HARMONIZATION OR CONFLICT? THE CASE OF LGBT IN THE INTERPRETATION OF ISLAMIC LAW AND SOCIAL NORMS

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Abstract
In the Islamic perspective, LGBT is considered an act that is contrary to religious teachings and is considered an act that is contrary to God's destiny. This study aims to investigate the extent of harmonization or conflict that arises in the interpretation of Islamic law and social norms related to LGBT issues. By using a qualitative approach. The results reveal a historical aversion to LGBT in Islamic history, but contemporary scholars advocate a more inclusive interpretation aligned with human rights. The Muslim community exhibits diverse attitudes, demonstrating ongoing dialogue and challenges in reconciling religious teachings, social norms, and human rights. The study presents nuanced conclusions, presenting diverse viewpoints on LGBT issues at the intersection of Islam, social norms, and legal frameworks. From an Islamic perspective, there is a general consensus that considers LGBT to be contrary to religious teachings, although varying degrees of tolerance exist among scholars.

Keywords:
Harmony, Conflict, LGBT, Islamic Legal Interpretations, Social Norms

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INTRODUCTION

In the perspective of Islam, LGBT is considered an act that is contrary to religious teachings and is considered an act that is against God's destiny (Khairani & Saefudin, 2018) (Mukhid, 2018). Meanwhile, from a positive legal perspective in Indonesia, LGBT is not recognized for its existence and is considered to violate regulations that have been regulated in Law No. 1 of 1974 and KHI. Because this has denied the human nature that likes the opposite sex. Then also in the perspective of Islamic law, LGBT is also rejected and considered as an act that tarnishes the values of marriage (Ishom, 2020) (Saputri, 2022). However, c. The term is used to describe groups of individuals who have a different sexual orientation or gender identity than the heterosexual majority. Lesbian refers to women who are romantically or sexually attracted to other women, gay refers to men who are romantically or sexually attracted to other men, bisexual refers to individuals who are romantically or sexually attracted to both sexes, and transgender refers to individuals who identify themselves as a gender different from the sex they were born in (TIWA et al., 2016). Some opinions about LGBT. In an Islamic perspective, LGBT is considered an act that is contrary to the teachings of Islam and cannot be legally tolerated. However, Islam also recognizes that LGBT is part of the reality of life and tolerates them in carrying out rituals such as prayer and zakat (Razali, 2023). While in social, civic and humanitarian perspectives, LGBT people should not be discriminated against and should be protected their rights just like any other individual. States need to be present in eradicating and punishing perpetrators of harassment and discrimination against individuals, including LGBT people.

In Indonesia, there are differences of opinion regarding LGBT. The Indonesian Ulema Council (MUI) rejects LGBT as a sexual deviation prohibited in Islamic religious teachings. However, the Liberal Islam Network (JIL) considers LGBT not an aberration and recognizes the diversity of human sexual preferences (Steele, 2018) (Mumtazi, 2020) (Rivai, 2020). Then in the western context, the LGBT movement has emerged since 1970 and demands recognition of political rights, health protection, a role in parliament, legality in military institutions, and same-sex marriage. The LGBT movement is also using social media as a means to change society's stigma against them. In conclusion, opinions about LGBT in this document vary depending on religious, social, and cultural perspectives. Islam considers LGBT as an act that is contrary to religious teachings, but provides tolerance in carrying out worship. From a social perspective, LGBT people should have their rights protected and should not be discriminated against. There is a difference of opinion in Indonesia regarding LGBT between the MUI which rejects and opposes LGBT.

In an era of globalization and ever-evolving social change, issues related to sexual identity and gender orientation have become hot topics in various fields, including religion and society. One of the issues that emerged was Lesbian, Gay, Bisexual, and Transgender (LGBT) rights. This issue raises the complexity in harmonization between religious views and social norms prevailing in society. The interpretation of Islamic law and social norms themselves are the two main pillars that shape the views and behavior
of individuals in a society. These two aspects often play an important role in shaping opinions, rules, and attitudes towards controversial issues such as LGBT. On the one hand, the interpretation of Islamic law creates a normative foundation for individuals adhering to religious beliefs, whereas social norms reflect the values adopted by society more broadly. Differences between religious views and social norms often lead to conflict and tension in dealing with issues such as LGBT (Christian, 2023) (Heryanto, 2015).

Research conducted by Gunawan Saleh on "Social Phenomenology of LGBT in the Religious Paradigm", based on research found that all religions (Islam, Christianity, Hinduism, and Buddhism) view LGBT as deviant sexual behavior and unacceptable to all existing religions, especially in Indonesia. This is also a social impact with LGBT sexual behavior because deviant structures will have an impact on Society (Saleh & Arif, 2018). The study has not been described in detail in the Islamic view. So with this research will discuss LGBT in an Islamic view.

