

FIQH AL-ḤAḌARAH REVIEW ON THE PREVENTION OF LGBT: CRITICAL STUDY OF THE PHENOMENA OF LGBT CAMPAIGN EFFORTS IN SOCIAL MEDIA

Choirur Rois,¹ Ahmad Zainuri,² Marisa Santi Dewi³

^{1,2}Universitas Islam Negeri Sunan Ampel Surabaya

³Universitas Gadjah Mada Yogyakarta

email: 02050122024@student.iunby.ac.id

Abstract: *Lesbian, Gay, Bisexual, and Transgender (LGBT) campaigns on various social media are getting more massively echoed by pro-LGBT groups. The LGBT community channels their creativity and expression to gain recognition and acceptance from netizens through Instagram, Tiktok, and other social media. Responding to this phenomenon, Indonesia, as a Muslim-majority country, in article 85 of the Family Resilience Bill, defines LGBT as an act of sexual deviance. As the science of law in Islam, Fiqh does not only talk about the halal and haram of a job. Law provisions prevent deviations from the occurrence of human roles and functions based on their nature. Thus, the authors examine the construction of fiqh law to prevent and raise the grasp of Lesbian, Gay, Bisexual, and Transgender (LGBT) people on social media. This study employed a sociological approach to Islamic law based on phenomenological and literature studies. The results of this study indicate: (1) massive campaigns and LGBT hegemony in social media harm the sociocultural orientation of future generations, (2) the legal construction of fiqh al-ḥaḍarah as a solution in providing awareness and prevention of LGBT campaigns on social media, (3) there is a spirit of collaboration between the concept of fiqh al-ḥaḍarah and positive law in Indonesia in preventing and arousing LGBT campaigns in social media.*

الملخص: قد تزايدت جهود حملة المثليين من قبل المجموعات المؤيدة لهم على وسائل التواصل الاجتماعي المختلفة. ويوجّه مجتمع المثليين إبداعهم وتعبيرهم علانيةً بوسيلة انستغرام وتيك توك وما أشبه ذلك، للحصول على الاعتراف والقبول من مستخدمي الإنترنت. استجابة لهذه الظاهرة، فإن إندونيسيا كدولةٍ أكثر المسلمين عدداً اعتبرها من أعمال الانحراف الجنسي، كما هو مذكور في فصل الخامسة والثمانين من مشروع قانون (UUR) المرونة الأسرية. ومع ذلك، فإن الفقه كعلوم الأحكام في الإسلام لا يتحدث عن أفعال الحلال والحرام فقط، ولكن وراء إثبات حكم فيه، يتضمن السعي والمحاولة لمنع الانحرافات عن دور ووظيفة البشر على أساس طبيعتهم. هذه القضية قد ألهمت الباحث لدراسة بناء الفقه القانوني كمحاولة لمنع وتوفير الوعي للمثليات والمثليين ومزدوجي الميل الجنسي ومغاييري الهوية الجنسانية (TBGL) على وسائل التواصل الاجتماعي. يستخدم هذا البحث منهج سوسولوجية للشريعة الإسلامية استناداً إلى الدراسات الظاهرية والمكتبية. وتدل نتائج هذه الدراسة على أن: (١) جهود حملة المثليين على وسائل التواصل الاجتماعي وسيطرتهم لها تأثير سلبي على الإتجاه الاجتماعي والثقافي للأجيال القادمة. (٢) فقه الحضارة في بنائه القانوني يحتوي على مفهوم الذي يمكن جعله حل المشكلة في توفير الوعي والوقاية من جهود الحملة لمجتمع المثليين على وسائل التواصل الاجتماعي. (٣) وجود روح التعاون بين مفهوم فقه الحضارة والقانون الوضعي في إندونيسيا في المنع وتوفير الوعي بجهود حملة المثليين على وسائل التواصل الاجتماعي

Abstrak: *Upaya kampanye LGBT di berbagai media sosial semakin masif digaungkan oleh kelompok pro-LGBT. Secara terang-terangan melalui Instagram, Tiktok, dll, komunitas LGBT menyalurkan kreativitas dan ekspresinya guna mendapatkan pengakuan dan penerimaan warganet. Merespon fenomena ini, Indonesia sebagai negara mayoritas muslim pada penjelasan pasal 85 RUU Ketahanan Keluarga mendefinisikan LGBT sebagai tindakan penyimpangan seksual. Fikih sebagai ilmu hukum dalam Islam tidak hanya berbicara tentang halal haramnya suatu pekerjaan. Namun dibalik ketetapan suatu hukum mengandung upaya pencegahan terhadap terjadinya penyimpangan atas peran dan fungsi manusia berdasarkan fitrahnya. Persoalan tersebut mengilhami penulis untuk meneliti kontruksi hukum fikih sebagai upaya mencegah dan memberikan penyadaran terhadap kaum Lesbian, Gay, Biseksual, Transgender (LGBT) di media sosial. Penelitian ini menggunakan pendekatan sosiologi hukum Islam*

berbasis studi fenomenologis dan kepustakaan. Hasil penelitian ini menunjukkan: (1) Masifnya upaya kampanye serta hegemoni LGBT di media sosial memberi dampak negatif terhadap orientasi sosio kultural generasi masa depan. (2) Fiqh al-ḥaḍarah dalam kontruksi hukumnya memiliki konsepsi yang dapat dijadikan solusi dalam memberikan kesadaran dan pencegahan terhadap upaya kampanye kaum LGBT di media sosial (3) Adanya spirit kolaborasi konsep fiqh al-ḥaḍarah dengan hukum positif di Indonesia dalam mencegah serta menyadarkan upaya kampanye LGBT di media sosial.

