

SEXUALITY AND GENDER NEUTRAL (NON-BINARY) FOR MEN IN THE PERSPECTIVE OF MAQASHID AI-SHARI'AH



Rafik Patrajaya¹ , Aris Sunandar Suradilaga^{2*} , Anas Maulana³

*Correspondence :

Email :
arissunandarsuradilaga@iain-palangkaraya.ac.id

Affiliation:

- 1 Institut Agama Islam Negeri Palangka Raya, Indonesia
- 2 Institut Agama Islam Negeri Palangka Raya, Indonesia
- 3 Institut Agama Islam Negeri Palangka Raya, Indonesia

Article History :

Submission : February 15, 2025
Revised : April 20, 2025
Accepted : May 3, 2025
Published : June 29, 2025

Keyword : Sexuality, Neutral Gender, Maqashid Shariah

Abstract

This paper explores the development of contemporary gender discourse that seeks to deconstruct traditional masculine expression in men. While framed as a movement toward inclusivity and freedom of identity, this phenomenon carries potential risks of eroding Islamic religious values and destabilizing social balance (tawazun) as protected by Sharia through its primary sources: the Qur'an, Hadith, and Fiqh. Such disruption has broader implications for weakening the family institution, which functions as a fundamental social pillar in Islam. The shift in gender expression is viewed as a direct challenge to the principle of dharuriyat in Islamic jurisprudence, particularly with respect to *hifz al-nasl* (protection of lineage), *hifz al-nafs* (protection of life), and *hifz al-din* (protection of religion). Furthermore, it raises concerns of moral decadence in contemporary society. The research employs a qualitative descriptive method with a literature-based approach, drawing upon classical and modern Islamic legal scholarship, contemporary studies on non-binary gender identities, sociological reports, and other relevant academic sources. Data are analyzed through the conceptual framework of Maqasid al-Sharia, which provides both normative and contextual insights. The findings reveal a paradigm bias that blurs the distinction between biological sex and socially constructed gender. In Islamic thought, sex is an innate and divinely ordained attribute, while gender roles are understood as differentiated yet complementary expressions of masculinity and femininity. From the perspective of Maqasid al-Sharia, maintaining the integrity of gender expression in accordance with human fitrah is classified as a dharuriyat necessity, essential for sustaining moral order, protecting the family, and ensuring long-term social stability.

Abstrak

Tulisan ini mengkaji perkembangan wacana gender kontemporer yang berupaya mendekonstruksi ekspresi maskulinitas tradisional pada laki-laki. Meskipun sering dibingkai sebagai gerakan menuju inklusivitas dan kebebasan identitas, fenomena ini berpotensi melemahkan nilai-nilai agama Islam dan mengganggu keseimbangan sosial (tawazun) yang dilindungi oleh syariat melalui sumber-sumber utamanya: al-Qur'an, Hadis, dan Fiqh. Gangguan tersebut memiliki implikasi lebih luas terhadap pelemahan institusi keluarga sebagai pilar sosial fundamental dalam Islam. Pergeseran ekspresi gender dipandang sebagai ancaman terhadap prinsip dharuriyat dalam hukum Islam, khususnya terkait dengan *hifz al-nasl* (perlindungan keturunan), *hifz al-nafs* (perlindungan jiwa), dan *hifz al-din* (perlindungan agama). Selain itu, fenomena ini menimbulkan kekhawatiran akan terjadinya dekadensi moral dalam masyarakat kontemporer. Penelitian ini menggunakan metode deskriptif kualitatif dengan pendekatan kepustakaan, yang bersumber dari literatur hukum Islam klasik dan modern, kajian-kajian kontemporer tentang identitas gender non-biner, laporan sosiologis, serta dokumen akademik relevan lainnya. Data dianalisis menggunakan kerangka konseptual Maqasid al-Sharia yang memberikan pandangan normatif sekaligus kontekstual. Hasil penelitian menunjukkan adanya bias paradigma yang mengaburkan perbedaan antara jenis kelamin biologis dan gender sebagai konstruksi sosial. Dalam pandangan Islam, jenis kelamin merupakan sifat bawaan yang ditetapkan secara ilahiah, sedangkan peran gender dipahami sebagai ekspresi maskulinitas dan femininitas

yang berbeda tetapi saling melengkapi. Dari perspektif Maqasid al-Sharia, menjaga keutuhan ekspresi gender yang sesuai dengan fitrah manusia dikategorikan sebagai kebutuhan dharuriyat, yang sangat penting untuk mempertahankan ketertiban moral, melindungi keluarga, serta menjamin stabilitas sosial dalam jangka panjang.

INTRDUCTION

Transgender and non – binary/gender – neutral communities represent a significant and growing proportion of the population.¹ Professionals working with individuals experiencing gender dysphoria understand that there aren't just two genders (masculine and feminine). Some people feel uncomfortable identifying themselves as either male or female. The International Journal of Transgenderism (IJT) has been a pioneer in advocating for the human rights of people with non – conforming gender identities.² This reflects non – binary gender as an identity bias oriented towards binary pairings, currently transitioning to become more culturally accepted as either male or female.

Gender neutrality in language is on the rise. The term "gender" is used for specific sex references, while gender – neutral terms are reserved for referring to individuals whose sex is unknown. This is according to Chassitty N. Fiani,³ Sexuality and gender are not the same identity. Gender, at the intersection of social and personal influences, comprises a combination of an individual's perception of gender within a social group. This is according to E. Boskey and O. Ganor.⁴ Categorization can be binary (male/female) or non – binary (odd gender or not indicating a gender). Sexual orientation is also described as binary (heterosexual, homosexual) or other (bisexual, pansexual, queer, asexual, demisexual, dual orientation). This proves that gender and sexuality indeed differ in terms of physiology and psychology. Physiologically, males and females are largely similar in most organs, with the exception of the reproductive system.⁵

¹ Rosamund Round et al., "Improving Access for and Experience of Transgender and Non – Binary Patients in Clinical Research: Insights from a Transgender Patient Focus Group and Targeted Literature Reviews," *Contemporary Clinical Trials* 131 (August 2023): 107243, <https://doi.org/10.1016/j.cct.2023.107243>.

² Charles Moser and Maura Devereux, "Gender Neutral Pronouns: A Modest Proposal," *International Journal of Transgenderism* 20, no. 2–3 (September 2016): 331 – 332, <https://doi.org/10.1080/15532739.2016.1217446>.

³ Chassitty N Fiani and Heather J Han, "Navigating Identity: Experiences of Binary and Non – Binary Transgender and Gender Non – Conforming (TGNC) Adults," in *Non-Binary and Genderqueer Genders* (Routledge, 2020), 63 – 76, <https://doi.org/10.4324/9781003015888-7>.

⁴ E Boskey and O Ganor, "140 Self – Reported Sexual Orientation and Attraction in a Cohort of Binary – and Non – Binary Transmasculine Patients Seeking Gender Affirming Surgery," *The Journal of Sexual Medicine* 18, no. Supplement_1 (March 2021): S74 – S75, <https://doi.org/10.1016/j.jsxm.2021.01.159>.

