

TRANSGENDER PEOPLE IN THE INDONESIAN MUSLIM SOCIETY: THE SOCIAL AND ISLAMIC CONSTRUCTION

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Abstract

This study examines the issue of transgender identities in Indonesian Muslim society as a minority group that often receives discrimination, focusing on the intersection of marginalization, religiosity, and Islamic interpretation. They are perceived as cursed people who are accused of spreading diseases, and frequently encounter discrimination, social exclusion, and negative stigma as part of the social problems. Moreover, Islam, as the religion practiced by the majority of Indonesians, has contributed to the process of discrimination against transgender people. For instance, the Indonesian Ulama Council issued a fatwa on rejecting transgender groups. Hence, this study aims to further explore the lived experiences of transgender people and investigate the possibility of developing a more humanistic reinterpretation of several Qur'anic verses regarding their identities. This study employed a qualitative

approach, using in-depth interviews, life-history narratives, and observations conducted at the Pondok Pesantren Waria Al-Fatah in Yogyakarta, Indonesia. The elicited data were then examined using cultural analysis. The findings reveal that transgender people encountered multiple challenges throughout their lives, including social exclusion and discrimination. Some were forced to leave their homes in search of refuge, with Yogyakarta being one of their destinations. They actively engage in religious practices and collective Islamic learning as strategies for preserving dignity, spirituality, and social belonging amid persistent marginalization. Furthermore, this study argues for a more humanistic reinterpretation of Qur'anic verses that prioritizes human dignity, compassion, and social justice by acknowledging the presence of transgender people as legitimate moral and social subjects within Muslim communities. This study contributes to contemporary Islamic discourse by offering an alternative framework for inclusive Islamic engagement with gender diversity.

Keywords: *Transgender, Muslim Society, Discrimination, Social Construction*

A. Introduction

The issue of transgender identity in Indonesia remains unresolved due to a lack of clarity surrounding this topic. This situation has persisted since the 1980s and has not been adequately addressed, particularly regarding religious beliefs. Discussions about transgender people are rare among Muslim scholars and ulama in Indonesia for three main reasons. Firstly, the Quran only mentions gender in terms of men and women (Nadia, 2003). Secondly, there is a widespread assumption that those advocating for transgender rights are also part of a cursed community. This perception often leads to negative stereotypes, with some believing that transgender people are responsible for spreading sexually transmitted diseases due to perceived risky sexual behavior. Thirdly, research indicates that transgender people are frequently viewed as a social problem by the Indonesian Ministry of Social Affairs (Koeswinarno, 2003, 2004). Unfortunately, there is limited research on the intersection of religion and transgender issues, as most studies have focused

solely on socio-religious behaviors (Koeswinarno & Mustolehudin, 2017).

That viewpoint is quite dominant in mainstream Islamic discourse, which tends to regard transgender identity not as a legitimate identity but rather as behavior (*aʿāl*) that is believed to violate natural creation (*al-fiṭrah*), disrupt the binary gender order (male-female), and blur the boundaries set by sharia law (concerning marriage, inheritance, leadership in prayer, and more). Mainstream Islam relies on several references to support its stance on transgender issues, including a verse in Surah Al-Hujurat, " People, We created you all from a single man and a single woman, ..." (Qur'an 49:13). This verse has led to the prevailing interpretation within Muslim society that human creation is strictly dichotomous—consisting solely of male and female. Consequently, the theological framework does not recognize a third gender category.

In addition, other verses, such as Surah An-Nisa', which states, "... who created you from one soul and created from it its mate ..." (Qur'an 4:1), are used to emphasize that social and familial relationships are structured around biological gender pairs. Any change in gender, or any blurring of these lines, is perceived as a disruption of this established order. Similarly, Surah Ar-Rum advises to "... This is the natural disposition God instilled in mankind- there is no altering God's creation-..." (Qur'an 30:30). The term "*fiṭrah*" is pivotal in this verse. In classical interpretations, *fiṭrah* encompasses both biological structure and natural roles. Therefore, changing gender or adopting traits of the opposite sex is viewed as altering God's creation—moreover, Surah An-Nisa' states, "... I will command them to tamper with God's creation ..." (Qur'an 4:119). This verse is frequently cited in scholars' fatwas. Their reasoning argues that changing gender, without a medical justification for intersex conditions, deviates from divine creation.

It is commonly believed among Islamic intellectuals and scholars that sexuality is a taboo issue. For those who follow a heteronormative perspective, transgender issues are not

considered a serious matter to be studied. This viewpoint often leads to a lack of sensitivity towards contemporary problems related to sexuality, particularly those concerning sexual orientations that are considered unusual in Islamic and Arab cultures. The fact that the entire Muslim way of life is often compared to the time of the Prophet Muhammad makes him the sole reference point. Additionally, scholars tend to see any sexuality outside of religious rules as deviant, without daring to conduct critical studies. Therefore, tolerance towards deviation is viewed as a part of a sinful act. This is because, within the Muslim community—especially the mainstream—transgender people are often morally condemned as "deviant, forbidden, and a violation of nature." When a subject is judged as wrong, there is little urgency to investigate.

Furthermore, although there are some studies on transgender issues, these often receive negative feedback from the scientific community. Such studies may face criticism, especially if they attempt to reinterpret religious texts. As a result, the discourse surrounding Islamic thought can become closed, intolerant, and detached from its historical context, losing its religious and spiritual significance. This indicates that religious texts still play a crucial role in discussions of religion and spirituality. When new social realities emerge, people often seek legitimacy through these religious texts (Safri, 2020). Transgender studies are often seen as aligned with liberalism, Western feminism, and a global human rights agenda. The discourse surrounding transgender issues tends to focus on the legal distinctions between what is considered *haram* (forbidden) and what is *halal* (permissible). This emphasis limits the scope of transgender studies, preventing exploration of ethnographic aspects, psychological research, and studies of lived experiences.