Keywords: Fiqh al-ḥaḍarah, social media, campaigns, LGBT.

INTRODUCTION

The issue of the Lesbian, Gay, Bisexual, and Transgender (LGBT) campaign resurfaced when the government of Qatar, as the organizer of the 2022 World Cup, took a firm stance against supporters not carrying out LGBT campaigns at the 2022 World Cup. Not only that, the Qatari government threatened them with seven years in prison who did not comply with the prohibition of the campaign.¹ Although in the end, the Football Association of Wales said FIFA authorities legalized World Cup spectators carrying the Rainbow symbol that is identical to the color of the LGBT symbol.² This phenomenon threatens the identity of the Muslim community with the color of the LGBT symbol in the world cup.

LGBT campaigns are also massive on social media: Twitter,³ Instagram, Facebook, and WhatsApp.⁴ The social media platform supports LGBT campaigns through attributes and slogans. The existence of LGBT in Indonesia has received attention from various researchers, with the argument that LGBT is part of the diversity

¹ <https://www.kompas.com/>. Accessed on 20 November 2022.

² <https://www.liputan6.com/>. Accessed on 21 November 2022.

³ Veny Amilia Fitri, Rachmadita Andreswari, and Muhammad Azani Hasibuan, "Sentiment Analysis of Social Media Twitter with Case of Anti-LGBT Campaign in Indonesia Using Naïve Bayes, Decision Tree, and Random Forest Algorithm," *Procedia Computer Science* 161 (2019): 765–72.

⁴ Reni Juliani, "Kampanye LGBT Di Media Sosial Facebook Dan Whatsapp," *SOURCE: Jurnal Ilmu Komunikasi* 4, no. 2 (2019).

that exists in Indonesia⁵ and is placed in universal freedom⁶. Muslim groups also have a spirit of universality. However, there are different views regarding LGBT. For example, from a Muslim perspective, it is because of social threats and conflicts with religious law.⁷ Islamic law views LGBT as a violation of the nature of human creation and the foundation of social civilization, contrary to progressive laws in the future, and does not have a vision and mission.⁸ In this context, the construction of fiqh law through the *fiqh al-ḥadārah*⁹ approach can overcome the phenomenon of LGBT campaigns on social media.

Fiqh al-ḥadārah, based on Umar Bahauddin al-Amiri, is a new term for an appropriate paradigm in compiling research. According to him, four components make *fiqh al-ḥadārah* capable of providing views on social problems. First, the legal construction presented by *fiqh al-ḥadārah* starts from an understanding of a developing civilization. Second, this understanding is then assessed by the theory of civilization. Third, the results of applying the theory of civilization are increased awareness of civilization. Fourth, this awareness must create civilizational behavior.¹⁰ The application of the *fiqh al-ḥadārah* approach in dealing with social dynamics can awaken the social civilization of society in realizing universal benefit that is the primary capital for creating welfare in the life of the general public.¹¹

There are many studies on LGBT by previous researchers. Among them is Yulianti Muthmainnah said that Indonesia, in the context of its rule of law, places limitations on the implementation of human rights, where the LGBT issue is a phenomenon that is being

⁵ MV Lee Badgett, Amira Hasenbush, and Winston Ekaprasetya Luhur, *LGBT Exclusion in Indonesia and Its Economic Effects* (Williams Institute, UCLA School of Law, 2017).

⁶ Ryan R Thoreson, *Transnational LGBT Activism: Working for Sexual Rights Worldwide* (U of Minnesota Press, 2014).

⁷ Wahbah al-Zuhaili, "Al-Fiqh al-Islam wa Adillatuh, terj. Abdul Hayyie al-Kattani, Dkk. Dengan Judul," *Fiqh Islam wa Adillatuhu*, 2011.

⁸ AA Muhammed and Yusuff Jelili Amuda, "LGBT: An Evaluation of Shariah Provisions and the Laws of Malaysia and Nigeria," *Global Journal Al-Thaqafah (GJAT)* 8, no. 1 (2018): 15–29.

⁹ Jamal Ma'mur Asmani, "Fiqh Sosial Kiai Sahal Sebagai Fiqh Peradaban," *Wahana Akademika: Jurnal Studi Islam Dan Sosial* 2, no. 2 (2016): 121.

¹⁰ Al-Amiri Umar Bahauddin, *Kemoderatan Islam dan Umatnya Dalam Bingkai Fikih Peradaban* (Kuwait: International Moderation Center, 2012).

¹¹ الأستاذ المساعد الدكتور كريم زحلف جزاع خليل الديلمي, "الفقه الإسلامي ودوره الحضاري في معالجة قضايا المجتمع المدني." مجلة الباحث للعلوم الإسلامية 1 (2021).

protested at both the local and national levels.¹² Tom Boellstorff sees from another aspect. He argues that intolerance towards differences in sexual orientation, including LGBT, which is starting to grow in Indonesia, threatens the democratic index in Indonesia as a law country.¹³ Liqi Hu concluded that social media plays an essential role as an informal source of learning for LGBT individuals to form self-identities on social media such as Facebook, Whatsapp, and others. Apart from that, it also plays an essential role in empowering the LGBT community.¹⁴ Niamh Ni Mhaoileoin's findings in her article show that the dominant mode of international gay rights activism is profoundly flawed, both from an epistemological point of view and an implementation point of view.¹⁵ The position of this research is ethnographic research with the offer of *fiqh* legal construction based on the *fiqh al-ḥaḍarah* approach to efforts to prevent and raise awareness of LGBT groups that massively campaigned on social media.

