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Tracing the Rules of Sexual Abnormality in the Islamic Jurisprudence

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Abstract

Sexual Abnormality (deviation sex) is a social disorder that violates social norms of civility. Sexual deviance is sexual behavior that society cannot accept since it is not in conformity with religious rules and values. This essay seeks to establish a middle ground between sexual deviation and Islamic jurisprudence against sexual deviation activities. Learn a number of linked data sources and do qualitative and literary research on this topic. This research indicates that types of sexual deviance have not been extensively discussed in fiqh books like sadomasokisme, eksibisionisme, voyeurisme, fetisisme and others, but the rules of ushul fiqhi state: "*al-wasāil laha hukmu al-gāyah*", the law of means (instruments) follows the law of purpose; sexual deviance is one of the means to adultery, so the law follows the law of adultery.

Keywords: Sexual Abnormality; Islamic Jurisprudence; Religious Values.

Abstrak

Sexual Abnormality (penyimpangan seksual) merupakan salah satu masalah sosial kemasyarakatan yang melanggar norma kesopanan. Penyimpangan seksual merupakan tingkah laku seksual yang tidak dapat diterima oleh masyarakat karena tidak sesuai dengan tata cara serta norma-norma agama. Artikel ini bertujuan untuk mengkaji dari penyimpangan seksual dan perspektif fikih Islam terhadap praktek-praktek penyimpangan seksual. Penelitian ini merupakan penelitian kualitatif dengan studi kepustakaan dengan mempelajari beberapa sumber data yang terkait. Hasil penelitian ini mengungkap bahwa terdapat beberapa penyimpangan seksual yang belum banyak dibahas dalam kitab-kitab fikih seperti sadomasokisme, eksibisionisme, voyeurisme, fetisisme dan lainnya, namun kaidah ushul fikih mengatakan "*al-wasāil laha hukmu al-gāyah*", hukum sarana (instrumen) mengikuti hukum tujuan, penyimpangan seksual merupakan salah satu sarana untuk sampai kepada zina sehingga hukumnya mengikuti hukum zina

Kata Kunci: Penyimpangan seksual; hukum Islam; Norma agama.

1. Introduction

Free association and sexual perversion become a problem for adolescents in the twenty-first century. In essence, technological advancements in the millennial period enhance the convenience of information access; this has an effect on the lifestyles of many demographic groups, particularly adolescents. On the other side, the rise of modernization facilitates adolescent access to varied information and illicit activities.¹

Stigma regarding teenagers at this time is influenced by their social deviation's physical presence (free sex, abortion, lesbian, homosexual). They do not realize the negative consequences of their actions, as they only consider the present moment, what is most essential, and how they will react if they fall into an association that is free and show insufficient respect to their parents, teachers, and other members of society.²

Spanning a decade Lastly, promiscuity is progressively displaying a very frightening trend. Boyke Dian Nugraha, a sex expert who is also an expert in Obstetrics and Gynecology, said that the number of teenagers who engage in free sex is growing annually. Studies in numerous major Indonesian cities, including Jakarta, Surabaya, Makassar, Banjarmasin, and even Palu, Central Sulawesi, yielded this figure, which rose from roughly 5% in the 1980s to 20% in 2000.³

A study on risky behavior in adolescents / youth risk behavior survey) reveals that 54 percent of adolescents in grades 3 junior high school to 3 high school had engaged in sexual activity. Other studies have found that male teenagers are more likely than female adolescents to report having had sex and being sexually active.⁴

In addition to association freedom, sexual perversion is a social problem that violates societal norms.⁵ Sexually Transmitted Diseases (STDs) are a consequence

¹Sitti Nadirah, 'Peranan Pendidikan Dalam Menghindari Pergaulan Bebas Anak Usia Remaja', *Musawa: Journal for Gender Studies*, 9.2 (2017), 309–51.

²Haisusyi Haisusyi, "Peran Pik-r Dalam Mencegah Pergaulan Bebas Peserta Didik Di MAN Kota Palangka Raya" (IAIN Palangka Raya, 2019).h. 2.

