

Assessing the Legality of Heterosexual Marriage Among LGBT Individuals: An Analysis from the Perspective of Maqasid al-Shariah

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ABSTRACT

This study examines the phenomenon of heterosexual marriage among LGBT (lesbian, gay, bisexual, and transgender) individuals through the lens of *Maqāṣid al-Sharī'ah*, the higher objectives of Islamic law. Increasingly, LGBT individuals are entering such marriages to conform to societal or familial expectations or to conceal their sexual orientation. This raises critical legal, ethical, and theological concerns, particularly regarding the preservation of lineage (*ḥifẓ al-nasl*), dignity (*ḥifẓ al-'ird*), and societal welfare (*ḥifẓ al-maṣlaḥah*). The study uses a qualitative methodology to analyse primary Islamic sources, Qur'an, Hadith, classical and contemporary juristic views, official fatwas, and health and social data. The findings indicate that Islamic law permits heterosexual marriage for individuals with same-sex inclinations only if they have not acted upon them and intend sincerely to uphold marital responsibilities. For those who have committed homosexual acts, sincere repentance is a prerequisite. Post-marriage, unrepentant LGBT behaviour renders the union ethically flawed, giving the non-offending spouse the right to seek annulment (*fasakh*). The study also highlights emotional harm, deception, and increased HIV risk as consequences of such marriages, particularly when entered under false pretences. These realities undermine the intended spiritual and social purposes of Islamic marriage. In conclusion, the study asserts that heterosexual marriage among LGBT individuals is only valid in alignment with *Maqāṣid al-Sharī'ah* when entered with honesty, repentance, and genuine commitment. It calls for legal education, premarital screening, and policies grounded in Islamic objectives to address this evolving issue with compassion and clarity.

Keywords: Heterosexual Marriage, LGBT, Maqasid al-Shariah, Family Institution

INTRODUCTION

Heterosexual marriage, defined as the union between a man and a woman, remains the only form of marital relationship recognised under Islamic law and Malaysia's Syariah legal framework. In Islam, marriage (*nikāḥ*) is more than a civil contract; it is a sacred covenant founded upon mutual rights, compassion, and moral responsibility. As articulated by Wahbah al-Zuhaylī (1989), *nikāḥ* is "a contract that legitimises the relationship between a man and a woman while establishing reciprocal rights and responsibilities between them." This foundational understanding is legally enshrined in the Islamic Family Law (Federal Territories) Act 1984 (Act 303), which affirms marriage exclusively as a heterosexual institution between male and female partners.

However, contemporary Malaysia is increasingly witnessing challenges to this traditional model, particularly with the rising visibility and advocacy surrounding LGBT (Lesbian, Gay, Bisexual, Transgender) identities. The term LGBT encompasses sexual orientations and gender identities that fall outside the normative heterosexual binary. According to the National Health and Morbidity Survey (2022), approximately 0.4% of adolescents in Malaysia self-identify as LGBT, a trend attributed to global cultural influences, social media exposure, and shifting perceptions of identity and sexuality (Institute for Public Health, 2022; KKM, 2023).

This growing phenomenon raises serious concerns from Islamic legal and public policy perspectives. Of particular urgency is the increasing number of individuals with homosexual or transgender orientations

entering heterosexual marriages, often due to societal or familial pressure. Such marriages frequently result in psychological distress, emotional harm, and marital instability, while also posing complex legal dilemmas concerning the validity and objectives of such unions within the framework of Islamic law. The issue extends beyond private relationships, affecting public health through the heightened risk of HIV/AIDS transmission, a concern documented extensively by Malaysian health authorities (KKM, 2023), especially among men who have sex with men (MSM) and bisexual populations.

In light of these realities, this study critically examines the implications of heterosexual marriage involving LGBT individuals through an integrated lens of Islamic jurisprudence, fatwa literature, and public health data. It explores the legal capacity and Shari'ah position of LGBT individuals entering marriage, the associated health risks linked to homosexual practices, and the broader consequences for family integrity and social values. The analysis is framed within the paradigm of Maqāsid al-Shari'ah, particularly the protection of religion (*hifz al-dīn*), lineage (*hifz al-nasl*), and life (*hifz al-nafs*), offering both theoretical insight and practical guidance for policymakers, religious authorities, and the broader Muslim community in navigating these complex and evolving challenges in Malaysia's socio-religious landscape.

