

CHAPTER I

INTRODUCTION

A. Background of Study

Every human being was created by Allah SWT to live in pairs, consisting of one man and one woman, to bind the relationship between these two creations, a marriage was carried out, which aimed to build a household, and then produce offspring.¹ Hereditary is the result of the biological process of parents which is also the process of transmitting traits from parents to offspring through sexual or asexual reproduction.² However, what is happening is an obstacle to the continuation of the next generation of offspring is same-sex marriage carried out by people who have a deviant sexual orientation.³

In simple terms, sexual orientation can be interpreted as an emotional and sexual tendency or attraction to a certain gender.⁴ In practice, a person's sexual orientation can be grouped into three groups. *First,*

¹ Eriyanti Novita, "Identifikasi Pembentukan Identitas Orientasi Seksual Pada Homoseksual (Gay)," *JURNAL PENELITIAN PENDIDIKAN, PSIKOLOGI DAN KESEHATAN (J-P3K)* 2, no. 2, 2021: 195, <https://doi.org/10.51849/j-p3k.v2i2.99>.

² Péter Poczai dan Jorge A. Santiago-Blay, "Chip Off the Old Block: Generation, Development, and Ancestral Concepts of Heredity," *Frontiers in Genetics* 13 (9 Maret 2022): 1, <https://doi.org/10.3389/fgene.2022.814436>.

³ Fikri, dkk, *HUKUM ISLAM DAN HAK ASASI MANUSIA Transformasi Sosial Pernikahan Sesama Jenis*, 2nd edition (Parepare: IAIN Parepare Nusantara Press, 2022), p. 7.

⁴ Sinyo, *LGBT(Lo Gue Butuh Tau)*, 3rd edition (Jakarta: Gema Insani, 2016), p. 17.

heterosexuality is sexual attraction to different genders, for example, women are attracted to men, and men are attracted to women. *Second*, Bisexual, which is sexual attraction to the opposite sex as well as the same sex. *Third*, *same-sex attraction* (SSA) or Homosexual, which is sexual attraction to the same sex. For example, women are attracted to women who are called lesbians, and men who are attracted to men are called gay.⁵

As times progress, individuals within the homosexual community continue to advocate for their rights to be recognized as equal to those with heterosexual orientations. They highlight the inhumane treatment faced by homosexuals throughout history, which has often led to discrimination and stigma.⁶ One of the key rights they demand is the right to marry, allowing same-sex couples to enter into legally recognized unions.

Same-sex marriage itself is one of many problems that occur in marriage. This problem is supported by the phenomenon of legalizing marriage in several countries such as the Netherlands, Spain, Portugal, the United Kingdom, and the first country to try to legalize this is the United

⁵ Rexi Junjuran Illahi, Mirna Nur Alia Abdullah, and Wilo Dati, "Perubahan Orientasi Seksual pada Remaja Gay di Kabupaten Sukabumi", *Ideas: Jurnal Pendidikan, Sosial, dan Budaya*, vol. 8, no. 4 (2022), p. 1227.

⁶ Colin Spencer, *Sejarah Homoseksualitas: dari Zaman Kuno hingga Sekarang*, 3 ed. (Bantul: Kreasi Wacana Offset, 2011), 496.

States. Marriages between two gay people at that time were marked as the legality of same-sex marriage in the country.⁷

The study focuses on the desacralization of marriage as a religious ritual, although many previous studies have addressed sexual orientation and the legalization of same-sex marriage. The study focuses on how same-sex marriage changes the meaning of the sacredness of marriage in various religious traditions and how it impacts people's social and moral lives. This study will learn more about the spiritual and religious consequences of same-sex marriage, although many studies focus more on legal or psychological aspects.

In addition, few studies specifically look at how different religions perceive this phenomenon, especially in Indonesia, which has many religious and traditional values. By providing perspectives that span various theological, social, and cultural aspects of same-sex marriage, this research seeks to fill this gap. As a result, it is hoped that the findings of this study will not only increase knowledge but also help people understand the dynamics of marriage in the evolving modern world.

⁷ David E Newton, "Same-Sex Marriage: A Reference Handbook," t.t., 1.

As the times develop and the rise of same-sex marriage, researchers are interested in researching religion's views on same-sex marriage and also how the form of ritual profane ritual, in this case, a marriage resulting from same-sex marriage.

