

# Islamic Law Review Analysis on Lesbian, Gay, Bisexual, and Transgender (LGBT)

*by Muchlis Bahar*

---

**Submission date:** 01-Feb-2022 06:09PM (UTC+0700)

**Submission ID:** 1752685208

**File name:** Endless\_2020\_Muchlis\_Bahar\_Pusat\_-\_English.edited.docx (45.27K)

**Word count:** 5423

**Character count:** 29201

# Islamic Law Review Analysis on Lesbian, Gay, Bisexual, and Transgender (LGBT)

Muchlis Bahar

UIN<sup>27</sup> Imam Bonjol Padang, Indonesia

Email: [muchlisbahar@uinib.ac.id](mailto:muchlisbahar@uinib.ac.id)

## Abstract

The purpose of this study was to conduct an analysis of Islamic law in relation to lesbian, homosexual, bisexual, and transgender (LGBT) concerns. This study employs qualitative research and descriptive analysis. Primary and secondary data are analyzed. The data analysis in this study is qualitative, with an emphasis on positive Islamic law. In view of the analysis's findings, it can be seen that Islamic law views and punishes the actions and activities carried out by LGBT people as haram. The Indonesian Ulema Council considers the actions of LGBT people. In general, Islamic law views homosexual acts as a category of adultery; this also follows the fatwa of the Indonesian Ulema Council, which expects LGBT perpetrators to be criminal acts that the authorities can criminalize.

**Keywords:** Analysis, Islamic Law, LGBT, Homosexuality.

## A. INTRODUCTION

Sex is one of the great potentials that God has given to humans. This potential can make humans have sex and give birth to continue the lineage (Yuliastini et al., 2018; Ridwan & Wu, 2018). With this potential, the preservation of human life will be maintained. Therefore, all religions have established legal marriage provisions so that the sacredness of sexual relations is guaranteed legality. With the growth of promotions or advertising for LGBT individuals on social media, the phenomenon of lesbian, gay, bisexual, and transgender (LGBT) people has become a highly discussed topic in Indonesian culture at the moment (Arifin & Satria, 2020; Wijaya, 2020). Recruitment propaganda by LGBT persons has spread across multiple social media platforms; even LGBT groups have spread to colleges, schools, and other public spaces. Various independent survey institutions at home and abroad state that Indonesia has 3% of the LGBT population of the total population.

The growth of the LGBT phenomenon in Indonesia is inextricably linked to the trend in liberal countries toward recognizing and accommodating the LGBT community. LGBT is considered a part of contemporary society's lifestyle, which views heterosexuality as rigid and not universal (Bagir & Ariningtyas, 2020; Marpaung et al., 2020). Social legitimacy is established by a priori scientific and theological justifications that serve to bolster claims about their existence and social objectives.

This scenario accelerated the expansion of the LGBT movement, which became a societal epidemic (Butt, 2020).

LGBT is an acronym for Lesbian, Gay, Bisexual, and Transgender; this term has been in use since 1990 and has supplanted the phrase "Gay Community" due to its more accurate representation of the previously listed groups. This acronym emphasized diversity (Bicmen & Bekirogullari, 2014). In addition, the acronym LGBT is used by the majority of the sexual identity-based community and media in the United States and several countries where English is the primary language. The use of the acronym LGBT is politically charged and indicates that the issues and priorities of the groups represented must be given equal attention to other groups (Wu et al., 2017). The first term that was widely used was Homosexual, but because it was considered to have a negative connotation, in the 1960s, it was replaced with the term Homophile, then in the 1970s, it was replaced with the term "Gay" (Aslan et al., 2019).

June 26, 2015, is a historic day for LGBT people because the United States Supreme Court made a decision that is believed to influence the decision of many countries to participate in making similar decisions that legalize LGBT people. After all, it is one of the basic rights that everyone must have (human rights) (Khorashad et al., 2017). Every human being has basic rights, namely the freedom to love other individuals and legislate their romantic relationship in a social institution in marriage regardless of gender, ethnicity, race, religion, or social group behind them. Gay marriage has been legalized in 13 states in the United States, such as Washington DC, Connecticut, New York, New Jersey, Hawaii, Massachusetts (Roberts, 2019; Khoir, 2020).

Before the United States, in 2001, the Netherlands had already become a pioneer country that legalized the marriage of LGBT people. In Asian countries, the rights of LGBT people are somewhat limited compared to many countries in other regions (Schwartz et al., 2015). Egalitarian relations modeled on the lifestyle in western countries have spread to various secular countries. LGBT perpetrators are officially sentenced to death in several Muslim countries, Qatar, Saudi Arabia, United Arab Emirates, Yemen, Afghanistan, Iran, and Brunei. However, the State of Israel, Hong Kong, Japan, Nepal, the Philippines, Thailand, Vietnam, Taiwan, and Cyprus are the countries most open to the LGBT community and are major players in terms of legislation (Azhari et al., 2019; Yulius et al., 2018). In Indonesia, the issue of same-sex or LGBT marriages has caused a stir because there was an issue of a 180 million dollar disbursement from the United States.

