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PROBLEMATICS OF LGBT ACCORDING TO MAQASID AL-SYARIAH WITH HIFDZ NASHL

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Abstract: This research reviews LGBT issues which are increasingly being discussed because everything seems to be something normal. This is due to the increasing access to globalization, reaching 8,013 cases in Bogor district where LGBT marriages are taking place. Thus this study analyzes the problems related to LGBT marriage to hifdz nashl. This research also uses qualitative methods with literature review, is library research which is literature review research by collecting various sources from both primary and secondary sources and uses library research methodology in analyzing secondary legal materials in the form of reading, analyzing, and collecting data from library research. The results of the research are related to Islamic views which include the Qur'an and hadith as well as the consensus of the scholars who say that marriage is an act that is unlawful because of the impact of the LGBT community. In this case, the problems of LGBT marriages can have a major impact on hifdz nashl, as well as discussing how marriage in Islam should be carried out by a man and a woman and perform consent qobul between the man and the marriage guardian with two witnesses. So, when a man marries a man or vice versa it will be equated with adultery which is unlawful.

Keywords: *Problematiks, LGBT, Maqasid Al-Syariah, Hifdz Nashl*

A. Introduction

One of the greatest potentials God has given to humans is lust. One way for humans to satisfy their desires is through sex. Humans can perform sexual activity and give birth because of this ability. The preservation of human existence is maintained by the possibility of having sex. No matter how advanced breeding technology is, it can never stop men and women from having regular sexual intercourse, which is the way humans naturally reproduce. To guarantee the legality of the sanctity of sexual interaction, all religions have stipulated legal provisions for



marriage. Humans are encouraged to marry so that further human regeneration is guaranteed.

Marriage is a sacred activity because there is a gift or fitrah given by God to humans, namely love. However, not many also say that a marriage is run well, because of a common goal. (Al Faruq & Sholihah, 2020) Marriage is a sacred event that is very important in one's life. The bond that occurs in marriage establishes a spiritual, physical, spiritual, and human bond. Many marriages are based on love but run aground because feelings can change in a matter of seconds. Because the purpose of marriage is to have children *hifdzul an-nasl* in the hope of being able to have good offspring. It can be realized by marriage between men and women according to requirements based on religious and legal norms.

Islam has set rules for every element of life, one of which is the sex instinct which is part of every human being. According to Islam, it is a natural power that exists in all people. Marriages that occur in some Muslims do not look at the distribution of biological sexual urges, which some people treat so badly and are forbidden, but Islam regulates them according to nature. As a result, Islam strongly opposes sexual deviance such as LGBT, which harms people's capacity to lead ordinary lives.

The teachings of Islam itself state that humans have an excessive desire to have sexual relations, especially with the opposite sex. In one of her journals, Hasnah writes that Indonesia is the fifth largest country in the world that handles LGBT (lesbian, gay, bisexual, and gender equality) issues. (Hasnah & Alang, 2019) LGBT is a minority community group that does not get support from national law even though homosexuality is not considered a crime. Because Indonesian law itself only recognizes male and female gender, not transgender. In contrast to countries out there, they are starting to accept the existence of LGBT community groups as humans who have equal authority and obligations with other humans.

Many factors cause the creation of LGBT, one of which is the influence of the environment, where homosexuality is seen as normal. When inside he is not equipped with moral or religious values, then he will be easily influenced by bad habits in his environment. It is contained in a hadith narrated by a friend of the Prophet, namely Abu Daud, forbidding LGBT people because the sins committed are very large and the sanctions are severe. If you are not punished in this world, then you will be punished in the hereafter. According to the transgender phenomenon that occurred in 2006, this fact is not only influenced by environmental influences but also caused by mental health, influenced by culture, physical gender, and health section.