³Gunawan, *Perkembangan Peserta Didik* (Malang: UMM Press, 2011). h. 52

⁴John W Santrock, 'Adolescence: Perkembangan Remaja', 2003.

⁵Nur Rochmah Dyah Puji Astuti and Yoga Putra Pamungkas, 'Deteksi Dini Perilaku Penyimpangan Seksual Menggunakan Metode Forward Chaining Berbasis Web', *JIKO (Jurnal Informatika Dan Komputer)*, 3.1 (2018), 52–58.

of sexually deviant conduct that manifests in the form of numerous types of sexually transmitted diseases. In addition to having an effect on health, sexual deviation can disrupt societal peace⁶. Besides impact on health deviation sexual can too scrape harmony life socialize. From a religious and social perspective, sexual deviation will result in societal deviation and crime that is impossible to manage. The rise of sexual deviation in society has a negative impact not only on younger generations, particularly those who have reached puberty, but also on older clans.⁷

The Ministry of Women's Empowerment and Child Protection (KemenPPPA) declared Indonesia an emergency for sexual violence against children. Based on KemenPPPA records, cases of sexual violence against children reached 9,588 cases in 2022. This number has increased from the previous year, which was 4,162 cases.⁸

Sexual deviance is a tremendously complicated and serious societal issue; nevertheless, this issue could only be observed from a micro-corner. To investigate the origins of a sexual deviance, one must first enter a variety of life-behavior factors, including sexual offenses. Several elements, such as economy, environment, politics, religion, and culture, have a significant impact on the behavior of humans⁹.

Honor guarding is a compulsory sharia maqāṣid under Islamic law. God has forbidden violating a person's honor and blood as an act of theft. Rasulullah PBUH. has ordered his best buddy towards the end of his life, he said in one sermon:

Meaning:

" Indeed, Allah has prohibited your neighbors from shedding your blood, stealing your riches, and dishonoring you (for tampered with). As its prohibited day, this is an illegal month, and this country is filthy".

Fiqh classics contain few references to sexual conduct deviation; instead, numerous scholars have focused on adultery-related legal prohibitions, evidence, and threats of punishment. because it , deep paper This author will cover a variety of

⁶Syukaisih Kiki Megasari Yulrina Ardhiyanti, ' Fenomena Perilaku Penyimpangan Seksual Oleh Lesbian, Gay, Biseksual Dan Transgender (LGBT) Di Kota Pekanbaru , 11.78 (2017).

⁷Faizah Ali Syobromalisi, ' Penyimpangan Seksual Dalam Pandangan Islam ', 2016. h. 1.

⁸<https://kekerasan.kemenpppa.go.id/ringkasan>

⁹Butje Tampi, 'Kejahatan Kesusilaan Dan Pelecehan Seksual Dalam Hukum Pidana Indonesia . h. 1.

sexual deviance types from the standpoint of Islamic law about free and irregular sexual associations.

Sexual deviant conduct is sexual behavior that is unacceptable to society because it violates religious rules and standards. Sexual deviance is mostly driven by neurotic wants and non-sexual drives, as opposed to erotic demands, which ultimately lead to deviant behavior. This sexual deviation can harm others and the general populace.¹⁰ This sexual deviation can harm others and the general populace. According to Kartono, sexual perversion consists of sexual conduct or sexual fantasies aimed at obtaining climax through partnerships outside of heterosexual intercourse with the same sex or with immature partners and in opposition to the commonly recognized norms of sexual behavior in society.¹¹

According to Surtiretna, the following constitutes sexually deviant behavior: 1) Adultery¹², 2) Rape,¹³ 3) Prostitution,¹⁴ 4) Homosexuality¹⁵ 5) Lesbianism,¹⁶ 6) Pedophilia,¹⁷ 7) waria (tranvetisme)¹⁸, 8) sodomy¹⁹, 9) masturbasi,²⁰ 10) exhibitionism²¹, 11) peeping (veyorisme)²², 12) incest²³, 13) violent sex (sadism)²⁴,

¹⁰ Achmad Anwar Abidin, "Perilaku Penyimpangan Seksual Dan Upaya Pencegahannya Di Kabupaten Jombang," *Prosiding* 1, no. 7 (2017): 545–63.