Apart from being heavily campaigned by certain mass media and journalistic organizations, LGBT and adultery have entered several high-ranking state institutions such as the House of Representatives and the People's Consultative Assembly to obtain legal protection. According to Mahfud MD, if the House approves it of Representatives, the House of Representatives will receive the payment. Therefore, don't be fooled. This was conveyed by Mahfud, MD, in response to the chairman of the People's Consultative Assembly about the existence

of 5 factions in the House of Representatives who agreed that LGBT was allowed in Indonesia.

However, many stigmas are spread in the news, in 182 news stories that contain forms of stigma against LGBT groups. The conditions of stigma are very diverse, from religious stigma to LGBT stigma as a form of proxy war. The following provides data on various forms of stigma in the Indonesian media:

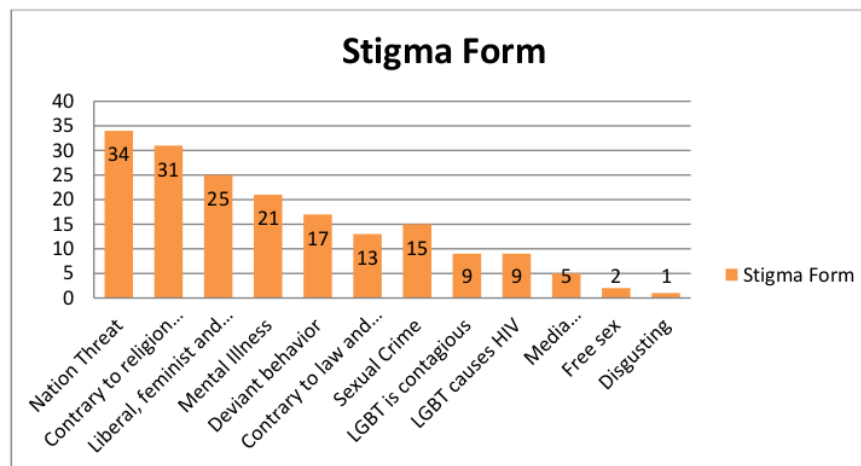


Figure 1. Stigma for LGBT in the media

Source: data proceed

By analyzing the news in the media, it is clear that the rejection of LGBT is founded on people's inability to live under diverse religious and moral norms. This rejection serves as the basic foundation for the propagation of additional stigmas against the LGBT group. In responding to the rampant activities (movements) of the LGBT community in Indonesia, in general, three perspectives can be grouped into important points in the LGBT debate in Indonesia, namely the religious perspective, the Human Rights (HAM) perspective, and the psychological perspective. First, Religious Perspective. According to Islamic Criminal Law, homosexuality (*liwāt*) is a major sin because it is contrary to religious norms, moral norms, and also against sunnatullah and human nature (Angelinawati & Schmidt, 2017). Even homosexual offenders can receive severe punishments up to the death penalty, as explained in the hadith.

The second opinion emphasizes the human rights perspective, for groups that support LGBT claiming that being LGBT is a human right, which is a basic right that is naturally inherent in humans, is universal and lasting; therefore, this right must be protected and respected. Maintained and should not be disturbed, reduced, confiscated by Anyone (Ivanova, 2018). This is also stressed in the UDHR's preamble, which declares that human rights must be maintained by the rule of law in order to prevent people from being forced to turn to revolt as a last resort in order to combat tyranny and colonialism (Jin et al., 2016).

The third is the psychological perspective. At first, in the DSM I (Diagnostic and Statistical Manual of Mental Disorders) and DSM II, homosexuality was considered a deviation that was included in a mental disorder. However, after several criticisms, in 1973, the APA (American Psychiatric Association) in DSM III excluded homosexuals from mental disorders or sexual disorders. This change in the psychological paradigm in viewing homosexuality has hugely impacted the discourse on homosexuality and LGBT legality in general (Wieringa, 2019). After APA was removed from DSM, LGBT was considered a natural and normal behavior.

## B. METHOD

This research uses qualitative research with a descriptive analysis approach. The types of data used are primary data and secondary data. Data analysis in this study uses qualitative analysis using a positive Islamic law perspective. The analysis begins by discussing LGBT by comparing various opinions of scholars in the book of *fiqh*. The investigation continues by discussing the phenomena of adultery, homosexuality, and lesbianism in the Qur'an, and the previous research examines the views of the Indonesian Ulema Council on the criminalization of LGBT.