In the current era of globalization, humans will be presented with a new reality every day. They confess things that are considered new to them. However, in reality, they find it difficult to accept these new things. As happened in Indonesia regarding LGBT culture. Indonesian society is very much against LGBT because it is against religious norms. In the absence of a place, LGBT lives wallow in activities that are so minimal that it can be said to be an unnatural life by all kinds of bullies, discriminatory treatment, and so on. (Sofyarto, 2018)

Indonesia is the 5th country contributing to the spread of LGBT, where 7.5 million out of 250 people in Indonesia are perpetrators of LGBT cases. IPB lecturer in his research in June 2015 from 10 sub-districts in Bogor district and from 45 sub-

districts as a whole the number of sex offenders has exceeded 6,600 cases. And in December 2015 within 6 months the number increased to 8,013 cases. (Inews, 2019)

From an Islamic point of view, the issue that is very dangerous for Muslims stems from problems with Lesbians, Gays, Bisexuals and Transgenders (LGBT). Because in the Holy Qur'an and Hadith, it is clearly stated that homosexuality is one of the biggest sins and the punishment is very serious in this world and the hereafter. Therefore, the pros and cons always accompany the legalization of LGBT. But in practice, the two cannot be combined because each takes a reference as its argument.

According to Alam and Amir in a journal titled "*LGBT Viewed from the Perspective of Human Rights Law in Indonesia*" saying no as a whole can be said to be criminalized, until now there are no detailed rules to regulate LGBT. This criminology reveals and studies hidden crimes and overcomes them.

Islam has a special view that LGBT can be interpreted in two terms, namely: Liwath (gay) and Sihaaq (lesbian). Liwath (gay) means a prohibited act committed by a man who inserts his genitals (penis) to be examined and enters the anus of another man. The term Liwath is a word (naming) that was combined and discussed at the time of the people of Prophet Lut As. Because in his era, it was the people who first plunged into doing something this heinous. According to Sayyid Sabiq in the book *Fiqhu As-sunnah*, Juz 4/p. 51. Meanwhile, Sihaaq (lesbian) is a relationship between two women who have a passionate love for women who rub their body parts, namely in the form of (farji') with each other. (Tanoko, 2022)

According to the statement above that LGBT is an invisible community in this country, it can be seen from how the perspective and workings of law in this country have not made detailed laws regarding LGBT. Apart from the applicable laws, there are also various public attitudes towards LGBT, including some people who are not aware of the existence of LGBT groups, so they are not aware of their cultural differences from normal people. about having peace between people. As for the people who are pro and con, as we know pro means supporting the LGBT group, then the cons are those who oppose the existence of LGBT groups due to religious, cultural, and other factors.

Based on the background of the problems above, the formulation of the research problem is how are the problems of LGBT marriage against hifdz nashl? The purpose of this study is to clarify the problems related to LGBT marriage to hifdz nashl.

B. Method

This study used a qualitative method with a literature review. Which literature is taken by the subject matter of the problem of LGBT marriage to hifdz nashl. This research a use quantity causality approach in the form of a research approach that looks for the relationship between one variable and another variable which is cause and effect. This methodology is based on library research because the subject of the study is written text that has been collected into a corpus (data used as research sources and materials). The term "research literature" refers to a variety of tasks involving methods for reading and analyzing research materials and collecting data from libraries. The sources used in this research are research sources (library research) originating from primary literature related to LGBT. Primary sources

were taken from discussion subjects related to LGBT and problems related to sexual behavior that is considered deviant, factors that trigger LGBT behavior, consequences of LGBT behavior, and LGBT marriage problems according to Maqasid al-Syariah with Hifdz Nashl. Apart from that, this research also utilizes secondary sources such as books, yellow books, the Koran, journals, newspaper articles, the web, magazines, and so on. This is a study that collects information from library sources. In this study, the authors used the content analysis approach model (content study).

The data obtained from these sources is then collected, filtered, and analyzed using an interpretation method to understand the LGBT concept from an Islamic perspective. In this analysis, the research focuses on understanding the origins of LGBT in Indonesia, the consequences of this behavior, Islamic provisions on LGBT marriage, and strategies for avoiding and overcoming LGBT behavior. Furthermore, the analysis also involves the internal coherence method to deepen the understanding of LGBT in the Islamic context and look for a center of understanding around the problems of LGBT marriage according to Maqasid al-Syariah with hifdz nashl.