In Indonesia, transgender people often face rejection and discrimination (Fadhline, 2024). Religion is sometimes manipulated to justify this mistreatment. For instance, on October 11, 1997, the Indonesian Ulama Council (MUI, *Majelis Ulama Indonesia*) issued a fatwa that rejected transgender people and

called for the disbanding of transgender organizations in various cities. Additionally, there have been alarming incidents of discrimination, such as the closure of a transgender Islamic dormitory in Yogyakarta, which occurred at the request of the extremist Islamic group, the Islamic Jihad Front (BBC News Indonesia, 2016). A tragic example of violence against transgender people includes the horrific act of burning a transgender individual alive in Cilincing, North Jakarta, after they were accused of theft. This act was not merely a response to theft; the individual was brutally killed simply for being transgender and labeled as "society's scum, the cursed, and the marginalized" (Detik.com, 2020).

Several hadiths and classical Islamic texts indicate that certain forms of gender rejection cannot be separated from traditional views. In Islam, male transgender people are often considered equivalent to "*mukhanas*," a term that refers to men who exhibit characteristics typically associated with women. During the time of the Prophet Muhammad, it was established that women were prohibited from wearing men's clothing and vice versa. Additionally, the Prophet cursed those who imitate the opposite gender; as narrated in Bukhari, "The Messenger of Allah (PBUH) cursed men who imitate women and women who imitate men"—women who resemble men or the opposite of *mukhannast* were called *muttarajjilat* (Narrated by Bukhari) (Sulaiman, n.d.). This directive marginalizes transgender people and implies that there is no place for them within Islam. Disobeying these rulings is seen as going against God's will. Transgender people often feel powerless to confront any criticism and may believe that one must identify strictly as either male or female within Islam. According to the Qur'an, only two genders—male and female—were created to form couples, as mentioned in several verses: An-Najm (53:45), An-Nisa (4:1), Ash-Shuraa (42:11), Qaf (50:7), Al-Ahzab (33:37), and Adh-Dhariyat (51:49).

The hadiths of the Prophet, which serve as the second source of Islamic law, have consistently referred to gender strictly in terms of male and female. Consequently, the existence of

transgender people poses challenges within the context of Islam, necessitating a thoughtful interpretation of relevant verses and hadiths. This suggests that we need to reconsider how transgender identities are understood, which involves both legal aspects and the social recognition of transgender people within Islam. This study aims to address several key issues, including the social problems surrounding transgender people's religiosity and the reasons behind their marginalization, particularly from social and religious perspectives. It will examine how scholars' interpretations of Islamic law (*fiqh*) impact transgender people and explore methods for conducting new reinterpretations of transgender-related *fiqh* in contemporary society. Additionally, the study will investigate the life histories of transgender people, tracing their experiences from childhood to their transition into transgender identities. It will also explore how these individuals perceive and relate to their faith.

The question of becoming transgender can be understood from two different perspectives. One view suggests that becoming transgender is an event that occurs outside of a person's awareness. At the same time, the other perspective posits that it is an inherent aspect of a person's identity. This difference in viewpoints has led to disagreements among supporters of medical, psychological, and social perspectives, complicating the understanding of transgender experiences. Addressing the first question is essential for grasping the ongoing debate about whether being transgender is a lifelong process or the result of sudden events. Clarifying this is important because some religious leaders regard transgenderism as a condition that needs to be "cured," advocating for a return to an individual's biological state despite the absence of any proven cure for this so-called "condition."

The social acceptance of transgender people is often skewed due to the prevalent perception that they are linked to criminal activity. This perception is largely shaped by the fact that a considerable number of transgender people work in the commercial sex industry. Consequently, the transgender

community frequently faces marginalization in social, political, and cultural contexts. This marginalization highlights another critical aspect of this research: the examination of social construction theory (Berger, 1994; Berger & Luckmann, 1990). In this framework, the marginalization of transgender people will be analyzed through Berger's three perspectives: internalization, externalization, and objectivation.

The next issue specifically focuses on the treatment of the transgender community within Islam. In Indonesia, religion plays a significant role in people's lives, and its legitimacy is highly valued. When religion offers rational explanations, it can help resolve various issues. Additionally, religion significantly shapes Indonesians' social representation. For example, Dorce, a well-known Indonesian transgender individual who underwent genital surgery, earned respect in society due to her status as a *hajjah* (a woman who has performed the hajj pilgrimage) and her ability to embody religious acts socially. Although she was buried as a male, those close to her consistently referred to her as "mother." This study explores Islamic law (*fiqh*), which is increasingly adaptable to contemporary issues of sexuality.

The abovementioned discussion presents a new way of understanding transgender issues within the Muslim community by focusing on their lived experiences. This approach helps readers gain a more compassionate understanding of transgender people. Moreover, the research examines ways to reinterpret religious texts without dismissing them, using transgender experiences as a context for learning.

B. Literature Reviews

Studies on transgender issues can be categorized into several main themes. First, research focusing on the biological factors affecting transgender people is predominantly conducted by scholars in the medical field (Batista & Barros Oliveira, 2024; Chen et al., 2019; Davison, 1978; Heuken, 1079; Kennis et al., 2024; Levin et al., 2023). This research primarily examines genetic causes related to chromosomal variations and hormonal

disorders. However, there is no consensus on the findings regarding transgender issues, except in cases involving individuals with hermaphroditism. Overall, DNA tests can play a significant role in determining the biological aspects of transgender identity.

Second, research has also explored the psychological factors contributing to being transgender. This perspective suggests that sexual variation, including transgender identity, is influenced by several factors: (a) the physiological capacity of every human to respond to significant stimuli, and (b) experiences leading to early same-sex sexual encounters (Bariola et al., 2015; Bith-Melander et al., 2010; Kartono, 2009; Kinsey et al., 1948; Redcay et al., 2025; Yazdanpanahi et al., 2023). Further studies investigated the treatment of transgender people during religious services, highlighting the impact of public opinion and social norms on personal choices regarding sexual orientation (Masnun, 2011; Muhsin et al., 2024; Notarous, 2020; Parkinson, 2023). In this context, identity is shaped by three key elements: prenatal factors, childhood experiences, and puberty-related factors.

Third, further research on transgender people has shown a correlation with psychological issues and various social challenges, as well as their influence on behaviors deemed deviant (Atmojo, 1987; Koeswinarno, 1996, 2003, 2004). Scholars studying this group also view transgender issues as social concerns, particularly examining the implications for prostitution. Additionally, they investigate reproductive health issues among transgender people, noting that their sexual behavior may increase susceptibility to various sexually transmitted infections due to their "non-normative" sexual experiences (da Silva et al., 2020; Kalichman et al., 2017; Keller, 2009; Kota et al., 2023; Polymenopoulou, 2018; Soich, 2021; Wesp et al., 2019).