## C. RESULT AND DISCUSSION

### Sexuality and Deviance

Sexuality has a very broad meaning, and this is because sexuality includes all aspects of life-related to biological sex and social aspects (gender), sexual orientation, gender identity, and sexual behavior. Sexuality is a social process that creates and directs human desire or lust. In social reality, sexuality is influenced by biological, psychological, social, economic, political, religious, and spiritual factors (Pausacker, 2020). Sexuality is a positive thing, always related to one's identity and honesty with oneself. The study of sexuality introduces three important terminologies regarding human sexuality: gender identity, sexual orientation, and sexual behavior.

Furthermore, sexual orientation can be understood as a capacity possessed by every human being related to emotional attraction, affection, and sexual relations. Referred to as hetero if their sexual orientation is directed at the other sex. However, there is also bisexuality if the sexual orientation is double; namely, someone attracted to the same sex and the opposite sex (Adhiartono, 2020).

Sexual behavior is strongly influenced by social construction, is not natural, and can be learned. Sexual behavior is the way a person expresses his sexual relationship. There are many variants, including oral sex and anal sex (also called sodomy or *liwāt* in Arabic). Sodomy or *liwāt* is the insertion of the male genitalia into the rectum, both the anus of a man and an anus of a woman. Islam has regulated how to channel or express sexual orientation with correct sexual behavior (Fatgehipon et al., 2019). The Qur'an contains numerous directives requiring individuals to control their genitals and channel their sexual urges in ways that are justified by Shariah.

According to many dictionaries, a <sup>2</sup>lesbian is a woman who adores or admires other women physically, sexually, or spiritually, or women who have sexual attractions for other women; this is a sexual disease in women. Simultaneously, the term "Gay" refers to a man who admires and loves men. Bisexual refers to a person who has emotional and sexual relationships with both sexes and can be romantically involved with either a man or a woman. The term "Transgender" refers to the disjunction between gender identity and gender; transgender individuals might be homosexual or heterosexual. All of them are more commonly referred to as LGBT.

Another lens through which to perceive LGBT is via the lens of human rights. According to the <sup>33</sup>legal system in force in Indonesia, as stated in the 1945 constitution, "the right to life, the right not to be tortured, the right to freedom of thought and conscience, the right to religion, the right not to be enslaved, the right to be recognized as a person before the law, and the right not to be prosecuted based on retroactive law are all inalienable human rights."

Additionally, <sup>44</sup>the National Human Rights Commission stated that the state should safeguard all Indonesian citizens regardless of their race, ethnic origin, religion, ethnic origin, or membership in minorities or vulnerable groups (from violence). In this scenario, the state is tasked with the responsibility of supporting the human rights requirements of all Indonesian citizens, especially minorities and vulnerable groups such as LGBT individuals. On the other hand, in addition to the human rights enjoyed by LGBT persons, all citizens are required to adhere to certain human rights obligations, as outlined in article 29, paragraphs 1 and 2 of the UDHR, namely: 1) Everyone owes obligations to the community in which they reside. The only one in which he can fully develop his identity; and 2) In exercising his rights and liberties, everyone must be bound <sup>10</sup>solely by the constraints imposed by law for the express aim of ensuring proper recognition and respect for the rights and liberties of others. Along with adhering to reasonable standards of decency and general wellbeing (Polumenopoulou, 2018).

From a psychological perspective, the human self is a common unit but can highlight one side of it, such as the physical, *nafsiah* (psychic), and spiritual (spiritual-transcendental). Related to the existence of the LGBT group, the development of the sexual identity of LGBT individuals is a complex and complicated process. Most LGBT people do not grow up in a community with similar sexual tendencies that can be learned about their behavior and group identity and can even strengthen and support their identity. The majority of LGBT individuals are raised in indifferent groups and tend to be rude to homosexuality.

However, other experts state that LGBT is a mental disorder because it is a disease that can be transmitted to other people. However, this disease can also be cured with psychological and hormonal therapy in the hospital for those who experience it due to hormonal factors. However, the factors that often underlie this disease are social factors rather than hormonal factors (Badgertt et al., 2017). Specifically related to transgender, it is generally divided into two types: the first change (change) of sex

and the second is gender adjustment. In determining (adjusting) gender, which is still doubtful, two important indicators are determined: biological and psychological. It is easy to select gender based on biological indications, but it is very complicated to determine gender based on psychological aspects. According to him, there are ten aspects in determining gender, which consist of 6 biological aspects and four psychological aspects.

### **LGBT in the Book of Fiqh**

The term "LGBT" is not found in the books of *fiqh*, both classical and contemporary. The term "LGBT" in the books of Jurisprudence is represented by the term *Musahaqah/Sihaq* for Lesbians and the word *Al-Liwath* for Homosexuals. Discussions about *Musahaqah/Sihaq* (Lesbians), and *al-Liwath* (Homosexuals) are discussed when discussing the issue of adultery.