C. Results and Discussion

1. LGBT Marriage from the Perspective of Maqasid Al-Syariah

In Islam, sexual relations are something that is subject to sharia rules and cannot be taken lightly. Heterosexuality, which is the attraction between men and women, is considered to be human nature. Islam regulates marriage as a form of legitimization of heterosexual relationships because sexuality in Islam includes biological, psychological, and spiritual aspects. According to Abdul Mustaqim, through the maqasid al-shari'ah approach, marriage has the aim of building a family and protecting offspring (*ḥifẓ an-nasl*), as well as protecting the human soul and existence (*ḥifẓ an-nafs*). Husband and wife have rights and responsibilities that must be carried out within the context of marriage, and all of these actions are considered worship of Allah SWT. Therefore, the Qur'an prohibits adultery, even though it is a form of heterosexual sexual intercourse. From this, it can be seen that homosexuality, in particular, is contrary to the goals of maqasid al-shari'ah. Homosexuality only fulfills biological goals and does not consider its relationship with other aspects of life as a whole. (Parwanto et al., 2023)

Jamaluddin Atiyyah explains the maqasid or purpose of marriage regulations in Islam through the interpretation of the texts of the Koran and Sunnah. According to him, the purpose of marriage in Islam includes several aspects:

1. **Regulating the Relationship between Men and Women:** Islam introduced marriage rules as a correction to marriage practices in Arabia before Islam. Islamic marriage treats men and women equally, giving equal rights and obligations to husband and wife. These rules include recommendations for marriage, prohibitions against celibacy, rules for polygamy, and talaq, and prohibitions against adultery.
2. **Protecting the Offspring:** Marriage in Islam is directed at giving birth to children as successors to the parents' struggles. Islam encourages its followers to choose fertile partners. To protect offspring, Islam prohibits adultery, adopting children to equate adopted children with offspring, and

- releasing sperm outside the wife's genitals.
3. Creating a Sakinah, Mawaddah, wa Rahmah Family: Marriage in Islam is not only about biological needs but also creates a peaceful psychological condition through love and affection between husband and wife. Islam regulates patterns of sexual relations and teaches the best treatment between husband and wife.
 4. Maintaining the Lineage: Islam prohibits adultery to ensure the clarity of the child's lineage. Islam also prohibits adopting children to make them legitimate offspring and orders an explanation of the status of children in the womb and the rules for the iddah period.
 5. Maintaining Diversity in the Family: Religion is a major factor in choosing a life partner. Islam emphasizes the importance of religious factors in building a family that is conducive to implementing Islamic teachings. Family is the first place for children to learn and do good.
 6. Regulating Relationship Patterns in the Family: Having a family requires husbands, wives, and children to comply with the rights and obligations regulated by Islam. Islam regulates patterns of kinship relations, mahram, guardianship, and financial aspects of the family, such as dowry, maintenance, inheritance, wills, endowments, and guardianship of property.

By regulating these aspects, Islam views marriage as an institution that goes beyond mere biological needs, involving moral, social, and religious responsibilities, intending to create a stable and just family.

The sentences explained by Jamaluddin Atiyyah emphasize the goals of marriage within the framework of Islamic values and rules which include heterosexual relationships between men and women. Therefore, there is a clear conflict between the concept of marriage in Islam which emphasizes heterosexual relationships, and same-sex marriage (LGBT). In Islam, the concept of marriage does not support LGBT relationships because marriage in Islam is specifically regulated as a relationship between a man and a woman for certain purposes, such as protecting offspring, creating a family that is sakinah, mawaddah, wa rahmah (peaceful, loving and blessings), as well as maintaining diversity in the family.

Thus, in the context of the Islamic view explained by Atiyyah, LGBT marriage does not fulfill the goals of marriage regulated by the Islamic religion. Therefore, same-sex marriage cannot be equated or compared with heterosexual marriage within the framework of Islamic values. (Mawardi, 2018)

In the previous section, we discussed maqashid shari'ah, where the ultimate goal of Islamic religious teachings is to maintain and protect descendants or lineages. Fiqh scholars consider lineage to be a very strong foundation for building family life and connecting individuals through blood ties. Islam prescribes marriage as a legal way to maintain the purity of one's lineage. Purity of lineage is very important in Islam because it is related to family structure, including marriage law, inheritance law, and other civil rights. The marriage command in Islam also prohibits approaching adultery, because adultery can damage the validity of the lineage. The fundamental purpose of marriage is to continue human life and offspring on earth. The human desire to have a loving family, between husband,

wife, and children, results in blood relations that are clear and legal according to religion.

