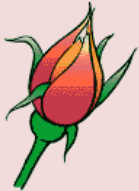




LGBT IN ISLAM



Oleh:
Mufidah Cholil



UNIVERSITAS ISLAM NEGERI
MAULANA MALIK IBRAHIM
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BIODATA



Name	: Mufidah Cholil
Place,date of birth	: Bojonegoro, 10 September 1960
Job	: Lecturer at Sharia Faculty of Maulana Malik Ibrahim state Islamic university of Malang
Academic position	: Professor of Sociology of Islamic law
Address	: Jl. Simpang Neptunus 8 Malang
Education	: <ul style="list-style-type: none">• S1 Fak. Tarbiyah IAIN Sunan Ampel Malang (1985)• S2 PPs Studi Islam Unisma Malang (2001)• S3 PPs Studi Islam IAIN Sunan Ampel Surabaya (2009)
Expertise	: Psychology of family, Gender and Islam, Community Development
Professional affiliations	: <ul style="list-style-type: none">• Head of centre of gender studies (2000-2007)• Head of Community services unit of Maulana Malik Ibrahim state Islamic University of Malang (2009-2017)• Member of Supervisory boards of Interfaith women forum of Malang• The Expert Team for the Regional Board of the NU Prov. East Java• Board of Trustees of the Darul Ulum Al-Cholily Bojonegoro Foundation.• Board of Trustees of the Al-Amin “Pesantren rakyat” of Malang

PRO- LGBT

Human rights perspective

Regulation No. 39 of 1999 states that Human rights are a set of rights inherent in the essence of human existence as creatures of God Almighty.

The right is a gift that must be respected, upheld, and protected by the state, law, government, and everyone for the sake of honor and protection of human dignity.

Islam as a blessing for the universe (Rahmatan lil alamin)

Tahdzib al fard

- educate and improve individuals to increase human dignity

Iqamat al adli fi al jama'ah

- menegakluruskan keadilan di tengah-tengah masyarakat

Tahqiq al mashalih

- Bringing the benefits (*jalbu al manafi' wa dar'u al mafasid*) .

Islam as a religion of *rahmatan lil'alam* (*blessing for the universe*)

It has universal values to respond individual and communal needs based on these following principles:

1. Justice (*al 'adalah*),
2. Democracy (*al dimokratiyyah*),
3. Humanity (*al Insaniyah*),
4. equality (*al musawa*),
5. Plurality (*ta'adudiyyah*),
6. Nasionality (*muwathanah*),
7. Human rights enforcement (*iqamat al huquq al insaniyyah*),
dan
8. Social benefits (*mashalih al-'ummah*).

Refer to human rights and principles of Islam as a religion of *rahmatan lil alamiin*, parts of Indonesians accept and support the rights of LGBT by legalizing same-sex marriage

Theological base

Al-Qur'an (al Rum: 21)

And it is among His signs that He has created for you wives from among yourselves, so that you may find tranquility in them, and He has created love and kindness between you. Surely in this there are signs for a people who reflect. 1)

from among yourselves can be interpreted into different sex orientations.

Cons- LGBT: Islamic law approach, referring to :

The story of people of the Prophet Luth in Qur'an
"And [We had sent] Lot when he said to his people,
"Do you commit such immorality as no one has
preceded you with from among the worlds?
Indeed, you approach men with desire, instead of
women. Rather, you are a transgressing people."
But the answer of his people was only that they
said, "Evict them from your city! Indeed, they are
men who keep themselves pure." So We saved
him and his family, except for his wife; she was of
those who remained [with the evildoers]. And We
rained upon them a rain [of stones]. Then see how
was the end of the criminals.

(Departemen Agama RI, 1995: 234-235).

THEOLOGICAL BASE-AL-HADITS

“Whoever you find doing the deeds of the people of Luth, then kill the two perpetrators.”
(Abu Dawud, Juz. XIII, 1416/1996: 131).



“Verily, what I fear the most (overwhelm) my ummah is the actions of the people of Luth”
(Sunan at-Turmuzi, Juz. VI, t.th.:41).



Four schools of law of Islam

- Imam Malik, Imam Syafi'i, and Imam Ahmad bin Hanbal stated that the act of *liwath* obliges a person to receive a *hadd* (already determined) punishment due to the meaning of adultery in it.
- Imam Abu Hanifah stated, The perpetrator of *liwath* is only given a *ta'zir* penalty (not specified) because *liwath* itself is not included in an adultery act.
- Malikiyah dan Hanabilah *imams* contended that the perpetrators were sentenced to stoning, whether the perpetrators were married or unmarried.

- Syafi'iyah *imams* argued that the *hadd* punishment for the perpetrators of *liwath* is the same as the *hadd* punishment for adultery. If the perpetrator is married, then he must be stoned. Meanwhile, if the perpetrator has never been married, then he is whipped and exiled. The argument refers to a hadith cited by Abu Musa al-Asyari ra, that the Prophet Muhammad said: "*When a man comes to a man, both of them have committed adultery. And when a woman comes to a woman, both of them have committed adultery.*"

the Indonesian Ulema council (MUI) state that LGBT is unlawful

Ma'ruf Amin (Chairman of MUI) in a press conference at the MUI Office, Central Jakarta on February 17, 2016 states that LGBT practices are unlawful in Islam for the following reasons:

- Againts the first and second precepts of Pancasila;
- Againts the constitution of the 1945, article 29, verse 1 and article 28
- Againts the Marriage Acts of the 1974
- MUI has issued Fatwa Number 57 of the 2014 concerning Lesbians, Gays, Sodomy, and Obscenity. The prohibition of LGBT activities because it is a form of crime causing diseases that are dangerous to health and as a source of infectious diseases such as HIV/AIDS. (Kompas.Com: Februari 17, 2016)

Interfaith leaders/actors said?

Among interfaith leaders consisting of the Indonesian Ulema Council (MUI), the Indonesian Bishops' Conference (KWI), Indonesian Buddhist Representatives (Walubi), and the Indonesian Confucian High Council (Matakin), expressed their rejection of LGBT practices and acts because they deviate from religious teachings and the law of nature. However, they believe that LGBTs need protection because they have the same rights as anyone else.

Constitutional laws expert (Prof. Mahfud MD)

LGBTs are forbidden by the law referring to:

01

Protecting the morality of the nation

02

Upholding the values (teachings) of religion

03

Maintaining the social stability

04

Maintaining the order of the society



How to respond wisely the fact of LGBTs

1. LGBTs exist in Indonesia and the number grows (2013) and organized themselves into 119 Organizations in 28 Provinces.
2. LGBTs are the citizens of Indonesia with equal rights and obligations.
3. We need to differentiate between sex orientation and LGBT practices. In most of cases of sex orientation is not included in sex deviation acts because the religious and cultural norms can protect them. Hence, they can do social activities normally and achieve a particular level of career.
4. The fear of the majority of the people of sex orientation will not accompanied by sex deviation should be accepted also since it will not harm anyone.

Thank you