

Sexual Deviations in the LGBT Community on Islamic Law Perspective and Its Impact on the Existence of Muslim Families

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Abstract

The phenomenon of sexual deviance committed by the LGBT community amid social life is currently attracting attention for researchers to study more comprehensively by conducting a study of LGBT from the perspective of Islamic law and also looking at its impact on the existence of Muslim families because of their understanding and ability to understand the LGBT phenomenon very important. This research is included in the literature review category, complemented by using qualitative methods with a descriptive-analytical approach. Therefore, the results of this study state that LGBT behaviour is not natural or formed by a socio-cultural process at the beginning of human creation. In the implementation of punishment from the perspective of Islamic law, the LGBT community can prevent it from happening again and will create legal awareness for other members of society to avoid this act or other sexual deviations because apart from having an impact on health, it also affects social life, politics, economically, sociologically, psychologically and even religiously have damaged the joints of the family institution. Nonetheless, the existence of the LGBT community must still be respected on a humanitarian basis and given access to education, politics, the economy, and in all other fields.

Keywords: Sexual Deviations, LGBT Community, Islamic Law, Muslim Families

Abstrak

Fenomena penyimpangan seksual yang dilakukan oleh komunitas LGBT di tengah-tengah kehidupan sosial masyarakat saat ini menarik perhatian bagi peneliti untuk mengkaji lebih komprehensif dengan melakukan kajian LGBT dari perspektif hukum Islam dan melihat juga dampaknya terhadap eksistensi keluarga muslim sebab pemahaman dan kemampuan dalam memahami fenomena LGBT tersebut sangatlah penting. Penelitian ini termasuk pada kategori kajian kepustakaan yang dilengkapi

menggunakan metode kualitatif dengan pendekatan deskriptif-analitis. Oleh karena itu, hasil penelitian ini menyatakan bahwa perilaku LGBT bukanlah merupakan sesuatu yang bersifat alami atau dibentuk oleh suatu proses sosial budaya pada awal penciptaan manusia. Pada pelaksanaan hukuman perspektif hukum Islam, bagi para komunitas LGBT dapat mencegahnya untuk mengulanginya dan akan menimbulkan kesadaran hukum bagi anggota masyarakat yang lain untuk menghindari perbuatan tersebut atau penyimpangan-penyimpangan seks lainnya sebab selain memberikan dampak secara kesehatan, juga berdampak pada kehidupan sosial, politik, ekonomi, sosiologis, psikologis bahkan juga secara keagamaan telah merusak sendi-sendi lembaga keluarga. Meskipun demikian, keberadaan komunitas LGBT harus tetap dihargai atas dasar kemanusiaan dan diberikan akses pendidikan, politik, ekonomi, dan di semua bidang lainnya.

Kata Kunci: *Penyimpangan Seksual, Komunitas LGBT, Hukum Islam, Keluarga Muslim*

INTRODUCTION

The issue of sexual deviance has been the object of debate for quite a long time in human civilization. Societal norms that condemn various sexual deviations are challenged by groups who feel aggrieved by these norms. This kind of debate has become increasingly visible following the emergence of multiple campaigns by the LGBT community. Factors that influence the emergence of LGBT are hereditary in the form of sex hormone imbalances and environmental influences that are not good or unfavourable for the development of average sexual maturity.

According to Christiany Juditha, LGBT is a sexually deviant behaviour in which the sexual orientation is homosexual such as lesbian and gay. The gender identity is non-heterosexual such as bisexual and transsexual or transgender.¹ The term lesbian in Islam is called '*Sihāq*', namely women whose sexual orientation is towards the same sex or women who like the same sex physically, sexually, or emotionally.² Lesbian is homosexual between women, while gay is homosexual between men. Lesbian or homosexual behaviour is caused, among other things, by lousy education, upbringing, and association during childhood,

¹ Christiany Juditha, "Realitas Lesbian, Gay, Biseksual, Dan Transgender (LGBT) Dalam Majalah," *Jurnal Komunikasi* 6, no. 3 (2014): 22–30.

² Tri Ermayani, "LGBT Dalam Perspektif Islam," *Humanika, Kajian Ilmiah Mata Kuliah Umum* 17, no. 2 (2017): 147–168.

which results in abnormalities in the development of one's personality, also because of the desire to let go of lust or lust but not want to have children. Bisexuality is romantic attraction, sexual attraction, or sexual behaviour to both men and women simultaneously. Bisexuality means that men or women have a sexual interest in men and women simultaneously or at different times from an emotional, intellectual and sexual perspective.³ Meanwhile, transgender is the emergence of male or female feelings in a different physique, either from female to male or male to female, which makes them want to live in a gender identity that does not match their gender.

Transgender people may identify as heterosexual, homosexual, bisexual, pansexual, polysexual or asexual. In essence, the problem of gender confusion or what is commonly referred to as a symptom of transsexualism or transgender, is a symptom of dissatisfaction because he feels that there is no match between his physical form and his sex, his psychological or his dissatisfaction with his genitals. Transgender appears not only because of environmental influences but from the point of view of mental health science; transgender can appear influenced by culture, physical, sex, psychosocial, religious and health aspects.⁴

The many causes for the emergence of transgender phenomena can be a separate study for counsellors and other helper professionals such as psychologists and psychiatrists who deal with these problems. The more complex the issues experienced by the counselee, the more it requires a particular diagnosis of the problem. Therefore, some say that treating LGBT people like criminals just because of their sexual orientation or gender violates international law. Because this is tantamount to degrading their dignity as human beings, forcing them to undergo medical examinations is also cruel.