Based on the explanation above, the research questions in this research are: 1) What is the impact of an LGBT campaign on social media on the socio-culture of future generations? 2) How is the review of *fiqh al-ḥaḍarah* in preventing and making aware of the phenomenon of LGBT campaigns on social media? 3) What is the position of *fiqh al-ḥaḍarah* and positive law in Indonesia in addressing the issue of LGBT campaigns on social media?

THE INFLUENCE OF LGBT CAMPAIGNS ON SOCIAL MEDIA

1. Impact of Campaigns on Social Media

Social media has become one of the tools in campaigning for LGBT behavior. They use social media to communicate and explore themselves apart from the discriminative views of society and the

¹² Yulianti Muthmainnah, "LGBT Human Rights in Indonesian Policies," *Indonesian Feminist Journal* 4, no. 1 (2016): 13–29.

¹³ Tom Boellstorff, "Against State Straightism: Five Principles for Including LGBT Indonesians," *E-International Relations* 21 (2016).

¹⁴ Liqi Hu, "Analysis of LGBTQ Groups and Movements Based on Social Media" (2020 3rd International Conference on Humanities Education and Social Sciences (ICHESS 2020), Atlantis Press, 2020), 21–25.

¹⁵ Niamh Ní Mhaoileoin, "The Ironic Gay Spectator: The Impacts of Centring Western Subjects in International LGBT Rights Campaigns," *Sexualities* 22, no. 1–2 (2019): 148–64.

surrounding environment towards the discrimination they receive. Social media content is the place to express LGBT habits apart from the influence of social discrimination.¹⁶ Platforms such as Instagram, Facebook, and Tiktok, which have recently existed, are their targets in widening the orientation and exploration of LGBT culture. According to a CIA survey in 2016, the LGBT population in Indonesia is in the 5th position in the world after China, India, Europe, and America.¹⁷ The total population certainly has an impact from the distribution of content in the form of LGBT campaigns¹⁸ on the culture of future generations and social consensus in society.

2. Influence on the Future Generation Culture

According to Irwan (2018), impacts are changes, such as natural, chemical, physical, or biological activity. Impacts are also biophysical or socio-economic and cultural.¹⁹ The phenomenon of LGBT campaigns on social media changes society because of the content of LGBT culture.²⁰ It influences the culture of future generations, such as other LGBT actors who join in enlivening LGBT culture on social media. This change has occurred in several countries that have participated and joined in enlivening LGBT in social media.²¹

This movement aims to express independence, love, and freedom for their right to be watched by thousands to millions of people. They negate the impact and influence of LGBT campaigns on social media as if they have free space. Still, they influence the audience as if making LGBT a pleasant life. The internet is a free space for creating

¹⁶ Matthew N Berger et al., "Corrigendum to: Social Media's Role in Support Networks among LGBTQ Adolescents: A Qualitative Study," *Sexual Health* 18, no. 5 (2021): 444–444.

¹⁷ Mamluatun Nafisah, "Respon Al-QurānTM an Terhadap Legalitas Kaum LGBT," *Jurnal Studi Al-Qur'an* 15, no. 1 (2019): 77–94.

¹⁸ <https://databoks.katadata.co.id> diakses tanggal 19 November 2022.

¹⁹ Irwan, *Dinamika Dan Perubahan Sosial Pada Komunitas Lokal* (Deepublish, 2016), 27.

²⁰ Muhammad Ghifari Putra and Kharisma Nasionalita, "ISU LGBT DALAM BINGKAI MEDIA ONLINE (Analisis Framing Robert Entman Pada Pemberitaan Kasus SGRC-UI Terkait ISU LGBT Di Indonesia Pada Republika. Co. Id Dan Okezone. Com)," *Jurnal Ilmiah Komunikasi Makna* 6, no. 1 (2018): 71–87.

²¹ Muhammad Faiz Mokhtar, Wan Allef Elfi Danial Wan Sukeri, and Zulkifli Abd Latiff, "Social Media Roles in Spreading LGBT Movements in Malaysia," *AJMC (Asian Journal of Media and Communication)* 3, no. 2 (2019): 77–82.

content, commenting, and pouring out all your grievances, including telling about the lives of LGBT people.²²

Therefore the moral impact of social media can change the way of thinking and behavior of future generations, such as the spread of LGBT that causes mental illness²³. This problem occurs because social media has become a lifestyle for millennial society. It is also an electronic social space for exchanging thoughts and comments.

3. Influence on Social Consensus

In the United States, LGBT has taken a significant role in shaping public opinion against LGBT,²⁴ such a problem in socio-cultural society is influenced by LGBT campaigns and the liberalization that has taken place. That is why the internet can also shape public opinion because LGBT campaigns on social media influence the culture. Humans have cultural potential such as thought (idea), taste and will (intention), and work. The results of each of these potentials are known as culture. In Littlejohn's view, culture is born from a system, so the system is categorized in several forms, such as; 1.) culture has an object, 2) culture consists of attributes, qualities, or owners of a system, 3) culture has internal relations and 4) culture has a circle of relationships.²⁵ The systems in which this culture was born in the technology have a strong synergistic relationship in shaping people's perspectives on thoughts, feelings, and desires related to LGBT content in social media.

