

Islamic Theological Reflections on Humanitarian Principles Towards Queer: Perspective of Qur'anic Interpretation

Masthuriyah Sa'dan^{1*}, M. Mukhtasar Syamsuddin², Agus Himmawan Utomo³

^{1,2,3}Fakultas Filsafat Universitas Gadjah Mada, Yogyakarta, Indonesia

*Corresponding author: masthuriyah.sadan@gmail.com

Abstract: This research examines the principles of queer humanity in religious teachings written in the Qur'an. This research uses a qualitative literature study method, while the Qur'anic text reading uses Nasr Hamid Abu Zayd's contextual reading method. This study found several findings: *First*, humans are bound in a primordial covenant with God, and human life's orientation is to recognize God's Oneness. *Second*, humans are born in a state of *fitrah* (pure). *Third*, humans are ethical and moral beings. *Fourth*, every human person is valuable. Because the principle of humanity is written in the Qur'an, it is appropriate for humanity to have a religious, ethical attitude toward queer people by promoting the principles of justice, tolerance, and equality between human beings. This religious, ethical attitude is a guideline for human life regardless of differences in gender identity and sexual orientation. The principles of humanity in the teachings of Islam written in the Qur'an and hadith place humans, both men, women, and queers, as equal beings before God.

Keywords: Theological reflection, humanitarian principles, queer, Qur'anic interpretation

A. Introduction

In 2015-2016, the issue of Lesbian, Gay, Bisexual, and Transgender (LGBT) became a phenomenon that shook the Indonesian archipelago. The peak was the forced closure of the AL-Fatah Islamic Boarding School for Transwomen in Kotagede, a religious activity for the Muslim trans community in Yogyakarta¹. At that time, many anti-LGBT posters were displayed along the streets, hate memes proliferated on social media, discussions and debates on LGBT issues, both for and against, were conducted in various scholarly forums, verbal harassment, physical

¹ Sa'dan, M., Merebut Ruang Ibadah: Studi Kasus Konflik Penutupan Paksa Pondok Pesantren Waria Al-Fatah Yogyakarta. *Jurnal Tashwir*, 10(2), 2022.

violence, and persecution against LGBT groups occurred. Even the Indonesian Ulema Council (MUI) issued a fatwa declaring lesbianism and homosexuality haram in 2014.

The prominence of the LGBT issue in Indonesia then overshadowed political and corruption issues that harm the state and the Indonesian people. The existence of LGBT is a social fact and reality². Throughout the long history of Indonesian society, gender and sexual minorities have existed in the archipelago. The Bugis people refer to them as Bissu, a combination of masculine and feminine traits, who are given a social role as intermediaries between humans and God³.

Denial of the existence of LGBT people is a violation of human rights. As stated by Yoseph Adi Prasetyo, quoting Muthmainnah⁴, LGBT groups are the state's responsibility to guarantee their rights, including equal rights before the law and the right to protection. Therefore, nullifying groups with different gender identities and sexual orientations is a rejection of humanity⁵. Even Musdah Mulia⁶ states that refusing to protect LGBT groups is a violation of international law.

Thus, it seems that LGBT groups are no longer considered part of humanity⁷. This condition makes Indonesian society unable to breathe to see such issues more wisely and to realize that religion, namely human understanding of the interpretation and teachings of religion, plays a significant role in understanding and addressing issues of religion and groups of people who have long been considered the "others." Even the diverse interpretations of hadith regarding groups with various gender and sexual identities show that in society's

² Koeswinarno, *Hidup Sebagai Waria* (Yogyakarta: LKiS, 2004). p. 108

³ Sharyn Graham Davies, *Keberagaman Gender Di Indonesia* (Jakarta: Yayasan Obor Indonesia, 2018). p. 316

⁴ Yulianti Muthmainnah, "LGBT Human Rights in Indonesian Policies," *Indonesian Feminist Jurnal* 4, no. 1 (2016): 13–19.

⁵ Dede Oetomo, *Memberi Suara Pada Yang Bisu* (Yogyakarta: Galang Press, 2001). p.235

⁶ Musdah Mulia, *Mengupas Seksualitas: Mengerti Arti, Fungsi Dan Problematika Seksual Manusia Era Kita* (Jakarta: Opus Press, 2015). p. 207.

⁷ Masthuriyah Sa'dan, "LGBT, Religion, and Human Rights: A Study on Khaled M. Abou El-Fadl's Thoughts," *Jurnal Perempuan* 20, no. 4 (2015): 357–66, <https://doi.org/10.34309/jp.v20i4.23>.

perspective on them, there is a conflict between religious values and the demand for inclusivity.⁸

One case example is the treatment of transwomen. Society's response to them is to make them objects but in a demeaning and mocking way⁹. Transwomen, as an intermediate space that shakes the dichotomy of male and female, are seen as a contrast to show the true nature of men or women. Additionally, some people respond normatively to transwomen, believing that they need to be cured, converted, or punished¹⁰. The goal is to change something considered a disorder, deviation, or crime.¹¹ These discriminatory and stereotypical views have a threatening impact on their existence, as transwomen are deprived of their rights as citizens who have the same rights as other citizens—the right to express themselves, the right to believe in a religion, the right to protection, and access to health, education, and economy, as well as political rights to represent and be represented. Simply put, transwomen are treated not as dignified human beings.

