

Status and Rights of Transgender from Islamic Perspective

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Abstract

The Holy Book of Allah the Almighty was revealed to the Last Prophet Muhammad and is known as the Quran (PBUH). Not a single word in the Quran has been altered or deleted; it is the exact words of Allah. The Quran is the single most significant source to consider to comprehend the essence of the Islamic religion and the directives and orders of Allah Almighty. Being a book for both men and women, young and elderly, literate and uneducated, and in short, a book of instruction for all humans, for all periods, and all regions of the world, is the Quran's singularity and beauty. Islam has granted rights to every living thing, as was already mentioned. Islamic legal doctrine is very explicit regarding human beings' rights. Transgender people have undoubtedly received numerous rights indirectly because of Islam. They have access to the same rights as other mainstream Muslims in society. They can trade, pray, perform the Hajj, become teachers, and even imams. Islam accepts transgender people as normal human beings, not as cursed beings, in contrast to other societies and



cultures. Islam treats transgender people the same way it would treat a typical male or female.

Keywords: Islam, Rights, Treatment, Transgender, Law

Introduction

Being transgender is a disability, just like any other disability, not a curse. It should be emphasized that infants are born with sight and hearing abnormalities. Still, the Quran does not particularly mention them because even persons with disabilities are human beings with all rights and should be treated with respect and dignity in society. In the case of transgender people, the parallel also holds.

Even though a few verses from the Holy Quran have several unstated rules about transsexual people, some of which are listed below.

In The Holy Quran, Chapter 3, Number 6, Allah states, "It is He who makes you in the wombs however He wills. According to the Quran (3:6), 'no other god save Him, the Mighty in That might, the Wise. The passage above makes it abundantly obvious that every person is born at the command of Allah Almighty, who also forms them and determines their gender while they are still inside their mothers. Transgender people have not condemned creation but a creation of Allah Almighty. They were disabled by Allah, not by their parents' misdeeds. All The attributes, flaws, physical traits, and intellectual capacity are gifts from Allah. In verses 49 and 50 of chapter 42 of the Holy Qur'an, Allah declares, "To Allah belongs the entire dominion of the heaven and earth; He produces what He pleases.

He gives female [children] to whom He wills, and He gives male [children] to whom He wills, or He makes them [both] men and females, and He makes barren to whom He wills. Indeed, He is knowledgeable and skilled (Qur'an 42:49). As the third gender exists in animals and humans, Allah claims in verse above that He alone has the power to determine the gender of a living thing.

And plants. He is a transgender man, not because of his parents' transgressions or the transgender baby. Even in contemporary countries, the idea persists that a transgender person's birth is a form of punishment and a curse for their parents since it results from their wicked behaviour or a previous transgression. Allah states in Surah Al Noor (Qur'an, chapter 24, verse 31): "And advise the faithful women to lessen [some] of their To protect their vision, guard their private parts, and only show the adornment that [necessarily] appears there, as well as to wrap [parts of] their increasingly adopted over their chests, they must only show the adornment to their husbands, their parents, their husbands' fathers, their sons, husbands' brothers, their brothers, sisters' sons, and their women, as well as to those male attendants who have no right hands ²(The Quran, 24:31)

This verse instructs Muslim women to wear a veil and cover-up with modest parts and other body components that could increase appeal. In the same verse, there are also exclusions, and women aren't required to cover their jewelry in front of the aforementioned male relations. Muslim jurists interpret and understand the phrase "or those male servants having no bodily desire" in the passage above to refer to transsexual individuals.

Person Who Is Transgender in Hadith

Hadith refers to information about the Prophet (PBUH). Hadith are a crucial part of the Sharia, and without the Quran, which contains the exact words of Allah Almighty, it is difficult to comprehend and apply Shariah law. Through the Qur'an, Allah has guided humanity.