LITERATURE REVIEW

Analysis of Islamic Rulings and Scholars' Views on LGBT Acts

Homosexuality Among Men (Gay)

In Islamic jurisprudence, homosexual behaviour between men, commonly referred to today as "gay", is categorically prohibited. The classical Islamic term for this act is *liwāt*, which is derived from the historical account of the people of Prophet Lūṭ, whose transgressions led to divine punishment. This condition, wherein a man feels emotional and sexual attraction towards another man, is widely regarded as a deviation from the moral and natural order established by Islam. Scholars describe such tendencies as leading to actions that violate the principles of religion, culture, and ethical norms (Mahmud & Zainol, 2022; Hidayat, 2021). Early Western terms such as "sexual inversion" or "urning" have also been used to describe similar phenomena (Zaini & Hasan, 2017).

From the perspective of Islamic theology and law, homosexual acts are deemed major sins (*kabā'ir*) due to their severity and harmful consequences. These acts are seen as not only offensive to the moral code of Islam but also as undermining the individual's identity and the broader Islamic civilisation (Harahap & Rustam, 2016). This position is firmly supported by explicit Qur'anic evidence, such as in Surah al-A'rāf (7:80-81), where Allah recounts the statement of Prophet Lūṭ to his people: "Do you commit such immorality as no one has preceded you with from among the worlds? Indeed, you approach men with desire instead of women. Rather, you are a transgressing people." This verse identifies same-sex desires and actions as a transgression without precedent, illustrating its gravity in Islamic ethics.

Islamic legal scholars unanimously agree on the prohibition of homosexual behaviour. Their consensus is rooted in a legal maxim which states: *al-aṣl fī al-abdā' al-tahrīm ḥattā yadulla dalīl 'alā ibāḥatihi*, meaning the original ruling for sexual acts is prohibition unless there is evidence to permit it, such as through a valid marriage contract. Since same-sex relations fall outside this framework, they remain categorically forbidden under Islamic law.

Despite the sinfulness of homosexual acts, Islamic law continues to impose religious duties upon all Muslims, including those identifying as LGBT. The Selangor Islamic Religious Council (MAIS, 2013) clarified that the obligations of worship still bind LGBT individuals who profess the Islamic faith. As long as acts of worship are performed by the individual's biological gender and fulfil the basic requirements of Islamic law, they are considered valid.

Regarding legal punishment, Islamic jurists have historically differed in their views. Some classical scholars, including those from the Mālikī, Shāfi'ī, and Ḥanbalī schools, maintain that homosexual acts warrant the death penalty, irrespective of the offender's marital status. The method of execution varies: while stoning is the

preferred method in these schools, other opinions, such as that attributed to Caliph Abū Bakr al-Ṣiddīq, suggest using the sword followed by burning (Zaini, 2017). More recent interpretations, such as those issued by the Federal Territories Mufti in 2017, propose that the ḥadd penalty may punish the perpetrator for zinā (illicit sexual intercourse), contingent upon the establishment of proof through confession or credible testimony. In this interpretation, an unmarried offender is subject to one hundred lashes and one year of exile, while a married offender is subject to stoning to death.

These varying opinions reflect both the severity with which Islamic law views homosexual acts and the importance of procedural safeguards in determining guilt. Overall, the consensus across traditional Islamic jurisprudence remains firm in its moral and legal opposition to same-sex conduct, while also guiding how Muslims should navigate such matters within the framework of justice, repentance, and ethical responsibility.

Lesbianism in Islamic Perspective

Lesbianism refers to the emotional, physical, or sexual attraction of a woman toward another woman, which may manifest in intimate same-sex relationships. It is often described as a woman loving another woman physically, sexually, or emotionally (Suwardin, 2018). In Islamic jurisprudence, this act is known as *musāḥaqah*, a term derived from the Arabic root meaning “rubbing,” which refers to the act of women stimulating each other’s genitals without male involvement. This terminology is cited by classical scholars such as Imām al-Māwardī in his work *al-Ḥawī al-Kabīr* (Nasution, 2016).

From the standpoint of Islamic law, lesbian acts are categorically prohibited (*ḥarām*), just like homosexual acts involving men. Imām al-Nawawī classifies *musāḥaqah* as a reprehensible and sinful act. The Indonesian Council of Ulama (Majelis Ulama Indonesia, MUI) also affirms its prohibition, urging that firm legal and moral actions be taken against individuals who engage in such practices. Across the various Islamic schools of thought (*madhāhib*), there exists a scholarly consensus rejecting any permissibility for lesbian behaviour, thereby eliminating any juristic disagreement on the issue (Ilhafa et al., 2022).

According to a ruling by the Federal Territories Mufti Office (2018), lesbian activity is analogous to the act of *mubāsharah*, which refers to physical intimacy between a man and a woman outside the bounds of marriage, excluding actual penetration. Consequently, although *musāḥaqah* does not meet the threshold for *ḥudūd* punishment prescribed for *zinā* (illicit intercourse), it remains a serious offence and falls under the discretionary category of *taʿzīr*. This is because it involves seeking sexual gratification (*istimtāʿ*) in a manner that contravenes *Sharīʿah* principles.