¹¹ Kabul Prapti, "Kajian Terhadap LGBT Dalam Relasi Tipitaka Pali," *Jurnal Pendidikan, Sains Sosial, Dan Agama* 6, no. 2 (2020): 65–72.

¹² Mia Amalia, "Prostitusi Dan Perzinahan Dalam Perspektif Hukum Islam," *Tahkim (Jurnal Peradaban Dan Hukum Islam)* 1, no. 1 (2018).

¹³ Made Dwi Kristiani, "Kejahatan Kekerasan Seksual (Perkosaan) Ditinjau Dari Perspektif Kriminologi," *Jurnal Magister Hukum Udayana* 3, no. 3 (2014): 44124.

¹⁴ Irwandy Samad, "Pelacuran Dalam Orientasi Kriminalistik," *Lex Crimen* 1, no. 4 (2013).

¹⁵ Ramlan Rangkuti Yusuf Rangkuti, "Homoseksual Dalam Perspektif Hukum Islam," *Asy-Syir'ah: Jurnal Ilmu Syari'ah Dan Hukum* 46, no. 1 (2012).

¹⁶ Evelyn Blackwood, "Breaking the Mirror: The Construction of Lesbianism and the Anthropological Discourse on Homosexuality," *Journal of Homosexuality* 11, no. 3–4 (1986): 1–18.

¹⁷ Ratih Probosiwi and Daud Bahransyaf, "Pedofilia Dan Kekerasan Seksual: Masalah Dan Perlindungan Terhadap Anak," *Sosio Informa: Kajian Permasalahan Sosial Dan Usaha Kesejahteraan Sosial* 1, no. 1 (2015).

¹⁸ Ratih Musfianita, "Penyesuaian Sosial Pada Penderita Transvestisme" (University of Muhammadiyah Malang, 2012).

¹⁹ Afidah Wahyuni, "Sodomi Dalam Perspektif Ulama Fikih," *Al-Mizan: Jurnal Hukum Dan Ekonomi Islam* 2, no. 1 (2018): 84–94.

²⁰ Hapizul Ahdi, "Masturbasi Dalam Perspektif Fiqih Muqarin (Studi Komperatif Antara Imam An-Nawawi Dan Ibnu Hazm)" (Universitas Islam Negeri Sultan Sarif Kasim Riau, 2014).

²¹ Islamul Haq et al., "Paraphilia Exhibitionism between Sharia and Law: A Comparative Analysis," 2020.

²² Nadia Sofiyanti and Puji Rianto, "Media Sosial Dan Praktik-Praktik Voyeurism," *Jurnal Mahasiswa Komunikasi Cantrik* 1, no. 1 (2021): 55–66.

14) lovers of underwear (fetichism)²⁵, 15)) lovers of corpses (necrophilia),²⁶ 16) sex triangle (triolism)²⁷, 17) sex with animals (bestailitas).²⁸

Several studies on sexual deviance have been published, such as research by Huzaemah Tahido Yanggo entitled "Sexual deviance (LGBT) in the view of Islamic law", research by Tri Ermayani with the title LGBT in an Islamic perspective, however these studies are still limited to LGBT sexual deviance, these studies have not discussed other sexual deviations as discussed in this study.

2. Methods

This study employs a qualitative method with a descriptive-analytical approach in order to provide an overview of the law pertaining to sexually deviant acts and to examine the issues generated by the presence of two or more symptoms. The fundamental idea of qualitative research is study that begins with why, how, what, where, and when questions regarding a phenomenon or social phenomena. Good qualitative research also gives descriptive observations that are both methodical and context-based. The core sources for this study are the *fiqh* literature of the four schools of thought, whereas the secondary materials consist of reports, articles, and books about sexual deviance.