The LGBT community lives in almost every part of the world; they are part of members of a particular society, ethnicity and religion. The LGBT community tends to open up so that their status can be accepted in society. The phenomenon of LGBT is thriving in Indonesia because the right to freedom is increasingly open, so open campaigns can be carried out by playing up the issue of human rights.⁵ Even though the results of research conducted by Wahyu Ihsan

³ H Suwardin, "Lesbian, Gay, Biseksual, Transgender (LGBT) Perspektif Imam Syafi'i, Hukum Islam Dan Hukum Positif," *Nuansa* 11, no. 2 (December 1, 2018), <https://ejournal.iainbengkulu.ac.id/index.php/nuansa/article/view/1364>.

⁴ Tony Silva and Clare R Evans, "Sexual Identification in the United States at the Intersections of Gender, Race/Ethnicity, Immigration, and Education," *Sex Roles* 83, no. 11–12 (December 27, 2020): 722–738, <http://link.springer.com/10.1007/s11199-020-01145-x>; Sam Winter et al., "Transgender People: Health at the Margins of Society," *The Lancet* 388, no. 10042 (July 2016): 390–400, <https://linkinghub.elsevier.com/retrieve/pii/S0140673616006838>.

⁵ Meilanny Budiarti Santoso, "LGBT Dalam Perspektif Hak Asasi Manusia," *Share : Social Work Journal* 6, no. 2 (December 24, 2016): 220, <http://jurnal.unpad.ac.id/share/article/view/13206>.

and Umar Faruq Thohir stated that the impact that the LGBT campaign could have was very significant, starting from mental and physical health, social and educational to religious teachings, which were also affected.⁶ The reasons for openly campaigning for LGBT include the legal tolerance of LGBT actors and the existence of public figures who openly speak out for LGBT.

Human Rights are also a reliable weapon for the LGBT community and their supporters in voicing their aspirations to ask for support from the wider community. Now, the LGBT community is not ashamed to admit they are LGBT. With this openness, the LGBT community has joined forces to influence young people who have not been touched by various modes and, more importantly, the presence of human rights activists who are considered heroes to fight for the existence of LGBT.⁷

LGBT has become an interesting subject of discussion because their sexual orientation is branded as a dirty and immoral practice by religion. Still, then it turns into a humane approach and must be respected as part of respecting human rights. Even so, there are social deviations committed by the LGBT community, which hurt the successors of the nation and state who are religious. Besides being dangerous for the individual perpetrators, LGBT is also hazardous for society. In a social review of LGBT behaviour, Gunawan Saleh and Muhammad Arif said that LGBT was unacceptable because it significantly damaged the social structure of society and degraded human civilization.⁸

The public's fears and concerns about the development of the LGBT community movement are not without reason. One of the concerns that if an LGBT community movement is allowed to exist in Indonesia is allowed to live is the legalization of same-sex marriages, which could undermine the existence of the family institution. If individuals are reluctant to carry out marriages and give vent to their sexual desires illegally, they automatically undermine the family system and weaken the foundations of society. Furthermore, it causes moral destruction and loosens the bonds of religious values and norms, which ultimately bring unlimited freedom, as we see in today's society. The

⁶ Wahyu Ihsan and Umar Faruq Thohir, "LGBT Dan Liwāt Umat Nabi Luth Dalam Perspektif Tafsir," in *Proceeding of Conference on Strengthening Islamic Studies in The Digital Era*, vol. 2, 2022, 19–30.

⁷ Po-Han Lee, "LGBT Rights versus Asian Values: De/Re-Constructing the Universality of Human Rights," *The International Journal of Human Rights* 20, no. 7 (October 2, 2016): 978–992, <http://www.tandfonline.com/doi/full/10.1080/13642987.2016.1192537>; Varina Paisley and Mark Tayar, "Lesbian, Gay, Bisexual and Transgender (LGBT) Expatriates: An Intersectionality Perspective," *The International Journal of Human Resource Management* 27, no. 7 (April 11, 2016): 766–780, <http://www.tandfonline.com/doi/full/10.1080/09585192.2015.1111249>.

⁸ Gunawan Saleh and Muhammad Arif, "Perilaku LGBT Dalam Tinjauan Sosial," in *Prosiding 2nd CELSciTech: Urgensi Riset Dan Pengembangan Teknologi Informasi Dalam Mengatasi Masalah Bangsa*, vol. 2, 2017, 45–51.

phenomenon of sexual deviation is caused by cultural backwardness and unbalanced social change movements. Underdevelopment has caused family institutions to move away from standardising Islamic sexual education.

According to the research results of Kiki Megasari, Yulriya Ardhiyanti and Syukaisih in Pekanbaru City, a person's motivation to become LGBT is to seek a sensation of affection that they have never had before.⁹ They think that this is their way of life that God Almighty has arranged and that it is not a sin if LGBT behaviour continues because they believe this behaviour cannot change to routine. In addition, based on several previous studies, sexual behaviour deviations occur due to psychological disorders, environmental factors, and genetic factors. They can also happen because of the individual's desire to try something new that has never been experienced.