Taʿzīr refers to a form of punishment that is not explicitly defined in the Qurʾan or Sunnah but is left to the discretion of the judge (*qāḍī*), who may impose appropriate penalties based on the severity and circumstances of the offence (Darsi & Husairi, 2019). These punishments may include whipping, fines, imprisonment, or other corrective measures deemed suitable for preserving moral and social order. A notable example is the 2018 case in Terengganu, where two women were convicted of engaging in lesbian acts. The Terengganu Syariah High Court sentenced them to a fine of RM3,300 and six strokes of the cane, demonstrating the seriousness with which such offences are treated under Islamic legal enforcement (Digital, 2018).

Transgender Identity in Islamic Law

In Islamic jurisprudence, the concept of transgender identity is addressed through a nuanced framework that distinguishes between conditions determined by nature and those resulting from deliberate behavioural or physical alteration. The first category pertains to individuals born with ambiguous sexual characteristics or with both male and female reproductive organs. In Islamic legal terminology, such individuals are referred to as *khunthā* (intersex). According to the Fatwa Office of the State of Perak (2022), these cases are not viewed as moral failings but as part of Allah's divine will and natural creation. As such, no prohibition or punishment is imposed upon *khunthā* individuals simply for their condition.

Islamic scholars further classify *khunthā* into two types. The first is *khunthā wāḍiḥ*, where one gender is more dominant based on physical indicators. The second is *khunthā mushkil*, referring to individuals whose gender

cannot be determined due to the ambiguity of their biological traits (Federal Territories Mufti Office, 2021). While khunthā individuals are not subject to any sin for their physical condition, Islamic legal rulings guide acts of worship and social roles. For instance, in congregational prayer, a khunthā mushkil may lead only female congregants, and their 'awrah (modesty covering) must follow the rulings applicable to women as a precautionary measure, as noted by Imām al-Buhūfī.

The second category involves individuals described in Islamic literature as mukhannath men who imitate women or women who imitate men in terms of dress, speech, behaviour, and overall demeanour. This group is further divided based on intent and circumstance. The first subcategory comprises individuals naturally exhibiting feminine or masculine traits, without deliberately attempting to emulate the opposite gender. This may include, for example, a soft voice or gentle mannerisms in a man. Islamic scholars generally hold that such traits are forgivable and not sinful, provided the individual does not intentionally cross the boundaries of gender identity, such as by wearing clothing specific to the opposite sex or rejecting their biological identity.

The second subcategory pertains to individuals who intentionally modify their gender presentation or identity, whether through medical procedures such as sex reassignment surgery (transsexualism), or through outward imitation in dress, speech, and behaviour—a phenomenon known as tashabbuh (deliberate imitation). According to Yahya (2023), this form of transgender behaviour constitutes a conscious deviation from the natural disposition (fiṭrah) and the gender assigned by Allah SWT at birth. The Federal Territories Mufti Office (2015) has declared that such actions are ḥarām (forbidden) and fall under the category of major sins (kabā'ir), citing explicit evidence from the Sunnah. A hadith narrated by Ibn 'Abbās (may Allah be pleased with them both) records that the Prophet Muhammad SAW said:

"The Prophet SAW cursed the men who imitate women and the women who imitate men."

(Sahih al-Bukhari)

This hadith is a primary legal basis for prohibiting gender impersonation, whether through behaviour, dress, or physical alteration. Moreover, the National Fatwa Council of Malaysia, along with several state-level fatwa committees in Johor, Perak, Melaka, Pahang, and Kedah, have issued clear rulings declaring that acts such as pengkid (women who imitate men) and mak nyah or pondan (men who imitate women) are strictly prohibited in Islam. These practices are viewed as forms of moral and social deviation that undermine the divinely ordained gender roles in Islamic society.

Bisexuality in Islamic Perspective

Bisexuality refers to the condition in which an individual experiences sexual attraction toward both same-sex and opposite-sex partners. As defined by Kusnadi et al. (2020), bisexual individuals exhibit simultaneous sexual inclinations toward members of the same gender, such as male-to-male or female-to-female relationships, as well as toward the opposite gender, as typically observed in heterosexual relationships. In addition to this fluidity in attraction, bisexual individuals are also described as possessing characteristics or traits associated with both male and female sexual orientations and, in some cases, overlapping aspects of gender identity (Ab Rahman et al., 2020).