And the Quran contains several instructions and commandments for people. The instructions and demands of Allah, the Almighty, were very difficult for people to comprehend, so Allah sent his prophets to instruct them. The Prophet PBUH was the Quran in action for Muslims. The Prophet PBUH demonstrated to his companions how to obey and follow the mandates and directives of Allah Almighty by doing so. Reading Hadith makes it clear and

apparent that a person will find it difficult to understand the Quran, which makes the task simple.

In Makkah and Madina, two sacred cities, there were transgender people. Although there are very few references to them in the Quran and the books of Hadith, Muslim jurists have conducted several ijtiḥad and ijma regarding the privileges and obligations of transgender people. It is simple to conclude that transgender people are a part of modern existence or have certain rights and obligations like other members of the country based on the opinions of Muslim jurists mentioned above. In Muslim civilizations, they were handled with extreme gentleness. The Prophet (PBUH) expelled the transgender person from Madina just because he was a forger. He had assumed female traits, and in Islam, it is wrong to exhibit traits that belong to another gender. Transgender people who are sexually disabled by birth or, if such disability is by a post-birth accident, are a part of human society.³

Rights of Transgender in Islamic Society

It is the duty of transgender people to act and appear according to their real gender and not engage in illicit or immoral activity. Transgender people are ordinary and can work and reside in homes and other workplaces. They can enjoy their rights and are bound to perform their religious and social duties.⁴ In Makkah and Madina, two sacred cities, there were transgender people. In the Quran and the books of Hadith, they are barely mentioned, but Muslim. The rights and obligations of transgender people have been the subject of numerous legal ijtiḥad and ijma. It is simple to conclude that transgender people are a part of humanity or have certain obligations and rights like other members of the country based on the opinions of Muslim jurists mentioned above. In Muslim civilizations, they were handled with extreme gentleness. The Prophet (PBUH) expelled the transgender person from Madina just because he was a forger. He had assumed female traits because, in Islam, it is wrong to display traits of a different gender. Transgender people who are

sexually handicapped at birth or after birth due to an accident are part of society. The responsibility of Transgender people should behave and present as the gender they are and refrain from engaging in illegal or immoral behaviour. Because they are regular people, transgender people are allowed to live in homes and other settings where they can find employment. They must fulfil their religious and societal obligations and exercise their legal rights.⁵

The Transgender Reactions

Islam is a faith that teaches moral principles that serve as a guide for its adherents. Every human behaviour is allowed if it doesn't go against Islamic beliefs. In the case of transgender, Islam assertively condemned any behaviours that tried to resemble that opposite gender, in both appearance and behaviours—in this case, in clothes, stride, and speech—much less being transgender or undergoing sex reassignment surgery, with its reasons from the al-Quran, notably Hadith. They intended to violate both human behaviour and God's provision, which is why it is regarded as a blatant violation of faith. Therefore, from the viewpoint of Muslims, the punishment given to the culprits is an exile from their families and societies, especially to anyone who does something similar. The punishment for those who have engaged in both imitative and sexually perverse behaviour is the same as for adultery. It is intended to eliminate and stop the perpetrators' bad effects. . The perpetrators who identify as transgender are not considered criminals in Indonesia. The transsexual terrorists in Islam this is a separate issue. They are simply the ones who psychologically thought that their sexual identities were incompatible. This mental health

"Disorders" impacted how they thought and behaved, mimicking the other sex. As a result, the right response to them should be to defend their rights by the principles of human rights, treat them equally with everyone else, and embrace them without showing any prejudice or violence. The state must

provide psychological coaching services for transgender offenders to help them rediscover their gender identity.