The morale of future generations is seen from how strong their internet access is. Viewing and hearing LGBT content on social media will be more efficiently accepted by each generation. Meanwhile, understanding of LGBT deviance and the elements that form LGBT deviance is still low. Addiction to social media affects the psychology

²² Wanding Li, Jiahui Lin, and Jiayu Zhang, "From the Perspective of Social Media" (2021 International Conference on Public Art and Human Development (ICPAHD 2021), Atlantis Press, 2022), 932–39.

²³ Stephanie L Brooke, "The Morality of Homosexuality," *Journal of Homosexuality* 25, no. 4 (1993): 77–100.

²⁴ Putra and Nasionalita, "ISU LGBT DALAM BINGKAI MEDIA ONLINE (Analisis Framing Robert Entman Pada Pemberitaan Kasus SGRC-UI Terkait ISU LGBT Di Indonesia Pada Republika. Co. Id Dan Okezone. Com)."

²⁵ Daryanto Setiawan, "Dampak Perkembangan Teknologi Informasi Dan Komunikasi Terhadap Budaya," *JURNAL SIMBOLIKA: Research and Learning in Communication Study (E-Journal)* 4, no. 1 (2018): 62–72.

of future generations. It can be seen how the surrounding environment begins to show itself in strict social media activities. It is this comfort that the knowledge of LGBT legality efforts campaigned by LGBT lovers. It also influences the political-legal world order and the social consensus of society in a country.

The political-legal world order in a country occurs because of a demand from society and the development of society's culture. So, when a notion is written or unwritten to prevent the birth of LGBT, it may change to legalizing LGBT. From the description above, LGBT campaigns on social media can change perspectives and form a new culture of LGBT legality in countries that reject LGBT. It happens because the campaign for LGBT is not in the form of solicitation but in the form of entertainment content, daily life, to beauty content which covertly campaigns for LGBT. Such problems influence the morale of future generations who do not know the negatives of LGBT deviance.

LGBT IN THE PERSPECTIVE OF HUMAN RIGHTS AND RELIGIOUS NORMS

1. The Conception of Human Rights Against LGBT Freedom

The discourse on LGBT freedoms based on human rights has again been widely reviewed in various mass media. Since 2017, the Constitutional Court (MK) rejected a request for judicial review filed by the Family Love Alliance (AILA) against articles 284, 285, and 292 of the Criminal Code (KUHP) that contains about adultery, obscenity, and homosexuality.²⁶ The pro-LGBT group believes that the Constitutional Court's decision does not respect the human rights of LGBT people, which influences the increasing number of discrimination against LGBT people. Meanwhile, groups that reject LGBT consider LGBT to be dangerous and a threat to future generations.²⁷

The formal basis for LGBT activists in campaigning for their existence is based on the Universal Declaration of Human Rights

²⁶ <https://www.bbc.com>. Accessed on 21 November 2022.

²⁷ Meilanny Budiarti Santoso, "LGBT Dalam Perspektif Hak Asasi Manusia," *Share: Social Work Journal* 6, no. 2 (2016): 220.

1948 (UDHR 1948), declared by the United Nations (UN).²⁸ The absence of specific provisions in the 1948 UDHR concerning sexual orientation towards the opposite sex necessitates that LGBT activists have equal rights to be embraced and protected without any social discrimination to explore their sexual orientation.²⁹

The concept of human rights freedom towards LGBT declared by the UN general assembly is freedom of universal rights. It is proven in articles 2 and 16 of the UDHR 1948 that it says:³⁰

Article 2

“Everyone is entitled to all the rights and freedoms outlined in this Declaration, without distinction of any kind, such as race, color, sex, language, religion, political or other opinions, national or social origin, property, birth or another status.”

Article 16

- (1) *Men and women of full age, without any limitation due to race, nationality, or religion, have the right to marry and find a family. They are entitled to equal rights in marriage, during marriage, and at its dissolution.*
- (2) *Marriage shall be entered into only with the free and full consent of the intending spouses.*
- (3) *The family is society’s natural and fundamental group entitled to protection from society and the State.*

Based on the two articles above, Meilanny Budiarti Santoso considers that the conception of human rights freedom towards LGBT means universal freedom or freedom that is ‘without limits.’³¹ The impact is that the resulting freedom is freedom without value. Based on the Western version of human rights freedom, non-LGBT groups’ rights are not considered.³²

²⁸ Roby Yansyah and Rahayu Rahayu, “Globalisasi Lesbian, Gay, Biseksual, Dan Transgender (Lgbt): Perspektif HAM Dan Agama Dalam Lingkup Hukum Di Indonesia,” *Law Reform* 14, no. 1 (2018): 132–46.

²⁹ Atikah Rahmi, “LGBT Problematics In Legal Perspectives and Human Rights In Indonesia With Qawaid Al Fiqhiyah approach,” 2019.

³⁰ UN General Assembly, “Universal Declaration of Human Rights,” *UN General Assembly* 302, no. 2 (1948): 14–25.

³¹ Santoso, “LGBT Dalam Perspektif Hak Asasi Manusia.”

³² Yansyah and Rahayu, “Globalisasi Lesbian, Gay, Biseksual, Dan Transgender (LGBT): Perspektif HAM Dan Agama Dalam Lingkup Hukum Di Indonesia.”