From an Islamic legal standpoint, acts associated with bisexuality are unequivocally prohibited (*ḥarām*). This is because bisexuality inherently encompasses elements of both homosexuality and the potential for unlawful sexual relations (*zinā*), mainly when such relations occur outside the bounds of a valid marital contract. Islamic law recognises only heterosexual marital relationships as legitimate avenues for sexual expression. There exists no verse in the Qur'an, no authentic hadith, nor any established juristic opinion (*ijtihād*) from the four primary Sunni schools of thought, Ḥanafī, Mālikī, Shāfi'ī, or Ḥanbalī that permits bisexual practices. Any claim suggesting the permissibility of bisexuality is not grounded in Islamic sources but rather represents ideologically liberal interpretations that seek to justify behaviours contrary to revealed law (Ilhafa et al., 2022).

Furthermore, bisexuality, by its nature, opens the door to dual forms of deviation: same-sex relationships, which fall under the prohibition of *liwāṭ* or *musāḥaqah*, and heterosexual acts outside of marriage, which

constitute *zinā*. Both categories are condemned in Islamic jurisprudence. In Surah al-Najm (53:45), Allah SWT affirms the divine order of creation by stating: “*And that He creates the pairs male and female*”. This verse reaffirms the natural and divinely ordained pairing between male and female, which serves not only as the foundation of the marital institution but also as a means of fulfilling the divine objective of human procreation and social stability (Razak & Suhaimi, 2016).

Thus, bisexuality is not only incompatible with the Islamic moral and legal framework but also contradicts the foundational principles of human creation as expressed in the Qur’an. It undermines the essential objectives of *Sharī‘ah*, particularly the protection of religion (*ḥifẓ al-dīn*), lineage (*ḥifẓ al-nasl*), and morality (*ḥifẓ al-‘ird*) by promoting sexual behaviour that deviates from the legitimate framework of marriage. In conclusion, Islam firmly rejects bisexual acts as a form of sexual and moral transgression, and it offers no accommodation for such practices within its legal or ethical worldview.

HIV Risks Among LGBT Partners

Engaging in LGBT-related sexual behaviours poses significant public health risks, particularly in the context of HIV transmission. In Malaysia, male homosexual activity, commonly referred to as “men who have sex with men” (MSM), has been identified as a primary driver of the country’s rising HIV infection rates. Data from the Ministry of Health Malaysia (*Kementerian Kesihatan Malaysia*, KKM) and international organisations such as UNAIDS confirm that individuals within the LGBT community, particularly MSM and bisexual men, are among the highest-risk groups for HIV transmission. In 2023, MSM accounted for 23% of newly reported HIV cases nationwide. Furthermore, Health Minister Datuk Seri Dr. Dzulkefly Ahmad affirmed that over 60% of HIV infections in Malaysia were traced to homosexual and bisexual sexual relationships (KKM, 2023). These statistics highlight the serious health and social implications of LGBT behaviour, which not only endangers individual well-being but also jeopardises marital stability and the wider family institution (Rosidi et al., 2025).

Several biological and behavioural factors contribute to the increased susceptibility of LGBT individuals, particularly MSM, to HIV infection. Biologically, anal intercourse carries a much higher risk of HIV transmission than vaginal intercourse due to the delicate nature of the rectal lining. The anal mucosa is more prone to tearing, thereby creating direct pathways for viral entry (Royce et al., 1997). Additionally, the absence of natural lubrication in the rectum increases friction during intercourse, exacerbating tissue damage and facilitating the transmission of bloodborne pathogens (Beyrer et al., 2012). Moreover, semen carries a higher concentration of HIV compared to vaginal secretions, thus intensifying the likelihood of transmission during anal sex (Powers et al., 2007). Studies have also found that MSM are more likely to engage in unprotected sex with multiple partners, further compounding the risk of infection (Pillonel et al., 2013; Rosidi, 2024; Rosidi et al., 2025).

Beyond the biological mechanisms, promiscuous sexual behaviour, particularly among bisexual individuals who maintain relationships with both men and women, presents another primary concern. This form of sexual engagement not only increases personal risk but may serve as a conduit of HIV infection to heterosexual spouses. Research by Teh et al. (2018) highlights that female partners of bisexual men face a 4.7 times higher risk of contracting HIV compared to women with heterosexual partners. This underscores how concealed bisexual activity within heterosexual marriages can contribute to hidden epidemic channels and result in serious health threats to unsuspecting spouses.

In addition to health consequences, the spread of HIV within marriages affected by LGBT behaviour further disrupts familial stability and compromises the integrity of the household. Spouses, particularly women, often suffer both physical vulnerability and emotional trauma as a result of betrayal and exposure to life-altering infections. In such cases, the effects of LGBT behaviour extend beyond individual sin and become a matter of public health, marital justice, and social responsibility.