The above exposition represents a form of cultural violence. People can easily conclude that lesbians, bisexuals, gays, transgender, and transvestites are contagious diseases, grave mistakes, sinful, cursed, and bound for hell. However, in reality, LGBT issues are not always about sexual activity and behavior. LGBT is about gender expression and sexual identity. LGBT is not a verb; it is a term to describe a sexual group. Deep hatred towards the LGBT community is a consequence of the frozen viewpoint that heteronormativity is normal while homosexuality is abnormal. The perpetuation of heteronormative views over centuries may be due to ideological intervention that detaches from transcendent and unthinkable spiritual values, a dimension beyond the human. In the words of

⁸ Waliko dkk, *Contextualizing Hadith on LGBT in The Perspectives of Humanity, Religion, and Culture*, *Jurnal Ilmu Ushuluddin UIN Syarif Hidayatullah*, Vol. 10, No. 2, 2023.

⁹ Masthuriyah Sa'dan, *Solidaritas Waria Yogyakarta* (Yogyakarta: Gading Publishing, 2021). p. 218.

¹⁰ Zunly Nadia, *Waria, Laknat Atau Kodrat?*, (Yogyakarta: Pustaka Marwa, 2005). p. 05

¹¹ Melani Budianti, "Identitas Trans," in *Ekspresi Untuk Identitas* (Jakarta: Renebook, 2014). p. 06.

Husein Muhammad¹², it is an ideology that has killed God from human life. This is because LGBT individuals are human beings; they are creations (creatures) of God regardless of their sexual orientation.

In the Islamic view, humanism should be understood as a basic concept of humanity that does not stand alone but stands on the foundation of theology.¹³ This means that “humanizing man” is always related to theology. In this context, the Qur'an views that humans are God's representatives on earth (*khalifah fil ardhi*) as confirmed by God in the Qur'an letter Al-Baqoroh verse 30, which means “(remember) when your Lord said to the angels, ‘I want to make a *khalifah* on earth’. They said, “Do you want to make people who destroy and shed blood there while we praise you and purify your name,” He said, “Indeed, I know what you do not know.”

Islam recognizes that humans have the noblest degree; the glory possessed by humans shows that humans are creatures with dignity. The Qur'an clearly states this in QS. Al-Isra's verse 70: “Indeed, we have honored the children of Adam, and we transported them on land and sea. We gave them sustenance from the good and favored them over many creatures we created with perfect advantages”. God's affirmation through the Word is proof that humans, regardless of their gender identity and sexual orientation, must be treated equally.

The Qur'an narrates equal treatment, regardless of status differences, through the story of Prophet Muhammad. In the narrative, it is told that the Prophet Muhammad had neglected a commoner and blind man in Mecca because he was more busy serving the interests of the elite. At that time, God rebuked the Prophet Muhammad and reminded him not to pay attention to people with higher strata than what was done to the lower strata of society. As explained by the Qur'an in Surah al-Abasa verses 1-10.

The spirit of humanism in the Qur'an is spelled out through explicit verses and word diction. According to Fazlur Rahman,¹⁴ the word *al-nafs* in the Qur'an is

¹² Husein Muhammad, “Refleksi Teologis Tentang Kekerasan Terhadap Perempuan,” in *Menakar Harga Perempuan: Eksplorasi Lanjut Atas Hak-Hak Reproduksi Perempuan Dalam Islam* (Bandung: Mizan, 1999), p. 204.

¹³ Abu Hafsin, Pengantar, in “Islam dan Humanisme: Aktualisasi Humanisme Islam di Tengah Krisis Humanisme Universal”, (Yogyakarta: Pustaka Pelajar, 2007). p. ix

¹⁴ Fazlur Rahman, *Major Themes of the Qur'an*, (Minneapolis & Chicago Bibliotheca, 1980). p. 17.

often interpreted as “soul.” Still, Rahman interpreted the word with the meaning of “self” or “someone,” who has a universal understanding that this meaning includes all human existence. Because the struggle to recognize human existence has a steep road, Rahman interprets human life as an endless moral struggle.

Thus, this paper will examine the principles of humanity in religious teachings as written in the Qur’an and Hadith. This paper aims to reveal the essence and substance of humans as God’s creations who are given a noble place (*al-karamah al-insaniyah*). Normatively, the Qur’an acknowledges that humans are created diverse, with the purpose that they may know each other (*li ta’arafuu*) and respect others (QS. Al-Hujurat: 13)¹⁵. If the Qur’an did not want diversity, surely God would have made only one community (QS. As-Shura: 8).¹⁶ The analysis used is the tafsir analysis with a phenomenological approach. The principle of phenomenology emphasizes an assumption of “letting the Qur’an speak for itself about the issue of human diversity”. This study is important to understand the essence of Islamic teachings written in the Qur’an, to promote equality (*al-musawa*), justice (*al-’adalah*), equality, unity (*al-ittihad*), and the dignity and worth of humans (*al-karamah al-insaniyah*).

B. Methods

This research uses a qualitative method with a literature review approach. The material object of this research is the principle of humanity towards queer groups, and the formal object is the study of interpretation. The data source of this research uses humanist Qur’anic verses, books, and journal articles about the progressive interpretation of queer groups using an inclusive interpretation approach. Data collection techniques are carried out by collecting humanist Qur’anic verses and referring to the interpretation of the verse. Data analysis is carried out by prioritizing the concept of Islamic theology that all human beings are equal before God.

¹⁵ O mankind, indeed We have created you from male and female and made you peoples and tribes that you may know one another. Indeed, the most noble of you in the sight of Allāh is the most righteous of you. Indeed, Allāh is Knowing and Aware. [Al-Hujurāt:13]

¹⁶ And if Allāh willed, He could have made them [of] one religion, but He admits whom He wills into His mercy. And the wrongdoers have not any protector or helper. [Ash-Shūra:8]

To read the texts of the Qur'an and hadith, researchers use the contextual reading method (*manhaj al-qira'ah as-syiyasiyah*) Nasr Hamid Abu Zayd.¹⁷ The definition of the contextual reading method is to distinguish between the historical meaning obtained in a context and the significance (*al-magza*) of meaning in the socio-historical context of interpretation. This method is important to see the sequence of revelation, the socio-historical context when the revelation came down, and the linguistic structure of the text. In a more detailed explanation, this method then arrives at discourse analysis (*tahlil al-khitah*) and text analysis (*tahlil an-nass*) in implementing tafsir in the contemporary era.