3. Result and Discussion

The phrase promiscuity is no longer taboo in people's lives; regardless of age, the word is already widely used, which means that when people hear the term, they

²³ Nabila Layalia Septiasari and Ajeng Nova Dumpratiwi, "Penyimpangan Seksual Voyeurisme Dan Masturbasi Pada Klien Di Rumah Sakit Sultan Imanuddin Pangkalan Bun," *EPIGRAM (e-Journal)* 19, no. 1 (2022): 14–22.

²⁴ Ravesh Srajesh, "Penyimpangan Perilaku Seks Sadisme Oleh Dominance Terhadap Submisif Didalam Praktek Bondage Domination Submission Sadism Masochism (BDSM)"(Study Kasus Dominance Mr X Terhadap Submisif Ny Y Di Pekanbaru)" (Universitas Islam Riau, 2021).

²⁵ Didi Junaedi, *Penyimpangan Seksual Yang Dilarang Al Quran* (Elex Media Komputindo, 2016).

²⁶ Mega Davita, "Kriminalisasi Tindakan Menyetubuhi Mayat (Nekrofilia)," 2021.

²⁷ Ryan Scoats and Eric Anderson, "My Partner Was Just All over Her': Jealousy, Communication and Rules in Mixed-Sex Threesomes," *Culture, Health & Sexuality* 21, no. 2 (2019): 134–46.

²⁸ Hening Indah Arestu and Wiend Sakti Myharto, "Tindak Pidana Bagi Pelaku Penyimpangan Seksual Terhadap Hewan," *Jurnal Sains Sosio Humaniora* 6, no. 2 (2022): 233–41.

think of behaviors that occur beyond the corridors of competing regulations, particularly religious norms.

In terms of social language, it refers to the process of associating, whereas freedom refers to the state of being entirely free (without being hampered, disturbed, etc., so that one is permitted to move, speak, act, etc. freely), unrestricted or unrestrictive. Referring to this concept, promiscuity can be defined as an action or attitude carried out by an individual or group that is unrestrained and unrestricted by the applicable legal standards of society.

According to sociologist Kartono, "free association is a symptom of social disease in adolescents produced by a sort of social neglect, resulting in the development of deviant behavior." Meanwhile, according to Santrock, as cited by Hamzah, "promiscuity is a collection of diverse socially inappropriate adolescent behaviors that result in criminal activities."²⁹ According to B. Simanjuntak, promiscuity is an act that might harm a person's morals from an Islamic perspective "Promiscuity is the process of a person interacting with another without adhering to the rules, including religious and customary law. habit.

From this definition, it can be deduced that promiscuity is the interaction of individuals or groups of people who violate the prevalent social norms in such a way that it damages personal image or the surrounding environment. Sexual deviance is sexual behavior that is unacceptable to society because it violates religious rules and standards. Sexual deviance is mostly driven by neurotic wants and non-sexual drives, as opposed to erotic demands, which ultimately lead to deviant behavior. This sexual deviation can harm others and the general populace. According to Kartono, sexual perversion consists of sexual activity or sexual fantasies aimed at obtaining climax through partnerships outside of heterosexual intercourse with the same sex or with immature partners, and in opposition to the socially accepted norms of sexual behavior.

Sexual deviance is sexual conduct that is undertaken incorrectly for sexual pleasure. Typically, the individual will utilize an unnatural sex object. Sexual immorality consists of sexual practices or sexual fantasies aimed at reaching orgasm

²⁹Hamzah, *Kultur Masyarakat Indonesia* (Surabaya: Pelita, 1992). h. 92.

through relationships other than heterosexual intercourse, with the same sex, or with immature partners, and in opposition to the commonly accepted norms of sexual behavior in a society.³⁰

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Sexual activity that is deviant is sexual behavior that is incongruous with religious or legal norms or is immoral. Sexual deviation is also commonly known as sexual oddity, sexual perversion, and sexual harassment. Sexual deviation (sexual deviation) is the unnatural expression of sexual desire and fulfillment towards sexual items. Sexual deviance is often accompanied by sexual impropriety, defined as sexual behavior or fantasies aimed at achieving orgasm through relationships other than heterosexual sex, with the same sex, or with immature partners, and in opposition to the generally accepted norms of sexual behavior in a society.³³