Islamic teachings strongly emphasise the protection of life (*ḥifẓ al-nafs*) as one of the five essential objectives (*maqāṣid al-sharī‘ah*) (Rosidi et al., 2022). Any practice that exposes individuals or families to disease and destruction directly contradicts these higher aims. The prevalence of HIV among LGBT individuals, therefore,

is not only a biomedical concern but also a moral and religious issue that must be addressed through integrated and preventive strategies (Rosidi, 2024).

Efforts to mitigate HIV transmission among LGBT populations must be multifaceted. Preventive measures should include collaborative public health programs involving government agencies and NGOs that provide free health screenings and support services for at-risk groups such as transgender individuals and MSM. Additionally, school-based sexual health education should be strengthened by incorporating medical facts and ethical teachings rooted in religious and moral values, ensuring a holistic approach to youth development. Social media, mosques, and community institutions should also be mobilised to conduct awareness campaigns on the dangers of unprotected sexual practices and the consequences of LGBT involvement.

METHODOLOGY

This study employs a qualitative approach using document analysis as the primary framework. The primary sources include verses from the Qur'an, authentic hadiths, and official fatwas issued by religious institutions such as the Federal Territories Mufti's Office. In addition, the views of classical and contemporary Islamic scholars are also referenced to analyse the issue of LGBT within the context of marriage and society.

This study also refers to academic journals, public health reports such as the Global AIDS Response Progress Report Malaysia, and media reports to understand the psychosocial dimensions and the impact occurring within society. A thematic approach is used to classify the findings into key aspects such as shariah rulings, health, and family. This method allows the author to identify the main related issues and evaluate the appropriateness of actions or solutions from the perspective of Islam.

DISCUSSION AND RESEARCH FINDINGS

1. The Position and Ruling of Heterosexual Marriage for LGBT Individuals

Before marriage

Engaging in LGBT behaviour before marriage is unequivocally *ḥarām* and classified as a major sin in Islamic law. Such conduct is deemed contrary to the *fiṭrah* (natural disposition) upon which Allah SWT created humanity and violates the divinely sanctioned framework of relationships, namely, a lawful union between a man and a woman through a valid marriage contract (*'aqd al-nikāḥ*). Homosexual acts, whether physical or behavioural, are regarded as even more reprehensible than *zinā* (fornication), as they transgress both the legal and ontological foundations of Islamic morality.

The Prophet Muhammad ﷺ sternly warned against behaviours that blur or invert gender roles. In a hadith recorded by al-Bukhārī (no. 5885), the Prophet ﷺ said:

"The Prophet ﷺ cursed the men who imitate women and the women who imitate men."

In another narration, reported by Aḥmad (no. 2913), the Prophet ﷺ strongly condemned homosexual conduct:

"Allah curses those who commit the acts of the people of Lūṭ, Allah curses those who commit the acts of the people of Lūṭ, Allah curses those who commit the acts of the people of Lūṭ."

These narrations illustrate the gravity of such acts in Islam and their status as condemned deviations from the natural and moral order established by divine law.

Unaddressed LGBT tendencies may endanger the integrity of a heterosexual marriage, potentially resulting in emotional distress, sexual incompatibility, and the failure to fulfil marital obligations. An individual who actively engages in such acts risks moral and psychological harm to their spouse and undermines the objective of marriage in Islam, which is to establish tranquillity (*sukūn*), affection (*mawaddah*), and mercy (*rahmah*) between partners.

Islamic legal discourse differentiates between two categories of individuals with same-sex tendencies. The first includes those who experience such inclinations internally but refrain from acting upon them. Such individuals remain eligible for marriage, as Islamic law does not hold one accountable for mere inclinations, but only for voluntary actions. Roslan (2023) noted, "Allah does not punish feelings, only actions." These individuals may enter into heterosexual marriage, provided they approach it with sincerity and commitment.

The second category comprises individuals who have engaged in homosexual acts without repentance. According to the majority of scholars, including classical authorities such as Ibn Qudāmah (*al-Mughnī*, 7:141), al-Buhūtī (*Kashshāf al-Qinā'*, 5/82), and Ibn Ḥazm (*al-Muḥallā*), such individuals are prohibited from marrying until they have sincerely repented. The Qur'anic injunction in Surah al-Nūr supports this, verse 3:

"The male fornicator does not marry except a female fornicator or an idolatress, and the female fornicator is not married except to a male fornicator or an idolater. Such a thing is forbidden to the believers." (al-Nūr: 3)

As explained by the scholars, this verse requires repentance as a precondition for lawful marriage. Ibn Taymiyyah in *Majmū' al-Fatāwā* further asserts that the prohibition is founded on Qur'an, Sunnah, and rational Sharī'ah reasoning. Since homosexual acts are deemed even more offensive than *zinā*, the obligation to repent prior to marriage applies even more strictly.