B. Problem Formulation

From the explanation in the background above, the researcher will give limitations to this research in the form of the following problem formulation:

1. What are the forms of the desacralization of the meaning of marriage as a religious ritual in same-sex marriage?
2. What Are the Views of various Religions on Same-Sex Marriage?

C. Purpose of Study

The researcher's reasons for choosing this title as the final project are as follows:

1. To explore the forms of desacralization of the meaning of marriage as a religious ritual in marriage.
2. To identify the perspective of various religions on same-sex marriage

D. Significance of Study

After the completion of this writing, the researcher hopes to provide benefits both theoretically and practically, which will be beneficial to the researcher himself, for the reader or for the next researcher. The theoretical and practical benefits of this research include:

1. Theoretical

Theoretically, this research is expected to be additional information in the treasure trove of knowledge for readers and the general public as well as an intellectual need for future researchers related to same-sex marriage in particular.

2. Practical

Practically, this research is expected to be present as a source of reference, as additional research, and as guidelines in writing a scientific paper, besides that, this research can be one of the answers in responding to same-sex marriage by using the perspective of the sacredness of marriage.

E. Previous Study

In this study, previous studies are needed to find out the novelty of this research and can be used as reference material for researchers in their research. Among the previous studies are the following:

The first Thesis *Kawin Sesama Jenis Dalam Pandangan Siti Musdah Mulia* by Abdul Haq Syawqi, Humanities Study Program, Faculty of Sharia, Sunan Kalijaga State Islamic University, Yogyakarta, was written in 2009 using qualitative research methods and data collection carried out by browsing various existing literature. This paper discusses the thinking of the figure of Siti Musdah Mulia, who allows same-sex marriage on the basis that there is no difference between men and women, the essence of Islamic teachings is to humanize human beings and respect their sovereignty, the essence of religious teachings is to humanize human beings, respect human beings and glorify them, in sacred texts that are forbidden to focus more on their sexual behavior rather than on their sexual orientation, and there must be a redefinition of marriage.⁸ What distinguishes the previous study from this study is that the previous researcher examined the thoughts of a figure who supports the implementation of same-sex marriage, while this study discusses the rejection of same-sex marriage through the claim that same-sex marriage damages the sacred side of a marriage due to same-sex marriage.

⁸ Abdul Haq Syawqi, "KAWIN SESAMA JENIS DALAM PANDANGAN SITI MUSDAH AULIA" (Yogyakarta, Universitas Islam Negeri Sunan Kalijaga, 2009), 105.

The second Thesis *Peran United Nations Development Programme (UNDP) Dalam Melegalkan Pernikahan Lesbian, Gay, Bisexual, Transgender (LGBT) Di Tiongkok* by Aira Tama, International Relations Study Program, Faculty of Social and Political Sciences, University of Riau was written in 2017. The methods used are qualitative research methods, as well as data collection methods in the literature that are relevant to the problems discussed in this study. This article contains the process of legalizing same-sex marriage by UNDP in China because according to UNDP, the right to marry must also be obtained by LGBT people. The assistance provided is in the form of donations for campaigns, although there is no official law that removes this, but in Chinese society this is considered normal because they consider homosexuality to be part of their culture.⁹ The difference between this study and the previous research is that this study will discuss the problems that are the reasons why the meaning of same-sex marriage is no longer sacred, while the previous research contains things that are contrary to this research.

⁹ Aira Tama, "PERAN UNITED NATIONS DEVELOPMENT PROGRAMME (UNDP) DALAM MELEGALKAN PERNIKAHAN LESBIAN, GAY, BISEXUAL, TRANSGENDER (LGBT) DI TIONGKOK" (Riau: University of Riau, 2017), p. 13.

The third Thesis *Penolakan Kelompok Agama Terhadap Pernikahan Sesama Jenis Di Amerika Serikat* by Amaliatul Izzah, International Relations Study Program, Faculty of Social and Political Sciences, University of Jember, written in 2016. The methods used are qualitative research methods, as well as data collection methods using secondary data. This article contains the efforts of religious groups in rejecting the legalization of same-sex marriage in the US because according to religious groups, marriage is a sacred command of God. The way to solve this is to ask for the support of the people because America itself is a democracy and US officials are very concerned about the voice of the people as the party it represents.¹⁰ What distinguishes this study from previous research is that the previous study discusses the efforts of religious groups in rejecting same-sex marriage, especially in the United States, and this study discusses the form of rejection efforts as well but because marriage rituals become unsacred due to same-sex marriage.