C. Finding and Discussion

1. Theological Legitimacy of Violence Against Queer

As stated by Sa'abah¹⁸, there are three reasons why someone becomes homosexual. *First*, hereditary factors where the male body experiences an imbalance of sex hormones. *Second*, the influence of a sexual environment that is not conducive to normal sexual development. *Third*, having satisfying homosexual experiences during adolescence. *Fourth*, traumatic experiences with their mother lead to antipathy and hatred towards their mother or other women. The first factor is given by God (given), where one cannot debate the right or wrong position regarding someone who has a homosexual orientation. Because it is given, the wise stance is to leave its judgment to Allah, *Allahu a'lam*.

In practice, the views of fiqh scholars are more dominant by agreeing that homosexual acts are haram and that those who engage in them, namely LGBT people, are sinful and cursed.¹⁹ The basis for the theological argument is the story of Prophet Lot about the people of Sodom and the people of Gomora in the land of Sham, which is immortalized in the Qur'an.

¹⁷ Nasr Hamid Abu Zayd, *Rekonstruksi Gender: Kritik Wacana Perempuan dalam Islam*, terj. Moch. Nur Ichwan dan Moch. Syamsul Hadi, (Yogyakarta: SAMHA, 2003). p. 180-184.

¹⁸ Marzuki Umar Sa'abah, *Perilaku Seks Menyimpang & Seksualitas Kontemporer Umat Islam* (Yogyakarta: UII Press, 2001). p. 128.

¹⁹ Roni, "Narasi Agama, Negara, Dan Heteronormativitas Dalam Mengkriminalisasi LGBT," in *Seksualitas Dan Agama: Dialog Tentang Tubuh Yang Terus Tumbuh* (Yogyakarta: Cantrik Pustaka, 2019). p. 13.

وَلَوْطًا إِذْ قَالَ لِقَوْمِهِ أَتَأْتُونَ الْفُحِشَةَ وَأَنْتُمْ تُبْصِرُونَ
 أَنْتُمْ لَتَأْتُونَ الرِّجَالَ شَهْوَةً مِنْ دُونِ النِّسَاءِ ۚ بَلْ أَنْتُمْ قَوْمٌ تَجْهَلُونَ

And [mention] Lot, when he said to his people, "Do you commit immorality while you are seeing? Do you indeed approach men with desire instead of women? Rather, you are a people behaving ignorantly." [An-Naml:54-55]²⁰

Then the verse,

وَلَوْطًا إِذْ قَالَ لِقَوْمِهِ أَتَأْتُونَ الْفُحِشَةَ مَا سَبَقَكُمْ بِهَا مِنْ أَحَدٍ مِنَ الْعَالَمِينَ
 إِنَّكُمْ لَتَأْتُونَ الرِّجَالَ شَهْوَةً مِنْ دُونِ النِّسَاءِ ۚ بَلْ أَنْتُمْ قَوْمٌ مُّسْرِفُونَ

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." [Al-A'raf:80-81]²¹

Through these verses, it is told that the people of Prophet Lot practiced homosexuality by having intercourse with men through the anus (back passage); in today's era, such sexual behavior is popularly called sodomy. According to some versions, the word "sodom" is taken from the name of the people of Prophet Lot, namely the Sodomites.²² In another verse, Prophet Lot asked his people a question. The question of Prophet Lot was recorded in the Qur'an.

أَتَأْتُونَ الذُّكْرَانَ مِنَ الْعَالَمِينَ
 وَتَذَرُونَ مَا خَلَقَ لَكُمْ أَنْفُسَكُمْ مِنْ أَنْفُسِكُمْ ۚ بَلْ أَنْتُمْ قَوْمٌ عَادُونَ

²⁰ "Https://Quranenc.Com," n.d., <https://quranenc.com>.

²¹ "Https://Quranenc.Com."

²² Arif Nuh Safri, *Memahami Keragaman Gender Dan Seksualitas: Sebuah Tafsir Kontekstual Islam* (Yogyakarta: Lintang, 2020). p. 124.

Do you approach males among the worlds. And leave what your Lord has created for you as mates? But you are a people transgressing." [Ash-Shu'arā':165-166]²³

Textually, the Qur'an does not mention the word homosexuality (*liwath*) or even sexual orientation. But the Qur'an responds to this with the word *al-fakhsha'* (an indecent act) in QS. Al-A'raf: 80, the word "*al-sayyi'at*" in QS. Hud: 78, the word "*al-khaba'its*" in QS. Al-anbiya': 74, and the word "*al-munkar*" in QS. Al-Ankabut: 21. In the Qur'an itself, there is no specific word for homo, lesbian, gay, bisexual, or asexual. The Qur'an mentions these actions with the words (actions) above. However, it should be noted that the actions mentioned above can be done by anyone regardless of whether they are homo or hetero.