Fourth, several studies scrutinized the relation of transgender people and Islam by examining texts that acknowledge their existence. Although no specific hadiths reject transgender people, they are often stigmatized within the Muslim community (Etengoff & Rodriguez, 2022; Nadia, 2003; Siti

Fatimah, 2025; Zaharin & Pallotta-Chiarolli, 2020). However, Islam does recognize transgender people in terms of inheritance distribution and the possibility of gender-affirming surgery (Abriyani et al., 2022; Ash Shabah, 2021; Fadilah et al., 2022; Lubis, 2023; Rana & Siddique, 2022). Meanwhile, other studies explore the potential for transgender marriage practices but conclude that there is no legal basis for such marriages (Bachri et al., 2023; Hidayati et al., 2024; Minasochah, 2004; Oetomo, 2017; Oetomo & Dahlan, 2015; Rohmawati et al., 2018).

Previous research on Islamic perspectives regarding transgender people has primarily concentrated on normative, legal, or moral evaluations. However, there is a significant gap in our empirical and contextual understanding, especially concerning the lived experiences of transgender Muslims. This study aims to address this gap by merging the lived experiences of transgender people with an analysis of how religious authorities influence recognition, stigma, and moral boundaries. Additionally, it reconstructs interpretations of Quran and Hadith texts from a humanist perspective that emphasizes dignity, empathy, and ethical treatment. By linking Islamic textual traditions with contemporary social realities, this study presents a new framework that recognizes transgender people as legitimate social and moral subjects within the Muslim community.

Conceptual Framework

The issue of transgender people is not merely a psychological problem that can be categorized as a neurotic condition. If transgender identities were viewed solely as an illness, the definition of that illness would become problematic. It is important to understand how transgender people perceive themselves. They do not see their situation as an illness, but rather as a natural condition. Many believe that it is part of their life journey as commanded by God (Shunniya, 2005). In this perspective, the individual's world is considered socially constructed. According to constructivists, the development of the self is an ongoing process that occurs through social interactions

and organismic growth (Berger & Luckmann, 1990). Constructivists argue that constructs are always subject to interpretation, including sexuality. An individual's experience interacting with their social and cultural environment shapes how they understand and express their sexuality within the context of social categories. The relationship between these categories and personal experience is dialectical, meaning they mutually influence and shape each other (Boswell, 1990). Individual awareness of cultural and social environments shapes society; society, in turn, affects an individual's consciousness (Berger, 1994; Berger & Luckmann, 1990). Therefore, the social presence of transgender people depends on the reciprocal relationship between their interactions and society's responses.

Berger's social construction theory posits that society is created by humans, just as humans are shaped by society. Therefore, there is an ongoing interaction between individuals and the cultural environment around them. In daily life, people use typification schemes to understand and interact with others (Berger & Luckmann, 1990). Therefore, the dialectical process operates in three simultaneous stages. The first stage is externalization, which involves adapting to the socio-cultural world as a human product. The second stage is objectivation, which involves social interaction in an institutionalized or institutionalizing intersubjective world. Finally, the third stage is internalization, in which individuals identify with the social organization to which they belong. Thus, according to Berger's ideas, the world of transgender people is not simply a community formed by them, but rather a world created together by them and their socio-cultural environment. It came into being because there was no existing transgender community until society constructed it. Transgender people form a network due to their shared experiences in a world where they are isolated by society, leading to internalization.

Transgender people in Muslim society often face marginalization due to scholarly interpretations of the Quran and Hadith, which emphasize binary gender norms as the moral and

legal foundation (Alipour, 2017). This perspective views transgender people as deviating from the natural order of creation, resulting in disapproval of actions that seek to change gender or express identities different from one's assigned sex at birth. Consequently, this leads to social stigma and exclusion within the community (Alipour, 2017; Cronesberry & Ward, 2025; Perez & Pepping, 2025; Wolter et al., 2025). While some hadith recognize the existence of *mukhannat* (unmarried women), this acknowledgment is limited in moral and ethical terms and does not prevent social marginalization (Alipour, 2017). Gender norms in Islam are shaped by interpretations of classical Islamic jurisprudence (*fiqh*), as seen in works like Ibn Qudamah's *Al-Mughni* and Ibn Rushd's *Bidayat al-Mujtahid*. These texts emphasize social roles and moral boundaries concerning gender expression that fall outside of traditional binary norms (Ibn Qudamah, 1998; Rushd, 2007).

Several studies highlight that transgender people actively engage with religious authorities and navigate social structures in their lives (Howe, 2022; Jagiella, 2022; Zahed & S. Bharat, 2020). Contemporary approaches to Islamic jurisprudence (*fiqh*) and the *maqāṣid al-sharī'ah*, as articulated by Kamali (2008) and Jasser Auda (2010), focus on protecting human dignity and well-being, as well as eliminating hardship (*ḥifẓ al-naḥs, raḥ al-haraj*). This perspective paves the way for a reinterpretation of the law that could help reduce social stigma against transgender people (Auda, 2010; Kamali, 2008). From the standpoint of marginalization theory, the social exclusion faced by transgender people can be viewed as a consequence of the interplay between sacred text interpretations, the perceived legitimacy of scholarly authority, and the community's social structures. These elements are reinforced by traditional Islamic jurisprudence (Ibn Qudamah, 1998; Rushd, 2007) and are challenged by modern humanist interpretations (Auda, 2010; Howe, 2022; Kamali, 2008, 1996; Zahed & S. Bharat, 2020). Therefore, the marginalization of transgender people is not solely linked to gender identity; it also stems from complex layers of legal and moral interpretations. This

highlights the increasing urgency for research that emphasizes the lived experiences of transgender people within the framework of humanist Islam.