Sutardjo A. Wiramihardja thinks that the term deviant conduct is used to describe the outward manifestation of an interior personality or behavior, or both. Sexual behavior, however, is any behavior motivated by sexual desire, whether with the opposite sex or the same sex. This activity can take many forms, from feelings of attraction through dating, courtship, and sexual interaction. The sexual object might also be another individual, oneself, or a fictitious thing.³⁴ Some of these activities simply have no effect, particularly if there are no physical or social repercussions. However, the consequences of other sexual behaviors, such as remorse, despair, and wrath, are often severe.

³⁰Kartini Kartono, *Psikologi Abnormal Dan Abnormalitas Seksual*, 2020, h. 22.

³¹Abdullah, "Penyimpangan Seksual", *Diffy*, p. <http://www.diffy.com/cmm/artikel>.

³²dicky Surachman, 'Pengaruh Penyimpangan Seksual Dalam Perilaku Dan Pola Pikir Siswa Terhadap Prestasi Belajar Pada Mata Pelajaran Pendidikan Agama Islam Di SMPN 1 Kapetakan Kabupaten Cirebon (IAIN Syekh Nurjati Cirebon, 2011), h. 20.

³³Didi Junaedi, *17+ Seks Menyimpang* (Jakarta: Semesta Rakyat Merdeka, 2010).

³⁴ Sutardjo A Wiramihardja, 'Pengantar Psikologi Klinis', *Bandung: Refika Aditama*, 2004, p. 37.

Here are some examples of sexual deviations :

Adultery

Sexual interactions between two individuals who are not husband and wife, conducted either by a virgin with another virgin or by married individuals to satisfy a fleeting sexual craving. This adultery is performed to acquire more unsatisfied sexual delight, and if it is carried through, it will result in anxiety, a lingering sense of guilt, and agony and inner anguish for the culprit because he has violated religious and societal conventions.

Rape

A guy having sexual relations with a lady who is not his wife under duress or threat of violence. This conduct is known as rape in English, a term derived from the Latin *rapere*, which means "to take anything by force." A husband who pushes his wife to have sexual relations is abusive

Homosexual

Homosexuality is the preference for or attraction to individuals of the same gender. Like to are also included in the category Homosexual, however the term lesbianism is more commonly used to refer to a woman who prefers the company of another woman. Despite the fact that Homo denotes same, kind, or one class by itself.

Sadomasochism

Sexual sadism encompasses sexual deviation. In this situation, sexual enjoyment is acquired through tormenting or harming the partner prior to sexual activity. Sexual masochism, meanwhile, is the antithesis of sexual sadism. In order to achieve sexual enjoyment, a person knowingly allows himself to be injured or tortured.

exhibitionism

Exhibitionists will achieve sexual fulfillment by exposing their genitalia to others at their discretion. If the victim feels horrified, repulsed, and terrified, he will become more aroused. This condition is commonly seen by men who expose their penis during masturbation, followed by ejaculation.

Voyeurism

The term voyeurism, also known as scotophilia, is derived from the French word *voyeur*, which means to peer. People with this illness derive sexual pleasure from peeking or observing other people who are naked, bathing, or even engaging in sexual activity. After engaging in peeping activities, the victim takes no further action against the victim who was peeped at. He merely looks or peeps and does nothing else. Ejaculation is accomplished by masturbating after or while peeking or seeing the victim. In other words, the act of peeking or seeing ahead of time is a sexual stimulant for those who are sexually frustrated. Evidently, sufferers of deviant sexual behavior frequently want psychological advice or counseling in addition to the support of their loved ones in order to overcome their condition.

Fetishism

Fetishi refers to something that is venerated. In fetishistic patients, sexual activity is therefore channeled through masturbation with BH (Breast Holder), underwear, or other things that might boost sexual desire or drive. Therefore, this individual will have ejaculation and sense satisfaction. However, there are other patients who request that their partner wear their favorite items before engaging in sexual activity.