Regarding the word "*al-fakhisha'*," it is repeated seven times in the Qur'an. Because of the heinousness of this act, Allah sent down punishment to the people of Prophet Lot, which, according to history, this punishment is said to be the first apocalypse due to the severity of Allah's punishment. The depiction of the punishment of the people of Prophet Lot that is immortalized in the Qur'an is:

فَأَنْجَيْنَاهُ وَأَهْلَهُ إِلَّا امْرَأَتَهُ كَانَتْ مِنَ الْغَابِرِينَ
وَأَمْطَرْنَا عَلَيْهِمْ مَطَرًا ط فَأَنْظُرْ كَيْفَ كَانَ عَاقِبَةُ الْمُجْرِمِينَ

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. [Al-A'rāf:83-84]²⁴

فَلَمَّا جَاءَ أَمْرُنَا جَعَلْنَا عَلَىٰهَا سَافِلَهَا وَأَمْطَرْنَا عَلَيْهَا حِجَارَةً مِّن سِجِّيلٍ مَّنصُودٍ
مُّسَوَّمَةً عِنْدَ رَبِّكَ وَمَا هِيَ مِنَ الظَّالِمِينَ بِبَعِيدٍ

So when Our command came, We made the highest part [of the city] its lowest and rained upon them stones of layered hard clay, [which were].

²³ "https://Quranenc.Com."

²⁴ "https://Quranenc.Com."

Marked from your Lord. And it [i.e., Allāh's punishment] is not from the wrongdoers [very] far. [Hūd:82-83]

Besides the Qur'an, the Hadith of the Prophet is also referred to regarding homosexuality, including:

From Abu Sa'id al-Khudri from the Messenger of Allah SAW. He said: "A man should not look at the nakedness of another man, and a woman should not look at the nakedness of another woman, and a man should not lie with another man under one cover, and the same applies to women." (Hadith narrated by Imam Tirmidhi).

From the companion Ibn Abbas ra. Indeed, the Messenger of Allah SAW. said: "Whoever finds someone doing as the people of Lot did, kill both the one who does it and the one to whom it is done." (Hadith narrated by Imam Rawi except an-Nasa'ie).

From Ibn Abbas ra. From the Prophet SAW. He said: "Allah curses those who do what the people of Lot did, three times." (Hadith narrated by an-Nasa'ie).

The Qur'anic verses and Hadiths of the Prophet above are used as the basis for the consensus (ijma') of scholars to agree that liwath and same-sex sexual activities are haram. This prohibition is based on the principle of ushul fiqh "*Daarul mafaasid muqaddamu 'ala jalbi al-mashalih*" (preventing harm takes precedence over acquiring benefits).

However, several classical Islamic historical literature mention that Abu Nuwas (750-810), one of the greatest poets of classical Arabic literature whose name appears several times in the "Thousand and One Nights" stories, was fond of young boys and wine. This poetry manuscript became a mockery to Abu Nuwas but did not reach the level of slander.²⁵ In his famous poem, Abu Nuwas proudly acknowledges his sexual tendency, expressed through beautiful verses;²⁶

وعاذلة تلوم على إصطفائى غلاما واضحا مثل المهامة

²⁵ Colin Spencer, *Sejarah Homoseksualitas: Dari Zaman Kuno Hingga Sekarang*, ed. Ninik Rochani Sjams (Yogyakarta: Kreasi Wacana, 2004), p. 111.

²⁶ Dikutip dari, Kyai Husein Muhammad, *Fiqh Seksualitas: Risalah Islam Untuk Pemenuhan Hak-Hak Seksualitas* (Yogyakarta: PKBI, 2011), p. 88.

وقالت : قد حرمت ولم توفق لطيب هوى وصال الغايات
دعيني لا تلوميني فإني على ما تكرهين إلى الممات
بدا أوصى كتاب الله فينا بتفضيل البنين على البنات

Many women sneer at me
For my choice of a handsome youth, like Muha
She says: don't, but you won't listen
You don't like the sinden-sinden
Let me be, don't scorn me
Even if you scorn me all day
I will love him until I die
The Book of Allah prefers boys over girls

The above poem suggests that sexual orientation toward the same gender existed long before the LGBT issue became prominent in Indonesia. This implies that sexual orientation is an inevitability; it cannot be forced, socialized, or treated as a contagious disease. Rather, it is something inherent within a person's heart and feelings, a natural inclination or sexual orientation that is inherent, and humans do not have the right to choose to be born as heterosexual or homosexual. Because homosexual orientation is inherent, proposals to treat homosexuality as a disease, to ask homosexual individuals to repent, to eliminate homosexual individuals from family circles, to discriminate against them in social interactions, to strip them of their rights as citizens, and to degrade their dignity as creations of God are actions beyond the bounds of humanity.

As'ad Abu Khalil, a contemporary Islamic thinker, says that in the study of homosexuality in the Arab world, discussions about sexuality are more influenced by Victorian history than Islamic history itself. This is because in classical Islamic literature, Islam does not recognize the term judgment against homosexual groups, even though homophobia spread among Muslims due to the influence of Western Christianity.²⁷ What Abu Khalil says seems to reject the interpretation

²⁷ Stephen O. Murray, *The Will Not to Know: Islamic Accommodations of Male Homosexuality*, in "Islamic Homosexualities: Culture, History and Literature", (New York: New York University Press, 1997), p. 14-15

of the verses of the people of Prophet Luth, which are narrated by the Qur'an in a clear and vile manner.

2. Religion and Humanitarian Principles

The presence of religion for humans is to establish welfare, compassion, and universal justice for all humanity. As stated in the Qur'an, *وما أرسلناك إلا رحمة للعالمين* "We have not sent you except as a mercy to the worlds" (Al-Anbiya:107). Additionally, the Prophet's hadith states, *إنما بعثت لأتمم مكارم الأخلاق* "I was sent to perfect good character." These two texts serve as theological foundations for human life both now and in the future, indicating that Prophet Muhammad brought not only the mission of Islam but also a humanitarian mission and was sent as a moral revolution from oppression to compassion, from a society in turmoil (ignorance) to an ethical and moral society.