Islam, which embraces the notion of multiculturalism, recognizes the existence of transgender people in society, albeit at a minimal level. During the time of Prophet Muhammad, he forbade the killing of *makhanas*, but instead exiled them to a certain place (Ramadan, 2021). Translating hadith texts in light of their social context is essential to ensure fair legal practices. This is particularly important when Islamic jurisprudence attempts to explain the legal basis for transgender people. For instance, a hadith narrated by Abu Dawud from Abu Hurairah, "... the Messenger of Allah said: Indeed I forbid to kill those who pray." The prohibition of killing transgender people who are obedient to Islam is important. Therefore, Islamic law should be open to criticism and scientific examination (Al Alwani, 2001; YUSDANI, 1994, 1998). Islamic law may evolve to reflect human interests while remaining faithful to ethical principles (Minhaji, 2004). In simple terms, measuring an object in motion requires a reference point that is at rest. Additionally, Islamic law must uphold ethical and moral principles while inspiring individuals to pursue positive change.

Based on the abovementioned frameworks, two significant problems must be addressed. First, *mukhannas* should be defined in more inclusive language, not in Arabic-centric terms. Does it only refer to the way of dressing, attributes, and behavior? If the problem ends here, many individuals deliberately resemble women even though they are men. Second, transgender people are individuals who experience transgender, in which they are physically male, but inside them, there is a very strong neurotic urge to become a woman. This means a transgender person has a neurotic disorder. Because it is seen as a problem, it is important to explain how Islam views the physical body and the psychological body.

Furthermore, Islamic teachings can be divided into two categories. Firstly, there are absolute, universal, permanent, and

unchanging teachings. These include the teachings of Islam found in the Qur'an and the mutawatir hadiths, whose authenticity is clear (*qat'i al-dalalah*). Secondly, there are relative teachings that are not universal or permanent and can change. These include Islamic teachings produced through *ijtihad* or *qiyas* (*zanniyat*) (Al Alwani, 2001; Kamali, 1996; YUSDANI, 1998). Therefore, it is important to academically and socially study what kind of fiqh space can provide a more inclusive definition of transgender in Islam.

C. Research Method

This is a qualitative study conducted at Pondok Pesantren Waria (transgender Islamic dormitory) Al-Fatah in Yogyakarta, Indonesia, where transgender Muslims live both individually and in groups, and serves as a significant and prominent cultural center with a spiritual dimension for transgender people (Mulder, 1983). Data were collected through in-depth interviews, life-history narratives, and observations. First, interviews were conducted with 10 transgender informants to explore their experiences of marginalization and their religious lives, as shown in Table 1. Second, the life-history narratives were conducted to explore the process of becoming transgender, religious experiences, and marginalization. The study included an approximately 80-year-old transgender informant from southern Yogyakarta and a well-known transgender artist. Although the research formally focused on Pondok Pesantren Waria Al-Fatah in 2022, the researchers have observed transgender communities since 1992, particularly regarding social marginalization, religious life, and societal acceptance (Koeswinarno, 1996, 2000, 2002, 2003, 2004; Koeswinarno et al., 2022). Third, observations were conducted to identify potential interview participants and to understand transgender people's religious life, self-perceptions, and collective experiences (Spradley, 1997) at Pondok Pesantren Waria Al-Fatah. The observations focused on both religious activities and daily life within the pesantren. The collected data were then examined using cultural analysis to understand the

conceptual world of the society under study (Geertz, 1992a, 1992b). This type of analysis seeks to understand the values, beliefs, ideas, and behaviors that are specific to transgender people. By doing so, it provides insight into the religious experiences of transgender people and reveals the deeper meanings behind their everyday actions. This cultural analysis focuses on identifying patterns of behavior that embody the essence of transgender life.

Table 1. *Details of the in-depth interview participants*

Aspect	Descriptions
Informants	10 transgender people
Selection Criteria	Seniority, administrative role, age, religiosity
Length of Attendance	4 (>5 years) 6 (2–4 years)
Age Distribution	5 (>60) 2 (40–60) 3 (25–35)
Religiosity	Most informants had limited Qur’anic recitation ability 2 demonstrated reasonably good proficiency
Teacher Background	2 teachers (mentors)–one teacher is an Islamic university lecturer
Administrative Roles	Chairman and chairman’s assistant

D. Transgender in the Islamic Concept

There is no extensive and in-depth information about transgender people in the Qur'an, except for a hermaphrodite called *al-khuntsa*. This type, among others, is mentioned in the book *Qulyubi Wa 'umairah*, that *khuntsa* is a person who has male genitals and female genitals (Manshur & Al-Barsany, 1981). In the term *khuntsa*, it is clear that physically, their genitals are double. Therefore, there is a need for clarity on anatomical and gender aspects until they reach a certain age. This is done for the physiological, psychological, and social development of hermaphrodite people. Hermaphroditism, or *khuntsa*, has two

types: true and false (pseudohermaphroditism). True hermaphroditism (hermaphrodite complexus) involves individuals possessing both male and female genitalia or neither, complicating gender identification. In contrast, false hermaphroditism features one dominant set of genitalia, making gender identification easier. Historically, classification was based on internal genitalia, but psychological factors can complicate these decisions, often conflicting with personal and spiritual beliefs. As medical science advances, determining whether a pseudohermaphrodite should undergo surgery to align their physical traits with male or female classifications requires careful consideration and research.

Further studies indicate that traditional Islamic jurisprudence (fiqh) recognizes categories of individuals whose characteristics do not fit into the typical male-female binary. The first group, *khuntsa*, refers to individuals with ambiguous genitalia. As mentioned before, this group is divided into two types: *khuntsa musykil*, who are definitively identified as male or female, and *khuntsa ghairu musykil*, who eventually display dominant male or female traits. The second group, *khasi* or *mamsuh*, also known as *eunuchs*, refers to individuals who have undergone castration (Cronesberry & Ward, 2025; Jagiella, 2022; Zahed & S. Bharat, 2020). Islamic texts refer to transgender people as *al-muttarajilat* for women who resemble men and *al-mukhannitsin* for men who resemble women (Ilyas, 2002). During the time of the Prophet Muhammad, such people were banished but not executed (Nadia, 2003). That means that the existence of these people at the time of the Prophet was 'recognized' even though they were in isolation.