Adultery that can result in births outside of marriage can cause legal and social problems. In Indonesia, children born outside of a legal marriage are often considered illegitimate children, although the more appropriate term is vanity children. The existence of this assumption is the result of the invalidity of the marriage and has a negative social impact on the family of the adulterer. Humans, in essence, do not own anything in this world, but when God created humans, the right to live and the obligations of life were given. Birth is the first form of God's dogma for us, followed by human attachment to good and bad in natural law or sunnatullah. Humans must live within natural and cultural value systems, but at the same time, have the freedom to choose. Human rights are the ability to live properly as a human being. However, if the implementation of religious law still requires permission from the authorities, human rights as followers of a religion are not guaranteed by the mechanisms of the state system.

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In essence, Islam always carries the dignity that is owned by every human being to place more emphasis on orders to always maintain ma'ruf (benefit) principles. In Islam, LGBT marriage is strictly prohibited because this is far from being beneficial, and can also threaten the existence of human development which has essential characteristics, namely it will destroy lineage (hifdz nashl) because the existence of LGBT marriage will eradicate the family system and will even break the ties of human generations furthermore.

Indonesia is the 5th largest country contributing to the spread of LGBT in the world. Santoso said that an institution that surveyed domestic and foreign independents stated that Indonesia had 3% LGBT people, where 7.5 million out of 250 people in Indonesia are LGBT. The establishment of the Djakarta Wadam Association (Hiwad) in Jakarta which has been advocating for LGBT in Indonesia since the 1960s and facilitated by the Governor of DKI Jakarta, namely General Marine Ali Sadikin. In that year, a term emerged, namely wadam (Adam woman) created as a refinement of the word sissy/bencong which is oppressive and demeaning. However, in 1978 this term was replaced by the Indonesian Ulema Council because it was considered inappropriate to give someone's name the Prophet (Adam) to the term waria (male woman). (Saidah & Annajih, 2022)

As stated in the MUI Fatwa Number 03 of 2010 concerning Changes and Improvement of Genitals, it stipulates that the Law on Change of Genitals that is done intentionally is deemed unlawful, namely in the form of changing the genitals from male to female or vice versa. This is based on the law which refers to the Al-Qur'an, hadith, istisb, fiqh principles and the agreements of the ijtihad as stated in the MUI Fatwa in determining the prohibition of sex reassignment surgery unless due to a disease or abnormality in the genitals, this needs to be followed up. (Mulyana et al., 2019)

IPB Lecturer, Euis Sunarti in his research which is also a request in the lawsuit Article 292 of the Criminal Code, explained that in June 2015 from 10 sub-districts in Bogor Regency out of 40 sub-districts as a whole, the number of sex offenders (men with men) had exceeded 6,600 cases (with clear data and addresses), then in December 2015 within 6 months this number had increased to 8,013 cases. The data was obtained because the perpetrators did counseling. The age of same-sex sex offenders is not only those who are over 18 years old, but those aged 11, 12, and 13 have learned how to have sex. In Tulung Agung, the local health office has conducted a study of 498 adolescents who had sex between the same sex (male to male) spread across 7 sub-districts. data collection was carried out from January to June 2019, with 60% still being students youngest 11 years. (Inews, 2019)

In the world of health, based on the results of research conducted by the Padang Panjang Hospital, it is stated that LGBT has characteristics that can be passed down from family members. A normal man has an XY chromosome. for gender Normal women have XX chromosomes. However, in transgender cases, it is stated that a man may have an XXY chromosome which has an extra chromosome. Apart from that, in the case of gays and lesbians, in terms of their health and physical assessment, they were still considered normal, but psychologically these people had problems. (Panjang, 2021)

In the view of Islam, LGBT is a concept that has a community and has a concept of gender characteristics as well as sexual characteristics. Lesbian, gay, bisexual, and transgender are words that people are familiar with. In one view, lesbians add emotional depth to relationships in which women engage with those of the same sex because of the emotionally connected connections. Meanwhile, the term homosexual only focuses on matters related to sexuality, namely relationships that are carried out for sexual intercourse with one another. Among them:

Lesbi said Lesbos is the root of the word lesbian. Historically, women lived on the oceanic islands of the Eigs, where they engaged in sexual activity together.

