actions were mindless and insane. Given the evidence, there was doubt as to whether the accused, in his intoxicated state, could have formed the necessary intention or knowledge to constitute the offence of murder. The accused was acquitted but ordered to be detained in safe custody.

In Malaysia, voluntary intoxication is generally not a defence to criminal charges. Section 85 of the Penal Code provides that intoxication is a defence only if it renders the accused incapable of knowing the nature of the act or that it was wrong or contrary to law, and the intoxication was involuntary or caused by malicious or negligent acts of another. Therefore, individuals who voluntarily consume alcohol and then commit offences are typically held fully accountable under the law.

Meanwhile, in a similar vein, the Road Transport Act 1987 is limited to motor vehicle use, and its provisions, such as Sections 44 and 45A, do not extend to regulating pedestrian conduct or general consumption of alcohol in public places. Thus, while Malaysia has stringent laws for alcohol-related driving offences, these laws fail to account for the broader implications of public drinking, such as its effects on community well-being, safety in public spaces, and public decency.

Additionally, there is no federal law that clearly defines or designates alcohol-free zones, such as areas near schools, religious sites, hospitals, or high-density residential zones. As a result, retailers are legally permitted to operate alcohol-selling outlets such as convenience stores (e.g., 7-Eleven, KK Super Mart, 99 Speedmart) or even near these sensitive sites. The lack of geographic and demographic restrictions on sales undermines community protection and exposes vulnerable groups to alcohol-related harms. This is in stark contrast to countries like India and the United States, where zoning laws regulate the proximity of alcohol sales to institutions of public interest.

The issue of time and day restrictions is also notably absent in Malaysian law. In countries like Singapore and India, restrictions are imposed on the sale and public consumption of alcohol during certain hours (e.g., Singapore prohibits public drinking between 10:30 p.m. and 7:00 a.m.) or on national and religious holidays. In Malaysia, on the contrary, alcohol can be purchased and consumed at any time of day or night, including during sensitive periods such as national celebrations or religious events. This unrestricted access increases the risk of alcohol misuse and limits the ability of authorities to manage its impact on public safety.

Furthermore, local government bylaws, though empowered under the Local Government Act 1976, vary significantly from one municipality to another. For example, Selangor's Undang-Undang Kecil Taman 2005 prohibits drinking in public parks, but such restrictions are not standardised or enforced nationwide. Some municipal councils have opted not to enact any

restrictions at all. This patchwork approach has led to uneven enforcement and uncertainty regarding legal boundaries for public behaviour, often resulting in selective or ineffective regulation.

Another critical gap is the lack of regulation on consumption etiquette and conditions. Unlike jurisdictions such as the United Kingdom, where public drinking may be regulated by stipulating the use of cups rather than bottles (to prevent visibility and reduce social promotion), Malaysia does not legislate how alcohol may be consumed. Nor are there rules governing permissible premises, such as distinctions between licensed outlets and open spaces.

In terms of enforcement among Muslims, while Syariah laws in states like Selangor (e.g., Section 18 of the Enakmen Jenayah Syariah 1995) prohibit both the consumption and handling of alcohol, such laws do not extend to non-Muslims. This dual enforcement system creates inconsistencies in public administration and leaves a significant portion of the population unregulated under Syariah provisions, without any parallel civil law framework addressing public drinking.

Finally, Malaysia's Federal Constitution lacks an explicit provision guaranteeing the right to a healthy and safe environment, which could serve as a legal foundation for alcohol regulation. In contrast, India's Article 47 of the Constitution imposes a duty on the State to improve public health and promote the prohibition of intoxicating substances. The absence of such a constitutional directive in Malaysia limits the ability of policymakers to invoke public health arguments in support of legislative reform.

In summary, the challenges in regulating public alcohol consumption in Malaysia stem from a combination of legal fragmentation, institutional inconsistency, and constitutional silence on the matter. Without clear, uniform legislation, enforcement is patchy and public understanding of the law remains limited. This undermines national efforts to reduce alcohol-related harm and leaves communities vulnerable to social disorder, health risks, and public nuisance.

Comparative Jurisdictions

The regulation of public alcohol consumption varies significantly across jurisdictions, offering valuable lessons for Malaysia in its pursuit of a more coherent legal framework. Comparative analysis reveals that many countries have adopted clear statutory provisions or targeted regulations to control drinking in public spaces, particularly to preserve public order, reduce alcohol-related harm, and balance individual liberties with communal interests. This section examines selected legal models from Singapore, India, and the United Kingdom, three jurisdictions that provide contrasting yet instructive approaches.