Regarding the status of transgender people in Islamic jurisprudence, there are still divided perspectives on this matter. The first, the Sunni and Shafi'i school of thought, generally maintains a restrictive view on gender transition. For instance, the MUI released a fatwa in 2010 stating that intentionally altering one's sexual organs through surgical procedures is considered *haram* (forbidden). This is based on interpretations of Quranic

verses and hadiths that view modifying God's creation (*taghyīr khalqillāh*) negatively and prohibit men from imitating women or vice versa. In addition, Islamic law distinguishes between sex reassignment surgery (SRS) and corrective procedures for intersex individuals (*khuntsa*), permitting the latter to align with their predominant biological traits (Fadilah et al., 2022; Radatilla & Aisyah, 2021a; Rehman et al., 2024; Sultan et al., 2023; Zahed & S. Bharat, 2020). Even if individuals undergo SRS, their legal identity remains linked to their original biological sex. Consequently, according to Sunni jurists, any court-approved changes to gender identity are not recognized in Sharia law concerning matters like inheritance or marriage. The Syafi'i school does not support such changes but acknowledges their fundamental rights, which may be subject to *ta'zīr* (discretionary punishment) rather than strict *hudūd* penalties.

The second, Shiite legal thought presents a distinct perspective, significantly influenced by the pivotal fatwa issued by Ayatollah Ruhollah Khomeini in 1987. In this framework, sex reassignment surgery (SRS) is recognized as a valid medical procedure for individuals diagnosed with "gender identity disorder" or gender dysphoria. It is viewed not as "altering the body," but as a crucial step to alleviate mental and physical distress. After completing both the medical and legal transition, the individual's status in Islamic law is adjusted to reflect their new gender. This includes the right to inherit according to their gender after surgery (Etengoff & Rodriguez, 2022; Noor et al., 2024; Zaharin & Pallotta-Chiarolli, 2020).

E. Transgender in Yogyakarta and Pesantren Al-Falah

It can be challenging to determine the exact number of transgender people in Yogyakarta. This is because not all of them are affiliated with transgender organizations such as Transgender Association in Yogyakarta (IWAYO, *Ikatan Transgender Yogyakarta*), and their activities and spaces are constantly changing. However, not all transgender people in Yogyakarta have official government-issued identification cards. Many transgender

people in Indonesia have been rejected by their families and communities, causing them to constantly move from various places to find acceptance. A senior transgender person in Yogyakarta estimates around 300 transgender people in the area, which is similar to the number recorded in 1997 with approximately 250-300 people (Koeswinarno, 2004). Furthermore, between 2005 and 2018, a significant number of transgender people in Yogyakarta passed away due to HIV/AIDS (Interview with several transgender people in Yogyakarta, 2020). Shinta Ratri, a transgender person, said that HIV/AIDS affects transgender people disproportionately. During the 2000s, a significant number of transgender people migrated to Yogyakarta, including many young transgender people. Of the 250 transgender people in Yogyakarta, only 150 joined IWAYO, while the others did not for various reasons.

Many transgender people busk as street singers from 10 a.m. to around 5 p.m., with some performing until 8 p.m. This can earn them between IDR 100,000 and IDR 200,000 per day. Unfortunately, prostitution is still a prevalent practice among transgender people, particularly those aged 20 to 40, with some individuals aged 40 to 50 may also engage in sexual transactions. Moreover, those who come from outside Yogyakarta live in groups in several locations. This trend is primarily due to the community's growing acceptance of the transgender community. In comparison to before the 2000s, the living patterns of transgender people have expanded. Most transgender immigrants lived in the Kricak-Jatimulyo, Badran, and Ledok Gondolayu areas, and a small part of Nitipuran Village until the 2000s. Nowadays, some transgender people live in several places, such as Kampung Sorogenen and Kalasan. Society is increasingly accepting of the transgender community, and as a result, these villages have become a haven for transgender people who come from various cities.

It is still common for some transgender people, particularly those over the age of 50 who are not tech-savvy, to rely on *cebongan*, a specific gathering place where they have sexual

transactions. Each transaction typically costs between IDR 20,000 and IDR 50,000. However, younger transgender people who are more adept with technology have mostly moved away from *cebongan* due to higher fees, which can range from IDR 100,000 to 200,000. The price for sexual transactions is often based on the physical appearance and age of the transgender person, with more attractive and younger individuals commanding higher rates. However, some transgender people who are tired of busking during the day do not engage in sexual transactions. Those who are settled and have partners may prefer to open beauty or hair salon businesses. However, since 2017, salon services have declined due to the proliferation of barbershops across Yogyakarta.

On May 27, 2006, an earthquake hit Yogyakarta and its surrounding areas, causing the deaths of several transgender people. However, these individuals were not allowed to have their bodies washed as no one had the "right" to do so. This incident led to the emergence of transgender awareness and the need to consider religion, as cleaning the dead is considered a religious task. In 2006, small, unstructured Islamic teachings were initiated. A senior transgender person named Maryani, along with the late Kyai Hamrolie Harun, who had an Islamic teaching group, established Al-Fatah's "Monday-Thursday" transgender Islamic dormitory on July 28, 2008. Initially, the Pondok Pesantren Waria Al-Fatah was located at Maryani's house in Notoyudan village and had 20 transgender members.

The Pondok Pesantren Waria Al-Fatah has faced various challenges that have affected its activities. One such challenge was the resignation of Kyai Hamrolie, who served as an advisor and teacher at the dormitory. He proposed the controversial idea of converting transgender people back into their assigned gender, which was rejected by the transgender community. This led to his resignation due to differences in understanding. On March 21, 2014, the founder of Al-Fatah, Maryani, passed away, which caused the Islamic teaching activities to stop for a while. However, the dormitory resumed its activities and moved to Shinta Ratri's

house in Kota Gede. Currently, 40 active transgender people participate in Islamic teachings led by several *ustadz* (Islamic preachers or teachers). It offers a variety of activities, including memorizing prayers, reading and reciting the Qur'an, and studying the traditional Islamic classical texts on various topics. Additionally, they also provide services for managing the corpses of transgender people.

Research findings show that transgender people actively participate in group religious study activities because of their awareness of God. This involvement reflects a strong commitment to their faith and acts as a coping strategy in response to stigma and social marginalization (Alipour, 2017; Etengoff & Rodriguez, 2022; Hentschel, 2022). Their engagement in religious activities is not just a ritual; it is also a way to uphold their spiritual identity, dignity, and sense of community, even though the Muslim community often marginalizes them (Alipour, 2017; Cronesberry & Ward, 2025; Perez & Pepping, 2025; Wolter et al., 2025) and rejects their identities (Howe, 2022; Jagiella, 2022).