In this context, this study aims to investigate the extent of harmonization or conflict that arises in the interpretation of Islamic law and social norms related to LGBT issues. By in-depth examining how Islamic religious views are translated into legal interpretation, as well as how social norms in society interact with these views, this study is expected to provide a more comprehensive insight into the dynamics of the debate around LGBT among Muslims. In the course of this investigation, it should be noted that an inclusive and scientific approach is needed to avoid too narrow or biased understanding of this complex issue. By analyzing the framework of interpretation of Islamic law and social norms simultaneously, it is hoped that this research can identify points of harmonization and conflict that arise in handling LGBT issues, which in turn can make a valuable contribution to discussions on pluralism, tolerance, and human rights in the context of religion and society.

METHOD

The research method to be used in this study is a qualitative approach that combines textual analysis and social context analysis. According to Paul Atkinson and Amanda Coffey; Qualitative research is a method of exploring the meaning behind social phenomena through careful interpretation of data generated in the form of words, images, or sounds. And this approach will provide an in-depth understanding of Islamic religious views related to LGBT within the framework of legal interpretation, as well as how those views interact with societal social norms. First, there will be a selection of several sources of interpretation of Islamic law that have wide recognition as authorities in various schools of Islamic thought. These sources of interpretation will be investigated in depth to identify views and interpretations related to LGBT issues. Second, textual analysis will be carried out on selected texts from sources of interpretation. This analysis will focus on how the concept of LGBT is translated and interpreted in the context of Islamic religious teachings. This process will involve identifying the arguments, Quranic verses, hadiths, and views of scholars who form LGBT-related views.
Furthermore, social context analysis will be adopted as an additional approach. This approach involves the study of literature and empirical data related to social norms prevailing in society related to LGBT issues. This information will be used to understand how social norms and religious views interact, as well as how these interactions affect individuals' views and attitudes regarding LGBT. After the analysis of the interpretive text and social context is completed, the study will proceed with a comparative analysis. This analysis will compare religious views found in Islamic legal interpretations with societal norms related to LGBT issues. The purpose of this analysis is to identify points of harmonization and conflict between religious views and social norms. The results of the analysis will be discussed and interpreted comprehensively within the framework of debates on harmonization or conflict between religious views and social norms related to LGBT. The implications of research findings on understanding pluralism, tolerance, and human rights in the context of religion and society will be an integral part of the discussion. By using a qualitative approach that combines interpretation text analysis and social context analysis, this research is expected to provide deep and diverse insights into harmonization and conflict in religious and community views on LGBT issues.

RESULT AND DISCUSSION

In Islamic history, there has been a dark history of LGBT cases and is strictly prohibited in its existence, the existence of LGBT also violates human nature and violates the marriage system that has been regulated by Islam. It would seem that this LGBT is not normal as in the Qur'an Sura An-Naml/27:54-55. God said:

وَلُوْطًا اِذْ قَالَ لِقَوْمِه ٖٓ اَتَأْتُوْنَ الْفَاحِشَةَ وَاَنْتُمْ تُبْصِرُوْنَ ٤٥ اَيِّنَّكُمْ لَتَأْتُوْنَ الرَّجَالَ شَهْوَةً مِنْ دُوْنِ النِّسَاۤءِ ۗبَلْ اَنْتُمْ قَوْمٌ تَجْهَلُوْنَ ٥٥

And (remember the story of) Lut, when he said to his people, "Why do you do fahisyah (heinous) deeds, when you see them (the abomination of immoral deeds)?" Why do you go to men to (fulfill) (you) shahwat instead of women? Truly, you are a people who do not know (the consequences of your actions). (an-Naml/27:54-55). The prophet Lut gave a warning to his people, who had always had homosexual relations, and left their wives. They committed homosexual acts in public, in meeting halls witnessed by many people. Their actions are considered to encourage others to do as they do. In Jurnal FiTUA, a journal of Islamic studies, there are several important statements related to LGBT, including:

1. "Same-sex marriage is forbidden in Islam because it violates nature and is contrary to Islamic law and thus triggers disruption of honor, soul, offspring, and reason." (Helmi Basri, 2022).
2. "In the view of the Samawa tribe, same-sex marriage is also deviant behavior, so the perpetrators will be punished in accordance with the customs prevailing in the Samawa tribe." (Helmi Basri, 2022).

3. "Homosexuality of any kind violates human nature. The Qur’an clearly forbids LGBT, even the Prophet (peace be upon him) threatened the perpetrators with severe punishment if LGBT people did not repent."

4. "Islam only justifies heterosexual sexual orientations, because those orientations are the true nature of human beings."

5. "The perpetrators are even threatened with severe customary punishments to create a deterrent effect for the perpetrators so as not to damage the existing order in Samawa society."