In Singapore, the Liquor Control (Supply and Consumption) Act 2015 represents a comprehensive legislative response to the growing concern over public drinking. The law prohibits the consumption of liquor in public places between 10:30 p.m. and 7:00 a.m., with enhanced restrictions in designated Liquor Control Zones such as Geylang and Little India. The Act also regulates the retail hours of liquor sales and empowers law enforcement to confiscate beverages or remove offenders from the area. Offenders can face fines and imprisonment for repeated breaches. The effectiveness of Singapore's approach lies in its clarity, uniform application, and proportional enforcement mechanisms, which help maintain public order while still allowing responsible consumption in private or licensed premises. (Zhang & Zhang, 2025; Singapore Statutes Online, 2015).

India offers another useful model, particularly through the constitutional emphasis on alcohol prohibition. Article 47 of the Indian Constitution declares that the State shall endeavour to prohibit the consumption of intoxicating drinks and drugs harmful to health. While India does not have a uniform national law on public drinking, many individual states, including Gujarat, Bihar, and Nagaland, have enacted full or partial prohibitions on alcohol use. Other states, like Delhi and Maharashtra, have implemented restrictions that prohibit drinking in public places and impose fines on violators. Municipal authorities often support enforcement with explicit signage in parks, beaches, and heritage areas, reinforcing public norms and ensuring community support. Importantly, enforcement is often carried out in coordination with health departments and public awareness campaigns, enhancing the policy's impact on behaviour change.

The United Kingdom, particularly England and Wales, employs a more localised and flexible mechanism through Public Spaces Protection Orders (PSPOs) under the Anti-Social Behaviour, Crime and Policing Act 2014. These orders empower local councils to prohibit or restrict the consumption of alcohol in specific areas when it is linked to anti-social behaviour. PSPOs are subject to periodic review and public consultation, allowing communities to define the scope and duration of alcohol control measures. Although drinking alcohol is not criminalised per se, refusal to comply with an officer's direction to cease drinking in a PSPO area is an offence. The British model strikes a balance between preserving personal freedoms and empowering communities to address public nuisances through democratically accountable processes (Amul & Etter, 2022).

In Australia, state-level legislation also provides practical approaches to public drinking. For instance, under New South Wales' Summary Offences Act 1988, police officers are empowered to confiscate alcohol in alcohol-free zones, which are designated by local governments in collaboration with community stakeholders. Similar provisions exist in Victoria, where local councils can issue local laws banning alcohol consumption in specified areas, particularly during festivals or public holidays. The use of temporary or event-based alcohol restrictions is a distinctive feature in Australian jurisdictions, reflecting a situational awareness of when and where alcohol-related risks are highest.

Even in Indonesia, where alcohol is not entirely prohibited, certain provinces and cities have enacted regional laws restricting the sale and consumption of alcohol in public spaces, particularly during religious festivals or in areas near places of worship. Enforcement is often supported by the Satpol PP (Public Order Agency), which issues warnings and penalties to offenders. The decentralised nature of Indonesia's administrative system allows regional flexibility, but many provinces have achieved legal coherence through the integration of alcohol-related rules in their public health and public order policies.

Comparatively, Malaysia's reliance on localised bylaws without a central legal backbone falls short of these international practices. While Malaysian municipal councils are authorised under the Local Government Act 1976 to issue bylaws, only a few have enacted restrictions on public drinking, and there is no uniformity in the definitions of "public places," "alcohol-free zones," or enforcement standards. This creates confusion for both residents and visitors, undermines deterrence, and reduces the legal system's credibility.

Furthermore, in all the above jurisdictions, legal clarity, public signage, awareness campaigns, and consistent enforcement play critical roles in ensuring the effectiveness of alcohol regulation. In Singapore and the UK, the existence of clear enforcement authority and the designation of restricted zones create a high level of public awareness and predictability. In India and Australia,

the layering of legal restrictions with health and safety messaging enhances compliance through both punitive and educational means.

In conclusion, these comparative jurisdictions highlight the value of a unified and clearly enforceable legal framework in regulating public alcohol consumption. Malaysia can draw on these examples to develop an integrated strategy that incorporates national legislation, supports local bylaws, and embeds public health priorities. An optimal model would include a federal legal standard defining prohibited zones and time frames, allow for local adaptations based on community needs, and embed educational strategies to promote voluntary compliance and public trust.

Policy Recommendations

Malaysia's current framework regulating alcohol consumption in public spaces is characterised by fragmentation, legal ambiguity, and limited enforcement. As highlighted in earlier sections, existing federal laws do not specifically address public drinking, and local government bylaws are inconsistent and confined to narrow jurisdictions. This state of legal incoherence undermines the effectiveness of public order policies and fails to adequately respond to rising concerns related to alcohol-related public nuisance, health implications, and intercommunal sensitivities. In light of these challenges, this section proposes comprehensive legal, administrative, and policy reforms to strengthen Malaysia's approach.