In Islamic studies, as cited by Husein Muhammad²⁸ from Al-Ghazali (d. 1111), 'Izzuddin bin Abdus Salam (d. 1261), and Abu Ishaq Al-Syathibi (1388), five principles of protection were formulated, known in Islamic discourse as *al-kulliyatu al-khamsah* or *ad-dharuriyyatu al-khamsah*, which are: *hifzh al-dhin* (protection of religion), *hifzh al-nafs* (protection of life), *hifzh al-'aql* (protection of intellect), *hifzh al-nasl* (protection of progeny), and *hifzh al-mal* (protection of property). These five basic rights are universal, recognized by all religions, and norms inherent in human nature and humanity. In other words, the realization of the protection of these five basic rights accommodates the interests of all parties, regardless of belief, group, skin color, ethnicity, or gender. This shows that upholding basic human rights must demonstrate justice, freedom, and equality before the law. Conceptually, it is *جلب المصالح و دفع المفاسد* "promoting good and preventing harm".

With the above concepts and basic rights, all thoughts and systems that legitimize practices of discrimination, marginalization, misogyny, and oppression by or against anyone must be rejected for the sake of religion and humanity. Quoting Husein Muhammad's assertion, the obligation to promote welfare and prevent harm is based solely on God's laws. This is because Allah firmly states:

²⁸ Muhammad, "Refleksi Teologis Tentang Kekerasan Terhadap Perempuan." p. 204-205

قُلْ إِنِّي عَلَىٰ بَيِّنَةٍ مِّن رَّبِّي وَكَذَّبْتُمْ بِهِ ۚ مَا عِندِي مَا تَسْتَعْجِلُونَ بِهِ ۚ إِنَّ الْحُكْمَ إِلَّا لِلَّهِ ۚ
يَقْضُ الْحَقُّ وَهُوَ خَيْرُ الْفَاصِلِينَ

Say, "Indeed, I am on clear evidence from my Lord, and you have denied it. I do not have that for which you are impatient.[311] The decision is only for Allāh. He relates the truth, and He is the best of deciders." [Al-An'ām:57]

Thus, the "haram" law for LGBT groups due to homosexual orientation, as determined by the fatwa of the Indonesian Ulema Council (MUI), is a form of error in legal determination. This is because according to findings by Norshahril Saat²⁹, many fatwas issued by MUI contain hatred towards religious minority groups. As a result, LGBT individuals are discriminated against by their families, society, and the state, face prejudice from various circles, and are ostracized from their environments. This is a form of violence caused by erroneous legal determination.

Laws produced by human intellect are only justifiable if they conform to God's laws. In various writings and studies, no Qur'anic text explicitly forbids a person from having a homosexual orientation or inclination. The emphasis of the Qur'an and the Prophet's hadith related to the people of Prophet Lot is about homosexual behavior, not orientation or inclination toward the same gender.

Debating the status of homosexuality or LGBT status from an Islamic legal perspective will never end. Using the story of Prophet Lot as the primary argument would undermine the humanitarian values within an individual as a human. The Qur'an verses predominantly discuss mu'amalah (social relations), and only a minority discuss *ubudiyah* (faith and worship). Therefore, this discussion will focus more on the existence of individuals with same-gender sexual orientation as humans and creations of God. The Qur'an respects humans as humans, not as heterosexuals, but as humans in their substantive and intrinsic nature.

²⁹ Norshahril Saat, "Theologians 'Moralising' Indonesia? The Case of the Post-New Order Ulama Council of Indonesia (MUI)," *Asian Journal of Social Science* 44, no. 4/5 (June 12, 2016): 546-70, <http://www.jstor.org/stable/43954181>.

3. Humanitarian Principles in the Qur'an

Islam is a humanitarian religion, meaning that its teachings align with the natural inclinations of human nature. Muslims are required to be kind and respect human dignity, ensuring that laws derived from Islam are tolerant of diversity. Additionally, Islam has the Qur'an, which is always used as the primary reference and discusses in detail the fundamental humanity of humans. The Qur'anic discussion of the values and principles of humanity is quoted from Nurcholish Madjid's³⁰ discussion of the principles of humanity with changes in the focus of the discussion here and there.

The Qur'an explains that humans are bound by a primordial covenant with God, acknowledging the Oneness of God as the central orientation of their lives (Qur'an, Al-A'raf:172).³¹ This shows that the orientation of human life is to acknowledge the Oneness of God.

As quoting Fakhr al-Razi,³² through the above verse, it can be interpreted that there is not a single human child born on earth who does not promise the existence of God. The Angels witnessed the promise made by humans, and no one said no. Thus, Islam gives individual responsibility early on to humans, namely from the womb. Therefore, from the beginning of creation, there is no differentiation of gender identity and sexual orientation to human children in the name of anything because all human children have the same pledge, namely the same pledge of divinity.

After being born, humans are in a state of fitrah (purity) or original purity. It is assumed that humans will grow in purity unless external influences corrupt this purity (Qur'an, Ar-Rum: 30).³³ This original purity is also emphasized by Prophet Muhammad, who said, "*Every child is born in a state of fitrah...*" This innate purity

³⁰ Nurcholish Madjid, *Masyarakat Religius: Membumikan Nilai-Nilai Islam Dalam Kehidupan Masyarakat* (Jakarta: Paramadina, 2004). p. 18-20.

³¹ "And [mention] when your Lord took from the children of Adam - from their loins - their descendants and made them testify of themselves, [saying to them], "Am I not your Lord?" They said, "Yes, we have testified." [This] - lest you should say on the Day of Resurrection, "Indeed, we were of this unaware." [Al-A'raf:172]

³² Fakhr al-Razi, *al-Tafsir al-Kabir*, jilid XV, (Beirut: Dar al-Haya al-Turais al-'Arabi, 1990). p.402.