⁵ Hannah J H Newman and Elizabeth Peel, "'An Impossible Dream'? Non – Binary People's Perceptions of Legal Gender Status and Reform in the UK," *Psychology & Sexuality* 13, no. 5 (February 2022): 1381 – 1395, <https://doi.org/10.1080/19419899.2022.2039753>.

Studies on non – binary gender have been examined from various angles, including by Yu – ting Lu ⁶ examines the phenomenon in Taiwan, while Sri Nurohim ⁷ in the Bugis tribe, both reviewed from a cultural perspective. From a scientific standpoint, Chassity⁸, Bernstein⁹ and Boskey¹⁰ examines the biological and clinical aspects of gender. Meanwhile, from a psychological perspective, it is studied by Newman¹¹ Lloyd¹² and Delgado¹³. Therefore, this research addresses the challenges posed by non – binary gender bias from the perspective of Islamic Law and *Maqasid al-Sharia*, particularly concerning the issue of *dharuriyat*, specifically in relation to *hifz al-nasl* (preservation of progeny), *hifz al-nafs* (preservation of life), and *hifz al-din* (preservation of religion).

This indicates the urgency of Islamic Law in responding to the terms of Islam's perception regarding sexuality and gender. In these general terms, people whose gender identity is identified as masculine for men and feminine for women can identify themselves as androgynous or mixed gender.¹⁴ Therefore, this research will address the boundaries concerning sexuality and gender neutrality for men, which must be grounded in religious principles with an analysis based on *Maqasid al-Shari'ah*.

METHODS

This research employs a socio – legal approach, detailing its procedures, socio – legal facts, and controversial issues with an integrative and comprehensive literature analysis to understand the prevailing issues. Unlike strict qualitative designs, content analysis aims for external validity. Due to its focus on human communication, content analysis offers practical application, promise, and relevance for research involving practice.¹⁵ The research commenced by collecting and reviewing literature from various fields, including Islamic legal sources such as the Qur'an, Hadith, and Fiqh, as well as gender studies across diverse disciplines. This encompassed books, journal articles, research reports, and

⁶ Yi – Ting Lu and Yu – Ying Hu, "Who Are the Zhongxing Nu Hai? Gender, Sexuality, and the Configuration of Gender – Neutral Identity in Contemporary Taiwan," *Inter-Asia Cultural Studies* 22, no. 2 (April 2021): 178 – 195, <https://doi.org/10.1080/14649373.2021.1927570>.

⁷ Sri Nurohim, "Identitas Dan Peran Gender Pada Masyarakat Suku Bugis," *SOSIETAS* 8, no. 1 (August 2018): 457 – 461, <https://doi.org/10.17509/sosietas.v8i1.12499>.

⁸ Fiani and Han, "Navigating Identity: Experiences of Binary and Non – Binary Transgender and Gender Non – Conforming (TGNC) Adults."

⁹ Sofia R Bernstein, Caroline Kelleher, and Raouf A Khalil, "Gender – Based Research Underscores Sex Differences in Biological Processes, Clinical Disorders and Pharmacological Interventions," *Biochemical Pharmacology* 215 (September 2023): 115737, <https://doi.org/10.1016/j.bcp.2023.115737>.

¹⁰ Boskey and Ganor, "140 Self – Reported Sexual Orientation and Attraction in a Cohort of Binary – and Non – Binary Transmasculine Patients Seeking Gender Affirming Surgery."

¹¹ Newman and Peel, "'An Impossible Dream'? Non – Binary People's Perceptions of Legal Gender Status and Reform in the UK."

¹² Allison E Lloyd and M Paz Galupo, "What People with Normative Identities Believe about Sex, Gender and Sexual Orientation," *Psychology & Sexuality* 10, no. 3 (May 2019): 269 – 280, <https://doi.org/10.1080/19419899.2019.1614088>.

¹³ Helena Delgado Amaro, Maria – Joro Alvarez, and Joaquim Armando Ferreira, "Sexual Gender Roles and Stereotypes and the Sexual Double Standard in Sexual Satisfaction among Portuguese College Students: An Exploratory Study," *Psychology & Sexuality* 13, no. 5 (February 2022): 1350 – 1365, <https://doi.org/10.1080/19419899.2022.2039271>.

¹⁴ Bethany A Jones et al., "Mental Health and Quality of Life in Non – Binary Transgender Adults: A Case Control Study," *International Journal of Transgenderism* 20, no. 2 – 3 (June 2019): 251 – 262, <https://doi.org/10.1080/15532739.2019.1630346>.

¹⁵ Linda Haggarty, "What Is Content Analysis?," *Medical Teacher* 18, no. 2 (January 1996): 99 – 101, <https://doi.org/10.3109/01421599609034141>.

other supporting documents. Content analysis was performed to identify key themes and patterns within the literature, revealing how social identities interact. Furthermore, this study examines the principles of Islamic law within *Maqasid al-Sharia*, which provide boundaries for the phenomenon of non – binary gender.

RESULT AND DISCUSSION

Sex and Gender: In Biologis and Sosiologis

The fundamental difference between sex (biological sex) and gender is often blurred in public discourse,¹⁶ especially with the rise of transgender and LGBT phenomena, which are often misinterpreted as mere changes to genitalia or hormone manipulation. In reality, sex and gender are two essentially different constructs. First, sex refers to innate biological attributes (chromosomes, reproductive organs, hormones) categorized as male, female, or intersex. Second, gender is a sociocultural concept that includes roles, expressions, identities, and behaviors (masculinity, femininity, non – binary) that develop through social interaction. Transgender phenomena, such as body modification or hormone therapy, are not simply "changing biology," but rather an effort to align one's gender identity (psychological) with their physical body, while sexual orientation (romantic/sexual attraction) is a separate dimension not automatically linked to gender identity.¹⁷ Therefore, this conceptual distinction necessitates a multidisciplinary analysis: biological (variations in sexual characteristics), sociological (the formation of gender roles in society), and psychological (the experience of self – identity).

Many cultures across the globe, long before the modern concept of binary gender became dominant, have recognized and integrated more than two genders. This indicates that gender identities extending beyond "male" and "female" are not a new phenomenon, but rather have existed for centuries in various forms.¹⁸

Among these communities are the Hijra community in South Asia, traditionally recognized in Hindu society. They are often individuals assigned male at birth who identify as a third gender or feminine, and they hold unique roles in religious and social ceremonies.¹⁹ Then, in Indonesia, specifically among the Bugis people in South Sulawesi, there are traditionally five recognized gender categories. These include Bissu (gender – neutral/mixed – gender priests), Calalai (women who adopt masculine roles), and Calabai (men who adopt feminine roles).²⁰ Meanwhile, in Oaxaca, Mexico, muxes are individuals generally assigned male at birth who adopt a feminine identity and expression, and are recognized as a third gender within the Zapotec culture.²¹

¹⁶ Moser and Devereux, "Gender Neutral Pronouns: A Modest Proposal."