(Kartono, 2020) According to Rohmawati, a Lesbian can be interpreted as a woman who has an interest in the same sex, namely fellow women. According to Augustine lesbian is a label for women who encourage other women to choose their sexual orientation or women who love women spiritually, emotionally, physically, or vice versa. (Agustin, 2021) Meanwhile, according to Jones and Hesnard (in Beauvoir), two types of lesbians are often distinguished as *femme*, a designation for women who are afraid of men, and *butch*, a designation for masculine women who want to imitate men.

Gay, is when a male figure has lust and interest in the same sex, namely men as well, as a material for sexual satisfaction. This is part of the men who lack the level of faith, will do a variety of ways to have sex, one of which is by having intercourse and manipulating the genitals of their partners. Kartono said that a gay is a man who is homosexual. According to Rahman, a gay is a man who likes the same sex, both physically, sexually, emotionally, and spiritually. According to Sinyo's view, a gay is not only a male figure who likes the same sex, namely men but his desire to be recognized as a whole for himself having sexual habits with the same sex. (Rakhmawati, 2018) According to Oetomo, gay people have no desire to wear women's clothes and present themselves as women. Sadarjoen also said that gay is a condition where sufferers have an erotic attraction to the same sex. (Harbet, 2022)

Regarding LGBT, bisexuality is one of them and in this case, it is very well-liked and known by several people who have a high interest, especially in sex towards the same sex or the opposite sex. And although in part people think that bisexuals can also be said to be gays and lesbians who are still secretive and shy to reveal it to their opponents. (Gustian et al., 2019) Bisexual can be interpreted as someone who has two relationships in two sexes, namely men and women, sexually and emotionally. According to Masters, bisexual is a word for those who have an attraction to men as well as women which can arise from psychological, emotional, and sexual. Bisexual can also be interpreted as romantic in which both are attracted to each other, especially in terms of sex, this will happen to both men and women at the same time. (Mukhid, 2018) The term bisexual usually describes a very high interest in sexual matters without the need to distinguish between men and women, in which both parties will feel the peak of romance.

Transgender, according to Gibitiah, transgender is an individual whose behavior or appearance is not normalized by their typical gender role. A transgender person "breaks" conventional expectations of what it means to be a man or a woman on many levels." Only a feature of behavior or appearance (zahir) becomes transgender. (Prenadamedia Grup, 2020).

According to the Islamic view of a healthy and perfect human, deliberately changing sex or genitals is an act that is forbidden, Allah mentions in QS An- -Nisa verse 119. Marzuki defines transgender as a symptom in which there is no feeling of dissatisfaction with one's genitals and makes someone feel like they have the opposite sexuality. Just as it is intentional for humans to change sex only because they are dissatisfied with God's favors given to them, while Allah has created a very beautiful human being perfect. According to Ibn Baththal, the Prophet Muhammad would hate those people who were not grateful, not because their identity was the nature of God's creation of women or men. The curse comes because of men who

follow their tendencies and the mere satisfaction of lust and preen, just like women, this punishment also applies to complete women who deliberately change themselves to look like men.

Every human being has been arranged in the best way in Islam for the journey of his lifetime. When Islam has determined how good we should be, we should be grateful to Allah. Islamic rules are not only for memory but also as proof of God's love for his servant. If a man deliberately changes his sex without any disease or the like, then not only will he feel pain, but it will also have an impact on society.

Based on the explanation above, that lesbian is a woman's relationship with the same sex. In contrast to lesbians, gays are a relationship between a man and his kind. Bisexuality is a relationship between both men and women who have relationships with each other at the same time. Transgender is someone who changes their physical and sexual condition, both male and female. Despite their differences in sexual fulfillment, all of the above definitions have one thing in common: they all experience pleasure on a psychological and biological level. Sexual orientation includes both the same and opposite sex.

Therefore, it cannot be denied that the ideology of secularism that is adhered to by the majority of Indonesian people is the cause of the growing problem among LGBT people today. Religion and everyday life are separated by the philosophy of secularism (*fash al dain'an al hayah*). In a secular society, some men and women are seen in a secular culture only having sexual relations. Because to arouse sexual urges and satisfy their desire for fulfillment, They believe that humans will be in danger if this instinct is not satisfied. (Mempawah, n.d.)