Human Rights is the struggle to restore the rights of people who have been deprived of, to restore human dignity. Therefore human rights may not be used to promote immoral and illegal activities according to religious provisions or irrational behavior contrary to the nature of the creation of human beings in pairs.³³

LGBT campaigns on social media in the name of the Western version of Human Rights raise critical thinking that shows the failure of the human rights of non-LGBT groups. Human rights as the legitimacy basis for the shelter of LGBT groups are flawed and fail to apply. To prove this, the author tries to make a subjective analysis. He gave an example, A abused B until he died. Then, based on human rights, Doesn't person B also have the same right to live? Then how do human rights view person B's right to live, while based on that human rights, person A legitimizes his right to live and not be sentenced to death? The concept of human rights fails when LGBT issues become a factor and argument for intolerance towards LGBT behavior. On the other hand, LGBT is a divisive factor within the Indonesian Muslim community³⁴.

1. Religious Norms Perspective on the Existence of LGBT

Religious norms contain provisions that are binding on every adherent. Through sacred texts and spiritual understanding, religion addresses and responds to the dynamics and patterns of people's lives. The existence of LGBT is the impact of the development of global civilization, which is an expression of freedom of human rights.³⁵ It is no wonder that the issue of LGBT on social media has attracted much attention from various Muslim scholars and activists, such as Kecia Ali, Scot Kugle, and Nur Kholis, who have consistently tried to review the existence of LGBT people in the social, political and religious life.³⁶

³³ Muhammed and Amuda, "LGBT: An Evaluation of Shariah Provisions and the Laws of Malaysia and Nigeria."

³⁴ Hiroko Kinoshita, "A Quantitative Text Analysis Approach on LGBTQ Issues in Contemporary Indonesia," *Journal of Population and Social Studies [JPSS]*, 28 (2020): S66–82.

³⁵ Lintje Anna Marpaung et al., "Lesbian, Gay, Bisexual, Transgender Is Reviewed From Religious and Human Rights Aspects In Indonesia," *PalArch's Journal of Archaeology of Egypt/Egyptology*, 17, no. 12 (2020): 1626–34.

³⁶ Hary Widyantoro, "Global Islamic Liberation Theology in the Local Context of Transgendered Indonesian Muslims," *Al-Tahrir: Jurnal Pemikiran Islam* 19, no. 2

In the Islamic religion, LGBT is seen as a sexual deviation. In the Qur'an, it is referred to as a *fahisyah* act. Explicitly Allah said.³⁷

أَتَأْتُونَ الْفَاحِشَةَ مَا سَبَقَكُمْ بِهَا مِنْ أَحَدٍ مِنَ الْعَالَمِينَ إِنَّكُمْ لَعُنُونَ الرَّجَالِ شَهْوَةٌ مِنَ دُونِ الْبَسَاءِ بَلْ أَنْتُمْ قَوْمٌ مُّسْرِفُونَ

When the Prophet Luth asked his people, why did you commit a deviant (disgraceful or heinous) act that no one in this world had ever done? This act is then emphasized by the following verse, which gives an overview of sexual deviant behavior where the people at that time liked and had same-sex (Gay) intercourse. So do not be surprised if a Muslim-majority country, the existence of LGBT receives a negative response or even rejection because it is contrary to religious norms and healthy psychological characteristics.³⁸

According to the Islamic view, LGBT as a sexual deviation by Islamic law experts is seen as more dangerous than adultery because it has a significantly detrimental impact than adultery, on social order.³⁹ Rejection of the existence of LGBT in society does not only come from Islam. Christianity and Hinduism also have the same response to LGBT.⁴⁰

Religious adherents' rejection of the existence of LGBT is not unfounded. The refusal based on awareness and belief in the teachings of the religion is inseparable from the provisions of the religious norms themselves.⁴¹ In this context, it needs to consider that rejecting the LGBT campaign is a form of expression of adherence to the idea of belief. The argument for contradiction is based on the statement of the scriptures and teachings that are non-negotiable. It does not mean that religion deprives LGBT people of their human rights. However, such refusal is a form of freedom of expression

(2019): 235–59.

³⁷ Tim Tarjemah Al-Qur'an Depag, *Al-Quran Dan Terjemahnya* (Jakarta: PT Syaamil Cipta Media, 2005). QS. al-A'raf: 80-81.

³⁸ Muawalli al-Sya'rawi, *Tafsir al-Sya'rawi*, Cet. 1 (Kairo: Majmu al-buhus al-Islami, 1411 H), Jilid. 11, 4225.

³⁹ Mokhamad Rohma Rozikin, *LGBT Dalam Tinjauan Fikih: Menguak Konsepsi Islam Terhadap Lesbian, Gay, Biseksual, Dan Transgender* (Universitas Brawijaya Press, 2017); Hasan Zaini, "LGBT Dalam Perspektif Hukum Islam," *JURIS (Jurnal Ilmiah Syariah)* 15, no. 1 (2017): 65–74.

⁴⁰ Marpaung et al., "Lesbian, Gay, Bisexual, Transgender Is Reviewed From Religious and Human Rights Aspects In Indonesia."