Pedophilia

Pedophilia refers to people who enjoy sexual relations or stimulating physical touch with children.

Incest

Incest is sexual relations with family members other than the husband and wife, such as between fathers and daughters and mothers and sons

Necrophilia

Necrophiliacs are individuals who enjoy having sexual relations with corpses or dead people.

Zoophilia

A person with zoophilia enjoys and is aroused by the sight of animals engaging in sexual activity.

Sodomy

A guy who enjoys having sex through the anus of a sex partner, either same-sex (homo) or with a female partner, practices sodomy.

Frotteurism/Frotteurism

This is a sexual disorder in which a guy obtains sexual gratification by rubbing his genitalia against a woman's body in public locations such as trains, airplanes, and buses.

Gerontophilia

Gerontophilia is a sexually abnormal conduct in which the perpetrator falls in love with an elderly person and seeks sexual gratification from them (grandparents or grandparents).

Association Freedom and Deviance sexual In Islamic Law

Homosexuals and Lesbians

Ibnul Qayyim selecting a history in which the companions of Rasulullah SAW decided to abolish the death penalty for gay offenders, there is no disagreement among those who disagree with this stance. Only then did they hold divergent views regarding method implementation penalty. Some Hanbali Madzhab thinkers believe that the punishment for a gay offender is death .³⁵ They posited with hadith :
“ Who only what you find do deed the people of Lut, then murder it the culprit and the item .”

According to Sheikh Faisal Bin Abdul Aziz Al-Mubarak, Shariah states that Imam Syafii reported that Ali ra once stoned a liwath practitioner. Based on hadith of Ali ra that is , therefore Imam Syafii argue that penalty to the person who did liwath is with stoned perpetrator liwath , fine muhsan nor no .

Al-Mubarak further mentioned that Ibn Abbas ra told Baihaqi about the punishment for perpetrator liwath when he inquired about the punishment for perpetrator pass. According to Ibn Abbas ra, the offender of a liwaah should be thrown from a height building and then stoned with rocks if there is a tall building in the village where the crime was committed (ie stoned). Al-Mubarak then presented

³⁵Jamal bin Abdurrahman, *The Dangers of Sexual Deviance* (Jakarta: Darul Haq, 2016), h. 53.

existing view in Asy - Syifa recounted the opinion of friends who have agreed that the punishment for perpetrators of liwath is death.³⁶

Arrangement Incest (Donate)

Ban discordant No, there are significant distinctions between criminal law specialists and Islamic criminal law experts, because within any community and the prevalent religious teachings in Indonesia, particularly Islam, which incorporates Islamic law, discordant sexual relationships are strongly prohibited. The difference lies in the sanction imposed. According to Islamic criminal law, a person is guilty of adultery if he or she has committed incest and adultery has been proven according to sharia.

The Islamic fiqh forbids all sexual relations with blood. Discordant no could be justified despite the presence of volunteerism, especially in conjunction with coercion (rape). They compare it to mandatory adultery punishment. However, they have different perspectives on punishment. Maliki Shafii School, Hambali, Zahiri, Shia Zaidi, and others condemned him with hudud, the punishment for adulterers. While Abu Hanifah punishes him with criminal ta'zir for his discordant voluntary behavior. As for the requirements that must be met for follow criminal disharmony, they are identical to the elements that must be met for follow criminal adultery, but they must be conducted with a good family from a traceable lineage and near relatives. The erroneous lineage includes, among others, the mother, daughter, sister, and so on. While this is intended for close relatives, such as breastfeeding mothers (no Mother sibling), breastfeeding brothers, mother-in-laws, son-in-laws, and many more .³⁷

Islam prohibits sexual relations Among a man and a woman, kinship ties remain strong. _confirmed in surah An-Nisa (4): verse 23

“ Forbidden on you (marry) your mothers ; your daughters ; your sisters ; brothers your female father ; brothers your female mother ; children woman from your brothers ; children woman from your sisters ; your breastfeeding mothers you ; you woman your milk ; moms your wife (in-law); children deep within your wife your maintenance from wife you have meddled with, but if you have not yet mingled with wife .”