¹⁷ Rose McDermott and Peter K Hatemi, "Distinguishing Sex and Gender," *PS: Political Science & Politics* 44, no. 1 (January 2011): 89 – 92, <https://doi.org/10.1017/s1049096510001939>; Bernstein, Kelleher, and Khalil, "Gender – Based Research Underscores Sex Differences in Biological Processes, Clinical Disorders and Pharmacological Interventions."

¹⁸ Felipe de Souza Cardoso et al., "Gender Identity: Deconstructions and Reconstructions for Approaches in Health / Identidade de Gênero: Desconstruções e Reconstruções Para Abordagens Na Saúde," *Brazilian Journal of Development* 8, no. 1 (2022), <https://doi.org/doi.org/10.34117/bjdv8n1 – 387>.

¹⁹ Govind Kumar, "A Study of the Socio – Cultural Structure of the Hijras Community in Varanasi, Uttar Pradesh, India," *Towards Excellence*, 2022, 1049 – 57, <https://doi.org/10.37867/TE140494>.

²⁰ Titiek Suliyati, "Bissu: Keistimewaan Gender Dalam Tradisi Bugis," *Endogami: Jurnal Ilmiah Kajian Antropologi* 2, no. 1 (2018): 52 – 61, <https://doi.org/10.14710/endogami.2.1.52 – 61>.

²¹ Ani Hernandez Chávez and Ivani Faria, "Muxes En La Interculturalidad y Territorialidad de La Comunidad Zapoteca En Oaxaca – México," *Revista Da FAEEBA - Educação e*

Seksuality and Gender Neutral

Historically, concern for Gender Incongruence (GI) has been based on a binary view of gender identity. This vision does not take into account individual variability, the possibility of shifting gender identities, and different health care needs.²² Current guidelines recommend against imposing a binary view of gender, emphasizing the importance of an individual's Gender Affirmation Treatment (GAT).

The path to wholeness and human love requires the correctness of sexuality and gender as powerful forces in human life. This includes a strong engagement with the life – giving and life – defying power of sexual passion as it intersects with gender identity and the social fabric of gender, thereby opening the door for ethical reflection. The strength and complexity of sexuality through the intensity of the relationship between sexuality and religion. The goal is to identify ways to celebrate sexuality, reflect on and act ethically against religious norms and beliefs.²³

For the researchers themselves, adherents of gender neutral or non – binary are people who do not have a fixed attitude in their own gender. This is in her writing by Jessica Nydia Pabon – Colyn where she states that "on February 7th 2015, I posted a photo of me and my two months old baby boy on Facebook captioned 'Gender Bending Saturday'. He wears a white, salmon, and black jumper with glitter – covered silver flowers on her cuffs. Within a few hours, I received dozens of comments (some netizens) punishing me by saying 'cross – dressing' my child without his consent." This became a public debate between Jessica Nydia herself, her friends, family members and netizens which resulted in 78 comments over a three day's period. Most of the netizen comments demanded that Jessica 'straighten/define' her child's gender presentation and 'fix' it to the social heteropatriarchal gender binary.²⁴

Distinguishing between sex and gender is a major sociological concept, as the two are related but separate things. Sex refers to the biological differences between men and women, while gender refers to "the roles, behaviors, expressions and identities of girls, women, boys, men and persons of diverse gender that are constructed social." Gender can cause differences in health between individuals who display masculinity and femininity because of the different cultural expectations between the 2 sexes.²⁵

Gender neutral/non – binary is a concept of gender fluidity expressed by genderqueer people that offers an alternative to the usual binary gender identity. This development

Contemporaneidade 31 (2022): 288 – 307, <https://doi.org/10.21879/faeeba2358> – 0194.2022.v31.n67.p288 – 307.

²² Sharyn Graham Davies, "Gender Diversity in Indonesia: Sexuality, Islam and Queer Selves," *Gender Diversity in Indonesia: Sexuality, Islam and Queer Selves*, 2010, <https://doi.org/10.4324/9780203860953>; Fiani and Han, "Navigating Identity: Experiences of Binary and Non – Binary Transgender and Gender Non – Conforming (TGNC) Adults"; Lu and Hu, "Who Are the Zhongxing Nu Hai? Gender, Sexuality, and the Configuration of Gender – Neutral Identity in Contemporary Taiwan."

²³ Mary Elizabeth Moore, "Embracing Sexuality and Gender: Toward Radical Love," *Religious Education* 116, no. 3 (May 2021): 195 – 199, <https://doi.org/10.1080/00344087.2021.1917851>; Iker Erdocia, "Participation and Deliberation in Language Policy: The Case of Gender – Neutral Language," *Current Issues in Language Planning* 23, no. 4 (November 2021): 435 – 455, <https://doi.org/10.1080/14664208.2021.2005385>.

²⁴ Jessica Nydia Pabon – Colyn, "Performing Queer Mamā on Social Media: Gender – Fluid Parenting as a Practice of Decolonisation," *Performance Research* 22, no. 4 (2017): 71 – 74, <https://doi.org/10.1080/13528165.2017.1374709>.

²⁵ Stephen E Congly and Kristi A Brownfield, "Distinguishing Between Sex and Gender Is Critical for Research in Transplantation," *Transplantation* 104, no. 2 (February 2020): e57 – e57, <https://doi.org/10.1097/tp.0000000000002945>.

allows for the possibility of expressions of non-conforming gender neutrality as heteronormative stereotyped gender expectations slowly erode. Gender fluidity is also conceptualized from the perspective of analytical psychology with reference to the androgynous archetypal energy referred to as the "Native Human being who is usually hermaphrodite."²⁶

This phenomenon is due to the freedom of thought and expression that results in this theory assuming that the quality of human behavior, including that of men, is motivated by motivation. This theory is an attempt to answer the question "what", "how", and "why". The behavior and roles of men like women in the public sphere can be analyzed with this theory.²⁷ Currently in Taiwan there is a phenomenon of *zhongxing* ("gender in between") has attracted much attention in contemporary Taiwanese society, where young women who identify as *zhongxing* establish and develop their own identity as *zhongxing*. These women reconfigure linear ideas about the gender spectrum, insofar as they view and practice gender neutrality/gender neutrality through collage and understand the description of the characteristics of binary gender. Moreover, in contrast to other common associations between female masculinity and lesbian sexuality, young Taiwanese *zhongxing* women characterize their sexual identification as contingent and fluid as a result of the *zhongxing's* status as ambivalent about gender identity.²⁸

The Indonesian state recognizes 2 gender systems, namely men with masculinity and women with femininity, while the Bugis people believe there are 5 gender systems with different roles, namely *Oroane* (men), *Makkunrai* (women), *Calalai* (women with men's roles and functions), *Calabai* (men with women's roles and functions), and *Bissu* (a combination of two genders, namely women and men in one body).²⁹

Thus, sexuality is a very complex process that includes a wide variety of social and biological processes and practices; genes or hormones alone never determine a particular outcome. Instead, a combination of genetics, epigenetics, and environment develops a homosexual or heterosexual identity. The difference between biological sex and gender in terms of existential perceptions of masculinity and femininity is often overlooked. This proves that gender, which is defined in terms of femininity-masculinity, is largely the result of unique genetic and environmental influences, including individual in-utero effects, but that socialization does not contribute significantly to the development of this identity.³⁰

Gender Neutral Position in Islamic Law

Mansor Faqih explains that gender is a characteristic inherent in both men and women that is socially and culturally constructed. Therefore, the issue of gender is not something "taken for granted," but rather arises from the conceptions and consensus of society itself.³¹ However, the gender paradigm within society is often associated with sex differentiation. Consequently, discussions about gender invariably revolve around the relationship between men and women.