Meanwhile, from the views of some Islamic experts and scholars related to LGBT as follows: Here are some expert views related to LGBT: Dr. Scott Siraj al-Haqq Kugle, a professor at Emory University, stated that Islam does not explicitly forbid homosexuality and that negative views of LGBT in Muslim societies are influenced more by cultural and social factors than religious teachings (Gamble & Gamble, 2020). Then Dr. Junaid Jahangir, a professor at MacEwan University, argues that the Islamic view of homosexuality should be updated and understood in a broader social and scientific context. He stressed the importance of inclusion, respect, and justice for the LGBT community in Islam (Jahangir & Abdullatif, 2016). Dr. Scott Siraj al-Haqq Kugle and Dr. Junaid Jahangir also contributed to the book "Progressive Muslims: On Justice, Gender, and Pluralism", in which they expressed their views on the importance of understanding and respecting LGBT rights in Islam (Safi, 2003). Dr. Muhsin Hendricks, an imam and founder of The Inner Circle organization, is an LGBT Muslim activist fighting for the recognition and inclusion of the LGBT community in Islam. He argues that LGBT people can live according to Islamic teachings and that rejection of them is the result of ignorance and prejudice (Tolentino, 2020).
The view of some Islamic scholars and scholars regarding LGBT is that this issue raises variations in views within Muslim societies and in religious interpretations. Dr. Scott Siraj al-Haqq Kugle expresses the view that homosexuality is not explicitly forbidden in Islam, and negative attitudes towards LGBT are influenced more by cultural and social aspects than religious teachings. On the other hand, Dr. Junaid Jahangir argues that there is a need for a renewal of Islam's understanding of homosexuality in a broader social and scientific context, with an emphasis on inclusion, respect, and justice for the LGBT community within a religious framework. Furthermore, Dr. Muhsin Hendricks, as an LGBT Muslim activist, advocates the view that LGBT people can live in line with the teachings of Islam, and rejection of them tends to arise from lack of understanding and prejudice. He highlighted the urgency of recognition and inclusion for the LGBT community in a religious context. These views are collectively summarized in the book "Progressive Muslims: On Justice, Gender, and Pluralism," which affirms the importance of understanding and respecting LGBT rights in a religious context. The main conclusion is that within the Muslim community, there is an effort to understand LGBT with an inclusive, equitable, and scientifically based view. This view emphasizes the need to overcome ignorance and prejudice, and respect the human rights and identity of individuals, all within the framework of Islamic values and religious frameworks.

This research reveals different views on LGBT in religious, legal, social, and cultural contexts in Indonesia, especially in Islamic perspectives. Some researchers consider LGBT contrary to the teachings of Islam and God's destiny, while others accept its existence as part of the reality of life and provide tolerance in religious practice. Legally, LGBT is not recognized and is considered to violate established regulations. Social and humanitarian perspectives emphasize the need to protect the rights of LGBT individuals without discrimination. At the global level, the LGBT movement has championed political rights, health protection, and legality in various institutions. Conflict arises in the harmonization between religious views and social norms, creating tension between interpretations of Islamic law and social norms. This study aims to investigate the extent of harmonization or conflict in the interpretation of Islamic law and social norms related to LGBT in Indonesia, with an inclusive and scientific approach. It is hoped that the results of this study will provide comprehensive insights into the dynamics of debates surrounding LGBT among Muslims, as well as contribute to discussions on pluralism, tolerance, and human rights in the context of religion and society.
CONCLUSION AND RECOMMENDATION

This research presents a nuanced conclusion, showcasing the diverse viewpoints on LGBT issues within the intersections of Islam, societal norms, and legal frameworks. From an Islamic perspective, there is a general consensus that considers LGBT as contrary to religious teachings, although varying degrees of tolerance exist among scholars. In Indonesia, legal perspectives differ, with some rejecting LGBT as a deviation while others adopt a more accepting stance. Societal, civic, and humanitarian perspectives globally call for non-discrimination and protection of LGBT rights, emphasizing the need to eradicate harassment and discrimination. The research, employing a qualitative approach, aims to explore the harmonization or conflict between Islamic law and social norms on LGBT issues. Results and discussions reveal historical perspectives leaning towards prohibition, but with divergent views emphasizing contemporary understanding and respect for LGBT rights. Inclusive Islamic views advocate for an updated interpretation that considers LGBT issues in a broader context, emphasizing inclusion, respect, and justice. Globally, scholars and activists promote a more inclusive and scientifically informed perspective within the Muslim community, exemplified by the book “Progressive Muslims: On Justice, Gender, and Pluralism.” In summary, the research underscores a spectrum of perspectives on LGBT within Islam, ranging from conservative to inclusive stances, reflecting the ongoing dialogue and challenges in reconciling religious teachings, societal norms, and human rights in the context of LGBT issues.
REFERENCES