Based on the problems above, in responding to the phenomenon of the growing LGBT community in today's society, it is appropriate for Muslim intellectuals to intensively conduct socialization and legal counselling to the public about the dangers of deviant behaviour and efforts to overcome LGBT. Apart from that, it is also essential for each individual to have a good understanding of the various abnormal behaviours committed by the LGBT community from the perspective of Islamic law and their impact on the existence of Muslim families because experience and being able to understand the LGBT phenomenon is fundamental. Islam recognizes that humans greatly desire sex, especially with the opposite sex. For this reason, through laws based on the Qur'ān and Hadīth, Islam regulates the distribution of biological needs through marriage.

Through marriage, human nature can be well maintained because marriage regulates sexual relations between men and women with legal bonds in monogamy and polygamy.¹⁰ Marriage is an institution that links hearts, claims the benefit and combines love between two parties who are friends for life. With the existence of the institution of marriage, which is ordered to all Muslims, Islam prohibits all forms of sexual relations outside of marriage and sexual deviations.¹¹ This is because sex outside marriage and sexual deviation will lead to chaos in biological relationships, damaging the lineage and producing various

⁹ Syukaisih Kiki Megasari Yulriya Ardhiyanti, "Fenomena Perilaku Penyimpangan Seksual Oleh Lesbian, Gay, Biseksual Dan Transgender (LGBT) Di Kota Pekanbaru," *Menara Ilmu* 11, no. 78 (2017): 53–61.

¹⁰ Suud Sarim Karimullah, "Poligami Perspektif Fikih Dan Hukum Keluarga Negara Muslim," *MADDIKA: Journal of Islamic Family Law* 2, no. 1 (2021): 7–20.

¹¹ Suud Sarim Karimullah, "Urgensi Pendidikan Pra Nikah Dalam Membangun Keluarga Sejahtera Perspektif Khoiruddin Nasution," *Jurnal Kariman* 9, no. 2 (2021): 229–246; Suud Sarim Karimullah, "Konsep Keluarga Smart (Bahagia) Perspektif Khoiruddin Nasution," *Tafhim Al-'Ilmi* 13, no. 1 (2021): 75–88.

forms of crime that bring hostility and murder. This can happen, for example, because of jealousy caused by a change of partners or other reasons. Therefore, Islamic teachings view marriage as having a high position in the life of individuals, families and society.

RESEARCH METHODS

This research is included in the category of literature review, which is completed using a qualitative method with a descriptive-analytical approach which aims to provide an overview of Islamic law relating to LGBT and analyze the problems raised between two or more symptoms. In analyzing the data, researchers used a normative approach. Meanwhile, the purpose of this study is to provide critical information on the phenomenon of sexual deviations committed by the LGBT community so that they can realize the benefit the people and maintain the existence of the family institution in the era of globalization which is full of challenges and uncertainties.

RESULTS AND DISCUSSION

LGBT Phenomena and Freedom of Expression

It is stated that the LGBT phenomenon appears not only due to environmental influences. Influences from culture, physical, sex, psychosocial, religion and health also contribute to shaping every individual to become LGBT. Suppose the environment can influence behaviour and, conversely, behaviour can be affected by the environment. In that case, when the internalization of individual values begins, individuals can limit themselves to be wiser in responding to the LGBT phenomenon. LGBT behaviour is not natural or formed by a socio-cultural process at the beginning of human creation. So, in this case, there are six main factors behind the formation of LGBT behaviour: genetic, psychological, religious, environmental, cultural, and upbringing. In other words, becoming an LGBT person is not a destiny but a tendency influenced by the conditions of the six factors.

The pros and cons of the LGBT community are often discussed in various mass media, both print and electronic. LGBT exist amid social life, giving rise to multiple perspectives and opinions about the LGBT community. Many consider LGBT behaviour a personal matter that does not need to be interfered with. Still, not a few also think that LGBT behaviour is a disorder of sexual orientation that is troubling for society because it has the potential to add new perpetrators, even harming the lives of the surrounding community.

Those who are pros and support LGBT, they argue that LGBT is a human right and should not be discriminated against by anyone, even if they are a

minority. LGBT is considered part of the lifestyle of modern society, which believes the view of heterosexuality is conservative and does not apply to everyone. In addition, the existence of LGBT must be respected based on humanity, no longer seen as a behaviour of mental disorders, and have access to politics, the economy, and all other fields the same as heterosexuals.

Psychologically the LGBT community feels discriminated against in any form based on sexual orientation, gender identity and gender expression, which is carried out by various parties, either by officials or state apparatus, which can affect the quality of their mental health. Therefore, the LGBT community needs support from multiple groups, including the family. For people who support the LGBT community use human rights as a shield. Their view is that lesbians, gays, bisexuals and transgender people are more likely to experience intolerance, discrimination, harassment, and threats of violence because of their sexual orientation.¹² The LGBT community is always looking for legal loopholes to continue strengthening their existence as a social community because liking the same sex is a natural will from God, so their rights must be given according to human principles. Meanwhile, the society that opposes and rejects LGBT believes that LGBT is a disease and disorder of sexuality that can be cured and is seen as Haram religiously because it can damage the social fabric of society, destroy morals, and go against destiny, leading to the extinction of the human species and even become the cause of God's punishment. In addition, all religions, such as Islam, Christianity, Hinduism and Buddhism, view LGBT as deviant sexual behaviour and cannot be accepted by all religions, especially in Indonesia.¹³