²⁶ John Gosling, "Gender Fluidity Reflected in Contemporary Society," *Jung Journal* 12, no. 3 (July 2018): 75-79, <https://doi.org/10.1080/19342039.2018.1479080>.

²⁷ Ahmad Qazwini et al., *Hukum Keluarga Islam Dalam Refleksi Dan Aksi*, ed. Sabian Utsman (Yogyakarta: K-Media, 2018).

²⁸ Lu and Hu, "Who Are the Zhongxing Nu Hai? Gender, Sexuality, and the Configuration of Gender-Neutral Identity in Contemporary Taiwan."

²⁹ Nurohim, "Identitas Dan Peran Gender Pada Masyarakat Suku Bugis."

³⁰ Rose McDermott and Peter K. Hatemi, "Distinguishing Sex and Gender".

³¹ Mansour Fakih, *Analisis Gender & Transformasi Sosial*. (Yogyakarta: Pustaka Pelajar, 2013).

Gender is divided into two categories, feminine and masculine. Gender differs from sex, because sex is a gift from the Creator, while gender is a social role expectation that has become ingrained in society's consciousness. In the view of society, women are synonymous with feminine characteristics, while men are synonymous with masculine characteristics.³² This means there's a terminological bias in society regarding sex and gender.

In essence, Islam does not differentiate between men and women, as the Qur'an clarifies that all humans have equal standing in the eyes of Allah, whether male or female. The notion that men are perfect beings led to the emergence of the term gender to dispel the idea that men are the most perfect humans, because fundamentally, the status of men and women is equal.³³

Gender can also be linked to issues in Islamic law, where, in the name of gender, things that were traditionally only permissible for men are now considered permissible for women, and what men are entitled to, women are also entitled to receive. In reality, gender represents the equality of status between men and women, which does not violate the rules applicable in Islamic law. This is because Islam has already stipulated in which matters men and women have equality, and in which matters they have different roles or portions.³⁴

Muslims across the globe, historically and presently, recognize that the sexes created by Allah SWT for humans are only two: male and female. Biologically, these two organs are distinct, and each possesses unique physiological functions that cannot be interchanged. Besides serving as organs for expelling waste (urine) from the body, they also function as reproductive organs in both males and females. Allah SWT explicitly mentions this distinction in sex in QS. Al – Hujurat: 13.³⁵

In Islamic *fiqh*, particularly concerning acts of worship (*ibadah*), scholars mention the possibility of an individual having an "anomaly" with two sexual organs in their body. A person with this condition is referred to as a *khuntsaa* (hermaphrodite/intersex). This issue has been resolved by the scholars of the Shafi'i school with a rational option: if the *khuntsaa* urinates using their male organ (*zakar*), then they are considered male; and if they urinate using their female organ (*untsaa*), then they are determined to be female. Consequently, all rulings applied to them are adapted based on which sex organ they use for urination.³⁶

The issue of gender differs from the issue of sex, though they are closely related. Gender represents an individual's social existence and role that is typically observed, whereas sex is associated with the biological kind of genitalia one possesses, leading to differing legal statuses.³⁷ On the other hand, in cases of individuals with anomalies of

³² Syifa Arrahman, "Heboh Gender Non – Biner Di UNHAS, Apa Sih Itu?," NU Online, 2022.

³³ Agus Afandi, "Bentuk – Bentuk Perilaku Bias Gender," *Lentera: Journal of Gender and Children Studies* 1, no. 1 (2019): 1 – 17, <https://doi.org/10.26740/lentera.v1i1.6819>; Mohd Anuar Ramli et al., "Women's Right of Inheritance in Islam: Between the Sharia Provision and Demand of Socio – Cultural Changes," *Khazanah Hukum* 5, no. 2 (2023): 171 – 82.

³⁴ Ramli et al., "Women's Right of Inheritance in Islam: Between the Sharia Provision and Demand of Socio – Cultural Changes."

³⁵ Dwi Ratnasari, "Gender Dalam Perspektif Alquran," *Humanika* 18, no. 1 (January 2019): 1 – 15, <https://doi.org/10.21831/hum.v18i1.23125>.

³⁶ Raouane Azziz, Ruhi Fadzlyana Jailani, and Mualimin Mochammad Sahid, "Integrating Islamic Ruling and the Medical Concept: A Study of the Hermaphrodite Inheritance," *Global Journal Al-Thaqafah* 12 (December 1, 2022): 172 – 82, <https://doi.org/10.7187/GJAT122022-11>.

³⁷ Achmad Mudhofar Afif, Maskur Rosyid, and Lutfi, "Gender Equality in Islamic Sharia (the Study of Bisri Mustofa'S Thought in Al – Ibrīz Li Ma'Rifah Tafsīr Al – Qur'Ān Al – 'Azīz)," *Syariah:*

incongruity between their sex, feelings, and gender, Islam certainly considers the *fiqh* options mentioned above.³⁸ If an individual urinates with the male sex organ, even if they 'feel' or 'claim' to be female, then the rulings pertaining to males apply to them. This includes praying in the front rows for men, the obligation to attend Friday prayers, and the permissibility to lead prayers for everyone. Conversely, if they urinate with their female sex organ, even if they 'feel' or 'claim' to be male, then they are obliged to apply the *fiqh* rulings pertaining to females. This includes the obligation to cover their *awrah* (intimate parts) other than the face and palms, praying behind the male rows, and not being permitted to lead prayers except for an assembly of women. This also applies in matters of marriage.

Gender Neutral Perspective of *Maqashid Al-Shari'ah*

Islam divides the main gender into two types, namely men and women. However, there are several cases where gender ambiguity is called *khuntsa* (Javanese: *wandu*). *Khuntsa* is divided into two, namely; *musykil khuntsa* and *musykil ghairu khuntsa*. Both classical and contemporary *fiqh* scholars formulate *maqashid al-shari'ah* with various kinds of formulations. From the formulations that have been put forward by the scholars, a meeting point is obtained which makes *maslahat* the essence of *maqashid al-shari'ah*.³⁹ Furthermore, this problem develops in the *maslahat* itself, what is meant by *maslahat* based on *naqli* or *aqli*?

