

## **Toilet *Gender Neutral* in LGBT Practices: A Comparative Study of Human Rights and Religion**

Sumardi<sup>1</sup>✉, Susilawati<sup>2</sup>, Achmad Napis Qurtubi<sup>3</sup>, Syahrianti Syam<sup>4</sup>,  
Rica Regina Novianty<sup>5</sup>

<sup>1,2,4,5</sup>Universitas Pancasakti Makassar, <sup>2</sup>STIE Muhammadiyah Kalianda,  
<sup>3</sup>STAI Duta Bangsa, <sup>4</sup>IAIN Bone, <sup>5</sup>Universitas Hang Tuah Pekanbaru  
Correspondence Author: [mardierni69@gmail.com](mailto:mardierni69@gmail.com)✉

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**Abstract:** Discussion of LGBT continues to be a debate among the world community. This study aims to compare the perspectives of human rights and religion in examining gender-neutral toilets in LGBT practices. This research is qualitative research with descriptive methods. The primary data source used in this study is data regarding alleged LGBT practices at Jakarta's international schools. While the secondary data sources used in this study are previous studies that are relevant to the research. The data analysis technique used in this research is data presentation, data reduction, and concluding the perspective of Miles and Huberman. The results of this study indicate that the problem of gender-neutral toilets based on human rights based on international law shows support for LGBT practices, while religions based on pure legal sources such as the Qur'an and hadith strictly prohibit gender-neutral toilet facilities that support LGBT practices. Studies on LGBT in Indonesia need to be taken seriously to obtain clarity and a legal basis that can suppress the development of LGBT.

**Abstrak:** Pembahasan LGBT masih terus menjadi perdebatan di kalangan masyarakat dunia. Penelitian ini bertujuan untuk mengetahui perbandingan perspektif HAM dan agama dalam mengkaji toilet gender netral dalam praktik LGBT. Penelitian ini merupakan penelitian kualitatif dengan metode deskriptif. Sumber data primer yang digunakan dalam penelitian ini adalah data mengenai dugaan praktik LGBT di sekolah internasional Jakarta. Sementara sumber data sekunder yang digunakan dalam penelitian ini adalah studi terdahulu yang relevan dengan penelitian. Teknik analisis data yang digunakan dalam penelitian ini adalah penyajian data, reduksi data, dan penarikan simpulan perspektif Miles dan Huberman. Hasil penelitian ini menunjukkan bahwa problematika toilet gender netral berdasarkan HAM yang berlandaskan hukum internasional menunjukkan dukungan pada praktik LGBT, sementara agama yang berlandaskan sumber hukum murni seperti Al-Qur'an dan hadist dengan tegas melarang fasilitas toilet gender netral yang mendukung praktik LGBT. Kajian tentang LGBT di Indonesia perlu diseriutkan guna mendapatkan kejelasan dan landasan hukum yang dapat menekan perkembangan LGBT.



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### **INTRODUCTION**

Neutral or non-binary gender is a gender identity that develops in society and seeks to acknowledge its existence. Gender neutral is a term to describe someone who admits that he does not refer to the gender of women or men. People who fall into this

gender-neutral category are those who identify themselves as gendered outside the concept of male and female gender, those who position their gender between men and women, are gender neutral, or consider themselves genderless and do not agree with the concept of gender (Fairuzillah et al., 2023).

Discussions about lesbian, gay, bisexual, and transgender or commonly abbreviated as LGBT, are still being debated among the world community. In Indonesia, the issue of LGBT is unresolved, because it is still classified as a taboo subject and is not fully understood by the people of Indonesia. Therefore, LGBT behavior is considered as an act that disturbs the balance, harmony, and harmony in society, as well as causing uproar and fear (Dhamayanti, 2022).

Indonesians use many different terms to describe sexual orientation and gender identity, and the term LGBT is commonly used to refer to sexual and gender minorities globally. Even though it is not categorized as a mental disorder, stigma, and discrimination, the notion that is not normal and unconventional for most people that is attached to LGBT is still there.