Of course, the deviant behaviour of the LGBT community cannot be taken for granted because society always has fundamental reasons to reject eccentric sexual actors and behaviour, whether based on religious or cultural teachings. People with LGBT do not understand when and how this behaviour appears, so they do not consciously desire this situation. Some of them accept, and some others reject the case. According to A. Dean Byrd and Stony Olsen, genetic factors are indeed a contributor to the formation of individuals to become lesbian, gay, bisexual and transgender, as outlined by the LGBT community.¹⁴ However, that doesn't mean he's automatically LGBT because parenting is the most critical factor in shaping and colouring a child's figure. Based on the principles of

¹² Chatterjee Subhrajit, "Problems Faced by LGBT People in the Mainstream Society: Some Recommendations," *International Journal of Interdisciplinary and Multidisciplinary Studies* 1, no. 5 (2014): 317–331.

¹³ Gunawan Saleh and Muhammad Arif, "Fenomenologi Sosial LGBT Dalam Paradigma Agama," *Jurnal Riset Komunikasi* 1, no. 1 (February 28, 2018): 88–98, <https://jurnalrisetkomunikasi.org/index.php/jrk/article/view/16>.

¹⁴ A Dean Byrd and Stony Olsen, "Homosexuality: Innate and Immutable," *Regent UL Rev.* 14 (2001): 383.

Human Rights, this situation may be acceptable, but some who still uphold good religious and divine values reject this situation.

Some consider this community the source of social problems and even tend to be seen as propagating idealism that violates religious and moral norms. However, some welcome and accept the LGBT community and hold a different view that no one wants to behave like LGBT or doesn't want to be LGBT. In psychological studies, it is stated that the elements that cause LGBT are usually from several things, such as 1) family, physical and mental violence causes hatred of the opposite sex; 2) association and environment, such as separate dormitories for men and women, invites gay and lesbian relationships to occur; 3) Biology, the genetics of the testosterone hormone which can affect behaviour; 4) morals and morals, diminishing social control of parents and society in the younger generation and the weakness of faith and passion.¹⁵

Activists who support the LGBT community want to stop violence against the LGBT community and not sexually harass anyone. They understand the public not to exploit LGBT by equating homosexuals with paedophiles. They argue that any homosexual group can commit paedophiles. Meanwhile, homosexuality is a relationship between adults and adults who are consciously committed, so no party is harmed.¹⁶ The LGBT community also tries to build relationships with the community as best they can by interacting with individuals, groups, and other organizations to be accepted in social life¹⁷. Even though they encountered various human rights violations, ranging from verbal violence, such as sneering, to physical violence, such as being splashed with water, stripped naked, and even killed, it still occurs, especially among those who are transgender.

Various forms of discrimination felt by the LGBT community are considered a violation of human rights because the LGBT community lives in almost every part of the world; they are members of a particular society, ethnicity and religion. They are also human beings whose rights must be respected, but in several countries, including Indonesia, they experience discrimination caused by identity and sexual orientation. In addition, some argue that there is discrimination against the LGBT community, which results in this minority community being cornered. Some human rights activists suggest a law that

¹⁵ Abd Mukhid, "Kajian Teoritis Tentang Perilaku Lesbian, Gay, Biseksual, Transgender (LGBT) Dalam Perspektif Psikologis Dan Teologis," *Sophist: Jurnal Sosial Politik Kajian Islam dan Tafsir* 1, no. 1 (2018): 53–75.

¹⁶ Rustam DKA Harahap, "LGBT DI INDONESIA : Perspektif Hukum Islam, HAM, Psikologi Dan Pendekatan Masalah," *Al-Ahkam* 26, no. 2 (December 2, 2016): 223, <http://journal.walisongo.ac.id/index.php/ahkam/article/view/991>.

¹⁷ Hawkes Scott, *Perpektives In Human Sexuality* (Oxford: Pennsylvania University Press, 2005), 28.

protects the LGBT community so that no discrimination is received against them and accepts their presence in the world amid social life.

The absence of clear written regulations other than social norms regarding LGBT provides various interpretations of whether or not LGBT is prohibited in Indonesia. In Indonesia, the existence of the LGBT community does not have political legitimacy, even though, at a certain point, it often becomes a political object. The absence of political legality is a strong reason why LGBT identities become pseudo, illegal and simultaneously bring new polemics into the practical reality of Indonesian society. One thing that must be agreed upon is that Indonesia is a country based on Belief in One Almighty God. When discussing God, carrying out this life cannot be separated from religious rules.

Moreover, Indonesia has a majority Muslim population, so making religion the basis for creating rules should be its hallmark. Mainly when we discuss the issue of LGBT, it is common knowledge that all religions have agreed to reject the existence of this deviant behaviour. In addition, Indonesian law only recognizes the fact of male and female genders, so transgender people who do not choose to undergo sex change surgery may experience problems obtaining identity documents and other related matters.