³³ "So direct your face toward the religion, inclining to truth. [Adhere to] the fitrah of Allāh upon which He has created [all] people. No change should there be in the creation of Allāh. That is the correct religion, but most of the people do not know". [Ar-Rūm:30]

resides in the conscience, driving individuals to seek, support, and do what is good and true. It is understood that every individual has the potential for truth (Qur'an, Al-Ahzab:4),³⁴ as humans express only one voice, truth and purity, by the fitrah Allah created them with. However, because humans are created as weak beings (short-sighted and inclined towards immediate gratification), each individual has the potential to err, being tempted by immediate, attractive things (Qur'an, An-Nisa':28 & Al-Qiyamah:20).

God endowed humans with intellect and religion, thus being obligated to continuously seek and choose the straight, true, and good path in life. This obligation is encapsulated in the pillars of Islam: bearing witness that there is no god but Allah and that Muhammad is His messenger, performing obligatory and optional prayers, fasting during Ramadan, paying zakat, and performing hajj if able. Additionally, this obligation is manifested in the concept of *ihsan*, which is to worship as though one sees Allah, and if one does not see Him, truly Allah sees them. This concept implies that in all aspects of human life, wherever they are and whatever they do, the surveillance of Allah is omnipresent.

The explanation above indicates that humans are ethical and moral beings, meaning that their good or bad actions must be accountable both in the world to fellow humans and in the hereafter before Allah (Qur'an, Al-Zalzalah:7-8). Unlike accountability in the world, which is relative and thus possible to avoid, accountability in the hereafter is absolute and inescapable (Qur'an, Ghafir:16). Accountability to God in the hereafter is absolute and very personal, without any defense, solidarity, or kinship, even among friends, relatives, or family members (Qur'an, Al-Baqarah:48; Al-An'am:94; Maryam:95; Luqman:33).

All these explanations from the Qur'an assume that a human being, in their life in this world, has the fundamental right to choose and determine their own moral and ethical behavior. Without this right to choose, moral and ethical accountability would be impossible. Humans would be on par with other creatures, thus not experiencing true happiness (Qur'an, Al-Kahf:29). Because of this noble inherent nature, humans are considered the pinnacle of Allah's

³⁴ "Allāh has not made for a man two hearts in his interior. And He has not made your wives whom you declare unlawful your mothers. And He has not made your claimed sons your [true] sons. That is [merely] your saying by your mouths, but Allāh says the truth, and He guides to the [right] way". [Al-Ahzāb:4]

creations, created in the best form and inherently dignified and highly esteemed (Qur'an, Al-Tin:4). Therefore, Allah honors the descendants of Adam, protects them, and provides for them on land and sea (Qur'an, Al-Isra':70).

Every human being is valuable, and harming an individual, such as unjustly killing them, is akin to harming all of humanity. Conversely, helping an individual, such as saving their life, is akin to benefiting all of humanity (Qur'an, Al-Ma'idah:32). Therefore, every human must treat others well and respect the personal dignity of others. This respect includes upholding Human Rights in peaceful and open societal interactions.

This is the essence of the Islamic teaching of salam (greeting) at the end of prayer, which signifies not forgetting the conditions of those to one's right and left while facing Allah. In broader terms, it means not forgetting the rights of others around you. Simply put, the meaning of salam in prayer is the urgency of human respect in Islamic teachings, which is crucial and fundamental. Moreover, the meaning of salam in prayer is Allah's reminder that facing Allah during prayer involves considering fellow humans. Even with all creatures, through good behavior or noble character. As the Prophet said, "*The most frequent thing that brings people into paradise is piety towards Allah and good character,*" and "*There is nothing heavier in the scale than good character.*"

One of Allah's Perennial Fitrahs is the Eternal Diversity of Humanity. It is inconceivable that humanity would ever be entirely homogeneous. The concept of human unity pertains to every individual's inherent dignity and worth. This notion stems from the belief that all humans originate from a single soul (QS. An-Nisa':1).³⁵ Thus, humans should not discriminate against one another regarding dignity and worth. In Allah's view, humans are distinguished by their piety (QS. Al-Hujurat:13). However, among humans, everyone is equal in dignity and worth, which implies equal fundamental rights and duties.

Nasaruddin Umar³⁶ describes the principle of gender equality in the Qur'an. The explanation refers to verses of the Qur'an that have messages to humanity

³⁵ "O mankind, fear your Lord, who created you from one soul and created from it its mate and dispersed from both of them many men and women. And fear Allāh, through whom you ask one another, and the wombs. Indeed Allāh is ever, over you, an Observer". [An-Nisā':1]

³⁶ Nasaruddin Umar, *Argumen Kesetaraan Gender Perspektif Al-Qur'an*, (Jakarta: Paramadina, 2001), p. 247-263.

regardless of gender differences. The principle of equality refers to several principles, among others: *first*, humans are equally servants of Allah based on QS. Al-Zariyat: 56 “*And I did not create jinn and humans except that they worship Me*”. *Secondly*, humans are both khalifah on earth based on QS. Al-An'am:165 “*And it is He who made you rulers on earth.*” *Thirdly*, humans accept the primordial covenant with God and refer to QS. Al-A'raf verse 172 “*Am I not your Lord? They answered, Yes, (You are our Lord), we are witnesses*”. *Fourth*, humans are actively involved in the cosmic drama by referring to the verse QS. Al-Baqarah verse 35: “*Oh Adam, enjoy in Paradise for yourselves and your wives, and eat good food wherever you please....*”. *Fifth*, humans have the same potential for achievement by referring to QS. Ali Imran verse 195 “*So their Lord granted their supplication (saying), “Verily I do not waste the deeds of those who do good among you, whether male or female (for) some of you are descended from others.”*”

4. Ethical Religious Attitude Towards Queer Individuals

Prophet Muhammad reinforced and spread the universal values of the Qur'an. Hence, his character reflects the ethics of the Qur'an. These universal values form the foundation of the ethical, religious attitude contained in the Qur'an. The multicultural values include justice (*al-'adalah*), equality (*al-musawa*), human rights, and democratic values. These values promote anti-discrimination, anti-prejudice, and tolerance towards diverse groups based on ethnicity, race, religion, culture, and other differences.