³⁶Siska Lis Sulistiani, *Kejahatan & Penyimpangan Seksual Dalam Perspektif Hukum Islam Dan Hukum Positif Indonesia* (Nuansa Aulia, 2016), p. 21.

³⁷ Siska Lis Sulistiani, *Kejahatan & Penyimpangan Seksual Dalam Perspektif Hukum Islam Dan Hukum Positif Indonesia*, h. 56.

This verse assertively explains the rule against marriage with family.

Adultery

There are two types of adultery on the finger: muhshan and ghairu. Muhshan adultery is adultery regardless of the position of the offender as husband, wife, widower, or widow. It indicates the culprit is still married or was previously married in a legitimate manner. Temporarily, the adultery ghairu muhshan finger indicates that the perpetrator is still a virgin or a female. This signifies that the sister perpetrator did not marry in a lawful manner and is not currently at a bond wedding.

To the second sort of jarimah mentioned, Islamic law imposes two distinct punishments. The punishment for adultery in Muhshan is death by stoning, or the perpetrator is stoned to death. As for the perpetrators of adultery, ghairu muhshan, the sanctioned punishment is a hundred-fold whipping.³⁸

Necrophilia

According to Abdul Qadir Audah, according to Imam Abu Hanifah, a sexual offender whose victim is a deceased lady who is not his wife is not guilty of adultery under Islamic law. In the event where a woman tries to enter a man's penis, neither his farji nor his farji might be called adulterous. This is also an opinion among Syafii and Hanbali Islamic Scholars. Because that is, the law form takzir is sanctioned. Fucking a dead body is not permitted in the area of hudud's punishment for adultery since, in general, no one has sexual desire for a corpse that is already injured or rotting.³⁹

Contrary to the aforementioned opinion, other Ulama from the School Shafi'i, Hanbali, and Shia Zaidiyah engage in permanent adultery with a dead body. With this, the offender is permanently sentenced to adultery as a harsh warning for other parties. In addition, fuck dead body is evaluated as a shape abuse norm and human glory dead body.

According to the opinion of Imam Malik, anyone who has had sexual relations with the corpses of persons who are not his wife, whether on his part qubul or rectum, shall be punished for adultery. If the husband who committed the crime

³⁸M Nurul Irfan, *Gratifikasi Dan Kriminalitas Seksual Dalam Hukum Pidana Islam*, 2014, h. 20.

³⁹M Nurul Irfan, *Gratifikasi Dan Kriminalitas Seksual Dalam Hukum Pidana Islam*, h. 170.

against his wife has died, he cannot be punished. However, one entering woman penis dead body man to in her vagina in a manner of force, he must be imposed penalty takzir because deed that characteristic is silly and proved no will raises pleasure.

Rape

Viewed from side view law Isn't ta'zir the basis for the imposition of adultery as a punishment for criminal rape in Islamic criminal law .⁴⁰ Rapists were punished during the time of the Prophet Muhammad (SAW), while rape victims were released with the hope that Allah (SWT) would grant them pardon. in the present day, however, rape is punished with the same technique as adultery, which is not punished with compulsion and violence. Consequently, the majority of hadith scholars and fiqh scholars consider rape and adultery to be same. In the case of adultery, the second offender must accept punishment, however in the case of rape, only the perpetrator, the rapist, should be punished and the victim should be removed. But the possibility of penalty for a second offense is the same .

Exhibitionism

The relationship between issue exhibitionism and severe Islamic law's ghadhdh al abshar, guard genitalia, and attire regulations. As has been described, Islamic law is extremely protecting of human honor, and scholars include hifdz al nasab in aldaruriyat la khamsah, which is obligatorily guarded. law conforms to law positive In addition, Islamic criminal law includes perpetrator exhibitionism as a basis for invoking accountability law (taklif).⁴¹

Perpetrator exhibitionism could not be classified as the maniac mentioned in hadith of Rasulullah.