Enact a Federal Law on Public Alcohol Consumption

A foundational recommendation is the enactment of a dedicated federal statute to regulate alcohol consumption in public places across all states and territories. This law should provide a clear definition of "public places," which may include streets, parks, beaches, public transportation facilities, and other open-access locations. The statute should explicitly prohibit the consumption of alcohol in these areas unless within licensed premises or during authorised events.

To ensure legal certainty, the statute should outline:

- Specific time-based restrictions (e.g., prohibition between 10:30 p.m. and 7:00 a.m., as in Singapore),
- Conditions under which exceptions may be granted,
- Designation of Alcohol-Free Zones (AFZs) near schools, religious institutions, hospitals, and residential areas,
- Minimum penalties and fines for breaches, and
- Powers of enforcement for local authorities and police officers.

This federal law would create uniformity, enhance clarity, and empower municipalities to regulate public behaviour more effectively.

Empower and Standardise Local Authority Bylaws

While local authorities under the Local Government Act 1976 possess the power to issue bylaws, their capacity and willingness to act vary. A federal directive or guideline issued under the new statute should mandate all PBTs (local authorities) to adopt minimum standards for regulating public drinking. This includes:

- Requiring municipalities to gazette Alcohol-Free Zones in sensitive areas,
- Mandating clear public signage and notice provisions in affected areas,
- Standardising enforcement procedures, including compound fines and appeal processes.

Model bylaws should be developed by the Ministry of Housing and Local Government (KPKT) to ensure consistency across local governments. These can be tailored to local contexts but must comply with the core standards set at the federal level.

Integrate Syariah and Civil Law Enforcement

Given Malaysia's dual legal system, where Muslims are governed by Syariah law and non-Muslims by civil law, any alcohol control strategy must carefully balance legal pluralism. At present, Syariah enactments in many states, such as Section 18 of the Enakmen Jenayah Syariah Selangor 1995, prohibit Muslims from consuming alcohol in any setting. However, there is no corresponding civil law applicable to non-Muslims concerning public drinking.

To ensure fairness and uphold public order consistently, civil legislation must fill this regulatory void for non-Muslims. Coordinated enforcement strategies involving both the Syariah enforcement authorities (JAKIM, JAIS, etc.) and civil enforcement agencies (PDRM, local councils) are necessary to prevent overlapping jurisdiction and discriminatory enforcement. Multi-agency training and clear demarcation of responsibilities should be implemented to avoid conflicts and public confusion.

Introduce Licensing Conditions and Retailer Obligations

Another key reform is the revision of licensing requirements for premises selling alcohol under the Excise Act 1976 and the Customs Act 1967. Licensing conditions should prohibit the sale of alcohol near designated Alcohol-Free Zones and prohibit open consumption of alcohol near retail premises unless within a controlled environment.

Retailers should also be legally required to:

- Display clear signage stating that public consumption of alcohol is prohibited in the surrounding areas,
- Provide alcohol in non-visible containers if takeaway consumption is permitted,
- Implement responsible service practices, especially during festivals or large public events.

The government may also consider requiring special permits for late-night alcohol sales and limiting 24-hour retail licenses in urban centres.

Strengthen Public Education and Community Awareness

Legislative reform alone is insufficient without a cultural shift in public perception and behaviour. Malaysia should embark on a nationwide public awareness campaign spearheaded by the Ministry of Health (MOH) and supported by local governments and community leaders. Such campaigns should:

- Emphasise the health risks and social costs of alcohol abuse,

- Educate the public on legal restrictions in public drinking zones,
- Encourage community reporting and participation in monitoring enforcement.

Awareness campaigns should be conducted in multiple languages to cater to Malaysia's multicultural population and should be extended to tourism-related areas to ensure that international visitors understand local norms and restrictions.

Leverage International Best Practices

Drawing lessons from Singapore, India, and the UK, Malaysia can develop a regulatory model that:

- Combines time-based and location-based restrictions,
- Incorporates community consultation and local adaptability,
- Aligns enforcement mechanisms with public health and social priorities.

Singapore's Liquor Control Act demonstrates the effectiveness of targeted enforcement backed by clear legal authority, while India's constitutional recognition of alcohol as a public health concern offers a normative foundation for long-term prohibition strategies. The UK's use of PSPOs illustrates how localised discretion can be balanced with national legal oversight. Malaysia should adopt a hybrid approach, guided by constitutional principles, institutional capacity, and social realities.

Constitutional and Policy Reform

Finally, Malaysia should consider a broader policy shift by integrating alcohol regulation into its national public health agenda. The inclusion of a constitutional provision, similar to Article 47 of India's Constitution, mandating the state to promote public health and reduce harm from intoxicating substances, could offer strong legal and moral grounds for sustained regulation. This reform would symbolically elevate the issue from municipal concern to national priority.