The fourth, Thesis *Analisis Permohonan Terhadap Hak Waris Dan Harta Bersama Pasangan Sesama Jenis (PUTUSAN NOMOR 16/PDT.G.2017/PN.LMJ)* by Putri Badham Ayu Wulandari Elier, Faculty

¹⁰ Amaliatul Izzah, "PENOLAKAN KELOMPOK AGAMA TERHADAP PERNIKAHAN SESAMA JENIS DI AMERIKA SERIKAT" (JEMBER: UNIVERSITY OF JEMBER, 2016), pp. 161–163.

of Law, University of Jember, in 2020 the research methods used are juridical-normative, research that examines formal law, and literature that is theoretically conceptual. This article discusses the distribution of assets through the application submitted. What is the basis for the application for the division of property by the plaintiff with the heirs is the legalization of the granting of legalization to the parties in the distribution of property that has been obtained by the plaintiff, in the Lumajang religious court on June 30, 2016 in addition, the application of the principle of freedom of contract in the legal consideration of the judge who granted the application for the division of property in the Lumajang Court Decision which is considered appropriate because it is carried out based on the applicable article.¹¹ What distinguishes it from this study is the research method used, and also in previous research, the researcher discussed the division of property and inheritance rights in the case of same-sex couples. In this study, the researcher discusses how the meaning of a family formed from same-sex couples will not succeed in terms of heredity and the destruction of the meaning of sacred marriage.

¹¹ putri Badham Ayu Wulandari Elier, "Analisis Permohonan Terhadap Hak Waris Dan Harta Bersama Pasangan Sesama Jenis (PUTUSAN NOMOR 16/PDT.G/2017/PN.LMJ)" (Jember: JEMBER UNIVERSITY, 2020), p. 59.

The fifth Proceedings, *Sakralisasi Abhekalan dan Desakralisasi Nikah* in Perspective for the Maduran Muslim Community in Jember, by Dina Tsalist Wildana published by the Faculty of Islam, Trunojoyo University of Madura in 2016 this research method uses qualitative methods, and uses data sources obtained through observation and interviews. This paper discusses the desacralization of the traditional rituals of the Madura people who have carried out the *Abhekalan* tradition, namely the official *pacarana* tradition will get married in the future, but the purpose is not to build a household but to maintain *Abhekalan*. This tradition is considered a form of discrimination against women because in this tradition women are considered weak so this tradition is considered a protection for women. In addition, women are also considered not to need high education because they will become housewives, women are also considered to have no abilities so women experience dual pressure, namely from their parents and fiancée. which is caused by discrimination against women.¹² What is different from this study is that

¹² Dian Tsalist Wildana, "Sakralisasi Abhekalan dan Desakralisasi Nikah dalam Perspektif Gender bagi Masyarakat Muslim Madura di Jember", *INTEGRASI DISIPLIN ILMU KEISLAMAN DALAM KONTEKS POTENSI MADURA* (Madura: Faculty of Islamic Affairs, Trunojoyo University of Madura, 2016), p. 222.

this study discusses the process of desacralization in a marriage resulting from a marriage carried out by a same-sex couple.

From several previous studies, researchers have not found research related to the process of shifting religious ritual values in marriage as a result of same-sex marriage. The purpose of this study is to research in same-sex marriage which has shifted the sacred values of marriage as a religious ritual.

F. Theoretical Framework

Same-sex marriage is a marriage carried out by people of the same sex or gender. This marriage has been legalized in many countries, but it is still a debate in many parts of the world.¹³

Marriage in Islam is a process towards the life of *Sakinah*, *Mawaddah*, and *Warahmah*. As can be seen in the redaction of the word of Allah chapter al-Rum: 21 "regarding the target of marriage, which contains the present and the future. That is, through marriage, humans are expected to live a happy life, which is accompanied by efforts to love, love, and appreciate each other."¹⁴ In the Catholic religion itself, marriage

¹³ "Same Sex Marriage States 2024," diakses 24 Januari 2024, <https://worldpopulationreview.com/state-rankings/same-sex-marriage-states>.