⁴¹ Yansyah and Rahayu, "Globalisasi Lesbian, Gay, Biseksual, Dan Transgender (Lgbt): Perspektif HAM Dan Agama Dalam Lingkup Hukum Di Indonesia."

in carrying out religious teachings and a rejection of violations of religious norms.⁴²

THE EFFORT TO PREVENT LGBT CAMPAIGNS THROUGH *FIQH AL-HADARAH*

1. The Position of *Fiqh al-ḥadārah* in Global Civilization Discourse

Fiqh al-ḥadārah is a new term that has recently developed among Muslim scholars. *Fiqh al-ḥadārah* is from the word *fiqh* and *hadharah*. In Arabic etymology, the word *fiqh* means to know and understand.⁴³ In terminology by Al-Shafi'i, *Fiqh is the science of shari'a law, a practice taken from specific legal arguments (tafsil)*.⁴⁴ The definition that has relevance to this study comes from Al-Zarkasi. According to him, *fiqh* is the science of knowing the laws of issues that arise through Sharia texts or *istinbath* to the opinions of the schools of thought from several existing schools.⁴⁵

Ḥadārah or civilization, based on Arabic etymology, means living in the city and is an antonym of the word *al-badiyah* which means tribe or hinterland.⁴⁶ *Ḥadārah* is a comprehensive achievement in the urban civil society life order in the fields of knowledge, culture, art, and social affairs.⁴⁷ Ibn Khaldun, the father of Muslim sociologists, defines civilization as a natural regeneration process in the life of a diverse society caused by existing social interactions.⁴⁸ Ibn Khaldun's definition is that civilization is a product of human behavior. A human can change it, and everyone has the right to change it.

Starting from the opinion above, in the discourse of global civilization, Umar Bahauddin al-Amiri defines *fiqh al-ḥadārah* as the jurisprudence of life. *Fiqh al-ḥadārah* is an objective methodology

⁴² Rustam DKA Harahap, "LGBT Di Indonesia: Perspektif Hukum Islam, HAM, Psikologi Dan Pendekatan Maṣlaḥah," *Al-Ahkam* 26, no. 2 (2016): 223–48.

⁴³ R Taufiqurrochman, *Leksikologi Bahasa Arab* (UIN Malang Press, 2008).

⁴⁴ Al-Zuhaili, *Al-Fiqh al-Islam wa Adillatuh*, terj. Abdul Hayyie al-Kattani, dkk.

⁴⁵ Abi Abdillah Al-Zarkasyi, *Al-Mansyur fi Qawaid Fiqhi al-Syafi'i*, 1st ed., vol. 1-, 411 vols., 17 (Bairut Libanon: Dar al-Kitub Ilmiah, 2000), 91.

⁴⁶ Luis Ma'luf, *Kamus al-Munjid* (Beirut: al Maktabah al Katulikiyah, 1984).

⁴⁷ Syauqi Dhaif, *Al-Mu'jam al-Wasith* (Mesir: Maktabah Shurouq al-Dauliyyah, 2011).

⁴⁸ Muhammad bin Khaldun and Al-Allamah Abdurrahman, *Mukaddimah Ibnu Khaldun* (Pustaka al-Kautsar, 2001).

for responding to global social realities. Also, according to Umar Bahauddin al-Amiri, *fiqh al-ḥaḍarah* is an approach to finding out the nature and significant purpose of Islamic law in regulating all aspects of human life.⁴⁹

Indonesian Muslim scholars also discussed the discourse of *fiqh al-ḥaḍarah* in building global civilization. Sahal Mahfudz, with his social *fiqh* thinking, is the embryo of *fiqh al-ḥaḍarah* in Indonesia.⁵⁰ According to Sahal Mahfudz, through his social *fiqh* paradigm, the position of *fiqh al-ḥaḍarah* in global civilization discourse is based on the belief that *fiqh* must be present as a solution in overcoming complex social problems, solving the social issue as an effort to fulfill the responsibility of Muslims for the obligation to realize social prosperity, order, and benefit.⁵¹

2. The Dimension of the Legal Construction of *Fiqh al-ḥaḍarah* against LGBT Campaigns on Social Media

The relation between the position of *fiqh al-ḥaḍarah* and the main topic in this study is the viewpoint of *fiqh al-ḥaḍarah* as a discourse on caring for civilization in addressing the phenomenon of social problems in the form of LGBT campaigns on social media, which raises pros and cons among the public. As an example of this case, Deddy Corbuzier's podcast video, which invited one of the LGBT actors, received a negative response from the people. They see it as containing elements of an LGBT group's campaign. The podcast also received the attention of the People's Representative Council of the Republic of Indonesia (*DPR RI*). Jazuli Juwaini, as a member of Commission I, emphasized that there is no room for LGBT actors and behavior in Indonesia because they are contrary to Pancasila.⁵²

This confirmation was not only conveyed in the media by the People's Representative Council. A form of the Government's seriousness in responding to the threat of LGBT in Indonesia is the Family Resilience Bill. Explicitly provide legal confirmation on the issue of preventing LGBT or sexual deviation. Article 25, paragraph

⁴⁹ Umar Bahauddin, *Fikih Peradaban*.

⁵⁰ Asmani, "Fiqh Sosial Kiai Sahal Sebagai Fiqh Peradaban."

⁵¹ KH. Sahal Mahfudh, *Nuansa Fiqh Sosial* (Yogyakarta: LKIS Pelangi Aksara, 2003), 35.

⁵² www.dpr.go.id. Accessed on 30 November 2022.

2 Point B emphasizes the husband's role in protecting the family from sexual digression, just like LGBT. Apart from that, Article 85 also regulates certain institutions or agencies in maintaining family resilience and handling sexual deviations like LGBT by carrying out social, psychological, spiritual, and medical rehabilitation.⁵³

According to the case example above, viewed from the perspective of fiqh law regarding LGBT, the legal provisions are fixed. It is based on the Qur'an and the hadith of the Prophet.⁵⁴ Scholars agree that LGBT is a deviant behavior that is "unlawful" and contrary to the rules of Islamic law. However, there are differences of opinion regarding the legal consequences for the perpetrators.⁵⁵ But what about the phenomenon of LGBT campaigns on social media today?