Several regional regulations in Indonesia prohibit homosexuality as a crime because it is seen as immoral; for example, the Regional Regulation of the Province of South Sumatra Number 13 of 2002 concerning the Eradication of Immorality in Article 1 of the Regional Regulation includes LGBT groups as part of prostitution. Palembang City Regional Regulation Number 2 of 2004 concerning the Eradication of Prostitution, in Articles 1 and 2, it is also emphasized that homosexuality is categorized as an act of prostitution. Padang Panjang City Regional Regulation Number 9 of 2010 concerning Prevention, Eradication and Enforcement of Social Diseases.

This phenomenon proves that it is difficult for Indonesian people to provide space to fulfil the rights of the LGBT community as part of Indonesian citizens. Therefore, the presence of the state is needed to provide guidance and views on LGBT so that people have firmness in their attitudes. Rumours that discuss the status of LGBT direct that the Indonesian people feel that their security and order are threatened because, in the LGBT community, acts of sexual violence and murder often occur. This happens because LGBT offenders quickly change partners, tend to force their dominant will on same-sex partners, blindly indulge, or conversely, severe disappointment, which leads to the killing of same-sex partners. In fulfilling their sexual desires, it is not uncommon for them to resort to violence against children and other weak women they desire. These reasons are why families, community and religious leaders, and state

policymakers do not want to see LGBT as human beings who have rights and are equal to other groups.

Islamic Law Perspective on the Sexual Development of the LGBT Community

Islam requires normal sex relations through marriage to devote all of its time to the worship of Allah. To overcome the damage to the soul and direct it to have a noble character, Islam wants human nature to go according to the will of the Almighty. Only Islam disapproves of the view that restraining natural sexual instincts cannot be associated with the high degree and value of one's nobility. This view is contrary to all moral and spiritual concepts instilled by Islam. Instinct, even mental prowess or physical failure is a gift from God. Sexual ethics in Islam is very comprehensive; Islam does not only regulate the procedures for having sexual intercourse but is much more specific in regulating to whom sexual needs are channelled or who may become sexual partners based on Islamic teachings.

Even though Islam has regulated legal and lawful biological relationships, deviations can still occur, whether in the form of adultery, lesbian or homosexuality. This happens because of a natural urge that is not controlled correctly, caused by a lack of understanding and practising religious teachings. The typical sexual orientation in society is heterosexual, while homosexuality is considered by society to be a deviation from sexual orientation. A complex interaction between environmental, cognitive, and biological factors causes sexual orientation. The sex instinct itself is the strongest instinct, which demands channelling. If the distribution cannot be satisfactory, the person will experience turmoil and lose control over his lust, and sexual relations outside the law will arise; for example, homosexuality.

Homosexuality is the tendency to be sexually attracted to the same sex. Homosexuality is included in the category of sexual immorality because it has sexual behaviours or sexual fantasies directed at achieving orgasm through relationships other than heterosexual intercourse, with the same sex or with immature partners, and contrary to the norms of behaviour. Sex in a society that is not generally accepted, If men are attracted to men, they are called gay; if women are attracted to women, they are called lesbians. Islam strictly prohibits homosexuality because it hurts personal life and society, namely; A homosexual has no desire for the opposite sex, and feelings of love for the same sex bring a mental disorder that creates an odd attitude and behaviour and results in damage to the nerves of the brain, weakens the mind, and eliminates enthusiasm for work.

Homosexuality is a heinous act and includes a grave sin which destroys ethics, nature, religion and the human soul. In the case of homosexuals, individuals or sufferers who experience sexual disorientation get pleasure from sexual fantasies through same-sex partners. This sexual orientation can occur due to the genetic inheritance of chromosomes in the body or due to environmental influences such as sexual trauma obtained in the process of individual life development, as well as in the form of interactions with environmental conditions that allow individuals to tend to it.

Homosexuality deviates from human nature because human nature tends towards heterosexual biological relationships, namely sexual relations between men and women. This homosexuality is a repetition of the history of the Ummah of Prophet Lut, which is told in the Qurān. The story about the people of Prophet Lut is found in several letters, namely in Q.S. Al-'Arāf [7]:80-84, Q.S. Al-Nāml [27]: 54-58, Q.S. Hūd [11]: 77-83, and Q.S. al-Syu'arā' [26]: 160-175. All the surahs and verses that have been mentioned reinforce each other's information about the story of the Prophet Lut's people. Almost all commentaries perpetuate this story, exceptionally when disclosing the content of the verses related to the story of the prophet Lut.

The actions of Prophet Lut's people had exceeded the limits of humanity, which only offered prayers to fellow men and were not interested in women, as provided by Prophet Lut. This kind of action has fatal consequences because it can damage the mind and soul and cause moral destruction and crimes that will eliminate the peace of society, so Allah punished the people of the Prophet Lut because of their behaviour in same-sex relations. Even so, those who were not punished were only Prophet Lut and his followers, who were pious, obedient to carrying out God's commands and abstaining from homosexual acts.

Islam is a religion at the forefront of fulfilling human rights without exception for human sexual rights. Islam tackles the LGBT problem from its roots by forbidding all the causes of this disease so that adultery, homosexuality and all things that can cause both are banned. This can provide essential protection from deviant sexual behaviour not in line with human nature and the range of developing venereal diseases. The Islamic Method of Fighting Venereal Diseases consists of a set of beliefs and philosophies that are straight in society, age characteristics and social relations, as well as a set of standard rules in viewing the three main pillars: humans, the universe and life.