F. Process of Becoming and Marginalization of Transgender

No one is inherently aware of being transgender at birth, including their parents. Transgender identity develops through childhood habits, which persist into adolescence and adulthood (Isnaini & Salmat, 2010; Koeswinarno, 1996, 2004). During their childhood, some children may prefer to play with toys traditionally associated with the opposite gender. For example, a boy may not enjoy playing with male toys like footballs and kites and instead prefer toys typically associated with girls. In Javanese culture, children with these preferences were often considered "*durung Jawa*," meaning not fully complete as Javanese, until they reached the age of six; hence, this condition was left alone (Geertz, 1983). Thus, *Durung Jawa* is a term used by the Javanese people to describe someone who lacks appropriate social habits and manners, which are considered important in Javanese culture.

Transgender people often experience a sense of being 'different' since childhood. They tend to avoid boys' games and

prefer hanging out with friends of the opposite sex. Despite being teased as “sissy” or “*kemayu*”, they still enjoy playing women's roles. This behavior is usually not a serious concern for the family until junior high school. Some people believe that certain irrational events lead to a child being born transgender. For instance, Darino, also known as Ratu Airin Karla, made headlines in Boyolali, Central Java, for having a same-sex marriage. Darino is not a city boy who lives with all the attributes of an urban city (Abrori, 2015; Iqbal, 2015; Supriatna, 2015). She works at a beauty salon in the same district as her house in the village. Darino believes her feminine nature has been present since birth. She thinks this trait can manifest if a pregnant woman ridicules or disapproves in her heart of a transgender person. Witro, Darino's mother, was pregnant when she saw a boy from a neighboring village exhibiting female behavior, which may have contributed to her daughter's inherent femininity (Oetomo & Dahlan, 2015). Thus, Darino's parents believed that their son was transgender because of such beliefs.

The journey of becoming transgender often takes place in secret, as families may not be aware of or accepting of this process. Many transgender people have had experiences of secretly dressing up in clothes typically associated with the opposite gender. One individual shared that during the ages of 14 to 17, they would wear their older sister's or mother's clothes, cosmetics, and accessories in their room. They eventually gained the courage to use their pocket money to buy women's clothing and accessories. Unfortunately, at school, they were teased and called names like “sissy”, “*bencong*”, or “*kemayu*”. The teasing only escalated and became more direct over time. Transgender people who are resilient in the face of bullying may be able to complete their education up to senior high school. However, those who are more vulnerable may feel compelled to drop out of school and leave their homes. Some transgender people may not even complete elementary or junior high school due to the challenges they encountered.

During the early stages of a person's life, their family and environment begin to notice signs that they are different. However, most families, particularly fathers, find it difficult to accept the presence of transgender people and therefore force them to leave the house. Only a small number of parents can tolerate and embrace transgender people in the family, which requires a high level of acceptance from neighbors and relatives. This rejection of transgender people begins from the onset of their behavior that is perceived as feminine, leading to instances of domestic violence towards the individuals by their family members (Safri, 2016).

Many transgender people have experienced the process of leaving their homes and seeking out a new community where they can be accepted for who they are, such as the *Cebongan* community. It is not just a place for sexual transactions, but a place for transformation and social acceptance (Koeswinarno, 2004). Hence, *Cebongan* provides a safe space for transgender people to express and actualize their identities. New transgender people who are young and dressed imperfectly are called *njebluk*, which means "explode," because the newbie needs guidance from senior transgender people. Their behavior seems awkward, stiff, and not yet feminine until they find a senior transgender person who will guide them to behave perfectly. This process can be easily found in *Cebongan*. It is the senior transgender person who guides them and will become their 'mother' or adoptive 'parent' until they become fully transgender.

Before the 2010s, the most significant space for transgender people to express themselves was *Cebongan*. However, with the widespread use of communication technology, this has changed. The way social relations are formed has also shifted, with social media platforms now taking the place of *Cebongan* as the primary location for transactions and socialization amongst transgender people. WhatsApp, MiChat, and Facebook are the most commonly used platforms for communication, interaction, socialization, and learning to live as a transgender individual. Additionally, these platforms offer transgender people an opportunity to introduce

their world to the wider community. YouTube is also an effective medium for expressing who transgender people are to the world, with hundreds of thousands of subscribers to several accounts, including Stasya Bwar, Shella Yohanese, Novi Salon Channel, Reny Perez Channel, Manohara Official, Budi MCinta m, Bebi Talk, Vivit Wowww. On these accounts, they introduce their life by showing their talents, cuteness, and vulgarity.

Besides utilizing social media platforms and *Cebongan*, transgender migrants also form living groups that serve as a social space for the development of their self-identity as transgender people. In every location where these groups exist, there are usually one or two senior transgender people who act as mentors or "mommies" to provide guidance and support to those who have undergone the process of "*njebluk*". The phenomenon of *njebluk* explains that transgender people generally have sexual experiences with men from childhood to adolescence. Sexual experiences with men usually occur within their close circle, with neighbors, friends, and even some with distant relatives. An informant explained that he had sexual relations with a male neighbor at the age of 11 when his behavior was seen as starting to be slender and to dress lightly. Similarly, others had similar experiences with their close friends around the ages of 14-16.

The findings indicate that being transgender is not always present from birth, suggesting that gender identity arises from an interaction of biological, psychological, social, and religious factors (Howe, 2022; Zahed & S. Bharat, 2020). From the perspective of contemporary Islamic jurisprudence, this approach highlights the importance of understanding lived experiences before making moral or legal judgments (Auda, 2010; Kamali, 2008, 1996). Data analysis reveals that transgender experiences often involve navigating the balance between self-awareness and social norms, rather than being the result of innate determinism. This understanding calls for a humanistic interpretation to help reduce social exclusion.

Transgender people in society are often marginalized due to their historical association with street prostitution, which has

resulted in a higher incidence of sexually transmitted diseases and negative societal stigma (Koeswinarno, 1996). Unfortunately, this has also led to an increase in the number of transgender people with HIV/AIDS at the national level. A UNAIDS report revealed that Indonesia ranked third in the Asia Pacific region for new HIV cases in 2019, following India and China. This further worsens the image of transgender people in society (Azizah, 2019). The information available suggests that transgender people are at a higher risk of contracting and spreading HIV, which often leads to their marginalization. In response to this issue, several organizations dedicated to addressing HIV/AIDS were established, including Yogyakarta Transgender Family Foundation (KEBAYA, Keluarga Besar Transgender Yogyakarta) in 2005. The organization is actively involved in creating awareness about the dangers of HIV/AIDS and promoting knowledge among transgender individuals and other vulnerable groups (Wirawati, 2016). Additionally, it must be noted that there have been isolated incidents where transgender people have been involved in acts of violence and sexual abuse, but this is not representative of the entire community (Nabila, 2020), which made transgender people's image worsen.