In the discussion about lesbians or *musahaqah/sihaq*, an expert on Islamic law from Egypt, Abdul Qadir 'Audah, in his book "Al-Tasyri' al-Jiana-iy al-Islamiy Muqoranan Bi al-Qanun al-Wadh'iy" on page 367 volumes two explains that: lesbians (*al-Musahaqah*) are women who have sex with other women, all scholars agree upon this act that the law is haram, based on the word of Allah SWT: "And (the lucky people) are those who maintain their private parts, except for their wives or their slaves, then indeed they are not blameworthy, but whoever seeks behind it (besides marriage, namely adultery, homosexuality, lesbianism, etc.), then they are the people transgressors" (Sura Al-Mukminun verses 5, 6 and 7).

If a woman allows her private parts for other than her husband, whether for other women or men, she is one of those who do not maintain her legs; she has transgressed. In this matter, there is a hadith narrated from the Prophet PBUH; he said that: "A man should not look at the genitals of other men, women should not see the genitals of other women, men should not have sex with other men in one blanket, women should not have sex with other women under the same blanket (Hadith narrated by Muslim, Ahmad, Al-Turmuzi and Abu Daud).

This hadith's text (Nash) forbids lesbians because lesbians have sex with women. Some scholars postulate with the hadith of the Prophet Muhammad PBUH narrated from Abu Musa that the Messenger of Allah PBUH said: "If a man has sex with another man, then both are adulterers. If a woman has sex with another woman, then both are *adulterers*" (Hadith narrated by Muslim). Scholars agree that legal sanctions for lesbian and homosexual perpetrators are *ta'zir* punishments, not hudud punishments because both (lesbian and homosexual) are immoral acts that are not threatened with *hudud* punishment.

Suppose the hadith of the Prophet Muhammad PBUH, which was narrated through Abu Musa, is considered valid. In that hadith, the act of lesbian and Homosexual is referred to as adultery. In that case, it does not include adultery which is threatened with hudud punishment, because lesbian (including Homosexual) is sexual

intercourse without inserting the genitals in another's genitals. In contrast, adultery, which is punishable by the hudud penalty, demands sexual intercourse that "includes the genitals." Then the Islamic law expert from Surya, Wahbah Al-Zuhailiy, in his book "Al-Fiqh Al-Islami Wa Adillatuhu," volume 9 page 5393 explains as follows: punishment for homosexuals, Imam Malik, Al-Syafi'iy and Ahmad argue that punishment for homosexual offenders is had/hudud punishment because Allah SWT in the holy book al-Qur'an gives severe punishment to homosexual offenders, it must be applied as punishment for adultery, because the meaning of adultery is in it (within homosexuals). According to Abu Hanifah, the penalty for homosexuals is only *ta'zir* because, in homosexuality, there is no mixing of lineages. Usually, there are no disputes that result in homosexuals having to be killed because homosexuality is not adultery.

According to the Malikiyah and Hanabilah scholars and the strongest opinion of Imam Ahmad, the punishment for homosexuals is stoning, both widows/widowers and virgins/*virgins*, based on the Hadith of the Prophet Muhammad SAW that: "Anyone you find commits acts like the actions of the Ummah. Prophet Lut, then kill you, both the perpetrator (subject) and the object ". In another hadith text, it is mentioned that you are stoning both those who are above/top-up and those who are below/bottom (Armia, 2018).

The punishment for homosexual perpetrators, according to Syafi'iyah scholars, is adultery, if the *homosexual* offender is a muhshan (already has a husband/wife), then he must be stoned; if the perpetrator is not a muhshan, he must be flogged and exiled from his country, based on the Hadith of the Prophet Muhammad PBUH from Abu Musa Al-Ash'ary, RA, "if a man has sex with another man, then both are adulterers, if a woman has sex with another woman, then both are adulterers." because the punishment for homosexuals is hudud which is obligatory because of sexual intercourse (*watha'*). The penalty is different for virgins and widows/widowers; it is equated for adultery, with *'illat* (equality), that both of them have the same sex is forbidden to the vagina/penis (*farj*) which is prohibited.

The issue of punishment for homosexuals and lesbians is discussed when discussing the issue of adultery, so it is better to mention here the definition of adultery: Shafi'iyah scholars define adultery as Inserting the testicles (penis) into the forbidden *Faraj* (vagina), which does not contain <sup>37</sup> doubts, which desirable/arouse lust naturally. Hanafiyah scholars define adultery as sexual intercourse between a man and a woman on the genitals (penis & vagina), not belonging to her (not her slaves), and not syubhat belonging. Hanabilah scholars define adultery as a vile act in the genitals (penis & vagina) or the anus. Malikiyah scholars define adultery as sexual intercourse of a *mukallaf* on the human genitalia, which is not his (slave) with the intentional agreement (Hamdan & Nasution, 2020).