The issue of LGBT is currently in the global order, its successful dissemination has been achieved through a series of pro-LGBT movements that have existed for a long time (Saguy & Williams, 2019). This phenomenon is supported by the Universal Declaration of Human Rights in 1948, as well as political reform and democratization which are often "misunderstood" as a process of liberalization and freedom of expression (Yansyah & Rahayu, 2018).

Overall, the more affluent and secular a nation is, the more likely it is to embrace the rights of LGBT people. Conversely, the poorer and more religious a nation is, the more likely it is to suppress LGBT people. Mainly from the fact that the country is democratic or not, although LGBT rights are not found in all democratic countries, LGBT rights are almost non-existent in non-democratic countries (Firmansyah et al., 2022).

Lately, the public has been shocked by Daniel Mananta's statement regarding gender-neutral toilet facilities at an international school in Jakarta. Daniel

suspects that the school supports LGBT practices. LGBT people who are starting to dare to openly show their existence indicate that they have been supported by a macro system that has smoothed the way. The rise of this issue is interesting to study because it intersects with human rights issues, which are human nature (Muttaqin, 2016).

As a country with a Muslim majority, Indonesia has long implemented Islamic law in the development of its state administration. A country that requires itself to be a Muslim-majority country must provide a connection with Islamic laws contained in the Koran. According to Islamic Criminal Law, homosexuality is a grave sin because it is against religious norms, moral norms, and also against Sunnatullah and human nature. Islam itself considers LGBT behavior to be an act that is included in the category of grave sins.

This research is based on the formulation of the problem: (1) how are gender-neutral toilets in LGBT practices; (2) what are the pros and cons of LGBT toilets from the perspective of human rights and religion? This study aims to compare the perspectives of human rights and religion in examining gender-neutral toilets in LGBT practices.

## **METHODS**

This research is qualitative research with descriptive methods. Qualitative research is a method for exploring and understanding the meaning that several individuals or groups of people ascribe to social or humanitarian issues (Kusumastuti & Khoiron, 2019). This study describes the pros and cons of gender-neutral toilets in LGBT practices from the perspective of human rights and religion.

The primary data source used in this study is data regarding alleged LGBT practices at Jakarta's international schools. While the

secondary data sources used in this study are previous studies that are relevant to the research. The data analysis technique used in this research is data presentation, data reduction, and concluding the perspective of Miles and Huberman (Huberman & Miles, 2002). The researcher presents data on suspected LGBT practices at the Jakarta international school, reduces the data with a description of the data, then draws research conclusions.

## RESULTS AND DISCUSSION

### **Gender-Neutral Toilets in LGBT Practices**

This research found allegations of LGBT practices in educational institutions that facilitate gender-neutral toilets as the following data finds.

*"Gue kaget banget waktu lagi assessment buat anak sekolah, sekolah internasional dan pas di resepsionisnya itu ada toilet, buat boy, girl, dan gender neutral bahkan ada bahasa indonesianya gender netral"*

(Tv One News, Sekolah Internasional Dukung LGBT? Durasi 2:39).

Daniel Mananta's statement as a public figure regarding gender-neutral toilet facilities at an international school in Jakarta has become a hot topic of conversation in various media. Daniel suspects that there are international schools in Jakarta that support LGBT practices with gender-neutral toilet facilities.

*"Penjelasan pihak sekolah normal banget di budaya barat, di mana ada tiga hal mereka bilang pertama mereka tidak akan mengajarkan apa yang benar dan salah terkait idnetitas dan feeling yang mereka rasakan, Kedua pihak sekolah justru meng-encourage untuk lebih*

*eksplor feeling yang mereka punya kalau suka sesama jenis eksplor saja tidak akan menghakimi, ketiga apa pun yang anak kecil bicarakan dengan sekolah itu hak buat anak sehingga tidak akan di share dengan orangtua"* timpal lainnya.