Because their thoughts are wild and finally they try to find satisfaction through the same sex, including animals because they are not satisfied with the opposite sex. For them, this is liberation. Because it has been proven in QS Al-A'raf: 179 which means: "*And indeed We have prepared most of the jinn and humans for the contents of the Hellfire. They have hearts but they do not use them to understand (the verses of Allah) and they have eyes (but) they do not use them to see (signs of Allah) and they have ears (but) they do not use them to hear (verses God). They are like cattle, only more fanciful. These are careless people*" (Al-A'raf:179).(S, 2020)

2. Islamic Provisions on LGBT Marriages

The next verse of the Qur'an states that everything in this universe was created to complement and pair with each other by Allah, especially the designation of men (*penis*) and female (*trot*) for differentiation between the human sexes. Namely in QS. Al-Dzariyat: 49, QS. Al-Syuara: 11, and QS. Al-Qiyamah: 39.

Marriage is a social institution that legalizes the relationship between men and women to become legally binding. It has been explained in the Qur'an QS. An-Nisa': 3 and QS. Al-Baqarah: 223 that women are illustrated as "fields". Where men must be able to be with productive people, namely women. So it is proven that marriage is not only for entertainment but also for procreation. Thus, many other arguments support expressly stating (*qhat'iy al-dhalalah*) that men are married are women and married women are men. Besides that in QS. Al-Syu'ara' verse 166 states that such a relationship has become Allah's "Ordinances" and the law of mujma'alaih. Furthermore, the Qur'an describes the process of male creation Nuthfah Amsaj, namely in the form of a mixture of male and female seeds that occurs in the explanation of QS. Al Mukminun: 12-14.

The purpose of marriage in Islam is one of them :

- a) Satisfy the demands of basic human instincts.
- b) To strengthen noble character and lower views. The main goal of a valid marriage in Islam is one of them. The aim is to strengthen human dignity and dignity from dirty and evil acts that can demean and damage noble human dignity
- c) To support Muslim families. Enforcement of budget laws based on Islamic law is mandatory. Therefore, for every Muslim and Muslim woman who wants to build an Islamic household, Islamic teachings have provided several criteria for ideal partner candidates, namely kafa-ah and shalihah.
- d) Increase the worship of Allah. From this point of view, the household is one of the fertile foundations of worship and good deeds. In addition to worship and other good deeds, husband and wife relationships are also part of worship (alms).
- e) Have a godly lineage. The purpose of marriage between them was to procreate godly offspring and protect and develop Adam's children. (Khusairi, 2022)

According to Islamic principles, a man must marry a woman, and neither a man nor a woman can marry a man. Various verses in the Qur'an describe the homosexual activity of the Prophet Lut and can be used as justification for banning LGBT marriages, namely: QS. Al-A'raf verses 80-81, QS. Al-Naml verse 55, QS. Huud verses 78-79, QS. Asy-Syu'ara' verses 165-168, QS. An-Naml verses 54-55, QS. Al-Anbiya' verse 74, QS. Al-Ankabut verses 28-29, QS. Al-Hijr verses 67-74, and QS. Al-Qamar verse 37.

In the verses of the Qur'an it is mentioned by using three terms *al fakhisatu*, *as-sayyiatu*, and *Andal-khabstuw* which describes the sexual behavior of Lut's people in these verses. These three terms all have the same fundamental connotations of hideous, dirty, rebellious, and contrary to human nature and nature itself. Allah also punishes those who engage in sexual behavior with various punishments, including loud noises (*al-shaihah*), hail of stones, and the upside down of the earth underfoot. Ulama also forbids LGBT people from having sexual relations for this reason. It was emphasized that the ban on marrying men in this situation is *al-tahrim* because it was accompanied by such a terrible threat.