Based on the quote above, it can be said that although the definitions of adultery according to the scholars differ in their editorials, the substance is the same, namely the existence of sexual relations between men and women who are not enslaved.



There is no doubt, and there is an element of intentionality and agreement. Based on this, the scholars determined that there are two pillars of adultery: 1) the existence of sex / sexual relations, and 2) the existence of intentional and agreement.

### **Analysis of Usul Fiqh on LGBT (Mashlahah Theory)**

In carrying out the mechanism of *ijtihad* and legal *istinbath*, the science of ushul fiqh is one of the instruments that anyone must fulfill. Therefore, in discussing the criteria for a *mujtahid*, mastery of the science of *ushul fiqh* is included as one of the absolute requirements to keep the process of *ijtihad* and legal *istinbath* in the proper corridor.

The analysis of *ushul fiqh* on the LGBT phenomenon in Indonesia may be one approach to resolving these issues through a better understanding of the substance and essence of shariah laws, as this method is also required to comprehend the root of the problem and the legal substance that does not end with formal law. The process of *fiqh* rules, both *qa'idah ushuliyyah*, and *qa'idah fiqhiyyah* will look more at a lawful provision on aspects of the essential values of the law itself in a very straightforward, logical, complete, and rational manner. The *ushuliyyah* method approach can make it easier for a lawmaker (*faqih*) to know God's law in every legal event he faces. Due to new problems (*waqi'ah al-'ashriyyah*) for which there is no clear legal status, the Prophet Muhammad invited Muslims to perform *ijtihad*, which is to think seriously to find the truth (law) by sticking to the law, main sources (al-Qur'an and hadith). Several *ushuliyyah* rules can be used to analyze this phenomenon, one of which is the *maslahah* theory.

The main purpose of the advent of shariah is to benefit humans in life by bringing benefits and avoiding harm. If there is no benefit, then the structure of life is damaged, and the construction of society is dominated by chaos and destruction. In al-Ghazali's definition, as well as quoted by Wahbah Zuhaili, *maslahah* is defined as follows: in its main meaning (*Aslan*), *maslahah* is an expression to seek something useful (*manfa'ah*) to avoid something harmful (*mudarrah*). But what al-Ghazali meant was to maintain shariah goals. As for the *syara*; it covers five basic principles, which consist of: a) Protecting religion; b) Protecting the soul; c) Protecting the mind; d) Protecting human sustainability; and e) Protecting property. All things that can protect these five things are called *maslahah*. Those detrimental to the maintenance of the five basic elements are called *mafsadat*, and eliminating harmful things is called *maslahah*.

In the fourth stated goal of *syar'i*, namely protecting human sustainability, the LGBT movement is contrary to this goal, namely upholding benefit, because it is contrary to human nature and can even destroy generations. According to the rules in ushul fiqh, everything that can cause damage (adversity) must be prevented and avoided. This is following the rules of *ushuliyyah*, namely *al-dararu yuzalu*. These rules prevent the harm that the LGBT movement will cause by prohibiting activities that lead to sexual deviation.

Based on this rule concerning LGBT in Indonesia, LGBT is relevant from a human rights perspective, namely that it must be protected, treated fairly, and not discriminated against. This is in line with the fatwa of the Indonesian Ulema Council, which decrees that they must be cured of their illnesses and straightened out from their deviations. At the level of enjoyment of social, political, economic rights, the right of association the right to free expression in general between LGBT people and other people are the same without discrimination.

Meanwhile, concerning the *ushul fiqh* approach to the LGBT movement and activities, it must be prevented and prohibited even to the point of being punished. Prevention and prohibition of the LGBT movement in Indonesia do not constitute a violation of human rights. Because everyone's exercise of rights and liberties must be limited by law for the only purpose of guaranteeing proper acknowledgment and respect for the rights and liberties of others. Additionally, to uphold legitimate standards of morality, order, and public welfare in a democratic society. Thus, human rights must not conflict with religious principles, noble culture, or the governmental foundation, particularly Pancasila, which declares unequivocally the teachings of One Godhead and Just and Civilized Humanity.

#### **The Indonesian Ulema Council's View on the Criminalization of LGBT**

One of the discussions discussed at the *ijtima'* ulama fatwa commission of the 6th Indonesian Ulema Council 2018 in South Kalimantan, Banjar Baru, was about the criminalization of LGBT. In this case, the Indonesian Ulema Council believes that the current Criminal Code (KUHP) is a legal product inherited from the Dutch colonial government, which is the result of the coordination of *Wetboek Van Strafrecht* from the Dutch Criminal Code since 1886, in article 284 of the Criminal Code regulates about adultery, whose formulation is not following legal and socio-cultural developments in Indonesia.