¹⁴ Udi Mufradi Mawardi, *Tradisi dan budaya pernikahan masyarakat Banten moderen: internalisasi nilai-nilai teologis Islam pra dan pasca akad nikah* (Serang: FUD Press, 2014).

is considered something monogamous, eternal, and sacramental. This is formulated by the Catholic Church based on Ephesians 5:25-33. In Paul's letter to the Ephesians, Paul likened the marriage between a man and a woman to the relationship between Christ and his church. Then the verse was interpreted by the Roman Catholic church, so that the union of marriage by the church was mysteriously raised as a symbol of the relationship between Christ and the church. Meanwhile, in the Protestant view, marriage is a total, exclusive and continuous living and believing communion between a man and a woman who is consecrated and blessed by Christ Jesus.¹⁵

The term De-Sacralization itself is a derivative of the word sacral. In *Kamus Besar Bahasa Indonesia*, the word Desacralization has the meaning of the elimination of sacredness or the process of disappearance of sacred (sacred) properties.¹⁶

Religious rituals are understood as regularly repeating, symbolizing a belief, and taking place in all religious life. The ritual itself

¹⁵ ASMIN, *Status Pernikahan Antar Agama Ditinjau Dari Undang-Undang Pernikahan N0. 1/1974*, 1st edition (Jakarta: PT. DIAN RAKYAT, 1986), pp. 35–40.

¹⁶ *Arti kata desakralisasi - Kamus Besar Bahasa Indonesia (KBBI) Online*, <https://kbbi.web.id/desakralisasi>, accessed 21 Jan 2024.

is carried out by humans to approach the sacred, something that is not easily touched by just anyone or anything.¹⁷

This research is conducted using a Theological Normative approach, which is an approach used to examine a religious tradition it also includes religious rites and research is carried out using The holy scriptures from the five major religions of the world.¹⁸

This research was done using the Theological Normative Approach. A research approach that focuses on the analysis of religious teachings and norms based on sacred texts, traditions, and ethical principles in a religion.¹⁹ Including in a marriage and to study the holy scriptures of each religion to find out that marriage is sacred.

G. Methods of Research

In essence, research methods are a scientific way to obtain data with specific goals and benefits.²⁰ Thus, when the researcher begins to

¹⁷ Asliah Zainal, "Sakral dan Profan dalam Ritual Life Cycle : Memperbincangkan Fungsionalisme Emile Durkheim", *AL-IZZAH*, Vol. 9 No. 1 (2014), p. 69.

¹⁸ Peter Connolly, ed., *Approaches to the Study of Religion*, Reprinted (London: Continuum, 2002), 327.

¹⁹ M Nasution, "Teologi Normatif dan Praktik Keagamaan: Studi Kasus dalam Islam," *Jurnal Teologi Indonesia*, 1, 8 (2020): 54.

²⁰ Sugiyono, *Metode Penelitian Kuantitatif, Kualitatif*, 23rd edition (Bandung: ALFABETA, 2016), p. 2, www.cvalfabeta.com.

show his interest, ideas, and the researcher begins to carry out research activities.²¹

1. Kind of Research

The type of research used in this study is a qualitative research method because the data collected is more qualitative,²² where the researcher aims to explain the problem by collecting data²³, which is sourced from literature such as books, journals, and also sourced from other scientific papers.

This research was not carried out using statistical data processing techniques, but using data collection, then analyzed and expressed in the form of scientific ideas. Meanwhile, the approach used by the researcher is the Theological Normative approach. While the approach used by the researcher is the Normative Theology approach, this approach is a study of religious teachings seen from the perspective of normativeness using the discipline of theology as the study approach.²⁴ This

²¹ M.Aslam Sumhudi, *Komposisi Disain Riset*, 2 ed. (Jakarta: Medio, 1986), 37.

²² Sugiyono, *Metode Penelitian Kuantitatif, Kualitatif*, p. 8.

²³ Nursapia Harahap, *Penelitian Kualitatif*, 1st edition (North Sumatra: Wal ashri, 2020), p. 125.

²⁴ Rina Ariani et al., "Pendekatan Normatif-Teologis Dalam Studi Islam," *An Najah: Jurnal Pendidikan Islam dan Sosial Agama*, 04, 03 (2024): 229.

approach is also a classic religious approach and tends to be textual and literal.