A more coherent and impactful strategy would involve embedding alcohol control within a national public health framework. This shift reflects the growing global consensus, endorsed by the World Health Organization (WHO), that harmful alcohol use is a major public health issue contributing to non-communicable diseases, injuries, and social harm (World Health Organization [WHO], 2018). Integrating this issue into national policy would ensure that strategies such as taxation, advertising restrictions, minimum pricing, and education campaigns are coordinated, evidence-based, and sustained (WHO, 2010).

One promising route for such integration is through constitutional reform. Malaysia could consider the inclusion of a provision akin to Article 47 of the Indian Constitution, which declares:

"The State shall regard the raising of the level of nutrition and the standard of living of its people and the improvement of public health as among its primary duties, and, in particular, the State shall endeavour to bring about prohibition of the consumption except for medicinal purposes of intoxicating drinks and of drugs which are injurious to health" (Article 47, Constitution of India).

This kind of constitutional mandate does not impose immediate legal obligations but serves as a directive principle of state policy, a guiding norm that legitimises and encourages the state to

regulate intoxicating substances as part of its duty to protect public health. It would provide a stronger constitutional basis for alcohol-related regulations that may otherwise be challenged as infringing upon commercial freedoms or individual rights (Khairil Azmin Mokhtar, 2017). While not justiciable, such provisions carry moral and symbolic weight, guiding legislation, executive actions, and judicial interpretation over time (Khosla, 2020).

Constitutional recognition of public health obligations related to intoxicating substances would mark a mature and forward-looking reform. It would help Malaysia move beyond reactive, enforcement-based approaches toward a preventive, rights-based, and health-focused model of alcohol governance. This could significantly contribute to reducing alcohol-related harm, improving population health, and aligning Malaysia's legal and policy frameworks with international best practices.

Conclusion

The legal control of alcohol consumption in public spaces is an evolving area of law that intersects with public health, religious sensitivities, urban governance, and civil liberties. In Malaysia, while the consumption of alcohol is generally permitted for non-Muslims, the absence of a comprehensive federal prohibition on public drinking has resulted in a fragmented and inconsistent regulatory environment. Multiple legal instruments, including the Penal Code, Road Transport Act 1987, Excise Act 1976, local authority bylaws, and Syariah enactments, address different aspects of alcohol regulation, but none offer a holistic solution to the growing concerns surrounding public intoxication, disorderly conduct, and community discomfort.

The current landscape reveals three major legal deficiencies: the lack of uniform definitions and scope regarding what constitutes "public spaces"; the uneven distribution of regulatory responsibilities between federal, state, and local governments; and the absence of a legal regime that effectively balances religious and cultural sensitivities with civil rights and public health priorities. Without federal coordination, the reliance on local bylaws leads to discrepancies between municipalities, resulting in public confusion, selective enforcement, and, ultimately, diminished respect for the law.

Comparative jurisdictions offer instructive solutions. Singapore provides a clear and effective model through its Liquor Control (Supply and Consumption) Act 2015, which imposes time-based restrictions and empowers enforcement officers with defined authority. India, through its constitutional Article 47 and its state-level alcohol control laws, demonstrates the role of normative legal commitments to public health in shaping local policies. The United Kingdom offers a balanced approach that empowers local authorities while retaining overarching legal frameworks through Public Spaces Protection Orders. These examples show that effective regulation is not merely punitive but is embedded in broader policy commitments, public education, and institutional capacity.

For Malaysia, the pathway forward lies in the development of a national legal framework for public alcohol consumption. This should include clear definitions, designated alcohol-free zones, enforceable penalties, and comprehensive licensing reforms. It must also support local authorities with standard guidelines and model bylaws, while respecting Malaysia's unique legal pluralism by aligning civil and Syariah law enforcement approaches. Furthermore, legal reforms should be reinforced through robust public awareness campaigns, multilingual education efforts, and transparent community engagement processes.

Ultimately, the goal is not to criminalise individual behaviour arbitrarily but to protect public safety, uphold communal harmony, and promote responsible alcohol consumption within a structured and equitable legal system. Legal clarity, institutional coordination, and cultural sensitivity are all prerequisites for achieving this balance. By learning from global practices and adapting them to its own constitutional and societal context, Malaysia has the opportunity to implement a legally sound, socially responsive, and operationally effective system of public alcohol regulation. Such a framework would not only address existing enforcement challenges but also restore public confidence in the rule of law and strengthen Malaysia's commitment to orderly and inclusive urban governance.

Acknowledgment

The fund for this article is supported by the Ministry of Higher Education (MOHE), Malaysia, through the Fundamental Research Grant Scheme (FRGS) under grant code: FRGS/1/2024/SSII1/UKM/02/3.

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