(Tv One News, Sekolah Internasional Dukung LGBT? Durasi 5:25).

Daniel then confirmed to the school about this allegation. The school explained several points, (1) they would not teach what is right and wrong regarding the identity and feelings that students feel; (2) the school encourages more exploratory feelings that students have if they like the same sex to explore, the school will not judge; (3) whatever small children discuss with the school is the right of the child so it will not be shared with parents. These three points indicate that the international school in Jakarta that Daniel is referring to adheres to international human rights which frees the choice of gender identity as human rights exist in the West. This also shows support for LGBT practices by schools that facilitate gender-neutral toilets for their students.

### **Pros And Cons Of LGBT Toilets In The Perspective Of Human Rights And Religion**

The Al-Quran and Hadith have made it clear that they do not support the deviation of the LGBT sexual orientation, which consists of Lesbians, Gays, Bisexuals, and Transgenders. LGBT from an Islamic perspective is a problem that has a major impact on humanity. Islam strictly prohibits this deviation because it is not by human nature (Dacholfany, 2017).

Seeing the Islamic view that humans have been created in two types, namely male and female "And He (Allah) created two pairs of two types male and female" (Q.S. An-Najm,

53:45). Then this basis also continues "O mankind, we created you consisting of male and female" (Q.S. Al-Hujurat, 49:13). Transgender itself can be interpreted as an attempt to change sex through surgery. In Islamic law, for any reason, a person is prohibited from changing Allah's creation (Q.S. An-Nisa', 4: 119).

This is also stated in several verses of the Koran about the people of Prophet Lut, one of which is Q.S. al-A'raaf [7]: 80-82. In that verse, it is told that the Prophet Lut a.s. the arrival of handsome guests, namely angels who resemble humans. Prophet Lut's (male) people knew about this and tried to approach the guests of Prophet Lut a.s. However, the Prophet Lut a.s. forbade them and even offered his daughters in marriage to them. They rejected Prophet Lut's offer because they were more interested in fellow type people. As a result of their actions, Allah gave punishment to the people of Prophet Lut a.s. that is, a shower of fiery stones, and their city turned upside down until there was absolutely nothing left.

Islam states that fellow type sexual acts by God's will categorize LGBT acts as transgressions (Q.S. Al-A'raaf, 7: 80-81) as heinous acts (Q.S. Hud, 11: 78). So this deviation is something that is strongly rejected by Muslims and is an unlawful act that can lead to sin.

The prohibition of LGBT behavior is also contained in the words of Rasulullah SAW as narrated by at-Tirmidhi, al-Hakim, and Ibn Majah, "actually what I fear most, what I fear most for my people are the actions of the Prophet Lut" (HR at-Tirmidhi, al-Hakim, and Ibn Majah). The Prophet Muhammad also had a holiday "May Allah curse those who committed the deeds of the people of Lut". From this hadith, Islam has prohibited LGBT behavior or same-sex sexual acts. These basics are used as a guideline for countries that adhere to the concept of Islam in their

constitution forbidding LGBT (Setiawan, 2021).

Meanwhile, pro-LGBT groups, claim that voting for LGBT is part of their human rights. Therefore, they demand that their human rights be protected. Human Rights (HAM) are basic rights that are naturally inherent in humans, are universal and lasting, and therefore, must be protected, respected, maintained, and may not be ignored, diminished, or seized by anyone.

Whereas, from a psychological perspective, in the DSM III (Diagnostic and Statistical Manual of Mental Disorders), homosexuality is considered a mental disorder or sexual disorder, therefore LGBT is considered as abnormal behavior. The term LGBT according to the Guidelines for Classification and Diagnosis of Mental Disorders in Indonesia is a psychosexual disorder and egotistic sexual orientation, namely sexual preferences that do not meet individual expectations due to psychological disorders (Dacholfany, 2017).

The discussion on gender-neutral toilets in LGBT practices based on the perspective of human rights and religion is as follows.