Meaning :

“The pen (charity note taker) is assigned from three individuals: 'One who sleeps until he wakes up, a child until he becomes an adult, and a maniac until he becomes sober.’⁴²

⁴⁰ *Perzinaan Dalam Peraturan Perundang-Undangan Di Indonesia Ditinjau Dari Hukum Islam* ', 2010, h. 80.

⁴¹ Abu Ishaq Al-Syatibi, 'Al-Muwafaqat Fi Ushul Al-Syari'ah', Vol. II (Beirut: Dar Al Pole Al Ilmiyah, Tt) , 2003. H. 2.

⁴² Imam Tirmidhi, 'Sunan At-Tirmidhi', Egypt: Mustafa Bab Al-Halabi , 1975.

In Islamic penal law, exhibitionism can be classified as finger-related ta'zir Associated with honor. Islamic law does not regulate crime exhibitionism in any particular way. However, exhibitionism could be classified as finger ta'zir since it is in contrast with the spirit of the Koran, which includes morals recommendations, advice to always preserve chastity, avoidance of things that can lead to adultery, and advise for close nakedness.⁴³

Bestiality

Bestiality is a banned act under Islamic law since it does not accord to Islamic nature. Due to the fact that good sex is regulated in Islam, a man is able to refrain from engaging in acts that are banned by Allah SWT. With this understanding, Islamic law classifies acts of bestiality as violations of religious prohibitions punishable by limited punishments or takzir.

Islamic law prohibits sexual relations with animals, and the punishment for violators is described in The hadith of Rasulullah SAW .

"From Ibn Abbas, he stated, "Rasulullah SAW said, 'Whoever fucks a beast, kill it, and also kill animals that have been tied together.' We asked Ibn Abbas, 'Why should animals be punished?' Ibn Abbas answered. "I have never heard any explanation from Rasulullah SAW regarding this issue, but I do know that he dislikes eating meat from animals that have been penetrated. Similarly, the skin should not be exploited. Should This Be Put Into Practice?" (Senator Ad-Daruquthni)

In accordance with Islamic criminal law, the majority of Ulama consider that fucking an animal constitutes an unlawful act of immorality, but not adultery. Temporarily, Sayyid Sabbiq said that the Ulama has divergent views regarding the mandatory law penalty imposed on the culprit. Imam Ali and Al-Hasan stated that stoning is the punishment for adultery if the criminal was once married with the status muhsan.

Kindly general, sexual deviation has not been extensively examined in fiqh literature; yet, rule suggestion fiqhi said: "al wasail lahu hukmu al gayah", law means (instruments) follow law objective, sexual deviation is one method for until adultery therefore the law follow adultery law. For this reason, sharia prohibits or instructs

⁴³Ahmad Djazuli, *Fiqh Jinayah: Upaya Menanggulangi Kejahatan Dalam Islam* (RajaGrafindo Persada, 1996). h. 3.

everything that can protect a person from adultery, including ikhtilat between men and women, commands guard view, command close genitals, guard cock, command quickly for masking weather lust and and more. ⁴⁴

4. Conclusion

The laws of ushul fiqhi state: "*al-wasāil laha hukmu al-gāyah*", the law of means (instruments) follows the law of aim; as sexual deviance is one of the means to adultery, the law follows the law of adultery. For this reason, the Shari'a prohibits or teaches everything that can safeguard a person from committing adultery, such as sexual relations between men and women, instructions to guard their eyes, directions to cover their genitals, orders to defend the private parts, orders to fast to suppress lust, etc. Discussions regarding association-free and irregular sexuality according to Islam continue to be extensive and in-depth. According to Islamic law, the author does not yet describe in a datal manner the free association and irregular sexual behavior .

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⁴⁴ أحمد زنين, 'الموضة وعلاقتها بالتحرش الجنسي في الوسط الجامعي', 2017. and أوسامة بلوناس

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