In Islamic criminal law, homosexuality is categorized as a mortal sin, because this act is included in adultery and is forbidden. In line with the hadith of the Prophet narrated by Ahmad, Abu Daud, Muslim, and At-Tirmidhi which means "*It is forbidden for a man to see parts of the body that are forbidden to show and be seen by other men (aurat) and vice versa, it is forbidden for women to go home to show and see body parts that are forbidden for other people to see (aurat) by other women, and it is forbidden for a man to touch skin to skin with other men in one piece of cloth covering, and also it is forbidden for women to touch skin to skin with other women in one piece of cloth covering.*" In another hadith, it has been explained that the Messenger of Allah said, "*Anyone who has met a man who is a homosexual, then he must be hastened to be killed.*" (Reported by Abu Dawud, At Tirmidhi, An-Nisa'i, Ibn Majah). (Syahrani et al., 2022)

This hadith reveals that homosexual acts are the same as committing adultery,

in Islam it has been stated that adultery is forbidden as in QS Al-Isra: 32 which states that adultery is a heinous act and a very bad habit. It can be concluded that homosexual acts are forbidden in Islam.

The MUI fatwa in the Second National Conference in 1980 which contained Operations to Change or Enhance Gender stated that changing gender, which was originally male to female, and female to male, stated that this was illegal and also contradicted the argument of the Qur'an.

The Al-Qur'an and Hadith have stated that the marriage of LGBT people is forbidden and even required to be killed because some scholars argue that LGBT people can be contagious in the sense of wanting to have a partner of the same sex, but in her journal, Rohmawati wrote that there is permissibility in a same-sex marriage with several reasons include: because women and men are equal creatures in terms of human food who have same-sex desires, women, and men are equal beings in this day and age, nothing is stronger or weaker, women and men are the same servants, only differentiated in obedience in the sight of God, the essence of Islamic teachings is that they can humanize other humans and their sovereignty and are prohibited only for sexual offenders, not their sexual orientation.(Rohmawati et al., 2018)

In the words of one of the fiqh scholars, namely Imam Ibnu Qudamah " All the scholars have agreed in determining the law of homosexual acts, namely that it is forbidden, all methods that justify homosexuality are still actions that are not right in the Islamic view, namely the Koran and hadith and even the opinions of scholars."

In Islam, marriage is one of the foundational forms of worshiping Allah SWT. One of the Sunnah of the Prophet that must be carried out sincerely and following applicable legal provisions is marriage. The fiqh scholars agree on the terms of punishment for homosexual offenders, namely that the first one is killed, and the last one is punished as an adulteress. Third, they are subject to punishment *Ta'zir*. (Basalamah, 2019)

Law in Islam is a legal scheme that follows its provisions will the benefit of the people because in the process of its preparation, it always sees the benefit of humans when they experience a problem in their lives that can be accounted for in overcoming the problem of this kind of marriage. Not only in eradicating the problem of sexual deviation but also in preventing it from happening.

There is a letter in the Qur'an An-Nur that marriage unites men and women. It is fitrah from God that good men are for good women too. Marriage is obligatory for those who are able and unable to restrain their desires or desires. Then what if the wedding based on love is abused by homosexuals many out there like the same sex do marriages with reasons based on love. (Prasetia, 2021)

One of the goals of marriage contained in the letter as-saffat verse 100 is to have good offspring, sholeh and sholehah, which means that same-sex marriage is forbidden because it is contrary to the Qur'an. It is also impossible for someone who likes the same sex to have children through the sex they have. According to the Islamic view, LGBT equates homosexual acts with adultery. Because the provisions that apply to adultery also apply to homosexual cases.

The enactment of law in Islam has the goal of maintaining social stability and making people human. According to Al-Syatibi, Islamic law has high standards

associated with it. The core objectives include among others: maintenance of religion (*hifdz al-din*) and the preservation of the soul (*hifdz al-nafs*), property maintenance (*hifdz mal*), maintenance of reason (*hifdz al-'aql*), maintenance of offspring (*hifdz al-nasl*) and security maintenance (*hifdz al-ammn*), state maintenance (*hifdz al-daulah*), maintenance of glory (*hifdz al-karamah*). (Zatadini & Syamsuri, 2018)

As for the negative impacts obtained by perpetrators of LGBT, among others :

1. Health; Homosexual and lesbian behavior will easily experience HIV/AIDS and diseases that occur around the genitals which are difficult to treat.
2. Morality: the impact of LGBT can influence and damage morale which destroys human nature and denies what God has given.
3. Social; what happens to gay and lesbian perpetrators will not have children, will damage and change lineage. If this is allowed to happen, extinction will occur in the future. (Aryanti, 2019)