**Table 1. Comparison of Human Rights and Religion in Reviewing Gender Neutral Toilets**

Aspect	Base	Decision
HAM	Law international	Support
Religion	Al Qur'an and Hadith	Forbid hard

The table above describes a comparison of perspectives between human rights and religion in reviewing the problem of gender-neutral toilets. Human rights based on

international law indirectly support LGBT practices, while religions based on pure legal sources such as the Qur'an and hadith strictly prohibit these LGBT practices.

There are striking differences between human rights and religious perspectives in reviewing LGBT practices. Human rights are rights that are owned by all human beings and all human beings have this right. Apart from that, the interpretation of human rights also varies between countries, so violating human rights in Indonesia does not mean violating them in America because the interpretation of human rights depends on the social, legal, and cultural situation of the people. In the opinion of Satjipto Rahardjo who said that if someone has violated human rights in a country, then he does not necessarily violate it in other countries in the same case (Muttaqin, 2016). Meanwhile, in the case of gender-neutral toilets at the Jakarta international school which are suspected of supporting LGBT practices, further investigation and firm action by the government are needed because this is directly related to the nation's next generation.

Among the differences between Western human rights and Islamic human rights, the most important is the concept of *hifdhun al-nuzl*. The basic right of every human being is to maintain the survival of their offspring or prospective offspring, but this right will vanish if support for LGBT continues. LGBT is against human nature as a social being that is developed and civilized, and also against human rights itself.

The war of arguments and interpretations of the arguments used in the Qur'an regarding LGBT is so clear, the arguments of *naqli* as the highest authority especially the story of Prophet Lut As are considered misinterpreted and out of date by pro-LGBT, use arguments of *ratio*, *diction*, and results in the latest research even though it seems raw and forced to undermine the

philosophical basis that exists in the Qur'an. The stability of the interpretation that has been used as a reference is questioned because it is not by the times. It is true that the existence of gender deviations such as transgender even from the era before the Prophet Muhammad SAW existed, is always contrary to nature and divine religions.

Debates between pro and contra groups will always reach a stalemate. This is caused by the ambiguity of the LGBT group in the law. National law in a broad sense does not provide strict rules regarding the existence of LGBT groups. Several cases of LGBT occurred in Indonesia but there is no positive law that has been violated with certainty which mentions LGBT acts and only approaches these actions. As stated in Article 292 of the Criminal Code which reads "a person who is old enough, who commits obscene acts with another person of the same sex, who is known or should reasonably be suspected, that he is not old enough, is threatened with imprisonment for a maximum of five years".

The unclear position of LGBT in law makes it difficult to resolve issues related to it. In the end, it will be difficult to stop the influence of LGBT currents. LGBT groups will certainly have more and more followers. In the absence of legal firmness, not a few perpetrators are free from criminal prosecution, because they are only considered acts of harassment. LGBT acts are also considered a contagious diseases. LGBT actions can damage morale and contradict the values of balance that exist in society's morals. Therefore, the study of LGBT needs to be taken seriously to get clarity and a legal basis for LGBT (Hamzah & Maharani, 2021).

## **CONCLUSION**

A comparison of human rights and religious perspectives in reviewing gender-neutral toilet problems shows that human rights based on international law indirectly support LGBT practices, while religions based

on pure legal sources such as the Koran and hadith strictly prohibit these LGBT practices. The case of a gender-neutral toilet at an international school in Jakarta that allegedly supports LGBT practices has indications of adhering to international human rights, so further investigation and strict action by the government is needed because this matter is directly related to the nation's next generation.

Even though the law in Indonesia regarding LGBT is still unclear, the debate between pro and contra groups will always reach a stalemate. However, LGBT actions can damage morale and contradict the values of balance that exist in the morals of Indonesian society. So the study of LGBT in Indonesia needs to be taken seriously to get clarity and a legal basis that can suppress the development of LGBT.

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