The increasing number of transgender people residing in several villages indicates the growing acceptance of transgender people within these communities, although their social space is still limited. For example, the Pondok Pesantren Waria Al-Fatah in Kotagede has been a place for several transgender people to engage in activities since 2008. Currently, 15 transgender people reside in the house. There have been almost no conflicts with the surrounding community. In response to the Islamic Jihad Front's raid on Al-Fatah, Sholehudin, a former Jagalan village chief who resigned in 2016, stated that he had never received reports of residents feeling disturbed by the activities of transgender Islamic dormitory, especially during his tenure as village chief (BBC News Indonesia, 2016).

The data indicate that the marginalization of transgender people in Muslim communities stems from a combination of

several factors. These include interpretations of classical Islamic jurisprudence and strict binary gender norms, as noted by Ibn Qudamah (1998) and Ibn Rushd (2002), which limit social roles and gender expression. Additionally, the social legitimacy granted by religious authorities underscores conformity to so-called natural dispositions and moral roles, thereby legitimizing exclusionary social practices. Moreover, cultural and social pressures within the community help maintain these traditional norms. This situation illustrates that marginalization is not merely an individual issue; it is a structural and cultural phenomenon reinforced by the acceptance of certain social texts and practices (Alipour, 2017; Kota et al., 2023; Wolter et al., 2025; Zaharin & Pallotta-Chiarolli, 2020).

G. The Possibility of Reinterpreting Transgender in Islam

Regarding religious matters, people often rely on texts to justify their beliefs and decisions. Many individuals seek textual support in their daily lives, even when these texts are quite old. If they cannot find a relevant passage, they may reference similar historical cases to justify their position. Consequently, the validity of a contemporary issue can be called into question if there are no appropriate texts or historical events to reference.

For instance, a *fatwa* on transgender people from the MUI, signed on 19 November 1997, stated that: “(a) transgender is male and cannot be seen as a separate gender group; (b) all deviant transgender behavior is unlawful, and they should be encouraged to return to their original nature.” The topic of whether men behave and look like women is still a controversial issue. The Indonesian Broadcasting Commission (KPI) has raised concerns about broadcasting programs that feature men who appear or behave like women (Komisi Penyiaran Indonesia, 2016; Widhi K, 2016). One individual who has been most affected by this rule is Tessy from the Srimulat comedy group. Tessy, whose real name is Kabul Basuki, is a man who only appears and acts like a woman on stage. He is not transgender. Many people in the entertainment industry perform as women, and there is currently

a phenomenon of drag queens—men who dress like women and perform in front of audiences. Although drag queens are featured in many on-air and off-air programs, the term KPI refers specifically to their performances in theatre, dance, and music shows. Thus, the terms 'men behave and look like women', used by both the MUI and KPI, do not necessarily fall under the definition of transgender; it still leaves room for interpretation.

During the recount of his experience of going on hajj, the late Dorce raised an ambiguous issue regarding his gender identity. Dorce consulted the late KH Hasan Basri, the head of the MUI, who had signed a *fatwa* on transgender people. In response to Dorce's query, KH Hasan Basri stated that it depends on the intention, as hajj is a worship activity, and that ultimately it is up to God to decide (Gamalama & FX Rudy Gunawan, 2005). Furthermore, not everyone in the transgender community has the same perspective when viewing certain objects.

The participation of various religious leaders in transgender socio-religious activities has created more opportunities for transgender people to be accepted in society. This contribution is not just about politics related to the acceptance of transgender people in society. As transgender people, they often feel a growing need to reconnect with religious teachings. Furthermore, it was said by the informants that, "They asked me to teach religion. I think that is a good goal and must be accepted. Why do people want to study religion, but are rejected?" (Ustadz Safri, Personal communication, 2020). Another participant added, "For me, teaching the Koran gave me a positive value, namely, teaching the Koran to people who are marginalized by others. Allah will give me an additional reward, Insyaallah" (Ustadz Lukman, Personal communication, 2020).

Religious leaders have been involved in transgender activities because some of them have reinterpreted classic texts that are no longer relevant to the current situation. The interpretations of these texts are influenced by the interpreter's response to a particular problem and their life experiences. As a result, there are two types of interpretation: textual

interpretation, which examines the text normatively, and contextual interpretation, which considers the text more adaptable across different times and places. This means that there will always be varying interpretations of the text (Safri, 2020). This means there will always be two interpretations: a textual interpretation, which considers the text normatively, and a contextual interpretation, which considers the text highly adaptive to space and time.

The first group usually only uses text as the basis of interpretations; therefore, transgender people are placed as the cursed people, which is usually equated with the existence of the *Luth* people, which is stated in the Qur'an Surah Al A'raf (7:81) and Asy-Syu'ara' (26:165-166). There is only one interpretation that suggests that hell is a fitting place for those who fail to return to their true nature as human beings. On the other hand, the second group of interpreters uses both philosophical and contextual meanings to analyze the text. When these two interpretations are placed side by side, they often produce conflicting meanings. Therefore, it is likely that there will always be at least two meanings that may contradict each other.

Another text mentioned that Aisyah said, "A man (transgender) came to meet the wives of the Prophet (peace be upon him), and the companions considered him as *ghairu ulil Irbah* (people who have no lust for women). One time, the Prophet Muhammad (peace be upon him) came to meet us while the transgender man was with his wives, while characterizing women by saying: 'When a woman faces forward, she faces with four (folds), and if he faces backward, then he faces with eight folds'. So, the Prophet said: "Know, I see this person (transgender) knows what is in women, so do not ever let him come in to meet you." They finally wore the hijab" (Sunan Abu Daud 3583). According to Az-Zuhri from Aisyah, it was mentioned that when the Prophet met a transgender person, he said: "Remember, I no longer want to see this person knowing what is happening here, so do not let him enter (the house) again." Then the prophet expelled and exiled him. Moreover, the transgender person only

came to town on Fridays to look for food (Siregar, 2020). In this sense, transgender people have room for acceptance, although within certain limitations. This is important to note because they have had almost no space within religious life.