The definition of adultery in the Criminal Code is only limited to that carried out between men and women who are still bound in marriage. At the same time, according to Islamic teachings, it is an act of sexual intercourse between men and women who are not bound by marital relations. According to Islam, the act of adultery is unlawful following the letter An-Nur verse 2, Al-Isra 'verse 32, and the perpetrator gets punished. Sociologically, adultery in the social life of the Indonesian people refers to the existence of an illegal body relationship outside the marriage relationship.

The House of Representatives and the Government are currently discussing the Draft Criminal Code (KUHP), which is expected to replace the current Criminal Code. One of the focuses of attention of the Indonesian Ulema Council is the growing understanding and adherents of LGBT (Lesbian, Gay, Bisexual, and Transgender). This is very concerning because these four things are considered contrary to religious teachings, decency, decency, and propriety. On the other hand, the spread of LGBT understanding and adherents is quite fast, and it seems that

there are more and more adherents and perpetrators of this understanding day by day. This, of course, should not be allowed to happen because the impact of harm is very large, both for the personal, family, community environment to the climate of the nation and state. LGBT also endangers and damages health, education, psychology, morals, and social relations. LGBT also causes a person not to play an active role in the life around him, defend the country and nation and carry out duties and obligations optimally.

The law of LGBT acts according to Islam is haram, based on the verses of the Qur'an that curse the people of the Prophet Lut, the USA who commit same-sex sex (Homosexual), including the letter al-A'raf verse 80.81, the letter Al-Naml verses 54-55, surah al-Syu'ara verses 165 -166. LGBT is a group that is not justified by all religions, not in line with Pancasila and the 1945 Constitution. Currently, with the Criminal Code, a product of Dutch colonialism, LGBT is not yet included in the category of criminal acts, while the impact of damage caused by LGBT is very clear and clear bright in real life. Anti-LGBT fighters have submitted a request to review the KUHP Law related to LGBT to the Constitutional Court (MK). The MK can broaden the understanding of several articles of decency in the Criminal Code to include LGBT perpetrators. But unfortunately, this request was not granted by the judge of the Constitutional Court.

Concerning the discussion of the articles of morality contained in the Draft Criminal Code, the Indonesian Ulema Council hopes that LGBT behavior is a criminal act; thus, it is expected that the Draft Criminal Code will include the following points: a crime; b) The act of adultery regardless of the status of the two perpetrators, whether married or not, is a crime; c) Rape committed by women against men is a crime; and d) sexual abuse of adults to children of the same sex, to eliminate the age limit so that it means that anyone who has intercourse with the same sex is a crime.

#### D. CONCLUSION

Based on the analysis results, it can be seen that Islamic law views and punishes the actions and activities carried out by LGBT people as haram. The Indonesian Ulema Council considers the actions of LGBT people. In general, Islamic law views homosexual acts as a category of adultery; this also follows the fatwa of the Indonesian Ulema Council, which expects LGBT perpetrators to be criminal acts that the authorities can criminalize.

#### REFERENCES

1. Angelianawati, D., & Schmidt, L. (2017). Discourses of Homosexuality on Indonesian Television: The Power of Media. *Membongkar Sastra, Menggugat Rezim Kepastian*, 24.
2. Arifin, Z., & Satria, A. P. (2020, May). Conceptualizing the Regulation Based on Spiritual Values Toward the LGBT Phenomenon in Indonesia. In *International*