Islam stipulates legislation and laws that are educational and preventive, which can guarantee the peace of individuals and society. The legal sanctions established by Islam are the best way for humans. In Islam, punishment applies

to all individual activities that are not limited to sexual cases. Discipline is needed when advice and guidance are no longer effective in solving the problem, and then a method of punishment is required. Punishment may be imposed as a last resort in educating after other efforts have failed. However, the sentence must still be based on the rules set by Islam and may not exceed certain limits.

By carrying out these punishments, society can be protected from various crimes and irregularities. Law is a barrier before the occurrence of crime and prevention after the event of the crime. By knowing the legal sanctions of a crime, a person can be deterred from taking action. Implementing punishments for those who commit crimes such as homosexuality, as committed by the LGBT community, can prevent them from repeating them and will create legal awareness for other members of society to avoid these acts or other sexual deviations.

According to Imam Shafi'i, those who like men of the same sex, namely gay, are subject to sanctions because this action is heinous and immoral. For Imam Shafi'i, this deviant behaviour is the same as adultery because people who commit liwath include people who have lost their minds and have bad morals, so legal sanctions for perpetrators of liwath who are married (*Muhsôn*) are subject to the law of being stoned to death or known with the term stoning, as for gays who are not married (*Ghairû muhsôn*) are subject to caning. The occurrence of liwath requires four witnesses who witnessed the incident as stipulated in the law of adultery.¹⁸

While the legal provisions for lesbian actors (*sihâq*) are in the book *al-Bayan fi Madzhab al-Shafi'i*, it is unlawful for women to approach other women, and they are not subject to *hudûd* sanctions. The opinion of the majority of lesbian scholars is only subject to *ta'zîr* sanctions. Contrary to the idea of Imam Malik, the woman's sentence was lashed one hundred times. Then, according to Sayyid Sabiq, he interpreted Surah an-Nisâ' verses 15-16 as follows;¹⁹ 1) Lesbians who commit heinous acts, namely lesbians, must be punished with the condition that four men act as witnesses. Legal sanctions are held at home, between the two must be separated. When they are detained until the woman repents or dies; 2) Homosexual men who commit heinous acts must also be punished, provided that they bring in four male witnesses. If they regret their actions and repent and promise not to repeat them before being sentenced, they can be released from the

¹⁸ Suwardin, "Lesbian, Gay, Biseksual, Transgender (LGBT) Perspektif Imam Syafi'i, Hukum Islam Dan Hukum Positif."

¹⁹ Sayyid Sabiq, *Fiqh As--Sunnah*, vol. III (Bairut: Dâr al-Fikr, 1981).

sentence that has been determined for their actions.²⁰ Furthermore, the legal provisions for bisexual actors must be seen from the gender of the partner in channelling his sexual desires so that if someone is homosexual, a man directs his sexual desires to the same sex. The law that applies is the provisions of gay law (liwath), but if lesbians or women channel their desire for lust and lust to women of the same sex, then the law is the same as the legal provisions of lesbians.²¹

Regarding transgender or transsexual laws, scholars forbid agreeing unanimously that transgender behaviour is unlawful, except for the style of gestures and manner of speech a person has innate natural behaviour from birth. In Islamic teachings, if a person is perfectly male but his behaviour is exactly like that of a transvestite or transvestite. So, for whatever reason, you cannot undergo gender surgery to become a woman. Still, you have to do healing through psychotherapy, even though this treatment takes a pretty long time because it includes gender behaviour, sexual orientation and behaviour.

The Fatwa of the Indonesian Ulema Council (MUI) at the VIII National Conference (MUNAS) stipulates that two transgender laws are explained. First, the change of genitals: male or female genitalia, which is changed from male to female or vice versa by sex reassignment surgery, is stipulated as unlawful, and there is no consequence of Islamic law for this act. Second, the enhancement of the genitals: For transgender persons who perfect the function of their dominant genitals through surgery, it is permissible so that there are consequences and legal implications of the act of improvement.²²

Islamic scholars agree on the prohibition of deviating sexual behaviour by the LGBT community, but they still differ in opinion on determining the punishment for those who do it. Islamic law views sexual deviance as abnormal, disgusting and out of the corridors of Islamic teachings. So the perpetrators are subject to punishment by the provisions of Islamic law, both had and ta'zir, because sexual deviation is a crime. Islamic law does not explicitly regulate the

²⁰ Muh Bahrul Afif, "Islam and Transgender (A Study of Hadith about Transgender)," *International Journal of Nusantara Islam* 7, no. 2 (August 9, 2019): 185–189, <https://journal.uinsgd.ac.id/index.php/ijni/article/view/6138>.

²¹ Javaid Rehman and Eleni Polymenopoulou, "Is Green a Part of the Rainbow: Sharia, Homosexuality, and LGBT Rights in the Muslim World," *Fordham Int'l LJ* 37 (2013): 1; HASAN ZAINI, "LGBT Dalam Perspektif Hukum Islam," *JURIS (Jurnal Ilmiah Syariah)* 15, no. 1 (March 18, 2017): 65, <http://ecampus.iainbatuangsangkar.ac.id/ojs/index.php/Juris/article/view/489>; Sarah MacCarthy et al., "The Time Is Now: Attention Increases to Transgender Health in the United States but Scientific Knowledge Gaps Remain," *LGBT Health* 2, no. 4 (December 2015): 287–291, <http://www.liebertpub.com/doi/10.1089/lgbt.2014.0073>.