Islam makes reason as a source or tendency from several sources to know the principles. However, the first main source in methodology is belief and faith, while one of the four sources that can be used as the basis for Islamic law, as stated by Abu Hamid al-Ghazali; reason is one of the five elements of *dhaririyat*, namely; religion, soul, lineage, and treasure.⁴⁰

There are six characteristics that become *maslahat al-'amah* or *maslahat al-kulliyat* (universal *maslahat*), like; justice (*al-'is*), equality (*al-musaawaah*), tolerance (*al-tasamuh*), freedom (*al-hurriyyah*), brotherhood (*al-ikha'*), and human dignity (*karamat al-insan*).⁴¹ The problem of gender neutral (non-binary) indicates the existence of these elements, such as; freedom, justice, equality and tolerance. With claims of human rights issues, this is used as the basis that this is freedom in choosing gender according to one's wishes.⁴² But on the other hand, this is contrary to religion which makes texts (al-Qur'an and Hadith) the main source of legal decisions, it has been explained in the hadith that there is a prohibition on *tasyabbuh* (resembling the opposite sex).⁴³ This is mentioned in the hadith of the prophet narrated in the book *Sahih Bukhari*:

Jurnal Hukum Dan Pemikiran 22, no. 1 (2022): 69–88; Doli Bastian Ali Saputra Nasution, Zainul Fuad, and Sukiati Sukiati, "Mansour Fakhir's Gender Analysis of the Fulfillment of Husband And Wife's Rights and Obligations In Sirri Marriage: Case Study in Padangsidempuan City, West Sumatra Province, Indonesia," *Jurnal Ilmiah Mizani: Wacana Hukum, Ekonomi Dan Keagamaan* 8, no. 1 (March 2024): 170, <https://doi.org/10.29300/mzn.v8i1.2760>.

³⁸ Ratnasari, "Gender Dalam Perspektif Alquran."

³⁹ Dasuki Ibrahim, *Al-Qawaid Al-Maqashidiyyah (Kaidah-Kaidah Maqashid)* (Yogyakarta: al-Ruzz media, 2019). 63

⁴⁰ Abu Hamid Muhammad ibn Muhammad Al-Ghazali, *Al-Mustashfa Fi Ushul Al-Fiqh* (Beirut: Dar al-Fikr, 1322). 291

⁴¹ Ibrahim, *Al-Qawaid Al-Maqashidiyyah (Kaidah-Kaidah Maqashid)*. 68

⁴² Thomas Hylland Eriksen, *Small Places, Large Issues: An Introduction to Social and Cultural Anthropology* (Pluto Press, 2023), <https://doi.org/10.2307/jj.4418237>.

⁴³ Imam Ahmad bin Hanbal, *Musnad Ahmad Juz 5* (Beirut: Darul Ilmiyyah, 1995). 243

عن ابن عباس رضي عنهما قال: لعن رسول الله صلى الله عليه وسلم المُتَشَبِّهِينَ مِنَ الرِّجَالِ بِالنِّسَاءِ، وَالمُتَشَبِّهَاتِ مِنَ النِّسَاءِ بِالرِّجَالِ

"The Messenger of Allah cursed men who imitated women and women who imitated men"

Furthermore, Imam At – Thobari quoted by Ibn Bathal in the shahih Bukhari explains, namely:

قال الطبري: فيه من الفقه أنه لا يجوز للرجال التشبه بالنساء في اللباس والزينة التي هي للنساء خاصة، ولا يجوز للنساء التشبه بالرجال فيما كان ذلك للرجال خاصة

"At – Thobari's viewpoint in this discussion, explains an understanding that men should not resemble women, both in terms of clothing and jewelry that are specifically used by women. This also applies the other way around, that is, women are not allowed to resemble these men.

Textually, the hadith which explains tasyabbuh (resembling the opposite sex) has the notion of gender which refers to expressive characteristics, namely by expressing appearance. while in another hadith⁴⁴, it is stated that women who work to provide for their children and husband get rewarded. In the realm of expression or characteristics that reveal characteristics of the opposite sex (resembling) it is not allowed, but in the realm of roles to donate to husbands and children this is actually considered to be *infaq* and get rewards. From this it can be concluded that in Islam there are two views of gender, namely regarding expression and role.

The similarity here is not only in the context of dress, decoration or behavior but more than that. The likeness that will be subject to anathema is when a person has changed his sexual nature. Like someone who looks like the opposite sex to attract attention from the same sex. Moreover, then to intercourse with the same sex (homosexual). Humans like that will be cursed by the Prophet and Allah Subhanahu Wa Ta'ala. Every Muslim, both male and female, is required to maintain his *fitrah* according to his gender, both in dress, speech and actions. Besides the likeness that will bring disobedience. Every human being must of course maintain his *fitrah* as a human being that God has ordained when the human being was born into the world. So, if he has been defined as a man, then he must be a real man who is masculine. On the contrary, if he is defined as a real woman who is feminine.⁴⁵

Gender has been explained that biologically humans are divided into two namely; "male and female", while socially humans are divided into "man and woman" or in other terms it is called "masculinity and femininity".⁴⁶ The paradigm that grows in society tends to identify that people with "male" sex must behave and look "masculine", and people with "female" sex must behave and look "feminine". This indicates that there should be limitations in interpreting gender literally.

The generally accepted rules in contemporary problems explain that; "*al-ashlu fi al-asyya' al-ibahah hatta yadulla al-dalil 'ala al-tahrim*".⁴⁷ With this rule there are limitations from *maslahat al-ammah* in terms of 'aqliyyah, that is, things that violate the rules of Shari'a are not allowed. If in gender – neutral issues that offer freedom of expression and

⁴⁴ Hanbal. 15504

⁴⁵ Salma Nuha Ghufroon and Muhamad Arifin, "Lifestyle As Causes of Sexual Deviance In Islamic Perspective," *SALIHA: Jurnal Pendidikan & Agama Islam* 6, no. 2 (2023): 197 – 218, <https://doi.org/10.54396/saliha.v6i2.693>.

⁴⁷ Imam Jalaluddin Abdul Rahman Al – Suyuti, *Al-Asybah Wa Al-Nadzair* (Beirut: Dar al – kitab al – Ilmiyyah, 1983). 60

are based on *maslahat al-ammah* regarding freedom, this actually violates moral norms in eastern culture, in one hadith it is explained that; "what Muslims see as good, then that is also good in the sight of Allah, while what Muslims see as bad, then that is also bad in the sight of Allah".⁴⁸ From this rule it can be concluded that the 'urf (customs) that apply to Muslims is something that must be considered in legal *ijtihad*.

Gender neutral (non – binary) which is expressed in appearance and biological function is taboo in Islam, because this can damage the values that sharia wants to achieve. Gender neutral (non – binary) in this case indicates a lack of clarity about the nature that God has given to humans. Whereas in the case of a *khuntsa* (who has two genitals or has neither)⁴⁹. Of course, it must still be clarified with physiological characteristics, biological hormones, or other indications to determine gender (considered as male or female) in order to obtain rights and consequences related to matters of worship.

Maqashid al-Shari'ah has 5 elements *dharuriyyat* or commonly known as *ushul al-khamsah* namely maintaining religion, soul, mind, lineage/honor, and property.⁵⁰ The formulation of *ushul al-khamsah* has been agreed upon by fiqh scholars, both classical and contemporary. In this expressive neutral discussion of gender, we will master a number of things that are contrary to this *ushul al-khamsah*.