In the construction of *fiqh* legal principles, it is said:

لوسائل حكم المقاصد

*"The infrastructure of an act is the same as the law of its action."*⁵⁶

According to the statement, campaign law is the same as what is being campaigned. If what is being campaigned for is an act deemed *haram* by the *Shari'a*, then the campaign is also illegitimate and vice versa. If this prohibition cannot be avoided except by cutting off the intermediary (countering the campaign), then letting the intermediary have unlawful legal consequences as well, this is as emphasized in the *fiqh* rules:

ما لا يتم اجتناب الحرام إلا باجتنابه فهو حرام

*"Something that cannot be perfect is to stay away from something unlawful except by avoiding it. Then it becomes illegitimate."*⁵⁷

As stated in the previous chapter, that *fiqh al-ḥaḍarah* is a methodology of thinking objectively. Responding to massive LGBT

⁵³ Tim Penyusun RUU Ketahanan Keluarga, "Naskah Akademik Rancangan Undang-Undang Tentang Ketahanan Keluarga," Jakarta: Tim Penyusun RUU Ketahanan Keluarga, 2020.

⁵⁴ Huzaemah Tahido Yanggo, "Penyimpangan Seksual (LGBT) Dalam Pandangan Hukum Islam," *MISYKAT: Jurnal Ilmu-Ilmu Al-Quran, Hadist, Syari'ah Dan Tarbiyah* 3, no. 2 (2019): 1–28.

⁵⁵ Sulaiman Sulaiman, "ANTICIPATORY EFFORTS ON THE BEHAVIOR OF LGBT COMMUNITY IN INDONESIA: A Study of Anticipatory and Educational Roles of Religious Figures," *Jurnal Ilmiah Islam Futura* 19, no. 2 (2019): 221–38.

⁵⁶ HA Djazuli, *Kaidah-Kaidah Fikih* (Jakarta: Prenada Media, 2019), 31.

⁵⁷ Abdul Karim Zaidan, *Al-Wajiz: 100 Kaidah Fikih Dalam Kehidupan Sehari-Hari* (Pustaka Al-Kautsar, 2008), 75.

campaigns on several social media, based on maintaining public favor, order, and problems, it is natural that the public interest should be prioritized over special interests. It is in line with the rule:

المصلحة العامة مقدمة على المصلحة الخاصة

*“The public favor must take precedence over the benefit of individuals or groups.”*⁵⁸

The general public favor of avoiding the negative influence of LGBT groups on social media must receive priority from all parties, especially from the government. According to Wimpie Pangkahila, an expert in andrology and sexology, the causes of LGBT, especially homosexuality, are due to psychosexual disorders and biological and environmental factors. Dadang Hawari, a psychology expert, said that what has the potential for someone to fall prey to “homosexual” LGBT is the environment.⁵⁹

However, what is essential is to avoid the negative impact of LGBT on the public and not to create violence and discrimination against the existence of LGBT groups in society and on social media. LGBT demands two things, namely, to avoid violence and social discrimination.⁶⁰

Therefore, the government’s role in this context is urgently needed to create regulations that can accommodate order and the general benefit of the community and provide legal protection for LGBT people to avoid violence and social discrimination. As the basis for the pattern of thinking of *fiqh*, *al-ḥadārah* gives the view that:

تصرف الامام على الرعية منوط بالمصلحة

“government policies (leaders) towards their people are based on favor.”

According to Ibn ‘Asyur, through the maqashid shari’ah theory approach, the protection of human souls must be upheld and not

⁵⁸ Djazuli, *Kaidah-Kaidah Fikih*.

⁵⁹ Faizah Ali Syobromalisi, “Homoseksual, Gay, Dan Lesbian Dalam Perspektif al-Qur’an,” n.d.

⁶⁰ Elga Andina, “Faktor Psikososial Dalam Interaksi Masyarakat Dengan Gerakan LGBT Di Indonesia,” *Aspirasi: Jurnal Masalah-Masalah Sosial* 7, no. 2 (2019): 173–85.

justified based on the interests of certain groups that are unfair to minority groups, “LGBT.”⁶¹

3. *Fiqh al-ḥaḍarah* Response to LGBT Campaigns on Social Media

In the digital era, the dominance of social media is very influential on society and the environment. Anya Narawita’s findings in her research on the influence of LGBT content on social media on cyberbullying behavior among adolescents. LGBT campaign canteens on social media contribute to cyberbullying behavior among adolescents on social media.⁶²

From a social perspective, the impact caused by LGBT based on the research states that “gay” homosexuals can have between 20 and 106 partners in a year. Of the 47% of homosexuals, they said that out of 500 people, they had had homosexual relationships during their lifetime. Another negative impact caused by LGBT from a medical perspective, according to the findings of Ihsan Docholfany and Khoirurrijal, stated that 78% of homosexuals were infected with sexually transmitted diseases.⁶³

The findings above, the response of *fiqh al-ḥaḍarah* as a rationale for responding to the massive LGBT campaigns on social media based on its legal construction as a preventive measure and to awaken the LGBT community gave the following response:

- a. It is flooding social media with content that can counter LGBT campaigns and promote human nature. According to Muhammad Fadhilah Zein, an effective way to fight inappropriate content on social media is to increase positive digital literacy to counter the negative impact caused by inappropriate content.⁶⁴ It is in line with Umar Bahauddin al-Amiri’s view that shared awareness is an essential component of the *fiqh* of civilization (*fiqh al-ḥaḍarah*).