- Conference on Law, Economics, and Health (ICLEH 2020) (pp. 306-309). Atlantis Press.
3. Armia, M. S. (2018). Implementing Islamic Constitutionalism: How Islamic is Indonesia Constitution?. *Al-'Adalah*, 15(2), 437-450.
  4. Aslan, F., Şahin, N. E., & Emiroğlu, O. N. (2019). Turkish Nurse Educators Knowledge Regarding LGBT Health and Their Level of Homophobia: A Descriptive-Cross-Sectional Study. *Nurse Education Today*, 76, 216-221.
  5. Azhari, N. K., Susanti, H., & Wardani, I. Y. (2019). The Voice of Indonesian Gay Men who Want to Have Heterosexual Orientation. *Enfermeria Clinica*, 29, 500-504.
  6. Badgett, M. L., Hasenbush, A., & Luhur, W. E. (2017). *LGBT Exclusion in Indonesia and its Economic Effects*. Williams Institute, UCLA School of Law.
  7. Bagir, Z. A., & Arianingtyas, R. (2020). Limitations to Freedom of Religion or Belief in Indonesia: Norms and Practices. *Religion & Human Rights*, 15(1-2), 39-56.
  8. Bıçmen, Z., & Bekiroğulları, Z. (2014). Social Problems of LGBT People in Turkey. *Procedia-Social and Behavioral Sciences*, 113, 224-233.
  9. Butt, S. (2018). Religious conservatism, Islamic Criminal Law and the Judiciary in Indonesia: A Tale of Three Courts. *The Journal of Legal Pluralism and Unofficial Law*, 50(3), 402-434.
  10. Butt, S. (2020). Aceh and Islamic Criminal Law in the Courts. In *Crime and Punishment in Indonesia* (pp. 535-558). Routledge.
  11. Fatgehipon, A. H., Azizah, F., & Bin-Tahir, S. Z. (2019). LGBT among Students: A Case Study at Several Universities in Indonesia. *International Journal of Scientific and Technology Research*, 8(10), 2162-2166.
  12. Hamdan, M., & Nasution, E. S. (2020). Criminalization toward LGBT Community and its Implementation through the Aceh Qanun in Indonesia. *Indian Journal of Forensic Medicine & Toxicology*, 14(3).
  13. Ivanova, O. (2018). Overcoming Discursive Prohibitions in Participatory Media: A Case Study on Talk about Homosexuality in Tanzania. *Language & Communication*, 58, 34-46.
  14. Jati, H., & Dasgupta, S. (2016). Disparities Between Online Assisted Reproduction Patient Education for Same-Sex and Heterosexual Couples. *Human Reproduction*, 31(10), 2280-2284.
  15. Khoir, A. B. (2020). LGBT, Muslim, and Heterosexism: The Experiences of Muslim Gay in Indonesia. *Wawasan: Jurnal Ilmiah Agama dan Sosial Budaya*, 5(1), 1-19.
  16. Khorashad, B. S., Roshan, G. M., Reid, A. G., Aghili, Z., Hiradfar, M., Afkhamizadeh, M., ... & Abbaszadegan, M. R. (2017). Sexual Orientation and Medical History among Iranian People with complete Androgen Insensitivity Syndrome and Congenital Adrenal Hyperplasia. *Journal of Psychosomatic Research*, 92, 55-62.
  17. Marpaung, L. A., Jainah, Z. O., Hesti, Y., & Seftiniara, I. N. (2020). Lesbian, Gay, Bisexual, Transgender is Reviewed from Religious and Human Rights Aspects in Indonesia. *PalArch's Journal of Archaeology of Egypt/Egyptology*, 17(12), 1626-1634.

18. Pausacker, H. (2020). Homosexuality and the Law in Indonesia. In *Crime and Punishment in Indonesia* (pp. 430-462). Routledge.
19. Polymenopoulou, E. (2018). LGBTI Rights in Indonesia: A Human Rights Perspective. *Asia-Pacific Journal on Human Rights and the Law*, 19(1), 27-44.
20. Ridwan, R., & Wu, J. (2018). 'Being Young and LGBT, what Could be Worse?' Analysis of Youth LGBT Activism in Indonesia: Challenges and Ways Forward. *Gender & Development*, 26(1), 121-138.
21. Roberts, L. L. (2019). Changing Worldwide Attitudes toward Homosexuality: The Influence of Global and Region-Specific Cultures, 1981–2012. *Social Science Research*, 80, 114-131.
22. Schwartz, S. R., Nowak, R. G., Orazulike, I., Keshinro, B., Ake, J., Kennedy, S., ... & TRUST Study Group. (2015). The Immediate Effect of the Same-Sex Marriage Prohibition Act on Stigma, Discrimination, and Engagement on HIV Prevention and Treatment Services in Men who Have Sex with Men in Nigeria: Analysis of Prospective Data from the Trust Cohort. *The Lancet HIV*, 2(7), e299-e306.
23. W., Adihartono; Jocson, Ellisiah Uy. (2020). A Comparative Analysis of the Status of Homosexual Men in Indonesia and the Philippines. *JSEADR*, 4, 271.
24. Wieringa, S. E. (2019). Criminalisation of Homosexuality in Indonesia: The Role of the Constitution and Civil Society. *Australian Journal of Asian Law*, 20(1).
25. Wijaya, H. Y. (2020). Conservative Islamic Forces, Global LGBT Rights, and Anticipatory Homophobia in Indonesia. In *Public Discourses about Homosexuality and Religion in Europe and Beyond* (pp. 325-348). Palgrave Macmillan, Cham.
26. Wu, H. Y., Yin, O., Monseur, B., Selter, J., Collins, L. J., Lau, B. D., & Christianson, M. S. (2017). Lesbian, Gay, Bisexual, Transgender Content on Reproductive Endocrinology and Infertility Clinic Websites. *Fertility and Sterility*, 108(1), 183-191.
27. Yuliastini, A., Budimansyah, B., & Arabiyah, S. (2018). The Legal Politics of Regulation for Lesbian, Lesbian, Gays, Bisexuals and Transgender (LGBT) in Indonesian Law (Discourse between Punishment and Regulation). *International Journal of Multi-Discipline Science (IJ-MDS)*, 1(2), 137-146.
28. Yulius, H., Tang, S., & Offord, B. (2018). The Globalization of LGBT Identity and Same-Sex Marriage as A Catalyst of Neo-Institutional Values: Singapore and Indonesia in Focus. In *Global Perspectives on Same-Sex Marriage* (pp. 171-196). Palgrave Macmillan, Cham.