Further study mentioned that the Prophet forbade killing transgender people and allowed them to live, only asking them to be exiled. In this case, the transgender individual has their basic right to live (Ullah et al., 2022). Regarding that hadith, there is a different argument on effeminate; the first, the Maliki school of thought, said that “a person who is effeminate exhibits such feminine qualities that he resembles a woman in gentleness, manner of speaking, appearance, tone, intellect, and behavior, regardless of any negative traits he may possess. The roots of intersexuality can be traced to delicacy and gentleness. Therefore, if someone fits this description, is attracted to women, and lacks a clear understanding of women's issues in a naive manner, he may be categorized as a type of man that many women find undesirable. Such individuals need to be allowed to interact with women respectfully.”

The second, the Hanafi school of thought, suggests that the term ‘effeminate’ refers to individuals who engage in immoral actions. Such individuals are treated like other men, but are viewed as immoral and are considered disinterested in women. Conversely, if someone has soft features and a gentle demeanor, does not pursue women, and is not involved in immoral behavior, they may freely associate with women. The third, the Shafi’i school of thought, argues that it is prohibited for both men and women to exhibit effeminate behavior that emulates feminine morals. If such behavior is intrinsic to an individual's nature, it is not considered sinful. The fourth, the Hambali school of thought, mentioned that a man who is effeminate and lacks desire is judged similarly to someone who is merely permitted to observe. However, if the effeminate individual feels attraction and is aware of women, he falls under the same restrictions as other prohibited men (Afif, 2019; Muiz, 2015; Ullah et al., 2022).

There are two scholars, Alfred Kinsey and Evelyn Hooker, whose scientific publications have significantly contributed to the perspective that homosexuality is normal. In 1948 and 1953, Alfred Kinsey published research findings that suggested human sexuality is not strictly divided into heterosexual and homosexual. A person cannot be said to be absolutely homosexual or heterosexual. Kinsey introduced the Kinsey Scale, which established that sexual orientation ranges from 0 to 6. This scale ranges from graded heterosexual absolutes to homosexual absolutes (Kinsey et al., 1948). Kinsey's sexual orientation scale explains that a person's sexual preference may change over time. For instance, a person may be homosexual at one point and later become heterosexual, or vice versa. This idea was considered groundbreaking and controversial at the time. Researchers now believe a person can have both tendencies, regardless of gender. Kinsey's work showed that homosexuality is a natural variation of human sexuality.

Kinsey's research was a significant factor in the decision to exclude homosexuality from the Guidelines for Classifying the Diagnosis of Mental Disorders (PPDGJ) III. This handbook, published by the Ministry of Health in Indonesia in 1993, is used for diagnosing mental disorders. Therefore, homosexuality is no longer considered a mental disorder unless it is accompanied by depression (Kinsey et al., 1948). However, PPDGJ III still categorizes transgender people as having gender identity disorders. This shows that the issue of sexual orientation is still a subject of debate, particularly when science is confronted with religion. As a result, it is not only the responsibility of religion to reinterpret transgender issues, but other fields of study, such as psychology, psychiatry, medicine, sociology, and anthropology, should also have an equal and balanced position.

A humanistic reinterpretation of Islamic texts can enable Muslim communities to create an inclusive spiritual environment for transgender people. This approach can protect their rights to worship, study religion, and participate in religious activities. It can also ensure the safeguarding of basic human rights, prevent

discrimination and social exclusion, and combat both symbolic and structural violence. By adopting a fair and welfare-oriented interpretive approach, communities can safely integrate transgender people while respecting religious norms. These findings suggest that re-evaluating Islamic jurisprudence from a humanistic perspective is not just an option but a moral and social necessity. Such reinterpretations can lead to the development of more inclusive community policies and practices. They also lay a foundation for social interventions and religious education that honor the identity, dignity, and rights of transgender people, ensuring their spirituality remains intact, and their human rights are upheld (Alipour, 2017; Howe, 2022; Jagiella, 2022; Zahed & S. Bharat, 2020).

In the Indonesian context, the rights of the people, including transgender individuals, should be protected by the law. Respect for one's self-worth is fundamental to all humans. The International Convention and the 1945 Constitutional Amendment (UUD 1945), along with the Human Rights Law, clarify that human dignity includes individual liberty, which must be protected without discrimination. Therefore, the government has an obligation to comply with the Universal Declaration of Human Rights and all international human rights agreements (Radatilla & Aisyah, 2021b; Rana & Siddique, 2022; Sultan et al., 2023).

H. Conclusion

Research findings indicate that transgender people actively participate in group religious study activities as a way to cope and integrate socially. This engagement enhances their spiritual identity and helps reduce experiences of stigma and marginalization. These activities demonstrate that their religiosity is not simply a formality; rather, it serves as an adaptive mechanism for maintaining dignity, psychological well-being, and social connections within a Muslim community that frequently rejects their identity. Their identity is dynamic, evolving through the interplay of biological, psychological, social, and spiritual

factors. This evolution calls for a jurisprudential and social approach that acknowledges individuals' lived experiences instead of relying solely on deterministic assumptions about gender identity. Consequently, the adaptive strategies employed by transgender people represent a form of identity negotiation amidst strict social and religious norms.

Transgender marginalization arises from a complex interaction between classical fiqh interpretations and binary gender norms. This resulting social exclusion is structurally embedded and culturally derived, rather than simply a reaction to individual identity. This phenomenon underscores the need for social interventions and inclusive policies grounded in empirical evidence. The *maqāṣid al-sharia* approach provides a framework for reinterpreting humanistic fiqh, emphasizing the protection of dignity, the alleviation of hardship, and human well-being (ḥifẓ al-nafs, raf' al-haraj). The experiences of transgender people in Muslim communities reflect a complex interplay between gender identity, social marginalization, and religious coping strategies. These findings highlight the urgent need to reinterpret humanistic fiqh texts to ensure the protection of the spiritual rights, dignity, and human rights of transgender people. Thus, stigma can be reduced, and religious practices can become more inclusive, just, and aligned with the principles of *maqāṣid al-sharia*.

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