⁶¹ إسماعيل الحسني، نظرية المقاصد عند الإمام محمد الطاهر بن عاشور، vol. 15 (International Institute of Islamic Thought (IIIT), 1995), 77.

⁶² Anya Naryakusuma and Vincentius Antoni Wijaya, “PENGARUH KONTEN LGBT PADA MEDIA SOSIAL TERHADAP PERILAKU CYBER BULLYING PADA KALANGAN REMAJA,” *Communications* 3, no. 2 (2021): 161–70.

⁶³ M Ihsan Dacholfany, “Dampak LGBT Dan Antisipasinya Di Masyarakat,” *Nizham Journal of Islamic Studies* 4, no. 1 (2017): 106–18.

⁶⁴ Mohamad Fadhilah Zein, *Panduan Menggunakan Media Sosial Untuk Generasi Emas Milenial* (Mohamad Fadhilah Zein, 2019), 117-122.

Civilization awareness is a step that aims to understand the problem and its solution.⁶⁵

- b. Influence a community that campaigns for prevention and awareness of the negative impacts of LGBT from various perspectives. Prevention is a persuasive step. It aims to educate the public in general and specifically LGBT actors on social media. From the *fiqh al-ḥaḍarah* perspective, prevention means breaking the chain of sources of harm and minimizing the possibility of an increase in LGBT actors. Preventive measures must be held before awareness of LGBT perpetrators is carried out. In *fiqh* rules, it is said:

درء المفسدة مقدم على جلب المصلحة

“Preventing the occurrence of mafsadah (the spread of LGBT behavior) must be prioritized from bringing about favor (in the form of awareness of LGBT actors).”⁶⁶

- c. The government must be at the forefront of campaigning for awareness of the negative impact of LGBT, either by forming activists to protect future generations from the negative effect of LGBT or by creating a multidisciplinary scientific research unit. It aims to study and find solutions to raising awareness among LGBT groups, both perpetrators and their sympathizers. It is what Umar Bahauddin al-Amiri and Sahal Mahfudz call civilizational behavior, which is the fruit of thought from *fiqh al-ḥaḍarah*.⁶⁷

CONCLUSION

The *fiqh al-ḥaḍarah* review of LGBT prevention departs from an approach to socio-cultural values and the future direction of a global society. Because the perspective used is a balance between morals and ethics with freedom and the current progress of globalization in information and communication technology, it is also based on the review of *fiqh al-ḥaḍarah* on preventing the transmission of the negative impact of LGBT on social media for future generations influences the social consensus of the community so that the findings in this study are: 1) Massive campaign efforts and LGBT

⁶⁵ Umar Bahauddin, *Fikih Peradaban*, 48.

⁶⁶ جميلة, “قاعدة درء المفسدة مقدم على جلب المصلحة مع نماذج تطبيقية في أحكام الأسرة,” 2021 and العبيدودي.

⁶⁷ Umar Bahauddin, *Fikih Peradaban*; Mahfudh, *Nuansa Fiqh Sosial*.

hegemony on social media harm the socio-cultural orientation of future generations. 2) *Fiqh al-ḥaḍarah*, in its legal construction, has a conception that can provide awareness and prevention of LGBT campaign efforts on social media. Society can create social media with content that can counter LGBT campaigns and promote human nature, creating a community that campaigns for prevention and awareness of the negative impact of LGBT from various perspectives, especially from the psychological point of view of LGBT people. 3) There is a spirit of collaboration between the concept of *fiqh al-ḥaḍarah* and positive law in Indonesia in preventing and raising awareness of LGBT campaign efforts on social media. It is proven by the existence of regulations on family resilience that categorize LGBT as deviant sexual behavior and the People's Representative Council of the Republic of Indonesia's response to the issue of LGBT campaigns in Indonesia.

Theoretical contributions to the findings of this study are, 1) the *Fiqh al-ḥaḍarah* discourse can be used as a problem-solving in educating the public and providing awareness to netizens of the negative impact of LGBT campaigns on social media. 2) *Fiqh al-ḥaḍarah* can be used as legal legitimacy to encourage people to be aware of the inappropriate effects of LGBT campaigns on social media so that they can respond decisively to reject them based on *fiqh* legal reasoning. 3) the conception of *Fiqh al-ḥaḍarah* can be used as academic texts and legal arguments by legislators in making and enacting laws.

The limitation of this research is the lack of reference sources that discuss the *Fiqh al-ḥaḍarah* discourse. Based on the investigation by authors, after it was put forward as a big idea and theme at the grand event of the 1st-century Nahdlatul Ulama, literature on *Fiqh al-ḥaḍarah* is still very difficult to find. However, this does not mean there are no references for developing the *Fiqh al-ḥaḍarah* discourse. Bahauddin al-Amiri, a Muslim scholar from Doha, Qatar, has compiled a scientific work as an introduction to *Fiqh al-ḥaḍarah* with the title *Wasathiyat al-Islam wa Ummatuh fi Dhau al-Fiqh al-Ḥaḍari*. Therefore, as a suggestion for future researchers to continue to develop this neat idea, "*Fiqh al-ḥaḍarah*" is a new perspective on the treasures of Islamic thought.

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