3. The Impact of Heredity from LGBT Marriages

The main objective of establishing Islamic law is to advance human life through welfare and avoid harm to human life. The creation of human benefit arises when there are six basic needs (*aldharuriyah al-sittah*), namely the maintenance of various needs of human life which includes the maintenance of religion (*hifdz al-din*) maintenance of the soul (*hifdz al-nafs*) and maintenance of property. (*hifdz mal*), keep sense (*hifdz al-'aql*), care for offspring (*hifdz al-nasl*), and honor (*hifdz al-'irdh*). If one of the six needs cannot be met, it will bring consequences to the threat to the existence of the six principles. From *hifdz nasl* itself, it can be concluded that it is a hereditary act that occurs when a husband and wife are legally married both in terms of religion and state, both of whom have good characteristics, the offspring will be better preserved.

The most important purpose of marriage is to have a child. Offspring can only occur if there is marriage between a man and a woman, as explained in QS Al-Hujurat verse 13 which means that same-sex marriage is seen as violating human nature. Biologically, the structure of a woman's body is created so that she can conceive and give birth while a man fertilizes the woman.

In the world of health, men who relate to women will give birth to a child. Normally early human development begins with the process of fertilization, which occurs between sperm cells and their meeting with egg cells. A sufficiently mature sperm cell then fertilizes the mature egg, which results in the regeneration of a new cell that develops into a zygote. (Aprilia, 2020) There have been several cases of LGBT that have occurred in Indonesia, one of which is in the Bali area, namely from the couple Millen Cyrus and Lionel lee. Millen is transgender. (*Millen Cyrus Dilamar Lionel Lee Di Bali, Baru 2 Bulan Pacaran - Diberi Cincin Berlian Besar*, 2023)

That way someone who enters into same-sex marriage cannot have normal offspring. If a man has sex with a man it is impossible to have children as Rohmawati said in a journal entitled "Lesbian, Gay, Bisexual, and Transgender (Lgbt) Marriage from the Perspective of Islamic Law". Likewise women with women. Therefore the benefit of human society will not materialize.

From the results of the research above, it can be summarized that someone who commits an act of LGBT has an impact on various things, not only on himself

but also on the environment and the surrounding community. Then the law in Islam when carrying out LGBT acts is unlawful. Apart from the fact that the majority of the Muslim community in Indonesia strongly rejects the existence of LGBT people, as well as the emergence of negative impacts. So the LGBT people are very isolated and ignored even though many of the LGBT people today openly admit their existence and even ask the government in this country to normalize it in Indonesia.

D. Conclusion

Marriages that occur in some Muslims do not view the distribution of biological sexual urges, which are treated as something evil and prohibited for some humans. In contrast to countries that have begun to recognize the LGBT community as human beings with equal rights and obligations that are the same as other people. Moreover, various countries have legalized and agreed that same-sex marriage is a right and an obligation that needs to be upheld.

Many factors led to the emergence of LGBT people, among others, the influence of the homosexual environment is seen as a normal thing. It is stated in an important hadith from Abu Daud which states that it is forbidden to do LGBT because the sins committed are very large and the sanctions are severe. With no place, LGBT live a hidden life that is limited to what is called an unnatural life with all the insults, differential treatment, and so on. In research, Euis Sunarti explained that in June 2015, from 10 sub-districts in Bogor Regency, out of 40 sub-districts, the total number of sex offenders (men with men) had reached 6,600 cases, then in December 2015, within a period of 6 months, this number had increased. to 8,013 cases. This is a big problem where the development of the nation's next generation is interrupted.

From all opinions it can be concluded that LGBT is a deviant behavior and does not deserve to be normalized, let alone to reach the halal level because of the impact and prohibition of Islam itself. People cannot have children between a woman and a woman and between a man and a man, even if there is a medical science issue regarding implanting a uterus in a man and buying sperm for a woman, the law in Islam is still unlawful, if it is illegal it could be because the perpetrator is lgbt. because in Islam lgbt perpetrators are equated with adultery which prioritizes lust.

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