- a) Maintaining religion, in this case the maintenance of religion is based on the rights and consequences obtained by a mulatto which has an impact on religion. If a *mukallaf* (adult) cannot identify himself, then the obligation to carry out worship becomes unclear. Example; starting to cover the genitals between men and women, there is already a difference. This can affect the quality of worship. In fiqh, if one of the conditions or pillars has one thing that is not fulfilled, it will make the worship invalid.⁵¹
- b) Maintenance of the soul. Wahbah al – Zuhaili explained that maintaining the soul is an element after maintaining religion.⁵² The ambiguity of gender that is shown by the expression of dress in the presence of cross – dressing creates a negative stigma in society so that it can lead to the exclusion of someone who expresses himself differently from society in general. It could be that this causes the maintenance of this soul is not fulfilled.
- c) Mind maintenance. If there is neglect of gender neutral issues, there will be a paradigm shift in society, especially in eastern culture which upholds the norms of decency. Although this is still a temporary assumption, in one rule it is explained that; "*al-daf'u ashalu min al-raf'i*",⁵³ which means preventing is better than eliminating. This is also in line with the *sadd al-zari'ah* method in the science of *ushul fiqh*, things that allow it to lead to mafsadah must be prevented.
- d) Maintenance of offspring / honor. In terms of honor maintenance, the social paradigm of neutral gender expressively clearly degrades a person's dignity and makes him a scorn in society. Then in terms of maintaining offspring, a

⁴⁸ Al – Suyuti. 89

⁴⁹ Sayyid Sabiq, *Sayyid Sabiq. Fiqih Sunnah Jilid 5* (Jakarta: Cakrawala, 2008). 640

⁵⁰ Wahbah Al – Zuhailiy, *Ushul Fiqih Al-Islami* (Beirut: Dar al – Fikr, 1983). 1020

⁵¹ Sabiq, *Sayyid Sabiq. Fiqih Sunnah Jilid 5*. 481

⁵² Al – Zuhailiy, *Ushul Fiqih Al-Islami*. 1021

⁵³ Al – Suyuti, *Al-Asybah Wa Al-Nadzair*. 138; Ibrahim, *Al-Qawaid Al-Maqashidiyyah (Kaidah-Kaidah Maqashid)*. 225

deviant sexual orientation or what is called bisexual affects the offspring that will result from this illegitimate relationship. Then this also contradicts the hadith which orders marriage, in the hadith using the words *aghadhu li al-bashar* and *ahshanu li al-farji*.⁵⁴ This indicates the existence of an order to guard the view and maintain *farji*.

- e) Property maintenance. In Islam, women and men have the same potential in carrying out life *dunyawiyyah* and *ukhrawiyyah*. This has been explained in al-Nisa' 4: 124, then in the hadith it is also explained that a woman who carries out the role of a man in providing a living for her family is a kindness and is considered *infaq*.⁵⁵ In addition, several jobs indicate the need for gender clarity. So gender ambiguity will create difficulties in getting a suitable job.

In the book *Tuhfatul Ahwadzi* Imam Nawawi explained that there are 2 types of *Mukhannats*. First: a man whose nature from birth is like a woman's, so he doesn't pretend/deliberately behaves like a woman, dresses like them, talks like them, acts like them, this type of *mukhannats* is not blamed, has no disgrace, and is not punished, because he falls into the *udzur* category. Second: a man who deliberately behaves like a woman, acts like them, is silent like them, speaks like them and dresses like them, this type of *mukhannats* is reprehensible, which in the hadith is included in the curse of the Prophet. As for pronunciation *Al-Mutarajjilaat* it means women who are in the style of men, in terms of dressing, acting, walking, raising their voices and the like. Not related to thoughts/opinions or knowledge/knowledge, because resembling a man in both cases is a commendable deed. As is the case in a history, that Aisyah RA had male thoughts, meaning that her thoughts were like male thoughts in concluding a problem. In this case both men and women have the same degree in studying knowledge.⁵⁶

MUI Fatwa: The Second National Conference of the Indonesian Ulama Council Number 05/Kep/Munas II/MUI/1980 stipulates that the Indonesian Ulama Council's fatwas on several religious and social issues are as follows. First, changing the gender of male to female or vice versa is unlawful, because it contradicts the Quran Surah an-Nisa' verse 19 and also contradicts the spirit of Syara'. The verse of the Quran referred to is: "...Maybe you don't like something even though Allah has made it a lot of goodness". The person whose sex has been changed has the same legal status as the original sex before the change. Even in the case of *al-khuntsa* (intersex) even where the maleness tends to be more obvious, the clarification of the gender can be refined, namely as a male.⁵⁷ So that the legal status also becomes clear both in matters of marriage and family, such as regarding the status of guardianship, testimony and inheritance so that it is easy to settle.

The issue of gender neutral (non – binary) has a clear legal status, both what has been emphasized by the texts and what has been explained by the scholars through legal reconstruction using methodology in Islamic law, namely by *istinbat al-ahkam* through *maqashid sharia* (objectives of sharia) which protect humans from various threats that can bring harm (damage) and difficulties experienced by humans.

⁵⁴ Muhammad bin Isma'il Abu abdillah Al – Bukhari Al – Ju'fi, *Shahih Bukhari* (Beirut: Dar Tuq an – Najah, 1422). 4678

⁵⁵ Hanbal, *Musnad Ahmad Juz 5*. 15504

⁵⁶ Ghufroon and Muhamad Arifin, "Lifestyle As Causes of Sexual Deviance In Islamic Perspective."

⁵⁷ Misra Netti, "Pelarangan Transgender Menurut Buya Hamka (Dalam Kitab Tafsir Al Azhar)," *Jurnal An-Nahl* 9, no. 1 (2022): 28 – 38, <https://doi.org/10.54576/annahl.v9i1.45>.

In the perspective of *maqashid sharia*, based on the texts (Quran and hadith) concerning legal aspects, especially issues of benefit by considering all the propaganda mentioned above, there is an adage of fiqh rules created by the Islamic scholars, "that all forms that can bring harm must be eliminated". This view is none other than because it starts from an understanding that an obligation is created in order to realize the benefit of the servant and none of Allah's laws has no purpose. So that if the law has no purpose, then it is tantamount to giving a burden to something that cannot be carried out. This is done in accordance with the objectives of the *maqashid sharia* itself for the good and benefit of mankind. The text has confirmed and explained the position and status of a person's gender and sex in Islam, both in protecting his religion, soul, mind, lineage and wealth to provide guarantees for legal certainty and justice. So that there are no moral and legal deviations that Allah has ordained for humans to provide mutual benefit and avoid all forms that cause *mafsadat*.