Justice in Arabic is *'adl*, mentioned 14 times in the Qur'an. 'Adl is an attribute of Allah, illustrating His role as a just ruler and judge.³⁷ The verb *al-'adalah* means “*to act justly*”³⁸ and is related to concepts of equality and balance. In the Qur'an, 'adl pertains to both God and humans. To be just to God, humans must worship sincerely and purely (QS. Az-Zariyat (51):56).

According to Nasr,³⁹ humans must be just to other humans by granting each their rights and acting accordingly (QS. al-Ma'idah (5):8, QS. Al-A'raf (7):29, QS. Al-

³⁷ Oliver Leaman, *The Qur'an: An Encyclopedia* (New York: Routledge, 2006). p. 13.

³⁸ Hans Wehr, *A Dictionary of Modern Written Arabic*, ed. J. Milton Cowan, *A Dictionary of Modern Written Arabic*, 3rd ed. (New York: Spoke Language Services, 1976). p. 596.

³⁹ Seyyed Hossein Nasr, *The Heart of Islam: Enduring Values for Humanity* (New York: Haroer Collins, 2002). p. 249.

Mumtahanah (60):8). Moreover, Allah commands humans to speak and judge justly (QS. Al-An'am (6):152, QS. An-Nisa' (4):58). Allah's commands for justice, just speech, and fair judgment indicate His disdain for injustice, oppression, and crimes based on race, ethnicity, religion, gender, socio-culture, politics, economy, or sexual orientation differences. Such actions signify a breach of the covenant with God (QS. Al-Baqarah (2):124), and God dislikes those who engage in them (QS. Ali Imran (3):57). Therefore, the Qur'an emphasizes combating injustice, oppression, and crime against humans for any reason.

Symbolic slavery occurs when a group or person positions themselves to be obeyed unconditionally. The Qur'an instructs treating others justly and humanely (QS. An-Nisa' (4):36) and even encourages the liberation of slaves (QS. Al-Baqarah (2):177, QS. An-Nisa' (4):92, QS. Al-Ma'idah (5):89). Allah's emphasis on human freedom, including freedom from slavery, exploitation, and trafficking, teaches that only Allah can limit human freedom (QS. As-Shura (42):21).

Humans lack the authority to restrict each other's freedom since only Allah can judge human deeds (QS. Yusuf (12):40). Therefore, claims that "*LGBT is contagious*," "*LGBT is a divine curse*." Other derogatory statements are prejudiced, hateful, and violate human dignity. Humans have no right to judge others' sexual orientation as sinful or condemn them to hell, as reward and punishment are Allah's prerogative. Human duty is to treat others kindly, not to judge them.

The ethical religious stance humans should adopt is tolerance, which relates to justice (*al-'adalah*) and equality (*al-musawa*). Prophet Muhammad was commanded to be just, and his followers should emulate his behavior (QS. An-Nisa' (4):135, QS. Al-Ma'idah (5):8, and QS. Al-Mumtahanah (60):8). Emulating the Prophet does not grant one the right to judge others, as judgment belongs to Allah, and individuals will receive their due reward from Him based on their deeds.

Treating others as humans created by Allah and described in the Qur'an is essential. How can humans insult or scorn others based on subjective differences? These differences are inherent, existing before birth. Recognizing this, humans should treat others with love, respect their dignity, and honor their inherent rights. As KH. Musthafa Bisri advised on Mata Najwa Metro TV, "*Respect humans because they are humans.*"

D. Conclusion

The principles of humanity in Islamic teachings written in the Qur'an and hadith place human beings, both men, women, and queers, as equal beings before God. This equal and honorable position is given to humans because humans have been given by God the mind to think and the heart to grasp the truth. Inhumane treatment by humans on any basis is not justified according to the Qur'an because it is contrary to human values.

This study found that the principles of humanity in religious teachings written in the Qur'an and hadith are very clear in respecting the human rights of men, women, transgender and other queer groups. Respect for the principle of humanity is written in several verses of the Qur'an, such as QS. Al-Ma'idah verse 32 says that every human person is valuable. This means that the Qur'an recognizes with true recognition that humans have the right to be treated with respect, and other humans must respect humans regardless of their gender identity and sexual orientation.

This research contributes to the Qur'anic recognition of the diversity of gender and sexual orientation experienced by humans. This recognition is important because often, "religion" becomes a theological argument to reject the existence of gender and sexual minority groups in a religious context. This study can be a study material or counter-discourse to defend those who get marginalized, discriminated against, and stereotyped based on differences in gender and sexual identity. In addition, the results of this study contribute to the scientific discourse of queer studies from the perspective of religion and interpretation. This research opens space for further research to take a closer look at the discourse of gender diversity from the perspective of tafsir and Islamic theology, including, in this case, the concept of gender diversity and sexuality in Islamic spirituality.

BIBLIOGRAPHY

Al-Razi, Fakh, *al-Tafsir al-Kabir*, jilid XV, Beirut: Dar al-Haya al-Turats al-'Arabi, 1990.