# Islamic Law Review Analysis on Lesbian, Gay, Bisexual, and Transgender (LGBT)

## ORIGINALITY REPORT

19%

SIMILARITY INDEX

17%

INTERNET SOURCES

12%

PUBLICATIONS

14%

STUDENT PAPERS

## PRIMARY SOURCES

1	<a href="http://www.tandfonline.com">www.tandfonline.com</a> Internet Source	2%
2	<a href="http://journal.unnes.ac.id">journal.unnes.ac.id</a> Internet Source	1%
3	Submitted to Victoria University of Wellington Student Paper	1%
4	Submitted to University of Melbourne Student Paper	1%
5	Submitted to Queen's University of Belfast Student Paper	1%
6	Submitted to Ritsumeikan Asia Pacific University Student Paper	1%
7	<a href="http://bircu-journal.com">bircu-journal.com</a> Internet Source	1%
8	<a href="http://scholarcommons.usf.edu">scholarcommons.usf.edu</a> Internet Source	1%

[www.atlantis-press.com](http://www.atlantis-press.com)

9	Internet Source	1 %
10	journal.stkipsingkawang.ac.id Internet Source	1 %
11	bk.ppj.unp.ac.id Internet Source	1 %
12	onlinelibrary.wiley.com Internet Source	1 %
13	journal.unimma.ac.id Internet Source	1 %
14	journal.rescollacomm.com Internet Source	<1 %
15	journals.usm.ac.id Internet Source	<1 %
16	jurnal.ugm.ac.id Internet Source	<1 %
17	Submitted to Staffordshire University Student Paper	<1 %
18	Submitted to Otago Polytechnic Student Paper	<1 %
19	Submitted to University of Leeds Student Paper	<1 %
20	Submitted to Far Eastern University Student Paper	<1 %

21	Submitted to Universitas Pelita Harapan Student Paper	<1 %
22	repository.ubaya.ac.id Internet Source	<1 %
23	www.archives.palarch.nl Internet Source	<1 %
24	Fida Sanjakdar. "Educating for sexual difference? Muslim teachers' conversations about homosexuality", Sex Education, 2013 Publication	<1 %
25	www.ejecs.org Internet Source	<1 %
26	Submitted to La Trobe University Student Paper	<1 %
27	S. Nelwati, N. Sepriyanti, A. Susanto, MS. Melinda, J. Afriadi. "The development of islamic learning media using macromedia flash on geometry", Journal of Physics: Conference Series, 2019 Publication	<1 %
28	garuda.kemdikbud.go.id Internet Source	<1 %
29	Submitted to University of Birmingham Student Paper	<1 %
30	www.venice.coe.int Internet Source	<1 %



<1 %

31

[nomadcapitalist.com](http://nomadcapitalist.com)

Internet Source

<1 %

32

[www.topix.net](http://www.topix.net)

Internet Source

<1 %

33

Dony Arung Triantoro, Ardiansyah  
Ardiansyah. "Negotiation and Contestation of  
Islamic Religious Practices of the Transvestites  
in Yogyakarta", *Cakrawala: Jurnal Studi Islam*,  
2018

Publication

<1 %

34

Endah Triastuti. "Subverting mainstream in  
social media: Indonesian gay men's  
heterotopia creation through disidentification  
strategies", *Journal of International and  
Intercultural Communication*, 2021

Publication

<1 %

35

[ijebmr.com](http://ijebmr.com)

Internet Source

<1 %

36

[inerela.org](http://inerela.org)

Internet Source

<1 %

37

[citizenlab.ca](http://citizenlab.ca)

Internet Source

<1 %

38

[hts.org.za](http://hts.org.za)

Internet Source

<1 %

39	<a href="http://lifescienceglobal.com">lifescienceglobal.com</a> Internet Source	<1 %
40	<a href="http://repo.uum.edu.my">repo.uum.edu.my</a> Internet Source	<1 %
41	<a href="http://savana-cendana.id">savana-cendana.id</a> Internet Source	<1 %
42	<a href="http://www.geniusreview.eu">www.geniusreview.eu</a> Internet Source	<1 %
43	Bluestone, Barry, Stevenson, Mary Huff, Williams, Russell E.. "The Urban Experience", The Urban Experience, 2022 Publication	<1 %
44	Submitted to uvt Student Paper	<1 %

Exclude quotes  On

Exclude matches  Off

Exclude bibliography  Off