Allah *Subhanahu Wa Ta'ala* has confirmed in Q.S. Ar–Rum verse 30, that every human being should always turn his face. In other words, believe and believe that the truth of nature comes from God. Because everything that has been ordained by God to human beings signifies the existence of the greatness of God *Subhanahu Wa Ta'ala*. Thus, it is appropriate for humans what has been determined by Allah regarding their gender so that they are gratefully acknowledged as a form of their faith in the Creator. Examining from *maqashid al-shariah* and based on the Quran and Hadith as well as the opinion of the Classical Scholars, according to male researchers who dedicate that he is gender neutral as seeking benefits from personal characteristics by rejecting his gender determination, but not for women because gender is neutral more in favor of men than women. This proves that neutral gender produces a level of recidivism⁵⁸ lower for boys, but not for girls.⁵⁹

CONCLUSION

Sex and gender are actually two distinct but interrelated entities. Sex refers to the biological genitalia that indicate two identities: male and female. Gender, on the other hand, leans more towards an individual's characteristics or behaviors such as masculine, feminine, genderqueer, gender–neutral, and many more. Based on *Maqasid al-Sharia*, there are specified limitations for men in expressing themselves. The consequences of transgressing these limits extend beyond a degradation of Sharia, impacting social life negatively for both individuals and others. This analysis identifies a negative stigma in society resulting from gender neutrality. Thus, through the analysis of *Maqasid al-Sharia*, it strengthens the indication of a clear deviation in sexual orientation that is explicitly forbidden (like the people of Sodom), emphasizing that in gender expression, there are permissible boundaries within Islam. The presence of these limitations on self–expression will certainly bring a sense of order and comfort within Islam, from both a psychological and socio–cultural perspective. As a religion that is a *mercy to all worlds (rahmatan li al-'alamin)*, it is fitting that it grants freedom in what is permissible while setting boundaries

⁵⁸ The tendency of an individual or group to repeat a reprehensible act even though he or she has already been punished for doing so

⁵⁹ William A Chernoff, "Treating Girls Like Boys: The Juvenile Court and the Burden of Gender Neutral Programming," *Child & Youth Services* 43, no. 4 (May 2021): 309–345, <https://doi.org/10.1080/0145935x.2021.1918542>.

on what could lead to prohibition. This ensures that the values of Islam can be logically implemented and accepted for the benefit of humanity.

REFERENCES

- Alfandi, Agus. "Bentuk – Bentuk Perilaku Bias Gender." *Lentera : Journal of Gender and Children Studies* 1, no. 1 (2019): 1 – 17. <https://doi.org/10.26740/lentera.v1i1.6819>.
- Afif, Achmad Mudhofar, Maskur Rosyid, and Lutfi. "Gender Equality in Islamic Sharia (the Study of Bisri Mustofa'S Thought in Al – Ibriz Li Ma'Rifah Tafsir Al – Qur'An Al – 'Aziz)." *Syariah: Jurnal Hukum Dan Pemikiran* 22, no. 1 (2022): 69 – 88.
- Al – Ghazali, Abu Hamid Muhammad ibn Muhammad. *Al-Mustashfa Fi Ushul Al-Fiqh*. Beirut: Dar al – Fikr, 1322.
- Al – Ju'fi, Muhammad bin Isma'il Abu abdillah Al – Bukhari. *Shahih Bukhari*. Beirut: Dar Tuq an – Najah, 1422.
- Al – Suyuti, Imam Jalaluddin Abdul Rahman. *Al-Asybah Wa Al-Nadzair*. Beirut: Dar al – kitab al – Ilmiyyah, 1983.
- Al – Zuhailiy, Wahbah. *Ushul Fiqih Al-Islami*. Beirut: Dar al – Fikr, 1983.
- Arrahman, Syifa. "Heboh Gender Non – Biner Di UNHAS, Apa Sih Itu?" NU Online, 2022.
- Azziz, Raouane, Ruhi Fadzlyana Jailani, and Mualimin Mochammad Sahid. "Integrating Islamic Ruling and the Medical Concept: A Study of the Hermaphrodite Inheritance." *Global Journal Al-Thaqafah* 12 (December 1, 2022): 172 – 82. <https://doi.org/10.7187/GJAT122022-11>.
- Bernstein, Sofia R, Caroline Kelleher, and Raouf A Khalil. "Gender – Based Research Underscores Sex Differences in Biological Processes, Clinical Disorders and Pharmacological Interventions." *Biochemical Pharmacology* 215 (September 2023): 115737. <https://doi.org/10.1016/j.bcp.2023.115737>.
- Boskey, E, and O Ganor. "140 Self – Reported Sexual Orientation and Attraction in a Cohort of Binary – and Non – Binary Transmasculine Patients Seeking Gender Affirming Surgery." *The Journal of Sexual Medicine* 18, no. Supplement_1 (March 2021): S74 – S75. <https://doi.org/10.1016/j.jsxm.2021.01.159>.
- Cardoso, Felipe de Souza, Renato Augusto da Silva Monteiro, Raquel de Souza Mezzavilla, Michelle Teixeira Teixeira, Vivian dos Santos Neves, Paulo Rog rio Melo Rodrigues,  rsula Viana Bagni, and Alessandra da Silva Pereira. "Gender Identity: Deconstructions and Reconstructions for Approaches in Health / Identidade de G nero: Desconstru es e Reconstru es Para Abordagens Na Sa de." *Brazilian Journal of Development* 8, no. 1 (2022). <https://doi.org/doi.org/10.34117/bjdv8n1-387>.
- Chernoff, William A. "Treating Girls Like Boys: The Juvenile Court and the Burden of Gender Neutral Programming." *Child & Youth Services* 43, no. 4 (May 2021): 309 – 345. <https://doi.org/10.1080/0145935x.2021.1918542>.
- Congly, Stephen E, and Kristi A Brownfield. "Distinguishing Between Sex and Gender Is Critical for Research in Transplantation." *Transplantation* 104, no. 2 (February 2020): e57 – e57. <https://doi.org/10.1097/tp.0000000000002945>.
- Davies, Sharyn Graham. "Gender Diversity in Indonesia: Sexuality, Islam and Queer Selves." *Gender Diversity in Indonesia: Sexuality, Islam and Queer Selves*, 2010. <https://doi.org/10.4324/9780203860953>.
- Delgado Amaro, Helena, Maria – Joro Alvarez, and Joaquim Armando Ferreira. "Sexual Gender Roles and Stereotypes and the Sexual Double Standard in Sexual Satisfaction