- Budianti, Melani, Identitas-Trans, dalam *Ekspresi Untuk Identitas*, diterbitkan oleh Suara Kita, PKBI dan renebook:2014.
- Davies, Sharyn Graham, *Keberagaman Gender di Indonesia*, Santi Hendrawati dan Catharina Indirastuti (penerjemah), Jakarta: Yayasan Obor Indonesia, 2018.
- Fatwa Haram MUI tentang Lesbian dan Gay tahun 2014, lihat <https://mui.or.id/storage/fatwa/329ca845b0f58948967b5619afa91325-lampiran.pdf>
- Hafsin, Abu, *Pengantar*, dalam buku "Islam dan Humanisme: Aktualisasi Humanisme Islam di Tengah Krisis Humanisme Universal", Yogyakarta: Pustaka Pelajar, 2007.
- Koeswinarno, *Hidup Sebagai Waria*, Yogyakarta: LKiS, 2004.
- Leaman, Oliver (ed), *The Qur'an: An Encyclopedia*, London and New York: Routledge, 2006.
- Muhammad, Husein, *Refleksi Teologis Tentang Kekerasan Terhadap Perempuan*, Dalam Syafiq Hasyim, "Menakar Harga Perempuan: Eksplorasi Lanjut Atas Hak-Hak Reproduksi Perempuan Dalam Islam", Bandung: Mizan, 1999.
- Muhammad, Husein, Siti Musdah Mulia, Marzuki Wahid, *Fiqh Seksualitas: Risalah Islam Untuk Pemenuhan Hak-Hak Seksualitas*, diterbitkan oleh PKBI tahun 2011.
- Madjid, Nurcholish, *Masyarakat Religius: Membumikan Nilai-Nilai Islam Dalam Kehidupan Masyarakat*, Jakarta: Paramadina, 2004.
- Mulia, Musdah, *Mengupas Seksualitas: Mengerti Arti, Fungsi dan Problematika Seksual Manusia Era Kita*, Jakarta: Opus Press, 2015.
- Murray, Stephen O. *The Will Not to Know: Islamic Accommodations of Male Homosexuality*, dalam "Islamic Homosexualities: Culture, History and Literature", New York: New York University Press, 1997.
- Muthmainnah, Yulianti, *Hak Asasi Manusia LGBT Dalam Kebijakan Dalam Negeri Indonesia*, dalam Jurnal Perempuan "Keragaman Gender dan Seksualitas", Vol. 20. No. 4 November 2015.
- Nadia, Zunly, *Waria, Laknat atau Kodrat?*, Yogyakarta: Pustaka Marwa, 2005.
- Nasr, Seyyed Hosein, *The Heart of Islam: Enduring Values for Humanity*, New York: Haroer Collins, 2002.

- Oetomo, Dede, *Memberi Suara Pada Yang Bisu*, Yogyakarta: Galang Press, 2001.
- Pesantren Waria di Yogyakarta di Tutup, LBH Protes, lihat https://www.bbc.com/indonesia/berita_indonesia/2016/02/160225_indonesia_ponpes_waria_ditutup
- Rahman, Fazlur, *Major Themes of the Qur'an*, Minneapolis & Chicago Bibliotheca, 1980
- Roni, *Narasi Agama, Negara, dan Heteronormativitas Dalam Mengkriminalisasi LGBT*, dalam "Seksualitas dan Agama: Dialog Tentang Tubuh yang Terus Tumbuh", Yogyakarta: YIFoS Indonesia dan Cantrik Pustaka, 2019.
- Saat, Norshahril, *Theologians "Moralising" Indonesia: The Case of the Post-New Order Ulama Council of Indonesia (MUI)*, dalam *Asian Journal of Social Science*, Vol. 44 No. 4/5, 2016.
- Spencer, Colin, *Sejarah Homoseksualitas: Dari Zaman Kuno Hingga Sekarang*, terj. Ninik Rochani Sjams, Yogyakarta: Kreasi Wacana, 2004.
- Sa'abah, Marzuki Umar, *Perilaku Seks Menyimpang & Seksualitas Kontemporer Umat Islam*, Yogyakarta: UII Press, 2001.
- Sa'dan, Masthuriyah, *LGBT, Agama dan HAM: Kajian Pemikiran Khaled M. Abou El-Fadl*, dalam *Jurnal Perempuan "Keragaman Gender dan Seksualitas"*, Vol. 20. No. 4 November 2015.
- Sa'dan, Masthuriyah, *Solidaritas Waria Yogyakarta*, Yogyakarta: Gading Publishing, 2021.
- Sa'dan, M., *Merebut Ruang Ibadah: Studi Kasus Konflik Penutupan Paksa Pondok Pesantren Waria Al-Fatah Yogyakarta*. *Jurnal Tashwir*, 10(2), 2022.
- Safri, Arif Nuh, *Memahami Keragaman Gender dan Seksualitas: Sebuah Tafsir Kontekstual Islam*, Yogyakarta: Penerbit Lintang, 2020.
- Umar, Nasaruddin, *Argumen Kesetaraan Gender Perspektif Al-Qur'an*, Jakarta: Paramadina, 2001
- Wahid, Wawan Gunawan A., *Perilaku Homoseks Dalam Pandangan Hukum Islam*, dalam *Jurnal Musawa UIN SUKA* Vol.2. No.1 Maret 2003.

- Waliko dkk, *Contextualizing Hadith on LGBT in The Perspectives of Humanity, Religion, and Culture*, Jurnal Ilmu Ushuluddin UIN Syarif Hidayatullah, Vol. 10, No. 2, 2023.
- Wehr, Hans, *A Dictionary of Modern Written Arabic*, ed. J. Milton Cowan, Edisi III, New York: Spoke Language Services, 1976.
- Zayd, Nasr Hamid Abu, *Rekonstruksi Gender: Kritik Wacana Perempuan dalam Islam*, terj. Moch. Nur Ichwan dan Moch. Syamsul Hadi, Yogyakarta: SAMHA, 2003.