²² Septira Putri Mulyana et al., "Analisis Waria Atau Transgender Melakukan Operasi Ganti Kelamin Dalam Perspektif Hukum Islam Dan Hukum Positif," *istinbath* 18, no. 2 (2019).

object of sexual deviance crimes committed by the LGBT community, but Islamic law is broader in dealing with various sexual deviance crimes.²³

The lesson from the prohibition of LGBT in Islam is to maintain the existence of the family institution. Suppose LGBT is not eradicated or prohibited by the provisions of Islamic religious teachings. In that case, it will destroy human nature as the caliph of Allah and violate the sunnatullah and His laws. In Islam, marriage is a humane and commendable way to channel sexual desire for everyone and does not cause damage to society. Meanwhile, sexually deviant behaviour carried out by the LGBT community not only poses a danger to individuals who carry out such a life practice but also, from a health point of view, can cause and infect dangerous viruses to anyone.

The lesson from other LGBT prohibitions that is very significant is the maintenance of human morals and morals. Islamic law places great importance on moral and moral nobility because humans can carry out their nature in accordance with the sunnatullah. Good morals and morals will bring peace to humans to carry out orders and stop the prohibitions imposed by Islamic teachings.

The Effect of Sexual Deviation of the LGBT Community on the Existence of Muslim Families

Marriage is a natural oasis, a meeting place for men and women in their search for spiritual and physical peace. In addition, the existence of marriage can provide a safe way for the sex instinct to obtain good offspring. All religions have established legal marriage provisions as guardians of the sacredness of the relationship between husband and wife, whose legality is guaranteed to maintain the existence of the family system. This has also been regulated in Islam because marriage in Islam is not just to fulfil biological needs but also a means for personal development to maintain the purity of nature. Islam recognizes that humans have the desire to have sex, especially against the opposite sex.

Islam regulates this in an institution called marriage. In marriage, the relationship between husband and wife is held, the rights and obligations of husband and wife, the responsibilities of parents towards children and vice versa. Besides, parenting style is also a factor in shaping and colouring a child's

²³ Samsul Draman and Abdurezak A Hashi, "Health and Social Challenges of LGBT: Islamic Perspective," *IIUM Medical Journal Malaysia* 18, no. 1 (November 20, 2020), <https://journals.iium.edu.my/kom/index.php/imjm/article/view/219>; Bettina Dennerlein, "Sexual Rights and Their Discontents: Yūsuf Al-Qaradāwī on Homosexuality and the 'Islamic Family,'" *Journal of Arabic and Islamic Studies* 17 (January 1, 1970): 247–267, <https://journals.uio.no/JAIS/article/view/6117>; Iffatin Nur, Teguh Teguh, and Hiba Fajarwati, "Litigation and Penology of Pedophilia in the Perspective of Indonesian Conventional and Islamic Laws," *Analisis: Jurnal Studi Keislaman* 22, no. 2 (2022): 179–206.

figure. Children who are used to watching shows with gender bias, graceful men and women who look masculine will affect their mental development in the future. At the same time, genetic factors can occur due to changes in chromosome composition. Thus, a family is formed, the basis of community life. Therefore, Islamic teachings view marriage as having a high position in the life of individuals, families and society.

Even though Islam has regulated lawful and legal biological relationships through marriage, sexual deviations can still occur in social life. People who experience sexual deviance hide their behaviour and don't want to admit it. They refuse to acknowledge sexual behaviour that deviates from social, moral and religious norms because of fears of rejection and discrimination from the environment. This sexual deviance is not only perpetrated by atheists who deny having a form for Allah and against the Day of Resurrection but also by religious people who believe in the existence of God and the afterlife. This is because today's civilization has gone far towards materialism, leaving religion and spiritual values behind.

Sexual deviant behaviour is sexual behaviour that society cannot accept because it is not by religious procedures and norms. The influence of sexual deviations such as homosexuality, according to psychologists, is the absence of the desire to enter into marriage to preserve humanity. If one of them is married, he will order the man he likes to have intercourse with his wife as long as the man is willing to have homosexual intercourse with him. If a homo is old and unable to go to a man, he invites himself and pays some money in return. As a result of this behaviour, women also feel dissatisfied with having sex with men, and their desire arises to have sex with each other or lesbians.²⁴

According to Huzaemah Tahido Yanggo, the impact of LGBT behaviour can be dangerous, both personally as perpetrators of deviance and in general, which can result in damage to the foundations of life, such as;²⁵ First, social life which is full of blessings and a sense of security is lost due to the bad behaviour of LGBT people. Second, the Qur'an explains that as a result of a sin committed by a human being, punishment and disaster will be inflicted on the perpetrator of the sin and all the people who live in that area, including the believers who live in it. Third, disease outbreaks will run rampant due to deviant sex acts, Fourth, Homosexual acts are immoral and despicable, which can result in a shaken soul and weakened nerve cells due to the impact of inappropriate homosexual sexual desires, and Fifth, Excommunicated in society.

²⁴ Hamka, *Tafsir Al-Azhar* (Jakarta: Panjimas, 1979), 290.