- among Portuguese College Students: An Exploratory Study." *Psychology & Sexuality* 13, no. 5 (February 2022): 1350 – 1365. <https://doi.org/10.1080/19419899.2022.2039271>.
- Erdocia, Iker. "Participation and Deliberation in Language Policy: The Case of Gender – Neutral Language." *Current Issues in Language Planning* 23, no. 4 (November 2021): 435 – 455. <https://doi.org/10.1080/14664208.2021.2005385>.
- Eriksen, Thomas Hylland. *Small Places, Large Issues: An Introduction to Social and Cultural Anthropology*. Pluto Press, 2023. <https://doi.org/10.2307/jj.4418237>.
- Fakih, Mansour. *Analisis Gender & Transformasi Sosial*. Yogyakarta: Pustaka Pelajar, 2013.
- Fiani, Chassitty N, and Heather J Han. "Navigating Identity: Experiences of Binary and Non – Binary Transgender and Gender Non – Conforming (TGNC) Adults." In *Non-Binary and Genderqueer Genders*, 63 – 76. Routledge, 2020. <https://doi.org/10.4324/9781003015888-7>.
- Ghufron, Salma Nuha, and Muhamad Arifin. "Lifestyle As Causes of Sexual Deviance In Islamic Perspective." *SALIHA: Jurnal Pendidikan & Agama Islam* 6, no. 2 (2023): 197 – 218. <https://doi.org/10.54396/saliha.v6i2.693>.
- Gosling, John. "Gender Fluidity Reflected in Contemporary Society." *Jung Journal* 12, no. 3 (July 2018): 75 – 79. <https://doi.org/10.1080/19342039.2018.1479080>.
- Haggarty, Linda. "What Is Content Analysis?" *Medical Teacher* 18, no. 2 (January 1996): 99 – 101. <https://doi.org/10.3109/01421599609034141>.
- Hanbal, Imam Ahmad bin. *Musnad Ahmad Juz 5*. Beirut: Darul Ilmiyyah, 1995.
- Hernandez Ch6vez, Ani, and Ivani Faria. "Muxes En La Interculturalidad y Territorialidad de La Comunidad Zapoteca En Oaxaca – M6xico." *Revista Da FAEEBA - Educa3ro e Contemporaneidade* 31 (2022): 288 – 307. <https://doi.org/10.21879/faeeba2358-0194.2022.v31.n67.p288-307>.
- Ibrahim, Dasuki. *Al-Qawaid Al-Maqashidiyyah (Kaidah-Kaidah Maqashid)*. Yogyakarta: al – Ruzz media, 2019.
- Jones, Bethany A, Walter Pierre Bouman, Emma Haycraft, and Jon Arcelus. "Mental Health and Quality of Life in Non – Binary Transgender Adults: A Case Control Study." *International Journal of Transgenderism* 20, no. 2 – 3 (June 2019): 251 – 262. <https://doi.org/10.1080/15532739.2019.1630346>.
- Kumar, Govind. "A Study of the Socio – Cultural Structure of the Hijras Community in Varanasi, Uttar Pradesh, India." *Towards Excellence*, 2022, 1049 – 57. <https://doi.org/10.37867/TE140494>.
- Lloyd, Allison E, and M Paz Galupo. "What People with Normative Identities Believe about Sex, Gender and Sexual Orientation." *Psychology & Sexuality* 10, no. 3 (May 2019): 269 – 280. <https://doi.org/10.1080/19419899.2019.1614088>.
- Lu, Yi – Ting, and Yu – Ying Hu. "Who Are the Zhongxing Nu Hai? Gender, Sexuality, and the Configuration of Gender – Neutral Identity in Contemporary Taiwan." *Inter-Asia Cultural Studies* 22, no. 2 (April 2021): 178 – 195. <https://doi.org/10.1080/14649373.2021.1927570>.
- McDermott, Rose, and Peter K Hatemi. "Distinguishing Sex and Gender." *PS: Political Science & Politics* 44, no. 1 (January 2011): 89 – 92. <https://doi.org/10.1017/s1049096510001939>.

- Moore, Mary Elizabeth. "Embracing Sexuality and Gender: Toward Radical Love." *Religious Education* 116, no. 3 (May 2021): 195 – 199. <https://doi.org/10.1080/00344087.2021.1917851>.
- Moser, Charles, and Maura Devereux. "Gender Neutral Pronouns: A Modest Proposal." *International Journal of Transgenderism* 20, no. 2–3 (September 2016): 331 – 332. <https://doi.org/10.1080/15532739.2016.1217446>.
- Nasution, Doli Bastian Ali Saputra, Zainul Fuad, and Sukiati Sukiati. "Mansour Fakhri's Gender Analysis of the Fulfillment of Husband And Wife's Rights and Obligations In Sirri Marriage: Case Study in Padangsidempuan City, West Sumatra Province, Indonesia." *Jurnal Ilmiah Mizani: Wacana Hukum, Ekonomi Dan Keagamaan* 8, no. 1 (March 2024): 170. <https://doi.org/10.29300/mzn.v8i1.2760>.
- Netti, Misra. "Pelarangan Transgender Menurut Buya Hamka (Dalam Kitab Tafsir Al Azhar)." *Jurnal An-Nahl* 9, no. 1 (2022): 28 – 38. <https://doi.org/10.54576/annahl.v9i1.45>.
- Newman, Hannah J H, and Elizabeth Peel. "'An Impossible Dream'? Non – Binary People's Perceptions of Legal Gender Status and Reform in the UK." *Psychology & Sexuality* 13, no. 5 (February 2022): 1381 – 1395. <https://doi.org/10.1080/19419899.2022.2039753>.
- Nurohim, Sri. "Identitas Dan Peran Gender Pada Masyarakat Suku Bugis." *SOSIETAS* 8, no. 1 (August 2018): 457 – 61. <https://doi.org/10.17509/sosietas.v8i1.12499>.
- Nydia Pabyn – Colyn, Jessica. "Performing Queer Mamn on Social Media: Gender – Fluid Parenting as a Practice of Decolonisation." *Performance Research* 22, no. 4 (2017): 71 – 74. <https://doi.org/10.1080/13528165.2017.1374709>.
- Qazwini, Ahmad, Aris Sunandar Suradilaga, Hasan Qosim, Ahmad Mulyadi, Imam Syahrofi, Jumaidi, Mardianus, et al. *Hukum Keluarga Islam Dalam Refleksi Dan Aksi*. Edited by Sabian Utsman. Yogyakarta: K – Media, 2018.
- Ramli, Mohd Anuar, Muhammad Ikhlās Rosele, Adang Darmawan Achmad, and Hudzaifah Achmad Qotadah. "Women's Right of Inheritance in Islam: Between the Sharia Provision and Demand of Socio – Cultural Changes." *Khazanah Hukum* 5, no. 2 (2023): 171 – 82.
- Ratnasari, Dwi. "Gender Dalam Perspektif Alquran." *Humanika* 18, no. 1 (January 2019): 1 – 15. <https://doi.org/10.21831/hum.v18i1.23125>.
- Round, Rosamund, Nichola Gokool, Georgiana Manica, Liam Paschall, and Simon Foulcer. "Improving Access for and Experience of Transgender and Non – Binary Patients in Clinical Research: Insights from a Transgender Patient Focus Group and Targeted Literature Reviews." *Contemporary Clinical Trials* 131 (August 2023): 107243. <https://doi.org/10.1016/j.cct.2023.107243>.
- Sabiq, Sayyid. *Sayyid Sabiq. Fiqih Sunnah Jilid 5*. Jakarta: Cakrawala, 2008.
- Suliyati, Titiek. "Bissu: Keistimewaan Gender Dalam Tradisi Bugis." *Endogami: Jurnal Ilmiah Kajian Antropologi* 2, no. 1 (2018): 52 – 61. <https://doi.org/10.14710/endogami.2.1.52-61>.