A person with past homosexual acts who has sincerely repented and abandoned the behaviour is no longer legally impeded from marriage. Repentance, in this context, removes the moral barrier to forming a lawful union under Islamic law.

A heterosexual marriage contract involving a person with internal LGBT tendencies who has not acted upon them is considered valid as long as all pillars (arkān) and conditions (shurūt) of marriage are fulfilled. This situation may be analogised to the case of a person who marries while secretly intending to divorce. Although such an intention is morally flawed, the marriage remains valid under Sharī'ah. Similarly, internal tendencies that contradict the ideal vision of marriage do not invalidate the legal form of the contract if they do not result in prohibited actions.

Allah SWT affirms the normative model of marriage in Surah al-Rūm:

"And among His signs is that He created for you from yourselves mates that you may find tranquillity in them, and He placed between you affection and mercy." (al-Rūm: 21)

This verse reinforces the divine wisdom in heterosexual marriage as a means of emotional stability and the continuation of human lineage.

In the case of transgender individuals, the Malaysian Islamic Religious Council (2011) has ruled that acts of worship remain obligatory and valid, provided the person's original biological gender performs them. For example, a biological male who identifies as a female must continue to perform obligations such as prayer and fasting according to male requirements. Accordingly, the validity of a marriage involving a transgender individual is preserved only when the marriage is conducted in a manner consistent with the person's biological sex—i.e., when a biological male contracts marriage with a biological female, fulfilling the Sharī'ah criteria for a lawful union.

In summary, Islamic law permits heterosexual marriage for individuals with internal LGBT tendencies if no prohibited actions have been committed. For those who have engaged in homosexual behaviour, sincere repentance is a prerequisite before marriage is permitted. The validity of such a marriage depends on the fulfilment of legal conditions and alignment with the natural gender framework upheld by Islamic teachings.

After marriage

Marriage in Islam is a sacred covenant (*'aqd*) established by Allah SWT to unite a man and a woman in love, mercy, and mutual responsibility. However, complications arise when individuals with LGBT tendencies enter into heterosexual marriages as a means to conceal their sexual orientation or due to external pressures from family and culture. Such unions undermine the very sanctity and objectives of Islamic marriage and often result in long-term emotional, spiritual, and psychological harm.

Contemporary cases increasingly show that individuals identifying as LGBT, despite being married, continue to experience and act upon same-sex attractions. Some remain emotionally detached from their spouses, causing marital dissatisfaction, while others engage in secretive homosexual or bisexual activities. In some instances, couples even have children. At the same time, one spouse continues to live a double life, heightening the risk of sexually transmitted infections, including HIV, especially in cases involving bisexual behaviour (Rosidi et al., 2025). These situations result in psychological trauma, feelings of betrayal, and long-term mental health issues for the affected spouse, including depression and anxiety (Andriani & Setiawati, 2014).

From the perspective of Maqāṣid al-Sharī'ah, such marriages fundamentally threaten the protection of lineage (*ḥifẓ al-nasl*). The objective of Sharī'ah is vital in preserving the integrity of familial structures, ensuring legitimate progeny, and maintaining moral clarity across generations (JAKIM, 2021; Rosidi et al., 2022). LGBT-influenced marriages frequently lead to dysfunction, particularly in the sexual and emotional dimensions of the relationship, and may inflict confusion or trauma upon children raised in such environments. Thus, a marriage tainted by unrepentant LGBT behaviour fails to achieve the higher purposes of Sharī'ah and instead contributes to the moral erosion of the family unit and society at large.

Engaging in LGBT behaviour, whether lesbian, gay, bisexual, or transgender, after entering into a heterosexual marriage remains prohibited (*ḥarām*) and is considered a major sin. Although this behaviour is spiritually and morally condemned, the legal validity of the marriage itself is not automatically annulled. A marital contract continues to be valid unless legally terminated through a declaration of divorce (*ṭalāq*) or annulment through mechanisms such as *li'ān* (accusation of adultery with oath-taking), which serves as a point of reference when one spouse accuses the other of sexual infidelity (Harun, 2024). Therefore, any individual involved in such deviant acts bears the obligation to repent sincerely and commit never to repeat the behaviour. The faithful spouse, in turn, is encouraged to advise and counsel their partner toward repentance and reform (Ibrahim, 2022).