Categories of Transgender

Transgender has several categories. Yeni Sri Lestari explained that there are three categories of transgender, complete with their behaviors and characteristic, they are transgender, cross dresser/ transvestite and transsexual. First, transgender refers to people who choose to dress up and look like men or women (his or her opposite sex). The characteristic of this category is they felt that their gender identity is not compatible, but had not sex reassignment surgery. Second, cross dressers or transvestites are people who are satisfied when they are dressed in the opposite sex, but they do this just as a form of their gender expression, not as a gender identity. Third, transsexuals are people who dress up and behave like their opposite sex, even to the point of sex reassignment surgery. The last category that we have mentioned is considered as the most extreme measures in the transgender phenomenon.⁶

This transgender phenomenon is caused by many factors. Generally, this phenomenon can be affected by environmental and congenital factors. In environmental factors, this phenomenon is due to a wrong family upbringing, like letting boys develop in girl behaviour and vice versa. It is also due to a trauma experienced in puberty. In congenital factors refer to biological factors, such as hormones and genes. This case is due to hormonal imbalance. In the medical perspective, fundamentally, the normal chromosome of male is XY, whereas the normal female is XX. Some men are sometimes found to have XXY chromosomes. In this condition, he has one X as the extra chromosome. Therefore, this prompted him to behave like women. The abnormality that is due to these congenital factors can be solved by balancing the hormonal condition to draw it closer to their sex biologically (I. Lestari & Sefitri, 2016, p. 39). Thus, people that have no hormonal and gene

abnormalities (normal) but identified themselves different from their gender identity, which was a psychiatric problem.⁷

Ibn ‘Abbās r.a. said: Rasūlullāh (peace be upon him) cursed men who resemble women and women who resemble men. (Al-Bukhārī, 2002, p. 1485) The hadith was presented by the rijāl al-hadīṡ until to Ibn ‘Abbās. The concatenation of sanad in this hadith was started from Muhammad bin Basisyār, Gundar, Syu‘bah, Qatādah, ‘Ikrimah took this hadith from his master, Ibn ‘Abbās. The rāwī in this hadith can be defined as the trusted rāwī if we pay attention to the testimonies of hadith experts to them. Muhammad bin Basisyār was also known as Bundār, his nickname (Al-‘Asqalānī, 1993a, p. 81). Bundār means people who have a very powerful memory. Ibn Khuzaimah, even, spoke highly of him as an Imām (expert) in science (theology) and hadith in his era. Muhammad bin Basisyār took this hadith from his master, Gundar that has a real name Muhammad bin Ja‘far al-Haḏlī. He was a hadith expert and also known as Ahmad bin Hanbāl’s master. ‘Abd al-Mālik bin Manṡūr said that Gundar was the most honest man, many people tried to find his mistakes, but no one can do that (Al-‘Asqalānī, 1993a, pp. 96–97). He, next, took this hadith from his friend, Syu‘bah bin Hajjāj. This hadith expert was recognized as a ḏābiṡ more than Ṣufyān al-Ṣaurī (Al-‘Asqalānī, 1993b, pp. 338–339). He took the hadith from Qatādah, that has a real name Qatādah bin Di‘āmah al-Sadūsī (Al-‘Asqalānī, 1993a, p. 351). Qatādah took this hadith from ‘Ikrimah Maulā Ibn ‘Abbās that received it directly from his master, Ibn ‘Abbās r.a. From this explanation and the testimonies of the experts about rāwī in this hadith, besides, this hadith is also from the al-Bukhārī’s work—an expert in hadith who applied very high and tight standards in writing hadith—so we can decide that, qualitatively, this hadith can be referred to.⁸

Conclusion

Islam through the prophet’s hadith that was studied in this article explained that resembling or tasyabbuh the opposite sex (transgender) was assertively forbidden

in Islam. The experts who understood this hadith gave the limitation of resembling that is resembling in appearance, related to the special clothing that was used by the opposite sex, and behaviour, related to gait and speech. Thus, its perpetrators in Islam are given the punishment, which is expulsion or exile. In the context of Indonesia, the exile punishment to the transgender perpetrators is regarded inexact. It is because the transgender phenomenon has not regulated in the constitution. So, the perpetrators are not considered as criminal, as long as they do not do any harm that violates the constitution. Therefore, the proper reaction to them is still to treat them well like any other citizen, but also give them psychological coaching. Besides, the education about sexuality is also important to be taught to children and teenagers. This is done to avoid any possibility of sexual deviant.⁹

References

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² Quran, 24:31

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