Normatives themselves are all the teachings contained in *Nash*.²⁵

2. Source of Data

In this study, the researcher uses a type of research through a literature study. The data used to achieve the truth of the research comes from data obtained from scientific literature, such as books, journals, and other scientific papers. The sources are divided into two parts, namely primary data sources and secondary data sources, the researcher's primary data sources are as follows:

a. Primary Data

1. *The Holy Scriptures of Each Religion*: The researcher uses all of this to identify the views of each religion about same-sex marriage from the related verse in this case.
2. *Sejarah Homoseksualitas Dari Zaman Kuno Hingga Sekarang* by Colin Spancer, Bantul: Kreasi Wacana 2011. The book explains the development of homosexuality from time to time, to the problems faced by homosexuals. From the book,

²⁵ Tani Pransiska, "MENAKAR PENDEKATAN TEOLOGIS-NORMATIF DALAM MEMAHAMI AGAMA DI ERA PLURALITAS AGAMA DI INDONESIA," *Turāst: Jurnal Penelitian & Pengabdian*, 1, 5 (2017): 78.

the researcher will refer to knowing the history of the development of homosexuality.

3. *LGBT (Lo Gue ButuhTau)* by Sinyo, Depok: Gema Insani 2018.

This book explains information about LGBT that is specifically for teenagers. From this book, the researcher uses it as a reference to add information about LGBT.

4. *Marriage Under Fire* by Dr. James Dobson, Jakarta: Immanuel

2007. This book explains the author's brief analysis of cases that oppose the legalization of marriage between homosexuals and the affairs of today's world such as same-sex marriage, the definition of the family, the legalization of same-sex marriage, and the divorce rate is getting higher.

From this book, the researcher makes it a reference to find out the consequences of same-sex marriage.

5. *Problematika Perkawinan Sesama Jenis Prespektif Moral katolik*

oleh Giovanni Mahendra Chisti MSF Jakarta: Penerbit Obor, 2024. This book explains the Catholic view of same-sex marriage and also the problems that exist in it as well as the pros and cons of this matter. From this book, researchers will use it as the main source explaining same-sex problems.

b. Secondary Data

Meanwhile, secondary data sources that will support the research include all additional literature related to marriage, especially same-sex marriage. Related literature in the form of books, scientific articles, research journals, encyclopedias, etc.

3. Data Analysis Techniques

In analyzing the data, the researcher used the Descriptive method to describe or describe completely several variables concerned with a particular phenomenon or reality.²⁶ Researchers use this method to describe the meaning of each variable in this research. The researcher also uses an Analysis method which is an activity carried out by researchers after collecting data and then processing it in such a way as to find conclusions.²⁷ Researchers use this method to analyze the data and the religious views about Same-Sex Marriage. Uses the critical discourse analysis method, which is used to analyze critical discourses including politics, race, gender, social class, and hegemony.²⁸ In this study, data was collected

²⁶ Dr. J.R. Raco, M.E., M.Sc. dan Dr Conny R Semiawan, *METODE PENELITIAN KUALITATIF (JENIS, KARAKTERISTIK, DAN KEUNGGULANNYA)* (Jakarta: PT Grasindo, 2010), 67.

²⁷ Abubakar, *PENGANTAR METODOLOGI PENELITIAN*, 121.

²⁸ Eriyanto, *Analisis Wacana: Pengantar Analisis Teks Media*, 3rd edition (Yogyakarta: PT. LKiS Printing Cemerlang, 2012), p. 11.

through discourses related to the process of unsacredness of marriage as a result of same-sex marriage carried out by people who have a deviant orientation.

H. Systematic of Study

To achieve systematic research, the researcher divides this research into four-part as follows:

Chapter One : Background of the Problem, Problem Formulation, Research Objectives, Research Benefits, Literature Review, Basic Theoretical Framework, Research Methods, and Writing Systematics.

Chapter Two: the researcher wants to describe the existing variables that will be discussed in this study such as Marriage, Religious Rituals, and also the meaning of Same-Sex Marriage.

Chapter Three: explains the researcher's analysis of same-sex marriage by religious views and a form of unsacred religious ritual, in this marriage case. As the consequences of same-sex marriage.

Chapter Four: in the form of closing, the entire series of discussions which consists of conclusions and suggestions that can be useful for the reader and also a bibliography