Allah SWT offers hope for redemption in Surah al-Furqān:

"Except for those who repent, believe, and do righteous work. For them, Allah will replace their evil deeds with good. Moreover, ever is Allah Forgiving and Merciful."
(al-Furqān: 70)

If repentance is sincere, the individual can seek forgiveness, and the couple may strive to restore the marital bond. However, if the offending spouse persists in LGBT acts without remorse, the marriage is no longer considered compatible (*kuf'*) from a spiritual and ethical standpoint. Classical jurists have emphasised that a righteous spouse is not equal to a transgressor. Imām Zakariyyā al-Anṣārī stated:

"A sinful person is not a match for a chaste woman. Only a chaste person is compatible with a chaste partner."

When compatibility is lost due to serious moral misconduct, Islamic law provides the right of judicial annulment (*fasakh*) to the aggrieved spouse. The husband may also exercise his right to divorce. Continued sexual, emotional, and spiritual harm in the marriage constitutes a valid basis for dissolution. Such behaviour is viewed as a form of emotional and moral abuse, and Sharī'ah upholds the right of the harmed party to seek relief.

To address LGBT tendencies in a married partner, a graduated approach rooted in wisdom (*hikmah*) and compassion is recommended. The initial step involves private and gentle *da'wah*, advising the spouse about the severe personal and familial consequences of continued deviant behaviour. Family support and professional counselling, such as those offered by institutions like JAKIM, should be engaged to facilitate change where possible. If no genuine improvement occurs and the individual remains unrepentant, the couple should consider separation as a realistic and faith-guided resolution (Husin, 2024).

In conclusion, while Islam recognises the sanctity and resilience of the marital bond, it prioritises justice, emotional well-being, and moral integrity. A marriage affected by active LGBT behaviour that persists without repentance is incompatible with the core values of Sharī'ah. It may be dissolved to protect the dignity, faith, and future of the innocent party and their family.

The Effects of LGBT on Family Stability

The growing influence of LGBT ideologies and movements has triggered widespread concern, particularly regarding their impact on the stability of the family institution. Several studies have demonstrated that involvement in lesbian, gay, bisexual, or transgender (LGBT) behaviour has been a contributing factor in the breakdown of marriages. When one or both spouses engage in such conduct, it often leads to emotional detachment, infidelity, and the eventual collapse of the household structure (Hanni & Matali, 2023). In Islam, the institution of marriage is designed to promote *sakinah* (tranquillity), *mawaddah* (affection), and *rahmah* (mercy), along with mutual respect, fidelity, and emotional intimacy between spouses (Siregar, 2019).

However, the erosion of these principles has become increasingly evident in contemporary society. As highlighted by Asyraf Wajdi Dusuki (2016), Malaysia recorded over 90,000 divorce cases between 2012 and 2014, with a significant portion reportedly linked to LGBT-related issues within marriages. While some may view these figures as overstated, they reflect a serious underlying trend that cannot be ignored. These failed marriages often stem from one partner's inability or unwillingness to fulfil the emotional and sexual needs of the other due to persistent same-sex attraction or hidden LGBT involvement.

Research also reveals that some lesbian individuals report having turned away from heterosexual relationships due to negative past experiences with male partners. According to Mahmud and Zainol (2022), these women often perceive same-sex partners as more emotionally attuned and respectful compared to their former spouses. Such narratives suggest that unresolved trauma or dissatisfaction in previous marriages can contribute to the pursuit of alternative sexual lifestyles, further weakening the institution of heterosexual marriage.

When one spouse engages in LGBT behaviour, their ability to fulfil their marital obligations is typically compromised. A husband involved in homosexual acts may begin neglecting his wife emotionally, physically, and financially, failing to provide the obligatory *nafqah* (maintenance) as required by Islamic law. Likewise, a wife engaged in lesbian activities may abandon her duty to honour and obey her husband (Ashgar & Yusuff, 2018). Such dereliction of duty not only betrays the marital trust but disrupts the household's stability and leads to irreparable conflict. In cases where a husband is found to have concealed his homosexual orientation, the marriage often becomes untenable. The Federal Territories Mufti Office (2022) affirms that such behaviour, if continued after advice and religious counselling, may serve as valid grounds for *fasakh* (judicial dissolution of marriage).

The psychological toll of discovering a partner's LGBT involvement is profound. Mohd Noor (2019) found that women who learned of their husband's homosexual activities reported high levels of depression, emotional instability, reduced self-esteem, and difficulty establishing trust in future relationships. These emotional wounds are not confined to the couple alone; children in such households are also negatively affected. Exposure to constant conflict, emotional neglect, or morally confusing situations creates long-term developmental and psychological consequences for children.

Moreover, this trend affects public attitudes toward marriage. Nor Eryani (2020) observed a growing phenomenon of "marriage fear" among young women, who are increasingly apprehensive about marrying men suspected of hiding homosexual tendencies. This anxiety contributes to a rise in unmarried women and delayed

marriages. Supporting this trend, the Department of Statistics Malaysia (2021) reported a steady decline in national marriage rates and a rise in the average age at first marriage. As same-sex relationships cannot result in biological reproduction, this situation may eventually contribute to declining birth rates both nationally and globally.