²⁵ Huzaemah Tahido Yanggo, "Penyimpangan Seksual (LGBT) Dalam Pandangan Hukum Islam," *MISYKAT: Jurnal Ilmu-ilmu Al-Quran, Hadist, Syari'ah dan Tarbiyah* 3, no. 2 (2019): 1–28.

Furthermore, Sixth, activities and activities of lesbian and gay actors who play and participate actively in social life so that the community knows their existence can encourage the legalization of homosexual behaviour and the formation of rules and laws, even though homosexuality violates the applicable religious and moral traditions. Seventh, based on the pretext of human rights that homosexual perpetrators are human beings who can live in society, this kind of view can change the structure of social life so that society accepts and can live side by side with other perpetrators of sexual deviation, even though this act is a disease of society that must be avoided. Eighth, Homosexuality is a heinous and evil act and can lead to rampant prostitution and economic and social losses. Ninth, homosexual acts can destroy men's and women's honour, virtue and glory. Tenth, homosexual acts can interrupt the human breeding line or the absence of offspring, so the population decreases.

In addition to the social impact, the rise of the LGBT community as deviant sexual behaviour will negatively affect the structure of society. Such as the proliferation of various venereal diseases and psychological diseases. LGBT will also trigger the emergence of a hedonistic culture that is amoral, permissive and physically and psychologically sick. From a religious perspective, the outbreak of LGBT will start the wrath of Allah and lead to a terrible punishment for religious people and the majority of adherents of Islam. It even damages the process of regeneration and offspring so that it impacts the quality of Human Resources in the future. In addition, LGBT behaviour has several impacts on health, according to the results of Rokhmah's research (2015), explaining that the lifestyle of lesbians, gays, and bisexuals is reflected in their sexual activities such as: changing partners, not using condoms and having anal and oral sex. This causes lesbian, gay, and bisexual life to be very vulnerable and at risk of psychological and sexual violence, which impacts the possibility of transmission and spread of sexually transmitted infections and Human Immunodeficiency Virus (HIV) or Acquired Immune Deficiency Syndrome (AIDS).²⁶ In addition to the impact on health, sexual deviations committed by the LGBT community also affect social, political, economic, sociological, psychological and even religious life.

Meanwhile, from a psychological point of view, deviant sexual behaviour can arise due to sexual libido, delays in the age of marriage, taboos and prohibitions on discussing sexual problems, lack of information about sex, and the influence of promiscuity. This bad habit will affect the psyche and have a

²⁶ Dewi Rokhmah, "Pola Asuh Dan Pembentukan Perilaku Seksual Berisiko Terhadap HIV/AIDS Pada Waria," *Jurnal Kesehatan Masyarakat* 11, no. 1 (September 11, 2015): 125, <http://journal.unnes.ac.id/nju/index.php/kemas/article/view/3617>.

powerful effect on the nerves so that the perpetrator feels he is not a real man or woman and worries about his identity and sexuality. This will have a terrible impact on their survival because LGBT people will not be able to determine their attitude as real men or women. And what is clear, LGBT culture is very much against religious values and far from nature as a human being.

To avoid the negative consequences of LGBT, awareness is needed that the family is the initial environment that will shape human identity. Therefore, teaching about sexuality or sex education early in the family environment is expected to be a powerful solution to preventing LGBT. In addition, they are strengthening family resilience by early detecting deviations in sexual behaviour experienced by family members and being able to resolve them so that they do not develop into social problems.

Furthermore, religious norms and values also need character and moral development. Forming correct character and morals is a utopia as long as the principles and systems that apply are worldly and contrary to the principles and techniques of religion. The loss of faith in social life and the triumph of the laws of materialism theory cause sexual deviation. Religious leaders and medical experts are trying hard to overcome and prevent sexual deviation. Then, excellent and harmonious supervision is needed for parental interactions in raising children, relationships between families, social environment and friendships in preventing LGBT behaviour because all of them can become intermediaries for the spread of LGBT behaviour.

CONCLUSION

LGBT behaviour is not natural or formed by a socio-cultural process at the beginning of human creation. So, in this case, there are six main factors behind the formation of LGBT behaviour: genetic, psychological, religious, environmental, cultural, and upbringing. Of course, the deviant behaviour of the LGBT community cannot be taken for granted because there are always fundamental reasons for society to reject eccentric sexual actors and behaviour, whether based on religious or socio-cultural teachings. Implementing punishment from the perspective of Islamic law for the LGBT community can prevent it from happening again and will create legal awareness for other members of society to avoid this act or other sexual deviations. Islam stipulates legislation and laws that are educational and preventive, which can guarantee the peace of individuals and society.

In addition to impacting health, the sexually deviant behaviour carried out by the LGBT community also affects social, political, economic, sociological, psychological and even religious life, damaging the foundations of the family

institution. Nonetheless, the existence of the LGBT community must still be respected on a humanitarian basis and given access to education, politics, the economy, and in all other fields. Then, to avoid the consequences of negative behaviour by the LGBT community, awareness is needed that the family is the initial environment that will shape human identity. Therefore, teaching about sexuality or sex education early in the family environment is expected to be a powerful solution to preventing LGBT. In addition, they are strengthening family resilience by early detecting deviations in sexual behaviour experienced by family members and being able to resolve them so that they do not develop into social problems. Furthermore, religious norms and values also need character and moral development.

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