From an Islamic perspective, these effects directly contradict the higher objectives of Sharī'ah (*Maqāṣid al-Sharī'ah*), particularly the protection of lineage (*ḥifẓ al-nasl*), family structure, and faith (*ḥifẓ al-dīn*). The Qur'an emphasises in Surah al-Rūm (30:21) that marriage aims to achieve *sakinah*, *mawaddah*, and *rahmah* between spouses. These noble values can only be realised through a valid and lawful union between a man and a woman. Any form of relationship outside this framework, including LGBT conduct, is classified as sinful and contrary to human nature (*fiṭrah*).

Mohd Azhar (2020) reinforces this view by asserting that true marital happiness is achieved through honesty, emotional openness, and lawful intimacy, not merely through physical or material fulfilment. When these core principles are neglected, the institution of marriage collapses. For this reason, Islam takes a firm stance against LGBT behaviour within the marital context, considering it a form of moral corruption (*fasād*) that must be addressed to preserve the sanctity of the family and the faith of the ummah.

CONCLUSION

This study has examined the issue of LGBT behaviour in the context of Islamic marriage through a comprehensive framework, covering Sharī'ah rulings, its impact on family stability, the public health risks associated with HIV, and most importantly, the position and legal ruling of heterosexual marriage for LGBT individuals both prior to and after marriage.

Based on a thorough analysis of Qur'anic texts, Prophetic traditions, classical jurisprudence, and contemporary fatwa positions, it is concluded that LGBT behaviour is unequivocally prohibited in Islam. It contradicts the *fiṭrah* (natural disposition) upon which humanity was created and represents a violation of the moral and legal framework ordained by Allah SWT. The acts of homosexuality, lesbianism, bisexuality, and transgender imitation fall under the category of major sins, and there exists a scholarly consensus across the four Sunni schools of thought rejecting any legitimisation of such practices.

Concerning heterosexual marriage involving LGBT individuals, Islamic law distinguishes between those who merely experience same-sex inclinations and those who act upon them. Individuals who possess such inclinations but refrain from engaging in prohibited acts are not barred from marriage, as Islamic law does not hold individuals accountable for internal feelings alone. However, for those who have engaged in homosexual acts, repentance (*tawbah*) is a necessary precondition before entering into a valid marriage, as derived from Surah al-Nūr (24:3) and affirmed by scholars such as Ibn Qudāmah, Ibn Taymiyyah, and Ibn Hazm. A marriage entered into while persisting in such acts not only undermines the spiritual foundation of the marital contract but also risks severe emotional and moral harm to the spouse.

Post-marriage, if LGBT behaviour is discovered or persists, the marriage remains legally valid but becomes ethically and spiritually compromised. The offending spouse bears the obligation to repent and reform. Should the behaviour continue unrepentant, the aggrieved partner has the Sharī'ah-based right to seek dissolution (*fasakh*), especially when incompatibility (*kuf'*) in piety and conduct is evident. This is by the legal maxim articulated by classical scholars that a transgressor is not a suitable match for a chaste and righteous partner.

The study also highlights how LGBT involvement within marriage threatens the objectives of Sharī'ah (*maqāṣid al-sharī'ah*), particularly the preservation of lineage (*ḥifẓ al-nasl*), protection of life (*ḥifẓ al-nafs*), and safeguarding of morality (*ḥifẓ al-'ird*). Empirical data from the Ministry of Health Malaysia (KKM) and global health bodies show that men who have sex with men (MSM) and bisexual individuals represent the highest-risk group for HIV transmission, accounting for over 60% of new HIV cases in Malaysia as of 2023. Such behaviour directly risks public health and endangers spouses and children in affected households.

Psychologically and socially, LGBT-related deception within marriage results in emotional trauma, loss of trust, depression, and long-term relationship dysfunction. The rising number of divorce cases associated with such issues, along with increasing public fear of marriage, especially among women, illustrates how the spread of LGBT behaviour negatively impacts marriage rates, fertility trends, and the moral confidence of society.

In conclusion, LGBT practices are incompatible with the sacred institution of Islamic marriage, which is built upon the values of *sakinah*, *mawaddah*, and *rahmah*. These values can only be meaningfully actualised within a legitimate heterosexual union governed by Shari'ah. This study serves as a timely and critical reference for scholars, policymakers, educators, and religious authorities in understanding and responding to the challenges posed by LGBT ideologies in a manner that is firmly grounded in Islamic tradition, sensitive to modern realities, and oriented towards the moral protection and spiritual resilience of the ummah.

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